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PART 1

BACKGROUND PROVISIONS

§101. SHORT TITLE.

This Chapter shall be known and may be cited as the "Valley Township Zoning Ordinance of 2015."

§102. PURPOSE.

This Chapter is enacted under and pursuant to the Pennsylvania Municipalities Planning Code, Act 247 of 1968 (as amended and supplemented) and has been modified in accordance with the Valley Township Comprehensive Plan of 2003, the Township’s policies regarding sewer and water facilities expressed in the Valley Township Sewerage Facilities (Act 537) Plan, the Valley Township Subdivision and Land Development Ordinance, the Chester County Comprehensive Policy Plan Landscapes 2, and the specific recommendations for the Township, of the 2010 US30 Access Study entitled: Managing Access along US 30 in Western Chester County, prepared by the DVRPC to promote safe and efficient travel within the Township. In addition, this Chapter is enacted in accordance with an overall program that seeks to preserve the character of the Township in terms of its suitability for particular uses and structures, and is designed and enacted to promote, protect and facilitate the following:

A. The public health, safety, morals, and general welfare.
B. Coordinated and practical community development recognizing the significance of sustainability and Green/Smart Growth measures to achieve economic, environmental, and social balance.
C. Proper density of population and land uses.
D. Emergency management preparedness and operations, airports, and national defense facilities.
E. The provision of adequate light and air, police protection, vehicle parking, loading spaces, and transportation.
F. The provision of adequate potable water and sanitary sewerage treatment.
G. The provision of adequate public grounds, schools, and other public requirements.
H. The prevention of overcrowding of land and blight.
I. The prevention of danger and congestion in travel and transportation by limiting the number of conflict points, providing safe spacing standards between driveways, encouraging shared access between abutting properties and ensuring safe access by emergency vehicles.

J. The prevention of loss of health, life, or property from fire, flood, panic, or the dangers.

§103. SCOPE.

From and after the effective date of this Chapter, the use of all land and any building or structure or portion of a building or structure erected, altered with respect to height and area, added to or relocated and every use within any building or structure or use accessory thereto in Valley Township shall be in conformity with the provisions of this Chapter. Any existing building or land not in conformity with the regulations herein prescribed shall be regarded as nonconforming but may be continued, extended or changed subject to the special regulations herein provided with respect to nonconforming buildings, structures or uses.

§104. INTERPRETATION.

A. In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the health, safety and general welfare of the residents of the Township.

B. In interpreting the language of zoning ordinances to determine the extent of the restriction upon the use of the property the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the Board of Supervisors, in favor of the property owner and against any implied extension of the restriction.

§105. CONFLICT.

It is not intended by this Chapter to repeal, abrogate, annul or interfere with any existing ordinances or enactments or with any rule, regulation or permit adopted or issued thereunder except insofar as the same may be inconsistent or in conflict with any of the provisions of this Chapter; provided, that where this Chapter imposes greater restrictions upon the use of buildings or land or upon the height and bulk of buildings or prescribes larger open spaces than are required by the provisions of other such ordinance, enactment, rule, regulation or permit, then the provisions of this Chapter shall control. Furthermore, if a discrepancy exists between any regulations contained within this Chapter, that regulation which imposes the greater restriction shall apply.
§106. USES NOT PROVIDED FOR.

Whenever, in any zone established under this Chapter, a use is not listed as permitted, an application for such use shall be denied.

§107. ESTABLISHMENT OF ZONES.

For the purpose of this Chapter, Valley Township is hereby divided into zones which shall be designated as follows:

A. Conservation Zone (C)
B. R-1 Residential Zoning (R-1)
C. R-2 Residential Zone (R-2)
D. Highway Commercial Zone (HC)
E. Regional Commercial Zone (RC)
F. Industrial Zone (I)
G. Neighborhood Commercial Office Zone (NCO)
H. Planned Development Zone (PD)
I. Airport Safety Zone
J. Multiple Family Residential Overlay District Option Zone (MFR)

§108. ZONING MAP.

The areas within Valley Township, as assigned to each zone and the location of the zones established by this Chapter, are shown upon the Zoning Map, which together with all explanatory matter thereon, is attached to and is declared to be a part of this Chapter.

§109. ZONE BOUNDARY LINES.

The zone boundary lines shall be as shown on the Zoning Map. At the time of passage of this Chapter, zone boundary lines are intended to coincide with lot lines; the centerlines of streets, alleys, railroad rights-of-way and streams; the corporate boundary of the Township; or as dimensioned on the map. In the event of dispute about the location of the boundary of any zone the Zoning Officer shall investigate and render a decision on the location of the line. Appeals
from this decision shall be made to the Zoning Hearing Board.

§110. COMMUNITY DEVELOPMENT OBJECTIVES.

This Chapter is enacted in accordance with the Valley Township Comprehensive Plan and has been formulated to implement the purposes set forth in §102 above. The Chapter is enacted with regard to the following community development objectives:

A. To guide the future development of the Township in accordance with planning of land use and population density that represents the most beneficial and convenient relationship among the conservation, residential, commercial, industrial and recreational areas and uses within the Township.

B. To protect the sensitive environmental conditions from intensive urban land use.

C. To provide for commercial and industrial land use that is sufficient to accommodate the Township's fiscal health and local business needs and recognize Valley Township's role in regional business opportunities and activities.

D. To protect the character and the social and economic stability of all areas of the Township and to provide for their orderly and beneficial growth, by encouraging growth in areas suitable for sustainable growth.

E. To promote and maintain, through the form and design of new residential construction, a wide range of housing types.

F. To encourage variety and efficient land use in residential development through provision by ordinance for flexibility in design, density, and building type.

G. To protect and conserve the value of land and buildings throughout the Township appropriate to the various zones established herein.

H. To establish and/or strengthen protection measures for environmental resources including but not limited to: prime agricultural soils, wetlands, steep slopes, hydric soils, floodplains, riparian buffers, and woodlands.

I. To encourage the preservation of open space and natural resources through open space development options and open space/trails linkages where feasible.

J. To aid in bringing about the most beneficial relationship between land use and the circulation of traffic throughout the Township, having particular regard to the avoidance of congestion in the streets and the provision of safe and convenient access appropriate to the various land uses.

K. To implement the gradual conformity of land use and re-use to the provisions of the Zoning Ordinance and thereby minimize conflicts among land uses.
L. To aid in providing a guide for public policy and action in the efficient provision of public facilities and services, in the provision of safe and proper sanitary sewage disposal and for private enterprise in building development, investment and other economic activity relating to land use.

M. To encourage and aid in providing a usable guide to achieve a sustainable future for Valley Township and Chester County by balancing economic, social, and environmental aspects such as, but not solely, by: reducing greenhouse gas emissions, promoting energy efficiency, walking, bicycling as substitutes for motorized vehicles, supporting mass transit, enhancing protection of the natural environment, composting, encouraging cluster development, education, and incentive zoning provisions, and monitoring sustainable measures and technologies that become newly discovered for continuing updating of this Chapter and the Subdivision and Land Development Ordinance as practicable.

§111. DEFINITIONS.

1. Word Usage. Words and phrases shall be presumed to be used in their ordinary context unless such word or phrase is defined differently within this Section.

2. Language Interpretation. In this Chapter, when not inconsistent with the context:

A. Words in the present tense imply also the future tense.

B. The singular includes the plural.

C. The male gender includes the female gender.

D. The term "shall" or "must" is always mandatory.

3. Specific Words and Phrases. The following words and phrases shall have the particular meaning assigned by this Section in the appropriate Sections of this Chapter.

ACCESS DRIVE – an improved cartway designed and constructed to provide for vehicular movement between a public street and a tract or tracts of land containing a non-residential use or multiple family dwellings.

ACCESSORY USE – See "use, accessory."

ACT – the Pennsylvania Municipalities Planning Code, as amended.

ADULT-RELATED FACILITIES – a business or club which engages in one (1) or more of the following areas of sales, services or entertainment:
(1) ADULT BATH HOUSE – an establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity occurs. This Section shall not apply to hydrotherapy treatment practiced by or under the supervision of medical practitioner. A medical practitioner, for the purpose of this Chapter, shall be a medical doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania.

(2) ADULT BODY PAINTING STUDIO – any establishment or business which provides the service of applying paint or other substance, whether transparent or nontransparent, to or on the human body when specified anatomical areas are exposed.

(3) ADULT BOOKSTORE – any establishment which has as a substantial or significant portion of its stock in trade:

(a) Books, films, magazines or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas; or

(b) Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

(4) ADULT CABARET – a nightclub, theater, bar or other establishment which features live or media representations of performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers or similar entertainers where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

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

(6) ADULT MINI MOTION PICTURE THEATER – an enclosed or unenclosed building with a capacity of more than five (5), but less than fifty (50), persons used for presenting any form of audio or visual material and in which a substantial portion of the total presentation time measured
on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

(7) ADULT MODEL STUDIO – any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by persons paying such consideration or gratuity except that this provision shall not apply to any "figure studio" or "school of art" or similar establishment which meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance or conferring of, and is in fact authorized thereunder, to issue and confer a diploma.

(8) ADULT MOTEL – a motel or similar establishment offering public accommodations for any consideration which provides patrons with material distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

(9) ADULT MOTION PICTURE ARCADE – any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

(10) ADULT MOTION PICTURE THEATER – an enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or anatomical areas.

(11) ADULT NEWSRACK – any coin-operated machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.

(12) ADULT OUTCALL SERVICE ACTIVITY – any establishment or business which provides an outcall service which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.
(13) ADULT SEXUAL ENCOUNTER CENTER – any business, agency or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical areas excluding psychosexual workshops operated by a medical practitioner licensed by the Commonwealth to engage in sexual therapy.

(14) ADULT THEATER – a theater, concert hall, auditorium or other similar establishment, either indoor or outdoor in nature, which regularly features live performances which are distinguished or characterized by an emphasis on specific sexual activities or by exposure of specified anatomical areas for observation by patrons.

(15) Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

AGRICULTURE – the tilling of the soil, the raising of crops, forestry, horticulture, agronomy, silviculture, aquaculture, and gardening including the keeping or raising of livestock such as cattle, cows, hogs, horses, sheep, goats, poultry, rabbits, birds, fish, bees and other similar animals. This definition also includes noncommercial greenhouses and mushroom houses.

AIRPORT – any area of land which is used, or intended to be used, for the landing and take-off of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings, air navigation facilities, rights-of-way and related uses thereto that support operation of the airport; and any use permitted in the Planned Development Zone. "Airport," as defined herein, shall be a public use airport, with paved, lighted runways, which is subject to applicable Federal and State regulations, and shall not include heliports, unless located at the existing Chester County Airport.

ALLEY – a minor right-of-way, privately or publicly owned, primarily for service access to the rear or sides of properties.

ALTERATIONS – any change in the supporting members of a building or structure such as bearing walls, columns, beams or girders, joists or rafters or enclosing walls. Any renovation to a building which would change its use.

ALTERNATIVE ENERGY PRODUCTION – energy generated from a source other than fossil fuels that is considered renewable and does not use up natural resources or harm the environment, namely by producing lower carbon emissions, including but not limited to biomass, solar, wind, hydroelectric, and geothermal sources.

AMUSEMENT ARCADE – a place of indoor or outdoor entertainment or recreation
with four (4) or more of any combination of automatic, mechanical, electric or electronic machines or devices used or designed to be operated as a game of skill or chance, or for entertainment or amusement, by the insertion of a coin, token, money or other article, or by the payment of money to have it activated or to be admitted including, but not limited to, the following: electronic or water firing ranges, jukeboxes, merchandise machines, pool or billiard rooms, photographic machines, pinball machines, rides, skeeball, slot car races, video games or machines and devices.

**ANIMAL HOSPITALS** – any establishment offering veterinary services. Animal hospitals can treat all types of animals and can include outdoor and overnight boarding of animals.

**ANTENNA** – any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc) or any other wireless antenna. An antenna shall not include Tower-Based Wireless Communications Facilities as defined below.

**APPLICANT** – a landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.

**AUDITORIUM** – a large room or building, typically with a stage and tiered seating for an audience, for performances such as plays, operas, concerts, and lectures.

**AUTOMOBILE SALES** – any building or land devoted to the retail sales of passenger vehicles including accessory service and repair facilities if conducted within a wholly-enclosed building.

**AUTOMOBILE SERVICE** – the retail service, maintenance, repair, and replacement of motor vehicles, including tires, brakes, mufflers, transmissions, windshields, car radios and sound systems, as well as mechanical repairs and vehicle upholstery, and auto body work and painting, but not including car washes.

**BANK** – a financial establishment in which money is kept for savings or commercial purposes, is invested, supplied for loans, and/or traded.

**BASE FLOOD** – a flood which has the likelihood of occurring once each one hundred years (100) or having one (1) chance in one hundred (100) of occurring in any one (1) year.

**BED AND BREAKFAST** – an accessory use to an owner-occupied single-family detached dwelling, where between one (1) and five (5) sleeping accommodations are rented to overnight guests on a daily basis for periods not exceeding two (2) weeks. Meals may be offered only to registered overnight guests.

**BEEKEEPING** – the raising or keeping of bees within a manmade box (beehive) for
hobby or business purposes.

**BILLBOARD** – a sign upon which advertising matter of any character is printed, posted or lettered, whether freestanding or attached to a surface of a building or other structure. A billboard is used to advertise products, services or businesses at a location other than the premises on which the sign is placed.

**BOARD** – the Zoning Hearing Board of Valley Township.

**BOARDER** – an individual other than a member of a family, occupying a dwelling unit or owning a lodging facility who, for compensation, is furnished sleeping accommodations within such dwelling unit or lodging facility and may be furnished meals or other services as part of the compensation.

**BOARDING HOUSE** – a building or portion thereof arranged or used for sheltering or feeding, or both, as a gainful business, more than five (5) and not more than ten (10) individuals that do not constitute a family.

**BREWERY or DISTILLERY** – a facility where beer or liquor, respectively, is made.

**BUILDING** – any structure having a roof supported by enclosing walls and intended for shelter or enclosure of persons, animals or property.

- **DETACHED** – a building which has no party wall.
- **SEMDETACHED** – a building which has only one (1) party wall in common.
- **ATTACHED** – a building which has two (2) or more party walls in common.

**BUILDING AREA** – the total of areas taken on a horizontal plane at the main grade level of the principal Building and all accessory Buildings exclusive of awnings and uncovered decks, uncovered porches, uncovered terraces and steps.

**BUILDING HEIGHT** – a building's vertical measurement from the grade plane to the highest point of the roof.

**BUILDING LINE** – the actual line of that face of the building nearest an adjacent right-of-way or street line. This face includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps.

**BUILDING SUPPLY STORE** – a building or structure for the sale of home, lawn, and garden supplies, brick, lumber, and other similar building materials.

**CAMPGROUND** – a lot, tract or parcel of land upon which two (2) or more campsites are located or established, intended or maintained for occupation by transients in recreational vehicles or tents.
CAMPsite – a plot of ground within a campground intended for occupation by a recreational vehicle or tent.

Carport – a structure open on two or more sides used in association with a dwelling for the storage of private motor vehicles.

Car Wash – a building or portion thereof which contains facilities for washing and cleaning motor vehicles. The term shall include: automatic car washes using production line methods with a conveyor, blower, and other mechanical devices; and self-service car washes using limited mechanized equipment.

Cemetery – land used or intended to be used for the burial of the deceased including columbariums, crematoria, mausoleums and mortuaries when operated in conjunction with the cemetery and within the boundaries thereof.

Church and Related Uses – a building, structure or group of buildings or structures including accessory uses, designed or intended for public worship. This definition shall include rectories, convents, cemeteries and church-related educational and/or day care facilities.

Club, Private – a premises and/or building used by an organization catering exclusively to members and their guests for social, recreational and administrative purposes, provided there are no vending stands, merchandising or commercial activities except as required for the membership of such club. Clubs shall include, but not be limited to, service and political organizations, labor unions as well as social and athletic clubs. These activities are provided only to club members and their guests. These facilities do not include golf courses. This use does not include amusement arcades, night clubs or adult-related facilities or uses.

Cluster Development – an alternative development method wherein structures are arranged in closely related groups, reducing lot sizes, preserving land for open space, and permitting innovative site design.

Co-location – the mounting of one (1) or more Wireless Communications Facilities, including antennae, on an existing Tower-Based Wireless Communications Facility, or on any structure that already supports at least one (1) Non-Tower Wireless Communications Facility.

Commercial Keeping and Handling – producing and/or maintaining with the express purpose and intent of selling the product for a livelihood.

Commercial Recreation Facility – a premises and/or building operated as a business, open to the public, for the purpose of public recreation or entertainment including, but not limited to, bowling alleys, drive-in motion picture facilities, swimming pools, health clubs, miniature golf courses, museums, etc. This does not include adult-
related uses or amusement arcades, as defined herein.

**COMMERCIAL SCHOOLS** – an educational facility not operated by a public agency. The range of curriculums can include all levels of academic instruction, business and technical programs and artistic, dance, baton-twirling and musical training. Private educational institutions are principal uses that are neither home occupations nor day care operations. These uses shall not include vocational and/or mechanical trade schools as defined in this Chapter. Nursery schools shall be considered private educational institutions if they are operated as a business.

**COMMON OPEN SPACE** – that area within a development intended for the use and enjoyment of residents and/or the community at large, including all areas except individual Building Lot Areas, buildings, public rights-of-way, public streets, common parking lots, floodplains, sewage treatment and disposal areas, wetlands, stormwater detention/retention basins, slopes of thirty-three (33%) percent or greater and easements that prohibit buildings and that are existing on the date the original development application is submitted. Impervious surface coverage shall not comprise more than fifteen (15%) of the common open space unless otherwise approved by the Board of Supervisors.

**COMMUNITY CENTER** – a multi-functional building that provides a combination of social and recreational services to the public.

**COMMUNITY FACILITY** – the location at which public purpose needs are provided. Examples of such facilities include, but are not limited to, parks and recreation areas, libraries, municipal buildings, police and fire stations, schools, and ambulance and rescue buildings.

**CONDITIONAL USE** – a use which may not be appropriate to a particular zoning district as a whole but which may be suitable in certain localities within the district only when specific conditions and criteria prescribed for such uses have been satisfied. Conditional uses are reviewed by the Board of Supervisors after recommendations by the Planning Commission in accordance with §705 of this Chapter.

**CONDOMINIUM** – a form of property ownership providing for individual ownership of a specific dwelling unit or other space not necessarily on ground level, together with an undivided interest in the land or other parts of the structure in common with other owners.

**CONFERENCE CENTER** – a multi-functional building intended for conventions, meetings, and relaxed exhibits of business associations, civic groups, and similar organizations, for training employees of a corporation or other organization, and similar uses.

**CONSERVATION PLAN** – a plan, including a map(s) and narrative that, at the very least, outlines an erosion and sedimentation control plan for an identified parcel of land
and regulated by the Valley Township Grading, Stormwater Management and Erosion and Sedimentation Control Ordinance [Chapter 9.]

**CONTROLLED-ENVIRONMENT AGRICULTURE** – an agricultural operation in which the grower manipulates a crop’s environment to the desired conditions by controlling such variables as temperatures, humidity, pH, and nutrient analysis.

**CONVENIENCE STORE** – a commercial use, principally engaged in the sale of retail goods for individual and household consumption, in a building of no more than six thousand (6,000) square feet gross floor area. Such a use shall be classified as a convenience store if, at minimum, it offers for sale the following items: groceries, household dry goods and prepared or take-out foods (hot and/or cold) intended for consumption off the premises. This use may be accompanied by a filling station as an accessory use as a conditional use.

**CORD** – A stack of wood four (4) feet wide by eight (8) feet long by four (4) feet high.

**DAY CARE** – a facility which, on a daily basis, exclusively provides supplemental care and supervision and/or instruction to children or adults who are not all related to the care giver or operator, where tuition, fees or other forms of compensation are charged, whether governmentally subsidized or not, and which is licensed or approved to dispense such care by the Commonwealth of Pennsylvania, and whether operated for profit or not-for-profit. The following definitions are included herein but, where applicable, are subject to change by the Pennsylvania Department of Public Welfare, which shall prevail in the case there is a conflict:

**DAY CARE, COMMERCIAL** – a day care facility that is a primary use in which care is provided at any one time for seven or more children unrelated to the operator. A child day care center shall have a certificate of compliance (“license”) from the Pennsylvania Department of Public Welfare in order to legally operate. This use is a non-residential use.

**DAY CARE, FAMILY** – a day care facility that is operated in a detached single-family dwelling other than the child’s own home, operated for profit or not-for-profit, in which child day care is provided at any one time to four, five or six children unrelated to the operator. A family child day care home shall have a certificate of registration from the Pennsylvania Department of Public Welfare in order to legally operate. This use is typically a home occupation.

**DAY CARE, HOME CHILD** – a day care facility that is operated in a detached single-family dwelling serving less than four (4) children unrelated to the homeowner, falling below the number of children requiring a license or registration required by the Pennsylvania Department of Public Welfare. This use is typically a home occupation.

**DECK** – a platform attached to a Building, which platform has no continuous walls that
completely enclose the area, whether elevated or at ground level. An uncovered Deck shall not be considered part of a Building. A retractable awning shall not be considered a cover.

**DENSITY** – a term used to express the allowable number of dwelling units per acre of land.

**DENSITY, GROSS** – the number of dwelling units in relation to the area of land of a parcel in use or proposed to be used for residential purposes exclusive of perimeter public rights-of-way.

**DENSITY, NET** – the number of dwelling units in relation to the total Tract area, exclusive of public rights-of-way, public streets, common parking lots, floodplains, sewage treatment and disposal areas, wetlands, stormwater detention/retention basins, slopes of thirty-three (33%) percent or greater and easements that prohibit buildings and that are existing on the date the original development application is submitted.

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

**DEVELOPMENT** – any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

**DIAMETER AT BREAST HEIGHT** – the outside bark diameter of a tree at breast height which is defined as four and one half (4.5) feet (one and thirty-seven one-hundredths of a meter (1.37 m)) above the forest floor on the uphill side of the tree.

**DISABILITY** – a person’s mental or physical impairment that has continued or can be expected to continue indefinitely, including

1. a disability attributable to mental retardation, cerebral palsy, epilepsy, or autism, or such other condition closely related to mental retardation, because such condition results in similar impairment of general intellectual functioning or adaptive behavior to that of mentally retarded persons or requires treatment and services similar to those required for such persons; or

2. physical impairments, including blindness, hearing impairment, mobility impairment, HIV infection, alcoholism, drug addiction, chronic fatigue, learning disability, head injury, and mental illness.

**DISABLED PERSON** – a person with a disability.
DISTRIBUTED ANTENNA SYSTEMS (DAS) – network of spatially separated Antenna sites connected to a common source that provides wireless service within a geographic area or structure.

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

DOMESTIC PETS – the noncommercial keeping of not more than four (4) adult nonfarm animals that are locally available for purchase as pets as an accessory use to a primary residential use.

DRIVE-THROUGH – an accessory use to a commercial establishment, typically to a fast-food restaurant, bank, or drug store, wherein the patron is provided service or a product without leaving their vehicle.

DRIVEWAY – an improved cartway designed and constructed to provide vehicular movement between a public or private road and a tract or tracts of land serving up to three (3) dwelling units or a farm.

DRUG STORE – a retail store that sells medication in addition to miscellaneous articles such as newspapers, candy, dried foods, and hygiene products.

DRY CLEANER – a business that washes clothing and other articles for customers using a chemical solvent other than water and also dries and irons the clothing and articles.

DWELLING – any building or portion thereon designed and used exclusively for residential occupancy, including those listed below, but not including hospitals, hotels, boarding, rooming and lodging houses, nursing homes, institutional houses, motels, and the like, offering overnight accommodations for guests or patients. All dwellings must be permanently affixed to a completely enclosed foundation constructed of currently accepted materials that shall be an entire perimeter wall and extend from below the frost line to the first floor of the building. Such foundation shall be constructed to provide sufficient structural integrity to prevent the building from heaving, shifting or settling unevenly due to frost action. In addition, all dwellings shall be properly connected to approved and permanently designed sewer, water, electrical and other utility systems.

DUPLEX – A building containing two (2) dwelling units from ground to roof, each of which has independent outside access and open space on all sides.

MULTIPLE FAMILY – a building containing three (3) or more dwelling units, at least one (1) of which must be located above or below the remaining units.

SINGLE-FAMILY DETACHED – a freestanding building containing one (1) dwelling unit for one (1) family and having two (2) side yards, one (1) front yard and one (1) rear yard; in the case of a corner lot, the building will have two (2)
front and one (1) side and rear yards. Mobile homes can be considered single-family detached dwellings if, in addition to the requirements listed for all dwellings, the mobile home is securely anchored to the permanent foundation and all of the apparatuses used to transport the unit shall be removed, including the towing hitch. Recreational vehicles shall not be construed as dwellings. Modular homes can be considered single-family detached dwellings so long as they comply with the general requirements of a dwelling.

TOWNHOUSE – a building containing between three (3) and six (6) townhouse dwelling units (see definition of “Dwelling Unit, Townhouse”) arranged in a side-by-side configuration with two (2) or more common party walls.

TWIN – (two (2)-family; single-family semidetached): a freestanding building containing two (2) dwelling units for two (2) families, arranged in a side-by-side configuration. Those units placed on common grounds shall have one (1) front and rear yard and two (2) side yards. Those units constructed on individual lots shall have one (1) front, side and rear yard.

DWELLING UNIT – a building or portion thereof arranged or designed for occupancy by not more than one (1) family and having separate access, cooking and sanitary facilities.

DWELLING UNIT, TOWNHOUSE – is a Dwelling Unit located in a Townhouse Group and designed for and occupied exclusively as a residence for only one (1) family, and having at least one (1) party wall in common with an adjacent Dwelling Unit, but with no separate Dwelling Unit either above or below it.

EARTHMOVING ACTIVITY – any construction or other activity which disturbs the surface of the land use including, but not limited to, excavations, embankments, land development, subdivision development, mineral extraction and the moving, depositing or storing of soil, rock or earth. This definition shall not apply to tilling or harvesting associated with agriculture, horticulture or forestry uses.

EDUCATIONAL USE – the use of land or building(s) for the establishment and maintenance of a public or private college, secondary or elementary school, or other educational institution for the primary purpose of instruction and learning. The term shall not include those uses defined as day-care center or facility, trade school, or automotive trade school.

EMERGENCY – a condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the rights-of-way to be unusable and result in loss of the services provided.

FAMILY – an individual or individuals related by blood, marriage or adoption that maintain one (1) common household and live within one (1) dwelling unit. Additionally, up to four (4) unrelated individuals who maintain a common household and live within
one (1) dwelling unit may be considered a family. Finally, a family may also be
considered any number of unrelated individuals who are disabled and occupy a group
home that is licensed by the appropriate governmental agencies.

FARM – any parcel of land which is used for gain in the raising of agricultural products,
livestock, poultry or dairy products including necessary farm structures and the storage of
equipment customarily incidental to the primary use.

FARM ANIMAL – include raised and owned: turkey, chicken, rooster, donkey, goose,
duck, lamb, sheep, goat, hog, pig, cattle, horse, and other similar animal which is
common to a farm for agricultural, commercial, and/or retail/wholesale purposes.

FCC – Federal Communications Commission.

FENCE – A man-made barrier placed or arranged as a line of demarcation between lots
or to enclose a lot or portion thereof. The term "fence" shall be deemed to include a wall.

FILLING STATION – any area of land, including structures thereon, that is used for the
sale of gasoline or any other motor vehicle fuel and oil and other lubrication substances
including any retail sales of motor vehicle accessories which may not include major
repairing, body and fender work painting, vehicular sales nor rental or automatic car
washes.

FINANCIAL INSTITUTION – a bank, savings and loan association, credit union,
finance or loan company, etc.

FIREWOOD – Any wood or wood product used or intended to be used as heating fuel.
Painted or treated wood shall not be considered firewood.

FLEA MARKET – a retail sales use where more than one (1) vendor displays and sells
general merchandise that is new or used. Flea markets can include indoor and outdoor
display of merchandise.

FLOODPLAIN DISTRICT – the regulatory floodplain as described by the Official
Floodplain Ordinance of Valley Township [Chapter 8], as may be amended.

FLOOR AREA, GROSS – the sum of the floor areas of a building as measured to the
outside surfaces of exterior walls and including all areas intended and designed for the
conduct of a business or use.

FLOOR AREA, HABITABLE – the sum of the floor areas of a dwelling unit as
measured to the outside surfaces of exterior walls and including all rooms used for
habitation such as living room, dining room, kitchen, bedroom, recreation room, family
rooms, libraries, dens, bathrooms, closets, hallways, stairways but not including cellars or
attics or service rooms or areas such as utility rooms nor unheated areas such as enclosed
porches or garages.
FORESTRY – the management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

FRONTAGE – the width of a lot along the street line of the street that provides the principal access to the lot.

FUNERAL HOME – a building used for the preparation of the deceased for burial, including the viewing of the deceased and any lawful rituals connected therewith before burial or cremation.

GARAGE, PRIVATE – an accessory building for the storage of one (1) or more automobiles and/or other vehicles accessory and incidental to the primary use of the premises; provided, however, that one (1) commercial vehicle of not more than three-quarter (3/4) ton capacity may be stored therein where the use of such vehicle is not incidental to the use of the premises. No business or occupation or service shall be conducted therein nor shall space therein for more than one (1) vehicle be leased to a nonoccupant of the premises. Where a garage is an attached integral part of a dwelling unit, the garage shall not be counted as floor area unless it is constructed or modified into a habitable room by the removal of all vehicular access doors and provided adequate off-street parking is still available on the same lot as the dwelling unit.

Golf COURSE – a golf course with a minimum of two thousand eight hundred (2,800) yards of play in nine (9) holes.

GRADE PLANE – a reference plane representing the average finished ground level adjoining the building or structure at the exterior walls.

GROCERY STORE or FOOD MARKET – a retail store that primarily sells food products.

GROUP HOME – a dwelling operated by an individual, family or organization with a program to provide a supportive living arrangement for individuals larger than a family, where special care is needed by the individuals served due to age, emotional, mental, physical handicap, or disability. Group homes must be licensed where required by any appropriate government agencies and a copy of any such licenses must be delivered to the Township prior to beginning the use. Group homes shall be subject to the same limitations and regulation by the Township as dwellings, as defined, except insofar as and where such limitations and regulation would result in a tendency to perpetuate segregation of the handicapped in housing patterns as substantiated by reasonable evidence provided to the Board of Supervisors.

HAZARDOUS MATERIAL – materials which have the potential to damage health or impair safety. Hazardous materials include, but are not limited to, inorganic mineral acids
or sulphur, fluorine, chlorine, nitrogen, chromium, phosphorus, selenium and arsenic and their common salts; lead, nickel and mercury and their inorganic salts or metallo-organic derivatives; coal tar acids, such as phenols and cresols and their salts; petroleum products and radioactive materials. Also included are floatable materials with the potential to cause physical damage such as logs, storage tanks and large containers.

HAZARDOUS WASTE – any garbage, refuse, sludge from an industrial or other waste-water treatment plant, sludge from a water supply treatment plant or air pollution facility and other discarded material including solid, liquid, semisolid or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining, agricultural operations and community activities or any combination of the above, which because of its quantity, concentration or physical, chemical or infectious characteristics may:

(1) Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population.

(2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, exposed or otherwise managed.

HAZARDOUS WASTE FACILITY – any structure, group of structures, aboveground or underground storage tanks or any other area or buildings used for the purpose of permanently housing or temporarily holding hazardous waste for the storage or treatment for any time span other than the normal transportation time through the Township.

HEALTH/RECREATION/ATHLETIC CLUB – an indoor and/or outdoor facility that offers active or passive recreational and/or fitness activities which may include court games such as racquetball, handball, squash, tennis, basketball and volleyball, as well as gymnasiums, lockers, facilities and equipment for body building and exercise, including swimming and including limited food service, such as a concession stand, operated solely for the convenience of the patrons of the facility. These activities are provided only to club members and their guests. These facilities do not include golf courses. This use does not include amusement arcades, night clubs, adult-related facilities or uses, riding academies or stables.

HEAVY INDUSTRIAL USES – any use permitted in §207 that exceeds two (2) acres in lot area or any industrial use not specifically provided for by §207 of this Chapter.

HEDGE – a minimum eight (8)-foot long dense row of shrubs or small trees that are planted close to each other in order to form a boundary or barrier.

HEIGHT OF A TOWER-BASED WCF – the vertical distance measured from the ground level, including any base pad, to the highest point on a Tower-Based Wireless Communications Facility, including antennae mounted on the tower and any other appurtenances.
HEIGHT, STRUCTURE – a structure's vertical measurement from the grade plane to the highest point of the structure.

HELIicopter PAD (PRIVATE) – an accessory use where no more than one (1) helicopter may land/take-off and be stored.

HELIPORT – a pad or other limited area designed and designated for landing and take-off of helicopters, with the associated lighting, safety devices, appurtenances and other equipment required by applicable Federal and State agencies. When located at other than an approved airport, a heliport shall be considered a principal use.

HOME IMPROVEMENT STORE – see definition of “Building Supply Store”.

HOME OCCUPATION – a business or commercial activity that is conducted as an accessory use to a principal single-family detached dwelling unit. (See also definition of “No-Impact Home-Based Business.”)

HORTICULTURE – the branch of agriculture that involves the art and science of plant cultivation of food and non-food crops as well as plant conservation.

HOSPITAL – a place for the diagnosis, treatment or other care of humans and having facilities for inpatient care.

HOTEL – a facility which provides lodging to temporary guests in more than five (5) separate guest quarters for compensation with less than twenty-five (25) percent of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building and which may provide meals and other services for compensation.

HOUSEHOLD APPLIANCE, MAJOR – a large household appliance that typically sits on the floor due to its size, such as a stove, refrigerator, dishwasher, washing machine, or dryer.

HOUSEHOLD APPLIANCE, SMALL – a small household appliance that is wall-mounted and/or is typically operated on a counter or elevated surface such as a toaster, toaster oven, microwave, or oscillating fan.

IMPERVIOUS – a surface that has been compacted or covered with a layer of material so that it prevents or is resistant to infiltration of water, including but not limited to: structures such as roofs, buildings, storage sheds; other solid, paved or concrete areas such as streets, driveways, sidewalks, parking lots, patios, tennis or other paved courts; or athletic playfields comprised of synthetic turf materials. For the purposes of determining compliance with this Ordinance, compacted soils or stone surfaces used for vehicle parking and movement shall be considered impervious.
INDOOR RECREATION FACILITY – an indoor facility, open to the public, for the purpose of active or passive recreation or entertainment including, but not limited to, archery or firing ranges, bowling alleys, health clubs, museums, swimming pools, theaters, etc., and including limited food service, such as a concession stand, operated solely for the convenience of the patrons of the facility. This does not include adult-related facilities or uses, night clubs or amusement arcades.

INDOOR RECREATION FACILITY, PRIVATE – an indoor facility, exclusively for members and their guests, for the purpose of active or passive recreation or entertainment including, but not limited to, archery or firing ranges, bowling alleys, exercise equipment, museums, swimming pools, theaters, etc., and including limited food service, such as a vending machines or concession stands, operated solely for the convenience of members and their guests. This does not include adult-related facilities or uses, night clubs or amusement arcades.

INTERIOR DRIVE – any onsite vehicular movement lane(s) that are associated with a use other than a single-family dwelling.

JUNKYARD – an area of land, with or without buildings, used for the storage, outside a completely enclosed building, of used and discarded material 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 one (1) or more unlicensed, wrecked or disabled vehicles, or the major part thereof, shall be deemed to constitute a "junkyard." (A disabled vehicle is a vehicle intended to be self-propelled that shall not be operable under its own power for any reason or a vehicle that does not have a valid current registration plate or that has a certificate of inspection which is more than sixty (60) days beyond the expiration date.)

KENNEL – any lot on which three (3) or more animals (except relating to a farm) are kept, boarded, raised, bred, treated or trained for a fee, including but not limited to dog or cat kennels.

LAKES AND PONDS – natural or artificial bodies of water which retain water year-round. Dams or result from excavation may create artificial bodies of water. Lakes are bodies of water two (2) or more acres in area. Ponds are bodies of water with an area less than two (2) acres.

LAND DEVELOPMENT – any of the following activities:

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

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

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

(2) A subdivision of land.

(3) The following shall not be considered a land development:

(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;

(b) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or

(c) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

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

LANDSCAPE SCREEN – a completely planted visual barrier composed of evergreen shrubs and trees arranged to form both a low-level and a high-level screen between grade and to a height of six (6) feet.

LAUNDROMAT – a business that provides washing, drying, and/or ironing machines for hire to be used by customers on the premises.

LAUNDRY – a building, or part thereof, other than a laundromat, where clothes and other articles are washed, dried and/or ironed.

LIMITED CLUSTER DEVELOPMENT – a cluster development with additional
limitations on the allowable types of dwellings.

**LIVESTOCK** – see “farm animal”.

**LOADING SPACE** – an off-street space or area suitable for the loading or unloading of goods and having direct usable access to a street or alley.

**LOT** – a parcel of land separately described by a metes and bounds description which is recorded in the office of the Recorder of Deeds of Chester County by deed description or is described by an approved subdivision plan recorded in the Office of the Recorder of Deeds of Chester County.

LOT, CORNER – a lot at the point of intersection of and abutting two (2) or more intersecting streets and which has an interior angle of less than one hundred thirty-five (135) degrees at the intersection of the two (2) street lines. Corner lots shall have two (2) front yards, one (1) side and one (1) rear yard.

LOT, FLAG – a lot whose frontage does not satisfy the minimum width requirements for the respective zone but that does have sufficient lot width away from the lot's frontage.

LOT, INTERIOR – a lot other than a corner lot, the sides of which do not abut a street.

LOT, THROUGH (REVERSE FRONTAGE) – an interior lot having frontage on two (2) parallel or approximately parallel streets.

**LOT AREA** – the area contained within the property lines of individual parcels of land excluding any area within a street right-of-way but including the area of any easement.

**LOT COVERAGE** – a percentage of the lot area which may be covered with an impervious surface (e.g., buildings, driveways, parking area, sidewalks).
LOT DEPTH – the horizontal distance measured between the street right-of-way line and the closest rear property line. On corner and reverse frontage lots, the depth shall be measured from the street right-of-way line of the street of address to the directly opposite property line.

LOT WIDTH – the shortest horizontal distance measured between side property lines at the building setback line. On corner lots, lot width shall be measured between the right-of-way line for the nonaddress street and the directly opposite property line.

LOW IMPACT DEVELOPMENT – an approach to land development that uses various land planning and design practices and technologies to simultaneously conserve and protect natural resources systems and reduce infrastructure costs. Low impact development (LID) still allows land to be developed but in a cost-effective manner that helps mitigate potential environmental impacts.

MANURE – the fecal and urinary excrement of livestock and poultry, often containing some spilled feed, bedding or litter.

MANURE STORAGE FACILITIES – a detached structure or other improvement built to store manure for future use or disposal. Types of storage facilities are as follows: underground storage, in ground storage, trench silo, earthen bank, stacking area and above-ground storage.

MECHANICAL SCHOOL – see “trade school”.

MEDICAL or DENTAL CLINIC – any building or group of buildings occupied by medical or dental practitioners and related services for the purpose of providing health services to people on an outpatient basis.

MEDICAL RESIDENTIAL CAMPUS – a campus that provides a balanced mix of medical, residential, commercial, and recreational uses for a primarily retirement-age population.

MINIWAREHOUSE – a building and/or series of buildings divided into separate storage units for personal property and/or property associated with some business or other organization. These units shall be used solely for dead storage and no processing, manufacturing, sales, research and development testing, service and repair or other nonstorage activities shall be permitted.

MIXED USE – development contained on a single parcel or within a single structure that includes more than one (1) complimentary use (can include both residential and non-residential), providing a variety of activities throughout the day.

MOBILE HOME – a transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined
into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. Mobile homes placed in parks shall meet the requirements for mobile home parks listed in §433 of this Chapter. Mobile homes placed on individual lots shall be considered "dwellings," and shall be bound by the requirements there imposed.

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

**MOBILE HOME PARK** – a parcel or contiguous parcels of land which have been so designated and improved to contain two (2) or more mobile home lots for the placement thereon of mobile homes.

**MONOPOLE** – a Wireless Communications Facility or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications antennae and connecting appurtenances.

**MOTEL** – a facility which provides lodging to temporary guests in more than five (5) guest quarters for compensation which contains at least twenty-five (25%) percent of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building and which may provide meals and other services for compensation.

**NET ACREAGE** – that area of a Tract or Tracts that is not within public rights-of-way, public streets, common parking lots, floodplains, sewage treatment and disposal areas, wetlands, stormwater detention/retention basins, slopes of thirty-three (33%) percent or greater, and easements that prohibit buildings and that are existing on the date the original development application is submitted.

**NEW CONSTRUCTION** – structures for which the start of construction commenced on or after the effective date of this Chapter.

**NIGHTCLUB** – any building used for onsite consumption of alcoholic or nonalcoholic beverages where live entertainment is offered. For the purposes of this definition "live entertainment" is meant to include the use of disc-jockeys for the purposes of supplying musical entertainment. Nightclubs may also provide for the onsite consumption of food. Additionally, nightclubs may offer the retail sale of carry-out beer and wine as an accessory use. This is meant to include an “under 21” club which features entertainment.

**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 and may not occupy more than twenty five (25%) percent of the habitable floor area.

8. The business may not involve any illegal activity.

**NONCONFORMING LOT** – a lot, the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment. Such lot must be in single and separate ownership and not of continuous frontage with other lots of the same ownership that would enable the owner(s) to comply with the provisions of this Chapter, as amended.

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

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

NONCONFORMITY, DIMENSIONAL – any aspect of a land use that does not comply with any size, height, bulk, setback, distance, landscaping, coverage, screening or any other design or performance standards specified by this Chapter where such dimensional nonconformity lawfully existed prior to the enactment of this Chapter or amendment thereto.

NON-FARM ANIMALS – domesticated animals and household pets that are normally considered to be kept in or conjunction with a dwelling unit, such as: cats, dogs, parrots, parakeets, gerbils, hamsters, frogs, toads, fish, guinea pigs, white mice, white rats, lizards, European-type rabbits, non-poisonous snakes, and turtles, or animals of a similar nature. They do not include wild animals that are not capable of being kept as a household pet. For keeping of non-farm animals in conjunction with uses other than agricultural, see §322 of this Chapter.

NON-TOWER WIRELESS COMMUNICATIONS FACILITY (NON-TOWER WCF) – all Non-Tower Wireless Communications Facilities, including but not limited to, antennae and Related Equipment. Non-Tower WCF shall not include support structures for antennae or any Related Equipment that is mounted to the ground or at ground-level.

NURSING, REST or RETIREMENT HOMES – facilities designed for the housing, boarding and dining associated with some level of nursing care.

OFFICE – a place where the primary use is conducting the affairs of a business, profession, service or government including administration, record keeping, clerical, and professional work and similar business functions. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair or storage of materials, goods or products; or the sale or delivery of any materials, goods or products which are physically located on the premises. Office supplies used in the office may be stored as an incidental use.

ONSITE SEWER SERVICE – the disposal of sewage by use of septic tanks or other safe and healthful means within the confines of the lot on which the use is located as approved by the Pennsylvania Department of Environmental Protection.

ONSITE WATER SERVICE – a safe, adequate and healthful supply of water to a single user from a private source.

ORNAMENTAL POND – a small pond with an area two hundred and twenty-five (225) or less square feet and a depth no more than two (2) feet deep.

PARK – a parcel of land designated for outdoor enjoyment and/or passive recreation that is open to the general public and consists of facilities designed and/or used for passive
recreation and may include a play area. This definition is meant to exclude adult entertainment uses, amusement arcades, golf courses and ball fields.

**PARKING LOT** – an accessory use in which required and additional parking spaces are provided subject to the requirements listed in §312 of this Chapter.

**PARKING SPACE** – an off-street space available for the parking of one (1) motor vehicle and having usable access to a street or alley.

**PERSON** – an individual, corporation, partnership, unincorporated association or any other similar entity.

**PERSONAL SERVICE ESTABLISHMENT** – barber shop, beauty salon, tanning salon, shoe repair shop, tailoring, printing and publishing center, clock and jewelry repair, and other similar personal service establishments as determined by the Zoning Officer. Massage parlors and other adult-related facilities are excluded.

**PICKLING** – the process of preserving or expanding the lifespan of food in a high acid solution, typically fermentation in brine or immersion in vinegar.

**PLANNING COMMISSION** – the Planning Commission of Valley Township.

**PLANNED CENTER** – a group of uses planned and designed as an integrated unit with controlled ingress and egress and shared off-street parking provided on the property as an integral part of the unit. Such centers also may include “planned center signs” as regulated herein.

**PLAY AREA** – a parcel of land used for limited outdoor active recreation with no more than eight (8) separate pieces of play equipment, no more than two (2) courts each such as basketball or tennis, and containing no ball fields.

**PLAYGROUND** – a parcel of land used for outdoor active recreation and containing recreational equipment and facilities such as play apparatus, courts such as basketball or tennis, and ball fields such as baseball, football, soccer, softball, etc.

**PREMISES** – the property upon which an activity is conducted as determined by physical facts rather than property lines. It is the land occupied by the buildings or other physical uses that are necessary or customarily incident to an activity including such open spaces as are arranged and designed to be used in connection with such buildings or uses. The following are not considered to be a part of the premises on which an activity is conducted and any signs located on such land are to be considered off-premises advertising:

1. Any land which is not used as an integral part of the principal activity including land which is separated from the activity by a roadway, highway or other obstruction and not used by an activity and extensive undeveloped
highway frontage contiguous to the land actually used by a commercial facility even though it might be under the same ownership.

(2) Any land which is used for, or devoted to, a separate purpose unrelated to an advertised activity.

(3) Any land which is in closer proximity to the highway than to the principal activity and developed or used only in the area of the sign site or between the sign site and the principal activity and whose purpose is for advertising purposes only. In no event shall a sign site be considered part of the premises on which an advertised activity is conducted if the site is located on a narrow strip of land which is nonbuildable land or is a common or private roadway or is held by easement or other lesser interest than the premises where an activity is located.

PRIVATE GREENHOUSE – a building or part of a building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature or humidity can be regulated for the cultivation of plants as a hobby or for residential use but not for commercial sales.

PRIVATE SCHOOL – a school that is not directly administered by a state or other governmental agency, is funded in whole or in part by charging their students tuition rather than public (governmental) funding, and has the right to select their students. This term shall include parochial schools.

PUBLIC HEARING – a formal meeting held pursuant to public notice by the governing body or planning agency intended to inform and obtain public comment prior to taking action on zoning-related matters.

PUBLIC MEETING – a forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act."

PUBLIC NOTICE – notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days prior to the date of the hearing. Public notice for rezoning, special exception, conditional use and/or variance requests shall also include the posting of a sign(s) at a conspicuous location(s) along the perimeter of the subject property; this sign(s) shall be posted at least one (1) week prior to the hearing and shall exhibit the nature, date, time and location of the hearing.

PUBLIC SEWER – a municipal sanitary sewer or a comparable common or package sanitary facility approved and permitted by the Pennsylvania Department of Environmental Protection. Such systems are capable of serving multiple users.
PUBLIC USES – includes public uses of a welfare and educational nature, such as public schools, parks, fire stations, municipal buildings and garages, and similar uses, operated on a nonprofit basis.

PUBLIC UTILITIES – use or extension thereof which is operated, owned or maintained by a public utility corporation, municipality or municipal authority or which is privately owned and approved by the Pennsylvania Public Utility Commission for the purpose of providing public sewage disposal and/or treatment; public water supply, storage and/or treatment; or for the purpose of providing the distribution or transmission of energy or telephone service.

PUBLIC WATER – municipal water supply system, or a comparable common water facility approved and permitted by the Pennsylvania Department of Environmental Protection. Such systems are capable of serving multiple users.

RECREATION –

RECREATION, ACTIVE – recreational activities or pursuits which require physical alteration to the area in which they are performed and/or require physical facilities, apparatus, equipment or structures in or near the area in which they are performed. These areas are intensively used and include such facilities as playgrounds, ball fields or courts, archery or firing ranges, miniature (pitch and putt) golf courses, riding academies stables, skating rinks, swimming pools and velodrome (bicycle only). This use does not include amusement arcades, golf courses, night clubs or adult-related facilities or uses.

RECREATION, INDOOR – activities which are or can be performed within a building and may either be active or passive in nature. This use does not include amusement arcades, night clubs or adult-related facilities or uses.

RECREATION, PASSIVE – low intensity activities for individuals or small groups which are usually performed in natural or seminatural surroundings and which can be carried out with little alteration or disruption to the area in which they are performed. Minimal site preparation and few, if any, structural facilities are required to accommodate most passive activities. Such uses include bike trails, gardens, hiking, nature trails, picnicking, play area and relaxation. These uses do not include archery or firing ranges.

RECYCLING STATION – a facility where used, recyclable materials are separated and processed for shipment for re-use in new products.

RE-DEVELOPMENT – any changes to or re-use of existing man-made changes to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

REFINERY – a facility composed of processes that convert raw materials into products
of value.

**RELATED EQUIPMENT** – any piece of equipment related to, incidental to, or necessary for, the operation of a Tower-Based Wireless Communications Facility or Non-Tower Wireless Communications Facility. By way of illustration, not limitation, Related Equipment includes generators and base stations.

**RENDERING** – process of converting animal products into useful materials, most commonly converting waste animal tissue into purified fats like lard or tallow.

**RESTAURANT** – an establishment that serves prepared food primarily eaten on-site, but can provide for incidental carry-out service so long as the area used for carry-out service does not exceed five (5%) percent of the total patron seating area nor eighty (80) square feet (whichever is less). Waiters and/or waitresses serve the majority of non-buffet food and beverages to patrons while the customers are seated. Caterers shall be included in this definition.

**RESTAURANT, FAST FOOD** – an establishment that serves prepared food generally packaged in paper wrappers and/or disposable plates and containers and that does not meet the definition of “restaurant”. Such food can be consumed either on or off of the site.

**RETAIL DEPARTMENT STORE** – a retail store of 40,000 square feet or more in gross floor area that offers a wide range of retail goods and products with separate areas (i.e. departments) in which different kinds of goods and products are displayed and/or sold.

**RETAIL STORE/SALES** – retail stores are those businesses whose primary activities involve the display and retail sales of goods and products such as food, groceries, beverages, clothing, office supplies, entertainment items, furniture, household products, personal care supplies, sporting goods, computers, electronics, pet supplies, automobile supplies, and other similar retail goods and products as determined by the Zoning Officer. This term shall not include: adult-related facilities; automobile, boat, farm machinery, or trailer sales; convenience stores; home improvement and building supply stores; or restaurants as defined herein.

**RIDING ACADEMY** – a facility where horseback riding and horsemanship is taught and practiced.

**RIGHT-OF-WAY** – a corridor of publicly owned land for purposes of maintaining primary vehicular and pedestrian access to abutting properties including, but not limited to, roads, streets, highways and sidewalks. Abutting property owners are prohibited from encroaching across the right-of-way line. (See also “street line.”)

**SATELLITE DISH ANTENNA** – a device incorporating a reflective surface which is solid, open mesh or bar-configured and is in the shape of a shallow dish, cone, horn or
cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally-based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, TVRO's and satellite microwave antennas.

**SETBACK** – the required horizontal distance between two (2) identifiable points.

- **SETBACK, FRONT** – the distance between the street line and the front setback line projected the full width of the lot. Commonly called “required front yard.”

- **SETBACK, REAR** – the distance between the rear lot line and the rear setback line projected the full width of the lot. Commonly called “required rear yard.”

- **SETBACK, SIDE** – the distance between the side lot line and side setback line projected from the front yard to the rear yard. Commonly called “required side yard.”

**SETBACK LINE** – a line within a property and parallel to a property or street line which delineates the required minimum distance between some particular use of property and that property or street line.

**SHOPPING CENTER or SHOPPING MALL** – a group of stores planned and designed for the site on which it is built, functioning as a unit, with shared off-street parking provided on the property as an integral part of the unit.

**SIGN** – a device for visual communication that is used to bring the subject to the attention of the public but not including lettering or symbols that are an integral part of another structure or flags or other insignia of any government, fraternal or similar organization.

- **SIGN, ANIMATED** – a sign or any device designed to attract attention by visual means or through the movement or semblance of movement by mechanical, electrical, or natural means.

- **SIGN, DEVELOPMENT** – a sign indicating that a property is actively in the process of subdivision or land development.

- **SIGN, DIGITAL** – an advertising sign that utilizes digital or video light emitting diodes (LEDs) or similar electric methods to create an image display area.

- **SIGN, ELECTRONICALLY CHANGING MESSAGE** – a digital sign or portion thereof displaying frequent message changes that are rearranged electrically without physically altering the face or surface of such sign.

- **SIGN, FLASHING** – a type of sign in which the illumination is not kept constant in intensity at all times of use and which exhibits sudden, timed or marked...
changes in lighting effects.

SIGN, FREESTANDING – a sign that is supported by or suspended from a freestanding column or other support(s) located in or upon the ground surface.

SIGN, GROUND – an on-premises sign displaying information pertaining to the existing use(s) for which it is located and is placed upon, supported by and anchored to the ground. A ground sign shall not be considered as a freestanding sign or portable sign.

SIGN, IDENTIFICATION – an on-premises sign identifying the use(s).

SIGN, PORTABLE – a temporary sign that is not fixed, attached, or anchored in a permanent position, that is capable of being readily moved or relocated, including but not limited to, sandwich boards, placards, or other similar signs mounted on a frame or chassis on wheels or supported by legs but not pressed or extended into the ground or other surface (i.e. sandwich board sign advertising daily specials for a restaurant placed on a sidewalk).

SIGN, PROJECTING – a sign projecting perpendicularly from the face of a building.

SIGN, REAL ESTATE – a sign pertaining to the sale or lease of a property.

SIGN, ROOF – a sign erected or displayed upon the roof of a building.

SIGN, SPECIAL EVENT or SEASONAL – a temporary sign by which periodic advertisements of specials can be displayed during certain segments of the year.

SIGN, SPECIAL USE – a sign that is used for a specific purpose not otherwise regulated by this Chapter such as real estate signs, development signs, and political signs. Special Use Signs are typically temporary signs.

SIGN, TEMPORARY – a sign intended to be displayed for a short period of time, typically thirty (30) days or less.

SIGN, WALL (OR PARALLEL) – a sign posted on, suspended from, or otherwise affixed to the wall, façade, or vertical surface of a building which does not project or extend more than twelve (12) inches from the wall, façade, or vertical surfaces of the building to which it is attached.

SLAUGHTERING – the killing or butchering of cattle, sheep, etc., especially for food.

SLOPE – the deviation from horizontal, expressed as a percent. Slope percent is computed by dividing the vertical distance by the horizontal distance and, for purposes of this Chapter unless specified otherwise, calculated between consecutive contour lines.
SOIL SURVEY – the latest published version of the United States Department of Agriculture's Soil Survey for Chester County, Pennsylvania.

SOLAR ENERGY SYSTEM – any structure used for the purpose of converting energy from the sun into usable electrical energy.

SOLAR PANEL – a structure containing one or more receptive cells, the purpose of which is to convert energy from the sun into usable electrical energy.

SOLID WASTE – garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from municipal, industrial, commercial, agricultural and residential activities. Such wastes shall not include biological excrement nor hazardous waste materials as defined in the Code of Federal Regulations, Title 40, Chapter 1, Part 261, dated July 1, 1984, or as amended.

SOLID WASTE DISPOSAL FACILITY – a site in which engineering principles are utilized to bury, dispose, reduce, eliminate and/or incinerate deposits of solid waste without creating public health or safety hazards, nuisances, pollution or environmental degradation.

SPECIAL EXCEPTION – a use that is generally compatible in a particular zone once specified criteria have been met. Special exception uses are listed by zone and approved by the Zoning Hearing Board in accordance with §605 of this Chapter.

SPECIFIED ANATOMICAL AREAS – Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, female breasts below a point immediately above the top of areolae, and/or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES – for the purposes of this Chapter, this term shall include any of the following:

(1) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following depicted sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty.

(2) Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence.

(3) Use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation.
(4) Fondling or touching of nude human genitals, pubic region, buttocks or female breast.

(5) Masochism, erotic or sexually oriented torture, beating, or the infliction of pain.

(6) Erotic or lewd touching, fondling or other contact with an animal by a human being.

(7) Human excretion, urination, menstruation, vaginal or anal irrigation.

**STABLE** – a building for the lodging, feeding, and care of horses and/or cattle.

**STEALTH TECHNOLOGY** – camouflaging methods applied to wireless communications towers, antennae and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennae, building-mounted antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.

**STEEP SLOPES** – those areas of land, whether natural or man-made, which are characterized by a slope of fifteen (15%) percent or more and which, because of this slope, are subject to high rates of stormwater runoff and susceptible to erosion.

**STORAGE SHED** – a self-contained structure used solely for the purpose of enclosing, protecting and/or securing objects used in the normal operation and/or maintenance associated with the principal use of the property.

**STREET** – includes street, avenue, boulevard, road, highway, freeway, parkway, lane, viaduct and any other dedicated and adopted public right-of-way or private right-of-way used or intended to be used by vehicular traffic and/or pedestrians.

**STREET CENTERLINE** – the horizontal line paralleling the street that bisects the street right-of-way into two (2) equal widths. In those instances where the street right-of-way cannot be determined, the street centerline shall correspond to the center of the cartway.

**STREET LINE (RIGHT-OF-WAY LINE)** – a line defining the edge of a street right-of-way and separating the street from abutting property or lots. The street line shall be the same as the legal right-of-way line.

**STRUCTURE** – any manmade object, including buildings having an ascertainable stationary location on or in land or water, whether or not affixed to the land.
STRUCTURE, ACCESSORY – a structure associated with an accessory use (e.g., swimming pools, patios, antennas, tennis courts, garages, storage sheds, etc.)

STRUCTURE, PRINCIPAL – a structure associated with a primary use.

Structures shall not include such things as fences, sandboxes, decorative fountains, swingssets, birdhouses, birdfeeders, mailboxes and any other similar nonpermanent improvements.

STUDIO or INSTRUCTIONAL FACILITY – facility or area devoted to the expression and practice of, and/or instruction in, arts, crafts, dance, pottery, photography, yoga, and similar activities, as well as private educational learning centers.

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

SUBSTANTIALLY CHANGE OR SUBSTANTIAL CHANGE – (1) Any increase in the height of a Wireless Support Structure by more than ten (10) percent, or by the height of one additional antenna array with separation from the nearest existing antenna on the Wireless Support Structure not to exceed twenty (20) feet, whichever is greater; or (2) any further increase in the height of a Wireless Support Structure which has already been extended by more than ten (10) percent of its originally approved height or by the height of one (1) additional antenna array.

SUBSTANTIAL IMPROVEMENT – any repair, reconstruction or improvement of a structure the cost of which equals or exceeds fifty (50) percent of the fair market value of the structure either (1) before the improvement or repair is started or (2) the structure has been damaged and is being restored, before the damage occurred. For the purpose of this Chapter, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure.

SUBURBAN CENTER MIXED-USE DEVELOPMENT – the development of a tract of land according to a coordinated, overall plan containing two or more uses such as, but not limited to, office, retail commercial, public recreational or residential uses.

SUSTAINABILITY – measures that connect buildings and the environment to integrate local ecology so as to reduce natural resources impacts, minimize non-renewable energy consumption, use environmentally preferable products, protect and conserve water resources, enhance indoor environmental air quality, and improve operations and maintenance practices. Measures recommended in Green Growth, Smart Growth and
similar programs and initiatives are encouraged and may be compensated by incentives to
the developing community. Other measures also include, but are not limited to, tree
protection and replacement, compact mixed use land forms, and minimization of storm
water runoff.

**SWIMMING POOL** – any pool, not located within a completely enclosed building and
containing, or normally capable of containing, water to a depth at any point greater than
one and one-half (1 1/2) feet. Farm ponds and/or lakes are not included; provided, that
swimming was not the primary purpose for their construction.

**TAVERN** – an establishment which serves primarily alcoholic beverages for mostly on-
premises consumption and which is licensed by the Pennsylvania Liquor Control Board.
Taverns may also serve food.

**THEATER** – a building, part of a building, or outdoor area, typically with a stage and
tiered seating for an audience, for performances such as plays, operas, concerts, lectures
or for showing motion pictures.

**TOWER-BASED WIRELESS COMMUNICATIONS FACILITY (TOWER-
BASED WCF)** – any structure that is used for the purpose of supporting one (1) or more
Antennae, including, but not limited to, self-supporting lattice towers, guy towers and
monopoles, utility poles and light poles. DAS hub facilities are considered to be Tower-
Based WCF.

**TOWNHOUSE GROUP** – a group of three (3) to six (6) attached Townhouse Dwelling
Units (see definition of “Dwelling Unit, Townhouse”) as permitted and/or regulated by
specific regulations.

**TOWNSHIP** – Valley Township.

**TRACT** – the total area of land lying within the property boundaries of all land
submitted as a subdivision or land development plan.

**TRADE SCHOOL** – an educational use that offers vocational teaching and technical
training of a trade or skill for use in a specific occupation, such as truck driving, engine
repairs, building construction and general contracting, woodworking, masonry, plumbing,
electrical contracting, and/or other similar trades.

**TRAVEL TRAILER** – a portable structure, primarily designed to provide temporary
living quarters for recreation, camping or travel purposes. In addition to the above, any
of the following attributes are characteristic of a "travel trailer":

1. The unit is of such size or weight as not to require a special highway
   movement permit from the Pennsylvania Department of Transportation
   when self-propelled or when hauled by a standard motor vehicle on a
   highway.
(2) The unit is mounted or designed to be mounted on wheels.

(3) The unit is designed to be loaded onto or affixed to the bed and/or chassis of a truck.

(4) The unit contains, or was designed to contain, temporary storage of water and sewage.

(5) The unit contains some identification by the manufacturer as a travel trailer.

TRUCK or MOTOR FREIGHT TERMINAL – a processing facility (i.e. node) where freight is loaded onto and off the truck or motor transport vehicle.

TWO-FAMILY CONVERSIONS – the conversion of an existing single-family detached dwelling unit to contain two (2) separate dwelling units.

USE – the specific purpose for which land or a structure is designed, arranged, intended, occupied or maintained.

USE, ACCESSORY – a use customarily incidental and subordinate in area, extent, and purpose to the principal use, building, or structure being served and located on the same lot and in the same zoning district as the principal use, building, or structure.

USE, PRINCIPAL – the single dominant, single primary or single main use or purpose for which a building, structure and/or land or major portion thereof, is designed, arranged or intended, or for which it may be occupied or maintained under this Chapter.

USE AND OCCUPANCY PERMIT – a permit issued by the Zoning Officer certifying a use's compliance with information reflected on the building permit and this Chapter.

VARIANCE – a modification of any provision of this Chapter granted by the Zoning Hearing Board subject to findings specified by the Act.

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

VOCATIONAL SCHOOL – see “trade school”.

WBCA – Pennsylvania Wireless Broadband Collocation Act (53 P.S. §11702.1 et. seq.)

WETLAND – those areas (including swamps, marshes, and bogs) that are inundated and
saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include all lands regulated as wetlands by the Pennsylvania Department of Environmental Protection or the U.S. Army Corps of Engineers. In the event there is a conflict between the definitions or regulations of these agencies, the more restrictive definition shall apply.

**WETLAND DELINEATION REPORT** – a document that describes the investigation procedures and findings of a wetland delineation.

**WETLAND MARGIN** – the transitional area extending a specified distance from the outer limit of the wetland which serves as a buffer to protect the wetland from more intensive land uses.

**WIRELESS** – transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

**WIRELESS COMMUNICATIONS FACILITY (WCF)** – the antennae, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services.

**WIRELESS COMMUNICATIONS FACILITY APPLICANT (WCF APPLICANT)** – any person that applies for a wireless communication facility building permit, zoning approval and/or permission to use the public right-of-way (ROW) or other Township owned land or property.

**WIRELESS SUPPORT STRUCTURE** – a freestanding structure, such as a Tower-Based wireless communications facility or any other support structure that could support the placement or installation of a wireless communications facility if approved by the Township.

**WIND ENERGY CONVERSION SYSTEM (WECS)** – any device which converts wind energy to mechanical or electrical energy.

**WECS UNIT** – shall include blades, hubs to which blades are attached, and any device, such as a tower, used to support the hub and/or rotary blades, etc.

**WOODLAND** – any land area of at least one-quarter (0.25) acre with a natural or naturalized ground cover (excluding manicured turf grass) and that has an average density of two (2) or more viable trees per one thousand five hundred (1,500) square feet with a Diameter at Breast Height of six (6) inches or greater and where such trees existed at any time within three (3) years of the time of land development application submission of the proposed project. The land area to be considered Woods shall be measured from the outer drip lines of the outer trees.
YARD – an area between the permitted structures and the property lines.

YARD, FRONT – the area contained between the street right-of-way line and the principal structure and extending to the side lot lines.

YARD, REAR – the area contained between the rear property line and the principal structure. On corner and reverse frontage lots the rear yard shall be considered that area between the principal structure and the property line directly opposite that area between the principal structure and the property line directly opposite the street of address. For flag lots, the rear yard shall be each area between the building and every lot line.

YARD, SIDE – the area(s) between a principal structure and any side lot line(s). On corner lots the side yard shall be considered those areas between the principal structure and the property lines directly opposite the nonaddress street.

ZONING – the designation of specified districts within a community or township, reserving them for certain uses together with limitations on lot size, heights of structures and other stipulated requirements.

ZONING OFFICER – the municipal official duly appointed to administer and enforce this Chapter in accordance with its literal terms.

ZONING PERMIT – a permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this Chapter for the zone in which it is to be located.
PART 2
ZONE REQUIREMENTS

§201. CONSERVATION ZONE (C).

1. Purpose. This zone intends to preserve areas of the Township that are characterized by sensitive environmental features. These areas are not well suited to intensive development yet provide valuable passive recreation opportunities. Many steeply-sloped wooded hillsides and stream valleys comprise areas within this zone. Accordingly, land developments have been severely limited so as to conserve the character and environmental quality of these settings. Finally, a cluster development conditional use has been provided for lands that have access to public sewer and water facilities. Strict controls have been placed on this cluster development to limit the overall intensity of the project and ensure the protection of sensitive environmental features to be consistent with sustainable and low-impact development guidelines and best practice measures meant to minimize negative natural resources impacts and to promote conservation.

2. Permitted Uses. The following principal uses and their accessory uses are permitted by-right provided the use complies with all supplemental development, design, and use regulations in this Chapter:

   A. Passive recreation and parks.

   B. Activities related to the preservation and conservation of natural resources and/or historical structures.

   C. Agricultural, horticultural and forestry related uses subject to the requirements listed in §317 of this Chapter.

   D. Public uses and public utilities structures.

   E. Single-family detached dwellings.

3. Special Exception Uses. The following principal uses and their accessory uses are permitted by special exception, provided that a special exception is approved by the Zoning Hearing Board in accordance with the procedures listed in §605.C of this Chapter, and the use complies with all supplemental development, design, and use regulations in this Chapter:

   A. Private clubs. (See §411.)

   B. Two (2)-family conversions. (See §444.)

4. Conditional Uses. The following principal uses and their accessory uses are permitted by
conditional use, provided that a conditional use is approved by the Board of Supervisors in accordance with the procedures listed in §705 of this Chapter, and the use complies with all supplemental development, design, and use regulations in this Chapter:

A. Cluster developments. (See §412.)

B. Campgrounds. (See §409.)

C. Indoor recreation facilities. (See §415.)

D. Golf course. (See §415.)

E. Active recreation. (See §415.)

F. Wireless communications facilities. (See §416.)

G. Alternative energy production. (See §450.)

5. **Accessory Uses.** Accessory uses shall be permitted in accordance with §302 of this Chapter in addition to the following accessory use regulations specific to the Conservation Zone:

A. Bed and Breakfast. Shall be permitted as an accessory use to a single-family detached dwelling in the Conservation Zone when authorized by special exception in accordance with §406 of this Chapter.

B. Non-Commercial Keeping of Livestock. Shall be permitted as an accessory use to a single-family detached dwelling in the Conservation Zone when authorized by special exception in accordance with §435 of this Chapter.
6. **Design Standards.** Unless specified elsewhere, the following table prescribes lot area, width and coverage, as well as minimum yard requirements for uses within this zone.

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Lot Area (sq. ft.)</th>
<th>Minimum Lot Width</th>
<th>Maximum Lot Coverage</th>
<th>Front Yard</th>
<th>One Side</th>
<th>Both Sides</th>
<th>Rear Yard</th>
</tr>
</thead>
<tbody>
<tr>
<td>All principal uses</td>
<td>5 acres</td>
<td>200 ft.</td>
<td>12%</td>
<td>50 ft.</td>
<td>35 ft.</td>
<td>(70 ft.)</td>
<td>50 ft.</td>
</tr>
<tr>
<td>All principal uses if more than 50 percent of site possess slopes in excess of 20%</td>
<td>5 acres</td>
<td>200 ft.</td>
<td>6%</td>
<td>50 ft.</td>
<td>35 ft.</td>
<td>(70 ft.)</td>
<td>50 ft.</td>
</tr>
<tr>
<td>Accessory Uses</td>
<td>NA</td>
<td>NA</td>
<td>Included in Maximum Lot Coverage. See above.</td>
<td>Not permitted</td>
<td>20 ft.</td>
<td>(40 ft.)</td>
<td>20 ft.</td>
</tr>
</tbody>
</table>

1. Minimum lot width shall be measured at the building setback line; in no case shall a lot's width, as measured along its frontage, be less than seventy (70) percent of that required at the building setback line. Lot widths required at the frontage shall be measured along a line paralleling the street line, even if it is curvilinear.

2. Front yard setbacks are measured from the street line. The front yard setback along a private street with no right-of-way line shall be measured from an imaginary right-of-way line for a minor street to allow for current or future installation of sidewalks.

7. **Maximum Permitted Height.**

A. **Principal uses.** Thirty (35) feet.

B. **Accessory Uses.** Fifteen (15) feet.

8. All uses shall comply with the general provisions contained in Part 3 of this Chapter.

§202. **R-1 RESIDENTIAL ZONE (R-1).**

1. **Purposes.** This Zone accommodates suburban detached residential uses, which are becoming more abundant within the Township. This zone coincides with expected sewer and water utility service areas; however, the actual availability of these services is likely to occur at different times, in different areas. As a result, permitted densities have been adjusted according to the availability of these public utilities. When no public sewers are provided, minimum lot area requirements have been sized to provide for an initial and an alternate onsite sewage disposal system. Additionally, a cluster development conditional use has been provided for lands that have access to public sewer and water facilities. Cluster development has the capability of reducing impervious surfaces, lessen energy demand, and preserve and conserve open spaces and valuable natural features. This zone
also permits schools, churches and other suitable neighborhood oriented uses.

2. **Permitted Uses.** The following principal uses and their accessory uses are permitted by-right provided the use complies with all supplemental development, design, and use regulations in this Chapter:

   A. Agricultural, horticultural and forestry uses, subject to the standards listed in §317 of this Chapter.
   
   B. Single-family detached dwellings.
   
   C. Passive recreation and parks.
   
   D. Public uses and public utilities structures.
   
   E. Churches and related uses.
   
   F. Private schools (excluding vocational, mechanical, and trade schools).

3. **Special Exception Uses.** The following principal uses and their accessory uses are permitted by special exception, provided that a special exception is approved by the Zoning Hearing Board in accordance with the procedures listed in §605.C of this Chapter, and the use complies with all supplemental development, design, and use regulations in this Chapter:

   A. Family and home child day care facilities. (See §420.)
   
   B. Two (2)-family conversions. (See §444.)

4. **Conditional Uses.** The following principal uses and their accessory uses are permitted by conditional use, provided that a conditional use is approved by the Board of Supervisors in accordance with the procedures listed in §705 of this Chapter, and the use complies with all supplemental development, design, and use regulations in this Chapter:

   A. Cluster developments. (See §412.)
   
   B. Active recreation. (See §415.)
   
   C. Golf courses. (See §415.)
   
   D. Indoor recreation facilities, except for riding academies or stables. (See §415.)
   
   E. Limited cluster development. (See §448).
   
   F. Community center. (See §452.)
5. **Design Standards.** Unless specified elsewhere, the following table imposes design standards for all uses permitted within this zone.

<table>
<thead>
<tr>
<th>Utilized Public Utilities</th>
<th>Minimum Lot Area</th>
<th>Minimum Lot Width</th>
<th>Maximum Lot Coverage</th>
<th>Minimum Yard Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Front Yard</td>
</tr>
<tr>
<td>None</td>
<td>43,560 sq. ft.</td>
<td>145 ft.</td>
<td>12%</td>
<td>38 ft.</td>
</tr>
<tr>
<td>Public water</td>
<td>20,000 sq. ft.</td>
<td>100 ft.</td>
<td>25%</td>
<td>38 ft.</td>
</tr>
<tr>
<td>Public sewer</td>
<td>16,000 sq. ft.</td>
<td>90 ft.</td>
<td>30%</td>
<td>38 ft.</td>
</tr>
<tr>
<td>Both public sewer &amp; public water</td>
<td>16,000 sq. ft.</td>
<td>90 ft.</td>
<td>30%</td>
<td>38 ft.</td>
</tr>
<tr>
<td>Accessory Uses</td>
<td>NA</td>
<td>NA</td>
<td>See above</td>
<td>Not permitted</td>
</tr>
</tbody>
</table>

1 Minimum lot width shall be measured at the building setback line; in no case shall a lot's width, as measured along its frontage, be less than seventy (70) percent of that required at the building setback line. Lot widths required at the frontage shall be measured along a line parallel to the street line, even if it is curvilinear.

2 Front yard setbacks are measured from the street line. The front yard setback along a private street with no right-of-way line shall be measured from an imaginary right-of-way line for a minor street to allow for current or future installation of sidewalks.

6. **Maximum Permitted Height.**

   A. **Principal Uses.** Thirty-five (35) feet.

   B. **Accessory Uses.** Fifteen (15) feet.

7. All uses within this zone shall also comply with the general provisions contained within Part 3 of this Chapter.

§203. **R-2 RESIDENTIAL ZONE (R-2).**

1. **Purpose.** This zone is designed to accommodate the medium to high density residential needs of the Township. A wide range of housing types is permitted when both public sewer and public water are used. Additionally, a cluster development conditional use has been provided for lands that have access to public sewer and water facilities. Cluster development has the capability of reducing impervious surfaces, lessen energy demand, and preserve and conserve open spaces and valuable natural features. Generally, this zone is located in existing or expected utility service areas.

2. **Permitted Uses.** The following principal uses and their accessory uses are permitted by-right provided the use complies with all supplemental development, design, and use
regulations in this Chapter:

A. Agricultural, horticultural and forestry uses subject to the regulations contained in §317 of this Chapter.

B. Single-family, detached dwellings.

C. Semi-detached, (twin) dwellings.

D. Townhouses.

E. Duplexes.

F. Multiple-family dwellings.

G. Passive recreation and parks.

H. Public uses and public utilities.

I. Private schools (excluding vocational, mechanical, and trade schools).

3. **Special Exception Uses.** The following principal uses and their accessory uses are permitted by special exception, provided that a special exception is approved by the Zoning Hearing Board in accordance with the procedures listed in §605.C of this Chapter, and the use complies with all supplemental development, design, and use regulations in this Chapter:

   A. Boarding house. (See §408.)

   B. Nursing, rest or retirement home. (See §436.)

   C. Family and home child day care facilities. (See §420.)

   D. Two (2)-family conversions. (See §444.)

4. **Conditional Uses.** The following principal uses and their accessory uses are permitted by conditional use, provided that a conditional use is approved by the Board of Supervisors in accordance with the procedures listed in §705 of this Chapter, and the use complies with all supplemental development, design, and use regulations in this Chapter:

   A. Mobile home parks. (See §433.)

   B. Medical residential campus. (See §431.)

   C. Cluster developments. (See §413.)
D. Active recreation. (See §415.)

E. Golf courses. (See §415.)

F. Indoor recreation facilities, except for riding academies or stables. (See §415.)

G. Community center. (See §452.)

5. Design Standards.

A. The following Table 1 describes design standards for single-family detached dwellings and other nonresidential uses:

**TABLE 1**

**DESIGN STANDARDS FOR SINGLE-FAMILY DWELLINGS AND NONRESIDENTIAL USES**

<table>
<thead>
<tr>
<th>Utilized Public Utilities</th>
<th>Minimum Lot Area</th>
<th>Minimum Lot Width</th>
<th>Maximum Lot Coverage</th>
<th>Front Yard</th>
<th>One Side</th>
<th>(Both Sides)</th>
<th>Rear Yard</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>43,560 sq. ft.</td>
<td>145 ft.</td>
<td>15%</td>
<td>38 ft.</td>
<td>30 ft.</td>
<td>(60 ft.)</td>
<td>30 ft.</td>
</tr>
<tr>
<td>Public water</td>
<td>20,000 sq. ft.</td>
<td>100 ft.</td>
<td>25%</td>
<td>38 ft.</td>
<td>18 ft.</td>
<td>(36 ft.)</td>
<td>30 ft.</td>
</tr>
<tr>
<td>Public sewer</td>
<td>12,800 sq. ft.</td>
<td>80 ft.</td>
<td>30%</td>
<td>38 ft.</td>
<td>15 ft.</td>
<td>(30 ft.)</td>
<td>30 ft.</td>
</tr>
<tr>
<td>Both public sewer &amp; water</td>
<td>8,000 sq. ft.</td>
<td>80 ft.</td>
<td>30%</td>
<td>38 ft.</td>
<td>12 ft.</td>
<td>(24 ft.)</td>
<td>30 ft.</td>
</tr>
<tr>
<td>Accessory Uses</td>
<td>N/A</td>
<td>N/A</td>
<td>See above</td>
<td>Not Permitted</td>
<td>8 ft.</td>
<td>(16 ft.)</td>
<td>8 ft.</td>
</tr>
</tbody>
</table>

1 Minimum lot width shall be measured at the building setback line; in no case shall a lot’s width, as measured along its frontage, be less than seventy (70) percent of that requested at the building setback line. Lot widths required at the frontage shall be measured along a line paralleling the street line, even if it is curvilinear.

2 Front yard setbacks are measured from the street line. The front yard setback along a private street with no right-of-way line shall be measured from an imaginary right-of-way line for a minor street to allow for current or future installation of sidewalks.

3 Lots of record existing as of the effective date of this Chapter that contain less than the above-prescribed minimum lot sizes may be developed with one (1) single-family home provided:
   A. The use is connected to a public sewage system.
   B. The following design standards have been satisfied.
C. In order to be considered a lot of record existing as of the effective date of this Chapter, the lot must be in single and separate ownership and not of continuous frontage with other lots of the same ownership that would enable the owner(s) to comply with the provisions of this Chapter as amended (See definition of “nonconforming lot,” §111.)

B. The following Table 2 describes design standards for other permitted dwelling unit types when both public sewer and public water facilities are used:

**TABLE 2**

OTHER USES WITH PUBLIC SEWER AND PUBLIC WATER FACILITIES UTILIZED

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Lot Area (sq. ft.)</th>
<th>Minimum Density (Units/Net ac.)</th>
<th>Minimum Lot Width¹</th>
<th>Maximum Lot Coverage</th>
<th>Minimum Lot Width²</th>
<th>Minimum Front Yard²</th>
<th>Minimum Side Yard One Side</th>
<th>Minimum Side Yard (Both Sides)</th>
<th>Rear Yard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Twins</td>
<td>7,500 / per unit</td>
<td>5.5</td>
<td>60' per unit</td>
<td>35%</td>
<td>38 ft.</td>
<td>25'</td>
<td>(NA)</td>
<td>30'</td>
<td></td>
</tr>
<tr>
<td>Townhouses³</td>
<td>3,000 / per unit</td>
<td>5.5</td>
<td>30' per unit</td>
<td>45%</td>
<td>38 ft.</td>
<td>15'</td>
<td>(End Units)</td>
<td>30'</td>
<td></td>
</tr>
<tr>
<td>Duplexes</td>
<td>7,500 / per duplex</td>
<td>5.5</td>
<td>60' per duplex</td>
<td>35%</td>
<td>38 ft.</td>
<td>15'</td>
<td>(30')</td>
<td>30'</td>
<td></td>
</tr>
<tr>
<td>Multiple Family⁴</td>
<td>30,000</td>
<td>5.5</td>
<td>100'</td>
<td>60%</td>
<td>38 ft.</td>
<td>15'</td>
<td>(30')</td>
<td>30'</td>
<td></td>
</tr>
<tr>
<td>Accessory Uses⁵</td>
<td>N/A</td>
<td>N/A</td>
<td>See Above</td>
<td>Not Permitted</td>
<td>Not Permitted</td>
<td>(16')</td>
<td>8'</td>
<td>30'</td>
<td></td>
</tr>
</tbody>
</table>

¹ Minimum lot width shall be measured at the building setback line; in no case shall a lot’s width, as measured along its frontage, be less than seventy (70) percent of that required at the building setback line. Lot widths required at the frontage shall be measured along a line paralleling the street line, even if it is curvilinear.

² Front yard setbacks are measured from the street line. The front yard setback along a private street with no right-of-way line shall be measured from an imaginary right-of-way line for a minor street to allow for current or future installation of sidewalks.

³ No townhouse grouping may contain more than six (6) units. For each townhouse grouping containing more than four (4) units, no more than sixty (60) percent of such units shall have the same front yard setback; the minimum variation of setback shall be two (2) feet. In addition, no more than two (2) contiguous units shall have identical roof lines that generally parallel the ground along the same horizontal plane. All townhouse buildings shall be setback at least fifteen (15) feet from any parking facilities contained on commonly-held lands. All townhouse buildings shall be set back at least thirty (30) feet from any perimeter boundary of the development site. In those instances where several townhouse groupings are contained upon the same lot, the standards listed in the following footnote 4 shall apply. Within townhouse developments permitted under Section 203.2.D Dwellings may employ a zero-lot-line design with respect to driveways servicing adjoining properties, provided, that if driveway maintenance is the responsibility of the property owner(s), the driveways to the adjoining properties shall be physically separated (e.g. paver blocks, river bed stone, or other method approved by the Board of Supervisors), by a minimum one (1) foot width (six (6) inches per lot).
In those instances where several multiple-family dwelling buildings and/or townhouse groupings are located on the same lot, the following separation distances shall be provided between each building:

A. Front to front, rear to rear, or front to rear, parallel buildings shall have at least eighty (80) feet between faces of the building. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten (10) feet at one end if increased by similar or greater distance at the other end.

B. A minimum yard space of thirty (30) feet is required between end walls and front or rear faces of buildings.

For twin and semiattached dwellings, the minimum side yard for accessory use is fifty (50%) percent of the standard setback from the non-common lot line and three (3) feet from the common lot line; for attached dwellings, the minimum accessory side yard is three (3) feet from each side lot line.

6. Maximum Permitted Height.

A. Principal Uses. Thirty-five (35) feet.

B. Accessory Uses. Fifteen (15) feet.

7. All uses shall also comply with the applicable general provisions listed in Part 3 of this Chapter.

8. All townhouse and multiple family dwelling buildings and all off-street parking areas shall be setback at least fifty (50) feet from any adjacent land within a residential district and/or from an adjacent road or street which is external to the development. Such setback shall be used for a landscaped buffer strip to include trees, shrubs, and ground cover. For townhouse or multiple-family uses, a vegetative screen consisting of at least eighty-five (85%) percent evergreen trees in accordance with §314.3 and §314.4 shall be provided along any property line adjacent to existing single-family or twin buildings or to a road which is external to the development.

§204. HIGHWAY COMMERCIAL ZONE (HC).

1. Purpose. This zone provides suitable locations for larger-scale and/or highway oriented retail, service and entertainment businesses. The uses may involve outdoor activities and/or storage areas like automobile, boat and trailer sales and service establishments. The uses provided in this zone are meant to serve local residents as well as those motorists passing through the Township. Permitted land uses are generally being placed in locations where public utilities exist and to promote compact land use designs in mixed use orientation where parking spaces could have potential for sharing depending on uses and which could minimize impervious surfaces. When located along major highway corridors, due consideration should be given to buffering, access management, signage and parking requirements. Access to these areas is provided by adjoining major roads. Specific setbacks are imposed upon storage areas to protect adjoining properties. Both public sewer and public water are available to these zones.

2. Permitted Uses. The following principal uses and their accessory uses are permitted by-right provided the use complies with all supplemental development, design, and use
regulations in this Chapter:

A. Offices.

B. Banks and similar financial institutions.

C. Restaurants and taverns (not including fast food restaurants or nightclubs).

D. Retail store/sales.

E. Hotels and motels.

F. Automobile, boat, farm machinery and trailer sales (including service or repair facilities as an accessory use and if conducted within a wholly-enclosed building).

G. Theaters and auditoriums.

H. Shops for contractors of plumbing, heating, air conditioning, electrical, roofing, flooring, glass and windows, insulation, carpentry and cabinetmaking, and other structural components of buildings, and excavating.

I. Public uses and utilities.

J. Dry cleaners, laundries and laundromats.

K. Churches and related uses.

L. Funeral homes.

M. Home improvement and building supply stores.

N. Dog day care, subject to the standards listed in §449 of this Chapter.

O. Forestry uses, subject to the standards listed in §317 of this Chapter.

3. **Special Exception Uses.** The following principal uses and their accessory uses are permitted by special exception, provided that a special exception is approved by the Zoning Hearing Board in accordance with the procedures listed in §605.C of this Chapter, and the use complies with all supplemental development, design, and use regulations in this Chapter:

A. Amusement arcades. (See §403.)

B. Automobile service facilities. (See §405.)

C. Car washes. (See §410.)
D. Commercial day care facilities. (See §414.)

E. Flea markets. (See §421.)

F. Mini warehouses. (See §432.)

4. **Conditional Uses.** The following principal uses and their accessory uses are permitted by conditional use, provided that a conditional use is approved by the Board of Supervisors in accordance with the procedures listed in §705 of this Chapter, and the use complies with all supplemental development, design, and use regulations in this Chapter:

A. Indoor recreation facilities, except for riding academies or stables. (See §415.)

B. Fast food restaurants. (See §418.)

C. Health and recreational clubs. (See §423.)

D. Shopping centers involving any use permitted in this zone. (See §440.)

E. Controlled-environment agriculture. (See §451.)

F. Community center. (See §452.)

G. Conference center. (See §453.)

5. **Lot Area, Lot Width, and Lot Coverage Requirements.** See the following table.

<table>
<thead>
<tr>
<th>Minimum Lot Area</th>
<th>Minimum Lot Width</th>
<th>Maximum Lot Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>20,000 sq. ft.</td>
<td>150 ft.</td>
<td>60%</td>
</tr>
</tbody>
</table>

6. **Minimum Setback Requirements.** Principal and accessory uses.

A. **Front Yard Setback.** All buildings, structures (except permitted signs), outdoor loading areas, off-street parking lots and outdoor storage areas shall be setback a minimum of twenty (20) feet from the street right-of-way.

B. **Side Yard Setback.** All buildings and structures (except permitted signs) shall be setback at least twenty (20) feet from the side lot lines. Off-street parking lots, loading areas, and outdoor storage areas shall be setback at least ten (10) feet from the side lot lines, unless joint parking facilities are shared by adjoining uses. In such instances, one of the side yard setbacks can be excluded solely for parking and/or loading facilities.
C. **Rear Yard Setback.** All buildings, structures, off-street parking lots, loading areas and outdoor storage areas shall be setback at least twenty (20) feet from the rear lot line.

D. **Residential Buffer Strip.** Any lot adjoining land within a residential zone shall maintain a fifty (50) foot setback for nonresidential buildings, structures, off street parking lots, loading areas and outdoor storage areas, from the residually-zoned parcels. Such areas shall be used for a landscape strip and screen.

7. **Maximum Permitted Height:** Thirty-five (35) feet.

8. **Off-Street Loading.** Off-street loading shall be provided as specified in §313 of this Chapter. In addition, no off-street loading area shall be permitted on any side of a building facing adjoining lands within a residential zone, nor any side of a building facing an adjoining street.

9. **Off-Street Parking.** Off-street parking shall be provided as specified in §312 of this Chapter.

10. **Signs.** Signs shall be permitted as specified in §315 of this Chapter.

11. **Access Drive Requirements.** All access drives shall be in accordance with §311 and §308 of this Chapter.

12. **Screening.** A visual screen must be provided along any lands adjoining a residential zone, regardless of whether or not the residually-zoned parcel is developed (See §312 and §314 of this Chapter).

13. **Landscaping.**

   A. Any portion of the site not used for buildings, structures, parking lots, loading areas, outdoor storage areas and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings. (See §314 of this Chapter).

   B. A minimum ten (10) foot wide landscape strip shall be provided along all property lines. Such landscape strip can be excluded for that portion of the site occupied by a joint parking lot and/or loading area shared by adjoining uses.

14. **Waste Products.** Dumpsters used for domestic garbage may be permitted within the side or rear yard. All dumpsters shall be completely enclosed and visually screened on all sides with fencing and/or walls for the full height of the dumpster. All dumpsters shall be setback a minimum of fifty (50) feet from any adjoining residually-zoned properties.

15. All uses permitted within this zone shall also comply with the general provisions in Part 3 of this Chapter.
16. **Commercial Operations Standards.** All commercial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal Government regulations, as required by the most recent regulations made available from these governmental bodies.

17. **Outdoor Storage.** Within the (HC) Zone, outdoor storage is permitted provided all outdoor storage areas are screened from adjoining roads and properties, and they comply with all of those setbacks specifically imposed thereon, listed in this Section. The outdoor storage areas for automobile sales uses need not be screened from adjoining roads.

§205. **REGIONAL COMMERCIAL ZONE (RC).**

1. **Purpose.** The purpose of this district is to provide suitable locations for businesses that rely on a regional market area for customers. The uses permitted include a wide range of commercial uses including uses compatible with an airport. The large minimum lot size protects the regional character of development by encouraging large uses, or an integration of smaller ones. The areas designated for this zone have premium vehicular access and exposure around major arteries that connect with Business Route 30 and the Route 30 Bypass. Permitted land uses are generally being placed in locations where public utilities exist and to promote compact land use designs in mixed use orientation where parking spaces could have potential for sharing depending on uses and which could minimize impervious surfaces. When located along major highway corridors, due consideration should be given to buffering, shared parking, access management, signage and parking requirements. Design standards are imposed to create an attractive well-landscaped setting with adequate and convenient parking.

2. **Permitted Uses.** The following principal uses and their accessory uses are permitted by-right provided the use complies with all supplemental development, design, and use regulations in this Chapter:

   A. Offices.
   B. Banks and similar financial institutions.
   C. Restaurants and taverns (not including fast food restaurants or nightclubs).
   D. Retail store/sales.
   E. Theaters and auditoriums.
   F. Home improvement and building supply stores.
   G. Passive recreation and parks.
   H. Convenience store.
I. Forestry uses, subject to the standards listed in §317 of this Chapter.

3. Conditional Uses. The following principal uses and their accessory uses are permitted by conditional use, provided that a conditional use is approved by the Board of Supervisors in accordance with the procedures listed in §705 of this Chapter, and the use complies with all supplemental development, design, and use regulations in this Chapter:

A. Shopping centers and shopping malls. (See §440.)

B. Fast food restaurants. (See §418.)

C. Hotels including dining facilities. (See §429.)

D. Health and recreation clubs. (See §423.)

E. Indoor recreation facilities, except for riding academies or stables. (See §415.)

F. Active recreation. (See §415.)

G. Suburban Center Mixed-Use Development, subject to the requirements of Section 447 of this Ordinance.

H. Nightclubs. (See §434.)

I. Hospitals (See §428.)

J. Community center. (See §452.)

K. Conference center. (See §453.)

4. Accessory Uses. Accessory uses shall be permitted in accordance with §302 of this Chapter in addition to the following accessory use regulations specific to the Regional Commercial Zone:

A. Automobile service facility. Shall be permitted by-right as an accessory use to a retail department store in the Regional Commercial Zone subject to the standards listed in §405 of this Chapter.

5. Lot Area Requirements. Unless otherwise specified, each use within this zone shall have a minimum lot size of five (5) acres. For the purposes of this Section, a “use” can include several businesses that are developed in a coordinated fashion (e.g., joint parking lots, access drives, loading areas, landscaping, signage, etc.) that functions as one (1) development site and satisfies all of those requirements imposed upon this zone.

6. Minimum Lot Width. Three hundred (300) feet.
7. **Minimum Setback Requirements.**

   A. **Front Yard Setback.** All buildings, structures (except permitted signs) and off-street loading areas shall be setback at least fifty (50) feet from the street right-of-way lines. Off-street parking lots shall be setback at least twenty-five (25) feet from street right-of-way lines.

   B. **Side Yard Setbacks.** All buildings and structures shall be set back at least fifty (50) feet from the side lot lines. Off-street parking lots and loading areas shall be at least twenty-five (25) feet from side lot lines; unless joint parking facilities are shared by adjoining uses. In such instances, one of the required side yard setbacks can be excluded for parking lots only.

   C. **Rear Yard Setback.** All buildings and structures shall be set back at least fifty (50) feet from the rear lot line. Off-street parking lots and loading areas shall be setback at least twenty-five (25) feet.

   D. **Residential Buffer Strip.** Any lot adjoining land within a residential zone shall maintain a seventy-five (75) foot setback for buildings and structures, and a fifty (50) foot setback for off-street parking lots and loading areas, from the residentially-zoned parcels. Such areas shall contain a fifty (50) foot wide landscape strip and screen.

8. **Maximum Permitted Height.** Forty-five (45) feet.

9. **Maximum Lot Coverage.** Sixty (60) percent.

10. **Outdoor Storage.** Within the (I) Zone, outdoor storage is permitted provided all outdoor storage areas are screened from adjoining roads and properties, and they comply with all of those setbacks specifically imposed thereon, listed in this Section.

11. **Off-Street Loading.** Off-street loading shall be provided as specified in §313 of this Chapter. In addition, no off-street loading area shall be permitted on any side of a building facing adjoining lands within five hundred (500) feet of a residential zone, nor any side of a building facing an adjoining street within five hundred (500) feet of the street. No part of the loading area including the loading dock and full length of the loading space shall be permitted within five hundred (500) feet of a residential zone or adjoining street.

12. **Off-Street Parking.** Off-street parking shall be provided as specified in §312 of this Chapter.

13. **Signs.** Signs shall be permitted as specified in §315 of this Chapter.

14. **Access Drive Requirements.** See §311 of this Chapter.
A. **Distance from Intersections of Rights-of-Way Lines.**

   (1) Entrance onto an arterial road or major collector road – two hundred fifty (250) feet.

   (2) Entrance onto other road classifications – one hundred fifty (150) feet.

B. **Distance from Side Property Lines.** Twenty-five (25) feet; provided, however, this setback can be excluded when a joint parking lot is shared by adjoining uses.

C. No more than one access drive per lot frontage is permitted, except that lot frontages of more than five hundred (500) feet may contain one (1) additional access drive so long as such access drives are separated by at least three hundred (300) feet, as measured from cartway edges, at the street line.

15. **Screening.** A vegetative screen must be provided along any lands adjoining a residential zone, regardless of whether or not the residentially-zoned parcel is developed (See §314).

16. **Landscaping.** Any portion of the site not used for buildings, structures, parking lots, loading areas and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings. A twenty-five (25) foot wide landscape strip shall be provided along all property lines. Such landscape strip can be excluded for that portion of the site occupied by a joint parking lot, shared by adjoining uses (See §314).

17. **Waste Products.** Dumpsters used for domestic garbage may be permitted within the side or rear yard. All dumpsters shall be completely enclosed and visually screened on all sides with fencing and/or walls for the full height of the dumpster. All dumpsters shall be setback at least one hundred (100) feet from all lot lines.

18. **Commercial Operations Standards.** All commercial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal Government regulations, as required by the most recent regulations made available from these governmental bodies.

19. All uses permitted within this zone shall also comply with the general provisions in Part 3 of this Chapter.

### §206. NEIGHBORHOOD COMMERCIAL OFFICE ZONE (NCO)

1. **Purpose.** This zone promotes new commercial development and redevelopment of existing uses into commercial uses that coexist with existing residential, commercial, and office uses. The intent is to enhance the Business Route 30 corridor to establish a more corridor-friendly environment for future development and redevelopment. To encourage commercial uses, residential uses are only permitted in a mixed use setting in which the residential use is located on the top floor in the same building as a commercial use. Uniformity of signage, facades, and enhancement of highway aesthetics is encouraged,
where and when new development and re-development occur. Combination of existing lots is encouraged. Commercial and office uses within this zone shall be concentrated on the everyday needs of residents. Lot requirements in this zone facilitate small office uses and the establishment of locally oriented businesses. Offices and commercial uses located with the NCO Zone should have minimal impacts on the surrounding residentially zoned lands with focus on buffering and screening. Complimentary architecture styles, common and connected parking, and shared access drives are encouraged to create an overall feeling of cohesiveness and reduction in access points along Business Route 30 while encouraging pedestrian movements. The intent is to limit the number of driveway conflict points and ensure safe access by emergency vehicles as recommended in the September 2010 “Managing Access along US 30 in Western Chester County” Study by the Delaware Valley Regional Planning Commission (DVRPC), when and where deemed feasible for new or modifications to existing land uses.

2. Permitted Uses. The following principal uses and their accessory uses are permitted by-right provided the use complies with all supplemental development, design, and use regulations in this Chapter:

A. Offices.
B. Medical and dental clinics.
C. Restaurants (not including fast food restaurants or nightclubs), bakeries, coffee shops, and similar uses provided the gross floor area is less than three thousand six hundred (3,600) square feet.
D. Retail store/sales and rental of goods provided the gross floor area is less than three thousand six hundred (3,600) square feet.
E. Personal service establishments.
F. Public uses and public utilities.
G. Studios and instructional facilities.
H. Mixed Use consisting of more than one (1) category of permitted principal use within the principal structure in one (1) of the following configurations provided that all parking requirements and other standards and requirements of this Chapter shall be met for each use, as though it were on an individual lot:

(1) Any permitted commercial use(s) on the ground level with a dwelling unit(s) above.

(2) Any permitted commercial uses(s) on the ground level with offices or studios above.
I. Forestry uses, subject to the standards listed in §317 of this Chapter.

3. **Special Exception Uses.** The following principal uses and their accessory uses are permitted by special exception, provided that a special exception is approved by the Zoning Hearing Board in accordance with the procedures listed in §605.C of this Chapter, and the use complies with all supplemental development, design, and use regulations in this Chapter:

   A. Car washes. (See §410.)
   
   B. Commercial day care facilities. (See §414.)
   
   C. Dry cleaners, laundries, and laundromats. (See §419.)
   
   D. Funeral homes. (See §422.)

4. **Conditional Uses.** The following principal uses and their accessory uses are permitted by conditional use, provided that a conditional use is approved by the Board of Supervisors in accordance with the procedures listed in §705 of this Chapter, and the use complies with all supplemental development, design, and use regulations in this Chapter:

   A. Veterinary clinic. (See §449.)
   
   B. Controlled-environment agriculture. (See §451.)
   
   C. Community center. (See §452.)

5. **Lot Area, Lot Width and Lot Coverage Requirements.** See the following table:

<table>
<thead>
<tr>
<th>Minimum Lot Area</th>
<th>Minimum Lot Width</th>
<th>Maximum Lot Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>20,000 sq. ft.</td>
<td>75 ft.</td>
<td>60%</td>
</tr>
</tbody>
</table>

6. **Minimum Setback Requirements.** Principal and accessory uses.

   A. **Front Yard Setback.** All buildings and structures (except permitted signs) shall be setback a minimum of twenty (20) feet from the street right-of-way.

   B. **Side Yard Setback.**

      (1) No side yard setback is required unless the side yard of the property abuts another zoning district or an existing residential use within the NCO zone. However, the property owner must be able to access the exterior side of all principal or accessory structures for maintenance for a ten (10)-foot width extending the entire side face (length) of the structure. If any amount of the ten (10)-foot access width extends onto another property, an access easement agreement must be properly drawn and executed by parties
concerned, approved by and filed with the Township Solicitor and the Board of Supervisors, and recorded with the Chester County Office of the Recorder of Deeds for the respective amount of the required access width. For example, if a building is constructed six (6) feet from a side lot line, a four (4)-foot wide access easement is required on the adjacent property.

(2) All buildings and structures shall be setback at least fifteen (15) feet from side lot lines abutting another zoning district.

(3) All buildings and structures shall be setback at least ten (10) feet from side lot lines abutting an existing residential use within the NCO zone.

C. Rear Yard Setback. All buildings and structures shall be setback at least fifteen (15) feet from the rear lot line. Off-street parking lots and loading areas shall be setback at least ten (10) feet.

7. Maximum Permitted Height. Thirty-five (35) feet.

8. Off-Street Loading. Off-street loading shall be provided as specified in §313 of this Chapter. In addition, off-street loading is only permitted within rear yards and shall be screened from residentially zoned parcels.

9. Off-Street Parking. Off-street parking shall be provided as specified in §312 of this Chapter.

A. Off-street parking lots are only permitted within rear yards.

B. Off-street parking lots shall be screened from residentially zoned parcels.

C. Off-street parking lots, loading areas, and access drives shall be setback at least ten (10) feet from side lot lines abutting another zoning district, unless joint parking facilities are shared by adjoining uses. Off-street parking lots, loading areas, and access drives shall be setback at least ten (10) feet from side lot lines abutting an existing residential use within the NCO zone.

D. Common (Connected) Parking Lots. Whenever possible, two (2) or more existing non-commercial uses or proposed uses located on separate lots shall provide for required parking in a common parking lot in accordance with the following (See Figure 27-1):

(1) Parking lots, access drives, and interior drives shall be designed and constructed to allow for extension onto adjacent properties in the NCO zone for a future common parking lot without extensive regrading, swale removal, retaining wall modification, reconfiguration of parking lot access drives, landscape removal, etc.
(2) Common Parking Lot Incentive. The area of curbing and pavement within the footprint of the required access drives and parking spaces for which an easement is provided for use as a common parking lot by an adjacent commercial property(ies) may be excluded from the lot coverage calculations for the property on which the shared portion of the access drive is located. The area of curbing and pavement within the footprint of parking spaces and the necessary access drives which exceeds the required number of parking spaces of a commercial use shall be included in the lot coverage for the property on which the additional area is located.

(3) The total number of parking spaces in a common parking lot may be reduced by twenty (20%) percent from the sum of the spaces required for each use individually when approved by the Board of Supervisors.

(4) Common parking lots shall not be utilized by residential uses that were existing at the time of adoption of this ordinance.

(5) Common parking shall not be extended to include contiguous lots or parts thereof which lie outside the NCO zone.

(6) An access easement agreement for common parking lots shall be properly drawn and executed by parties concerned, approved by and filed with the Township Solicitor and the Board of Supervisors, and recorded with the Chester County Office of the Recorder of Deeds.

(7) A written agreement assuring the retention of parking spaces for such common parking lots shall be properly drawn and executed by the parties concerned, approved by and filed with the Township Solicitor and the Board of Supervisors, and recorded with the Chester County Office of the Recorder of Deeds. Such agreement shall be rescinded by the Township and additional parking shall be obtained by the owner to meet the required standard in the following cases:

(a) If the Township determines the parking results in a public nuisance or adversely affects the public health, safety, or welfare.

(b) If, at any time the parking is found in violation of any of the provisions of the agreement.

(c) If the parking does not result in providing, or does not continuously provide, the approved amount of required parking.

(d) If such agreement is changed, amended, or extinguished, without notice to and approval by the Township.

(e) If there is a change in use requiring parking adjustments, changes
to the agreement shall be required.

**FIGURE 27-1: Common Parking Lots**

- **E. Off-Site Parking Lots.** Required parking spaces may be accommodated in off-site parking lots within the NCO zone in accordance with the following criteria (See Figure 27-2):
  
(1) The owner of a use or structure shall submit an application that includes a site plan and agreement showing joint use, agreement, maintenance, and ownership responsibility, and location of the off-site parking area.

(2) Off-site parking lots shall not be utilized by existing residential uses.

(3) The number of spaces fulfills the requirement for the use(s) for which the lot is designated to accommodate.

(4) Pedestrian walkways or sidewalks for pedestrian safety are available to connect the off-site parking to the associated use(s).

(5) The lot can be accessed by patrons where safe crossing streets is available, and the lot is located within two hundred fifty (250) feet of the primary building of the associated use(s).
A written agreement assuring the retention of parking spaces for such off-site parking shall be properly drawn and executed by the parties concerned, approved by and filed with the Township Solicitor and the Board of Supervisors, and recorded with the Chester County Office of the Recorder of Deeds. Such agreement shall be rescinded by the Township and additional parking shall be obtained by the owner to meet the required standard in the following cases:

(a) If the Township determines the parking results in a public nuisance or adversely affects the public health, safety, or welfare.

(b) If, at any time the parking is found in violation of any of the provisions of the agreement.

(c) If the parking does not result in providing, or does not continuously provide, the approved amount of required parking.

(d) If such agreement is changed, amended, or extinguished, without notice to and approval by the Township.

(e) If there is a change in use requiring parking adjustments, changes to the agreement shall be required.

**FIGURE 27-2: Off-Site Parking Lots**

F. **Shared Parking Lots.** Required parking spaces may be accommodated by shared parking lots between different uses within the NCO zone, provided the following requirements are met and approved by conditional use:

(1) The required parking spaces for a restaurant or other use of primarily evening operation, may be provided and used jointly by offices, retail stores, service establishments, and other similar uses with differing operating hours.

(2) Shared parking lots shall not be utilized by residential uses that were existing at the time of adoption of this ordinance.
In approving the sharing of parking, the Board of Supervisors shall consider, among other criteria and in accordance with §312, the hours of operation of the uses that are sharing required parking spaces and the number of spaces involved. Appropriate conditions may be attached to ensure proper function and use of shared parking areas. Appropriate sources of data and information such as the Institute of Transportation Engineers (ITE) shall be used in determining shared parking ratios.

Shared or common parking lots shall be provided with appropriate signage indicating the buildings and/or uses for which the spaces are available.

An access easement agreement for shared parking lots shall be properly drawn and executed by parties concerned, approved by and filed with the Township Solicitor and the Board of Supervisors, and recorded with the Chester County Office of the Recorder of Deeds.

Applicants shall reduce the number of access points from what would be required for two (2) independent parking lots. However, common parking lots with thirty (30) or more parking spaces shall have at least two (2) access drives.

Whenever possible, shared highway access and parking lots with interior sidewalks to buildings shall be provided, so as to minimize conflicting access and provide safety for pedestrians where shared parking across property lines is provided.

Sidewalks shall be provided from off-street parking lots to all building entrances (access points) in accordance with §604 of the Valley Township Subdivision and Land Development Ordinance [Chapter 22].

Off-street parking facilities may include surface lots and structured parking.

Signs. Signs shall be permitted as specified in §315 of this Chapter.

Access Drive Requirements. All access drives shall be in accordance with §311 of this Chapter.

Shared Access Drive Incentive. The area of curbing and pavement within the footprint of an access drive for which an easement is provided for use as a shared entrance by an adjacent non-residential use may be excluded from the lot coverage calculations for the property on which the shared portion of the access drive is located.

Access drives shall not be utilized as a shared entrance with residential uses that were existing at the time of adoption of this ordinance.
C. An access easement agreement for common and shared parking lots shall be properly drawn and executed by parties concerned, approved by and filed with the Township Solicitor and the Board of Supervisors, and recorded with the Chester County Office of the Recorder of Deeds.

D. An access easement shall be prepared and signed by the property owner(s) at the time of development or redevelopment to document the property owner’s agreement that the use of the access drive can be shared with adjacent properties within fifty (50) feet of the subject property if/when those adjacent properties are developed or redeveloped and vehicular access is required. The executed easement shall be properly drawn and executed by parties concerned, approved by and filed with the Township Solicitor and the Board of Supervisors, and recorded with the Chester County Office of the Recorder of Deeds.

12. **Screening.** A visual screen shall be provided along any adjacent residentially zoned parcels. It shall include screening of exterior site lighting by downward and directed shielding to avoid glare onto adjacent and abutting residentially zoned properties. Vegetated screening shall include both evergreen and deciduous planting stock. Fencing, as otherwise may be permitted, shall also be considered as screening if associated with vegetation and non-glare site lighting. Chain link fencing shall not be permitted for screening.

13. No fencing shall be permitted in front yards. Fencing shall not exceed six (6) feet in all other yards.

14. **Landscaping.** Any portion of the site not used for buildings, structures, parking lots, loading areas, outdoor storage areas and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings. Landscaping in front yards shall be provided to enhance the aesthetic value of the Business Route 30 corridor, but must meet sight distance requirements.

15. **Waste Products.** Dumpsters used for domestic garbage may be permitted within the rear yard only. All dumpsters shall be completely enclosed and visually screened on all sides with fencing and/or walls for the full height of the dumpster. All dumpsters shall be setback at least ten (10) feet from all residential uses and residentially-zoned parcels.

16. All uses within this zone shall also comply with the applicable general provisions in Part 3 of this Chapter.

17. **Commercial Operations Standards.** All commercial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal Government regulations, as required by the most recent regulations made available from these government bodies.

18. **Outdoor Storage.** No outdoor storage is permitted.
§207. INDUSTRIAL ZONE (I).

1. **Purpose.** This zone provides for a wide range of industrial activities that contribute to the well-being of the Township in a regional context by diversifying its economy and providing valuable employment opportunities. The required lot sizes have been kept small to accommodate the start-up industries that are likely to emerge; however, larger and heavier industries have also been permitted. This zone provides for light industrial uses as permitted by right, but requires a conditional use approval for heavier and potentially more objectionable types of industrial uses. These areas have been located near existing public utility service areas and along major roads. Design standards have been imposed to create attractive site designs and moderate the objectionable impacts associated with industrial uses. Substantial setbacks are used to protect adjoining residences.

2. **Permitted Uses.** The following principal uses and their accessory uses are permitted by-right, provided the area of buildings on any one lot shall not exceed one hundred thousand (100,000) square feet, and the use complies with all supplemental development, design, and use regulations in this Chapter:

   A. Laboratories for medical, scientific or industrial research and development.

   B. Manufacturing, packaging, storage and/or wholesaling of the following:

      (1) Furniture, cabinets, fixtures, office supplies, and other household appointments.

      (2) Scientific, specialized and technical instruments and equipment.

      (3) Audio visual components, computers, vending machines, electronic equipment and video games.

      (4) Finished textile products.

      (5) Brushes, brooms and combs.

      (6) Hot tubs, spas, saunas and swimming pools.

      (7) Jewelry and other precious metals.

      (8) Photographic, lighting and timekeeping equipment.

      (9) Small and major household appliances.

      (10) Musical instruments and sporting equipment.

      (11) Cosmetics, toiletries and pharmaceuticals.
(12) Optical, dental, and medical supplies and equipment.

(13) Small or novelty products from prepared materials (excluding the use of sheet metals).

C. Processing, packaging, storage and/or wholesaling of food products excluding:
   (1) Breweries and distilleries.
   (2) Pickling processes.
   (3) Rendering or slaughtering operations.
   (4) Sugar refineries.

D. Sales, storage and/or wholesaling of the following:
   (1) Home and auto related fuels.
   (2) Packaged nursery and garden materials, and stock, excluding loose manure.
   (3) Contractor supplies.
   (4) Plumbing, heating, air conditioning, electrical and other structural components of buildings.

E. Bookbinding, printing and publishing operations.

F. Machine shop.

G. Repair shops for products permitted to be manufactured in this zone.

H. Small engine repair shops.

I. Welding shops.

J. Sign makers.

K. Offices.

L. Public buildings and public utilities.

M. Agricultural support businesses including:
(1) Facilities for the commercial processing and warehousing of agricultural products.

(2) Facilities for the warehousing, sales and service of agricultural equipment, vehicles, feed or supplies.

(3) Commercial stockyards or feed lots.

(4) Veterinary clinics, animal hospitals or kennels.

N. Vocational and mechanical trade schools.

O. Convenience store.

P. Forestry uses, subject to the standards listed in §317 of this Chapter.

3. Conditional Uses. The following principal uses and their accessory uses are permitted by conditional use, provided that a conditional use is approved by the Board of Supervisors in accordance with the procedures listed in §705 of this Chapter, and the use complies with all supplemental development, design, and use regulations in this Chapter:

A. Any use, permitted under Section 207.2, in the event that all buildings on the lot exceed 100,000 square feet of building area, as well as any use that is similar in character and impact to those uses set forth in Section 207.2, provided that such use shall be considered a heavy industrial use and subject to the criteria set forth in Section 425.

B. Any other use, not the same as, but which is nevertheless similar in character and impact as those permitted uses listed above, provided that such use is approved as a conditional use according to the regulations contained within §705 of this Chapter.

C. Heavy industrial uses involving processing, packaging, production, repair or testing of materials, foods, goods and products, including those industries performing conversion, assembly or nontoxic chemical operations. (See §425.)

D. Warehousing and wholesale trade establishments. (See §445.)

E. Heavy equipment sales, service, rental, and repair such as excavation machinery, commercial trucks, buses, farm equipment, mobile homes, trailers and other similar machinery. (See §424.)

F. Junkyards. (See §430.)

G. Billboards. (See §315.6.)
H. Truck or motor freight terminal. (See §443.)

I. Recycling stations for paper, glass and metal products. (See §439.)

J. Solid waste disposal facilities. (See §441.)

K. Convenience commercial centers. (See §417.)

L. Spent mushroom compost processing and/or commercial mushroom operations. (See §442.)

M. Wireless communications facilities. (See §416.)

N. Quarries and other extractive-related uses. (See §438.)

O. Mushroom spawn cultivation. (See §446.)

P. Adult-related facilities. (See §402.)

Q. Nightclubs. (See §434)

R. Controlled-environment agriculture. (See §451.)

4. **Accessory Uses.** Accessory uses shall be permitted in accordance with §302 of this Chapter in addition to the following accessory use specific to the Industrial Zone:

   A. Retail sales of products produced onsite shall be a permitted accessory use provided the sales area is no more than ten (10%) percent of the total building area.

5. **Lot Area Requirements.** Unless otherwise specified, each use within this zone shall have a minimum lot size of twenty thousand (20,000) square feet.

6. **Minimum Lot Width.** One hundred (100) feet.

7. **Minimum Setback Requirements.** (Principal and accessory uses.)

   A. **Front Yard Setback.** All buildings, structures (except permitted signs), off-street loading areas, dumpsters, outdoor storage areas and parking lots shall be setback at least thirty (30) feet from any adjoining right-of-way.

   B. **Side Yard Setbacks.** All buildings, structures, (except permitted signs) dumpsters, and off-street loading areas, shall be setback at least twenty (20) feet from any side property lines. All outdoor storage areas and off-street parking lots shall be setback at least ten (10) feet from any side lot lines unless joint parking lots and/or loading areas are shared by adjoining uses. In such instances, one (1) of
the side yard setbacks can be excluded solely for parking and/or loading facilities.

C. Rear Yard Setback. All buildings, structures, dumpsters and off-street loading areas shall be setback at least thirty-five (35) feet from any rear property lines. All outdoor storage areas and off-street parking lots shall be setback at least twenty-five (25) feet from any rear lot lines.

D. Residential Buffer Strip. Any use adjoining land within a residential zone, or across a road from land within a residential zone, shall maintain a seventy-five (75) foot setback for buildings, structures, dumpsters, outdoor storage areas and off-street loading areas from the residential zone. Off-street parking lots shall be setback at least fifty (50) feet from adjoining residentially-zoned properties. All of these setback areas shall be devoted to landscaping. (See §313.)

E. Accessory Permitted Structural Height. These facilities can be developed in any side or rear yard to within fifty (50) feet of any property line.

8. Maximum Permitted Structural Height. The height of any principal or accessory structure shall not exceed thirty-five (35) feet, except that chimneys, flagpoles, water tanks and other mechanical appurtenances may be built to a height not exceeding seventy-five (75) feet above the finished grade when erected upon or as an integral part of a building. All structures extending above forty (40) feet from grade (except permitted signs) shall be setback a distance at least equal to their height from all property lines.

9. Maximum Lot Coverage. Sixty-five (65%) percent.

10. Off-Street Loading. Off-street loading shall be provided as specified in §313 of this Chapter. In addition, no off-street loading area shall be permitted on any side of a building facing adjoining lands within five hundred (500) feet of a residential zone, nor any side of a building facing an adjoining street within five hundred (500) feet of the street. No part of the loading area including the loading dock and full length of the loading space shall be permitted within five hundred (500) feet of a residential zone or adjoining street. All loading areas must be screened from adjoining residential zones.

11. Off-Street Parking. Off-street parking shall be provided as specified in §312 of this Chapter.

12. Signs. Signs shall be permitted as specified in §315 of this Chapter.

13. Access Drive Requirements. All access driveways shall be in accordance with §311 of this Chapter.

14. Screening. A visual screen must be provided along any lands adjoining a residential zone, regardless of whether or not the residentially-zoned parcel is developed. (See §314 of this Chapter.)
15. **Landscaping.**

   **A.** Any portion of the site not used for buildings, structures, parking lots, loading areas, outdoor storage areas and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings. (See §314 of this Chapter.)

   **B.** A minimum twenty (20) foot wide landscape strip shall be provided along all property lines. Such landscape strip can be excluded for that portion of the site occupied by a joint parking lot and/or loading area shared by adjoining uses.

16. **Waste Products.** Dumpsters used for domestic garbage may be permitted within the side or rear yard. All dumpsters shall be completely enclosed and visually screened on all sides with fencing and/or walls for the full height of the dumpster. All dumpsters shall be setback at least seventy-five (75) feet from all lot lines.

17. All uses permitted within this zone shall also comply with the general provisions in Part 3 of this Chapter.

18. **Industrial Operations Standards.** All industrial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal Government regulations, as required by the most recent regulations made available from these governmental bodies.

19. **Outdoor Storage.** Within the (I) zone, outdoor storage is permitted provided all outdoor storage areas are screened from adjoining roads and properties, and they comply with all of those setbacks specifically imposed thereon, listed in this Section.

§208. **PLANNED DEVELOPMENT ZONE (PD).**

1. **Purpose.** This zone seeks to accommodate and promote mixed-use employment centers at suitable suburban locations. A wide range of office, research, light industry, warehousing and related commercial services are permitted to encourage the provision of new economic activities within the Township in a regional context. Lot area requirements have been established to allow for the start-up of new businesses that could not afford to purchase expansive plant sites. Design standards have been imposed to maintain an attractive campus-like setting within the zone and as viewed from adjoining roads and areas. Special planning-review procedures and standards have been imposed to assure an integrated development pattern that is functional, efficient and attractive. Sustainability measures and best practices including provisions for renewable energy are encouraged. Finally, strict screening and buffering regulations are aimed at protecting adjoining residential areas.

2. **Permitted Uses.** The following principal uses and their accessory uses are permitted by-right provided the use complies with all supplemental development, design, and use regulations in this Chapter:
A. Offices.
B. Laboratories for medical, scientific or industrial research and development.
C. Manufacturing of the following:
   (1) Cosmetics, toiletries and pharmaceutical.
   (2) Electronic communication equipment and computers.
   (3) Small household appliances, excluding major appliances.
   (4) Scientific and technical instruments.
   (5) Photographic, lighting and time-keeping equipment.
   (6) Jewelry and precious metal plating.
   (7) Musical instruments and sporting goods.
   (8) Textiles and finished garments.
   (9) Small or novelty products from prepared materials (excluding metals).
D. Assemblage of furniture from prefinished parts and materials.
E. The stamping or extrusion of small metal or plastic products.
F. The packaging of small products.
G. Bookbinding, photocopying, printing and publishing operations.
H. Beverage bottling or distributing.
I. Hospitals, medical or dental clinics (not including group care facilities or group homes) and further provided that no overnight accommodations be located within the sixty (60) and greater decibel noise contour zone(s) for the Chester County Airport as identified on the current Chester County Airport Map.
J. Studios and instructional facilities.
K. Retail store/sales.
L. Health and recreation clubs, provided no outdoor activity area shall be within one hundred (100) feet of any property line and any accessory uses are not directly accessible without passing through the clubhouse.
M. Hotels and motels.

N. Restaurants and taverns (not including fast food restaurants or nightclubs).

O. Private schools.

P. Airports.

Q. Aircraft and aviation support facilities:
   (1) Aircraft parts sales and manufacturing.
   (2) Aircraft sales and manufacturing.
   (3) Aircraft avionics shops.
   (4) Aircraft paint shops.
   (5) Aircraft hangars for storage of aircraft.

R. Aircraft and aviation training facilities.

S. Rental car businesses not including rental of moving trucks, box trucks, or trailers.

T. Limousine and chauffer dispatch facilities.

U. Emergency medevac facilities.

V. Firefighting, emergency medical technician (EMT), and ambulance facilities.

W. Passive recreation and parks.

X. Convenience store.

Y. Forestry uses, subject to the standards listed in §317 of this Chapter.

3. Special Exception Uses. The following principal uses and their accessory uses are permitted by special exception, provided that a special exception is approved by the Zoning Hearing Board in accordance with the procedures listed in §605.C of this Chapter, and the use complies with all supplemental development, design, and use regulations in this Chapter:

A. Car washes. (See §410.)
4. **Conditional Uses.** The following principal uses and their accessory uses are permitted by conditional use, provided that a conditional use is approved by the Board of Supervisors in accordance with the procedures listed in §705 of this Chapter, and the use complies with all supplemental development, design, and use regulations in this Chapter:

A. Any other use, not the same as, but which is nevertheless similar in character and impact as those uses listed above, provided that such use is approved as a conditional use according to the regulations contained within §705 of this Chapter.

B. Convenience commercial centers that are designed and located to primarily serve those persons employed within the PD Zone. (See §417.)

C. Warehousing and wholesale trade establishments. (See §445.)

D. Indoor recreation facilities, except for riding academies or stables. (See §415.)

E. Heliports.

F. Billboards within seventy-five (75) lineal feet of the Route 30 Bypass right-of-way. (See §315.6.)

G. Active recreation. (See §415.)

H. Wireless communications facilities. (See §416.)

I. Fast food restaurants. (See §418.)

J. Controlled-environment agriculture. (See §451.)

K. Community center. (See §452.)

L. Conference center. (See §453.)

5. **Minimum Lot Area.** Two (2) acres.

6. **Minimum Lot Width.** One hundred seventy-five (175) feet as measured at the building setback line.

7. **Maximum Building and Lot Coverage.** No more than fifty (50) percent of the total lot area may be covered by a building or buildings, and no more than seventy (70) percent of the lot shall be covered by impervious surfaces.

8. **Minimum Front Yard.** No building shall be located closer than fifty (50) feet from any adjoining street right-of-way line.
9. **Minimum Side Yard.** Thirty-five (35) feet total with no less than fifteen (15) feet on either side.

10. **Minimum Rear Yard.** Thirty (30) feet.

11. **Maximum Permitted Height.** Forty (40) feet except that the height of a building may exceed this requirement if one (1) foot of additional required setback is applied to each yard for each additional foot of building height above forty (40) feet, and adequate fire protection is assured to all floors of the building.

12. **Minimum Landscape Strip.** Each lot developed in this district shall include a minimum (10) ten foot wide landscape strip along all lot lines. Such landscape strip shall be used solely for the location of ornamental landscaping, including a combination of vegetative materials such as trees, shrubs, and ground cover. However, this required landscape strip can be excluded along one (1) side or rear lot line for that area devoted to a joint parking lot shared by adjoining uses. In this instance, the area of required landscape strip shall be relocated elsewhere on the site.

13. **Minimum Interior Landscaping.** In addition to the required landscape strip described above, no less than ten (10) percent of the total lot area shall be devoted to interior landscaping. Interior landscaping shall be dispersed throughout off-street parking lots and around proposed structures. Interior landscaping shall include a combination of vegetative materials including trees, shrubs, and ground cover.

14. **Outdoor Storage.** No outdoor storage (including, but not limited to, commercial trucks) is permitted within the front yard. All outdoor storage areas shall be completely enclosed by a six (6) foot high fence or wall. In addition, the outdoor storage areas and fence and/or wall shall be screened from adjoining roads and properties. If materials are stacked or piled above a height of six (6) feet, additional vegetative screening height shall also be provided to assure visual blockage of such materials from adjoining roads and properties.

15. **Buffer Strip.** Along any C zone or residential zone, a buffer yard of not less than fifty (50) feet in width shall be provided which shall be landscaped and on which shall be placed shrubbery, trees or other suitable plantings sufficient to constitute an effective screen between the PD and adjacent area. Screening shall be defined as described in §314 of this Chapter.

16. **Off-Street Loading.** Off-street loading shall be provided as specified in §313 of this Chapter.

17. **Off-Street Parking.** Off-street parking shall be provided as specified in §312 of this Chapter.

18. **Signs.** Signs shall be permitted as specified in §315 of this Chapter.

19. **Access Drive Requirements.** All access drives shall be in accordance with §311 of this Chapter.
Chapter.

20. Waste Products. Dumpsters used for domestic garbage may be permitted within the side or rear yard. All dumpsters shall be completely enclosed and visually screened on all sides with fencing and/or walls for the full height of the dumpster. All dumpsters shall be setback at least fifty (50) feet from all lot lines.

21. All uses permitted within this zone shall also comply with the general provisions in Part 3 of this Chapter.

22. Commercial Operations Standards. All commercial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal Government regulations, as required by the most recent regulations made available from these governmental bodies.

23. Special Review Procedures. Within the PD zone the following two (2) stage development review process shall be employed:

A. Stage 1 – Concept Master Plan. Prior to, or coincidental with, the approval of a land development for any use or for development of any area contained within the PD Planned Development Zone, a concept master plan shall be approved by the Board of Supervisors after review by the Township Planning Commission. The Township Planning Commission shall provide its recommendation to the Board of Supervisors within thirty (30) days after receipt of the submission of the concept master plan application; should the Township Planning Commission fail to make such recommendations within this time frame, the Board of Supervisors may render its decision without receipt of the Planning Commission's recommendations. Such concept master plan shall be submitted by the applicant and shall include a textual and/or graphic description of the following items:

(1) The location, boundaries, dimensions, acreage and ownership of the land to be included within the proposed use.

(2) The general types and mixture of uses proposed for the site. (If possible, a schematic drawing of proposed use types shall be provided.)

(3) The road network contained upon the site including major points of access, intersections and any traffic improvements proposed to accommodate the proposed use.

(4) The name, location, centerline and present right-of-way width of all abutting streets.

(5) Physical characteristics of the site including areas with slopes exceeding fifteen (15) percent, the one hundred (100) year floodplain, wetlands, endangered or threatened species, habitats, archaeological resources, historic sites and significant stands of mature trees.
(6) Any regional facilities that are proposed and will serve more than one (1) lot within the proposed development. Such facilities may include storm water management devices, open space areas, pedestrian pathways, railroad sidings, sewer or water utilities and etc.

(7) Other information illustrating that the basic concept of the proposed uses is well-integrated, functional, efficient and attractive.

B. Stage 2 – Site Development Plan.

(1) Prior to the granting of any building permit for a use within the PD Planned Development Zone, a site development plan shall be reviewed by the Township Engineer. Should the Engineer determine that the site development plan does not comply with the approved concept master plan, or any applicable regulation, the Zoning Officer shall deny the permit. Such site development plan shall include the following:

(a) Any information necessary to demonstrate compliance with all applicable regulations contained within this Chapter.

(b) A textual and graphic description of how the proposed use(s) complies with the concept master plan approved for the proposed development.

(c) The stormwater management calculations and information necessary to demonstrate compliance with the “Valley Township Stormwater Management Ordinance”; all information regarding stormwater management that has been approved for prior site development within the overall concept master plan.

(d) Information demonstrating compliance with the approved land development plan for the proposed use.

(2) If the applicant believes that the Zoning Officer has unduly denied the permit, a hearing shall be conducted by the Zoning Hearing Board (See §605.E) to determine if the site development plan complies with the approved concept master plan.

§209. AIRPORT SAFETY ZONES.

1. Purpose. The purpose of this ordinance is to create an airport district overlay that considers safety issues around the G. O. Carlson Airport, regulates and restricts the heights of constructed structures and objects of natural growth, creates appropriate zones, establishing the boundaries thereof and providing for changes in the restrictions and
boundaries of such zones, creates the permitting process for use within said zones and provides for enforcement, assessment of violation penalties, an appeals process, and judicial review.

2. **Relation to Other Zone Districts.** The Airport District Overlay shall not modify the boundaries of any underlying zoning district. Where identified, the Airport District Overlay shall impose certain requirements on land use and construction in addition to those contained in the underlying zoning district.

3. **Definitions.** The following words and phrases when used in this ordinance shall have the meaning given to them in this section unless the context clearly indicates otherwise.

   **Airport:** The Chester County G.O. Carlson Airport, 1 Earhart Drive, Coatesville (Valley Township), Chester County, Pennsylvania.

   **Airport Elevation:** The highest point of an airport’s useable landing area measured in feet above sea level. The airport elevation of the Airport is six hundred sixty feet (660’) above sea level.

   **Airport Hazard:** Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous as defined in 14 CFR Part 77 and 74 Pa. Cons. Stat. §5102.

   **Airport Hazard Area:** Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this Ordinance and the Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).

   **Approach Surface (Zone):** An imaginary surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of the runway based on the planned approach. The inner edge of the approach surface is the same width as the primary surface and expands uniformly depending on the planned approach. The approach surface zone, as shown on Figure 27-3, is derived from the approach surface.

   **Conical Surface (Zone):** An imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) feet horizontally to one (1) foot vertically for a horizontal distance of four thousand (4,000) feet. The conical surface zone, as shown on Figure 27-3, is based on the conical surface.

   **Department:** Pennsylvania Department of Transportation.

   **FAA:** Federal Aviation Administration of the United States Department of Transportation.
Height: For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

Horizontal Surface (Zone): An imaginary plane one hundred fifty (150) feet above the established airport elevation that is constructed by swinging arcs of various radii from the center of the end of the primary surface and then connecting the adjacent arc by tangent lines. The radius of each arc is based on the planned approach. The horizontal surface zone, as shown on Figure 27-3, is derived from the horizontal surface.

Larger Than Utility Runway: A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

Nonconforming Use: Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto.

Non-Precision Instrument Runway: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

Obstruction: Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth by this Ordinance.

Precision Instrument Runway: A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

Primary Surface (Zone): An imaginary surface longitudinally centered on the runway, extending two hundred (200) feet beyond the end of paved runways or ending at each end of turf runways. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The primary surface zone, as shown on Figure 27-3, is derived from the primary surface.

Runway: A defined area of an airport prepared for landing and takeoff of aircraft along its length.
Structure: An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.

Transitional Surface (Zone): An imaginary surface that extends outward and upward from the edge of the primary surface to the horizontal surface at a slope of seven (7) feet horizontally to one (1) foot vertically (7:1). The transitional surface zone, as shown on Figure 27-3, is derived from the transitional surface.

Tree: Any object of natural growth.

Utility Runway: A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

Visual Runway: A runway intended solely for the operation of aircraft using visual approach procedures.

4. Establishment of Airport Zones. There are hereby created and established certain zones within the Airport District Overlay, defined in Section 3 and depicted on Figure 27-3 and illustrated on Airport Hazard Area Map, hereby adopted as part of this ordinance, which include:

A. Approach Surface Zone
B. Conical Surface Zone
C. Horizontal Surface Zone
D. Primary Surface Zone
E. Transitional Surface Zone

5. Permit Applications. As regulated by Act 164 and defined by 14 Code of Federal Regulations Part 77.13(a) (as amended or replaced), any person who plans to erect a new structure, to add to an existing structure, or to erect and maintain any object (natural or manmade), in the vicinity of the airport, shall first notify (1) the Department’s Bureau of Aviation (BOA) by submitting PENNDOT Form AV-57 to obtain an obstruction review of the proposal at least thirty (30) days prior to commencement thereof, and (2) the FAA by submitting FAA Form 7460-1 to obtain an obstruction review of the proposal prior to the commencement thereof. The permit application must be accompanied with both (1) the Department’s BOA Response and (2) the FAA’s Response to be considered complete. If the Department’s BOA and the FAA both return a determination of no penetration of airspace, the permit application should be considered in compliance with the intent of this Overlay Ordinance. If the Department’s BOA and/or the FAA return a determination of a penetration of airspace, the permit shall be denied, and the project sponsor may seek a variance from such regulations as outlined in §209.6 of this Chapter.
No permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure.

6. **Variance.** Any request for a variance shall include documentation in compliance with 14 Code of Federal Regulations Part 77 Subpart B (FAA Form 7460-1 as amended or replaced). Determinations of whether to grant a variance will depend on the determinations made by the FAA and the Department’s BOA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. In particular, the request for a variance shall consider which of the following categories the FAA has placed the proposed construction in:

   A. **No Objection** – The subject construction is determined to not exceed obstruction standards and marking/lighting is not required to mitigate potential hazard. Under this determination a variance shall be granted.

   B. **Conditional Determination** – The proposed construction/alteration is determined to create some level of encroachment into an airport hazard area which can be effectively mitigated. Under this determination, a variance shall be granted contingent upon implementation of mitigating measures as described in §209.9 of this Chapter.

   C. **Objectionable** – The proposed construction/alteration is determined to be a hazard and is thus objectionable. A variance shall be denied and the reasons for this determination shall be outlined to the applicant.

Such requests for variances shall be granted where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and that relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the intent of this ordinance.

7. **Use Restrictions.** Notwithstanding any other provisions of this Ordinance, no use shall be made of land or water within the Airport District Overlay in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft utilizing the G. O. Carlson Airport.

8. **Pre-Existing Non-Conforming Use.** The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of a non-conforming use. No non-conforming use shall be structurally altered or permitted to grow higher, so as to increase the non-conformity, and a non-conforming use, once substantially abated
9. **Obstruction Marking and Lighting.** Any permit or variance granted pursuant to the provisions of this ordinance may be conditioned according to the process described in §209.6 of this Chapter to require the owner of the structure or object of natural growth in question to permit the municipality, at its own expense, or require the person requesting the permit or variance, to install, operate, and maintain such marking or lighting as deemed necessary to assure both ground and air safety.

10. **Violations and Penalties.** See §701 of this Chapter.

11. **Appeals.** See §605 of this Chapter.

12. **Conflicting Regulations.** Where there exists a conflict between any of the regulations or limitations prescribed in this ordinance and any other regulation applicable to the same area, the more stringent limitation or requirement shall govern and prevail.

13. **Severability.** If any of the provisions of this Ordinance or the application thereof to any person or circumstance are held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.
Figure 27-3: Part 77 Surface Areas
§210. MULTIPLE FAMILY RESIDENTIAL OVERLAY OPTION ZONE (MFR).

1. **Purposes.** This zone creates an overlay district development option that facilitates multiple family dwelling development within Valley Township and seeks to both promote and encourage the development of a Suburban Center with integrated and unified commercial and residential developments in a manner consistent with the Township and Chester County Comprehensive Plans and the Township's Community Development Objectives as set forth in this Chapter. The area within the overlay district has been identified due to its proximity to existing retail/commercial, industrial, employment and office complexes, regional transportation facilities such as regional airports, limited access arterial highways, major arterial highways and collector roads, and by the availability of public utilities.

2. **Applicability.** Property located within the MFR Overlay District Option Zone may be developed in accordance with either the regulations of the MFR Overlay District Option Zone or the regulations of the underlying zoning district. If property located within the MFR Overlay District Option Zone is developed in accordance with the regulations of the MFR Overlay District Option Zone, then the regulations of the MFR Overlay District Option Zone shall supercede the regulations of the underlying zoning district, which shall not apply except as otherwise stated or set forth in this Section 210.

3. **Permitted Uses.**
   
   A. Multiple Family Dwellings.
   
   B. Accessory uses including management offices, private indoor recreation facility not including riding academies or stables, passive recreational uses, play areas, wading pools and swimming pools, and other accessory uses customarily incidental and subordinate to the above permitted uses provided that all accessory uses are restricted to use by residents and/or property owners within the development and their guests and prospective residents.

4. **Design Standards.**
   
   A. Multiple Family Residential Overlay District uses shall comply with the applicable requirements set forth in the table and table notes below.
Table Note 1 – Minimum lot width shall be measured at the building setback line; in no case shall a lot's width, as measured along its frontage, be less than seventy (70) percent of that required at the building setback line. Lot widths required at the frontage shall be measured along a line paralleling the street line, even if it is curvilinear.

Table Note 2 – In those instances where several Multiple-Family dwelling buildings are located on the same lot, the following separation distances will be provided between each building:

(a) Front to front, rear to rear, or front to rear, parallel buildings shall have at least eighty (80) feet between faces of the building. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten (10) feet at one end if increased by similar or greater distance at the other end.

(b) A minimum yard space of thirty (30) feet is required between end walls of buildings for each two (2) story building, plus five (5) feet for each additional story. If the buildings are at right angles to each other, the distance between the corners of the end walls of the building may be reduced to a minimum of twenty (20) feet.

(c) A minimum yard space of thirty (30) feet is required between end walls and front or rear faces of buildings for each two (2)-story building, plus five (5) feet for each additional story.

Table Note 3 – Maximum Permitted Height may be increased by up to an additional seven (7) feet to a maximum of forty-five (45) feet by providing either or a combination of the following:

(a) Provide an additional six (6) inches of height for required evergreen tree screening for each additional one (1) foot increase in Maximum Permitted Height of any multiple family building.

(b) Provide an additional three (3) feet of multiple family building setback for each additional one (1) foot increase in Maximum Permitted Height of any multiple family building.

B. All dwelling units within an MFR Overlay District Option Zone shall be served by public sewer and public water.

C. All buildings and off-street parking and loading areas within an MFR Overlay District Option Zone development shall be set back at least one hundred (100) feet from any adjacent land within a residential district and/or from an adjacent road or street which is external to the development. Fifty (50) feet of such setback shall be used for a landscaped buffer strip to include a variety of vegetative materials including trees, shrubs and ground cover in accordance with Section 314.2. A vegetative screen-consisting of evergreen trees in accordance with Section 314.3, except that the screening height shall be ten (10) feet rather than
six (6) feet, and with Section 314.4 shall be provided along any property line adjacent to a residential zone or residential use and/or adjacent to a road or street which is external to the development. The screen shall consist of evergreen trees of not less than eight (8) feet in height at the time of planting and shall be planted staggered in two rows.

Alternatively, off-street parking and loading areas shall be permitted within the above-referenced one hundred (100) foot setback when a fifty (50) foot landscaped buffer strip is provided which includes a six (6) foot high earthen berm with the area of highest elevation as close as practicable to the property line. Also, a vegetative screen consisting of evergreen trees and shrubs shall be provided atop the above-described berm arranged to form both a low level and a high level screen. The high level screen shall consist of evergreen trees of not less than six (6) feet in height at the time of planting and shall be planted staggered in two (2) rows. Screening shall be planted in accordance with Sections 314.3 and 314.4 of this Ordinance.

D. Access to and from an MFR Overlay District Option Zone development shall be designed to prevent, to the extent considered practicable by the Board of Supervisors, increased traffic on that portion of any minor street through an existing residential development.

E. At least thirty (30%) percent of the Lot Area of a Multiple Family Residential development shall be devoted to Common Open Space. No more than forty (40) percent of the Common Open Space requirement can be satisfied by slopes exceeding fifteen (15) percent and/or by wetlands.

(1) Required Common Open Space shall be designed and arranged to achieve at least two (2) of the following objectives, and the applicant shall demonstrate those specific measures employed to achieve these objectives:

(a) Protection of important natural resources (e.g. streams, ponds, wetlands, steep slopes, woodlands, unique geologic features, wildlife habitats, aquifer recharge areas, etc.)

(b) Protection of important historical and/or archeological sites.

(c) Provision of usable play, recreation and/or community facilities areas that are conveniently accessible to residents of the Township's Suburban Center.

(d) Integration of green belts throughout the Multiple Family Residential Overlay District that link residential areas with on-site or adjoining parks, schools or other community facilities and retail commercial areas.
(2) Provision of usable play, recreation and/or community facilities within the
development shall be considered an integral part of the development.
Common Open Space shall be for the use and benefit of residents and
owners within the development and their guests and prospective residents.
At least an additional twenty-five (25) percent of the Lot Area of the
Multiple Family Residential Overlay District development in a contiguous
parcel (Open Space for Dedication) shall be offered for dedication to
Valley Township so that the land is accessible to all residents of Valley
Township. This land shall be suitable for its intended purpose and no more
than ten (10) percent of said area shall be constrained by slopes over
fifteen (15) percent and/or by wetlands. At the discretion of the Board of
Supervisors, the amount of land to be dedicated to the Township or
available for use by Township residents may be reduced if the applicant
sponsors recreational or other community improvements elsewhere within
the Township. In this situation the remainder of this required parcel shall
then become Common Open Space for the use and benefit of residents and
owners within the development and their guests and prospective residents.

(3) In the event that the Board of Supervisors does not accept dedication of all
of the Open Space for Dedication within a Multiple Family Residential
development, that portion not accepted by the Township shall become
Common Open Space. The landowner shall provide maintenance for or
establish an organization for the ownership and maintenance of the
Common Open Space. Any such organization established shall not be
dissolved nor shall it dispose of the Common Open Space, by sale or
otherwise (except to an organization conceived and established to own and
maintain the Common Open Space), except by dedication of the same to
the public. Any such organization provided for the ownership of Common
Open Space, not dedicated for public use, shall consist of the property
owners within the Multiple Family Residential development. The plan for
the ownership and maintenance of the Common Open Space by such
organization may provide that the property owners association may lease
back open space lands to the developer, his heirs or assigns, or to any
other qualified person, or corporation, for operation and maintenance of
Common Open Space, but such a lease agreement shall provide that:

(a) The residents of the Multiple Family Residential development shall
    at all times have access to the Common Open Space contained
    therein.

(b) The operation of Common Open Space facilities may be for the
    use and benefit of the residents and owners only.

The form of the lease shall be subject to the approval of the Board of
Supervisors, and any transfer or assignment of the lease shall be further
subject to the approval of the Board of Supervisors. Lease agreements so
entered upon shall be recorded with the Recorder of Deeds of Chester County within thirty (30) days of their execution and a copy of the recorded lease shall be filed with the Secretary of the Township.

(4) The plan to provide for the ownership and maintenance of Common Open Space shall include:

(a) A complete description of the organization to be established for the ownership of Common Open Space, if any, and the methods by which this organization shall be established and maintained.

(b) A method reasonably designed to give adequate notice to property owners within the Multiple Family Residential development in the event of the sale or other disposition of Common Open Space lands, and in the event of assumption of the maintenance of Common Open Space lands by the Township as hereinafter provided.

(5) In the event that the landowner, or any successor organization, fails to maintain the undedicated Common Open Space in reasonable order and condition in accordance with the approved development plan, the Board of Supervisors may proceed to demand that the deficiencies of maintenance be corrected or that the Township will enter upon and maintain the same. The Board of Supervisors shall serve written notice upon the owner of the Common Open Space setting forth the manner in which the owner has failed to maintain the Common Open Space in reasonable condition. The cost of such maintenance by the Township shall be assessed against the property or properties within the Multiple Family Residential development that have a right of enjoyment of the Common Open Space, and shall become a lien on said properties. The Township at the time of entering upon said Common Open Space for the purpose of maintenance shall file a notice of lien in the office of the Prothonotary of the County upon the properties affected by the lien within the Multiple Family Residential development.

F. All uses permitted within this overlay district shall also comply with the general provisions set forth in Part 3 of this Chapter, except as otherwise provided in this Section 210.
PART 3

GENERAL PROVISIONS

§301. GENERAL PROVISIONS.

The regulations contained within this Part shall apply to all uses within the Township.

§302. ACCESSORY USES AND STRUCTURES.

1. General Regulations. The following standards shall apply to all accessory uses and structures:

   A. Accessory uses and structures shall comply with the applicable setbacks and maximum height requirements as specified in the zoning district in which they are located except as otherwise explicitly regulated or exempted by this Chapter.

   B. No accessory structure is permitted within a public or private right-of-way or easement.

2. Residential Accessory Uses and Structures. Accessory uses and structures customarily incidental to residential uses include but are not limited to the following and are permitted by-right unless otherwise stipulated:

   A. Private garages and carports.

   B. Uncovered decks, uncovered porches, terraces, patios, and similar structures.

   C. Storage sheds.

   D. Private greenhouse provided there is no outdoor storage of equipment and supplies.

   E. Driveways. Shall be permitted in accordance with §310 of this Chapter.

   F. Access Drives and Off-Street Parking Facilities. Shall be permitted in accordance with §311 and §312 of this Chapter where required for multiple family dwellings.

   G. No-Impact Home-Based Business.

   H. Home Occupation. Shall be permitted as an accessory use to a single-family detached dwelling when authorized by special exception in accordance with §427 of this Chapter.
I. **Swimming Pools.** No permanent structure shall be permitted without an operable filtration system utilizing chlorine, bromine or some other antibacterial agent. All swimming pools shall be completely enclosed by a four (4) foot high fence or wall with a self-closing and lockable gate; however, this does not apply to above-ground pools having a wall measuring four (4) feet in height and having a retractable ladder. Such fence or wall shall be erected before any pool is filled with water. All pools must be set back from all lot lines the greater of ten (10) feet or the minimum setback requirement for accessory uses within the particular zoning district. No water from a pool shall be discharged on to any public street or alley. These requirements, except for discharging water therefrom, shall not apply to manmade ponds, lakes or other impoundments unless the primary purpose of their construction is swimming.

J. **Tennis Courts.** All tennis courts shall include an open mesh permanent fence ten (10) feet in height behind each baseline. Such fence shall extend parallel to said baseline at least ten (10) feet beyond the court’s playing surface unless the entire court is enclosed. Any lighting fixtures shall be arranged to prevent objectionable glare on adjoining properties.

K. **Satellite Dish Antennas.** Satellite dish antennas are subject to all accessory use standards. Furthermore, any satellite dish antenna located in a residential zone or on a residential use within the conservation zone shall be used only to receive signals, not transmit them.

L. **Alternative Energy Sources.**

(1) **Solar Energy**

(a) Applicants shall comply with all applicable Valley Township Building Code requirements for solar energy systems, in addition to the requirements of this section. In the event of a conflict between the provisions of this section and the Valley Township Building Code, the Valley Township Building Code shall control.

(b) A solar energy system is considered an accessory use only if it supplies electrical or thermal power primarily for on-site use with a system design capacity no greater than one hundred twenty-five (125%) percent of normal peak on-site energy demand.

(c) In all zoning districts, solar energy systems are permitted as an accessory use to the principal use of the lot and shall be located on the same lot as the principal use which they serve, subject to compliance with the following conditions:

(i) A ground-mounted solar energy system(s) shall not be placed in a front yard.
(ii) The area of a ground-mounted solar energy system shall be calculated as part of lot coverage. The area of a ground-mounted solar energy system shall be the design/calculated maximum footprint area as projected onto the ground surface in the flattest inclination position in which the solar energy system panels will be utilized. Where two (2) or more panels are grouped together, the dimensions (length and/or width) shall be the cumulative dimension of the panels.

(iii) Energy generated in excess of the requirements of the principal use of the property may be purchased or acquired by a public utility in accordance with the law or other government regulations.

(iv) Solar energy systems shall comply with the area and bulk regulations of the underlying zoning district.

(v) The minimum setback distance from side and rear yards shall be the setback as required for other accessory uses within the applicable zone, with the additional requirement that the setback distance shall be no less than the height of the solar energy system above ground (so that it does not fall onto a neighboring property).

(vi) Solar energy systems shall be promptly removed and properly disposed of when damaged or otherwise no longer in use.

(vii) No point of a ground-mounted solar energy system or its support structure shall exceed a height of fifteen (15) feet.

(viii) A roof-mounted solar energy system shall not extend beyond the existing overhangs of the structure to which it is attached. With the exception of flat top roofs, roof mounting solar energy systems shall not project above the ridge of the roofline.

(ix) The solar energy system shall comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999, as amended.

(x) The design of the solar energy system shall conform to applicable industry standards.
(xi) All exterior electrical and/or plumbing lines serving ground-mounted solar energy systems shall be buried below the surface of the ground and be placed in a conduit.

(xii) A solar energy system shall be located to ensure solar access without reliance on adjacent properties.

(xiii) Ground mounted solar energy systems must be fully screened from all adjoining residential uses and residentially-zoned properties for the full height of the solar energy system.

(xiv) Where necessary to ensure that solar access to any solar energy system(s) shall not be obstructed over time by permissible uses or activities on any adjacent property (i.e., by planting or growth of vegetation, new construction, etc.), it shall be the responsibility of the owner of the solar energy system(s) to obtain appropriate solar access easement(s) from neighboring property owner(s) and to notify the Township upon the recording of any such easement(s). All solar access easements shall be recorded in the office of the Chester County Recorder of Deeds.

(d) Ground-mounted solar energy systems as an accessory use proposed to be placed in a front yard may be permitted by Conditional Use by the Board of Supervisors subject to the following conditions:

(i) A perimeter buffer yard with screening shall be provided for ground-mounted solar energy systems along property line(s) and road right(s)-of-way in accordance with §314, unless the Board of Supervisors determines that the existing topography and/or landscaping provide an adequate buffer and screen.

(2) Wind Energy Conversion Systems (WECS)

(a) Applicants shall comply with all applicable Valley Township Building Code requirements for WECS, in addition to the requirements of this section. In the event of a conflict between the provisions of this section and the Valley Township Building Code, the Valley Township Building Code shall control.

(b) A WECS is considered an accessory use only if it supplies electrical or thermal power primarily for on-site use with a system design capacity no greater than one hundred twenty-five (125%)
percent of normal peak on-site energy demand.

(c) In all zoning districts, WECS are permitted as an accessory use to the principal use of the lot and shall be located on the same lot as the principal use which they serve, subject to compliance with the following conditions:

(i) WECS shall not be permitted in the front yard area of any property.

(ii) Height limitations. The maximum height for a WECS shall not exceed thirty-five (35) feet, and the height of the WECS unit shall not be greater than the shortest distance measured along a horizontal plane from the unit to any lot line.

(iii) WECS units may be placed on the roof of any structure provided that the perimeter of the unit does not cover twenty-five (25) percent of the roof area of the structure on which the WECS unit is placed.

(iv) All transmission lines to and from any freestanding WECS unit or any supporting building or structure shall be buried underground.

(3) Geothermal Energy

(a) Applicants shall comply with all applicable state, local, and building code requirements for geothermal energy systems.

(b) In all zoning districts, geothermal energy systems are permitted as an accessory use to the principal use of the lot and shall be located on the same lot as the principal use which they serve.

(c) Any mechanical equipment or aboveground appurtenances associated with the geothermal energy system shall comply with all accessory use setbacks for the zoning district in which the system is installed.

M. Ornamental Ponds.

(1) Such structures shall comply with all accessory use setbacks.

(2) All bodies of water or other impoundments exceeding the requirements of this Section shall be considered as "ponds, lakes, dams and impoundments" and are subject to the criteria listed in §302.2.N of this
Chapter.

(3) No such impoundment shall have a length or diameter exceeding fifteen (15) feet, a maximum surface area exceeding two hundred twenty-five (225) feet nor a maximum depth exceeding two (2) feet.

(4) All such ornamental ponds shall be maintained so to not pose a nuisance by reason of odor, or the harboring of insects.

(5) No such ornamental pond(s) shall be used for the commercial hatching of fish or other species.

N. Manmade Lakes, Ponds, Dams and Impoundments.

(1) All lakes, dams, ponds and impoundments may be permitted in any zone subject to the following.

(2) All dams, ponds, lakes and impoundments located along and connected to a stream, that involve any of the following, shall require a permit from the PA DEP Bureau of Dams and Waterways, Division of Dam Safety, or a letter indicating that the proposed use does not require a PA DEP permit:

(a) The lake, dam, pond or impoundment contains a volume of at least fifty (50) acre feet.

(b) The dam reaches a height of fifteen (15) feet.

(c) The lake, dam, pond or impoundment impounds the water from a watershed of at least one hundred (100) acres.

(3) All lakes, dams, ponds and impoundments not contiguous to a stream that have an intake, outlet, or both, and/or have an embankment within fifty (50) feet of a stream shall require a permit from the PA DEP Bureau of Dams and Waterways, Division of Waterways and Stormwater Management.

(4) All lakes, dams, ponds and impoundments shall be located at least seventy-five (75) feet from adjoining lot lines, and any subsurface sewage disposal system or well, unless the Board of Supervisors approves a lesser distance.

(5) Maintenance. All lakes and ponds shall be regularly maintained and floating debris shall be removed from all pipes and spill ways. All ground cover shall be trimmed. Weeds, brush and trees shall not be permitted to grow on the dam or spill way.
O. **Garage/Yard Sales.** Within any zone, an owner and/or occupant may conduct up to two (2) garage/yard sales per year. No garage or yard sale shall be conducted for a period longer than three (3) consecutive days. Such sales may offer for sale personal possessions; no import or stocking of inventory shall be permitted. Signage shall be in accordance with §315.7.A.(10) of this Chapter. In no case shall any aspect of the garage/yard sale be conducted in a street right-of-way. The conduct of garage sales beyond the extent described herein represents a commercial business and requires appropriate zoning authorization.

P. **Firewood Storage.** Firewood may be stored upon residential use lots solely for use on the premises and not for resale. All firewood located upon residential use lots shall be stored as follows:

1. The firewood shall be cut/split, prepared for use, and stored in a stack that is piled in a regular, orderly arrangement that is stable and reasonably resistant to collapse.

2. The height of a woodpile over three (3) feet shall be no more than twice its width, but in no event shall the height exceed six (6) feet.

3. Firewood shall not be stored in front yards with the exception that firewood may be stored on a front porch of a residential structure provided that no more than one fourth (1/4) of a cord is stored on the porch.

4. No more than two (2) cords shall be stored on any residential premises without a permit issued by the fire department.

5. Firewood located in side and/or rear yards must comply with accessory use setback requirements of the underlying zoning district.

Q. **Keeping of animals** shall be in accordance with §322 of this Chapter.

R. **Landscaping, Buffering, and Screening.** Shall be permitted in accordance with §314 of this Chapter.

S. **Signs.** Shall be permitted in accordance with §315 of this Chapter.

T. **Lighting.** Shall be permitted in accordance with §320 of this Chapter.

U. **Fences, Walls, and Hedges.** Shall be permitted in accordance with §321 of this Chapter.

3. **Non-Residential Accessory Uses and Structures.** Accessory uses and structures customarily incidental to commercial, industrial, and institutional uses include but are not limited to the following and are permitted by-right unless otherwise stipulated:
A. Storage sheds.

B. Access Drives, Off-Street Parking Facilities, and Off-Street Loading Facilities. Shall be permitted in accordance with §311, §312, and §313 of this Chapter.

C. Satellite Dish Antennas. Satellite dish antennas are subject to all accessory use standards; however, satellite dish antennas within the planned development, industrial, and commercial zones shall comply with all principal use standards. Additionally, all ground-mounted satellite dish antennas located within the planned development, industrial or commercial zones that are used to transmit video format data shall be completely enclosed by an eight (8)-foot high non-climbable fence mat including signage warning of dangerous radiation levels. Any gates within the fence shall be locked when unattended.

D. Alternative Energy Sources. Shall be permitted in accordance with §302.2.L of this Chapter.

E. Ornamental Ponds. Shall be permitted in accordance with §302.2.M of this Chapter.

F. Manmade Lakes, Ponds, Dams and Impoundments. Shall be permitted in accordance with §302.2.N of this Chapter.

G. Landscaping, Buffering, and Screening. Shall be permitted in accordance with §314 of this Chapter.

H. Signs. Shall be permitted in accordance with §315 of this Chapter.

I. Lighting. Shall be permitted in accordance with §320 of this Chapter.

J. Fences, Walls, and Hedges. Shall be permitted in accordance with §321 of this Chapter.

K. Outdoor Storage. Shall be permitted in accordance with requirements as specified within the zoning district in which the use is located.

L. Waste Products and Dumpsters. Shall be permitted in accordance with requirements as specified within the zoning district in which the use is located.

M. Drive-Through. Shall be permitted as an accessory use to a restaurant, fast food restaurant, bank, or drug store when authorized by conditional use in accordance with §454 of this Chapter.

N. Filling Station. Shall be permitted as an accessory use to a convenience store in when authorized by conditional use in accordance with §404 of this Chapter.
§303. UNENCLOSED STORAGE.

1. **Recreational Vehicles, Boats, Campers, Trailers and Trucks.** In any residential zone no boats, campers, recreational vehicles, trailers, or trucks with more than two (2) axles (except personal pickup truck), shall be stored within any front yard, unless located within a driveway.

2. **Outdoor Stockpiling.** In all zones, no outdoor stockpiling of any material or outdoor storage of trash is permitted in the front yard. In any residential zone, the outdoor stockpiling of materials (except firewood) for more than ninety (90) days is prohibited unless such materials are concealed.

§304. SETBACK MODIFICATIONS.

1. **Front Setback of Buildings on Built-up Streets.** Where at least two (2) adjacent buildings within one-hundred (100) feet of a property are set back a lesser distance than required, the average of the lesser distances becomes the required minimum front setback for the property. However, in no case shall the setback line be less than thirty (30) feet from any abutting street right-of-way line.

2. **Accessory or Appurtenant Structures.** The setback regulations do not apply to:

   A. Bus shelters; telephone booths; and cornices, eaves, chimneys, steps, canopies, and similar extensions but do apply to covered and uncovered patios and decks and uncovered porches.

   B. Open fire escapes.

   C. Minor public utility structures, articles of ornamentation or decoration.

   D. Fences, hedges and retaining walls.

§305. HEIGHT LIMIT EXCEPTIONS.

1. The height regulations do not apply to the following structures or projections, provided such structures or projections are setback a horizontal distance at least equal to their height from any property line:

   A. Water towers, antennas, utility poles, smokestacks, chimneys, farm silos, windmills, flagpoles or other similar structures.

   B. Roof-top structures for the housing of elevators, stairways, water storage tanks, ventilating fans and other mechanical appurtenances.
C. Parapet walls or cornices used solely for ornamental purposes if not in excess of five (5) feet above the roof line.

2. In no case shall any freestanding or roof-top structure above the maximum permitted height be used for the purpose of providing additional floor space for residential, commercial or industrial purposes.

3. All structures and/or projections must comply with the provisions of the Airport Safety Zone listed in §209 of this Chapter.

§306. CORNER LOTS.

1. A front yard, as provided for in the area and lot requirements for the various zones, shall be required along each street on which a corner lot abuts.

2. On any lot, no wall, fence, or other structure shall be erected, altered or maintained, and no hedge, tree, or other growth shall be planted or maintained which may cause danger to traffic on a street by obscuring the view. On corner lots, no such structure or growth shall be permitted within an area which is formed by a triangle where the two (2) legs of the triangle extend one hundred (100) feet from the centerline intersection of the two (2) intersecting streets.

§307. ERECTION OF MORE THAN ONE (1) PRINCIPAL USE ON A LOT.

1. A single lot may not contain more than one (1) single-family detached dwelling.

2. With the exception of the §307.1 regulation, more than one (1) principal use may be erected on a single lot provided that all lot and yard requirements, standards, and other requirements of this Chapter shall be met for each structure, as though it were on an individual lot. In addition, such proposals shall gain approval for a land development plan, and provide individually approved methods of sewage disposal.

§308. ACCESS MANAGEMENT.

1. Nonconforming Driveways and Access Drives. Driveways and access drives that do not conform to the access management regulations in this Chapter or the Valley Township Subdivision and Land Development Ordinance [Chapter 22] and were constructed before the enactment of this ordinance or the Subdivision and Land Development Ordinance shall be considered legal nonconforming driveways or access drives. However, nonconforming driveway(s) or access drive(s) shall be reconstructed to comply with the regulations in this Chapter and the Valley Township Subdivision and Land Development Ordinance under any of the following conditions:
A. New driveway or access drive permits are requested;

B. Modifications to an existing driveway or access drive permit are requested;

C. The property owner or applicant applies for a change in property use and will generate more vehicle trips than the existing use; or

D. An expansion of the existing use will result in an increase in trip generation.

2. Relationship to PennDOT Highway Occupancy Permit. Issuance of a PennDOT Highway Occupancy Permit (HOP) does not guarantee site plan approval by Valley Township nor does it deem the plan in conformance with this ordinance. The HOP submittal to PennDOT should not occur before approval to do so by Valley Township. However, upon request of the applicant or request of the Township, PennDOT may be brought into the review process to reconcile site design and access issues.

§309. REQUIRED VEHICULAR ACCESS.

All lots when created shall be adjacent to a public or private street. Every building hereafter erected or moved shall be on a lot adjacent to a public street, or to an approved private street. The erection of a building(s) upon a lot without approved access shall not be permitted. Approved access shall be defined in terms of the Township Subdivision and Land Development Ordinance [Chapter 22] for street design or as subsequently provided for by the Township. Access to lots containing single-family dwellings (duplexes, single-family detached, townhouses, and twins) or a farm shall be via driveways (see §310); access to lots containing other uses shall be via access drives (see §311).

§310. DRIVEWAY REQUIREMENTS.

1. **Number Per Lot.** No more than two (2) driveway connections per lot shall be permitted.

2. **Setbacks.** Driveways shall not connect with a public street within forty (40) feet of the right-of-way lines of any intersecting streets, within five (5) feet of a fire hydrant, nor, except as otherwise provided in this chapter, within three (3) feet of adjoining lot lines.

3. **Clear-Sight Triangle.** Driveways shall be located and constructed so that a clear-sight triangle as depicted below is provided. Two (2) apaxes of the triangle shall be located in both directions along the street centerline, seventy-five (75) feet from a point where the centerline of a driveway and street intersect. The vertex of the triangle shall be located along the centerline of the driveway, on the site and five (5) feet from the property/street right-of-way line. No permanent obstructions and/or plant materials over three (3) feet high shall be placed within the clear-sight triangle.
4. **Slope.** A driveway shall not exceed a slope of eight (8) percent within twenty-five (25) feet of the street right-of-way lines and the garage (or parking area), and shall not exceed a slope of fourteen (14) percent at any point.

5. **Road Classification.** Driveway access shall be provided to the street of lesser classification when there is more than one (1) street classification involved.

6. **Driveway Width.** No driveway shall provide a curb cut exceeding twenty-four (24) feet in width.

7. **PennDOT Permit.** Any driveway intersecting with a State-owned road shall require the obtaining of a driveway permit from the Pennsylvania Department of Transportation.

8. **Drainage.** Driveways shall not be constructed in a manner to be inconsistent with the design, maintenance and drainage of the street.

### §311. ACCESS DRIVE REQUIREMENTS.

1. **Number Per Lot.** Except as specified elsewhere, the number of access drives intersecting with a street may not exceed two (2) per lot.

2. **Setbacks.** The edge(s) of all access drives shall be set back at least:
A. One hundred (100) feet from the intersection of any street right-of-way lines.

B. One hundred (100) feet from any other access drive located upon the same lot (measured from cartway edges).

C. Fifteen (15) feet from any side and/or rear property lines; however, this setback may be exempt where a joint parking lot is shared by adjoining uses if approved by the Board of Supervisors.

3. **Clear-Sight Triangle.** Access drives shall be located and constructed so that a clear-sight triangle as depicted below is provided. The apexes of the triangle shall be located along all centerlines, in all directions from the intersection of street and access drive. No permanent obstructions and/or materials over three (3) feet high shall be placed within the clear-sight triangle.

![Access Drive Clear-Sight Triangle Diagram](image)

4. **Slope.** Access drives shall not exceed a slope of four (4) percent within seventy-five (75) feet of the intersecting street line.

5. **Surfacing.** All access drives shall be paved with concrete or bituminous paving material, or another dust-free material suitable to the Board of Supervisors.

6. **Access Drive Width.** Access drives shall provide a twelve (12)-foot-wide cartway for each lane of travel. However, in no case shall any access drive cartway be less than eighteen (18) feet wide if it provides for truck movement between the public right-of-way and any required off-street loading spaces as regulated by §313 of this Chapter.
7. **PennDOT Permit.** Any access drive intersecting with a State-owned road shall require a Pennsylvania Department of Transportation driveway permit.

§312. **OFF-STREET PARKING REQUIREMENTS.**

1. Off-street parking shall be required in accordance with the provisions of this Section prior to the occupancy of any building or use, so as to alleviate traffic congestion on streets. These facilities shall be provided whenever:
   
   A. A building is constructed or a new use is established.
   
   B. The use of an existing building or land is changed to a use with different parking requirements.
   
   C. An existing building or use is altered or enlarged so as to change the amount of parking space required.

2. **Parking for Residential Dwellings.**
   
   A. Every single family detached dwelling shall be required to provide at least two (2) off-street parking spaces. Such spaces shall be provided within a driveway behind the street right-of-way line. Garages and carports shall not be considered parking spaces. Additional regulations pertaining to driveways are contained in §310 of this Chapter.
   
   B. Townhouse, twin, and duplex dwellings shall be required to provide at least two (2) off-street parking spaces per dwelling unit. Such spaces may not take the form of garages or carports. An additional one-half (0.5) space per dwelling unit of on-street parking as usable, unobstructed parking lane and/or off-street common parking areas shall be provided and distributed through the development to be located no more than one hundred (100) feet from the dwelling served. Additional regulations pertaining to driveways are contained in §310 of this Chapter.
   
   C. Every multiple family dwelling unit shall be required to provide at least two and a half (2.5) off-street parking spaces. Such spaces shall be provided in the form of a common parking area or parking lot. Parking areas shall be distributed through the development so that the required two and a half (2.5) parking spaces are located no more than one hundred (100) feet from the dwelling served. Off-street parking shall comply with all regulations of §312 of this Chapter.

3. **Site Plan Approval.**
   
   A. Each application for a zoning permit (for a use for which parking spaces are required) shall include a drawing (site plan) showing the proposed layout of the
lot. The drawing shall clearly indicate all of the design elements required below.

B. No zoning permit shall be issued for any use for which parking spaces are required unless the site plan has been approved or necessary variances have been obtained.

4. Surfacing. All parking lots shall be constructed and maintained with a paved surface of concrete or bituminous materials, or another dust-free surface, approved by the Board of Supervisors.

5. Separation from Streets and Sidewalks. Parking spaces shall be guarded by curbs or other protective devices, which are arranged so that parked cars cannot project into the streets, yards, or walkways.

6. Drainage. Parking lots shall be graded to a minimum slope of one (1) percent to provide for drainage. Adequately sized inlets and storm sewers shall be provided to discharge stormwater in accordance with a plan to be approved by the Township.

7. Parking Space Sizes. The following lists required minimum space sizes in feet:

<table>
<thead>
<tr>
<th>Standard Car Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parallel</td>
</tr>
<tr>
<td>23 by 8</td>
</tr>
<tr>
<td>Non-parallel</td>
</tr>
<tr>
<td>19 by 9</td>
</tr>
</tbody>
</table>

8. Design Standards For Handicapped Parking Spaces.

A. Size. The size of handicapped parking spaces and access aisles shall be in accordance with the standards set forth in the Americans with Disabilities Act (ADA) as currently in force or hereafter amended, as well as any federal regulations promulgated pursuant to that Act.

B. Location. Parking spaces for the physically handicapped shall be located as close as possible to ramps, walkways, entrances, and elevators. Where feasible, these parking spaces shall be located so that the physically handicapped are not forced to wheel or walk across main traffic lanes or behind parked cars to reach the ramps and other facilities. The spaces shall be situated in those areas of the parking lots located nearest to each primary building entrance.

C. Identification. Parking spaces for the physically handicapped shall be identified by signs, generally located eight (8) feet above grade. The signs shall state that the space is reserved by law for the physically handicapped. Where these signs are placed flush against buildings or structures or in other locations not accessible to vehicular or pedestrian traffic, the height may be reduced to six (6) feet. Handicapped spaces shall also be designated through blue surface painting.
D. **Curbs.**

(1) Where a curb exists between a parking lot and a sidewalk, a horizontally scored ramp or curb cut shall be provided for wheelchair access.

(2) The curb cut shall not be less than four (4) feet wide and shall have a grade of not more than one (1) foot in twelve (12) feet.

(3) Curb cuts shall be provided within thirty (30) feet of each accessible entrance to the structure, at all pedestrian walk intersections and elsewhere to provide reasonable direct circulation within each development.

(4) The curb cuts shall not be more than one hundred fifty (150) feet apart.

E. **Sidewalks.**

(1) Exterior sidewalks shall not be obstructed.

(2) Exterior sidewalks shall have a side slope not greater than one (1) inch in four (4) feet. They shall be at least four (4) feet wide and have a grade of not more than one (1) foot in twenty (20) feet.

F. **Storm Drains.** Storm drain grates and similar devices shall not be located within a parking space for the physically handicapped.

G. **Grade.** The grade of parking spaces for the physically handicapped shall not be more than one (1) foot in twenty (20) feet.

9. **Interior Drive Widths.**

A. Interior drives between rows of parking spaces shall have the minimum widths indicated in the following table:

<table>
<thead>
<tr>
<th>Angle of Parking</th>
<th>Width of Driveway in feet; One-Way Traffic</th>
<th>Width of Driveway in Feet; Two-Way Traffic</th>
</tr>
</thead>
<tbody>
<tr>
<td>90 degrees</td>
<td>25</td>
<td>25</td>
</tr>
<tr>
<td>60 degrees</td>
<td>20</td>
<td>22</td>
</tr>
<tr>
<td>45 degrees</td>
<td>18</td>
<td>22</td>
</tr>
<tr>
<td>30 degrees</td>
<td>11</td>
<td>22</td>
</tr>
<tr>
<td>Parallel</td>
<td>11</td>
<td>22</td>
</tr>
</tbody>
</table>

B. Interior drives in areas where there is no parking permitted shall be at least eleven
(11) feet wide for each lane of traffic.
10. **Marking of Parking Spaces and Interior Drives.** All parking lots shall be adequately marked and maintained for the purpose of defining parking spaces and interior drives. As a minimum, the lines of all parking spaces and interior drives (including directional arrows, etc.) shall be solid white and four (4) inches in width. Painted lines, arrows, and dividers shall be provided and maintained to control parking, when necessary to direct vehicular circulation. Parking areas for over thirty (30) vehicles shall be divided by permanent raised curbing that clearly defines parking spaces from designated access lanes.

11. **Not less than a four (4) foot radius of curvature shall be permitted for horizontal curb returns in parking areas.**

12. **All dead end parking lots shall be designed to provide sufficient back-up area for all end spaces.**

13. **Lighting.** Adequate lighting shall be provided in accordance with §615 of the Valley Township Subdivision and Land Development Ordinance [Chapter 22]. The lighting shall be arranged so that it is not directed at land used for residential purposes, or adjoining lots or streets.

14. **Access Drive Requirements.** Every parking lot shall be connected to a street by means of an access drive. This access drive shall be at least twelve (12) feet wide for each lane, exclusive of curb return and gutters. Section 311 specifies other requirements for access drives.

15. **Landscaping and Screening Requirements.** The following landscaping and screening requirements shall apply to all parking lots:

   A. **Landscaped Strip.**

      (1) When a parking lot is located in a yard which abuts a street, a landscaped strip shall be provided on the property along the entire street line. If there is no building or other structure on the property, the parking lot shall still be separated from the street by the landscaped strip. This strip shall be measured from the street R.O.W. line. The strip may be located within any other landscaped strip required to be located along a street.
The following lists required width of landscape strips:

<table>
<thead>
<tr>
<th>Number of Spaces in Parking Lot, Including Joint Facilities</th>
<th>Landscape Strip Width in Feet Measured from Street R.O.W. Line</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 100</td>
<td>15</td>
</tr>
<tr>
<td>100 to 250</td>
<td>20</td>
</tr>
<tr>
<td>Over 250</td>
<td>25</td>
</tr>
</tbody>
</table>

(2) Unless otherwise indicated, all parking lots constructed in side or rear yards (as defined herein) shall be setback a minimum of ten (10) feet from all property lines. Such setbacks shall be used for landscape strips.

B. Interior Landscaping.

(1) In any parking lot containing twenty (20) or more parking spaces (except a parking garage), ten (10) percent of the total area of the lot shall be devoted to interior landscaping. Such interior landscaping shall be used at the end of parking space rows to break up rows of parking spaces at least every ten (10) parking spaces, and to help visually define travel lanes through or next to the parking lot. Landscaped areas situated outside of the parking lot, such as peripheral areas and areas surrounding buildings, shall not constitute interior landscaping. For the purpose of computing the total area of any parking lot, all areas within the perimeter of the parking lot shall be counted, including all parking spaces and access drives, aisles, islands and curbed areas. Ground cover alone is not sufficient to meet this requirement. Trees, shrubs or other approved material shall be provided. At least one (1) shade tree shall be provided for each three hundred (300) square feet (or fraction) of required interior landscaping area. These trees shall be a minimum two (2)-inch caliper with clear trunk at least five (5) feet above finished-grade level and shall be reasonably dispersed throughout the parking lot.

(2) Parked vehicles may not overhang interior landscaped areas more than two and one-half (2 1/2) feet. Where necessary, wheel stops or curbing shall be provided to insure no greater overhang.

(3) If a parking lot of under twenty (20) spaces is built without interior landscaping, and later additional spaces are added so that the total is twenty (20) or more, the interior landscaping shall be provided for the entire parking lot.
C. **Screening.**

(1) When a parking lot is located on property which adjoins land in a residential zone, the parking lot shall be screened from the adjoining residential property.

16. **Joint Parking Lots.**

A. In commercial shopping centers over three (3) acres in size, joint parking lots may be permitted. These joint facilities can reduce the total number of parking spaces required by a maximum of twenty (20) percent. Therefore, the resulting joint parking lot will be required to provide at least eighty (80) percent of the total number of spaces required by the sum of all of the shopping center's tenants. Such reduced parking spaces must be appropriately distributed upon the lot to provide convenient walking distance between every vehicle and each of the shopping center's stores.

17. **Prohibited Uses of a Parking Lot.** Automobile parking lots are for the sole purposes of accommodating the passenger vehicles of persons associated with the use which requires them. Parking lots shall not be used for the following:

A. The sale, display or storage of automobiles or other merchandise.

B. Parking/storage of vehicles accessory to the use.

C. Performing services (including services to vehicles).

D. Required off-street parking space, including access drives, interior drives and aisles, shall not be used for loading and unloading purposes, backing up or any wrong way (against the direction of traffic) movement of associated trucks or trash handling trucks, except during hours when business operations are suspended.

18. **Schedule of Required Off-Street Parking Spaces.** The following lists required numbers of parking spaces by use type. Any use involving a combination of several uses shall provide the total number of spaces required for each individual use:
<table>
<thead>
<tr>
<th>Type of Use</th>
<th>Minimum of One Parking Space for Each (or as otherwise noted)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Agricultural Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Controlled-environment agriculture</td>
<td>Employee</td>
</tr>
<tr>
<td>Other agriculture, horticulture, and forestry</td>
<td>Employee</td>
</tr>
<tr>
<td><strong>Commercial Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Automobile service facilities, filling stations, and car washes</td>
<td>400 square feet of gross floor and ground area devoted to repair and service facilities in addition to areas normally devoted to automobile storage plus 1 per employee on major shift</td>
</tr>
<tr>
<td>Automobile, boat, farm machinery and trailer sales</td>
<td>1,000 square feet of gross indoor and outdoor display areas</td>
</tr>
<tr>
<td>Banks and similar financial institutions</td>
<td>150 square feet of floor area for public use plus 1 per each employee on largest shift</td>
</tr>
<tr>
<td>Commercial day care</td>
<td>6 students enrolled plus 1 per employee</td>
</tr>
<tr>
<td>Convenience stores</td>
<td>75 square feet of gross floor area</td>
</tr>
<tr>
<td>Dog day care</td>
<td>6 dogs enrolled plus 1 per employee</td>
</tr>
<tr>
<td>Dry cleaners and laundries (not self-service)</td>
<td>400 square feet of gross floor area</td>
</tr>
<tr>
<td>Funeral homes</td>
<td>100 square feet of gross floor area plus 1 per each employee</td>
</tr>
<tr>
<td>Hotels and motels</td>
<td>Guest sleeping room plus 1 per each employee on 2 largest shifts. (Restaurants and other accessory uses shall add to this requirement.)</td>
</tr>
<tr>
<td>Home improvement and building supply stores</td>
<td>300 square feet of gross floor area of display/sales area plus 1 per each employee</td>
</tr>
<tr>
<td>Laundromats (self-service)</td>
<td>2 washing machines</td>
</tr>
<tr>
<td>Medical, dental, and veterinary clinics</td>
<td>6 spaces per each physician, dentist, veterinarian, etc.</td>
</tr>
<tr>
<td>Type of Use</td>
<td>Minimum of One Parking Space for Each (or as otherwise noted)</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Mini warehouses</td>
<td>25 units plus 1 per 250 square feet of office space plus 2 per any resident manager</td>
</tr>
<tr>
<td>Offices</td>
<td>300 square feet of gross floor area</td>
</tr>
<tr>
<td>Personal service establishments, studios, and instructional facilities</td>
<td>200 square feet of gross floor area plus 1 per each employee</td>
</tr>
<tr>
<td>Retail store or shop (except those listed below)</td>
<td>300 square feet of gross floor area of display/sales area area plus 1 per each employee on 2 largest shifts</td>
</tr>
<tr>
<td>Carpeting, drapery, floor-covering and wall covering sales</td>
<td>500 square feet of gross floor area</td>
</tr>
<tr>
<td>Grocery stores and food markets</td>
<td>150 square feet of gross floor area for public use plus 1 per each employee on 2 largest shifts</td>
</tr>
<tr>
<td>Furniture sales</td>
<td>500 square feet gross floor area</td>
</tr>
<tr>
<td>Restaurants, fast food restaurants, and taverns</td>
<td>4 seats plus 1 per each employee on largest shift</td>
</tr>
<tr>
<td>Shopping centers and shopping malls</td>
<td>182 square feet of gross leasable floor area</td>
</tr>
<tr>
<td>Other commercial buildings</td>
<td>400 square feet of gross floor area</td>
</tr>
<tr>
<td><strong>Industrial Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Industrial and manufacturing establishments</td>
<td>2 employees on the 2 largest shifts or at least 1 space per each 1,000 square feet of gross floor area, whichever is the greatest number</td>
</tr>
<tr>
<td>Warehousing</td>
<td>Employee on the 2 largest shifts</td>
</tr>
<tr>
<td><strong>Recreation Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Amusement arcade</td>
<td>80 square feet of gross floor area</td>
</tr>
<tr>
<td>Athletic field</td>
<td>4 seats of spectator seating; however, if spectator seating is provided, a temporary parking area shall be provided on the site. Such area must provide sufficient numbers of spaces to serve all users of the site and include a fence delineating such parking area.</td>
</tr>
<tr>
<td>Type of Use</td>
<td>Minimum of One Parking Space for Each (or as otherwise noted)</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Bowling alley and billiard room</td>
<td>1/4 lane/table (i.e. 4 spaces per lane/table) plus 1 per each 2 employees</td>
</tr>
<tr>
<td>Campgrounds</td>
<td>Per campsite, plus 1 per employee, plus 50% of the spaces normally required for accessory uses</td>
</tr>
<tr>
<td>Golf course</td>
<td>1/8 hole (i.e. 8 per hole), plus 1 per employee, plus 50% of the spaces normally required for accessory uses</td>
</tr>
<tr>
<td>Golf driving range</td>
<td>1 per tee plus 1 per employee</td>
</tr>
<tr>
<td>Health, recreation, and exercise clubs</td>
<td>250 square feet of gross floor area plus 1 per employee on largest shift, unless uses of spaces and facilities in the club have specific parking requirements</td>
</tr>
<tr>
<td>Miniature golf course</td>
<td>1/2 hole (i.e. 2 per hole) plus 1 per employee</td>
</tr>
<tr>
<td>Riding academy or stable</td>
<td>2 stalls plus 1 per every 4 seats of spectator seating</td>
</tr>
<tr>
<td>Picnic area</td>
<td>Per table</td>
</tr>
<tr>
<td>Skating rink</td>
<td>4 persons of maximum legal occupancy</td>
</tr>
<tr>
<td>Swimming pools (other than one accessory to a residential development)</td>
<td>4 persons of maximum legal occupancy</td>
</tr>
<tr>
<td>Tennis or racquetball clubs</td>
<td>1/4 court (i.e. 4 per court) plus 1 per employee plus 50% of the spaces normally required for accessory uses</td>
</tr>
<tr>
<td>Residential Uses</td>
<td></td>
</tr>
<tr>
<td>Residential dwelling</td>
<td>See §312.2 of this Chapter</td>
</tr>
<tr>
<td>Boarding house, bed and breakfast</td>
<td>Bedroom</td>
</tr>
<tr>
<td>Social and Institutional Uses</td>
<td></td>
</tr>
<tr>
<td>Auditorium, banquet, conference center and meeting facilities, church, theater, and other such place of public assembly</td>
<td>200 square feet but not less than 1 space per each 2 seats</td>
</tr>
<tr>
<td>Community center</td>
<td>400 square feet of gross floor area, unless uses of spaces and facilities in the center have specific parking requirements</td>
</tr>
<tr>
<td>Type of Use</td>
<td>Minimum of One Parking Space for Each (or as otherwise noted)</td>
</tr>
<tr>
<td>----------------------------------------------------------------</td>
<td>---------------------------------------------------------------</td>
</tr>
<tr>
<td>Nursing, rest or retirement homes</td>
<td>1 per each employee plus 1 per each 3 accommodations (beds)</td>
</tr>
<tr>
<td>Hospital</td>
<td>Spaces shall be provided for visitors at the rate of at least 1 space per each 1.5 accommodations (beds). Such spaces shall be in addition to those necessary for doctors and other personnel at 1 per employee.</td>
</tr>
<tr>
<td>Museum, art gallery, cultural center, library</td>
<td>400 square feet of gross floor area</td>
</tr>
<tr>
<td>Rehabilitation centers (without overnight accommodations)</td>
<td>1 per each employee plus 1 per each 3 people anticipated to be handled through the facility</td>
</tr>
<tr>
<td>Public and private schools below grade ten including kindergarten</td>
<td>6 students enrolled</td>
</tr>
<tr>
<td>Public and private schools, tenth grade and above, including colleges</td>
<td>3 students enrolled</td>
</tr>
<tr>
<td>Vocational, mechanical, and trade schools and adult education facilities</td>
<td>1.5 students enrolled</td>
</tr>
</tbody>
</table>

19. **Pedestrian Accessibility.** Walkways within a parking facility shall be in accordance with §603 of the Valley Township Subdivision and Land Development Ordinance [Chapter 22].

§313. **OFF-STREET LOADING FACILITIES.**

1. Off-street loading shall be required in accordance with this Section prior to the occupancy of any building or use, so as to alleviate traffic congestion on streets. These facilities shall be provided whenever:

   A. A new use is established.

   B. The use of a property or building is changed and thereby requiring more loading space.

   C. An existing use is enlarged, thereby requiring an increase in loading space.
2. **Site Plan Approval.**

   A. Each application for a zoning permit (for use for which off-street loading spaces are required) shall include a drawing (site plan) showing the proposed layout of the loading area. The drawing shall clearly indicate the design elements required below.

   B. No zoning permit shall be issued for any use for which a loading area is required unless the site plan has been approved or necessary variances have been approved.

   C. **Surfacing.** All off-street loading facilities, including access drives, shall be constructed and maintained with a paved surface of concrete or bituminous materials.

3. **Location.** Except as provided elsewhere, a ground-level loading area may be located in any side or rear yard. No exterior portion of an off-street loading facility (including access drives) shall be located within fifty (50) feet of any land within a residential zone. Where possible, off-street loading facilities shall be located on the side of a building not facing any adjoining land in a residential zone.

4. **Connection to Street.** Every loading space shall be connected to a street by means of an access drive. The access drive shall be at least twenty-four (24) feet wide for two-way travel, or eighteen (18) feet wide for one way travel, exclusive of any parts of the curb and gutters. Section 311 specifies other requirements for access drives.

5. **Separation from Streets, Sidewalks and Parking Lots.** Off-street loading spaces shall be designed so that there will be no need for service vehicles to back over streets, drives, aisles or sidewalks. Furthermore, off-street loading spaces and/or their use shall not interfere with off-street parking lots, including interior drives, access drives and aisles.

6. **Drainage.** Off-street loading facilities (including access drives) shall be drained to prevent damage to other properties or public streets. Furthermore, all off-street loading facilities shall be designed to prevent the collection of standing water on any portion of the loading facility surface, particularly next to access drives.

7. **Required Off-street Loading Facilities Sizes.** The following lists required minimum loading space sizes, in feet (excluding access drives, entrances, and exits):

<table>
<thead>
<tr>
<th></th>
<th>Length</th>
<th>Width</th>
<th>Height (If Covered or Obstructed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial, wholesale and storage uses:</td>
<td>63 feet</td>
<td>12 feet</td>
<td>15 feet</td>
</tr>
<tr>
<td>All other uses:</td>
<td>33 feet</td>
<td>12 feet</td>
<td>15 feet</td>
</tr>
</tbody>
</table>
8. **Lighting.** Adequate lighting shall be provided if the loading facility is to be used at night. The lighting shall be provided in accordance with §615 of the Valley Township Subdivision and Land Development Ordinance [Chapter 22] and shall be arranged so as not to be directed, reflected or cause glare off of the site.

9. **Landscaping and Screening Requirements.** Unless otherwise indicated, all off-street loading facilities shall be surrounded by a fifteen (15) foot wide landscape strip. All off-street loading facilities shall also be screened from adjoining residentially-zoned properties and/or adjoining public streets.
10. **Schedule of Off-Street Loading Spaces Required.**

<table>
<thead>
<tr>
<th>Type of Use</th>
<th>Number Spaces Per</th>
<th>Gross Floor Area/Dwelling Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hospital or other institution</td>
<td>None</td>
<td>First 10,000 square feet</td>
</tr>
<tr>
<td></td>
<td>1.0</td>
<td>10,000 to 100,000 square feet</td>
</tr>
<tr>
<td></td>
<td>+1.0</td>
<td>Each additional 100,000 square feet (or fraction)</td>
</tr>
<tr>
<td>Hotel, motel and similar lodging facilities</td>
<td>None</td>
<td>First 10,000 square feet</td>
</tr>
<tr>
<td></td>
<td>1.0</td>
<td>10,000 to 100,000 square feet</td>
</tr>
<tr>
<td></td>
<td>+1.0</td>
<td>Each additional 100,000 square feet (or fraction)</td>
</tr>
<tr>
<td>Industry or manufacturing</td>
<td>None</td>
<td>First 2,000 square feet</td>
</tr>
<tr>
<td></td>
<td>1.0</td>
<td>2,000 to 25,000 square feet</td>
</tr>
<tr>
<td></td>
<td>+1.0</td>
<td>Each additional 40,000 square feet (or fraction)</td>
</tr>
<tr>
<td>Multifamily dwelling</td>
<td>None</td>
<td>Less than 100 dwelling units</td>
</tr>
<tr>
<td></td>
<td>1.0</td>
<td>100 to 300 dwelling units</td>
</tr>
<tr>
<td></td>
<td>+1.0</td>
<td>Each additional 200 dwelling units (or fraction)</td>
</tr>
<tr>
<td>Office building, including banks</td>
<td>None</td>
<td>First 10,000 square feet</td>
</tr>
<tr>
<td></td>
<td>1.0</td>
<td>10,000 to 100,000 square feet</td>
</tr>
<tr>
<td></td>
<td>+1.0</td>
<td>Each additional 100,000 square feet (or fraction)</td>
</tr>
<tr>
<td>Type of Use</td>
<td>Number Spaces Per</td>
<td>Gross Floor Area/Dwelling Units</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------</td>
<td>-------------------</td>
<td>-----------------------------------------------------</td>
</tr>
<tr>
<td>Retail sales and services, per store</td>
<td>None</td>
<td>First 2,000 square feet</td>
</tr>
<tr>
<td></td>
<td>1.0</td>
<td>2,000 to 10,000 square feet</td>
</tr>
<tr>
<td></td>
<td>2.0</td>
<td>10,000 to 40,000 square feet</td>
</tr>
<tr>
<td></td>
<td>1.0</td>
<td>Each additional 100,000 square feet (or fraction)</td>
</tr>
<tr>
<td>Shopping centers (integrated shopping centers, malls and plazas) having at least 25,000 square feet</td>
<td>1.0</td>
<td>25,000 square feet up to 100,000 square feet</td>
</tr>
<tr>
<td></td>
<td>+1.0</td>
<td>Each additional 100,000 square feet</td>
</tr>
<tr>
<td>Theater, auditorium, bowling alley or other recreational establishment</td>
<td>None</td>
<td>First 10,000 square feet</td>
</tr>
<tr>
<td></td>
<td>1.0</td>
<td>10,000 to 100,000 square feet</td>
</tr>
<tr>
<td></td>
<td>+1.0</td>
<td>Each additional 100,000 square feet (or fraction)</td>
</tr>
<tr>
<td>Undertaking establishment or funeral parlor</td>
<td>None</td>
<td>First 3,000 square feet</td>
</tr>
<tr>
<td></td>
<td>1.0</td>
<td>3,000 to 5,000 square feet</td>
</tr>
<tr>
<td></td>
<td>+1.0</td>
<td>Each additional 10,000 square feet (or fraction)</td>
</tr>
<tr>
<td>Wholesale or warehousing (except mini-warehousing)</td>
<td>None</td>
<td>First 1,500 square feet</td>
</tr>
<tr>
<td></td>
<td>1.0</td>
<td>1,500 to 10,000 square feet</td>
</tr>
<tr>
<td></td>
<td>+1.0</td>
<td>Each additional 40,000 square feet (or fraction)</td>
</tr>
</tbody>
</table>
§314. SCREENING AND LANDSCAPING REQUIREMENTS.

1. **Yard Groundcover.** Any part of the site which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks and designated storage areas shall be planted with an all-season ground cover approved by the Board of Supervisors (e.g. grass, ivy, vetch, pachysandra, etc.). It shall be maintained to provide an attractive appearance, and all nonsurviving plants shall be replaced within the next growing season or as otherwise required by the Zoning Officer.

2. **Landscaping Requirements.**
   
   A. Any required landscaping (landscape strips and interior landscaping) shall include a combination of the following elements: deciduous trees, ground covers, evergreens, shrubs, vines, flowers, rocks, gravel, earth mounds, mulch beds, berms, walls, fences, screens, sculptures, fountains, sidewalk furniture or other approved materials. Artificial plants, trees and shrubs may not be used to satisfy any requirement for landscaping or screening. No less than eighty (80) percent of the required landscape area shall be vegetative in composition, and no outdoor storage shall be permitted within required landscape areas.

   B. For each seven hundred and fifty (750) square feet of required area for landscape strips, one (1) shade/ornamental tree shall be provided. For every three hundred (300) square feet of interior landscaping required (parking lots), one (1) shade tree shall be provided. If deciduous, these trees shall have a clear trunk at least five (5) feet above finished grade; if evergreen, these trees shall have a minimum height of six (6) feet. All required landscape strips shall have landscaping materials distributed and required trees reasonably evenly dispersed along the entire length of the lot line abutting the yard.

   C. Wherever possible, plant materials shall be native to the area.

   D. Trees shall be placed with the center of the trunk at least five (5) feet from property lines.

3. **Screening Requirements.**
   
   A. All screening shall be evergreens (trees, hedges, or shrubs) except within the NCO Zone where a combination of walls, fences, earth berms or other similar materials may also be permitted for screening if approved by the Board of Supervisors. Any wall or fence shall be in accordance with §321 of this Chapter.

   B. Screening shall be arranged so as to achieve a complete (approximately one hundred (100) percent) visual barrier at least to the height of the line of sight from a height of six (6) feet from the ground at the property line or the centerline of the adjacent street and the top of any proposed structures. Landscape screens must achieve this visual blockage within two (2) years of installation.
C. Where possible, plantings shall be placed in a random pattern to replicate the appearance of natural occurrence.

D. Where fencing is permitted for screening, such fencing must have an opacity of ninety-five (95) to one hundred (100) percent. Chain link fence may not be used for screening.

4. **Selection of Plant Materials.**

A. Trees and shrubs shall be typical of their species and variety; have normal growth habits, well-developed branches, densely foliated, vigorous, fibrous root systems. They shall have been grown under climatic conditions similar to those in the locality of the project or properly acclimated to conditions of the locality of the project.

B. Any tree or shrub which dies shall be replaced within the next growing season or as otherwise required by the Zoning Officer. All landscaping and screening treatments shall be properly maintained.

§315. **OUTDOOR SIGNS.**

1. **Statement of Intent.**

A. The purpose of the provisions established under §315 of this Chapter is to establish specific regulations pertaining to signs for all land uses, zoning districts and conditions within the Township. The objectives of these provisions are as follows: to promote and maintain overall community beautification; establish reasonable time, place and manner regulations on the exercise of free speech; promote traffic safety; and promote appropriate and efficient use of land.

B. The regulations concerning signs, as established under §315 of this Chapter, shall be subject to the interpretation of the Zoning Officer. Should a dispute arise concerning the interpretation of these regulations, the person aggrieved by the interpretation may file an appeal with the Zoning Hearing Board.

2. **General Standards and Requirements for All Signs.**

A. Permits. Unless otherwise specified by this chapter, a permit shall be required for all signs within the Township in accordance with the following procedures:

(1) A permit application shall be submitted to erect, install, replace, remove and alter signs, as required by the provisions of this article. The application shall include the required permit fee. Permits are not required for maintenance and cleaning of signs.
(2) The permit application shall contain all information necessary for the
Zoning Officer to determine whether the proposed sign conforms with the
requirements of this Chapter. At a minimum, the following information
shall be included:

(a) Two (2) copies of the plans and diagrams drawn accurately to scale
depicting the dimensions of the lot, cartway, right-of-way and
location of the sign.

(b) The exact size, dimensions and location of the sign to be placed on
the lot or building, together with its type, construction, materials to
be used and the manner of installation.

(c) Any other useful information which may be required of the
applicant by the Zoning Officer.

(3) The permit application shall be granted or refused within thirty (30) days
from the date of completed application.

(4) No sign permit shall be issued except in conformity with the regulations of
this article except upon order of the Zoning Hearing Board granted
pursuant to the procedures established for the issuance of a variance.

B. **Construction.** All signs, except temporary signs, shall be constructed of durable
material and kept in good condition and repair. Any sign which is allowed to
become dilapidated or in a state of disrepair may, after thirty (30) days of
notification, be removed by the Township at the expense of the owner or lessee of
the property on which it is located.

C. **Removal of signs.** On-premises signs and off-premises signs that are no longer
utilized for the original intent or use shall be removed from the site or changed to
accommodate a new sign for the new use within thirty (30) days of occupancy by
the new use. All replacement signs shall conform with the provisions specified
under this chapter of the Code. Upon the removal of any sign, whether temporary
or permanent, such removal shall include all associated support, including the
posts, poles, brackets, arms, trailers and other support mechanisms.

D. **Location and placement.** All signs shall be located and placed in compliance with
the provisions of this article. The following requirements shall apply:

(1) No sign shall be posted, stapled or otherwise permanently attached to
public utility poles or trees within a street right-of-way.

(2) All signs shall be setback from street right-of-way lines and all property
lines a minimum distance at least equal to the height of the highest point
of the sign above grade. In no case shall a sign be located within five (5) feet of a street right-of-way line or fifteen (15) feet of a property line, unless otherwise permitted in Matrix Chart 1 or in this Chapter.

(3) All traffic control signs, directional signs, traffic signals or other similar signs which are located within a street right-of-way shall be permitted by the Township and/or the Pennsylvania Department of Transportation.

(4) No sign shall be located, placed or arranged in any manner that interferes with vehicular traffic or is within the clear sight triangle of a street intersection unless permitted to be within the clear sight triangle in other provisions of this Chapter.

(5) No sign shall be erected or located as to prevent free ingress or egress from any window, door or fire escape.

(6) No sign shall be placed in such a position that it will obscure light or air from a building or which would create a traffic danger.

E. Area. The area of all signs which are permitted within the Township are specified under §315.3 of this Chapter. The following specific provisions shall apply to the area of a sign:

(1) The area of a sign shall be construed to include all lettering, wording, border trim or framing and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.

(2) Where the sign consists of individual letters or symbols attached to a surface, building, wall or window, the area shall be determined by calculating the smallest rectangle which encompasses all of the letters and symbols used for the sign, regardless of the actual shape created by the letters and symbols.

(3) The area of a sign painted upon or applied to a building shall be considered to include all lettering, wording and accompanying designs or symbols, together with any backing associated with the sign.

(4) In the event that a symbol, trademark or other such figure is used as a sign, post or standard which could be construed to indicate or identify a particular use or business, that symbol, trademark or figure is to be computed as part of the total allowable sign area.

F. Height. The height of all signs which are permitted within the Township are specified under §315.3 of this Chapter. The following specific provisions shall
apply to the height of a sign.

(1) The height of a sign shall be measured from the average elevation of the ground or finished grade to the highest point of the sign.

(2) Unless otherwise permitted by this Chapter of the Code, no sign that is a part of or is supported by a building shall be erected upon the roof of such building, nor shall such sign extend above the height of the building. A wall sign that partially extends above the roofline by no more than twenty (20) percent of the sign height, as measured at the point where such sign is attached to the building, shall be permitted.

G. Clearance, visibility and sight distance. The following minimum requirements shall apply to the ground clearance, visibility and sight distance for all permitted signs within the Township.

(1) Unless otherwise specified by this Code, all freestanding signs which are located within twenty (20) feet of a street right-of-way line shall have at least seven (7) feet of clear space above grade. However, the necessary support structures may extend through such open space.

(2) Ground signs shall be located at least ten (10) feet from the street right-of-way line.

(3) No ground or freestanding sign shall be located within the clear sight triangle of a street intersection.

(4) The minimum sight distance requirements for pedestrians and vehicles shall be considered and applied.

H. Projection. An on-premises projecting sign which is mounted upon a building so that its principal face is a right angle or perpendicular to the wall of the building may be permitted, subject to the following provisions:

(1) Projecting signs may project a maximum of four (4) feet from the building wall; provided, however, that no sign shall project to a point nearer than five (5) feet from the edge of a paved road or the plane of the face of the curb.

(2) Projecting signs shall be located upon buildings so that the lower edge of the sign is a minimum of ten (10) feet above grade.

(3) The maximum area of all projecting signs shall be twenty (20) square feet.

(4) No projecting sign shall extend above the top of the wall upon which it is mounted.
I. Maximum number of signs. The maximum number of on-premises signs for a use on a single lot is specified under §315.3 of this Chapter.

J. Illumination. All lighting shall comply with §615 of the Valley Township Subdivision and Land Development Ordinance [Chapter 22], as amended, and the following illumination requirements:

(1) Unless otherwise specified within this section of this Chapter, signs may be interior lighted with nonglaring lights, or may be illuminated by floodlights or spotlights, provided that such lighting is shielded so there is no direct light transmitted to abutting properties or public rights-of-way.

(2) All electrically illuminated signs shall be constructed to the standards of the National Board of Fire Underwriters.

(3) Rotating, traveling, pulsing, flashing, or oscillating light sources, lasers, beacons, searchlights, or strobe lighting shall not be permitted.

(4) Externally illuminated billboards and signs shall have luminaires mounted at the top of the billboard or sign and aimed downward. The luminaires shall be designed, fitted, and aimed to shield the source from off-site view and to place the light output onto and not beyond the sign or billboard. At no point on the face of the sign or billboard and at no time shall the illumination exceed thirty (30) vertical footcandles during hours of darkness.

(5) Internally illuminated signs shall have a dark field and light message. The aggregate output of the light sources shall not exceed five hundred (500) initial lumens per square foot of sign face per side.

(6) The use of red, green or amber lights on any sign within two hundred (200) feet of a street intersection shall be prohibited.

(7) The use of illuminated signs within the R-1, R-2, and MFR Overlay Zoning Districts shall be prohibited unless the illuminated sign is specifically related to emergency management uses, medical facilities, municipal uses, institutional uses and other similar uses considered appropriate by the Zoning Officer.

K. Double-faced signs. Any permitted sign may be constructed and installed as a double-faced sign, provided that it has two (2) parallel surfaces that are opposite and matching in size and shape and are not over sixteen (16) inches apart. All such signs shall be considered as one (1) sign, and only one (1) face shall be used to calculate the total size of the sign. Should the two (2) surfaces deviate from being parallel or should they differ in size or shape, the sign shall be considered as
two (2) signs.

L. **Painted murals.** Artistic murals depicting scenic, historical, cultural, educational or other similar visual scenes may be painted on the side of a building, provided they are aesthetic, socially acceptable and that the content has been reviewed and approved by the Township Board of Supervisors.

M. **Supplementary sign regulations for all zoning districts.** The following supplementary sign regulations shall apply to all zoning districts within the Township:

(1) Whenever a sign becomes structurally unsafe or endangers the safety of the building or premises, or endangers the public safety, the Zoning Officer shall give written notice to the owner of the premises on which the sign is located that such sign be made safe or removed within five (5) days.

(2) No sign located within a floodplain shall exceed six (6) square feet of area per side.

(3) In all Zones, only those signs referring directly to materials or products made, sold or displayed on the premises shall be permitted, except as otherwise noted.

N. **Traffic control and directional signs.** Unless otherwise permitted by the Township or the Pennsylvania Department of Transportation, all traffic control signs and directional signs shall conform with the following requirements:

(1) Traffic control and directional signs located within the street right-of-way shall be subject to the review and approval of the Township and/or the Pennsylvania Department of Transportation. The location, size, type, height, spacing and quantity of the sign(s) shall be stipulated on the permit, as issued by the Township and/or the Pennsylvania Department of Transportation.

(2) Traffic control and directional signs located outside the street right-of-way within a lot or on private property shall be subject to the review and approval of the Township. All such signs shall be located at least two (2) feet from the street right-of-way and ten (10) feet from all other property lines. The maximum number of signs as well as the maximum height and size of each sign are specified under §315.3 of this Chapter.
3. **Summarization Chart for Categorical Sign Requirements.**

   **A.** Matrix Chart 1 (included hereafter) summarizes the categorical sign requirements by type, quantity, height, area, location and permit procedures for each use within the Township. Where a discrepancy should exist between the provisions contained within the text and the provisions contained within Matrix Chart 1, the provisions contained within the text shall prevail.

   **B.** The provisions specified within Matrix Chart 1 shall be subject to the interpretation of the Zoning Officer.

   **C.** Should a dispute arise concerning the interpretation of these regulations, the person aggrieved by the interpretation may file an appeal with the Zoning Hearing Board.

4. **Sign Requirements for Residential Uses.**

   **A.** An individual nameplate or street address sign may be posted on any residential lot, provided it does not exceed four (4) square feet in area. All such signs shall be located at least two (2) feet from the street right-of-way and five (5) feet from all other property lines.

   **B.** Home occupation signs displaying the name and address of the occupant or the profession or activity of the occupant of a dwelling subject to the following conditions: only one (1) such sign shall be erected for each permitted use or dwelling; the area on one (1) side of such sign shall not exceed two (2) square feet; and provided that such sign shall be fixed flat on the main wall of such building, not projecting more than six (6) inches from the wall, or may be erected in the front yard, but not within two (2) feet of the right-of-way or five (5) feet from any other property line.

   **C.** Residential developments containing a total of twenty (20) or more residential units may provide a sign for the purposes of identifying the name of the development subject to the following criteria:

   (1) The signs shall be limited to one (1) freestanding or ground sign per entrance to the development.

   (2) The maximum size of the sign shall be thirty-two (32) square feet per sign.

   (3) The maximum height of a freestanding sign shall be ten (10) feet and shall be constructed of weather-resistant wood, vinyl or decorative masonry.

   (4) Any wall or fence structure which supports such signs may not exceed eight (8) feet in height or a maximum of one hundred (100) square feet in area.
(5) The sign shall be located at least five (5) feet from the street right-of-way line, twenty (20) feet from all other property lines and shall not be located within the clear sight triangle, as established under §310.3 and 311.3 of this Chapter. The final location of such signs shall be approved by the Zoning Officer prior to the issuance of a sign permit.

(6) Prior to the issuance of a sign permit, the applicant shall provide sufficient evidence to the Zoning Officer that adequate measures have been taken to ensure proper maintenance of the sign and any accompanying landscaping and that the sign will be durably constructed as to require minimal maintenance.

(7) The illumination of such signs may be permitted, provided that lighting is located in a manner so that glare or reflection is not greater than one-tenth (0.1) footcandle at the street right-of-way line.

D. Directional signs may be permitted, provided they are utilized within the interior of a residential development, are limited to one (1) directional sign per street and do not exceed six (6) square feet in size.

E. Property control and restrictions signs including "no trespassing," "no hunting," "no solicitation" and other similar signs may be permitted subject to the following conditions: the area of the sign shall not exceed two (2) square feet; the spacing of such signs shall be at least one hundred (100) feet apart on the same lot or property; and the sign does not contain any personal message which is considered irrelevant to controlling or restricting the use of a property or lot.

5. **Sign Requirements for Nonresidential Uses.**

A. The maximum number of on-premises signs for a nonresidential use shall be in accordance with Matrix Chart 1 provided under §315.3 of this Chapter.

B. A freestanding or ground sign may be permitted for all nonresidential uses and developments, subject to the provisions specified under §315.3 of this Chapter. In addition to those requirements, the following provisions shall apply:

(1) An office park, business park, medical residential campus, hospital, and industrial park may have one (1) freestanding or ground sign for each street on which the development has more than three hundred (300) feet of frontage. The area of each sign shall not exceed one hundred (100) cumulative square feet and shall meet the following criteria:

   (a) The maximum height of a freestanding sign shall be no less than seven (7) feet and no more than eighteen (18) feet, as measured above grade.
(b) The maximum height of a ground sign shall be no more than eight (8) feet, as measured above grade. Any wall or fence structure which supports such signs may not exceed eight (8) feet in height or a maximum of one hundred fifty (150) square feet and shall be constructed of weather-resistant wood, vinyl or decorative masonry.

(c) The freestanding or ground sign may identify the name of the development as well as any individual permitted uses contained within the development, provided it is constructed as a single component with the ability to be changed at any time.

(2) A shopping center or shopping mall containing multiple nonresidential uses with less than thirty thousand (30,000) square feet of cumulative floor area may contain one (1) freestanding sign for the development which shall not exceed sixty (60) cumulative square feet and shall meet the following criteria:

(a) The height of all such freestanding signs shall be no less than seven (7) feet and no more than eighteen (18) feet, as measured above grade.

(b) The total number of individual advertisements on any such freestanding sign shall be limited to eight (8) per side.

(3) A shopping center or shopping mall containing multiple nonresidential uses with thirty thousand (30,000) square feet or more of cumulative floor area may contain no more than one (1) freestanding or ground sign for each street on which the development has more than three hundred (300) feet of frontage. The area of each sign shall not exceed one hundred (100) cumulative square feet and shall meet the following criteria:

(a) The height of a freestanding sign shall be no less than seven (7) feet and no more than twenty-five (25) feet, as measured above grade.

(b) The maximum height of a ground sign shall be no more than eight (8) feet, as measured above grade. Any wall or fence structure which supports such signs may not exceed eight feet in height or a maximum of one hundred fifty (150) square feet and shall be constructed of weather-resistant wood, vinyl or decorative masonry.

(c) The freestanding or ground sign may identify the name of the development as well as any individual permitted uses contained
within the development, provided it is constructed as a single component with the abilities to be changed at any time. The total number of individual advertisements on any such freestanding sign shall be limited to eight (8) per side.

(4) All other individual nonresidential uses may have one (1) freestanding or ground sign, subject to the provisions specified under §315.3 of this Chapter.

C. A municipal, governmental, recreational or institutional use may have a freestanding or ground sign for the purposes of displaying the name of the use and its activities or services, provided that the area of any such sign shall not exceed forty (40) square feet, and there shall be no more than one (1) sign for each street on which the use has more than three hundred (300) feet of frontage. Only one (1) such sign per organization will be permitted on the site except that a maximum of two (2) such signs may be permitted when the property fronts on two (2) or more public streets. All other pertinent sign requirements for municipal, governmental, recreational and institutional uses as defined and specified under this Chapter of the Code shall apply.

D. An agricultural use, as further defined and outlined under §317 of this Chapter, may have one (1) freestanding or ground sign for the purposes of displaying the name of the use and its activities or services, provided that the area of any such sign shall not exceed thirty (30) square feet. All other pertinent sign requirements for agricultural uses, as specified under §315.3 of this Chapter, shall apply.

E. Property control and restrictions signs including "no trespassing," "no hunting," "no solicitation" and other similar signs may be permitted subject to the following conditions: the area of the sign shall not exceed two (2) square feet; the spacing of such signs shall be at least one hundred (100) feet apart on the same lot or property; and the sign does not contain any personal message which is considered irrelevant to controlling or restricting the use of a property or lot.

F. Digital and electronic changing message signs may be permitted for nonresidential uses and shall comply with §314.2.J and all other requirements of this Chapter and the following regulations:

(1) Displayed messages shall be visible for a minimum of ten (10) seconds.

(2) A change in displayed message shall occur within three (3) seconds.

(3) No visual scrolling, movement, fading, or dissolving is permitted, and messages shall not overlap.

(4) The sign shall be equipped with automatic day/night dimming to reduce the illumination intensity of the sign from one (1) hour after sunset to one
(1) hour prior to sunrise.

(5) The sign shall be equipped with an automatic shut off in case of failure or error that would result in the sign projecting a full intensity all white image for an extended period of time.

(6) The use of animation, sound, and full-motion video is prohibited.

6. **Off-premises Advertising Signs or Billboards.**

A. All off-premises advertising sign or billboard shall be designed, located and constructed in accordance with all local and state codes. As part of this requirement, all permit applications shall include signed and sealed plans from a licensed engineer within the Commonwealth of Pennsylvania.

B. Off-premises advertising signs or billboards are permitted by conditional use within the I Zone and within seventy-five (75) lineal feet of the Route 30 Bypass right-of-way within the PD Zone.

C. All off-premises advertising signs or billboards shall comply with the following design requirements:

   (1) Off-premises advertising signs or billboards shall not exceed three hundred (300) square feet.

   (2) The height of all off-premises advertising signs or billboards shall be no less than fifteen (15) feet to the bottom edge of the sign and no more than forty-five (45) feet to the top edge of the sign, as measured from the average ground elevation.

   (3) All off-premises advertising signs or billboards shall be constructed and erected on a steel unipole or steel I-beams meeting the minimum standards established by the Outdoor Advertising Association of America and the Institute of Outdoor Advertising.

   (4) The support structures for all off-premises advertising signs or billboards shall be constructed and erected on permanent footings, as determined by the licensed engineer responsible for the permit application.

   (5) No off-premises advertising sign or billboard shall be constructed and erected which resembles any official marker, logo and/or insignia of any governmental entity or other organization without written consent.

   (6) The off-premises advertising sign or billboard shall not contain vulgar messages or depict any lewd, pornographic, lascivious or other offensive acts.
D. All off-premises advertising signs or billboards shall be located to comply with the following requirements for setback, separation distance, and arrangement:

1. All off-premises advertising signs or billboards shall be located at least ten (10) feet from the street right-of-way line as measured on the same side of the street to which the off-premises advertising sign or billboard is located.

2. All off-premises advertising signs or billboards shall be located at least fifty (50) feet from all side and rear property lines.

3. All off-premises advertising signs or billboards shall be located at least three hundred (300) feet from the center of the nearest street intersection or interchange.

4. All off-premises advertising signs or billboards shall be located at least one hundred (100) feet from any land within a residential zone.

5. The spacing of such signs shall be at least one thousand (1,000) linear feet apart from another off-premises advertising sign or billboard.

6. The illumination of billboards within four hundred (400) feet of a residential use is prohibited.

7. When two (2) off-premises advertising signs or billboards are orientated in a back-to-back arrangement, they shall be parallel and directly opposite from each other and shall not be spaced by more than fifteen (15) feet. The size and shape of the signs should not deviate from each other, and they shall utilize the same support structure.

8. No off-premises advertising sign or billboard shall be located in any manner that disrupts or distracts the operator of a motor vehicle, obstructs the view of motorists on adjoining roads, or obstructs the view of adjoining commercial or industrial uses, which depend upon visibility for identification.

E. The off-premises advertising sign or billboard shall be maintained and inspected by the applicant of the permit on a regular basis, but shall not exceed a period of time of more than thirty (30) days. As part of this requirement, the applicant shall inspect the following: the support structure to determine if is sound and in good repair; the lighting to determine if it operating sufficiently; the display area to determine if is in good condition and free of graffiti; the area within the lease area to determine if it is clear of overgrown vegetation, debris, trash and other unsightly materials; and all other items that should be inspected periodically, as determined appropriate by the Zoning Officer. A copy of the inspection report shall be sent to the Township for record keeping purposes.
F. Conditional Use applications for all off-premises advertising signs or billboards shall comply with the following permit requirements:

(1) The applicant shall submit a written agreement with the permit application indicating that the owner of the property has agreed to lease the property to the commercial sign or advertising company and has approved the proposed display or message contained on the off-premises advertising sign or billboard.

(2) The permit application shall contain the following information: three (3) copies of the plans and diagrams drawn accurately to scale depicting the dimensions of the lot, cartway, right-of-way and location of the sign; the exact size, dimensions and location of the off-premises sign or billboard to be placed on the lot or building, together with its type, construction, materials to be used, support structures and the manner of installation; and any other useful information which may be required of the applicant by the Township Engineer or Zoning Officer.

(3) The completed permit application, plans and support diagrams shall be signed and sealed by a licensed engineer within the Commonwealth of Pennsylvania.

(4) The permit application shall be granted or refused within thirty (30) days from the date of completed application.

7. Special Use Signs, Temporary Signs and Promotional Signs.

A. The following provisions shall apply to special use and temporary signs within the Township:

(1) Temporary signs shall be permitted, provided they are not considered permanent and they comply with the provisions established under this Chapter of the Code.

(2) Special event or promotional signs shall be permitted, provided they are not considered permanent and they comply with the provisions established under this Chapter of the Code.

(3) Special use signs may be permitted, provided they are not considered permanent and they comply with the provisions established under this Chapter of the Code.

(4) Portable signs are permitted only in the Neighborhood Commercial Office (NCO) and Highway Commercial (HC) zones.
(5) Real estate signs for the selling, renting or leasing of residential properties shall be permitted subject to the following conditions: the area of the sign shall not exceed six (6) square feet; the sign shall be located at least five (5) feet from the street right-of-way line and all other property lines; no more than one sign shall be permitted for each property being sold unless the property fronts on more than one (1) street, in which case two (2) signs are permitted OR the spacing of such signs shall be at least two hundred (200) feet apart on the same lot or property; and the sign shall be removed within five (5) days after the final transaction is completed.

(6) Real estate signs for the selling, renting or leasing of nonresidential properties shall be permitted subject to the following conditions: the area of the sign shall not exceed thirty two (32) square feet; the spacing of such signs shall be at least two hundred (200) feet apart on the same lot or property; the sign shall be located at least five (5) feet from the street right-of-way line and twenty (20) feet from all other property lines; and the sign shall be removed within five (5) days after the final transaction is completed.

(7) Development Signs. Signs indicating the location and direction of premises available for or in process of development, but not erected upon such premises, and having inscribed thereon the name of the owner, developer, builder or agent may be erected if the size of any such sign is not in excess of thirty two (32) square feet. Furthermore, no more than one (1) such sign shall be erected for each five hundred (500) feet of street frontage.

(8) Political signs, being signs erected in conjunction with a political election, naming a candidate or slate of candidates for a primary or general election or referencing a position in support of or opposition to an issue placed in referendum, shall be permitted subject to the following conditions: the area of political signs may not exceed six (6) square feet, political signs shall be placed only on properties with the property owner's permission, political signs may be posted thirty (30) calendar days prior to the date of the election, and political signs must be removed within one hundred twenty (120) hours following the election.

(9) Temporary signs announcing a campaign, drive or event of a civic, municipal, philanthropic, educational, institutional, religious or similar organization, provided the following criteria apply: the sign shall not exceed twenty (20) square feet in area; no more than four (4) signs shall be permitted within the Township; the signs may be erected for a period not to exceed thirty (30) days in any calendar year; the sign shall be removed within five (5) days after the commencement of the campaign, drive or event.
(10) Temporary signs for a yard sale or garage sale, provided the following conditions shall apply: the sign shall not exceed four (4) square feet in area; no more than four (4) signs shall be permitted per sale within the Township; the signs may be erected for a period not to exceed thirty (30) days in any calendar year; the sign shall be removed within two (2) days after the commencement of the yard sale or garage sale.

(11) Temporary signs for contractors, developers, architects, engineers, builders, financers and artisans may be permitted on the premises where the work is being performed, provided that the following criteria apply: the sign shall not exceed twelve (12) square feet; the sign shall not be illuminated; one (1) sign shall be permitted for each street on which the project area or development has frontage; the sign shall not exceed eighteen (18) feet in height; and provided that all such signs shall be removed within five (5) days of the completion of the work. Should such sign be left on the site beyond the allowable time frame, the Township may impound it and recover a fee from the owner of the sign equal to the costs of removal and storage of the sign.

(12) Business and advertising signs located within a sports facility or venue may be permitted subject to the following criteria: the signs shall be located within the permitted sports facility or venue such as a football stadium, little league baseball field or similar playing field owned or operated by a not-for-profit organization or entity organized to promote youth sports teams; the nonprofit organization or entity is recognized and authorized in writing via Internal Revenue Service tax form with non-profit number; no more than one (1) sign measuring a maximum of twelve (12) square feet in area shall be permitted for each five hundred (500) square feet of playing field or ground floor stadium area; all such signs shall be made of wood, plastic or metal; and all such signs shall be located only on walls, fences and scoreboards, but shall not be mounted on light poles, roofs or other freestanding surfaces.

(13) Multifamily apartment complexes with more than seventy-five (75) units in a residentially zoned district may display temporary signs, flags, balloons and banners which advertise vacancies or special rate periods, provided the signs comply with the requirements in §315.7.B. No floodlights shall be permitted to illuminate these temporary signs, flags, balloons or banners.

B. The following provisions shall apply to special event or seasonal signs for an existing nonresidential use located within a nonresidential district, including signs, banners, flags, balloons, floodlights and other similar promotional features:

(1) One (1) such sign shall be permitted per lot, and the sign size shall not exceed thirty-two (32) square feet.
(2) No portion of a ground-mounted sign used to advertise a special event shall exceed the height of thirty-two (32) inches. Any banner or wall sign used to advertise a special event shall not extend above the roofline of the building upon which the sign is displayed.

(3) A special event sign shall be fastened securely. Ground signs shall be anchored with a metal pipe or other secure support. Hanging signs shall be secured and not allowed to flap or sag.

(4) All seasonal signs must be maintained in accordance with the provisions of this Ordinance.

(5) The sign shall not obstruct the vision or sight distance of the operator of any vehicle or interfere with normal pedestrian movements. In no case shall the sign be located closer than two (2) feet from the street right-of-way line. A plot plan showing the location of any special event sign must accompany each permit application.

(6) The special event sign may be two (2)-sided with different advertisement displays on either side.

(7) The special event sign shall not contain flashing messages as part of the display.

(8) One (1) such sign may be permitted per lot for one (1) period not exceeding thirty (30) days during any calendar year.

(9) The use of banners, flags, floodlights and other similar promotional features may be utilized, provided they comply with the following provisions: they shall not be utilized on the property for more than thirty (30) consecutive days or more than seventy-five (75) cumulative days in any calendar year; they shall be located at least twenty (20) from the street right-of-way line and thirty (30) feet from property lines; they shall be well maintained; and they shall not disrupt vehicular or pedestrian traffic along any public street right-of-way.

(10) The use of balloons and similar promotional features may be utilized, provided they comply with the following provisions: they shall not be utilized on the property for more than thirty (30) consecutive days or more than seventy-five (75) cumulative days in any calendar year; they shall not be located more than sixty (60) feet in the air, as measured above grade where the balloons are permitted; the minimum setback to any street right-of-way line or property line shall be one (1) horizontal foot to one (1) vertical foot considering the height of the balloon; they shall be well maintained; and they shall not disrupt vehicular or pedestrian traffic along
any public street right-of-way.

(11) A special event sign permit shall be required for each sign used to advertise any special event during any calendar year. The property owner, or lessee with the owner's permission, may make one (1) permit application establishing all dates, times and the duration of each separate special event sign proposed to be displayed during a calendar year, or may make separate applications for each such event, providing the total does not exceed the maximum seventy-five (75) day limit. The permit applicant shall pay the fee established by resolution of the Board of Supervisors. The special event sign permit shall be subject to the review and approval of the Zoning Officer.

C. The following provisions shall apply to grand opening and promotional signs for a new nonresidential use located within a nonresidential zoning district, including signs, banners, flags, balloons, floodlights and other similar promotional features:

(1) The use of promotional signs and features shall be limited to the first thirty (30) days after the initial occupancy permit is issued for the nonresidential use.

(2) The maximum area of a promotional sign shall be limited to two (2) signs which shall not exceed twenty-four (24) square feet per sign. The promotional signs shall be located at least ten (10) feet from the street right-of-way line and twenty (20) feet from property lines.

(3) All promotional banners, flags, balloons, floodlights and other permitted promotional features shall be located at least five (5) feet from the street right-of-way line and twenty (20) feet from property lines.

(4) No promotional features except balloons may exceed the height of the rooftop.

(5) Promotional signs banners, flags, balloons, floodlights and other similar promotional features shall not disrupt vehicular or pedestrian traffic along any public street right-of-way.

D. The following provisions shall apply to banners which are hung and displayed across public street rights-of-way to promote community events, including civic, municipal, charitable, philanthropic, educational, institutional, religious or similar organizations:

(1) The applicant must complete and submit a banner permit to the office of the Zoning Officer at least forty-five (45) days prior to the desired date of hanging a banner over a public street or way. Upon approval by the Board of Supervisors, the banner(s) may be hung and displayed as set forth by
the provisions established within this section of the Ordinance.

(2) The hanging of banners must be in complete conformance with the application as submitted to the Township and as approved by the Board of Supervisors.

(3) The hanging of banners shall be performed by the Township for a fee.

(4) No banner may hang lower than eighteen (18) feet over the street or public way.

(5) Unless otherwise approved by the Board of Supervisors, no more than one (1) banner may be displayed over any particular street or public way.

(6) Banners may not be hung more than twenty-five (25) days prior to the date of the event being advertised and must be removed no later than five (5) days after the conclusion of the event being advertised.

(7) Banners which are not removed within five (5) days after the advertised event has concluded shall be removed by the Township, and the applicant shall be liable for the actual cost of removal.

(8) Banners hung across streets and other rights-of-way without proper approval or authorization shall be removed by the Township, and the responsible person(s) shall be liable for the cost of removal.

(9) The applicant shall secure liability and/or property insurance for the display of the banners.

8. Nonconforming Signs and Abandoned Signs.

A. Signs existing at the date of enactment of this Chapter of the Code which do not conform to the requirements of this chapter shall be considered nonconforming signs and subject to the following provisions:

(1) Any sign which is considered nonconforming based upon its location, height, clearance, visibility, projection, quantity and illumination shall only be replaced with a conforming sign.

(2) Any sign which is considered nonconforming based upon its surface area shall only be replaced by a conforming sign.

(3) Nonconforming signs may be repaired and/or repainted, provided that the repairs do not change the existing sign or create any further nonconformities.
B. A sign shall be considered to be abandoned if the following conditions apply: a sign erected on a property for a specific use, which becomes vacant and unoccupied for a period of one (1) year or more; any sign which was previously erected for a prior occupant or business; or any sign which relates to a time, event or purpose which is considered a past event. The following provisions shall apply to signs, which are considered "abandoned signs" within the Township:

(1) No person shall maintain or permit to be maintained on any premises owned or controlled by that person a sign which has been abandoned.

(2) An abandoned sign shall be removed by the landowner or person controlling the property within ten (10) days of the abandonment as described by this section of the Ordinance.

C. Upon the removal of any nonconforming sign or abandoned sign, whether temporary or permanent, such removal shall include all structures associated with the sign, including, but not limited to, posts, poles, brackets, arms, trailers, supports, and aboveground conduits.


A. The following signs shall be considered as prohibited signs which shall not be permitted within the Township:

(1) Spinning, animated, twirling or any other moving objects used for commercial advertising purposes with or without a message, where the spinning, animation and/or twirling occurs in intervals of less than thirty (30) seconds or more than one (1) complete rotation within a thirty (30)-second interval during any given time of the day.

(2) Flashing, blinking, twinkling, or animated signs.

(3) Highly reflective signage that creates nuisance glare or a safety hazard.

(4) Signs placed, inscribed or supported upon the highest roofline or upon any structure which extends above the highest roofline of any building.

(5) Roof signs which are erected on top of a principal or accessory building.

(6) Signs located on parked vehicles within fifty (50) feet of the street right-of-way.

(7) Signs containing vulgar messages or depicting any lewd, pornographic, lascivious or other offensive acts.

(8) Caution tape or crime scene tape that is not utilized for emergency
management purposes.
## Matrix Chart 1

### Summary Chart for Categorical Sign Requirements

<table>
<thead>
<tr>
<th>Use</th>
<th>Type of Sign</th>
<th>Maximum Number</th>
<th>Maximum Height (feet)</th>
<th>Maximum Size or Sign Area</th>
<th>Setback Requirements (feet)</th>
<th>Permitted Zoning Districts</th>
<th>Permit Required</th>
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<tbody>
<tr>
<td>Permanent on-premises residential signs</td>
<td>Individual name and street address</td>
<td>1</td>
<td>10</td>
<td>4 square feet</td>
<td>ROW</td>
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<td>Property control or restrictions sign</td>
<td>1 per 100</td>
<td>10</td>
<td>2 square feet</td>
<td>Property Line</td>
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<td>Home occupation sign</td>
<td>1</td>
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<td>2 square feet on one side</td>
<td>All districts</td>
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<td>Subdivision or development sign containing 20 or more units</td>
<td>1 per main entrance</td>
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<td>32 square feet</td>
<td>All districts</td>
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<td>Freestanding sign for single use</td>
<td>1</td>
<td>18</td>
<td>30 square feet</td>
<td>C, R-1, R-2, and I</td>
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<td>Wall or parallel sign</td>
<td>-</td>
<td>30</td>
<td>20% of building face; maximum 100 cumulative square feet on one designated side; maximum 50 cumulative square feet on all other building sides</td>
<td>C, R-1, R-2, and I</td>
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<td>Projecting sign</td>
<td>1</td>
<td>20</td>
<td>20 square feet</td>
<td>NCO, HC, RC, I, and PD</td>
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<td>Directional or traffic control sign</td>
<td>4 per acre</td>
<td>15</td>
<td>6 square feet per sign</td>
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<td>Freestanding sign for single use</td>
<td>1</td>
<td>18</td>
<td>30 square feet</td>
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<td>Wall or parallel sign</td>
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<td>30</td>
<td>20% of building face; maximum 100 cumulative square feet on one designated side; maximum 50 cumulative square feet on all other building sides</td>
<td>NCO, HC, RC, I, and PD</td>
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<td>Projecting sign</td>
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<td>20</td>
<td>20 square feet</td>
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<td>Window sign</td>
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<td>50% of cumulative front window space</td>
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<td>6 square feet per sign</td>
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<tr>
<td></td>
<td>Wall or parallel sign</td>
<td>6</td>
<td>30</td>
<td>20% of building face; maximum 150 cumulative square feet on one designated side; maximum 50 cumulative square feet on all other building sides</td>
<td>I</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Projecting sign</td>
<td>1</td>
<td>20</td>
<td>20 square feet</td>
<td>I</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Window sign</td>
<td>-</td>
<td>20</td>
<td>10% of cumulative front window space</td>
<td>I</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Directional or traffic control sign</td>
<td>4 per acre</td>
<td>10</td>
<td>6 square feet per sign</td>
<td>I</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Permanent off-site advertising sign/billboard</td>
<td>Freestanding advertising sign or billboard</td>
<td>1 per 1,000 linear feet</td>
<td>45</td>
<td>300 square feet</td>
<td>I and PD</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>
## Matrix Chart 1 (cont.)

### Summary Chart for Categorical Sign Requirements

<table>
<thead>
<tr>
<th>Permitted Zoning Districts</th>
<th>Permit Required</th>
<th>Property Line</th>
<th>Maximum Height (feet)</th>
<th>Maximum Number</th>
<th>Maximum Size or Sign Area</th>
<th>Type of Sign</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 and PD</td>
<td>Yes</td>
<td>1 per street</td>
<td>18</td>
<td>1</td>
<td>100 cumulative square feet for all uses</td>
<td>Freestanding sign for a convenience center or mall commercial center with less than 30,000 s.f. floor area</td>
</tr>
<tr>
<td>2, 3, 4</td>
<td>Yes</td>
<td>1 per street</td>
<td>18</td>
<td>1</td>
<td>100 cumulative square feet for all uses</td>
<td>Freestanding sign for office and business parks</td>
</tr>
<tr>
<td>5</td>
<td>Yes</td>
<td>1 per street</td>
<td>18</td>
<td>1</td>
<td>100 cumulative square feet for all uses</td>
<td>Freestanding sign for medical residential campus</td>
</tr>
<tr>
<td>6</td>
<td>Yes</td>
<td>1 per street</td>
<td>18</td>
<td>1</td>
<td>100 cumulative square feet for all uses</td>
<td>Freestanding sign for hospitals</td>
</tr>
<tr>
<td>7</td>
<td>Yes</td>
<td>1 per street</td>
<td>18</td>
<td>1</td>
<td>100 cumulative square feet for all uses</td>
<td>Freestanding sign for industrial parks</td>
</tr>
<tr>
<td>8</td>
<td>Yes</td>
<td>1 per street</td>
<td>18</td>
<td>1</td>
<td>100 cumulative square feet for all uses</td>
<td>Freestanding sign for single use</td>
</tr>
<tr>
<td>9</td>
<td>Yes</td>
<td>1 per 500 feet</td>
<td>20</td>
<td>1</td>
<td>6 square feet per sign</td>
<td>Wall or parapet sign</td>
</tr>
<tr>
<td>10</td>
<td>Yes</td>
<td>1 per street</td>
<td>10</td>
<td>2</td>
<td>6 square feet per sign</td>
<td>Projecting sign</td>
</tr>
<tr>
<td>11</td>
<td>Yes</td>
<td>1 per street</td>
<td>10</td>
<td>2</td>
<td>6 square feet per sign</td>
<td>Directional or traffic control sign</td>
</tr>
<tr>
<td>12</td>
<td>Yes</td>
<td>1 per street</td>
<td>10</td>
<td>2</td>
<td>6 square feet per sign</td>
<td>Subdivision or development sign</td>
</tr>
<tr>
<td>13</td>
<td>Yes</td>
<td>1 per street</td>
<td>10</td>
<td>2</td>
<td>6 square feet per sign</td>
<td>Residential real estate sale, rental, and lease signs</td>
</tr>
<tr>
<td>14</td>
<td>Yes</td>
<td>1 per street</td>
<td>10</td>
<td>2</td>
<td>6 square feet per sign</td>
<td>Senior residential real estate, rental, and lease signs</td>
</tr>
<tr>
<td>15</td>
<td>Yes</td>
<td>1 per street</td>
<td>10</td>
<td>2</td>
<td>6 square feet per sign</td>
<td>Civic, municipal, philanthropic, educational, institutional use signs</td>
</tr>
<tr>
<td>16</td>
<td>Yes</td>
<td>1 per street</td>
<td>10</td>
<td>2</td>
<td>6 square feet per sign</td>
<td>Yard or garage sale signs</td>
</tr>
<tr>
<td>17</td>
<td>Yes</td>
<td>1 per street</td>
<td>10</td>
<td>2</td>
<td>6 square feet per sign</td>
<td>Temporary on-premises signs</td>
</tr>
<tr>
<td>18</td>
<td>Yes</td>
<td>1 per street</td>
<td>10</td>
<td>2</td>
<td>6 square feet per sign</td>
<td>Permanent on-premises signs</td>
</tr>
<tr>
<td>19</td>
<td>Yes</td>
<td>1 per street</td>
<td>10</td>
<td>2</td>
<td>6 square feet per sign</td>
<td>Freestanding sign for a shopping center or mall commercial center with 30,000 s.f. floor area</td>
</tr>
<tr>
<td>20</td>
<td>Yes</td>
<td>1 per street</td>
<td>10</td>
<td>2</td>
<td>6 square feet per sign</td>
<td>Freestanding sign for a convenience center or mall commercial center with more than 30,000 s.f. floor area</td>
</tr>
<tr>
<td>21</td>
<td>Yes</td>
<td>1 per street</td>
<td>10</td>
<td>2</td>
<td>6 square feet per sign</td>
<td>Freestanding sign for office and business parks with 30,000 s.f. or more floor area</td>
</tr>
<tr>
<td>22</td>
<td>Yes</td>
<td>1 per street</td>
<td>10</td>
<td>2</td>
<td>6 square feet per sign</td>
<td>Freestanding sign for medical residential campus</td>
</tr>
<tr>
<td>23</td>
<td>Yes</td>
<td>1 per street</td>
<td>10</td>
<td>2</td>
<td>6 square feet per sign</td>
<td>Freestanding sign for hospitals</td>
</tr>
<tr>
<td>24</td>
<td>Yes</td>
<td>1 per street</td>
<td>10</td>
<td>2</td>
<td>6 square feet per sign</td>
<td>Freestanding sign for industrial parks</td>
</tr>
<tr>
<td>25</td>
<td>Yes</td>
<td>1 per street</td>
<td>10</td>
<td>2</td>
<td>6 square feet per sign</td>
<td>Freestanding sign for single use</td>
</tr>
<tr>
<td>26</td>
<td>Yes</td>
<td>1 per 500 feet</td>
<td>20</td>
<td>2</td>
<td>6 square feet per sign</td>
<td>Wall or parapet sign</td>
</tr>
<tr>
<td>27</td>
<td>Yes</td>
<td>1 per street</td>
<td>20</td>
<td>2</td>
<td>6 square feet per sign</td>
<td>Projecting sign</td>
</tr>
<tr>
<td>28</td>
<td>Yes</td>
<td>1 per street</td>
<td>20</td>
<td>2</td>
<td>6 square feet per sign</td>
<td>Directional or traffic control sign</td>
</tr>
<tr>
<td>29</td>
<td>Yes</td>
<td>1 per street</td>
<td>20</td>
<td>2</td>
<td>6 square feet per sign</td>
<td>Subdivision or development sign</td>
</tr>
<tr>
<td>30</td>
<td>Yes</td>
<td>1 per street</td>
<td>20</td>
<td>2</td>
<td>6 square feet per sign</td>
<td>Residential real estate sale, rental, and lease signs</td>
</tr>
<tr>
<td>31</td>
<td>Yes</td>
<td>1 per street</td>
<td>20</td>
<td>2</td>
<td>6 square feet per sign</td>
<td>Senior residential real estate, rental, and lease signs</td>
</tr>
<tr>
<td>32</td>
<td>Yes</td>
<td>1 per street</td>
<td>20</td>
<td>2</td>
<td>6 square feet per sign</td>
<td>Civic, municipal, philanthropic, educational, institutional use signs</td>
</tr>
<tr>
<td>33</td>
<td>Yes</td>
<td>1 per street</td>
<td>20</td>
<td>2</td>
<td>6 square feet per sign</td>
<td>Yard or garage sale signs</td>
</tr>
<tr>
<td>34</td>
<td>Yes</td>
<td>1 per 500 feet</td>
<td>40</td>
<td>2</td>
<td>40 square feet</td>
<td>Freestanding sign for a convenience center or mall commercial center with 30,000 s.f. floor area</td>
</tr>
<tr>
<td>35</td>
<td>Yes</td>
<td>1 per street</td>
<td>40</td>
<td>2</td>
<td>40 square feet</td>
<td>Freestanding sign for office and business parks with 30,000 s.f. or more floor area</td>
</tr>
<tr>
<td>36</td>
<td>Yes</td>
<td>1 per street</td>
<td>40</td>
<td>2</td>
<td>40 square feet</td>
<td>Freestanding sign for medical residential campus</td>
</tr>
<tr>
<td>37</td>
<td>Yes</td>
<td>1 per street</td>
<td>40</td>
<td>2</td>
<td>40 square feet</td>
<td>Freestanding sign for hospitals</td>
</tr>
<tr>
<td>38</td>
<td>Yes</td>
<td>1 per street</td>
<td>40</td>
<td>2</td>
<td>40 square feet</td>
<td>Freestanding sign for industrial parks</td>
</tr>
<tr>
<td>39</td>
<td>Yes</td>
<td>1 per street</td>
<td>40</td>
<td>2</td>
<td>40 square feet</td>
<td>Freestanding sign for single use</td>
</tr>
<tr>
<td>40</td>
<td>Yes</td>
<td>1 per 500 feet</td>
<td>60</td>
<td>2</td>
<td>60 square feet per sign</td>
<td>Wall or parapet sign</td>
</tr>
<tr>
<td>41</td>
<td>Yes</td>
<td>1 per street</td>
<td>60</td>
<td>2</td>
<td>60 square feet per sign</td>
<td>Projecting sign</td>
</tr>
<tr>
<td>42</td>
<td>Yes</td>
<td>1 per street</td>
<td>60</td>
<td>2</td>
<td>60 square feet per sign</td>
<td>Directional or traffic control sign</td>
</tr>
<tr>
<td>43</td>
<td>Yes</td>
<td>1 per street</td>
<td>60</td>
<td>2</td>
<td>60 square feet per sign</td>
<td>Subdivision or development sign</td>
</tr>
<tr>
<td>44</td>
<td>Yes</td>
<td>1 per street</td>
<td>60</td>
<td>2</td>
<td>60 square feet per sign</td>
<td>Residential real estate sale, rental, and lease signs</td>
</tr>
<tr>
<td>45</td>
<td>Yes</td>
<td>1 per street</td>
<td>60</td>
<td>2</td>
<td>60 square feet per sign</td>
<td>Senior residential real estate, rental, and lease signs</td>
</tr>
<tr>
<td>46</td>
<td>Yes</td>
<td>1 per street</td>
<td>60</td>
<td>2</td>
<td>60 square feet per sign</td>
<td>Civic, municipal, philanthropic, educational, institutional use signs</td>
</tr>
<tr>
<td>47</td>
<td>Yes</td>
<td>1 per street</td>
<td>60</td>
<td>2</td>
<td>60 square feet per sign</td>
<td>Yard or garage sale signs</td>
</tr>
</tbody>
</table>

(27, PART 3)
§316. ROADWAY CLASSIFICATIONS.

For the purposes of this Chapter, the Township's roads shall be classified in the following categories:

<table>
<thead>
<tr>
<th>Arterial Roads</th>
<th>Collector Roads</th>
<th>Local Roads</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lincoln Highway</td>
<td>Airport Road</td>
<td>All roads not listed as arterial or collector</td>
</tr>
<tr>
<td>U.S. Route 30</td>
<td>Black Horse Hill Road</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Country Club Road</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Glencrest Road</td>
<td></td>
</tr>
<tr>
<td></td>
<td>East Glencrest Road</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Irish Lane</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Kings Highway</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Manor Road</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mineral Springs Road</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mt. Carmel Road</td>
<td></td>
</tr>
<tr>
<td></td>
<td>PA Route 82</td>
<td></td>
</tr>
<tr>
<td></td>
<td>South Park Avenue</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Valley Road</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Wagontown Road</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Washington Lane</td>
<td></td>
</tr>
</tbody>
</table>

§317. AGRICULTURAL, HORTICULTURAL AND FORESTRY STANDARDS.

Within any (C), (R-1) or (R-2) zone, agricultural, horticultural and forestry uses may be permitted subject to all the following criteria; and within any (HC), (RC), (NCO), (I), or (PD) zone, forestry uses may be permitted subject to the following criteria (A) through (F):

A. Minimum Lot Area. Ten (10) acres.

B. Minimum Lot Width. Two hundred (200) feet.

C. Minimum Setback Requirements.

   1. Front Yard Setback. Fifty (50) feet.

   2. Side Yard Setbacks. Fifty (50) feet on each side (100 feet total).

   3. Rear Yard Setback. Fifty (50) feet.

   4. Special Setback Requirements. Except as provided for in the following subsection, no new slaughter area, area for the storage or processing of
manure, garbage, or spent mushroom compost, structures for the cultivation of mushrooms or the raising of livestock, or any building housing livestock shall be permitted within three hundred (300) feet of any property line within the C, R-1, and R-2 Zones.

Note: These setbacks shall not apply to agricultural fences that are used to contain agricultural livestock. Such fences shall be setback a minimum of six (6) feet from any adjoining street right-of-way lines.

D. **Maximum Permitted Height.** Eighty (80) feet; provided all structures are setback a distance at least equal to their height from all property lines, and all airport safety zone provisions are met.

E. **Maximum Lot Coverage.** Ten (10) percent.

F. **Required Conservation Plan.** Any agricultural, horticultural or forestry related uses which involve earth moving activities, or the commercial harvesting or timbering of vegetation shall require an approved conservation plan by the Chester County Conservation District, pursuant to Chapter 102, Erosion Control, of Title 25, Rules and Regulations, Department of Environmental Protection. All onsite activities shall then be in compliance with the approved conservation plan.

G. **Manure Storage Facilities.** Manure storage facilities, as defined in §111, may be permitted as an accessory use to a farm subject to the following requirements:

1. Manure storage facilities shall be designed in compliance with the guidelines outlined in the publication “Manure Management for Environmental Protection,” Bureau of Watershed Management, and any revisions, supplements and replacements thereof, published by the Pennsylvania Department of Environmental Protection.

2. All manure storage facility designs shall be reviewed by the Chester County Conservation District. The applicant shall furnish a letter from the Conservation District attesting to approval of the design of the proposed facility.

3. Construction and subsequent operation of the manure storage facility shall be in accordance with the permit and the approved design. The Valley Township Zoning Officer must be notified two (2) days prior to the day that construction will begin, for proper supervision of construction. Any design changes during construction or subsequent operation will require another review and approval by the Chester County Conservation District.

4. All manure storage facilities shall be set back at least five hundred (500) feet from any residentially-zoned property line, and three hundred (300) feet from any other property line.
H. **Roadside Stands.** Roadside stands for the sale of agricultural products grown on the site are permitted accessory uses subject to the following:

1. Any structure used to display such goods shall be less than two hundred fifty (250) square feet in size and shall be located at least fifty (50) feet from any side or rear property line.

2. The structure shall be set back at least thirty (30) feet from the street right-of-way line.

3. Off-street parking shall be provided for all employees and customers.

4. Any signs used shall be attached to the roadside stand structure and shall not exceed five (5) square feet in total area.

§318. **NATURAL RESOURCE PROTECTION STANDARDS.**

1. **Purpose.**

The following natural resource protection standards are established to protect the public health, safety, and welfare by minimizing adverse environmental impacts. These standards are intended to meet the following purposes:

A. Establish a balance between land use and the ability of the natural systems to support development.

B. Define and delineate selected natural resources within the Township and establish resource protection standards to assist the Township in reducing the impact proposed uses will have on the environment.

C. Conserve and protect valuable natural resources within the Township in accordance with the following Guiding Goals and Resources’ Objectives and Policies of the Valley Township Comprehensive Plan (2003):

1. Sustain and enhance natural, scenic, and historic resources for the benefit of current and future generations while accommodating planned growth, and while also providing measures intended to protect and/or conserve such features as wetlands, aquifers, watersheds, prime agricultural lands, floodplains, steep slopes, unique natural areas, and historic sites.

2. Achieve and sustain a high-quality natural resource system to protect public health and safety, and support and protect a diversity of ecosystems.
(3) Preserve and enhance the existing network of stream valleys and their aquatic habitats.

(4) Prevent development in floodplains to protect public safety and water quality, and reduce public costs from flood damage.

(5) Preserve wetlands and wetland fringe areas for their ecological and hydrological functions.

(6) Preserve and enhance buffer areas around water bodies to mitigate environmental and visual impacts from adjacent uses and activities.

(7) Preserve, where possible and by a variety of means, large woodland areas for their wildlife habitat and scenic values and their contributions to groundwater recharge, improved air quality, and erosion control.

D. Minimize the disturbance of steep slope areas to limit soil erosion, to prevent damage to property, to protect natural vegetative cover, and to prevent siltation of streams and the degradation of water quality.

2. General Provisions.

A. In the event that two (2) (or more) natural resource areas identified in this Section overlap, the resource with the more (most) restrictive standard (the least amount of permitted alteration, regrading, clearing or building) shall apply to the area of overlap.

B. It shall be a violation of this Chapter to regrade, fill, pipe, divert, channel, build upon, or otherwise alter or disturb a natural resource protected by this Section prior to the submission, review and approval, where required, of the following:

(1) Applications for zoning or building permits.

(2) Conditional use or special exception approvals.

(3) Zoning variances.

(4) Subdivision or land development plans.

(5) Timber harvesting operation/Forestry plans in accordance with §318.8.

(6) Any other applicable permit or approval required by the Township that would involve disturbance of natural resources protected in this Section.

C. Where disturbance of a natural resource is permitted, it shall not take place until it has been determined that such disturbance is consistent with the provisions of this
Section and any other applicable ordinance provisions.

D. Restrictions to the disturbance of resources shall apply before, during, and after construction on a site.

E. Plan information required by this article shall be verified as correct by the Township Engineer or other qualified professional, as determined by the Township Engineer.

3. Floodplain Regulations.

A. Floodplains shall be regulated by Chapter 8, “Floodplains”, of the Code of Ordinances of Valley Township, as amended.

4. Steep Slope Regulations.

A. **Purpose.** In addition to the purposes listed in §318.1, it is the purpose of these steep slope protection regulations to promote and protect the public health, safety and welfare as follows:

1. To preserve steep slopes in their original state whenever possible. Where construction of roads, buildings, driveways, or infrastructure cannot be avoided, disturbance shall be kept to the minimum necessary.

2. To conserve and protect steep slopes from inappropriate development such as excessive grading, landform alteration and extensive vegetation removal.

3. To avoid potential hazards to property and the disruption of ecological balance which may be caused by increased runoff, soil erosion and sedimentation, blasting and ripping of rock, and landslide and soil failure.

4. To encourage the use of steep slopes for conservation and other uses which are compatible with the preservation of natural resources and protection of areas of environmental concern.

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

6. To permit construction on steep slopes only in a manner compatible with the conservation of natural conditions and natural vegetation and which will maintain stable soil conditions by minimizing disturbances to vegetative ground covers by requiring larger lot sizes and by permitting less lot coverage.
B. Applicability. The regulations of §318.4 apply only to naturally occurring steep slopes within the Township and shall not apply to previously engineered and documented man-made slopes.

C. Delineation of Steep Slope Areas. Slopes shall be measured as the change in elevation over the horizontal distance between consecutive contour lines. For the purpose of this ordinance, the following shall apply:

1. Slope shall be measured over two (2) or more two (2) foot contour intervals or four (4) cumulative vertical feet of elevation.

2. All slope measurements shall be determined by a topographical survey signed and sealed by a registered surveyor licensed to practice in the Commonwealth of Pennsylvania.

3. The Applicant shall individually delineate the three categories of steep slopes (15-20 percent, 20-25 percent, and greater than 25 percent) which are on-site on any plans required to be submitted to the Township.

D. Limitations of Construction on Slopes of Fifteen (15) to Twenty (20) Percent.

1. No more than thirty (30) percent of an area with slopes between fifteen (15) to twenty (20) percent shall be regraded, removed, built upon, or otherwise altered or disturbed.

2. If more than fifty (50) percent of a lot has slopes of fifteen (15) to twenty (20) percent, no construction, erection or placement of a building, or grading or other development on the lot shall be permitted unless the minimum lot area and width are increased to one hundred twenty-five (125) percent of the minimum normally required in that zoning district except in the Conservation (C) Zone where the design standards in §201.5 or §412.F shall apply.

3. The maximum lot coverage that may be installed or maintained shall not exceed eighty (80) percent of the maximum lot coverage normally permitted in that zoning district.

E. Limitations of Construction on Slopes of Twenty (20) to Twenty-Five (25) Percent.

1. No more than thirty (30) percent of an area with slopes in excess of twenty (20) percent but not more than twenty-five (25) percent shall be regraded, removed, built upon, or otherwise altered or disturbed.

2. If more than fifty (50) percent of a lot has slopes in excess of twenty (20) percent but no more than twenty-five (25) percent, no construction,
erection or placement of a building, or grading or other development on the lot shall be permitted unless the minimum lot area and width are increased to one hundred fifty (150) percent of the minimum normally required in that zoning district except in the Conservation (C) Zone where the design standards in §201.5 or §412.F shall apply.

(3) The maximum lot coverage that may be installed or maintained shall not exceed sixty-seven (67) percent of the maximum lot coverage normally permitted in that zoning district.


(1) No more than fifteen (15) percent of an area with slopes greater than twenty-five (25) percent shall be regraded, removed, built upon, or otherwise altered or disturbed. In addition, the disturbance permitted on slopes greater than twenty-five (25) percent shall be limited to the following activities:

(a) Grading for the minimum portion of a road or driveway necessary to access the principal use of the property, or to access sewer, water, and other utility lines when it can be demonstrated that no other routing is feasible.

(b) Timber harvesting, when conducted in compliance with §318.8. Clearcutting or grubbing trees is prohibited on slopes greater than twenty-five (25) percent.

(2) No building shall be constructed, erected or placed, nor shall any grading or other development take place in any area on a lot where the slope across two (2) consecutive contour intervals is twenty five (25) percent or greater.

(3) If more than fifty (50) percent of a lot has slopes exceeding twenty-five (25) percent slope, no construction, erection or placement of a building, or grading or other development on the lot shall be permitted unless the minimum lot area and width are increased to two hundred (200) percent of the minimum normally required in that zoning district except in the Conservation (C) Zone where the design standards in §201.5 or §412.F shall apply.

(4) The maximum lot coverage that may be installed or maintained shall not exceed fifty (50) percent of the maximum lot coverage normally permitted in that zoning district.

G. Cut-and-Fill Slopes. The finished slopes of permitted cut-and-fill areas shall not exceed thirty-three (33) percent slope unless the applicant can demonstrate the method by which steeper slopes can be adequately stabilized and maintained.
H. **Disturbing Steep Slopes.** Any disturbed area of steep slopes exceeding twenty-five (25) percent, or any cut-and-fill resulting in slopes of greater than twenty-five (25) percent, shall be protected with an erosion control blanket. All stockpiles of earth intended to be stored for more than twenty-one (21) days shall be seeded or otherwise stabilized to the satisfaction of the Township Engineer.

5. **Wetlands Regulations.**

   A. **Purpose.** In addition to the purposes listed in §318.1, it is the purpose of these wetlands protection regulations to protect areas that provide storage for surface and groundwater recharge, protect unique species of flora and fauna that accommodate anaerobic processes in the wetlands, and protect and preserve a unique ecosystem and area for wildlife habitat.

   B. **Delineation.** The applicant shall delineate the limits of wetlands on the site and within one hundred (100) feet of the site in accordance with §318.9. In addition, the following information shall be provided:

   1. A full wetland delineation report conducted by a qualified wetland biologist, soil scientist, or environmental professional of demonstrated qualifications shall be submitted to the Township. Such professional shall certify that the methods used correctly reflect currently accepted technical concepts, including identification and analysis of wetlands vegetation, hydric soils, and hydrologic indicators. The methods shall be acceptable to the Township Engineer.

   2. The wetland report shall include a determination of whether wetlands are present on the site and a full delineation, area measurement (in square feet), and description of any wetlands determined to be present.

   3. If no wetlands are found on the site or within one hundred (100) feet of the site, a note shall be added to the preliminary and final plans stating that "This site has been examined by (name and address with a statement of submitted qualifications), and no wetlands, as defined by the U.S. Army Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, January 1987 (or most currently used manual), were found to exist."

   4. The Township, at its discretion, may require that a Jurisdictional Determination be obtained from the U.S. Army Corps of Engineers.

   C. **Wetlands Protection Standards.**

   1. Any applicant proposing a use, activity or improvement which would entail the regrading or placement of fill in wetlands shall provide the Township with proof that the Pennsylvania Department of Environmental
Protection (PADEP) (Bureau of Dams and Waterway Safety and Bureau of Water Quality Management) and the U.S. Army Corps of Engineers have been contacted to determine the applicability of state and federal wetland regulations. Any applicant contacted by the PADEP or the U.S. Army Corps of Engineers shall concurrently provide to the Township a copy of such correspondence.

(2) Wetlands shall not be regraded, filled, piped, diverted, channeled, built upon, or otherwise altered or disturbed except where state or federal permits have been obtained.

(3) Existing wetlands shall not be used for stormwater management except where the wetlands are highly degraded and a mitigation program is provided.

(4) Wetland protection standards shall apply to lakes and ponds with the exception of ornamental ponds.

D. Wetlands Margin Protection Standards.

(1) The wetland margin shall extend a minimum of fifty (50) feet from the outer limits of the wetland boundary.

(2) With the exception of those uses or activities listed below, no more than twenty (20) percent of a wetland margin shall be regraded, filled, built upon, or otherwise altered or disturbed:

(a) Regulated activities permitted by the Commonwealth (i.e., permitted stream or wetland crossing);

(b) Provision for unpaved trail access;

(c) Selective removal of hazardous or invasive alien vegetative species;

(d) Vegetation management in accordance with an approved landscape plan or open space management plan; and

(e) A soil or stream conservation project approved by the Chester County Conservation District.

(f) Removal of hazardous material or septic system, junk material, or a diseased tree.

(3) Wetland margin protection standards shall apply to lake and pond shorelines with the exception of shorelines of ornamental ponds.
Timber harvesting is prohibited within the wetland margin.

6. **Riparian Buffer Protection.**

   **A. Purpose.** In addition to the purposes listed in §318.1, it is the purpose of these riparian buffer protection standards to preserve the separation of more intensive human land uses and sensitive water resources and intercept runoff from upland sources to mitigate the effects of nutrients, sediment, organic matter, pesticides, or other pollutants prior to entry into surface waters.

   **B. Applicability.** The protection standards set forth in this Section shall apply to any area of trees and other vegetation a minimum of fifty (50) feet adjacent to each side of a watercourse that forms a transition area between the aquatic and terrestrial environment within the Township. Riparian buffer protection standards in the Valley Township Stormwater Management Ordinance shall also be complied with as applicable.

   **C. Delineation of Riparian Buffers.** The applicant shall delineate the limits of the riparian buffers on the site in accordance with §318.9.

   **D. Riparian Buffer Protection Standards.**

   (1) With the exception of those uses or activities listed below, no woodland disturbance or other land disturbance shall be permitted within the riparian buffer:

   (a) Regulated activities permitted by the Commonwealth (i.e., permitted stream or wetland crossing);

   (b) Provision for unpaved trail access;

   (c) Selective removal of hazardous or invasive alien vegetative species;

   (d) Vegetation management in accordance with an approved landscape plan or open space management plan; and

   (e) A soil or stream conservation project approved by the Chester County Conservation District.

   (f) Removal of hazardous material or septic system, junk material, or a diseased tree.

   (2) The following activities are prohibited within riparian buffers, except with approval by the Township and, if required, the PADEP:
(a) Clearing of existing vegetation except as specifically permitted in §318.6.D.(1) above.

(b) Soil disturbance by grading, stripping, or other practices.

(c) Filling or dumping.

(d) The use, storage, or application of pesticides, except for the spot spraying of noxious weeds or non-native species.

(e) Housing, grazing, or other maintenance of livestock.

(f) Storage or operation of motorized vehicles, except for maintenance or emergency use approved by the Township.

(g) Clearcutting or grubbing of timber.

(3) Timber harvesting is prohibited within riparian buffers.

7. Woodlands Protection.

A. Purpose. In addition to the purposes listed in §318.1, it is the purpose of these woodland protection standards to preserve the root systems of woodland vegetation that provide soil holding capacity and filtration of pollutants, protect understory vegetation and the shrub and herbaceous layer that provide wildlife habitat, protect the tree canopy that provides windbreak and temperature moderation, and preserve the suburban-rural character of the Township.

B. Applicability. The protection standards set forth in this Section shall apply to any parcel in the Township that is two (2) acres or larger in size and includes any area of trees and other vegetation that meets the definition of woodland.

C. Delineation of Woodlands. The applicant shall delineate the limits of the woodlands on the site in accordance with §318.9.

D. Woodlands Protection Standards.

(1) Unless undertaken as an approved timber harvesting operation conducted in compliance with the applicable requirements in §318.8, woodlands shall not be regraded, cleared, built upon or otherwise altered unless in accordance with the following:

(a) Conservation Zone. No more than thirty-five (35) percent of woodlands shall be regraded, cleared, built upon, or otherwise altered or disturbed.
(b) Residential Zone. For lots or tracts of one (1) acre or less, no more than fifty (50) percent of woodlands shall be regraded, cleared, built upon, or otherwise altered or disturbed. For lots or tracts greater than one (1) acre, no more than thirty-five (35) percent of woodlands shall be regraded, cleared, built upon, or otherwise altered or disturbed.

(c) Non-Residential Zone. No more than fifty (50) percent of woodlands shall be regraded, cleared, built upon or otherwise altered or disturbed.

(d) Agricultural Uses. No more than seventy-five (75) percent of woodlands shall be regraded, cleared, built upon or otherwise altered or disturbed.

(2) Where disturbance or removal of existing areas of woodlands occurs on any lot or tract, woodland replacement shall be required consistent with Section §611.3 of the Valley Township Subdivision and Land Development Ordinance [Chapter 22].

(3) Preserved woodlands may be used to provide vegetative buffers required by the Screening and Landscaping standards set forth in §314.

(4) Where a timber harvesting operation is proposed, a timber harvesting plan shall be required by the Township in accordance with §318.8.

(5) Where woodlands overlap other protected natural resources, the more restrictive disturbance standard shall apply.

E. Guidelines for Determining Permitted Woodland Disturbance. In determining where permitted woodland disturbance will occur, the following factors shall be considered:

(1) Each building or structure shall be constructed in such a manner as to provide the least alteration necessary of the existing woodland. Where possible, clear-cutting shall be minimized and trees shall be selectively removed.

(2) Where possible, the remaining undisturbed woodlands and other vegetation shall interconnect with woodlands or wooded areas of adjacent properties to preserve continuous woodland corridors and allow for the normal movement, dispersion, and migration of wildlife.

(3) Woodland alterations that would threaten the growth of remaining trees shall be avoided.
F. Where a tree designated for preservation is severely damaged by construction (or is clearly not going to survive) within one (1) year of the end date of construction, tree replacement shall occur as provided for in Section §611.3 of the Valley Township Subdivision and Land Development Ordinance [Chapter 22].

8. **Timber Harvesting Regulations.**

A. Timber harvesting operations shall only be undertaken in accordance with a timber harvesting plan approved by the Township.

   (1) All timber harvesting plans shall be submitted to the Township for review for compliance with the standards set forth herein not less than thirty (30) days prior to commencement of the timber harvesting operation. Within fourteen (14) days of submission of a timber harvesting plan to the Township, and based on review for compliance with the standards set forth herein, the Zoning Officer shall indicate to the applicant approval or denial of the submitted plan or approval subject to reasonable conditions.

   (2) The Township may retain a forester (such as one certified by the American Society of Foresters) to review the timber harvesting plan and comment on its adequacy in meeting the intent of these regulations.

B. Timber harvesting plans submitted to the Township for review and approval shall include the following information:

   (1) Site location and boundaries of both the entirety of the property upon which the timber harvesting operation shall occur and the specific area proposed for timber harvesting;

   (2) Significant natural features on the property including steep slopes, wetlands, and riparian buffer zones;

   (3) Description of how long-term sustainability of the timber harvesting operation and regeneration of the woodlands will be achieved;

   (4) The general location of the proposed operation in relation to municipal and state highways and any proposed accesses to those highways;

   (5) Design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails, and landings;

   (6) Design, construction, maintenance, and retirement of water control measures and structures such as culverts, broad-based dips, filter strips, and water bars; and
(7) Design, construction, maintenance, and retirement of proposed stream and wetland crossings.

C. Any permits required by any other agency under any applicable regulation shall be the responsibility of the landowner or timber harvesting operator as applicable. Copies of all required permits shall be submitted to the Township prior to commencement of the timber harvesting operation.

D. The Township Engineer, Zoning Officer, and/or municipal Forester shall be permitted access to the site of any timber harvesting operation before, during, or after active timber harvesting to review, inspect, and ascertain compliance with the provisions set forth herein.

E. The following management practices shall apply to all timber harvesting operations:

(1) Felling or skidding across any public thoroughfare is prohibited without the express written consent of the Township or PennDOT, whichever is responsible for the maintenance of said thoroughfare.

(2) No tops or slash shall be left within twenty-five (25) feet of any public thoroughfare or private roadway.

(3) Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.

(4) The operation shall not cause harm to the environment or any other property.

F. Timber harvesting operations shall not be permitted within any riparian buffer or wetland margin. Clearcutting or grubbing shall not be permitted within any riparian buffer, wetland margin, the Flood Hazard District, or on slopes greater than twenty-five (25) percent.

G. Upon determination that a timber harvesting operation is in violation of these regulations, each day where any violation occurs shall constitute a separate violation subject to the provisions of this Article.


A. Plan Information and Delineation of Protected Resources. To ensure compliance with the natural resource protection standards of this Section, the following information shall be submitted by the applicant when applying for a zoning or building permit, conditional use or special exception approval, zoning variance, or subdivision and land development approval where land disturbance is contemplated. In those cases where only a limited amount of the site will be
subject to disturbance, the Zoning Officer may determine the area of land required to be shown on the plan information that will adequately demonstrate compliance with the natural resource protection standards of this Section. Where less than the entire site is to be shown on the plan, the application shall be accompanied by a written explanation from the applicant as to why it is not necessary to include the entire site with the plan information.

(1) A site plan which clearly delineates the limits of all natural resources on the site, including areas of floodplain, steep slopes, wetlands, riparian buffers, and woodlands, and the proposed use of the site including any existing or proposed structures.

(2) The limits of all encroachments and disturbances necessary to establish the proposed use on the site, including a grading plan showing existing and proposed contours at two (2) foot intervals.

(3) Calculations indicating the area of the site with natural resources, the area of natural resources that would be disturbed or encroached upon, and the maximum amount of disturbance allowed (in square feet and as a percentage of land area). The calculations shall be shown on the site plan.

§319. ENVIRONMENTAL IMPACT AND NUISANCE STANDARDS.

The following standards shall hereafter be applicable to all uses hereafter approved in Valley Township. In order to determine whether a use conforms to the requirements of this Section, the Board of Supervisors may secure the services of a qualified consultant, the cost for whose services shall be borne by the owner(s) or lessee(s) of the property.

A. Noise.

(1) Terminology. All technical terminology not defined below shall be defined in accordance with applicable publications of the American Standard Institute Acoustical Terminology, ANSI, [S1.1-2013], with its latest approved revisions.

(a) Continuous Sound. Any sound which is steady state, fluctuating or intermittent with a recurrence greater than one (1) time in any one (1) hour interval.

(b) Impulsive Sound. Sound of short duration, with an abrupt onset and rapid decay and an occurrence of not more than one (1) time in any one (1) hour interval.

(c) Land Use. The actual real use of land and buildings, regardless of the zoning or other classification attributed to such land and buildings.
(2) **Standards.** For the purpose of measuring standards in accordance with the applicable provisions of these regulations, test equipment methods and procedures shall conform to the standards as published by the American National Standard Institute (ANSI, Specification for Sound Level Meters, S1.4-1983 (R 2006) and ANSI S1.13-2005 (R 2009), "Measurement of Sound Pressure Levels in Air") with its latest revisions.

(3) **Sound Levels by Receiving Land Use.** No person shall operate or cause to be operated within the Township any source of continuous sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use when measured at or beyond the property boundary of the receiving land use, during the times specified in Table 1.

<table>
<thead>
<tr>
<th>Receiving Land Use Category</th>
<th>Time</th>
<th>Sound Level Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential, Public, Open Space or Institutional</td>
<td>7:00 a.m. – 10:00 p.m.</td>
<td>55 dBA</td>
</tr>
<tr>
<td></td>
<td>10:00 p.m. – 7:00 a.m. Plus Sundays and Legal Holidays</td>
<td>50 dBA</td>
</tr>
<tr>
<td>Commercial or Business</td>
<td>7:00 a.m. – 10:00 p.m.</td>
<td>65 dBA</td>
</tr>
<tr>
<td></td>
<td>10:00 p.m. – 7:00 a.m. Plus Sundays and Legal Holidays</td>
<td>60 dBA</td>
</tr>
<tr>
<td>Industrial</td>
<td>At all times</td>
<td>70 dBA</td>
</tr>
</tbody>
</table>

(a) For any source of sound which emits an impulsive sound, the excursions of sound pressure level shall not exceed 20 dBA over the maximum sound level limits set forth in Table 1 between the hours of 7:00 a.m. and 10:00 p.m., and in no case shall they exceed 80 dBA, regardless of receiving land use, using the fast meter characteristics of a Type II meter, meeting the American National Standard Institute specification S1.4-1983 (R 2006).

(b) In no case shall impulsive sounds exceed the sound level limits established in Table 1 between the hours of 10:00 p.m. and 7:00 a.m.

(4) **Exceptions.** The maximum permissible sound levels by receiving land use established in §319.A.(3) above shall not apply to the following noise sources:
(a) The emission of sound for the purpose of alerting persons to the existence of an emergency.

(b) Motor vehicle operations on public streets (regulated by Pennsylvania Department of Transportation Regulations, Title 67, Chapter 450k, governing established sound levels).

B. Odors.

(1) There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive at or beyond lot boundary lines.

(2) Any process which involves the creation or emission of any odors shall be provided with a secondary safeguard system so that control shall be maintained if the primary safeguard system should fail.

(3) In case of doubt concerning the character of odors emitted, the fifty (50) percent response level of Table 1 (Odor Thresholds in Air), "Research on Chemical Odors: Part 1 - Odor Thresholds for 53 Commercial Chemicals," October 1968, or as amended, Manufacturing Association, Inc., Washington, D.C., shall be the maximum odor permitted.

C. Glare or Heat.

(1) Any operation producing an intense glare or heat shall be performed within an enclosed building or behind a solid fence in such manner as to be completely imperceptible from any point at or beyond the lot lines.

(2) In general, lighting fixtures that shield the reflector or lens or any high brightness surface from viewing angles above sixty (60) degrees from horizontal shall be utilized.

D. Vibration. No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at any point beyond the lot lines; nor shall any vibration produced exceed 0.002g peak measured at or beyond the lot lines using either seismic or electronic vibration measuring equipment.

E. Radioactivity. There shall be no activities which emit dangerous radioactivity at any point. No operation involving radiation hazard shall be conducted which violates the regulations and standards established in Title 10, Part 20, Code of Federal Regulations, “Standards for Protection Against Radiation,” in its latest revised form.

F. Electrical and Electromagnetic Interference.

(1) There shall be no electrical disturbance affecting the operation at any point of any equipment other than that of the creator of such disturbance.
(2) No use, activity or process shall be conducted which produces electromagnetic interference with normal radio or television reception off the premises where the activity is conducted.

G. **Air Pollution: Smoke, Particulate Matter, Fumes and Gases.** All uses shall comply with the standards of the Air Pollution Control Act, 35 P.S. 4001-4015, as amended, as well as the following additional standards:

(1) **Hazardous Air Emission.** All emissions shall comply with National Emission Standards for Hazardous Air Pollutants promulgated by the United States Environmental Protection Agency under the Federal Clean Air Act (42 U.S.C. 7412) as promulgated in 40 C.F.R. 61, or its most recent update.

(2) **Particulate, Vaporous and Gaseous Emissions.**

   (a) No person shall cause, suffer or permit the emission of escaped particulate, vaporous or gaseous matter from any source in such a manner that the emission is visible or detectable at or beyond the boundary line of the property where the source is being generated.

   (b) No emission shall be made which can cause damage to health, to animals or vegetation or other form of property or which can cause any excessive soiling at any point.

(3) **Visible Smoke Emissions.** Visible air contaminants shall not be emitted in such a manner that the opacity of the emissions is equal to or greater than twenty (20) percent for a period or periods aggregating more than three (3) minutes in one (1) hour or equal to or greater than sixty (60) percent at any one time and shall comply with Pennsylvania Code, Title 25, Chapter 127.A(7), or its most recent update.

H. **Safety and Construction Requirements for Electrical, Diesel, Gas or Other Power Installations.** Every use requiring power shall be so operated that the external switch gear, substation, etc., shall conform to the most acceptable safety standards recognized by the Pennsylvania Bureau of Labor and Industry, and shall be constructed, installed, etc., so as to be an integral part of the architectural features of the plant, or, if visible from abutting properties, shall be screened in accordance with the Valley Township Subdivision and Land Development Ordinance [Chapter 22].

I. **Fire and Explosive Hazards.** All activities and all storage of flammable and explosive materials at any point shall be provided with adequate safety and firefighting devices and shall meet the applicable fire and safety codes of Valley Township.
J. **Outdoor Storage and Waste Disposal.**

(1) No flammable or explosive liquids, solids or gases shall be stored in bulk above the ground; provided, however, that tanks or drums of fuel directly connecting with energy devices or heating appliances located on the same lot as the tanks or drums of fuel are excluded from this provision.

(2) No materials or wastes shall be deposited upon a lot in such form or manner that they may be transported off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse.

(3) All outdoor storage facilities for fuel, raw materials or products stored outdoors shall be enclosed by an approved safety fence adequate to conceal the facilities from any adjacent public highway and any residential or recreational use.

(4) All materials or wastes which might constitute a fire hazard or which may be edible or attractive to rodents or insects shall be stored outdoors only if enclosed in containers adequate to eliminate such hazards.

K. **Industrial Waste or Sewage.** No use shall be conducted in such a way as to discharge any untreated sewage or industrial waste into any stream. All methods of sewage or industrial waste treatment and disposal shall be approved by the Township of Valley, the Chester County Health Department and the Pennsylvania Department of Environmental Protection.

L. **Provision and Use of Water.** All water requirements shall be reviewed and approved by Valley Township.

§320. **LIGHTING.** Lighting shall be controlled by §615 of Chapter 22, of the Code of Ordinances of Valley Township, Valley Township Subdivision and Land Development Ordinances, as amended.

§321. **FENCES, WALLS, AND HEDGES.**

Fences, walls and/or hedges are permitted within and along the periphery of any yard provided:

1. No fence or wall (except required junkyard or tennis court walls or fences, or a retaining wall of a structure permitted under the terms of this Chapter) shall be erected to a height of more than three (3) feet in a front yard and more than six (6) feet in any other yard within a conservation zone, residential zone or residential use. Within any planned development, industrial or commercial zone, no fence nor wall shall be erected to a height of more than ten (10) feet in any yard.
2. Hedges shall be no taller than three (3) feet in a front yard in any zone.

3. No fence, wall, or hedge shall be erected in any manner that obstructs a clear line of sight or vision from a driveway or street intersection. Fences and walls shall not obstruct water flow in drainage easements or swales.

4. No fence, wall and/or hedge shall be erected or planted within or encroaching upon the legal or ultimate street right-of-way or floodway. No fence, wall and/or hedge shall be erected or planted within or encroaching upon a utility easement or drainage easement unless the easement agreement which creates the easement specifically allows such encroachment.

5. No fence or wall shall be located within a drainage swale unless they are part of an approved stormwater management plan.

6. All fences and walls shall be constructed inside, and not directly on, the property line so that no portion of the fence or its foundation/footing encroaches onto a neighboring property. A fence or wall may only be constructed on the property line if there is a written agreement between all affected property owners notarized and on file with the Township which allows the fence or wall to be located on the property line.

7. If fencing or walls will be constructed within five (5) feet of the property line, lot pins or monuments shall be installed at the corners of the subject property line(s), or the property owner shall have a professional land surveyor perform a property boundary survey, to ensure the fence or wall will not encroach onto a neighboring property. A property boundary survey is not required if there are existing lot pins or monuments at the corners of the subject property lines and adjacent property owners agree with the locations in writing.

8. Fences and walls shall be constructed so as to place structural members toward the property being enclosed by the fence so that the finished side of fencing (i.e. best appearance) shall face toward abutting properties or streets.

9. Fences which are erected in residential zoning districts or on residential uses may be comprised of the following materials: wood; split rail; wrought iron; chain link; vinyl; composite; a combination of the aforementioned materials; or other materials which, in the discretion of the Zoning Officer, are recognized as standard materials utilized for residential fencing. Chain link fencing, when erected in a residential zoning district or residential use, may only be erected in rear yards. Chain link fencing may only be used elsewhere for tennis courts and other public recreational uses at the discretion of the Zoning Officer.

10. Fences which are erected for non-residential uses in non-residential zoning districts may be comprised of the following materials: wood; split rail; wrought iron; vinyl; chain link; composite; a combination of the aforementioned materials; or other materials which, in
the discretion of the Zoning Officer, are recognized as standard materials utilized for non-residential fencing.

11. Walls may be comprised of the following materials: decorative concrete block (such as E.P. Henry, Mesa, Keystone); brick; stone; concrete with a brick or stone veneer; or other materials which, in the discretion of the Zoning Officer, are recognized as suitable industry standards.

12. No razor, barb wire or glass shards shall be placed upon a fence or wall in a residential zoning district, in the NCO Zone, or on a residential use.

13. The use of razor, barb wire, or glass shards on fencing may only be utilized as part of a security fence for non-residential uses within non-residential districts (except the NCO Zone) with fencing that is ten (10) feet high.

14. Cyclone or chain link fencing is required to have top and bottom rails and fencing ties facing downward.

15. An existing fence or wall replaced in its entirety shall comply with the provisions established within this chapter of the Code.

16. Ordinary and normal maintenance and/or repairs of a fence or wall in any zoning district shall not require the issuance of a permit. Otherwise, a permit shall be required for any fence installation or replacement or wall construction, as specified by this Code.

17. Any fence or wall which, in the judgment of the Zoning Officer, is unsafe, dangerous or a threat to the public health, safety and/or welfare shall be removed, repaired or replaced as determined necessary by the Zoning Officer at the expense of the property owner.

18. The following walls and fences shall be exempt from the provisions established under §321 of this Chapter of the Code:

   A. Fences and walls used for agricultural purposes to contain livestock, provided that they do not hinder visibility or pose a threat to the public health, safety or welfare.

   B. Fences and walls of an historic nature which are accessory to an officially designated historic structure.

   C. Buried electronic fences used to control pets, provided that they do not emit radiation which would pose a threat to the public health, safety or welfare.

§322. KEEPING OF ANIMALS.

1. The keeping of animals must conform to the following standards. However, these standards do not apply to the noncommercial keeping of livestock as a special exception
use in the Conservation (C) Zone as stipulated in §435 of this Chapter.

A. No person owning, harboring, keeping, or in charge of any animal shall cause, suffer or allow such animal to soil, defile, defecates on or commit any nuisance on any common public property, including parks, recreation, roadways, or walking areas, or upon lands owned by others without express permission.

B. No chickens or farm animals are permitted on less than a one-half (½) acre lot in any residential zoning district. Where chickens are to be kept in residential zoning districts and land uses as pets, only hens are allowed, and roosters are prohibited. Small farm animals, whose average adult weight is less than ten (10) pounds, as household pets, including chickens and ducks, are permitted on lots of one-half (½) acre and larger and specifically one (1) chicken per each one-fifth (1/5) acre. Therefore, a lot of one-half (½) acre would be permitted to have two (2) chickens; a one (1)-acre lot can have five (5) chickens.

C. Fencing or an enclosed animal house structure shall be installed and shall be set back at least ten (10) feet from property lines.

D. Household pets which are typically kept within a dwelling unit, including but not limited to dogs, cats, hamsters, and birds, shall not exceed four (4) such adult animals on the property.

E. No animals of any kind shall be kept in any structure or elsewhere on the premises in a manner likely to cause excessive noise, unhealthy or unsanitary conditions, pollution of groundwater or surface water, or pollution of stormwater runoff leaving the property. Permanent shelter shall be provided for all animals and shall be a sufficient size for good sanitation practices. The permanent shelter shall also be equipped with adequate facilities for food, water, and manure removal and handling for the number and types of animals kept.
PART 4

SPECIFIC CRITERIA

§401. SPECIFIC STANDARDS FOR SPECIAL EXCEPTIONS AND CONDITIONAL USES.

In addition to the general criteria listed in §605 and 705, the following sets forth standards that shall be applied to each individual special exception or conditional use. These standards must be satisfied prior to approval of any application for a special exception or conditional use. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance. All uses must comply with the standards expressed within the underlying zone, unless those standards expressed for each special exception or conditional use specify different standards; in such cases, the specific special exception or conditional use standards shall apply.

§402. ADULT-RELATED FACILITIES.

1. Within the (I) Zone, adult-related facilities are permitted by conditional use subject to the following criteria.

2. An adult-related facility shall not be permitted to be located within one thousand (1,000) feet of any other adult-related facility.

3. No adult-related facility shall be located with five hundred (500) feet of any residentially-zoned land.

4. No adult-related facility shall be located within one thousand (1,000) feet of any parcel of land which contains any one (1) or more of the following specified land uses:

   A. Amusement park.
   B. Camp (for minors' activity).
   C. Child care facility.
   D. Church or other similar religious facility.
   E. Community center.
   F. Museum.
   G. Park.
H. Playground.

I. School.

J. Other lands where minors congregate.

5. The distance between any two (2) adult-related facilities shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of each establishment. The distance between any adult related facilities and any land use specified above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of the adult related facility to the closest point on the property line of said land use.

6. No adult-related materials, merchandise or film offered for sale, rent, lease, loan or for view upon the premises shall be exhibited or displayed outside of a building or structure.

7. Any building or structure used and occupied as an adult-related facility shall be windowless, or have an opaque covering over all windows or doors of any area in which materials, merchandise or film are exhibited or displayed and no sale materials, merchandise or film shall be visible from outside of the building or structure.

8. No sign shall be erected upon the premises depicting or giving a visual representation of the type of materials, merchandise or film offered therein.

9. Each entrance to the premises shall be posted with a notice specifying that persons under the age of eighteen (18) years are not permitted to enter therein and warning all other persons that they may be offended upon entry.

10. No adult-related facility may change to another adult-related facility, except upon approval of an additional conditional use.

11. The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate.

12. No unlawful sexual activity or conduct shall be permitted.

13. No more than one (1) adult-related facility may be located within one (1) building or shopping center.

§403. AMUSEMENT ARCADES.

Within the (HC) Zone, amusement arcades are permitted by special exception subject to the following criteria:

A. All activities shall take place within a wholly-enclosed building.
B. The applicant must furnish evidence as to how the use will be controlled so as not to constitute a nuisance due to noise or loitering outside of the arcade.

C. A minimum of one (1) parking space for each eighty (80) square feet of gross leasable floor area shall be provided. In addition, any accessory uses (e.g. snack bar) shall also require parking to be provided in accordance with the schedule listed in §312 of this Chapter.

D. A working plan for the clean-up of litter shall be furnished and implemented by the applicant.

§404. CONVENIENCE STORE WITH FILLING STATION.

Within the (RC, I, and PD) Zones, filling stations are permitted as an accessory use to a convenience store by conditional use subject to the following criteria:

A. The subject property shall have a minimum width of one hundred and twenty-five (125) feet or the minimum width required by the underlying zoning district, whichever is greater.

B. The subject property shall front on an arterial or collector road as listed in §316.

C. Aboveground and underground fuel storage tanks, fuel dispensers and pumps, bulk filling connections/caps and piping, and lighted canopies and awnings covering such structures and components shall be setback at least three hundred (300) feet from any lot containing a school, day care facility, playground, library, hospital or nursing, rest or retirement home.

D. The outdoor storage of motor vehicles (whether capable of movement or not) for more than a thirty (30) day period is prohibited.

E. All structures (including gasoline pump islands but not permitted signs) shall be setback at least thirty (30) feet from any street right-of-way line or the minimum setback required by the underlying zoning district, whichever is greater.

F. No outdoor storage of automobile parts (new or used) shall be permitted.

G. Access drives shall be a minimum of thirty (30) feet wide and separated by seventy-five (75) feet from one another as measured from edge to edge if located along the same frontage. Access drives shall also be in accordance with requirements of the underlying zoning district and other provisions in this Chapter.
H. All ventilation equipment associated with fuel storage tanks shall be setback one hundred (100) feet and oriented away from any adjoining residentially-zoned properties.

I. Waste and lubricants may be stored outside only in side or rear yards and must comply with outdoor storage and residential buffer strip setbacks within the applicable zoning district and must be completely screened from roads and adjacent properties. The storage shall also comply with applicable fire codes. A Spill Prevention, Control and Countermeasure (SPCC) Plan consistent with the USEPA’s SPCC Program shall be established.

§405. AUTOMOBILE SERVICE FACILITIES.

Automobile service facilities including, but not limited to, auto mechanics, drive-thru lubrication services and tires, auto paint, brake, muffler, transmission, windshield, auto body, car radio and upholstery shop are permitted as a primary use by special exception in the (HC) Zone and as a permitted accessory use to a retail department store in the (RC) Zone subject to the following criteria:

A. All service and/or repair activities shall be conducted within a wholly-enclosed building.

B. All uses involving drive-thru services shall provide sufficient onsite stacking lanes to prevent vehicle back-ups on adjoining roads.

C. No outdoor storage of parts, equipment, or other materials used or discarded, as part of the service or repair operation, shall be permitted.

D. Waste and lubricants may be stored outside only in side or rear yards and must comply with outdoor storage and residential buffer strip setbacks within the applicable zoning district and must be completely screened from roads and adjacent properties. The storage shall also comply with applicable fire codes. A Spill Prevention, Control and Countermeasure (SPCC) Plan consistent with the USEPA’s SPCC Program shall be established.

E. All exterior vehicle storage areas shall be screened from adjoining residentially-zoned properties and roads.

F. The storage of unlicensed vehicles for more than thirty (30) days is prohibited.

G. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directed towards any adjoining residentially-zoned property.

H. All vehicles shall be repaired and removed from the premises promptly.
I. The demolition or junking of automobiles is prohibited.

§406. BED AND BREAKFAST.

Within the (C) Zone, bed and breakfasts are permitted by special exception as an accessory use to a single-family detached dwelling subject to the following criteria:

A. The owner of the bed and breakfast use must be the owner of the property upon which the use is located, and the owner must reside in the single-family detached dwelling in which the bed and breakfast use is conducted.

B. No modifications to the external appearance of the building (except fire escapes) which would alter its residential character shall be permitted.

C. All floors above-grade shall have direct means of escape to ground level.

D. One (1) off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit.

E. All parking areas shall be screened from adjoining residentially-zoned properties.

F. A bed and breakfast may erect one (1) sign no larger than twelve (12) square feet in size. Such sign must be setback ten (10) feet from all lot lines.

G. The applicant must furnish evidence of an approved means of sewage disposal for the proposed use.

§407. NOT USED.

§408. BOARDING HOUSE.

Within the (R-2) Zone, boarding houses are permitted by special exception subject to the following criteria:

A. The applicant shall furnish evidence that approved systems for sewage disposal and water supply shall be used.

B. No modifications to the external appearance of the building (except fire escapes) which would alter its residential character shall be permitted.

C. All floors above-grade shall have direct means of escape to ground level.

D. One (1) off-street parking space shall be provided for each room available for
rent, in addition to those required for the dwelling unit.

E. All parking areas shall be screened from adjoining properties.

F. Meals shall be offered only to registered tenants.

G. One (1) sign not to exceed two (2) square feet shall be permitted.

§409. CAMPGROUND.

Within the (C) Zone, campgrounds are permitted by conditional use subject to the following criteria:

A. **Setbacks.** All campsites shall be located at least fifty (50) feet from any side or rear property line and at least one hundred (100) feet from any street line.

B. In no case shall there be more than twenty (20) campsites per acre within a campground.

C. An internal road system shall be provided. The pavement width of one-way access drives shall be at least fourteen (14) feet and the pavement width of two (2)-way access drives shall be at least twenty-four (24) feet. On-drive parallel parking shall not be permitted.

D. All outdoor play areas shall be setback one hundred (100) feet from any property line and screened from adjoining residential uses and R-1 and R-2 residentially-zoned properties. Such outdoor play areas shall be used exclusively by registered guests and their visitors.

E. All campgrounds shall furnish centralized sanitary and garbage collection facilities that shall be setback a minimum of one hundred (100) feet from any property line. Such facilities shall be screened from adjoining residentially-zoned properties.

F. Any accessory retail or service commercial uses shall be setback a minimum of one hundred (100) feet from any property line. Such accessory commercial uses shall be solely designed and constructed to serve the campground’s registered guests and their visitors. Any parking spaces provided for these commercial uses shall have vehicular access from the campground’s internal road rather than the public street. All accessory commercial uses and related parking shall be screened from adjoining residential uses and R-1 and R-2 residentially-zoned parcels.

G. All campgrounds containing more than one hundred (100) campsites shall have vehicular access to an arterial or collector street as listed in §316 of this Chapter.
H. A campground may construct one (1) freestanding or ground sign containing no more than thirty (30) square feet. Any reference to accessory commercial or recreational facilities shall remain secondary in size to the reference of the principal campground use. Such sign shall be setback at least five (5) feet from the street right-of-way line, and at least twenty (20) feet from adjoining lot lines.

I. A minimum of twenty (20) percent of the gross area of the campground shall be devoted to active and passive recreational facilities. Responsibility for maintenance of the recreation area shall be with the landowner. Should the landowner neglect to maintain the recreation area, the Board of Supervisors may then maintain the area and shall assess the landowner for any costs incurred.

J. During all hours of operation, every campground shall have an office in which shall be a person responsible for the operation of the campground.

K. All water facilities, sewage disposal systems, rest rooms, solid waste disposal and vector control shall be approved and maintained in accordance with the requirements of the Pennsylvania Department of Environmental Protection and the Chester County Health Department.

L. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets.

§410. CAR WASH.

Within the (NCO, HC, and PD) Zones, car washes are permitted by special exception subject to the following criteria:

A. Public sewer and water facilities shall be utilized.

B. Each washing bay shall provide a one-hundred (100) foot long onsite stacking lane.

C. All structures housing washing apparatuses shall be setback twenty (20) feet from any side lot line.

D. Trash receptacles shall be provided and emptied as often as necessary to prevent the scattering of litter.

E. The subject property shall front on an arterial or collector road as identified in §316.
§411. PRIVATE CLUBS.

Within the (C) Zone, private clubs are permitted by special exception subject to the following criteria:

A. All private clubs shall front and have access to an arterial or collector road as identified in §316.

B. All buildings and parking areas shall be setback at least seventy-five (75) feet from all property lines and all street lines. All buildings exceeding three thousand (3,000) square feet of ground floor area and all associated loading and parking areas and all outdoor activity areas and associated parking areas shall be setback at least one hundred (100) feet from all property lines and all street lines and shall be screened from public streets and adjoining residential uses and residentially zone properties.

C. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets, except at entrances as approved by the Board of Supervisors.

§412. CLUSTER DEVELOPMENT (C AND R-1 ZONES).

Within the (C and R-1) Zones, cluster developments are permitted by conditional use subject to the following criteria:

A. Minimum Site Area. Fifteen (15) acres.

B. Utilities. Each dwelling unit shall be connected to an approved public sewer and public water system.

C. Uses Permitted. A cluster development in a (C) Zone may only include single family detached dwellings. A cluster development in an (R-1) Zone may include single family detached, duplex and townhouse dwelling units or a combination of these units. In addition, open space and public and/or nonprofit recreation facilities may be provided.

D. Mixture of Dwelling Unit Types. Within the (R-1) Zone no more than sixty (60) percent of the total number of dwelling units shall be comprised of townhouse and/or duplex units.

E. Density Permitted. Cluster developments proposed within the (C) Zone shall maintain a maximum net density of one (1) dwelling unit per acre. Cluster developments within the (R-1) Zone shall maintain a maximum overall net density of two and eight-tenths (2.8) dwelling units per acre.
Cluster Design Standards. The following chart lists various design standards imposed upon the dwelling unit types permitted and contained upon their own lots:

### CLUSTER DESIGN STANDARDS (C) AND (R-1) ZONES

<table>
<thead>
<tr>
<th>Dwelling Type</th>
<th>Minimum Lot Lot Area¹ (sq. ft.)</th>
<th>Minimum Lot Width (feet)¹</th>
<th>Minimum Required Yards (feet)</th>
<th>Maximum Lot Coverage¹</th>
<th>Maximum Permitted Height (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family Detached</td>
<td>(C) 20,000 (R-1) 12,800</td>
<td>(C) 100 (R-1) 80</td>
<td>(C) 50 (R-1) 38</td>
<td>(C) 20%</td>
<td>(C) 35</td>
</tr>
<tr>
<td>Twins (R-1)</td>
<td>9,000/unit</td>
<td>60 per unit</td>
<td>38</td>
<td>18(one)</td>
<td>35</td>
</tr>
<tr>
<td>Townhouses (R-1)</td>
<td>3,500/unit</td>
<td>30 per unit</td>
<td>38</td>
<td>25(end)</td>
<td>40%</td>
</tr>
<tr>
<td>Accessory Uses³</td>
<td>NA</td>
<td>NA</td>
<td>Not Permitted</td>
<td>10</td>
<td>10</td>
</tr>
</tbody>
</table>

¹ Minimum lot width shall be measured at the building setback line; in no case shall a lot’s width, as measured along its frontage, be less than seventy (70) percent of that required at the building setback line. For the (C) Zone, if more than fifty (50) percent of the lot has slopes in the excess of twenty (20) percent, the minimum lot area is forty thousand square (40,000) feet, the minimum width is one hundred forty feet and the maximum lot coverage is ten (10) percent.

² Front yard setbacks are from the street line.

³ For twin and semiattached dwellings, the minimum side yard for accessory use is fifty (50) percent of the standard setback from the noncommon lot line and three (3) feet from the common lot line; for attached dwellings, the minimum accessory side yard is three (3) feet from each side lot line.

⁴ Within a Cluster Development in the R-1 Zone, Townhouse Dwellings may employ a zero-lot-line design with respect to driveways servicing adjoining properties, provided, that if driveway maintenance is the responsibility of the property owner(s), the driveways to the adjoining properties shall be physically separated (e.g. paver blocks, river bed stone, or other method approved by the Board of Supervisors), by a minimum one (1) foot width (six (6) inches per lot).”

G. **Maximum Length of Townhouse Grouping.** No grouping may contain more than six (6) townhouse units, nor exceed an overall length of one hundred fifty (150) feet. No more than twenty-five (25) percent of the total number of townhouse groupings proposed within the duster development shall contain more than four (4) total units.

H. **Townhouse Staggering.** For each grouping of townhouses containing three (3) or more units, no more than two-thirds (2/3) of such units shall have the same front yard setback; no more than two (2) contiguous units shall have the same front yard setback. The minimum difference in front yard setback shall be two (2) feet. In no case shall the front yard setback be less than thirty-eight (38) feet. In
addition, no more than two (2) contiguous units shall have identical rooflines that generally parallel the ground along the same horizontal plane.

I. Standards for Condominium Developments. Cluster developments constructed upon common lands shall provide the following separation distance between each building/grouping:

(1) Front to front, rear to rear, or front to rear, parallel buildings shall have seventy (70) feet between faces of the buildings. If the front or rear faces are obliquely aligned, the above distance may be decreased by as much as ten (10) feet at one (1) end if increased by similar or greater distances at the other end.

(2) A yard space of thirty (30) feet is required between end walls of buildings for each two (2)-story building, plus five (5) feet for each additional story. If the buildings are at right angles to each other, the distance between the corner of the end walls of the building may be reduced to a minimum of twenty (20) feet.

(3) A yard space of thirty (30) feet is required between end walls and front or rear faces of buildings for each two (2) story building, plus five (5) feet for each additional story.

J. Residential Buffer Strip. All buildings within a cluster development shall be setback at least fifty (50) feet from any adjoining land within a residential district. Such setback shall be used for a landscaped buffer strip to include a variety of vegetative materials including trees, shrubs and ground cover. For townhouse uses, a vegetative screen consisting of at least eighty-five (85) percent evergreen trees in accordance with §314.3 and §314.4 shall be provided along any property line adjacent to existing single-family or twin dwellings or to a road which is external to the development.

K. At least forty (40) percent of the cluster development site shall be devoted to common open space.

(1) Density Incentive for Common Open Space. The maximum overall net density permitted in §412.E may be increased by one-half (0.5) dwelling units per acre for each additional ten (10) percentage points of common open space provided beyond forty (40) percent of the site, not to exceed an additional one (1.0) dwelling units per acre. The following chart summarizes the incentive:
MAXIMUM NET DENSITY INCENTIVE FOR COMMON OPEN SPACE
(Dwelling Units (DU) per Acre)

<table>
<thead>
<tr>
<th>Zone</th>
<th>40%</th>
<th>50%</th>
<th>60%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conservation (C)</td>
<td>1.0 DU/Acre</td>
<td>1.5 DU/Acre</td>
<td>2.0 DU/Acre</td>
</tr>
<tr>
<td>Residential (R-1)</td>
<td>2.8 DU/Acre</td>
<td>3.3 DU/Acre</td>
<td>3.8 DU/Acre</td>
</tr>
</tbody>
</table>

(2) No more than fifty (50) percent of the common open space requirement can be satisfied by slopes exceeding twenty-five (25) percent and/or by riparian buffers.

(3) Required open space shall be designed and arranged to achieve at least two (2) of the following objectives, and the applicant shall demonstrate those specific measures employed to achieve these objectives:

(a) Protection of important natural resources (e.g. streams, ponds, wetlands, steep slopes, woodlands, unique geologic features, wildlife habitats, aquifer recharge areas and etc.).

(b) Protection of important historical and/or archaeological sites.

(c) Provision of usable play and recreation areas that are conveniently accessible to residents within the cluster development including uses such as active and passive recreation and related structures (gazebos, picnic tables, benches, playground equipment, basketball courts, tennis courts, etc.), trails, meadows, etc.

(d) Integration of green belts throughout the cluster development that link residences with onsite or adjoining parks, schools or other similar features.

L. Open Space. An essential element of the cluster development application is a written description and plan for the disposition of ownership of common open space land designating those areas to be offered for dedication or to be owned by the specific form of organization proposed.

(1) The Board of Supervisors may, at any time and from time to time, accept the dedication of land or any interest therein for public use and maintenance, but the Board of Supervisors need not require, as a condition of the approval of a cluster development, that land proposed to be set aside from common open space be dedicated or made available to public use.

(2) In the event that common open space is not dedicated for public use, the landowner shall provide for and establish an organization for the ownership and maintenance of the common open space, and such organization
shall not be dissolved nor shall it dispose of the common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space), except by dedication of the same to the public. In any case, the organization provided for the ownership of open space land, not dedicated for public use, shall be constituted of the property owners within the cluster development. The plan may provide that the property owners association may lease back open space lands to the developer, his heirs or assigns, or to any other qualified person, or corporation, for operation and maintenance of open space lands, but such a lease agreement shall provide:

(a) The residents of the cluster development shall at all times have access to the open space land contained therein.

(b) The operation of open space facilities may be for the use and benefit of the residents only, or may be open to the general public.

The form of the lease shall be subject to the approval of the Board of Supervisors and that any transfer or assignment of the lease shall be further subject to the approval of the Board of Supervisors. Lease agreements so entered upon shall be recorded with the Recorder of Deeds of Chester County within thirty (30) days of their execution and a copy of the recorded lease shall be filed with the Secretary of the Township.

(3) The plan to provide for the ownership and maintenance of common open space shall include:

(a) A complete description of the organization to be established for the ownership of open space, if any, and the methods by which this organization shall be established and maintained.

(b) A method reasonably designed to give adequate notice to property owners within the cluster development in the event of the sale or other disposition of common open space lands and in the event of assumption of the maintenance of common open space lands by the Township as hereinafter provided.

(4) In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after establishment of the cluster development fail to maintain the common open space in reasonable order and condition in accordance with the development, the Board of Supervisors may proceed to demand that the deficiencies of maintenance be corrected or that the Township will enter upon and maintain common open space. The Board of Supervisors shall serve written notice upon the property owners' association or trustees, as appropriate, setting forth the manner in which the association or trustees
has failed to maintain the common open space in reasonable condition. The cost of such maintenance by the Township shall be assessed ratably against the properties within the cluster development that have a right of enjoyment of the common open space, and shall become a lien on said properties. The Township at the time of entering upon said common open space for the purpose of maintenance shall file a notice of lien in the office of the Prothonotary of the County upon the properties affected by the lien within the cluster development.

M. Protection of Floodplain. All cluster developments shall comply with the official Floodplain Ordinance of Valley Township [Chapter 8].

N. Protection of Steep Slopes. In those areas of the subject property containing slopes that exceed fifteen (15) percent, no structure shall be erected that will unduly disturb existing grade and natural soil conditions. If a structure is proposed upon these steep slopes, a statement must be prepared by a registered architect or engineer as to the means used to overcome building foundation problems, the maintenance of the natural watershed and the prevention of soil erosion.

O. Protection of Natural Features. The finished topography of the site shall adequately facilitate the proposed development without excessive earth moving, tree clearance and distinction of natural amenities. Natural features such as lakes, ponds, streams and wooded slopes shall be preserved and incorporated into the final landscaping of the development where ever possible and desirable. The applicant shall demonstrate the means whereby trees and other natural features shall be protected during construction. The location of such trees and other natural features must be considered when planning for open space, location of buildings, underground services, walks, paved areas, and finished grade levels.

P. Regardless of the ownership status (fee simple vs. condominium, etc.) of the lands within the cluster development, all features of the proposed cluster development shall conform to those standards listed in Part 6 of the Valley Township Subdivision and Land Development Ordinance [Chapter 22].

Q. Each application shall include documentation as to why development of the subject property under the standards imposed within this Section will result in a better development than would be possible according to the zone's permitted uses and standards.

§413. CLUSTER DEVELOPMENT (R-2).

Within the (R-2) Zone, cluster developments are permitted by conditional use subject to the following criteria:

A. The minimum area devoted to a cluster development shall be ten (10) acres.
B. All units contained within a cluster development shall be served by public sewer and public water utilities.

C. Lot Design Requirements. See following table.

**CLUSTER DESIGN PROVISIONS (R-2 ZONE)**

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Lot Area (sq. ft.)</th>
<th>Maximum Net Density (Units/Net Ac.)</th>
<th>Minimum Lot Width</th>
<th>Maximum Lot Coverage</th>
<th>Minimum Yard Requirements</th>
<th>Maximum Permitted Height</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Front Yard One Side Both Sides Rear Yard</td>
<td></td>
</tr>
<tr>
<td>Single-family detached dwellings</td>
<td>6,000</td>
<td>5.5</td>
<td>60’</td>
<td>45%</td>
<td>38’ 10’ 20’ 25’</td>
<td>35’</td>
</tr>
<tr>
<td>Twins</td>
<td>5,000 per unit</td>
<td>5.5</td>
<td>50’ per unit</td>
<td>50%</td>
<td>38’ 15’ (NA) 25’</td>
<td>35’</td>
</tr>
<tr>
<td>Townhouses</td>
<td>2,500 per unit</td>
<td>5.5</td>
<td>24’ per unit</td>
<td>60%</td>
<td>38’ 15’ (End Units) 20’</td>
<td>35’</td>
</tr>
<tr>
<td>Duplexes</td>
<td>5,000 per duplex</td>
<td>5.5</td>
<td>50’ per duplex</td>
<td>50%</td>
<td>38’ 15’ 30’ 25’</td>
<td>35’</td>
</tr>
<tr>
<td>Multiple Family</td>
<td>87,120</td>
<td>5.5</td>
<td>200’</td>
<td>60%</td>
<td>50’ 30’ 60’ 50’</td>
<td>38’</td>
</tr>
<tr>
<td>Accessory Uses</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>See above</td>
<td>Not permitted 8’ 16’ 8’</td>
<td>14’</td>
</tr>
</tbody>
</table>

1 Minimum lot width shall be measured at the building setback line in no case shall a lot's width, as measured along its frontage, be less than seventy (70) percent of that required at the building setback line. Lot widths required at the frontage shall be measured along a line paralleling the street line, even if it is curvilinear. Along cul-de-sac turnarounds, no lot shall be less than forty (40) feet wide as measured at the lot frontage.

2 No townhouse grouping shall contain more than six (6) units. For each townhouse grouping containing more than four (4) units, no more than sixty (60) percent of such units shall have the same front yard setback; the minimum variation of setback shall be two (2) feet. In addition, no more than two (2) contiguous units shall have identical roof lines that generally parallel the ground along the same horizontal plane. All townhouse buildings shall be set back a minimum of fifteen (15) feet from any parking facilities contained on commonly- held lands. All townhouse buildings shall be set back at least thirty (30) feet from any perimeter boundary of the development site. In those instances where several townhouse groupings are contained upon the same lot, the standards listed in the following footnote 3 shall apply.

3 In those instances where several multiple-family dwelling buildings and/or townhouse groupings are located on the same lot, the following separation distances will be provided between each building:

(a) Front to front, rear to rear, or front to rear, parallel buildings shall have at least fifty (50) feet between faces of the building. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten (10) feet at one (1) end if increased by similar or greater distance at the other end.
(b) A minimum yard space of thirty (30) feet is required between end walls of buildings. If the buildings are at right angles to each other, the distance between the corners of the end walls of the building may be reduced to a minimum of twenty (20) feet.

(c) A minimum yard space of thirty (30) feet is required between end walls and front or rear faces of buildings.

4 For twin and semi-attached dwellings, the minimum side yard for accessory use is fifty (50) percent of the standard setback from the non-common lot line and three (3) feet from the common lot line; for attached dwellings, the minimum accessory side yard is three (3) feet from each side lot line.

5 Within the R-2 Zone, Townhouse Dwellings may employ a zero-lot-line design with respect to driveways servicing adjoining properties, provided, that if driveway maintenance is the responsibility of the property owner(s), the driveways to the adjoining properties shall be physically separated (e.g. paver blocks, river bed stone, or other method approved by the Board of Supervisors), by a minimum one (1) foot width (six (6) inches per lot).

D. Residential Buffer Strip. All buildings within a cluster development shall be setback at least fifty (50) feet from any adjoining land within a residential district. Such setback shall be used for a landscaped buffer strip to include a variety of vegetative materials including trees, shrubs and ground cover. For townhouse or multiple-family uses, a vegetative screen consisting of at least eighty-five (85) percent evergreen trees in accordance with §314.3 and §314.4 shall be provided along any property line adjacent to existing single-family or twin dwellings or to a road which is external to the development.

E. At least forty (40) percent of the cluster development site shall be devoted to common open space.

(1) Density Incentive for Common Open Space. The maximum overall net density permitted in §413.C may be increased by one-half (0.5) dwelling units per acre for each additional ten (10) percentage points of common open space provided beyond forty (40) percent of the site, not to exceed an additional one (1.0) dwelling units per acre. The following chart summarizes the incentive:

MAXIMUM NET DENSITY INCENTIVE FOR COMMON OPEN SPACE
(Dwelling Units (DU) per Acre)

<table>
<thead>
<tr>
<th>Zone</th>
<th>40%</th>
<th>50%</th>
<th>60%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential (R-2)</td>
<td>5.5 DU/Acre</td>
<td>6.0 DU/Acre</td>
<td>6.5 DU/Acre</td>
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(2) No more than fifty (50) percent of the common open space requirements can be satisfied by slopes exceeding twenty-five (25) percent and/or by riparian buffers.

(3) Required open space shall be designed and arranged to achieve at least
two (2) of the following objectives, and the applicant shall demonstrate those specific measures employed to achieve these objectives:

(a) Protection of important natural resources (e.g. streams, ponds, wetlands, steep slopes, woodlands, unique geologic features, wildlife habitats, aquifer recharge areas and etc.).

(b) Protection of important historical and/or archaeological sites.

(c) Provision of usable play and recreation areas that are conveniently accessible to residents within the cluster development including uses such as active and passive recreation and related structures (gazebos, picnic tables, benches, playground equipment, basketball courts, tennis courts, etc.), trails, meadows, etc.

(d) Integration of green belts throughout the cluster development that link residences with onsite or adjoining parks, schools or other similar features.

F. An essential element of the cluster development application is a written description and plan for the disposition of ownership of common open space land designating those areas to be offered for dedication or to be owned by the specific form of organization proposed.

(1) The Board of Supervisors may, at any time and from time to time, accept the dedication of land or any interest therein for public use and maintenance, but the Board of Supervisors need not require, as a condition of the approval of a cluster development, that land proposed to be set aside for common open space be dedicated, or made available to public use.

(2) In the event that common open space is not dedicated for public use, the landowner shall provide for and establish an organization for the ownership and maintenance of the common open space, and such organization shall not be dissolved nor shall it dispose of the common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space), except by dedication of the same to the public. In any case, the organization provided for the ownership of open space land, not dedicated for public use, shall be constituted of the property owners within the cluster development. The plan may provide that the property owners association may lease back open space lands to the developer, his heirs or assigns, or to any other qualified person, or corporation, for operation and maintenance of open space lands, but such a lease agreement shall provide:

(a) The residents of the cluster development shall at all times have
access to the open space lands contained therein.

(b) The operation of open space facilities may be for the use and benefit of the residents only, or may be open to the general public.

The form of the lease shall be subject to the approval of the Board of Supervisors and that any transfer or assignment of the lease shall be further subject to the approval of the Board of Supervisors. Lease agreements so entered upon shall be recorded with the Recorder of Deeds of Chester County within thirty (30) days of their execution and a copy of the recorded lease shall be filed with the Secretary of the Township.

(3) The plan to provide for the ownership and maintenance of common open space shall include:

(a) A complete description of the organization to be established for the ownership of open space, if any, and the methods by which this organization shall be established and maintained.

(b) A method reasonably designed to give adequate notice to property owners within the cluster development in the event of the sale or other disposition of common open space lands, and in the event of assumption of the maintenance of common open space lands by the Township as hereinafter provided.

(4) In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after establishment of the cluster development fail to maintain the common open space in reasonable order and condition in accordance with the development, the Board of Supervisors may proceed to demand that the deficiencies of maintenance be corrected or that the Township will enter upon and maintain common open space. The Board of Supervisors shall serve written notice upon the property owners' association or trustees, as appropriate, setting forth the manner in which the association or trustees has failed to maintain the common open space in reasonable condition.

The cost of such maintenance by the Township shall be assessed ratably against the properties within the cluster development that have a right of enjoyment of the common open space, and shall become a lien on said properties. The Township, at the time of entering upon said common open space for the purpose of maintenance, shall file a notice of lien in the office of the Prothonotary of the County upon the properties affected by the lien within the cluster development.

G. Protection of Floodplain. All cluster developments shall comply with the Official Floodplain Ordinance of Valley Township [Chapter 8].

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H. **Protection of Steep Slopes.** In those areas of the subject property containing slopes that exceed fifteen (15) percent, no structure shall be erected that will unduly disturb existing grade and natural soil conditions. If a structure is proposed upon these steep slopes, a statement must be prepared by a registered architect or engineer as to the means used to overcome building foundation problems, the maintenance of the natural watershed, and the prevention of soil erosion.

I. **Protection of Natural Features.** The finished topography of the site shall adequately facilitate the proposed development without excessive earth moving, tree clearance, and destruction of natural amenities. Natural features such as lakes, ponds, streams, and wooded slopes shall be preserved and incorporated into the final landscaping of the development wherever possible and desirable. The applicant shall demonstrate the means whereby trees and other natural features shall be protected during construction. The location of such trees and other natural features must be considered when planning the open space, location of buildings, underground services, walks, paved areas, and finished grade levels.

J. Regardless of the ownership status (fee simple vs. condominium, etc.) of the lands within the duster development, all features of the proposed cluster development shall conform to those standards listed in Part 6 of the Valley Township Subdivision and Land Development Ordinance [Chapter 22].

K. Each application shall include documentation as to why development of the subject property under the standards imposed within this Section will result in a better development than would be possible according to the zone’s permitted uses and standards.

§414. COMMERÇIAL DAY CARE FACILITIES.

Within the (NCO and HC) Zones, commercial day care facilities are permitted by special exception use subject to the following criteria:

A. Operators are responsible for obtaining and complying with all pertinent approval and license requirements from appropriate state, county, and other agencies including but not limited to the Pennsylvania Department of Public Welfare or Department of Aging, and complying with applicable building, fire, and other applicable code requirements. The applicant shall have received and hold all pertinent approvals and licenses and shall provide evidence thereof, prior to issuance of a zoning permit by the Zoning Officer.

B. The minimum lot size for any day care facility shall be based upon requirements of this section as well as off-street parking and buffering/landscaping requirements but in no case shall be less than that stated as the minimum lot size of the applicable zoning district in which the facility is located.
C. Minimum indoor areas and outdoor play area requirements per child shall meet the most current Pennsylvania Department of Public Welfare requirements, and the applicant shall submit proof to the Township, prior to the issuing of permits, that these requirements have been met. In addition, an outdoor recreation area, where applicable, shall be in accordance with the following:

1. The outdoor recreation area shall be located in a rear and/or side yard, be setback ten (10) feet from all property lines, and shall not include driveways, parking areas, or land unsuited by other uses or natural conditions for active recreation.

2. The outdoor recreation area shall be enclosed by a fence suitable to restrict attendees to the play area, and fencing shall be a minimum of five (5) feet in height and meet all applicable requirements of the Pennsylvania Department of Public Welfare as set forth in the Pennsylvania Code or otherwise.

3. Any vegetative materials located within the outdoor play areas shall be of a nonharmful type (nonpoisonous, nonthorny, nonallergenic, etc.).

4. All outdoor play areas must provide a means of shade such as a shade tree(s) or pavilion(s).

5. The outdoor recreation area shall be on the same lot as the principal structure and be fully controlled by the operator of the facility.

6. Outside play shall be limited to the hours of daylight.

D. Operation of all day care facilities shall be limited to the hours between 6:00 a.m. and 9:00 p.m.

E. Parking and Drop-off Area Requirements.

1. Off-street parking shall be provided in accordance with §312 of this Chapter and §603 of the Valley Township Subdivision and Land Development Ordinance [Chapter 22] and shall be so designed to prevent interference with traffic flow on any adjacent roadways.

2. Passenger "drop-off" and "pick-up" areas shall be provided onsite and shall be designed to eliminate the need for patrons to cross traffic lanes within or adjacent to the site and shall not be provided within parking aisles or lanes.

3. Temporary parking and “drop-off” areas shall be in addition to and separate from required off-street parking spaces or aisles and shall be
designated and maintained for the discharge and collection of attendees associated with the Day Care use.

(4) Drop-off areas shall be marked by appropriate signs, pavement markings, or text.

F. Except as may otherwise be determined based upon Pennsylvania state laws or codes, enrollment shall be defined as the largest number of students and/or children under day care supervision at any one (1) time during a seven (7)-day period.

§415. INDOOR RECREATION FACILITIES, GOLF COURSES AND ACTIVE RECREATION.

Within the (HC) Zone, indoor recreation facilities are permitted by conditional use subject to the following criteria (A) through (G); within the (RC) Zone, indoor recreation facilities and active recreation are permitted by conditional use subject to all the following criteria; within the (PD) Zone, indoor recreation facilities and active recreation are permitted by conditional use subject to all the following criteria; and within the (R-1), (R-2) and (C) Zones, indoor recreation facilities, golf courses and active recreation are permitted by conditional use subject to all the following criteria:

A. If the subject property contains more than two (2) acres, it shall front on and have access to an arterial or collector road, as identified in §316.

B. Those uses involving extensive outdoor activities shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties.

C. Any structures exceeding the maximum permitted height may be permitted so long as they are setback from all property lines at least the horizontal distance equal to their height, plus an additional fifty (50) feet. Furthermore, such structures shall not be used for occupancy.

D. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, noise, light, litter, dust and pollution.

E. Required parking will be determined based upon the types of activities proposed and the schedule listed in §312. In addition, the Supervisors may require an unimproved grassed overflow parking area to be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads.
F. Any booths or other structures used for the collection of admission and/or parking fees shall be setback and arranged to prevent vehicle back-ups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle back-ups on adjoining roads. If, at any time after the opening of the commercial recreation facility, the Supervisors determine that traffic back-ups are occurring on adjoining roads, and such back-ups are directly related to the means of access to the subject property, the Supervisors can require the applicant to revise means of access to relieve the undue congestion.

G. Any outside pedestrian waiting lines shall be provided with a means of shade.

H. All buildings and parking areas shall be setback at least seventy-five (75) feet from all property lines and all street lines. All buildings exceeding three thousand (3,000) square feet of ground floor area and associated loading and parking areas and all outdoor activity areas and associated parking areas shall be setback at least one hundred (100) feet from all property lines and all street lines and shall be screened from public streets and adjoining residential uses and residentially-zoned properties.

I. All waste receptacles shall be completely enclosed. Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. All dumpsters shall be setback a minimum of seventy-five (75) feet from any property line.

J. Storm water management plans shall utilize onsite storage for irrigation, lawn sprinkling, etc., and groundwater recharge to the maximum extent as considered feasible by the Board of Supervisors.

K. Water supply proposed from one or more wells shall require a ground water (hydrology) study and pumping draw down tests on all proposed wells with observation of existing wells on all adjacent properties or within five hundred (500) feet of the proposed wells, whichever distance is greater.

L. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets except at entrances as approved by the Board of Supervisors.

§416. WIRELESS COMMUNICATIONS FACILITIES.

A. Purposes and Findings of Fact.

(1) The purpose of this section is to establish uniform standards for the siting, design, permitting, maintenance, and use of Wireless Communications Facilities in
Valley Township (referred to herein as the “Township”). While the Township recognizes the importance of Wireless Communications Facilities in providing high quality communications service to its residents and businesses, the Township also recognizes that it has an obligation to protect public safety and to minimize the adverse visual effects of such facilities through the standards set forth in the following provisions.

(2) By enacting these provisions, the Township intends to:

(a) Accommodate the need for Wireless Communications Facilities while regulating their location and number so as to ensure the provision for necessary services;

(b) Provide for the managed development of Wireless Communications Facilities in a manner that enhances the benefits of wireless communication and accommodates the needs of both Township residents and wireless carriers in accordance with federal and state laws and regulations;

(c) Establish procedures for the design, siting, construction, installation, maintenance and removal of both Tower-Based and Non-Tower based Wireless Communications Facilities in the Township, including facilities both inside and outside the public rights-of-way;

(d) Address new wireless technologies, including but not limited to, distributed antenna systems, data collection units, cable Wi-Fi and other Wireless Communications Facilities;

(e) Minimize the adverse visual effects and the number of such facilities through proper design, siting, screening, material, color and finish and by requiring that competing providers of wireless communications services co-locate their commercial communications antennas and related facilities on existing towers;

(f) Promote the health, safety and welfare of the Township's residents.

B. General and Specific Requirements for Non-Tower Wireless Communications Facilities.

(1) The following regulations shall apply to all Non-Tower WCF:

(a) Permitted in all zones subject to regulations. Non-Tower WCF are permitted in all zones subject to the restrictions and conditions prescribed below and subject to applicable permitting by the Township.

(b) Non-conforming Wireless Support Structures. Non-Tower WCF shall be permitted to co-locate upon non-conforming Tower-Based WCF and other
non-conforming structures. Co-location of WCF upon existing Tower-Based WCF is encouraged even if the Tower-Based WCF is non-conforming as to use within a zoning district.

(c) **Standard of care.** Any Non-Tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.

(d) **Wind.** All Non-Tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA-222, as amended).

(e) **Aviation safety.** Non-Tower WCF shall comply with all federal and state laws and regulations concerning aviation safety.

(f) **Public safety communications.** Non-Tower WCF shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

(g) **Radio frequency emissions.** A Non-Tower WCF shall not, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled “Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields,” as amended.

(h) **Removal.** In the event that use of a Non-Tower WCF is discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCF or portions of WCF shall be removed as follows:

(i) All abandoned or unused WCFs and accessory facilities shall be removed within sixty (60) days of the cessation of operations at the site unless a time extension is approved by the Township Board of Supervisors.
(ii) If the WCF or accessory facility is not removed within sixty (60) days of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF. For each year that the WCF facility is in use, the WCF owner shall provide an annual written statement to the Township that such facility is in use.

(i) Timing of approval for applications that fall under the WBCA. Within thirty (30) calendar days of the date that an application for a Non-Tower WCF is filed with the Township, the Township shall notify the WCF Applicant in writing of any information that may be required to complete such application. Within sixty (60) calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the WCF Applicant in writing of such decision. If additional information was requested by the Township to complete an application, the time required by the WCF Applicant to provide the information shall not be counted toward the Township’s sixty (60) day review period. The timing requirements in this section shall only apply to proposed facilities that fall under the Pennsylvania Wireless Broadband Collocation Act and all Orders issued by the Federal Communications Commission.

(j) Insurance. Each person or entity who/that owns or operates a Non-Tower WCF shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of $1,000,000 per occurrence and property damage coverage in the minimum amount of $1,000,000 per occurrence covering the Non-Tower WCF.

(k) Indemnification. Each person or entity who/that owns or operates a Non-Tower WCF shall, at his/its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person or entity, its officers, agents, employees or contractors arising from, but not limited to, the construction, installation, operation, maintenance or removal of the Non-Tower WCF. Each person or entity who/that owns or operates a Non-Tower WCF shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of a Non-Tower WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable
attorneys’ fees, reasonable expert fees, court costs and all other costs of indemnification.

(l) Maintenance. To the extent permitted by law, the following maintenance requirements shall apply:

(i) The Non-Tower WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.

(ii) Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township’s residents.

(iii) All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.

(m) Reservation of rights. In accordance with applicable law and as set forth in more detail in subsequent design and development standards below, the Township reserves the right to deny an application for the construction or placement of any Non-Tower WCF for numerous factors, which include but are not limited to, visual impact, design, and safety standards.

(2) The following regulations shall apply to all collocated Non-Tower WCF that do not Substantially Change the Physical Dimensions of the Wireless Support Structure to which they are attached and fall under the Pennsylvania Wireless Broadband Collocation Act:

(a) Permit required. WCF Applicants proposing the modification of an existing Tower-Based WCF shall obtain a building permit from the Township. In order to be considered for such permit, the WCF Applicant must submit a permit application to the Township in accordance with applicable permit policies and procedures.

(b) Permit fees. The Township may assess appropriate and reasonable permit fees directly related to the Township’s actual costs in reviewing and processing the application for approval of a Non-Tower WCF or $1,000, whichever is less.

(3) The following regulations shall apply to all Non-Tower WCF that Substantially Change the Wireless Support Structure to which they are attached, or that otherwise do not fall under the Pennsylvania Wireless Broadband Collocation Act:

(a) Prohibited on Certain Structures. No Non-Tower WCF shall be located on single-family detached residential dwellings, single-family attached
residential dwellings (i.e., duplexes, townhouses, and twins), or any residential accessory structure.

(b) Conditional Use Approval Required. Any WCF Applicant proposing the construction of a new Non-Tower WCF, or the modification of an existing Non-Tower WCF, shall first obtain a conditional use approval from the Township. New constructions, modifications, and replacements that fall under the WBCA shall not be subject to the conditional use process. The conditional use application shall demonstrate that the proposed facility complies with all applicable provisions in the Valley Township Zoning Ordinance.

(c) Historic Buildings. No Non-Tower WCF may be located upon any property, or on a building or structure that is listed on either the list of National or Pennsylvania Registers of Historic Places or the official historic structures and/or historic districts list maintained by the Township, or that has been designated by the Township to be of historical significance, unless the WCF Applicant receives approval by the Board of Supervisors and a written finding of no effect on historic resources by the Pennsylvania Historical and Museum Commission Bureau for Historic Preservation.

(d) Retention of Experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these WCF provisions. The WCF Applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township’s consultant(s) in providing expert evaluation and consultation in connection with these activities.

(e) Permit Fees. The Township may assess appropriate and reasonable permit fees directly related to the Township’s actual costs in reviewing and processing the application for approval of a Non-Tower WCF, as well as related inspection, monitoring and related costs. Any such fees shall be adopted, from time to time, by Resolution of the Township’s Board of Supervisors.

(f) Development Regulations. Non-Tower WCF co-located on existing Wireless Support Structures, such as existing buildings or Tower-Based WCF, shall be subject to the following conditions:

(i) The total height of any Wireless Support Structure and mounted WCF shall not exceed twenty (20) feet above the maximum height permitted in the underlying zoning district, unless the WCF
Applicant applies for, and subsequently obtains, a variance from the Valley Township Zoning Hearing Board.

(ii) In accordance with industry standards, all Non-Tower WCF Applicants must submit documentation to the Township justifying the total height of the Non-Tower WCF. Such documentation shall be analyzed in the context of such justification on an individual basis.

(iii) If the WCF Applicant proposes to locate the Related Equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.

(iv) A security fence of not less than eight (8) feet in height shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.

(g) Design Regulations.

(i) Non-Tower WCF shall employ Stealth Technology and be treated to match the Wireless Support Structure in order to minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF Applicant shall be subject to the approval of the Township Board of Supervisors.

(ii) Non-commercial usage exemption. Township residents or businesses utilizing satellite dishes and antennae for the purpose of maintaining television, phone, and/or internet connections at their respective residences or businesses shall be exempt from the design regulations enumerated in this section of the Zoning Ordinance.

(h) Removal, Replacement and Modification.

(i) The removal and replacement of Non-Tower WCF and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not substantially change the overall size of the WCF or the numbers of antennae.

(ii) Any material modification to a WCF shall require notice to be provided to the Township, and possible supplemental permit approval to the original permit or authorization.
(i) Inspection. The Township reserves the right to inspect any WCF to ensure compliance with the provisions of the Zoning Ordinance and any other provisions found within the Township Code or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

(4) Regulations Applicable to all Non-Tower WCF located in the Public Rights-of-Way.

In addition to all applicable Non-Tower WCF provisions listed in this section, the following regulations shall apply to Non-Tower WCF located in the public rights-of-way:

(a) Co-location. Non-Tower WCF in the ROW shall be located or co-located on existing poles, such as existing utility poles or light poles. If co-location is not technologically feasible, the WCF Applicant shall locate its Non-Tower WCF on existing poles or freestanding structures that do not already act as Wireless Support Structures with the Township’s approval.

(b) Design Requirements:

(i) WCF installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles, shall be compatible in scale and proportion to the structures upon which they are mounted. The WCF Applicant shall provide the Township with a written statement, signed by an engineer licensed in the Commonwealth of Pennsylvania, confirming that all equipment affiliated with, and connected to, the proposed WCF is the smallest and least visibly intrusive equipment feasible. The Township may waive such statement at its discretion.

(ii) A structural engineer licensed in the Commonwealth of Pennsylvania shall provide a signed and sealed written certification to the Township of the structural integrity of the structure to which the Non-Tower WCF in the ROW is mounted to accommodate the WCF.

(iii) Antenna and Related Equipment shall be treated to match the supporting structure and may be required to be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.

(c) Time, Place and Manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all
Non-Tower WCF in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.

(d) Equipment Location. Non-Tower WCFs and Related Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:

(i) In no case shall ground-mounted Related Equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb or within an easement extending onto a privately-owned lot.

(ii) Ground-mounted Related Equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township Board of Supervisors.

(iii) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township Board of Supervisors.

(iv) Any graffiti on any Wireless Support Structures or any Related Equipment shall be removed at the sole expense of the owner within fifteen (15) days following written notice from the Township.

(v) Any proposed underground vault related to Non-Tower WCF shall be reviewed and approved by the Township.

(e) Relocation or Removal of Facilities. Within sixty (60) days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

(i) The construction, repair, maintenance or installation of any Township or other public improvement in the right-of-way;
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(ii) The operations of the Township or other governmental entity in the Right-of-Way;

(iii) Vacation of a street or road or the release of a utility easement; or

(iv) An emergency as determined by the Township.

C. General and Specific Requirements for All Tower-Based Wireless Communications Facilities.

(1) The following regulations shall apply to all Tower-Based Wireless Communications Facilities:

(a) Standard of Care. Any Tower-Based WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any Tower-Based WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.

(b) Notice. Upon submission of an application for a Tower-Based WCF and the scheduling of the public hearing upon the application, the WCF Applicant shall mail notice to all owners of every property within five hundred (500) feet of the proposed facility. The WCF Applicant shall provide proof of the notification to the Township.

(c) Conditional Use Approval Required. Tower-Based WCF are permitted in certain zoning districts by conditional use and at a height necessary to satisfy their function in the WCF Applicant’s wireless communications system. No WCF Applicant shall have the right under these regulations to erect a tower to the maximum height specified in this section unless it proves the necessity for such height. The WCF Applicant shall demonstrate that the antenna/tower/pole for the Tower-Based WCF is the minimum height necessary for the service area.

(i) Prior to the Board of Supervisor’s approval of a conditional use for the construction and installation of Tower-Based WCF, it shall be incumbent upon the WCF Applicant for such conditional use approval to prove to the reasonable satisfaction of the Board of Supervisors that the WCF Applicant cannot adequately extend or
infill its communications system by the use of equipment such as redoes, repeaters, antenna(s) and other similar equipment installed on existing structures, such as utility poles or their appurtenances and other available tall structures. The WCF Applicant shall further demonstrate that the proposed Tower-Based WCF must be located where it is proposed in order to serve the WCF Applicant's service area and that no other viable alternative location exists.

(ii) The conditional use application shall be accompanied by a propagation study evidencing the need for the proposed tower or other communication facilities and equipment, a description of the type and manufacturer of the proposed transmission/radio equipment, the frequency range (megahertz band) assigned to the WCF Applicant, the power in watts at which the WCF Applicant transmits, and any relevant related tests conducted by the WCF Applicant in determining the need for the proposed site and installation.

(iii) The conditional use application shall be accompanied by documentation demonstrating that the proposed Tower-Based WCF complies with all state and federal laws and regulations concerning aviation safety.

(iv) Where the Tower-Based WCF is located on a property with another principal use, the WCF Applicant shall present documentation to the Board of Supervisors that the owner of the property has granted an easement for the proposed WCF and that vehicular access will be provided to the facility. The easement(s) for the proposed WCF and vehicular access shall be executed by all parties concerned, recorded with the Chester County Office of the Recorder of Deeds, and filed with the Township.

(v) The conditional use application shall also be accompanied by documentation demonstrating that the proposed Tower-Based WCF complies with all applicable provisions in this section.

(d) Engineer Inspection. Prior to the Township's issuance of a permit authorizing construction and erection of a Tower-Based WCF, a structural engineer registered in Pennsylvania shall issue to the Township a written certification of the proposed WCF’s ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association and certify the proper construction of the foundation and the erection of the structure. This certification shall be provided during the conditional use hearing(s) or at a minimum be made as a condition attached to any approval given such that the certification be provided prior to issuance of any building permits.
Visual Appearance and Land Use Compatibility. Tower-Based WCF shall employ Stealth Technology which may include the tower portion to be painted a color approved by the Board of Supervisors, or shall have a galvanized finish. All Tower-Based WCF and Related Equipment shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and neighboring buildings to the greatest extent possible. The Board of Supervisors shall consider whether its decision upon the subject application will promote the harmonious and orderly development of the zoning district involved; encourage compatibility with the character and type of development existing in the area; benefit neighboring properties by preventing a negative impact on the aesthetic character of the community; preserve woodlands and trees existing at the site to the greatest possible extent; and encourage sound engineering and land development design and construction principles, practices and techniques.

Co-location and siting. An application for a new Tower-Based WCF shall demonstrate that the proposed Tower-Based WCF cannot be accommodated on an existing or approved structure or building, or sited on land owned by Valley Township. The Board of Supervisors may deny an application to construct a new Tower-Based WCF if the WCF Applicant has not made a good faith effort to mount the commercial communications antenna(s) on an existing structure. The WCF Applicant shall demonstrate that it contacted the owners of all structures, buildings, and towers within a one quarter (¼) of a mile radius of the site proposed, sought permission to install an antenna on those structures, buildings, and towers and was denied for one of the following reasons:

(i) The proposed antenna and related equipment would exceed the structural capacity of the existing building, structure or tower, and its reinforcement cannot be accomplished at a reasonable cost.

(ii) The proposed antenna and related equipment would cause radio frequency interference with other existing equipment for that existing building, structure, or tower and the interference cannot be prevented at a reasonable cost.

(iii) Such existing buildings, structures, or towers do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.

(iv) A commercially reasonable agreement could not be reached with the owner of such building, structure, or tower.
(g) Permit Required for Modifications. To the extent permissible under applicable state and federal law, any WCF Applicant proposing the modification of an existing Tower-Based WCF, which increases the overall height of such WCF, shall first obtain a permit from the Township. Non-routine modifications shall be prohibited without a permit.

(h) Gap in Coverage. A WCF Applicant for a Tower-Based WCF must demonstrate that a significant gap in wireless coverage or capacity exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or non-existence of a gap in wireless coverage shall be a factor in the Township’s decision on an application for approval of Tower-Based WCF.

(i) Additional Antennae. As a condition of approval for all Tower-Based WCF, the WCF Applicant shall provide the Township with a written commitment that it will allow other service providers to co-locate antennae on Tower-Based WCF where technically and economically feasible. The owner of a Tower-Based WCF shall not install any additional antennae without obtaining the prior written approval of the Township.

(j) Wind. Any Tower-Based WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA/TIA-222), as amended.

(k) Height. Any Tower-Based WCF shall be designed at the minimum functional height. The maximum total height of a Tower-Based WCF, which is not located in the public ROW, shall not exceed two hundred (200) feet, as measured vertically from the ground level to the highest point on the structure, including antennae and subsequent alterations.

(l) Public Safety Communications. No Tower-Based WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

(m) Maintenance. The following maintenance requirements shall apply:

(i) Any Tower-Based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
(ii) Such maintenance shall be performed to ensure the upkeep of the WCF in order to promote the safety and security of the Township’s residents, and utilize the best available technology for preventing failures and accidents.

(n) Radio Frequency Emissions. A Tower-Based WCF shall not, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled “Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields,” as amended.

(o) Historic Buildings or Districts. A Tower-Based WCF shall not be located upon a property, and/or on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places or the official historic structures and/or historic districts list maintained by the Township or that has been designated by the Township to be of historical significance, unless the WCF Applicant receives approval by the Board of Supervisors and receives a written finding of no effect on historic resources by the Pennsylvania Historical and Museum Commission Bureau for Historic Preservation.

(p) Signs. All Tower-Based WCFs shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency. The only other signage permitted on the WCF shall be those required by the FCC, or any other federal or state agency.

(q) Lighting. No Tower-Based WCF shall be artificially lighted, except as required by law. If lighting is required, the WCF Applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. The WCF Applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities and to the Township Secretary.

(r) Noise. Tower-Based WCF shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the Township Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.

(s) Aviation Safety. Tower-Based WCF shall comply with all federal and state laws and regulations concerning aviation safety.

(t) Retention of Experts. The Township may hire any consultant and/or expert necessary to assist the Township in reviewing and evaluating the
application for approval of the Tower-Based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these provisions. The WCF Applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township’s consultant(s) in providing expert evaluation and consultation in connection with these activities.

(u) Timing of Approval. Within thirty (30) calendar days of the date that an application for a Tower-Based WCF is filed with the Township, the Township shall notify the WCF Applicant in writing of any information that may be required to complete such application. All applications for Tower-Based WCFs shall be acted upon within one hundred fifty (150) days of the receipt of a fully completed application for the approval of such Tower-Based WCF and the Township shall advise the WCF Applicant in writing of its decision. If additional information was requested by the Township to complete an application, the time required by the WCF Applicant to provide the information shall not be counted toward the one hundred fifty (150) day review period.

(v) Non-Conforming Uses. Non-conforming Tower-Based WCF which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this section. The co-location of Non-Tower WCF upon non-conforming structures shall be permitted.

(w) Removal. In the event that use of a Tower-Based WCF is planned to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCF or portions of WCF shall be removed as follows:

(i) All unused or abandoned Tower-Based WCFs and accessory facilities shall be removed within ninety (90) days of the cessation of operations at the site unless a time extension is approved by the Township.

(ii) If the WCF and/or accessory facility is not removed within ninety (90) days of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.

(iii) Any unused portions of Tower-Based WCF, including antennae, shall be removed within ninety (90) days of the time of cessation of operations. The Township must approve all replacements of portions of a Tower-Based WCF previously removed. For each
year that the WCF facility is in use, the WCF owner shall provide an annual written statement to the Township that such facility is in use.

(x) Permit Fees. The Township may assess appropriate and reasonable permit fees, as may from time to time be adopted by Resolution of the Township Board of Supervisors, directly related to the Township’s actual costs in reviewing and processing the application for approval of a Tower-Based WCF, as well as related inspection, monitoring, and related costs.

(y) FCC License. Each person or entity who/that owns or operates a Tower-Based WCF over forty (40) feet in height shall submit a copy of its current FCC license, including the name, address, and emergency telephone number for the operator of the facility.

(z) Reservation of rights. In accordance with applicable law, the Township reserves the right to deny an application for the construction or placement of any Tower-Based WCF for numerous factors, including but are not limited to, visual impact, design, and safety standards.

(aa) Insurance. Each person or entity who/that owns or operates a Tower-Based WCF greater than forty (40) feet in height shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of $5,000,000 per occurrence and property damage coverage in the minimum amount of $5,000,000 per occurrence covering the Tower-Based WCF. Each person or entity who/that owns or operates a Tower-Based WCF forty (40) feet or less in height shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of $1,000,000 per occurrence and property damage coverage in the minimum amount of $1,000,000 per occurrence covering each Tower-Based WCF.

(bb) Indemnification. Each person or entity who/that owns or operates a Tower-Based WCF shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the Tower-Based WCF. Each person or entity who/that owns or operates a Tower-Based WCF shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of Tower-Based WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to
pay judgments, injuries, liabilities, damages, reasonable attorneys’ fees, reasonable expert fees, court costs and all other costs of indemnification.

(cc) Engineer signature. All plans and drawings for a Tower-Based WCF shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.

(dd) Financial security. Prior to receipt of a building permit for the construction or placement of a Tower-Based WCF, the WCF Applicant shall provide to the Township financial security in an amount equal to one hundred ten (110) percent of the estimated cost to remove the WCF in its entirety. Said financial security shall remain in place until the Tower-Based WCF is removed.

(2) The following regulations shall apply to Tower-Based Wireless Communications Facilities located outside the Public Rights-of-Way:

(a) Development Regulations.

(i) Tower-Based WCF are permitted outside the public Rights-of-Way in the following zoning districts by conditional use:

a. (C) Conservation
b. (I) Industrial.

c. (PD) Planned Development

(ii) Sole use on a lot. A Tower-Based WCF shall be permitted as a sole use on a lot, provided that the underlying lot is a minimum of six thousand (6,000) square feet. The minimum distance between the base of a Tower-Based WCF and any adjoining property line or street right-of-way line shall equal one hundred (100) percent of the proposed WCF structure height.

(iii) Combination with another use. A Tower-Based WCF may be permitted on a property with an existing use, or on a vacant parcel in combination with another use, except residential, subject to the following conditions:

a. The existing use on the property must be a permitted use in the applicable district, and need not be affiliated with the WCF.

b. Minimum lot area. The minimum lot area shall comply with the requirements for the applicable district and shall
be the area needed to accommodate the Tower-Based WCF and guy wires, the equipment building, security fence, and buffer planting if the proposed WCF is greater than forty (40) feet in height.

c. Minimum setbacks. The minimum distance between the base of a Tower-Based WCF and any adjoining property line or street right-of-way line shall equal to the proposed WCF structure height. Where the site on which a Tower-Based WCF is proposed to be located is contiguous to an educational use, child day-care facility or residential use, the minimum distance between the base of a Tower-Based WCF and any such adjoining uses shall equal one hundred ten (110) percent of the proposed height of the Tower-Based WCF unless it is demonstrated to the reasonable satisfaction of the Board of Supervisors that in the event of failure the WCF is designed to collapse upon itself within a setback area less than the required minimum setback without endangering such adjoining uses and their occupants.

(b) Design Regulations.

(i) The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. Application of the Stealth Technology chosen by the WCF Applicant shall be subject to the approval of the Township Board of Supervisors.

(ii) To the extent permissible by law, any height extensions to an existing Tower-Based WCF shall require prior approval of the Township Board of Supervisors.

(iii) Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF Applicant's antennae and comparable antennae for future users.

(iv) Any Tower-Based WCF over forty (40) feet in height shall be equipped with an anti-climbing device, as approved by the manufacturer.

(c) Surrounding Environs.

(i) The WCF Applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible.
(ii) The WCF Applicant shall submit a soil report to the Township complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA-222, as amended, to document and verify the design specifications of the foundation of the Tower-Based WCF, and anchors for guy wires, if used.

(d) Fence/Screen.

(i) A security fence having a minimum height of eight (8) feet shall completely surround any Tower-Based WCF greater than forty (40) feet in height, as well as guy wires, or any building housing WCF equipment.

(ii) Landscaping shall be required to screen as much of a newly constructed Tower-Based WCF as possible. The Board of Supervisors may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if, in the discretion of the Board of Supervisors, they achieve the same degree of screening. Existing vegetation shall be preserved to the maximum extent possible.

(e) Accessory Equipment.

(i) Ground-mounted Related Equipment associated to, or connected with, a Tower-Based WCF shall be placed underground or screened from public view using Stealth Technologies, as described above.

(ii) All Related Equipment, utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.

(f) Access Drive.

(i) An access drive, turnaround space and parking shall be provided to ensure adequate emergency and service access to Tower-Based WCF.

(ii) Maximum use of existing streets and access drives, whether public or private, shall be made to the extent practicable. If vehicular access to the WCF will be provided via private street or shared access drive, the WCF owner shall obtain an access easement from the property owner(s) that is executed by all parties concerned,
recorded with the Chester County Officer of the Recorder of Deeds, and filed with the Township.

(iii) Street and access drive grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. The access drive shall be a minimum twelve (12) feet wide, and may be constructed of concrete or bituminous paving materials, grass pavers, or other dust-free material suitable to the Board of Supervisors. Access drives shall comply with all other requirements in Section 311 of this Chapter.

(g) Parking. For each Tower-Based WCF greater than forty (40) feet in height, there shall be a minimum of two (2) off-street parking spaces.

(h) Inspection. The Township reserves the right to inspect any Tower-Based WCF to ensure compliance with the Zoning Ordinance and any other provisions found within the Township Code or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

(3) The following regulations shall apply to Tower-Based Wireless Communications Facilities located in the Public Rights-of-Way:

(a) Location and development standards.

(i) Tower-Based WCF forty (40) feet or shorter in height are prohibited in areas in which utilities are located underground.

(ii) Tower-Based WCF forty (40) feet or shorter in height shall not be located in the front façade area of any structure.

(iii) Proposed Tower-Based WCF forty (40) feet or shorter in height shall only be located along collector roads and arterial roads, as identified in Section 316, throughout the Township where public utilities are above ground, regardless of the underlying zoning district and provided that they are not situated within fifty (50) feet of an area in which utilities are underground. Such facilities shall be subject to the Township’s conditional use approval process.

(b) Time, Place and Manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Tower-Based WCF in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be
consistent with the police powers of the Township and the requirements of the Public Utility Code.

(c) Equipment Location. Tower-Based WCF and Related Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:

(i) In no case shall ground-mounted Related Equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb.

(ii) Ground-mounted Related Equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.

(iii) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township Board of Supervisors.

(iv) Any graffiti on the tower or on any Related Equipment shall be removed at the sole expense of the owner.

(v) Any underground vaults related to Tower-Based WCFs shall be reviewed and approved by the Township.

(d) Design regulations.

(i) The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF Applicant shall be subject to the approval of the Township Board of Supervisors.

(ii) Tower-Based WCF in the public ROW shall not exceed forty (40) feet in height.

(iii) To the extent permissible under state and federal law, any height extensions to an existing Tower-Based WCF shall require prior approval of the Township, and shall not increase the overall height of the Tower-Based WCF to more than forty (40) feet.
(iv) Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF Applicant’s antennae and comparable antennae for future users.

(e) Relocation or Removal of Facilities. Within sixty (60) days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an Emergency, an owner of Tower-Based WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

(i) The construction, repair, maintenance or installation of any Township or other public improvement in the Right-of-Way;

(ii) The operations of the Township or other governmental entity in the right-of-way;

(iii) Vacation of a street or road or the release of a utility easement; or

(iv) An emergency as determined by the Township.

(f) Reimbursement for ROW Use. In addition to permit fees as described in this section, every Tower-Based WCF in the ROW is subject to the Township’s right to fix annually a fair and reasonable fee to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township’s actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Township. The owner of each Tower-Based WCF shall pay an annual fee to the Township to compensate the Township for the Township’s costs incurred in connection with the activities described above.

§417. CONVENIENCE COMMERCIAL CENTER.

Within the (I and PD) Zones, convenience commercial centers are permitted by conditional use subject to the following criteria:

A. A convenience commercial center may only be established in an I or PD Zone that contains at least one hundred fifty (150) contiguous acres of I and/or PD zoned tracts. Only one (1) convenience commercial center may be established per one hundred (150) contiguous acres.
B. A convenience commercial center shall include a combination of at least three (3) of the following uses:

1. Convenience grocery and/or dairy stores.
2. Pharmacies and/or drug stores.
3. Dry cleaner store branches (not including onsite cleaning).
4. Restaurants including fast-food facilities.
5. Filling stations (including attached accessory service and/or repair facilities).
7. Photocopying stores.
8. Banks and other similar financial institutions.
9. Retail sales of stationery, office supplies.

C. A convenience commercial center shall not exceed two (2) acres in size.

D. All buildings, structures, parking lots, off-street loading areas, signs, dumpsters and access drive associated with a convenience commercial center shall be setback at least one hundred (100) feet and screened from any adjoining residential uses and residentially-zoned properties.

E. Convenience commercial centers shall be linked to the surrounding (I or PD) Zones development by safe and convenient walkways.

F. No more than two (2) access drives shall provide vehicular access to a convenience commercial center.

G. Only one (1) freestanding sign shall be permitted within a convenience commercial center. Such freestanding sign shall not exceed thirty (30) square feet in size. Such sign shall be setback at least ten (10) feet from all property lines and at least five (5) feet from street right-of-way lines. Individual on-premises commercial signs are also permitted for each business within the convenience commercial center subject to the provisions of §315 of this Chapter.

H. All convenience commercial centers shall be functionally and visually integrated with shared parking, vehicular access, signage and landscaping.
I. Neither building nor structure shall exceed a total height of twenty-five (25) feet.

J. All other requirements of the underlying zoning district shall apply to convenience commercial centers.

§418. FAST FOOD RESTAURANT.

Within the (HC, RC, and PD) Zones, fast food restaurants are permitted by conditional use subject to the following criteria:

A. The subject property shall front on an arterial or collector road, as identified in §316.

B. Exterior trash receptacles shall be provided and routinely emptied so to prevent the scattering of litter. All applications shall include a description of a working plan for the clean-up of litter.

C. Any exterior speaker/microphone system shall be arranged and/or screened to prevent objectionable noise impact on adjoining properties.

D. No part of the restaurant building shall be located within two hundred (200) feet of any residentially-zoned land.

§419. DRY CLEANERS, LAUNDRIES AND LAUNDROMATS.

Within the (NCO) Zone, dry cleaners, laundries and laundromats are permitted by special exception subject to the following criteria:

A. Public sewer and water shall be used.

B. All activities shall be conducted within a completely enclosed building.

C. During operation or plant clean-up and maintenance, all windows and doors on walls facing adjoining residential zones shall be kept closed.

D. Any exhaust ventilation equipment shall be directed away from adjoining residentially-zoned property.

E. Self-service laundromats shall require one (1) off-street parking space for each two (2) washing machines; other laundry-related uses shall provide one (1) off-street parking space for each four-hundred (400) square feet of gross floor area.
§420. FAMILY AND HOME CHILD DAY CARE FACILITIES.

Within the (R-1 and R-2) Zones, family and home child day care facilities are permitted within detached dwellings by special exception subject to the following criteria:

A. Operators are responsible for obtaining and complying with all pertinent approval and license requirements from appropriate state, county, and other agencies including but not limited to the Pennsylvania Department of Public Welfare or Department of Aging, and compliance with applicable building, fire, and other applicable code requirements. The applicant shall have received and hold all pertinent approvals and licenses and shall provide evidence thereof, prior to issuing of a zoning permit by the Zoning Officer.

B. The minimum lot size for any day care facility shall be based upon requirements of this section as well as off-street parking and buffering/landscaping requirements but in no case shall the lot size be less than the minimum lot size of the applicable zoning district in which the facility is located.

C. Minimum indoor areas and outdoor play area requirements per child shall meet the most current Pennsylvania Department of Public Welfare requirements, and the applicant shall submit proof to the Township, prior to the issuing of permits, that these requirements have been met. In addition, an outdoor recreation area, where applicable, shall be in accordance with the following:

(1) The outdoor recreation area shall be located in a rear and/or side yard, be setback ten (10) feet from all property lines, and shall not include driveways, parking areas, or land unsuited by other uses or natural conditions for active recreation.

(2) The outdoor recreation area shall be enclosed by a fence suitable to restrict attendees to the play area, and fencing shall be a minimum of five (5) feet in height and meet all applicable requirements of the Pennsylvania Department of Public Welfare as set forth in the Pennsylvania Code or otherwise.

(3) The outdoor recreation area shall be visibly screened from adjacent properties and streets.

(4) Any vegetative materials located within the outdoor play areas shall be of a nonharmful type (nonpoisonous, nonthorny, nonallergenic, etc.).

(5) All outdoor play areas must provide a means of shade such as a shade tree(s) or pavilion(s).

(6) The outdoor recreation shall be on the same lot as the principal structure and fully controlled by the operator of the facility.
(7) Outside play shall be limited to the hours of daylight.

D. Operation of all day care facilities shall be limited to the hours between 6:00 a.m. and 9:00 p.m.

§421. FLEA MARKETS.

Within the (HC) Zone flea markets are permitted by special exception subject to the following criteria:

A. The retail sales area shall be considered to be that of the smallest rectangle, or other regular geometric shape which encompasses all display stands, booths, tables or stalls, plus any adjoining aisles and/ or walkways from which consumers can inspect items for sale. The retail sales area shall include all indoor and/ or outdoor areas as listed above.

B. The retail sales area shall be set back at least fifty (50) feet from all property lines, and shall be calculated as part of the maximum permitted lot coverage, regardless of its surface treatment.

C. Off-street parking shall be provided at the rate of one (1) space per each two hundred (200) square feet of retail sales area, and shall be designed and used in accordance with §312 of this Chapter.

D. Off-street loading shall be provided at the rate similar to that imposed on retail sales as listed in §313 of this Chapter. The retail sales area, as described above, shall be used to calculate needed loading space(s).

E. All outdoor display and sales of merchandise shall cease no less than one (1) hour prior to dusk.

F. Any exterior amplified public address system shall be arranged and designed so as to prevent objectionable impact on adjoining properties.

G. Exterior trash receptacles shall be provided amid any outdoor retail sales area. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the clean-up of litter.

§422. FUNERAL HOMES.

Within the (NCO) Zone, funeral homes are permitted by special exception subject to the following criteria:
A. Public sewer and water facilities shall be utilized.

B. Sufficient off-street parking shall be provided to prevent traffic back-ups onto adjoining roads.

§423. HEALTH AND RECREATION CLUB.

Within the (HC and RC) Zones, health and recreation clubs are permitted by conditional use subject to the following criteria:

A. Off-street parking shall be provided as required by the combination of elements comprising the health club, including accessory uses.

B. All outdoor recreation facilities shall be setback at least fifty (50) feet from the street right-of-way line, one hundred (100) feet from any residentially-zoned properties, and twenty-five (25) feet from all other lot lines.

C. Any accessory eating or retail use shall not be directly accessible without passing through the main clubhouse building.

D. All lighting of outdoor recreation areas shall be arranged to prevent glare on adjoining properties and streets.

§424. HEAVY EQUIPMENT SALES, SERVICE, RENTAL, AND/OR REPAIR FACILITIES.

Within the (I) Zone, heavy equipment sales, service, rental, and/or repair service facilities are permitted by conditional use subject to the following criteria:

A. All service and/or repair activities shall be conducted within a wholly-enclosed building.

B. All uses involving drive-thru service shall provide sufficient onsite stacking lanes to prevent vehicle backups on adjoining roads.

C. All exterior storage and/or display areas shall be screened from adjoining residentially-zoned properties. All exterior storage/display areas shall be setback at least fifty (50) feet from adjoining street lines and shall be covered in an all-weather dust-free surface.

D. The storage of junked vehicles, boats, machinery, trucks, trailers, mobile homes and heavy equipment vehicles on the property is prohibited.
E. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directly towards any adjoining residentially-zoned property,

F. All vehicles shall be repaired and removed promptly from the premises.

§425. HEAVY INDUSTRIAL USES.

1. Within the (I) Zone, heavy industrial uses are permitted by conditional use subject to the following criteria.

2. The applicant shall provide a detailed description of the proposed use in each of the following topics:

   A. The nature of the onsite processing operations, the materials used in the process, the products produced, and the generation and methods for disposal of any byproducts. In addition the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.

   B. The general scale of the operation in terms of its market area, specific floor space requirements for each step of the industrial process, the total number of employees on each shift and an overall needed site size.

   C. Any environmental impacts that are likely to be generated (e.g. noise, smoke, dust, litter, glare, vibration, electrical disturbance, waste water, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances.

   D. A traffic study prepared by a professional traffic engineer with the following minimum considerations:

      (1) A description of the traffic impact area (TIA) including its major roads and potential traffic generation rates to be determined by current land use planning references.

      (2) Existing twenty-four (24) hour and peak hour traffic volume data for all streets which provide direct access to the proposed development and for the collectors and arterials which will serve it, as well as any in major intersection within the impact area.

      (3) Estimates of the total number of vehicle trips to be generated by the development for a typical twenty-four (24) hour period, and including typical a.m. and p.m. peak periods.
Assignment of future twenty-four (24) hour and peak hour volumes to the collectors and arterials, and other streets that will serve the proposed development based on the projections of increased traffic volumes within the traffic impact area, to be determined by an extrapolation of former development trends; and, the amounts of usable area already planned and/or zoned within the traffic impact area. Any previously approved projects within the TIA that have not yet been occupied should also be factored in these future traffic volume projections.

Projected twenty-four (24) hour and peak hour turning movement data for all access points proposed for the development.

Capacity/level of service analysis on major intersections which will be impacted by the additional volumes generated by the development.

Recent data about existing accident levels at the above intersections categorized by accident type for each intersection.

Descriptions of the street improvements that will be required in order to avoid problems of traffic congestions and traffic safety.

Cost estimates of any proposed improvements that will be required.

Descriptions of existing and planned public transportation services in the Township and the potential to serve the proposed development.

Descriptions of any actions proposed or offered by the applicant to alleviate the impact of the proposed development on the transportation network.

The source of standards used in the data as presented.

The applicant shall make any improvements necessary to maintain an adequate level of service on all abutting intersections and streets.

If the traffic study shows that adequate levels of service are maintained on all abutting intersections and streets without developer-provided improvements, the applicant shall contribute funds to provide for capital improvements to the abutting streets and intersections within the immediate area based upon the increase in traffic projected as a result of the development, and the cost of reasonably necessary improvements to the abutting streets and intersections within the immediate area, including traffic signals.
§427. HOME OCCUPATION.

Home occupations are permitted by special exception as an accessory use to a single-family detached dwelling subject to the following criteria:

A. No more than two (2) nonresident employees shall be employed on site.

B. Such occupations shall be incidental or secondary to the use of the property as a residence and are limited to those occupations customarily conducted within a dwelling unit.

C. Three (3) off-street parking spaces in addition to those required of residence units shall be required. Such parking spaces shall be screened from adjoining properties in accordance with §314.3. Screening for Home Occupations shall be evergreens (trees, hedges, or shrubs); however, fencing may also be permitted for screening if approved by the Zoning Hearing Board.

D. No goods shall be visible from the outside of the dwelling.

E. The area used for the practice of a home occupation shall occupy no more than twenty-five (25) percent of the total floor area of the dwelling unit or five hundred (500) square feet, whichever is less. All home occupation activities shall be conducted within the dwelling building unless the Zoning Hearing Board determines that the proposed use can be conducted within an existing out building without creating a nuisance to adjoining properties. However, in the (R-1) Zone all home occupations must be confined to the principal dwelling building.

F. No manufacturing, repairing or other mechanical work shall be performed in any open area. Such activity shall be conducted in such a way that no noise, odor, vibration, electromagnetic interference or smoke shall be noticeable at or beyond the property line.

G. No external storage of materials or products shall be permitted. No storage in accessory structures or attached garages shall be permitted.

H. The exterior appearance of the structure or premises is constructed and maintained as a residential dwelling.

I. One (1) non-illuminated sign, not to exceed two (2) square feet in display area per side, shall be permitted subject to the provisions of §315 of this Chapter.
§428. HOSPITAL.

Within the (RC) Zone, hospitals are permitted by conditional use subject to the following criteria:

A.  Minimum Lot Area. Five (5) acres.

B.  Public sewer and water shall be used.

C.  The subject property shall have frontage along an arterial or collector road, as identified in §316.

D.  All buildings and structures shall be setback at least fifty (50) feet from all property lines.

E.  Emergency entrances shall be located on a building wall facing away from adjoining residentially-zoned properties.

F.  The applicant shall demonstrate proof of an approved means of disposal of all solid, medical and hazardous wastes.

§429. HOTELS INCLUDING RELATED DINING FACILITIES.

Within the (RC) Zone, hotels including related dining facilities are permitted by conditional use subject to the following criteria:

A.  The following accessory uses may be approved as part of the hotel and related facilities application:

   (1)  Auditorium.

   (2)  Barber and beauty shops.

   (3)  Cocktail lounge or night club.

   (4)  Gift shop.

   (5)  Meeting facilities.

   (6)  Recreational uses and swimming pools.

   (7)  Restaurants.

   (8)  Sauna, spa or steam room.
(9) Solarium.

(10) Valet shop.

(11) Other similar retail sales and personal services.

B. The above accessory uses (aside from outdoor recreation uses) shall be physically attached to the main hotel building except as provided in §429.D below.

C. All hotels shall be separated by at least one thousand (1,000) feet from any other existing hotel facility, as measured from the nearest property line.

D. In the RC Zone, one (1) freestanding restaurant, tavern or nightclub shall be permitted on the same lot as the principal hotel and related facilities subject to the following:

1. The proposed restaurant, tavern or nightclub shall offer the preparation and serving of food and drink to be consumed on the premises; no drive-thru or take-out services shall be permitted.

2. No additional freestanding signs (other than those permitted for the principal hotel and related facilities use) shall be permitted.

3. If a nightclub is proposed, the applicant shall furnish evidence as to what means assure that the proposed nightclub will not constitute a nuisance to adjoining uses (including hotel) by way of noise, litter, loitering and hours of operation.

4. Sufficient off-street parking spaces have been provided and located to conveniently serve the freestanding restaurant, tavern and/or nightclub, without interfering with required off-street parking associated with the hotel and related facilities use.

§430. JUNKYARD.

Within the (I) Zone, junkyards are permitted by conditional use subject to the following criteria:

A. Minimum Lot Area. Ten (10) acres.

B. The outdoor area devoted to the storage of junk shall be completely enclosed by an eight (8)-foot high sight-tight (visibly screened) fence which shall be set back at least fifty (50) feet from all property lines and one hundred (100) feet from residentially-zoned properties.

C. The setback area between the fence and the lot lines shall be kept free of weeds.
and all scrub growth.

D. All wholly-enclosed buildings used to store junk shall be set back at least fifty (50) feet from all property lines.

E. No material may be stored or stacked so that it is visible from adjoining properties and roads.

F. All additional Federal and State laws shall be satisfied.

G. All junk shall be stored or arranged so as to permit access by firefighting equipment and to prevent the accumulation of water, and with no junk piled to a height greater than eight (8) feet.

H. No oil, grease, tires, gasoline or other similar material shall be burned at any time.

I. Any junkyard shall be maintained in such a manner as to cause no public or private nuisance, nor to cause any offensive or noxious sounds or odors, nor to cause the breeding or harboring of rats, flies or other vectors.

J. No junkyard shall be located on land with a slope in excess of five (5) percent.

§431. MEDICAL RESIDENTIAL CAMPUS.

Within the (R-2) Zone, medical residential campuses are permitted by conditional use subject to the following criteria:

A. The campus shall primarily serve the needs of retirement-aged persons. At least one (1) resident of each household shall be at least fifty (50) years old, or possess some handicap that can be treated within a setting like the medical residential campus.

B. The campus shall achieve a balanced residential/medical environment which cannot be achieved through the use of conventional zoning techniques.

C. Residences shall be functionally, physically and architecturally integrated with medical service and recreational activity centers.

D. Commercial, medical and recreational uses shall be grouped together and located near the populations being served.

E. The minimum land area devoted to the campus shall be twenty-five (25) contiguous acres.

F. The site shall front on and have access to a collector or arterial road as identified
in §316.

G. All buildings or structures containing nonresidential use(s), off-street parking lots and loading areas shall be set back at least seventy-five (75) feet from all adjoining residentially-zoned land and fifty (50) feet from all lot lines of the campus property.

H. The maximum permitted overall density is ten (10) dwelling units per acre.

I. All buildings or structures used solely for residential purposes shall be set back at least fifty (50) feet from all lot lines of the campus property.

J. The maximum permitted height is thirty-five (35) feet.

K. No more than sixty (60) percent of the subject property shall be covered with buildings, parking and loading areas and/or other impervious surfaces.

L. Each off-street parking lot shall provide at least twenty (20) percent of the total parking spaces as those designed for the physically handicapped (See §312 for design regulations.) Furthermore, such parking spaces shall be located throughout the campus in such a manner to be conveniently accessible to the buildings/uses for which they are required.

M. Only those uses which provide a harmonious, balanced mix of medical, residential, limited commercial and recreational uses, primarily serving campus residents and public, quasi-public and medical services for the off-campus retirement-aged community will be permitted. Uses may include, but need not be limited to the following:

   (1) Dwelling, nursing homes and congregate living facilities for the elderly or physically handicapped.

   (2) Medical facilities including offices, laboratories, clinics, professional or paramedical training centers and ambulatory care facilities.

   (3) Commercial uses which are strictly related and subordinate to the residential/medical character of the campus and which directly serve the residents and employees of, or visitors to, the center. The uses should be chosen to reflect their local orientation to the immediate campus vicinity and should be of a size and scope so as not to interfere with existing or proposed retail uses located in the off-campus area.

   (4) Recreational and social uses, such as athletic facilities, community centers and assembly halls, limited to use only by campus residents, employees or visitors.
N. The applicant shall furnish a description of the effect of the proposed use on the delivery of ambulance service. This description shall include a letter from the agency responsible for ambulance service in the site's vicinity. Such letter shall describe the adequacy/inadequacy of existing facilities and services to accommodate the proposed use, and any suggestions that might enhance ambulance service. Should it be determined that the proposed use would overburden local ambulance service, the Township may attach conditions of approval that seek to assure adequate levels of service.

§432. MINIWAREHOUSES.

1. Within the (HC) Zone, miniwarehouses are permitted by special exception subject to the following criteria:

   A. Off-street parking spaces shall be provided according to the schedule listed in §312 of this Chapter.

   B. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty-six (26) feet wide when cubicles open onto one (1) side of the lane only and at least thirty (30) feet wide when cubicles open onto both sides of the lane.

   C. Required parking spaces may not be rented as, or used for, vehicular storage. However, additional external storage area may be provided for the storage of privately-owned travel trailers and/or boats, so long as such external storage area is screened from adjoining residentially-zoned land and adjoining roads, and is located behind the minimum front yard setback line. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked or inoperative vehicles.

   D. All storage shall be kept within an enclosed building except that the storage of flammable, highly combustible, explosive or hazardous chemicals shall be prohibited. Any fuel tanks and/or machinery or other apparatuses relying upon such fuels shall be stored only in an external storage area as described above.

   E. A resident manager must be provided who shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval and all applicable ordinances. The actual dwelling of the resident manager shall comply with all of those requirements listed within the R-2 Zone, and shall be entitled to all residential accessory uses provided in this Chapter.

   F. Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle or furniture is prohibited.
G. No door openings for any miniwarehouse storage unit shall be constructed facing any residentially-zoned property.

H. Miniwarehouses shall be used solely for the storage of property. The following lists examples of uses expressly prohibited upon the site:

(1) Auctions, commercial wholesale or retail sales or garage sales.

(2) The servicing, repair or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances or other similar equipment.

(3) The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns or other similar equipment.

(4) The establishment of a transfer and storage business.

(5) Any use that is noxious or offensive because of odors, dust, noise, fumes or vibrations.

2. The applicant shall adequately demonstrate that all miniwarehouse rental and/or use contracts shall specifically prohibit these uses.

§433. MOBILE HOME PARKS.

Within the (R-2) Zone, mobile home parks are permitted by conditional use subject to the following criteria:

A. The minimum parcel size for any mobile home park development shall be fifteen (15) acres.

B. The maximum number of mobile home units shall be limited to five and one-half (5 ½) per net acre.

C. Each mobile home lot shall contain a minimum of four thousand eight hundred (4,800) square feet and shall have a minimum lot width of thirty-five (35) feet.

D. No mobile home lot shall be within fifty (50) feet of a park boundary, nor within fifty (50) feet of an outside street right-of-way. This area shall constitute the mobile home park boundary area.

E. No mobile home, office or service building shall be located within fifty (50) feet of a park boundary; nor within seventy-five (75) feet of an outside street right-of-way; nor within ten (10) feet of the right-of-way of an interior park street or the paved edge of a common parking area or common walkway; nor within twenty-
five (25) feet of an adjacent structure or mobile home.

F. Each mobile home shall have a minimum front yard of thirty (30) feet, rear yard of twenty-five (25) feet, and two (2) sides of ten (10) feet each. In no case shall the distance between any two (2) mobile homes be less than twenty (20) feet.

G. A paved onsite walkway of a minimum width of three (3) feet shall be provided to each mobile home unit from an adjacent street.

H. There shall be a common walk system four (4) feet wide throughout the development.

I. All roads in the park shall be private access drives, shall be lighted and shall be paved with a bituminous or concrete surface at least twenty-four (24) feet wide.

J. Each mobile home lot shall abut on a park access drive with access to such access drive. Access to all mobile home lots shall not be from public streets or highways.

K. Each mobile home space shall contain no more than one (1) mobile home, nor more than one (1) family.

L. At least twenty (20) percent of the total mobile home park area shall be set aside for recreation and open space purposes. Such area may not include any of the required mobile home park boundary area. No service buildings or offices may be constructed within the required recreation and open space area. No more than thirty (30) percent of the common open space requirements can be satisfied by slopes exceeding twenty-five (25) percent and/or by wetlands. At least five (5) percent of the total mobile home park area shall consist of playground area with play equipment and shall have final slopes not exceeding five (5) percent.

M. Each mobile home stand shall have attachments for waste disposal, water supply facilities and electrical service, and such facilities shall be properly connected to an approved method of sewage disposal, and water and electrical supply.

N. Protective skirting shall be placed around the area between the ground surface and the floor level of each mobile home so as to prevent that area from forming a harborage for rodents, creating a fire hazard or exposing unsightly conditions.

O. No travel or vacation trailer or other form of temporary living unit shall be placed upon any mobile home stand or used as a dwelling within the mobile home park.

P. Individual mobile home owners may install accessory or storage sheds, extensions and additions to mobile homes and exterior patio areas. Any such facilities so installed shall not intrude into any required minimum front, side or rear yard and in every case shall substantially conform in style, quality and color to the existing mobile homes.
Q. Each mobile home shall be provided with a minimum of two (2) paved parking spaces which shall be located on the mobile home space. If on-street parking is not provided, one (1) additional off-street parking space per unit shall be provided in a common visitor parking compound. Such visitor parking compounds shall be sized, arranged and located so that the spaces are within three hundred (300) feet walking distance to those units served.

R. Each mobile home shall be placed on a six (6) inch thick poured concrete pad over a six (6) inch stone base, the length and width of which shall be at least equal to the length and width of the mobile home it is to support.

S. All mobile home parks shall be screened from adjoining properties and roads. Screening methods shall be described and graphically depicted as part of the conditional use application.

T. All mobile home parks shall be connected to approved public water and sewer systems.

U. The maximum height of any mobile home or any building within a mobile home park shall be fifteen (15) feet.

§434. NIGHTCLUBS.

Within the (RC and I) Zones nightclubs are permitted by conditional use subject to the following criteria:

A. No part of the subject property shall be located within two hundred (200) feet of any residentially-zoned land.

B. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, light and/or litter.

C. The applicant shall furnish evidence as to how the use will be controlled as to not constitute a nuisance due to noise or loitering outside the building.

D. A working plan for the clean-up of litter shall be furnished and implemented by the applicant.

§435. NON-COMMERCIAL KEEPING OF LIVESTOCK.

1. Within the (C) Zone, non-commercial keeping of livestock is permitted by special exception as an accessory use to a single-family detached dwelling subject to the following criteria.
2. **Minimum Lot Area.** Three (3) acres; additionally, the following list specifies additional area requirements by size of animals kept:

   A. **Group 1.** Animals whose average adult weight is less than ten (10) pounds shall be permitted at an animal density of twelve (12) per acre with a maximum number of fifty (50) animals.

   B. **Group 2.** Animals whose average adult weight is between ten (20) and sixty-five (65) pounds shall be permitted at an animal density of two (2) per acre, with a maximum number of twenty (20) animals.

   C. **Group 3.** Animals whose average adult weight is greater than sixty-five (65) pounds shall be permitted at an animal density of one (1) per acre, with a maximum number of five (5) animals.

   The keeping of a combination of animal types (Group 1, 2, and 3) shall require an animal density equal to the ratio of the numbers of animals, by type. In no case shall a lot contain more than fifty (50) total animals. Should one (1) structure be used to house a combination of animal types, the most restrictive setback shall apply.

3. The following lists minimum setbacks (from all property lines) imposed upon the placement of any structure used to house non-commercial livestock:

   A. **Group 1 Animals.**
      
      (1) Up to twenty-five (25) animals, twenty-five (25) foot setback.
      
      (2) Above twenty-five (25) animals, a fifty (50) foot setback.

   B. **Group 2 Animals.**
      
      (1) Up to two (2) animals; a fifty (50) foot setback.
      
      (2) Above two (2) animals; a one hundred (100) foot setback.

   C. **Group 3 Animals.**
      
      (1) One hundred (100) feet.

4. All structures used to house non-commercial livestock shall be prohibited from placement in the front yard.

5. All outdoor pasture/recreation areas shall be enclosed with fencing to prevent the escape of the animals, such fencing must be setback at least ten (10) feet from all property lines.
6. All animal waste shall be properly stored and disposed of, so as not to be objectionable at the site’s property line. All animals, their housing and their outdoor pasture/recreation areas shall be properly maintained so as not to become a nuisance to adjoining properties.

§436. NURSING, REST OR RETIREMENT HOME.

Within the (R-2) Zone, nursing, rest or retirement homes are permitted by special exception subject to the following criteria:

A. **Minimum Lot Area.** One (1) acre and further provided that no more than ten (10) resident patients or resident guests shall be permitted per acre of lot area.

B. The applicant shall furnish evidence than an approved means of sewage disposal and water supply shall be utilized.

C. Off-street parking lots and loading areas shall be screened from adjoining residentially-zoned lands.

D. At least twenty (20) percent of required parking spaces shall be designed for handicapped persons as prescribed in §312 of this Chapter.

§437. NOT USED.

§438. QUARRIES AND OTHER EXTRACTIVE-RELATED USES.

1. Within the (I) Zone, quarries and other extractive-related uses are permitted by conditional use subject to the following criteria.

2. **General.** Quarry operations:

A. May not substantially injure or detract from the lawful existing or permitted use of neighboring properties.

B. May not adversely affect any public or private water supply source.

C. May not adversely affect the logical, efficient and economical extensions of public services, facilities and utilities throughout the Township.

D. May not create any significant damage to the health, safety, welfare of the Township and its residents and property owners.

E. May not result in the land area subject to quarrying being placed in a condition which will prevent the use of that land for economically and ecologically
productive uses upon completion of the quarry operation.

F. Must demonstrate compliance with all applicable State regulations at all times.

3. Site Plan Requirements. As a part of each application, the application shall furnish an accurately surveyed site plan on a scale no less than 1:2400, showing the location of the tract or tracts of land to be affected by the operation. The surveyed site plan shall be certified by a registered professional engineer or a registered professional land surveyor with assistance from experts in related fields and shall include the following:

A. The boundaries of the proposed land affected, together with the drainage area above and below the area.

B. The location and names of all streams, roads, railroads and utility lines on or immediately adjacent to the area.

C. The location of all buildings within one thousand (1,000) feet of the outer perimeter of the area affected and the names and addresses of the owners and present occupants.

D. The purpose for which each building is used.

E. The name of the owner of the affected area and the names of adjacent landowners, the municipality and the County.


5. Fencing. A fence measuring at least eight (8) feet in height must enclose the area of actual quarrying. If a chain link fence is used, then said fence shall include a vegetative screen that is provided along the outside of the fence, away from the quarry.

6. Setbacks. The following table identifies minimum setbacks imposed upon specific features of the quarry and other extractive-related uses from adjoining and/or nearby uses:
7. **Access.** Vehicular access shall be so arranged as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties. Access drives used by trucks shall only intersect with collector or arterial roads, as identified in §316.

   A. All access drives shall be designed and located so as to permit the following minimum sight distances measured from a point at least ten (10) feet behind the curb line or edge of cartway of an intersecting public street. No sight obstructions shall be permitted which are greater than three (3) feet or less than ten (10) feet above the street surface.

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<th>Speed Limitation on Public Street (mph)</th>
<th>Required Sight Distance (feet)</th>
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<td>25</td>
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   B. All access drives serving the site shall have a paved minimum thirty-five (35) foot
wide cartway for a distance of at least two hundred (200) feet from the intersecting street right-of-way line. In addition, a fifty (50) foot-long gravel section of access drive should be placed just beyond the preceding two hundred (200) foot paved section to help collect any mud that may have attached to a vehicle’s wheels.

C. In general, access drives shall have intersect public streets at ninety (90) degrees as site conditions permit; however, in no case shall access drives intersect public streets at less than seventy (70) degrees. Said angle shall be measured from the centerline of the street to the centerline of the access drive.

8. **Traffic Impact.** The applicant shall furnish a traffic study prepared by a professional traffic engineer with the following minimum considerations:

A. A description of the traffic impact area (TIA) including its major roads and potential traffic generation rates to be determined by current land use planning references.

B. Existing twenty-four (24) hour and peak hour traffic volume data for all streets which provide direct access to the proposed development and for the collectors and arterials which will serve it, as well as any major intersection within the impact area.

C. Estimates of the total number of vehicle trips to be generated by the development for a typical twenty-four (24) hour period, and including a typical a.m. and p.m. peak period.

D. Assignment of future twenty-four (24) hour and peak hour volumes to the collectors and arterials, and other streets that will serve the proposed use based on the projections of increased traffic volumes within the traffic impact area, to be determined by an extrapolation of former development trends; and, the amounts of usable area already planned and/or zoned within the traffic impact area. Any previously approved projects within the TIA that have not yet been occupied should also be factored in these future traffic volume projections.

E. Projected twenty-four (24) hour and peak hour turning movement data for all access points for the proposed use.

F. Capacity/level of service analysis on major intersections which will be impacted by the additional volumes generated by the proposed use.

G. Recent data about existing accident levels at the above intersections categorized by accident type for each intersection.

H. Descriptions of the street improvements that will be required in order to avoid problems of traffic congestion and traffic safety.
I. Cost estimates of any proposed improvement that will be required.

J. Descriptions of any actions proposed or offered by the applicant to alleviate the impact of the proposed use on the transportation network.

K. The source of standards used in the data as presented.

L. The applicant shall make any improvements necessary to maintain an adequate level of service on all abutting intersections and streets.

M. If the traffic study shows that adequate levels of service are maintained on all abutting intersections and streets without applicant-provided improvements, the applicant shall contribute funds to provide for capital improvements to the abutting streets and intersections within the immediate area based upon the increase in traffic projected as a result of the proposed use and the cost of reasonably necessary improvements to the abutting streets and intersections within the immediate area including traffic signals.

9. Reclamation. The applicant shall demonstrate compliance with §7.(c) of the Pennsylvania Act No. 1984-219, as may be amended. The applicant shall provide a detailed description of the proposed use of the site, once reclamation has been completed, including a description of any zoning and/or subdivision approvals or remedies that would be necessary to accommodate the proposed use. Finally, the applicant shall provide written notification to the Township, within thirty (30) days, whenever a change in the reclamation plan is proposed to the PA DEP.

10. Screening. Where the proposed use adjoins a residential zone, an existing residence and/or a public road, screening shall be provided. Such screening shall be comprised of an earthen berm at least ten (10) feet in height. Such berm shall be located on the quarry site and placed so as to maximize the berm's ability to absorb and/or block views of and/or noise, dust, smoke and etc., generated by the proposed use. The berm shall be completely covered and maintained in an approved vegetative groundcover. In addition, a landscape screen shall also be provided atop the above-described berm. The landscape screen shall consist of evergreen shrubs and trees arranged to form both a low level and a high level screen within a strip of land with a minimum width of ten (10) feet. The high level screen shall consist of evergreen trees of not less than three (3) feet in height at the time of planting that shall be planted at intervals of not more than five (5) feet. The landscape screen shall be permanently maintained.

11. Operation Progress Report. Within ninety (90) days after commencement of surface mining operations, and each year thereafter, the operator shall file an operations and progress report with the Zoning Officer setting forth all of the following:

A. The name or number of the operation.
B. The location of the operation with reference to the nearest public road.

C. A description of the tract or tracts, including a site plan showing the location of all improvements, stockpiles, quarry pits, etc.

D. The name and address of the landowner or his duly authorized representative.

E. An annual report of the type and quantity of mineral produced.

F. The current status of the reclamation work performed in pursuance of the approved reclamation plan.

G. A maintenance report for the site that verifies that all required fencing, berms and screening has been specifically inspected for needed repairs and/or maintenance and that such needed repairs and/or maintenance has been performed.

H. Verification that the proposed use continues to comply with all applicable State regulations. The operation shall furnish copies of any approved permits and/or any notices of violation issued by the Pennsylvania Department of Environmental Protection.

§439. RECYCLING STATIONS FOR PAPER, GLASS AND METAL PRODUCTS.

Within the (I) Zone, recycling of paper, glass and metal products is permitted by conditional use subject to the following criteria:

A. All operations, including collection, shall be conducted within a wholly-enclosed building.

B. There shall be no outdoor storage of materials used, or generated, by the operation.

C. The applicant shall explain the scope of operation, and any measures used to mitigate problems associated with noise, fumes, dust and litter.

D. The applicant shall assure regular maintenance of the site to assure the immediate collection of stray debris.

§440. SHOPPING CENTERS.

Within the (HC and RC) Zones, shopping centers may be permitted by conditional use subject to the following:
A. The subject property shall front on an arterial or collector road, as identified in §316.

B. The minimum lot size shall be three (3) acres in the HC Zone and ten (10) acres in the RC Zone.

C. The minimum lot width shall be two hundred (200) feet.

D. A minimum of five and one-half (5.5) off-street parking spaces shall be provided for each one thousand (1,000) square feet of gross leasable floor area. This parking requirement is also subject to the permitted reduction described in §312 of this Chapter.

E. Both public sewer and public water shall be utilized.

F. **Maximum Building Coverage.** Twenty-five (25) percent.

G. **Maximum Lot Coverage.** Sixty-five (65) percent.

H. **Minimum Landscaped Area.** Thirty-five (35) percent.

I. **Signs.** Freestanding and ground sign(s) shall be in accordance with §315.5.B of this Chapter. In addition, individual uses within the shopping center may have signs; however, such signs shall be wall, projecting or window signs in accordance with §315 of this Chapter.

J. The applicant shall furnish a traffic study prepared by a professional traffic engineer with the following minimum considerations:

   1. A description of the traffic impact area (TIA) including its major roads and potential traffic generation rates to be determined by current land use planning references.

   2. Existing twenty-four (24) hour and peak hour traffic volume data for all streets which provide direct access to the proposed development and for the collectors and arterials which will serve it, as well as any major intersections within the impact area.

   3. Estimates of the total number of vehicle trips to be generated by the development for a typical twenty four (24) hour period, and including typical a.m. and p.m. peak periods.

   4. Assignment of future twenty-four (24) hour and peak hour volumes to the collectors and arterials, and other streets that will serve the proposed development based on the projections of increased traffic volumes within the traffic impact area, to be determined by an extrapolation of former
development trends; and, the amounts of usable area already planned and/or zoned within the traffic impact area. Any previously approved projects within the TIA that have not yet been occupied should also be factored in these future traffic volume projections.

(5) Projected twenty-four (24) hour and peak hour turning movement data for all access points proposed for the development.

(6) Capacity/level of service analysis on major intersections which will be impacted by the additional volumes generated by the development.

(7) Recent data about existing accident levels at the above intersections categorized by accident type for each intersection.

(8) Descriptions of the street improvements that will be required in order to avoid problems of traffic congestions and traffic safety.

(9) Cost estimates of any proposed improvements that will be required.

(10) Descriptions of existing and planned public transportation services in the Township and the potential to serve the proposed development.

(11) Descriptions of any actions proposed or offered by the applicant to alleviate the impact of the proposed development on the transportation network.

(12) The source of standards used in the data as presented.

(13) The applicant shall make any improvements necessary to maintain an adequate level of service on all abutting intersections and streets.

(14) If the traffic study shows that adequate levels of service are maintained on all abutting intersections and streets without developer-provided improvements, that applicant shall contribute funds to provide for capital improvements to the abutting streets and intersections within the immediate area based upon the increase in traffic projected as a result of the development and the cost of reasonably necessary improvements to the abutting streets and intersections within the immediate area, including traffic signals.

K. Fast-food restaurants may be provided within an enclosed shopping center or mall building(s), but the fast-food restaurant shall not be a stand-alone building on the property.
§441. SOLID WASTE DISPOSAL AND PROCESSING FACILITIES.

Within the (I) Zone, solid waste disposal and processing facilities are permitted by conditional use subject to the following criteria:

A. Any processing of solid waste (including but not limited to incineration, composting, shredding, compaction, material separation, refuse derived fuel, pyrolysis, etc.) shall be conducted within a wholly-enclosed building.

B. No refuse shall be deposited or stored and no building or structure shall be located within two hundred (200) feet of any property line and five hundred (500) feet of any land within a residential zone.

C. Any area used for the unloading, transfer, storage, processing, incineration or deposition of refuse must be completely screened from view at the property line. (The use of an earthen berm is encouraged where practicable.) In addition, such areas must also be completely enclosed by an eight (8) foot high fence with no openings greater than two (2) inches in any direction.

D. The applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable State and Federal standards and regulations.

E. The use shall be screened from all roads and adjoining properties.

F. All uses shall provide sufficiently long stacking lanes into the facility so that vehicles waiting to be weighed will not back up onto public roads.

G. All driveways onto the site shall be paved for a distance of at least two hundred (200) feet from the street right-of-way line. In addition, a fifty (50) foot long gravel section of driveway should be placed just beyond the preceding two hundred (200) foot paved section to help collect any mud that may have attached to a vehicle's wheels.

H. Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against the indiscriminate and unauthorized dumping, all areas of the site shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations.

I. Hazardous waste as described by the Department of Environmental Protection shall not be disposed of within the proposed area.

J. Litter control shall be exercised to prevent the scattering of wind-borne debris and a working plan for the cleanup of litter shall be submitted to the Township.
K. The unloading, processing, transfer and deposition of solid waste shall be continuously supervised by a qualified facility operator.

L. Any waste that cannot be used in any disposal process or material that is to be recycled, shall be stored in leak and vector proof containers. Such containers shall be designed to prevent their being carried by wind or water. These containers shall be stored within a completely-enclosed building.

M. All storage of solid waste shall be indoors in a manner that is leak and vector proof. During normal operation, no more solid waste shall be stored on the property that is needed to keep the facility in constant operation; but, in no event for more than seventy-two (72) hours.

N. A contingency plan for the disposal of solid waste during a facility shut down shall be submitted to the Township.

O. Leachate from the solid waste shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. Leachate is to be discharged to a municipal sewage facility; appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the Department of Environmental Protection's regulations.

P. All structures shall be set back at least a distance equal to their height.

Q. The applicant shall submit an analysis of raw water needs (ground water or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed. In addition, a water feasibility study will be provided to enable the Township to evaluate the impact of the proposed development on the ground water supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. The water feasibility shall be reviewed by the Township Engineer. A water system which does not provide an adequate supply of water for the proposed development, considering both quantity and quality, or does not provide for adequate ground water recharge considering the water withdrawn by the proposed development shall not be approved by the Township. A water feasibility study shall include the following information:

(1) Calculations of the projected water needs.

(2) A geologic map of the area with a radius of at least one (1) mile from the site.

(3) The location of all existing and proposed wells within one thousand
(1,000) feet of the site, with a notation of the capacity of all high-yield wells.

(4) The location of all existing onlot sewage disposal systems within one thousand (1,000) feet of the site.

(5) The location of all streams within one thousand (1,000) feet of the site and all known point sources of pollution.

(6) Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.

(7) A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams and the groundwater table.

(8) A statement of the qualifications and the signature(s) of the person(s) preparing the study.

R. The applicant shall provide an analysis of the physical conditions of the primary road system serving the proposed use. The analysis shall include information on the current traffic flows on this road system and projections of traffic generated by the proposed use. Improvements to the road shall be provided by the applicant to insure safe turning movements to and from the site and safe through-movement on the existing road.

S. A minimum one hundred (100) foot wide landscape strip shall be located along all property lines. No structures, storage, parking or any other related activity or operation shall be permitted within this landscape strip. Any fences or walls erected on the site must not be located within this landscape strip.

§442. SPENT MUSHROOM COMPOST PROCESSING AND/OR COMMERCIAL MUSHROOM OPERATIONS.

Within the (I) Zone, spent mushroom compost processing and/or commercial mushroom operations are permitted by conditional use subject to the following criteria:

A. Any processing, loading, storage and packaging operations must be conducted within a wholly, enclosed building that is leak proof and vector proof.

B. The applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable State and Federal standards and regulations.

C. The use shall be screened from all roads and adjoining properties.
D. All uses shall provide sufficiently long stacking lanes into the facility so that vehicles waiting to be weighed or loaded/unloaded will not back up onto public roads.

E. All driveways onto the site must be paved for a distance of at least one hundred (100) feet from the street right-of-way line. In addition, a fifty (50) foot long gravel section of driveway should be placed just beyond the preceding one hundred (100) foot paved section to help collect any mud that may have attached to a vehicle's wheels.

F. The unloading, processing and transfer of spent mushroom compost shall be continuously supervised by a qualified facility operator.

G. Leachate from the spent mushroom compost shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the Department of Environmental Protection's regulations.

H. The applicant shall submit an analysis of raw water needs (ground water or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed. In addition, a water feasibility study will be provided to enable the Township to evaluate the impact of the proposed development on the ground water supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. The water feasibility shall be reviewed by the Township Engineer. A water system which does not provide an adequate supply of water for the proposed development, considering both quantity and quality, or does not provide for adequate ground water recharge considering the water withdrawn by the proposed development shall not be approved by the Township. A water feasibility study shall include the following information:

1. Calculations of the projected water needs.
2. A geologic map of the area with a radius of at least one (1) mile from the site.
3. The location of all existing and proposed wells within one thousand (1,000) feet of the site and all known point sources of pollution.
4. Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.
(5) A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams and the ground water table.

(6) A statement of the qualifications and the signature(s) of the person(s) preparing the study.

I. A minimum one hundred (100) foot-wide landscape strip shall be located along all property lines. No structures, storage, parking or any other related activity or operation shall be permitted within this landscape strip. Any fences or other screening erected on the site must not be located within this landscape strip.

J. The applicant shall provide an analysis of the physical conditions of the primary road system serving the proposed use. The analysis shall include information on the current traffic flows on this road system and projections of traffic generated by the proposed use. Improvements to the road shall be provided by the applicant to insure safe turning movements to and from the site and safe through-movement on the existing road.

K. Any structure used for the storage, loading, processing and/or packaging of spent mushroom compost shall be set back at least one hundred (100) feet from all property lines and five hundred (500) feet from any residentially-zoned properties. In addition, any ventilation outlets must be oriented away from any land within an adjoining residential zone.

§443. TRUCK OR MOTOR FREIGHT TERMINAL.

Within the (l) Zone, truck or motor freight terminals are permitted by conditional use subject to the following criteria:

A. Access shall be via an arterial road, as identified in §316.

B. The applicant shall provide a traffic study prepared by a professional traffic engineer with the following minimum considerations:

   (1) A description of the traffic impact area (TIA) including its major roads and potential traffic generation rates to be determined by current land use planning references.

   (2) Existing twenty-four (24) hour and peak hour traffic volume data for all streets which provide direct access to the proposed development and for the collectors and arterials which will serve it, as well as any major intersection within the impact area.
(3) Estimates of the total number of vehicle trips to be generated by the development for a typical twenty-four (24) hour period and including typical a.m. and p.m. peak periods.

(4) Assignment of future twenty-four (24) hour and peak hour volumes to the collectors and arterials and other streets that will serve the proposed development based on the projections of increased traffic volumes within the traffic impact area to be determined by an extrapolation of former development trends; and, the amounts of usable area already planned and/or zoned within the traffic impact area. Any previously approved projects within the TIA that have not yet been occupied should also be factored in these future traffic volume projections.

(5) Projected twenty-four (24) hour and peak hour turning movement data for all access points proposed for the development.

(6) Capacity/level of service analysis on major intersections which will be impacted by the additional volumes generated by the development.

(7) Recent data about existing accident levels at the above intersections categorized by accident type for each intersection.

(8) Descriptions of the street improvements that will be required in order to avoid problems of traffic congestion and traffic safety.

(9) Cost estimates of any proposed improvements that will be required.

(10) Descriptions of existing and planned public transportation services in the Township and the potential to serve the proposed development.

(11) Descriptions of any actions proposed or offered by the applicant to alleviate the impact of the proposed development on the transportation network.

(12) The source of standards used in the data as presented.

(13) The applicant shall make any improvements necessary to maintain an adequate level of service on all abutting intersections and streets.

(14) If the traffic study shows that adequate levels of service are maintained on all abutting intersections and streets without developer-provided improvements, the applicant shall contribute funds to provide for capital improvements to the abutting streets and intersections within the immediate area based upon the increase in traffic projected as a result of the development, and the cost of reasonably necessary improvements to the abutting streets and intersections within the immediate area, including...
traffic signals.

§444. TWO (2)-FAMILY CONVERSIONS.

Within the (C, R-1 and R-2) Zones, a detached single-family dwelling may be converted into two (2) dwelling units by special exception subject to the following:

A. Minimum Lot Area. One (1) acre.

B. The applicant shall furnish evidence that an approved system of water supply and sewage disposal will be utilized.

C. No modifications to the external appearance of the building (except fire escapes) which would alter its residential character shall be permitted.

D. All floors above-grade shall have direct means of escape to ground-level.

E. Four (4) off-street parking spaces shall be provided.

§445. WAREHOUSING AND WHOLESALE TRADE ESTABLISHMENTS.

1. Within the (I and PD) Zones, warehousing and wholesale trade establishments are permitted by conditional use subject to the following criteria.

2. The applicant shall provide a detailed description of the proposed use in each of the following topics:

A. The nature of the onsite activities and operations, the types of materials stored, the frequency of distribution and restocking, the duration period of storage of materials and the methods for disposal of any surplus or damaged materials. In addition the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.

B. The general scale of the operation in terms of its market area, specific floor space requirements for each activity, the total number of employees on each shift and an overall needed site size.

C. Any environmental impacts that are likely to be generated (e.g., noise, smoke, dust, litter, glare, vibration, electrical disturbance, waste water, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances.
D. A traffic study prepared by a professional traffic engineer with the following minimum considerations:

(1) A description of the traffic impact area (TIA) including its major roads and potential traffic generation rates to be determined by current references.

(2) Existing twenty-four (24) hour and peak hour traffic volume data for all streets which provide direct access to the proposed development and for the collectors and arterials which will serve it, as well as any major intersections within the impact area.

(3) Estimates of the total number of vehicle trips to be generated by the development for a typical twenty-four (24) hour period and including typical a.m. and p.m. peak periods.

(4) Assignment of future twenty-four (24) hour and peak hour volumes to the collectors and arterials and other streets that will serve the proposed development based on the projections of increased traffic volumes within the traffic impact area to be determined by an extrapolation of former development trends; and, the amount of useable area already planned and/or zoned within the traffic impact area. Any previously approved projects within the TIA that have not yet been occupied should also be factored in these future traffic volume projections.

(5) Projected twenty-four (24) hour and peak hour turning movement data for all access points proposed for the development.

(6) Capacity/level of service analysis on major intersections which will be impacted by the additional volumes generated by the development.

(7) Recent data about existing accident levels at the above intersections categorized by accident type for each intersection.

(8) Descriptions of the street improvements that will be required in order to avoid problems of traffic congestion and traffic safety.

(9) Cost estimates of any proposed improvements that will be required.

(10) Descriptions of existing and planned public transportation services in the Township and the potential to serve the proposed development.

(11) Descriptions of any actions proposed or offered by the applicant to alleviate the impact of the proposed development on the transportation network.
(12) The source of standards used in the data as presented.

(13) The applicant shall make any improvements necessary to maintain an adequate level of service on all abutting intersections and streets.

(14) If the traffic study shows that adequate levels of service are not maintained on all abutting intersections and streets without developer-provided improvements, the applicant shall contribute funds to provide for capital improvements to the abutting streets and intersections within the immediate area based upon the increase in traffic projected as a result of the development, and the cost of reasonably necessary improvements to the abutting streets and intersections within the immediate area, including traffic signals.

§446. MUSHROOM SPAWN CULTIVATION.

Within the Industrial Zone (I), mushroom spawn cultivation operations are permitted by conditional use subject to the following criteria:

A. **Minimum Lot Area.** Ten (10) acres.

B. **Minimum Lot Width.** Two hundred (200) feet.

C. **Maximum Lot Coverage.** Forty (40) percent.

D. **Front, Side and Rear Yard Setbacks.** Fifty (50) feet.

E. Manure storage facilities shall be designed in compliance with the guidelines outlined in the publication "Manure Management for Environmental Protection," Bureau of Water Quality Management Publication No. 43, and by any revisions, supplements and replacements thereof, published by the Pennsylvania Department of Environmental Protection or its predecessor, the Pennsylvania Department of Environmental Resources.

F. All manure storage facilities’ designs shall be reviewed by the Chester County Conservation District. The applicant shall, no later than the time of hearing, furnish the Township with a letter from the Conservation District, attesting to its approval of the design of the proposed facility.

G. Construction and subsequent operation of the manure storage facility shall be in accordance with the permit and the approved design. The Valley Township Zoning Officer must be notified at least two (2) days prior to the commencement of construction of the facility so that the construction can be properly supervised. Any design changes desired during construction shall require additional review(s) and approval(s) of the Chester County Conservation District.
H. Any manure storage facility shall be set back not less than four hundred (400) feet from any property line.

I. Any compost or composting material, storage pile, facility or structure shall be set back at least four hundred (400) feet from any property line.

J. Any leachate or waste processing water shall be disposed of in compliance with any applicable State and Federal Laws or regulations. If leachate or waste processing water is to be discharged into municipal sewage lines for conveyance to a municipal sewage treatment facility, the applicant shall secure all required permits. In no event shall leachate or waste processing water be introduced or disposed into a storm sewer, into the ground or in any other manner inconsistent with regulations of the Department of Environmental Protection or the Chester County Health Department.

K. Any processing, storage or packaging operations must be conducted within a wholly-enclosed building that is leakproof and vector proof.

L. The applicant shall, not later than the time of hearing, produce written proof of compliance with all applicable State and Federal laws, rules and regulations.

M. The unloading, processing and transfer of spent mushroom compost shall be continuously supervised by a qualified facility operator.

N. The applicant shall, not later than the time of hearing, produce a written analysis of raw water needs for the proposed use, including ground water or surface water, from either a public or private source, indicating the quantity of water required for the use. If the source is a municipal water supply, the applicant shall submit documentation from the supplier that there is sufficient capacity to accommodate the proposed use. If necessary, in the opinion of the Township, a water feasibility study will be required of the applicant to enable the Township to evaluate the impact of the proposed use on ground water supplies and existing wells. The water feasibility study shall be reviewed by the Township Engineer. A water system that does not provide an adequate supply of water for the proposed use, while safeguarding the supply of water for existing uses in proximity thereto, or that does not provide for adequate ground water recharge considering the water withdrawn by the proposed use, shall not be approved by the Township. A water feasibility study shall include the following information:

(1) Calculations of the proposed use’s water needs.

(2) A geological map of the area within a one (1) mile radius of the proposed use.

(3) The location of all existing and proposed wells within one thousand
(1,000) feet of the proposed use, as well as all known point sources of pollution within one thousand (1,000) feet of the proposed use.

(4) A written determination of the long-term safe yield, giving consideration to the geological formation(s) underlying the site.

(5) A written report on the effects of the proposed use’s water supply system on both the quantity and quality of water in nearby wells, as well as its effects on nearby streams and the groundwater table in the area.

(6) A written statement, in the form of curriculum vitae, of the person preparing the foregoing reports or studies, which reports and studies shall be signed by the person who prepared them.

O. A minimum of forty (40) foot wide landscape strip shall be located along the proposed use’s property lines. No structures, storage, parking or other related activity or operation(s) shall be permitted within the landscape strip. Any fencing or other screening shall not be located within the landscape strip.

§447. SUBURBAN CENTER MIXED-USE DEVELOPMENT (RC ZONE).

Within the RC Zone, a Suburban Center Mixed-Use Development is permitted by conditional use subject to the following criteria:

A. **Qualifying Criteria.** A Suburban Center Mixed-Use Development shall be permitted only as a conditional use on sites within the RC Zone which are at least fifty (50) acres in size and which are adjacent to, and have direct access onto Lincoln Highway (Business Route 30).

B. **Uses Permitted.** A Suburban Center Mixed-Use Development in a (RC) Zone may include any of the following uses:

1. Any use or combination of uses permitted by Section 205.2 and 205.3 of this Chapter (governing uses permitted in the RC Zone). The uses listed as conditional uses in Section 205.3 shall not require an additional hearing if the specific uses are stated in the conditional use hearing required for the Suburban Center Mixed-Use Development. However, these listed conditional uses shall comply with the referenced specific standards and the criteria set forth in Part 4 of this Chapter. Not less than fifteen (15) percent of the gross acreage of the site upon which a Suburban Center Mixed-Use Development is located shall be devoted to such permitted uses.

2. Townhouses.
3. Multiple-Family dwellings. Not more than thirty-five (35) percent of the gross acreage of the site upon which a Suburban Center Mixed-Use Development is located shall be devoted to multiple-family dwellings.

4. Accessory uses incidental and subordinate to the above permitted uses.

C. Location of Commercial Business Uses. All commercial business buildings or structures, associated off-street parking lots and associated loading areas shall be located on the portion of the Suburban Center Mixed-Use Development bounded by Lincoln Highway (Business Route 30).

D. Both public sewer and water public water shall be utilized.

E. Open Space. At least thirty (30) percent of the total acreage of the site upon which a Suburban Center Mixed-Use Development is located shall be devoted to common open space. In calculating common open space, recreation or community facility buildings and associated parking shall not be part of the minimum required open space. No more than forty (40) percent of the common open space requirement can be satisfied by slopes exceeding twenty-five (25) percent and/or by riparian buffers.

1. Required open space shall be designed and arranged to achieve at least two (2) of the following objectives, and the applicant shall demonstrate those specific measures employed to achieve these objectives:

   (a) Protection of important natural resources (e.g. streams, ponds, wetlands, steep slopes, woodlands, unique geologic features, wildlife habitats, aquifer recharge areas and etc.).

   (b) Protection of important historical and/or archeological sites.

   (c) Provision of usable play, recreation and/or community facilities areas that are conveniently accessible to residents and commercial business occupants of the Suburban Center Mixed-Use Development and the Township including uses such as active and passive recreation and related structures (gazebos, picnic tables, benches, playground equipment, basketball courts, tennis courts, etc.), trails, meadows, etc.

   (d) Integration of green belts throughout the Suburban Center Mixed-Use Development that link residential areas with on-site or adjoining parks, schools or other community facilities and retail commercial areas.

2. Provision of usable play, recreation and/or community facilities areas within the Suburban Center Mixed-Use Development shall be considered
an integral part of the development. At least forty-five (45) percent of the required common open space in a contiguous parcel within a Suburban Center Mixed-Use Development shall be suitable for the construction of play, recreation and/or community facilities and shall be offered for dedication to the Township so that the land is accessible to residents of the Township. This land shall be suitable for its desired purpose and no more than ten (10) percent of said area shall be constrained by slopes over fifteen (15) percent and/or by wetlands.

3. In the event that the Board of Supervisors does not accept dedication of all of the open space referenced in Section 447.E.2 of this chapter within a Suburban Center Mixed-Use Development, the landowner shall provide for and establish an organization for the ownership and maintenance of the common open space, and such organization shall not be dissolved nor shall it dispose of the common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space), except by dedication of the same to the public. In any case, the organization provided for the ownership of open space land, not dedicated for public use, shall be constituted of the property owners within the Suburban Center Mixed-Use Development. The plan may provide that the property owners association may lease back open space lands to the developer, his heirs or assigns, or to any other qualified person, or corporation, for operation and maintenance of the open space land, but such a lease agreement shall provide:

(a) The property owners, residents and business invitees of the Suburban Center Mixed-Use Development shall at all times have access to the open space land contained therein.

4. The form of the lease shall be subject to the approval of the Board of Supervisors, and any transfer or assignment of the lease shall be further subject to the approval of the Board of Supervisors. Lease agreements so entered upon shall be recorded with the Recorder of Deeds of Chester County within thirty (30) days of their execution and a copy of the recorded lease shall be filed with the Secretary of the Township.

5. The plan to provide for ownership and maintenance of common open space shall include:

(a) a complete description of the organization to be established for the ownership of open space, if any, and the methods by which this organization shall be established and maintained.

(b) a method reasonably designed to give adequate notice to property owners and residents within Suburban Center Mixed-Use Development in the event of the sale or other disposition of
common open space lands, and in the event of assumption of the maintenance of common open space lands by the Township as hereinafter provided.

6. In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after establishment of the Suburban Center Mixed-Use Development fail to maintain the common open space in reasonable order and condition in accordance with the approved development plan, the Board of Supervisors may proceed to demand that the deficiencies of maintenance be corrected or that the Township will enter upon and maintain the common open space. The Board of Supervisors shall serve written notice upon the property owners association or trustees, as appropriate, setting forth the manner in which the association or trustees has failed to maintain the common open space in reasonable condition. The cost of such maintenance by the Township shall be assessed ratably against the properties within the Suburban Center Mixed-Use Development that have a right of enjoyment of the common open space, and shall become a lien on said properties. The Township at the time of entering upon said common open space for the purpose of maintenance shall file a notice of lien in the office of the Prothonotary of the County upon the properties affected by the lien within the Suburban Center Mixed-Use Development.

F. Traffic Study. The applicant for conditional use approval of a Suburban Center Mixed-Use Development shall furnish a traffic study prepared by a professional traffic engineer with the following minimum considerations:

1. A description of the traffic impact area (TIA) including its major roads and potential traffic generation rates to be determined by current land use planning references.

2. Existing twenty-four (24) hour and peak hour traffic volume data for all streets which provide direct access to the proposed development and for the collectors and arterials which will serve it, as well as any major intersections within the impact area.

3. Estimates of the total number of vehicle trips to be generated by the development for a typical twenty-four (24) hour period including typical a.m. and p.m. peak periods.

4. Assignment of future twenty-four (24) hour and peak hour volumes to the collectors and arterials, and other streets that will serve the proposed development based on the projections of increased traffic volumes within the traffic impact area, to be determined by an extrapolation of former development trends; and, the amount of usable area already planned and/or zoned within the traffic impact area. Any previously approved
projects within the TIA that have not yet been occupied should also be factored in these future traffic volume projections.

5. Projected twenty-four (24) hour and peak hour turning movement data for all access points proposed for the development.

6. Capacity/level of service analysis on major intersections which will be impacted by the additional volumes generated by the development.

7. Recent data about existing accident levels at the above intersections categorized by accident type for each intersection.

8. Descriptions of the street improvements that will be required in order to avoid problems of traffic congestion and traffic safety.

9. Cost estimates of any proposed improvements that will be required.

10. Descriptions of existing and planned public transportation services in the Township and the potential to serve the proposed development.

11. Descriptions of any actions proposed or offered by the applicant to alleviate the impact of the proposed development on the transportation network.

12. The source of standards used in the data as presented.

13. The applicant shall make any improvements necessary to maintain an adequate level of service on all abutting intersections and streets.

14. If the traffic study shows that adequate levels of service are maintained on all abutting intersections and streets without developer-provided improvements, the applicant shall contribute funds to provide for capital improvements to the streets and intersections within the immediate area based upon the increase in traffic projected as a result of the development, and the cost of reasonably necessary improvements to the streets and intersections within the immediate area, including traffic signals.

G. **Residential Density Permitted.** Townhouses shall be permitted up to a maximum density of five and one-half (5.5) units per net acre. Multiple-family dwellings shall be permitted up to a maximum density of nine (9) units per net acre.

H. **Residential Design Standards.** The following chart lists various design standards imposed upon the dwelling unit types permitted and contained within a Suburban Center Mixed-Use Development:
<table>
<thead>
<tr>
<th>Dwelling Type</th>
<th>Minimum Lot Area (sq. ft.)</th>
<th>Minimum Lot Width</th>
<th>Minimum Required Yards</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Permitted Height</th>
<th>Perimeter Setback **</th>
</tr>
</thead>
<tbody>
<tr>
<td>Townhouses*</td>
<td>2500/unit</td>
<td>24’ per unit</td>
<td>Front 38’ Side 15’ Rear 30’</td>
<td>70%</td>
<td>35’</td>
<td>**</td>
</tr>
<tr>
<td>Multiple-family</td>
<td>87,120</td>
<td>200’</td>
<td>Front 50’ Side 30’ Rear 50’</td>
<td>60%</td>
<td>35’</td>
<td>**</td>
</tr>
<tr>
<td>Accessory Uses</td>
<td>N/A</td>
<td>N/A</td>
<td>Not Permitted</td>
<td>See Above</td>
<td>30’</td>
<td></td>
</tr>
</tbody>
</table>

* For townhouses in individual lots, the minimum accessory side yard for an interior unit is three (3) feet from each common lot line.

** In accordance with the provisions of Section 447.J and 447.K of this Chapter.

I. **Townhouse Staggering.** No townhouse groupings shall contain more than six (6) units. For each grouping of townhouses containing more than four (4) units, no more than sixty (60) percent of such units shall have the same front yard setback; the minimum variation of setback shall be two (2) feet. In addition, no more than two (2) contiguous units shall have identical roof lines that generally parallel the ground along the same horizontal plane.

J. **Separation Distance Between Residential Buildings.** In those instances where two (2) or more multiple family dwelling buildings and/or townhouse groupings are located on the same lot, the following separation distances shall be provided between each building:

1. Front to front, rear to rear, or front to rear, parallel buildings shall have at least fifty (50) feet between faces of the building. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten (10) feet at one end if increased by a similar or greater distance at the other end.

2. A minimum yard space of thirty (30) feet is required between end walls of buildings for each single or two (2)-story building plus five (5) feet for each additional story. If the buildings are at right angles to each other, the distance between the corners of the end walls of the building may be reduced to a minimum of twenty (20) feet.

3. A minimum yard space of thirty (30) feet is required between end walls and front or rear faces of buildings for each single or two (2)-story building plus five (5) feet for each additional story.

K. **Setbacks, Buffer Strip and Vegetative Screen.** All buildings, structures and off-street parking and loading areas within a Suburban Center Mixed-Use Development shall be setback at least one hundred (100) feet from any adjoining
land within a residential district and/or from an adjacent collector or arterial street which is external to the development. Fifty (50) feet of such setback shall be used for a landscaped buffer strip to include a variety of vegetative materials including trees, shrubs and ground cover.

For townhouse or multiple-family residential uses within a Suburban Center Mixed-Use Development, a vegetative screen consisting of evergreen trees in accordance with Sections 314.3 and 314.4 shall be provided along any property line adjacent to a residential zone or residential use or adjacent to a collector or arterial street which is external to the development.

For commercial business uses within a Suburban Center Mixed-Use Development, a vegetative screen shall be provided along any lands adjoining a residential zone or residential use.

All townhouse and multiple-family buildings shall be set back at least thirty (30) feet from any perimeter boundary of the development site and at least fifteen (15) feet from any parking facilities contained on commonly held land.

L. **Commercial Business Design Standards.** The following design standards shall be applicable to all commercial business uses within a Suburban Center Mixed-Use Development. To the extent that these design standards are inconsistent with the design standards applicable to these commercial business uses contained elsewhere in this Code, the design standards contained herein shall control.

1. **Maximum Building Coverage.** More than one (1) commercial business building shall be permitted to be located on a lot. The total building coverage of all commercial business buildings shall not exceed twenty-five (25) percent of the lot.

2. **Maximum Lot Coverage.** Sixty-five (65) percent; except that lot coverage may be increased an additional five (5) percent, to a maximum of seventy (70) percent through cooperative actions listed below that further the goals and objectives of the Suburban Center Mixed-Use Development District:

   (a) Lot coverage may be increased an additional 1.25 percent for each of the following cooperative actions:

      (i) Pedestrian and vehicular connections with adjacent properties to facilitate circulation.

      (ii) Consolidation of two (2) or more parcels, under separate ownership prior to development with the purpose of providing a more unified development.

      (iii) A twenty-five (25) percent increase in the quantity of
lanscaped materials beyond that required.

(iv) An increase of one (1) inch in caliper of all trees required to be planted.

3. **Landscaping.** Any portion of the lot not used for buildings, structures, parking lots, loading areas, outdoor storage areas and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings.

4. **Minimum Lot Size.** Unless otherwise specified, each use within this zone shall have a minimum lot size of five (5) acres. For purposes of this Section, a “use” can include several businesses that are developed in a coordinated fashion (e.g., joint parking lots, access drives, loading areas, landscaping and signage, etc.) that functions as one (1) development site and satisfies all of those requirements imposed upon this zone.

5. **Minimum Lot Width.** The minimum lot width shall be two hundred (200) feet.

6. **Minimum Setback Requirements.**

   (a) **Front Yard Setback.** All buildings, structures (except permitted signs) and off-street loading areas shall be setback at least fifty (50) feet from the street right-of-way lines. Off-street parking lots shall be setback at least twenty-five (25) feet from street right-of-way lines.

   (b) **Side Yard Setbacks.** All buildings and structures shall be setback at least fifty (50) feet from all side lot lines. Off-street parking lots and loading areas shall be at least twenty-five (25) feet from side lot lines; unless joint parking facilities are shared by adjoining uses. In such instances, one of the required side yard setbacks can be waived for parking lots only.

   (c) **Rear Yard Setback.** All building and structures shall be setback at least fifty (50) feet from the rear lot line. Off-street parking lots and loading areas shall be setback at least twenty-five (25) feet.

7. **Outdoor Storage.** No outdoor storage shall be permitted.

8. **Off-Street Loading.** Off street loading shall be provided as specified in Section 313 of this Chapter.

9. **Off-Street Parking.** A minimum of five and one-half (5.5) parking spaces shall be provided for each one thousand (1,000) square feet of gross leasable floor area within the commercial business portion of a Suburban
Center Mixed-Use Development up to 400,000 square feet of gross leasable area. Joint parking lots, serving more than one commercial business building are encouraged. The provision of joint parking facilities shall reduce the total number of parking spaces required by a maximum of twenty (20) percent. Such reduced parking spaces must be appropriately distributed upon the lot to provide convenient walking distance between every vehicle and each of the commercial business uses. In all other respects the Suburban Center Mixed-Use Development commercial business uses shall comply with Section 312 of this chapter.

10. **Maximum Permitted Height.** Forty-five (45) feet.

M. After the Board of Supervisors approves a Subdivision and/or Land Development Plan for a Suburban Center Mixed-Use Development, the subsequent division of the commercial business portion of the property into two (2) or more separate lots for the development of the commercial business buildings depicted on the Land Development Plan for purposes of financing and/or conveyancing may be permitted contingent upon approval of a submitted subdivision plan; provided, that the deeds conveying such separate lots for each building depicted on the said Development Plan contain covenants requiring the purchasers to, at all times, operate and maintain such lots in good order and repair and in clean and sanitary condition; that cross-easements for parking areas and all appurtenant ways, pedestrian access, and utilities shall be maintained between such lots; and that such covenants shall be subject to the approval of the township solicitor. The purchaser of any such lot shall so covenant and agree thereby to be bound by such conditions as set forth herein.

N. **Access Drive Requirements.** See Sections 311 and 205.13 of this Chapter.

O. **Waste Products.** See Section 205.16 of this Chapter.

P. **Signs.** Signs shall be permitted as specified in Sections 315 and 440.1 of this Chapter.

Q. Each application for a Suburban Center Mixed-Use Development shall include documentation as to why development of the subject property under the standards imposed within this Section will result in a better development than would otherwise be possible in the RC District.

§448. **LIMITED CLUSTER DEVELOPMENT (R-1).**

Within the R-1 Zone, Limited Cluster Developments are permitted by conditional use subject to the following criteria, which criteria supersede the provisions set forth in Sections 202.5, 202.6 and 202.7 of the Zoning Ordinance:
A. **Minimum Tract Size.** Fifteen (15) gross acres.

B. **Utilities.** Each Dwelling Unit shall be connected to an approved public sewer and public water system.

C. **Uses Permitted.** A Limited Cluster Development in an R-1 Zone may include Single-Family Detached Dwellings and Townhouse Dwelling Units and uses accessory to the permitted principal uses. No more than sixty (60%) of the total number of Dwelling Units in a Limited Cluster Development shall be comprised of Townhouse Dwelling Units.

D. **Density Permitted.** A Limited Cluster Development in an R-1 Zone shall maintain a maximum Tract (overall) density of two and eight-tenths (2.8) dwelling units per acre (calculated based on the net acreage of the Tract); except that this maximum density may be increase by up to an additional 0.7 dwelling units per acre, to a maximum three and one-half (3.5) dwelling units per acre (calculated based on the net acreage of the Tract) through cumulative actions listed below [(3) and (4) shall apply only in conjunction with (1) and/or (2)]:

1. Increase in net density by 0.3 dwelling units per acre if streets adjacent to the development tract are improved by providing full width rights-of-way and full width cartway widening in accordance with the design standards for a collector street in the Subdivision and Land Development Ordinance, Section 602.8 through 602.13 as acceptable to the Board of Supervisors.

2. Increase in net density by 0.3 dwelling units per acre if public water and sanitary sewer facilities including sewer and water lateral stubs are extended along the entire property frontage, as feasible and as acceptable to the Board of Supervisors, with reimbursement agreements.

3. Increase in net density by 0.05 dwelling units per acre if evergreen trees required in vegetative screens are provided at least four (4) feet higher than the required planting height or if six (6) foot high evergreen tree screens are provided where otherwise not required.

4. Increase in net density by 0.05 dwelling units per acre if a six (6) foot high earthen berm is provided outside of the right-of-way along perimeter roads.

E. **Limited Cluster Development Design Standards.** The following table and notes list various design standards imposed upon the permitted Dwelling Unit types where the Dwelling Units are contained upon their own Lots:
ZONING

LIMITED CLUSTER DEVELOPMENT DESIGN STANDARDS (R-1) ZONE

<table>
<thead>
<tr>
<th>Dwelling Unit Type/Use</th>
<th>Minimum Lot Area (sq. ft.)</th>
<th>Minimum Lot Width (feet)</th>
<th>Minimum Required Yards (feet)</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Permitted Height (ft.)</th>
<th>Maximum Density for Tract (Units/Net Acreage)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family Detached</td>
<td>10,000</td>
<td>80</td>
<td>35</td>
<td>10 (ea.)</td>
<td>35</td>
<td>35</td>
</tr>
<tr>
<td>Townhouse&lt;sup&gt;3&lt;/sup&gt;</td>
<td>2,000/unit</td>
<td>20 per unit</td>
<td>35</td>
<td>10 (end units)</td>
<td>35</td>
<td>70%</td>
</tr>
<tr>
<td>Accessory Uses</td>
<td>N/A</td>
<td>N/A</td>
<td>Not Permitted</td>
<td>3&lt;sup&gt;4&lt;/sup&gt;</td>
<td>10</td>
<td>See above</td>
</tr>
</tbody>
</table>

1. Minimum lot width shall be measured at the building setback line; in no case shall a lot’s width, as measured along its frontage, be less than seventy (70%) percent of that required at the building setback. Lot widths required at the frontage shall be measured along a line paralleling the street line, even if it is curvilinear.

2. Front yard setbacks are from the street line.

3. In those instances where two (2) more Townhouse Groups are located on the same Lot, the following separation distances shall be provided between each building:

   (a) Front to front, rear to rear, or front to rear, parallel buildings shall have at least seventy (70) feet between faces of the building. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as five (5) feet at one end if increased by a similar or greater distance at the other end.

   (b) A minimum yard space of twenty (20) feet is required between end walls of buildings for each two (2) story building plus ten (10) feet for each additional story (excluding rear walkout basement conditions).

   (c) A minimum yard space of thirty (30) feet is required between end walls and front or rear faces of buildings for each two (2)-story building plus ten (10) feet for each additional story (excluding rear walkout basement conditions).

4. For townhouses on individual lots, the minimum accessory side yard for an interior unit is three (3) feet from each common lot line.

F. **Townhouse Group Limitations.** No Townhouse Group shall contain less than three (3) or more than six (6) Dwelling Units. No more than twenty-five (25%) percent of the total number of Townhouses Groups proposed within a Limited Cluster Development shall contain more than four (4) total dwelling units.

G. **Townhouse Staggering and Setbacks.** For each Townhouse Group containing more than four (4) Dwelling Units, no more than sixty (60%) of the Dwelling Units shall have the same front yard setback; the minimum variation of the setback shall be two (2) feet. In addition, no more than two (2) contiguous Dwelling Units shall have identical roof lines that parallel the ground along the same horizontal plane. All Townhouse Groups shall be set back a minimum of
twenty (20) feet from any parking facilities contained on commonly-held lands. All Townhouse Groups shall be set back at least thirty-five (35) feet from any perimeter boundary of the Tract and from any Lot line of a Lot on which two (2) or more Townhouse Groups are located.

H. Buffer Strip and Screening. All Buildings within a Tract being developed under the Limited Cluster Development regulations shall be setback at least fifty (50) feet from any adjoining land within a residential district that does not already abut an existing residential buffer strip. Such setback shall be used for a landscaped buffer strip to include a variety of vegetative materials including trees, shrubs and ground cover. For Townhouse Groups, a vegetative screen consisting of at least eighty-five (85%) percent evergreen trees in accordance with Sections 314.3 and 314.4 shall be provided along any property line adjacent to existing single-family or twin dwellings or to a road which is external to the development.

I. Common Open Space. At least thirty (30%) percent of the area of the Limited Cluster Development Tract shall be devoted to Common Open Space. No more than fifty (50%) percent of the Common Open Space requirement can be satisfied by slopes exceeding twenty-five (25) percent and/or by riparian buffers.

1. Required Common Open Space shall be designed and arranged to achieve at least two (2) of the following objectives, and the applicant shall demonstrate those specific measures employed to achieve these objectives:

   a. Protection of important natural resources (e.g. streams, green spaces, ponds, wetlands, steep slopes, woodlands, unique geologic features, wildlife habitats, aquifer recharge areas, etc.)

   b. Protection of important historical and/or archeological sites.

   c. Provision of usable play and/or recreation areas that are conveniently accessible to residents within the development including uses such as active and passive recreation and related structures (gazebos, picnic tables, benches, playground equipment, basketball courts, tennis courts, etc.), trails, meadows, etc.

   d. Integration throughout the Limited Cluster Development of green belts, or of sidewalks, trails or other areas accessible to pedestrians, that link residential areas with on-site or adjoining parks, schools or other similar features.

2. Provision of usable play and/or recreation facilities within the development shall be considered an integral part of the development. Common Open Space shall be for the use and/or benefit of residents and owners within the development and their guests.
The Board of Supervisors may, at any time and from time to time, accept the dedication of land or any interest therein for public use and maintenance, but the Board of Supervisors need not require, as a condition of the approval of a Limited Cluster Development, that land proposed to be set aside for Common Open Space be dedicated or made available to public use. Any open space land offered for dedication to Valley Township shall be known as “Open Space for Dedication”. In the event that the Board of Supervisors does not accept dedication of all of the Open Space for Dedication offered within a Limited Cluster Development, that portion not accepted by the Township shall remain Common Open Space. Common Open Space may be privately owned by one or more individuals or other entities. The land owner shall provide maintenance for or establish an organization for the ownership and/or maintenance of the Common Open Space. Any such organization established shall not be dissolved nor shall it dispose of the Common Open Space, by sale or otherwise (except to an organization conceived and established to own and maintain the Common Open Space), except by dedication of the same to the public. Any such organization provided for the ownership of Common Open Space, not dedicated for public use, shall consist of the property owners within the Limited Cluster Development. The plan for the ownership and maintenance of Common Open Space by such organization may provide that the property owners association may lease back open space lands to the developer, his heirs or assigns, or to any other qualified person, or corporation, for operation and maintenance of Common Open Space, but such a lease agreement shall provide that:

(a) Residents of the Limited Cluster Development shall at all times have access to the Common Open Space contained therein.

(b) The operation of Common Open Space facilities may be for the use and/or benefit of the residents and owners only.

The form of the lease shall be subject to the approval of the Board of Supervisors, and any transfer of assignment of the lease shall be further subject to the approval of the Board of Supervisors. Lease agreements so entered upon shall be recorded with the Recorder of Deeds of Chester County within thirty (30) days of their execution and a copy of the recorded lease shall be filed with the Secretary of the Township.

The plan to provide for ownership and maintenance of Common Open Space shall include:

(a) A complete description of the organization to be established for the ownership of Common Open Space, if any, and the methods by which this organization shall be established and maintained.
(b) A method reasonably designed to give adequate notice to property owners within the Limited Cluster Development in the event of the sale or other disposition of Common Open Space lands, and in the event of assumption of the maintenance of Common Open Space lands by the Township as hereinafter provided.

(5) In the event that the organization established to own and maintain the Common Open Space, or any successor organization, fails at any time after establishment of the development to maintain the undedicated Common Open Space in reasonable order and condition in accordance with the approved development plan, the Board of Supervisors may proceed to demand that the deficiencies of maintenance be corrected or that the Township will enter upon and maintain the same. The Board of Supervisors shall serve written notice upon the organization established to own and maintain the Common Open Space setting forth the manner in which the organization has failed to maintain the Common Open Space in reasonable condition. The cost of such maintenance by the Township shall be assessed against the property or properties within the Limited Cluster Development that have a right of enjoyment of the Common Open Space, and shall become a lien on said properties. The Township at the time of entering upon said Common Open Space for the purpose of maintenance shall file a notice of lien in the office of the Prothonotary of the County upon the properties affected by the lien within the Limited Cluster Development.

J. General Provisions. All uses permitted within the Limited Cluster Development shall also comply with the general provisions set forth in Part 3 of this Chapter, except as otherwise provided in this Section. The provisions of this Section 448 shall control in the event of any inconsistencies between any provision of Section 448 and any other provision of the Zoning Ordinance. In addition to the items set forth in Section 304, setback regulations shall not apply to uncovered Decks.

K. Conditional Use. Each application shall include documentation as to why development of the subject property under standards imposed within this Section will result in a better development than would be possible according to the zone’s permitted uses and standards.

§449. VETERINARY CLINIC AND DOG DAY CARE.

Within the NCO Zone, veterinary clinics are permitted by conditional use subject to the following criteria; and within the HC Zone, dog day cares are permitted by-right subject to the following criteria:

A. Any animal outdoors is accompanied by either its owner or an employee of the veterinary clinic and is leashed or contained in a secure enclosure.
B. Exercise areas are permitted on the side or rear yard and shall be screened from adjacent roads and residentially zoned properties and shall be within a secure enclosure. Exercise areas shall be setback at least twenty (20) feet from all lot lines, fifty (50) feet from residentially zoned properties, one hundred (100) feet from wells, springs, sinkholes, ponds or streams, and shall not be within any swale or drainageway.

C. All such uses shall be in accordance with applicable Pennsylvania state licensing and codes.

D. All animals shall be inside an enclosed building between the hours of 8:00 p.m. prevailing time and 7:00 a.m. prevailing time.

§450. ALTERNATIVE ENERGY PRODUCTION.

Within the C Zone, alternative energy production as a principal use is permitted by conditional use subject to the following criteria:

A. Solar energy systems.

   (1) Design and permitting. The design and installation of the solar energy system shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories, the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the Township Building Code and with all other applicable fire and life safety requirements. Applicable manufacturer specifications shall be submitted as part of the application for any permit.

   (2) Grid interconnection. A solar energy system connected to the utility grid shall provide written authorization from the local utility company acknowledging and approving such connection.

   (3) Transmission lines. All power transmission lines from the solar energy system to any building or other structure shall be located underground, unless it can be demonstrated, to the satisfaction of the Zoning Officer, in consultation with the Township Engineer, that this is not feasible.

   (4) Solar energy systems shall comply with the area and bulk regulations of the underlying zoning district.

   (5) Setbacks. All solar panels, equipment, and appurtenances associated with the solar energy system shall comply with principal use setbacks of the underlying zoning district, with the additional requirement that the setback
distance shall be no less than the height of the solar energy system above ground.

(6) Glare. Solar panels and collectors shall be placed such that concentrated solar radiation or glare is not directed onto nearby properties or roadways and shall be in accordance with §319.C of this Chapter.

(7) Mounting location. A solar energy system may be roof- or ground-mounted (freestanding) subject to all limitations set forth herein.

(8) Historic resources. If a solar energy system is proposed to be mounted within one hundred (100) feet of any historic structure or historic resource as may be designated by the Township or determined to be eligible for listing on the National Register of Historic Places by the Pennsylvania Historical and Museum Commission or the National Park Service, such system shall be subject to conditional use approval only if the Board of Supervisors and applicable regulatory authorities issue determinations that the proposed system will not adversely impact the historical significance or landscape context of the subject historic structure or historic resource.

(9) Solar access easements. A solar energy system shall be located to ensure solar access without reliance on adjacent properties. Where necessary to ensure that solar access to a solar energy system shall not be obstructed over time by permissible uses or activities on any adjacent property (i.e., by planting or growth of vegetation, new construction, etc.), it shall be the responsibility of the owner of the solar energy system to obtain appropriate solar access easement(s) from neighboring property owner(s) and to notify the Township upon the recording of any such easement(s). All solar access easements shall be recorded in the office of the Chester County Recorder of Deeds.

(10) Roof-mounted systems. A roof-mounted solar energy system shall not extend beyond the existing overhangs of the structure to which it is attached. With the exception of flat top roofs, roof mounted solar energy systems shall not project above the ridge of the roofline.

(11) Ground-mounted (freestanding) systems.

(a) Ground mounted solar energy systems must be fully screened from all adjoining residential uses and residentially-zoned properties for the full height of the solar energy system.

(b) A perimeter landscaped buffer yard shall be provided for ground-mounted solar energy systems along property line(s) and road right(s)-of-way in accordance with §314, unless the Board of
Supervisors determines that the existing topography and/or landscaping provide an adequate buffer.

(e) Height limitation. No point of a ground-mounted solar energy system or its support structure shall exceed a height of fifteen (15) feet.

(d) Lot coverage. For the purposes of this section, all at grade or above grade features and facilities relating to ground-mounted solar energy systems, including appurtenances, shall be considered impervious surface and subject to the maximum lot coverage requirements of the underlying zoning district. The area of a ground-mounted solar energy system shall be the design/calculated maximum footprint area as projected onto the ground surface in the flattest inclination position in which the solar energy system panels will be utilized.

(12) Safety and security of principal solar energy systems.

(a) Safety warnings. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fences, pursuant to applicable state and federal safety warning standards.

(b) Security. All access doors to electrical equipment for principal solar energy systems shall be locked or fenced, as appropriate, to prevent entry by nonauthorized personnel.

(13) Abandonment or disrepair. If the solar energy system is ever abandoned or falls into a state of disrepair, it shall be the responsibility of the property owner to remove or properly maintain the solar energy system within six (6) months from the date the system enters such a state.

(14) Decommissioning. If a ground-mounted solar energy system is removed, any earth disturbance as a result of the removal of the ground-mounted solar energy system shall be graded and reseeded to the satisfaction of the Zoning Officer.

B. Wind energy conversion systems (WECS).

(1) Design and permitting. The design and installation of the WECS shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories, the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the Township Building Code and with all other applicable fire and life safety
requirements. Applicable manufacturer specifications shall be submitted as part of the application for any permit.

(2) Grid interconnection. A WECS connected to the utility grid shall provide written authorization from the local utility company acknowledging and approving such connection.

(3) Transmission lines. All power transmission lines from the WECS to any building or other structure shall be located underground, unless it can be demonstrated, to the satisfaction of the Zoning Officer, in consultation with the Township Engineer, that this is not feasible.

(4) WECS shall comply with the area and bulk regulations of the underlying zoning district.

(5) Setbacks. All turbines, blades, towers, equipment, and appurtenances associated with the WECS shall comply with principal use setbacks of the underlying zoning district, with the additional requirement that the setback distance shall be no less than the height of the WECS above ground. Additionally, all WECS must be set back sufficiently from any aboveground utility lines, radio, television, or telecommunications towers so as to present no danger to those lines or structures, as certified by the applicant's engineer. No portion of any WECS shall extend over parking areas, access drives, driveways or sidewalks.

(6) Historic resources. If a WECS is proposed to be mounted within one hundred (100) feet of any historic structure or historic resource as may be designated by the Township or determined to be eligible for listing on the National Register of Historic Places by the Pennsylvania Historical and Museum Commission or the National Park Service, such system shall be subject to conditional use approval only if the Board of Supervisors and applicable regulatory authorities issue determinations that the proposed system will not adversely impact the historical significance or landscape context of the subject historic structure or historic resource.

(7) Height limitations.

(a) Maximum. The maximum height for a WECS shall not exceed thirty-five (35) feet.

(b) Minimum. The minimum height of the lowest position of the wind turbine blade shall be fifteen (15) feet above the ground. If the wind turbine proposed is a vertical axis wind turbine (also referred to as a "helix-type turbine" or "VAT"), the height between the lowest point of the turbine and the ground may be reduced to ten (10) feet.
(8) Noise limitations. WECS shall comply with noise limitations in §319.A of this Chapter.

(9) Lot coverage. The footprint of a WECS shall be calculated as part of the overall lot coverage.

(10) Structural integrity. For any roof-mounted WECS, such as microturbine systems or horizontal or vertical-axis turbines, the applicant must demonstrate to the Building Code Inspector, by credible evidence, that the structural integrity of the structure is such that it can adequately support the system being considered.

(11) Storage structures. When an accessory building is necessary for storage cells or related mechanical equipment, the accessory building shall not have a floor area exceeding two hundred (200) square feet and shall comply with the accessory structure requirements specified within the underlying zoning district.

(12) One turbine per lot. No more than one WECS (wind turbine) shall be permitted per lot, except on lots of ten (10) acres or more. A wind energy system made up of a number of adjacent microturbine panels is considered one system for the purposes of this subsection.

(13) Braking. All WECS shall be equipped with an adequate braking system to prevent excessive speed. Such system may include aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and/or mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode.

(14) Lighting. WECS shall not be artificially lighted, except to the extent required by the Federal Aviation Administration (FAA).

(15) Colors. WECS shall be a nonobtrusive color such as white, off-white or gray.

(16) Shadow flicker. All WECS shall, to the extent feasible, be sited to prevent shadow flicker on any occupied building on adjacent properties.

(17) Climbing. WECS shall be equipped with an appropriate anticlimbing device, or otherwise made unclimbable, to prevent unauthorized access to the system.

(18) Advertising and signage. WECS shall not be used to display advertising, signage, banners or similar materials, with the exception of any
manufacturer's labels or warning placards. Any such sign shall have an area not to exceed four (4) square feet.

(19) Safety and security for principal WECS.

(a) Safety warnings. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fences.

(b) Security. All access doors to wind turbines and electrical equipment for principal WECS shall be locked or fenced, as appropriate, to prevent entry by nonauthorized personnel.

(20) Abandonment or disrepair. If the WECS is ever abandoned or falls into a state of disrepair, it shall be the responsibility of the property owner to remove or properly maintain the WECS within six (6) months from the date the system enters such a state.

(21) Decommissioning. If a WECS is removed, any earth disturbance as a result of the removal of the system shall be graded and reseeded to the satisfaction of the Zoning Officer.

§451. CONTROLLED-ENVIRONMENT AGRICULTURE (CEA).

Within the NCO, PD, I, and HC Zones, controlled-environment agriculture (CEA) activities are permitted by conditional use subject to the following criteria:

A. CEA activities shall comply with all applicable local, state, and federal regulations.

B. All CEA activities shall be located within a completely enclosed structure.

C. Lot Area. The minimum lot area for a CEA use is two (2) acres. This minimum lot area requirement shall supercede the minimum lot area requirements of the underlying zoning district.

D. The following are prohibited from being produced:

(1) Farm animals as defined in this chapter.

(2) Prohibited plant species or any other plant species deemed injurious, noxious, or invasive by Pennsylvania Department of Conservation and Natural Resources Invasive Species Management Plan, Pennsylvania Invasive Species Council, or the Federal Noxious Weed List.
E. All property owners with CEA activities shall provide each abutting property owner or occupant, and/or the first nearest property owner or occupant of an occupied dwelling or business, written notice of the CEA owner’s or owner’s agent’s name, address, and telephone number for the CEA activity, no less than thirty (30) days prior to the start of any agricultural development or site preparation. The notice shall include a description of the planned agricultural use.

F. CEA uses shall not be detrimental to the physical environment or to public health and general welfare by reason of excessive production of noise, smoke, fumes, vibrations, or odors.

G. Tools, supplies, and machinery associated with CEA activities shall be stored in an enclosed structure or removed from the property daily. All chemicals and fuels associated with CEA activities shall be stored above ground, in an enclosed, locked structure.

§452. COMMUNITY CENTER.

Within the R-1, R-2, HC, NCO, RC and PD Zones, community centers are permitted by conditional use subject to the following criteria:

A. Operational hours are permitted between 6:00 a.m. and midnight. No overnight activities are permitted. The facility shall not be used for any type of temporary housing unless in conjunction with a Township Emergency Declaration as stated in Title 35 of the Pennsylvania Code.

B. No alcohol sales shall be permitted within the community center premises.

C. All outdoor recreation facilities shall be setback at least fifty (50) feet from the street right-of-way line, twenty-five (25) feet from all other lot lines, and one hundred (100) feet from any abutting residentially-zoned properties.

D. Required parking will be determined based upon the types of activities proposed and the schedule listed in §312.

E. The subject property shall have frontage along an arterial or collector road, as identified in §316.

§453. CONFERENCE CENTER.

Within the HC, RC, and PD Zones, conference centers are permitted by conditional use subject to the following criteria:

A. All activities shall take place within a wholly-enclosed building. A conference
center may be part of a mixed use building provided that the conference center is not less than fifty (50) percent of the total building area.

B. Operational hours permitted are to be set between 6:00 a.m. and midnight. No overnight activities are permitted. The facility shall not be used for any type of temporary housing unless in conjunction with a Township Emergency Declaration as stated in Title 35 of the Pennsylvania Code.

C. No alcohol sales shall be permitted within the conference center premises.

D. Required parking will be determined based upon the types of activities proposed and the schedule listed in §312.

E. The subject property shall have frontage along an arterial or collector road, as identified in §316.

F. Conference centers may only be used for social and non-social functions of the following:

(1) Individual residents;

(2) Senior citizen groups and organizations;

(3) Recognized Township Organizations. Organizations falling in this category must apply for status as a recognized Township organization in order to use the community center under this category. The application must include a copy of the bylaws, charter or other organization governing document that requires the organization to maintain a membership comprised of at least fifty-one (51) percent Valley Township residents or businesses with officer or business locations within the Township limits.

(4) Non-Township Organizations, which provide that residents have the right to be members of such organizations. Examples of such organizations are county political groups, regional or county business organizations, and county or regional athletic groups.

(5) Organizations that have an association or affiliation with the property owner and/or the Township.

(6) Volunteer organizations that serve the interest of Township residents.

(7) Non-profit organizations that serve the interest of Township residents.

(8) For-profit organizations that pay for the temporary use of the center for purposes outlined in §453.G not to exceed a maximum duration of seven (7) consecutive days in any thirty (30) day period and not more than
twenty-one (21) days in total in a calendar year.

G. Permitted Activities:

(1) Meetings.

(2) Conferences.

(3) Township functions or Township sponsored events which are of public nature and open to residents.

(4) Training Seminars.

(5) Events open to the public for informational purposes.

§454. DRIVE-THROUGH

Within the (HC, RC, and PD) Zones, drive-through facilities are permitted as an accessory use to a commercial use building by conditional use subject to the following criteria:

A. The subject property shall front on an arterial or collector road, as identified in §316.

B. All drive-through window travel lanes shall be separate of the principal use parking lot's interior driveways and parking areas. The drive-through window travel lane shall comply with the interior drive requirements of §312 of this Chapter independent of the principal use parking lot’s interior drives. The drive-through window travel lane shall not be used as a back-up area for parking spaces or for back-up travel for trash or delivery trucks.

C. Any exterior speaker/microphone system shall be arranged and/or screened to prevent objectionable noise impact on adjoining properties.

D. No part of the drive-through facility, including but not limited to drive lanes, window, speakers, and canopy, shall be located within two hundred (200) feet of any residentially-zoned land.

E. There shall be separate access drives for vehicular ingress and egress from the property.
PART 5
NONCONFORMITIES

§501. CONTINUATION.
Except as otherwise provided in this Chapter, any use, building or structure existing at the time of enactment of this Chapter may be continued, although it is not in conformity with the regulations specified by this Chapter. However, signs are subject to amortization.

§502. ABANDONMENT.
If a nonconforming use of land or of a building or structure ceases or is discontinued for a continuous period of two (2) years or more, subsequent use of such building, structure or land shall be in conformity with the provisions of this Chapter.

§503. EXTENSION OF A NONCONFORMING USE OF LAND.
Any lawful nonconforming use of land, exclusive of buildings and structures and the use contained therein, may be extended upon the lot upon which it exists at the time of the effective date of this Chapter, but such extension shall conform to area and lot regulations and to the design standards of this Chapter. The extension of a nonconforming use on a lot shall be limited to the lot which was in existence on the effective date of this Chapter.

§504. EXPANSION OR ALTERATION.
1. Any nonconforming residential use may be expanded or altered by right subject to the following criteria; any other nonconforming use may be expanded or altered through a special exception and subject to the following criteria and those criteria contained in §605:
   A. Expansion of the nonconformity shall be confined to the lot on which it was located on the effective date of this Chapter, or any amendment thereto creating the nonconformity.
   B. The total of all such expansions or alterations of use shall not exceed an additional fifty (50) percent of the area of those buildings or structures devoted to the nonconforming use as they existed on the date on which such buildings or structures first became nonconformities. The applicant shall furnish conclusive evidence as to the extent of the nonconformity when it was created.
   C. Provision for vehicular access, off-street parking and off-street loading shall be
consistent with standards required by this Chapter.

D. Provision for yards, building height and building area shall be consistent with the standards required for permitted uses in the zone in which the nonconformity in question is located.

E. Appearance should be harmonious with surrounding properties; including, but not limited to, landscaping, enclosure of principal and accessory uses, height control, sign control, architectural control and maintenance of all improvements and open spaces.

F. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes, but is not limited to, fences, walls, plantings and open spaces.

G. The expansion shall not create new dimensional nonconformities or further increase existing dimensional nonconformities.

H. No expansion of a nonconforming structure or a nonconforming use located outside of a structure existing on the effective date of this Chapter shall be permitted in the Floodplain District.

I. Excluding expansion, any modification, alteration, repair, reconstruction or improvement of any kind to a nonconforming use or structure located in the Floodplain District shall be permitted only when either elevated above the base flood elevation or flood proofed. In no case shall any modification, alteration, repair, reconstruction or improvement cause unacceptable increases in flood heights, velocities or frequencies.

2. Any dimensional nonconformity may be reduced by permitted use. No extension or enlargement of a dimensional nonconformity shall be permitted.

**§505. SUBSTITUTION OR REPLACEMENT.**

Any nonconforming use may be replaced or substituted by the same use. It may also be replaced or substituted by another nonconforming use by special exception, if the Zoning Hearing Board determines that the proposed use is at least equally compatible with the surrounding area as the original nonconforming use. In addition, the proposed nonconforming use shall not increase any dimensional nonconformities. The Zoning Hearing Board may attach reasonable conditions to the special exception to keep the use compatible within its surroundings.

**§506. RESTORATION.**

Any lawful nonconforming building or other structure which has been involuntarily damaged or
destroyed by fire, explosion, windstorm or other similar active cause may be reconstructed in the same location; provided, that:

1. The reconstructed building or structure shall not exceed the height, area or volume of the damaged or destroyed building or structure and such reconstructed building or structure shall not increase any dimensional nonconformities.

2. Reconstruction shall begin within one (1) year from the date of damage or destruction and shall be carried on without interruption.

§507. PREVIOUSLY EXPANDED NONCONFORMING USES AND STRUCTURES.

It is the express intent and purpose of this Chapter that if a building, structure, sign or land was expanded or extended to the limits of expansion for a nonconforming building, structure, sign or use of land as authorized by a prior zoning regulation or ordinance, no further expansion of said building, structure, sign or land shall be authorized. In the event a nonconforming building, structure, sign or use of land was expanded to a portion of the limits of expansion authorized by a prior zoning regulation or ordinance, additional expansion, if permitted by this Chapter, shall only be authorized to the amount of expansion not previously utilized pursuant to said prior zoning regulation or ordinance.

§508. NONCONFORMING LOTS OF RECORD.

1. A single-family detached dwelling may be erected on a single lot of record at the effective date of this Chapter in accordance with the limitations imposed by §203.5.A Footnote 3 of this Chapter. Such lot must be in single and separate ownership and not of continuous frontage with other lots in the same ownership.

2. If two (2) or more lots or combinations of lots or portions of lots with continuous frontage in single and separate ownership are of record at the time of passage of this Chapter and if all or part of the lots do not meet the requirements established for lot width and area, the land involved shall be considered to be an undivided parcel for the purposes of this Chapter and no portion of said parcel shall be used or sold in a manner which diminishes compliance with requirements established by this Chapter, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Chapter. This Section shall be interpreted in conjunction with §508(4) of the Act.
§601. ESTABLISHMENT AND MEMBERSHIP.

1. When used hereafter in this Chapter, the word "Board" shall mean the Zoning Hearing Board.

2. There shall be a Zoning Hearing Board which shall consist of three (3) members who shall be appointed by resolution by the Board of Supervisors. The membership of the Board shall consist of residents of the Township. Their terms of office shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township. Any member of the Board may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

3. The Board of Supervisors may appoint by resolution at least one (1) but no more than three (3) residents of the municipality to serve as alternate members of the Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of §602, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Chapter and as otherwise provided by law. Alternates shall hold no other office in the municipality, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated pursuant to §603 unless designated as a voting alternate member pursuant to §602 of this Chapter.

§602. ORGANIZATION OF BOARD.

The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in §604. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all
proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this Section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Township and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Township, and shall submit a report of its activities to the Board of Supervisors upon request.

§603. EXPENDITURES FOR SERVICES.

Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors. Alternate members of the Board may receive compensation, as may be fixed by the Board of Supervisors, for the performance of their duties when designated as alternate members pursuant to §602, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members by the Board of Supervisors.

§604. HEARINGS.

1. The Board shall conduct hearings and make decisions in accordance with the following requirements:

   A. Public notice shall be given to the applicant, the Zoning Officer, such other persons as the Township Board of Supervisors shall designate by ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provision, by rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing. The Zoning Hearing Board may mail notice of the hearing to the owner of every lot on the same street within five hundred (500) feet of the lot or building in question and of every lot not on the same street within two hundred (200) feet of said lot or building; provided, that failure to give notice, either in part or in full, as stated by this subsection, shall not invalidate any action by the Zoning Hearing Board.

   B. The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical
consultants or expert witness costs.

C. The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

2. The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.

3. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

4. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

5. 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.

6. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.

7. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer; or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

8. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

9. The Board or the hearing officer, as the case may be, shall render a written decision or,
when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of the Act or of this Chapter, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in §604 of this Chapter. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

10. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

11. **Effect of Board’s Decision.**

A. If the variance or special exception is granted or the issuance of a permit is approved, or other action by the appellant is authorized, the necessary permit shall be secured and the authorized action begun within six (6) months after the date when the variance or special exception is finally granted or the issuance of a permit is finally approved or the other action by the appellant is authorized, and the building or alteration, as the case may be, shall be completed within twelve (12) months of said date. For good cause the Board may, upon application in writing stating the reasons therefor, extend either the six (6) month or twelve (12) month period.

B. Should the appellant or applicant fail to obtain the necessary permits within said six (6) month period, or having obtained the permit should he fail to commence work thereunder within such six (6) month period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn or abandoned his
appeal or his application, and all provisions, variances and permits granted to him shall be deemed automatically rescinded by the Board.

C. Should the appellant or applicant commence construction or alteration within said six (6) month period but should he fail to complete such construction or alteration within said twelve (12) month period the Board may, upon ten (10) days’ notice in writing, rescind or revoke the granted variance or special exception, or the issuance of the permit, or permits, or the other action authorized to the appellant or applicant, if the Board finds that no good cause appears for the failure to complete within such twelve (12) month period, and if the Board further finds that conditions have so altered or changed in the interval since the granting of the variance, permit or action, that revocation or rescission of the action is justified.

§605. BOARD FUNCTIONS.

The Zoning Hearing Board shall have the exclusive jurisdiction to hear and render decisions in the following matters:

A. Substantive challenges to the validity of this Chapter, except those brought before the Board of Supervisors pursuant to §704 of this Chapter.

   (1) If a challenge heard by a Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommended amendments to the challenged ordinance which will cure the defects found. In reaching its decision, the Zoning Hearing Board shall consider the amendments, plans and explanatory material submitted by the landowner and shall also consider:

   (a) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.

   (b) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Chapter or map.

   (c) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, floodplain, aquifers, natural resources and other natural features.

   (d) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse
environmental impacts.

(e) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

(2) Public notice of the hearing shall be provided as specified in §704 of this Chapter.

(3) The Zoning Hearing Board shall commence its hearings within sixty (60) days after the request is filed unless the landowner requests or consents to an extension of time.

(4) The Zoning Hearing Board shall render its decision within forty-five (45) days after the conclusion of the last hearing. If the Board fails to act on the landowner's request within this time limit, a denial of the request is deemed to have occurred on the forty-sixth (46th) day after the close of the last hearing.

B. Challenges to the validity of this Chapter, raising procedural questions or alleged defects in the process of enactment or adoption, which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of this Chapter.

C. Application for special exceptions pursuant to the expressed following requirements.

(1) Filing Requirements. In addition to the required building permit information (See §702.) each special exception application shall include the following:

(a) Ground floor plans and elevations of proposed structures.

(b) Names and address of adjoining property owners including properties directly across a public right-of-way.

(c) A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Chapter.

(d) A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Chapter.

(2) General Criteria. Each applicant must demonstrate compliance with the following:

(a) The proposed use shall be consistent with the purpose and intent of
(27, PART 6)

this Chapter.

(b) The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties.

(c) The proposed use will not substantially change the character of the subject property’s neighborhood.

(d) Adequate public facilities are available to serve the proposed use (e.g. schools, fire, police and ambulance protection, sewer, water and other utilities, vehicular access and etc.)

(e) For development within the Floodplain District, that the application complies with those requirements listed in the Official Floodplain Ordinance of Valley Township [Chapter 8].

(f) The proposed use shall comply with those criteria specifically listed in Part 4 of this Chapter. In addition, the proposed use must comply with all other applicable regulations contained in this Chapter.

(g) The proposed use will not substantially impair the integrity of the Township’s Comprehensive Plan.

(3) Conditions. The Zoning Hearing Board, in approving special exception applications, may attach conditions considered necessary to protect the public welfare and the general criteria listed above, including conditions which are more restrictive than those established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Chapter and be subject to the penalties described in Part 7.

(4) Site Plan Approval. Any site plan presented in support of the special exception pursuant to §605 shall become an official part of the record for said special exception. Approval of any special exception will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a building permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan shall require another special exception approval.

D. Variances. The Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. The Board may, by rule, prescribe the form of application to the Zoning Officer. The Board may grant a variance; provided, that all of the following findings are made.
where relevant in a given case:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or zone in which the property is located.

2. Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is therefore necessary to enable reasonable use of the property.

3. Such unnecessary hardship has not been created by the appellant.

4. The variance, if authorized, will not alter the essential character of the zone or neighborhood in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

5. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulations in issue.

6. Variances within the Floodplain District shall require compliance with those regulations contained in the Official Floodplain Ordinance of Valley Township [Chapter 8].

7. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Chapter and be subject to the penalties described in Part 7.

8. In considering a variance request(s) by or on behalf of, a disabled person, or a group of disabled persons seeking an equal opportunity to use and enjoy housing, the Zoning Hearing Board is authorized to make reasonable accommodation by granting a reasonable modification of a/the provision(s) of this Chapter, through grant of a variance, as may be required by the Fair Housing Act, 42 U.S.C. 3602 et seq. What constitutes a reasonable
accommodation shall be determined on a case-by-case basis by the Zoning Hearing Board. Not all requested modification of the provisions of this Chapter may be considered as being “reasonable.” If a requested modification imposes an undue financial or administrative burden on the Township, or if a requested modification creates a fundamental alteration in the Township’s land use and zoning scheme, it shall not be considered a “reasonable accommodation”.

E. Appeals from the determination of the Zoning Officer including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

F. Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any provisions contained within the Floodplain Zone.

G. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Chapter.

H. Appeals from the Zoning Officer’s determination under §916.2 (and any subsequent amendments) of the Act.

I. Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance with reference to sedimentation and erosion control, and/or stormwater management for applications not involving a subdivision/land development, or a planned residential development as regulated in Articles V and VII of the Act, respectively.

§606. PARTIES APPELLANT BEFORE THE BOARD.

Appeals under §605(E), (F), (G), (H) and (I) and proceedings to challenge this Chapter under §605(A) and (B) may be filed with the Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance under §605(D) and for special exception under §605(C) may be filed with the Board by any landowner or any tenant with the permission of such landowner. Any appeal shall state:

A. The name and address of the appellant and applicant.

B. The name and address of the landowner of the real estate to be affected.

C. A brief description and location of the real estate to be affected by such proposed change together with a plot plan drawn to scale with sufficient clarity to show the
nature and character of the request.

D. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.

E. A statement of the Section of this Chapter under which the request may be allowed, and reasons why it should, or should not be granted.

§607. TIME LIMITATIONS.

1. No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the Zoning Officer or the agency responsible for granting such approval if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice or knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.

2. The failure of anyone other than the landowner to appeal from an adverse decision by the Zoning Officer on a challenge to the validity of this Chapter or the Official Zoning Map pursuant to §916.2 of the Act, as amended, shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative preliminary approval.

§608. STAY OF PROCEEDING.

1. Upon filing of any proceeding referred to in §606 and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case, the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived
by the appellee but such waiver may be revoked by him if an appeal is taken from a final decision of the court. The question whether such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.

2. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

§609. APPEAL.

Any person, taxpayer or the Township aggrieved by any decision of the Board may, within thirty (30) days after such decision of the Board, seek review by the court of common pleas of such decision in the manner provided by the laws of the Commonwealth of Pennsylvania and Article X-A of the Act as amended.
PART 7

ADMINISTRATION

§701. ADMINISTRATION AND ENFORCEMENT.

1. Administration.

   A. Zoning Officer. The provisions of this Chapter shall be enforced by an agent, to be appointed by the Board of Supervisors, who shall be known as the Zoning Officer. The Zoning Officer shall be appointed at the first meeting of the Board of Supervisors in January to serve until the first day of January next following, and shall thereafter be appointed annually to serve for a term of one (1) year and/or until his successor is appointed. The Zoning Officer may succeed himself. He/she shall receive such fees or compensation as the Board of Supervisors may, by resolution, provide. The Zoning Officer shall not hold any elective office within the Township. The Zoning Officer may designate an employee of the Township as his deputy, subject to the approval of the Board of Supervisors, who shall exercise all the powers of the Zoning Officer during the temporary absence or disability of the Zoning Officer.

   B. Duties. The duties of the Zoning Officer shall be:

   (1) To receive, examine and process all applications as provided by the terms of this Chapter. The Zoning Officer shall also issue building permits for special exceptions and conditional uses, or for variances after the same have been approved.

   (2) To record and file all applications for building permits or certificates of use and occupancy, and accompanying plans and documents, and keep them for public record.

   (3) To inspect properties to determine compliance with all provisions of this Chapter, as well as conditions attached to the approval of variances, special exceptions, conditional uses and curative amendments.

   (4) To inspect nonconforming uses, structures, and lots and to keep a filed record of such nonconforming uses and structures, together with the reasons why the Zoning Officer identified them as nonconformities, as a public record and to examine them periodically, with the view of eliminating the nonconforming uses under the existing laws and regulations.

   (5) Upon the request of the Board of Supervisors or the Zoning Hearing Board, present to such bodies facts, records and any similar information.
on specific requests, to assist such bodies in reaching their decisions.

(6) To be responsible for keeping this Chapter and the official Zoning Map up to date, including any amendments thereto.

(7) Upon the approval by the Zoning Hearing Board of a special exception, or upon the approval of a conditional use by the Board of Supervisors for development located within the Floodplain Zone, written notice of the approval shall be sent by registered mail from the Zoning Officer to the Pennsylvania Department of Community and Economic Development.

(8) To remain eligible for the National Flood Insurance Program, the Zoning Officer shall submit a bi-annual report to the Federal Insurance Administration concerning the status of the program in the Township (the report form shall be provided by the Federal Insurance Administration).

(9) To render a preliminary opinion regarding a proposed land use in accordance with §916.2 of the Act.

2. Enforcement. This Chapter shall be enforced by the Zoning Officer of the Township. No building permit or certificate of use and occupancy shall be granted by him/her for any purpose except in compliance with the literal provisions of this Chapter. The Zoning Officer may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within his/her scope of employment.

3. Violations.

A. Failure to secure a building permit prior to a change in use of land or structure, or the erection, construction or alteration of any structure or portion thereof, shall be a violation of this Chapter. It shall also be a violation of this Chapter to undertake other deliberate actions which are contrary to the terms of this Chapter and any conditions placed upon the approval of special exceptions, variances and conditional uses. Each day that a violation is continued shall constitute a separate offense.

B. If it appears to the Township that a violation of this Chapter enacted under the Act or prior enabling laws has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in the following:

(1) The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel and to any other person requested in writing by the owner of record.

(2) An enforcement notice shall state at least the following:
(a) The name of the owner of record and any other person against whom the Township intends to take action.

(b) The location of the property in violation.

(c) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.

(d) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

(e) The recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Chapter.

(f) 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.

4. **Enforcement Remedies.** Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter enacted under the Act or prior enabling laws shall, upon being found liable there for in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars ($500.00) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth (5th) day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the Township.

5. **Causes of Action.** In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, repaired, converted, maintained or used in violation of this Chapter enacted under the Act or prior enabling laws, the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain,
correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. 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.

§702. BUILDING PERMITS, ZONING PERMITS, CERTIFICATES OF USE AND OCCUPANCY, AND OTHER PERMITS.

1. General Requirements Applicable to Building Permits, Zoning Permits, Certificates of Use and Occupancy and Other Permits.

   A. A zoning and/or building permit shall be required prior to a change in use of land or structure or the erection, construction, improvement or alteration of any structure or portion thereof, that has a value in excess of five hundred dollars ($500.00) or the alteration or development of any improved or unimproved real estate including, but not limited to, mining, dredging, filling, grading, paving, excavation or drilling operations or the erection or alteration of any signs specified in §315 of this Chapter. Zoning and/or building permits shall also be required for the construction or installation of animal waste impoundments, lakes, ponds, dams or other water retention basins. No zoning and/or building permit shall be required for repairs or maintenance of any structure or land provided such repairs do not change the use or the exterior dimensions of the structure, or otherwise violate the provisions of this Chapter.

   B. Application for zoning and/or building permits shall be made in writing to the Zoning Officer.

   C. Such zoning and/or building permits shall be granted or refused within thirty (30) days from date of application.

   D. No zoning and/or building permit shall be issued except in conformity with the regulations of this Chapter, except after written order from the Zoning Hearing Board or the courts.

   E. In all instances in which the Zoning Officer expresses a reasonable doubt as to the ability of a proposed use to meet all the requirements of this Chapter, it will be incumbent upon the applicant to furnish adequate evidence in support of his application. If such evidence is not presented, the zoning and/or building permit will be denied.

   F. Application for a permit shall be made by the owner or lessee of any building or structure, or the agent of either; provided, however, that if the application is made by a person other than the owner or lessee, it shall be accompanied by a written
authorization of the owner or the qualified person making an application, that the proposed work is authorized by this owner. The full names and addresses of the owner, lessee, applicant and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.

G. The Zoning Officer may call upon other Township staff and/or Township appointed consultants in the review of submitted materials for applications.

H. The Zoning Officer may revoke a permit or approval issued under the provisions of this Chapter 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 this Chapter.

I. No permit shall be issued until the fees prescribed by the Board of Township Supervisors pursuant to the resolution shall be paid to the Zoning Officer. The payment of fees under this Section shall not relieve the applicant or holder of said permit from payment of other fees that may be required by this Chapter or by any other ordinances or law.

J. Issuance of Permits. Upon receiving the application, the Zoning Officer shall examine the same within a reasonable time after filing. If the application or plans do not conform to the provisions of all pertinent local laws, he shall reject such application in writing, stating the reasons therefore. He shall inform the applicant of his right to appeal to the Zoning Hearing Board in the event such application is rejected. If satisfied that the proposed work and/or use conforms to the provisions of this Chapter and all laws and ordinances applicable thereto, and that the certificate of use and occupancy as required herein has been applied for, he shall issue a permit there for as soon as practical, but not later than ninety (90) days from receipt of the application.

K. Reconsideration of Application. An applicant whose request for a permit has been denied by the Zoning Officer may make a later application for a permit provided all deficiencies which were the basis for the prior denial of the permit have been eliminated. The Zoning Officer shall not be required to make a new inspection of the application if this condition is not met.

L. Expiration of Permit. The permit shall expire after one (1) year from the date of issuance; provided, however, that the same may be extended every six (6) months for a period not to exceed an additional one (1) year.

M. Compliance with Chapter. The permit shall be a license to proceed with the work and should not be construed as authority to violate, cancel, or set aside any of the provisions of this Chapter, except as stipulated by the Zoning Hearing Board.

N. Compliance with Permit and Plot Plan. All work or uses shall conform to the approved application and plans for which the permit has been issued as well as the
approved plot plan.

(1) To attest conformance to the approved building elevation(s) and location, an applicant shall submit the Valley Township “Foundation As-Built Certification” Form and an “as-built” survey of the building foundation to the Code Enforcement Officer and Township Engineer. Construction of any building beyond the foundation shall not be permitted until the certification form and “as-built” survey have been submitted and approved. (Valley Township “Foundation As-Built Certification” form is attached)

O. Display of Building Permit. All approved building permits shall be prominently displayed on the subject property during construction, renovation, reconstruction, repair, remodeling or the conduct of other site improvements. Such permit displays shall occur within five (5) days of permit issuance, or prior to the commencement of actual work on the site, whichever occurs first. Such permit display shall be continuous until the site receives its certificate of use and occupancy.

P. Temporary Use Permits. It is recognized that it may be in accordance with the purpose of this Chapter to permit temporary activities for a limited period of time, which activities may be prohibited by other provisions of this Chapter. If such uses are of such a nature and are so located that, at the time of petition of special exception, they will:

(1) In no way exert a detrimental effect upon the uses of land and activities normally permitted in the zone; or,

(2) Contribute materially to the welfare of the Township, particularly in a state of emergency, under conditions peculiar to the time and place involved, then, the Zoning Hearing Board may, subject to all regulations for the issuance of special exception elsewhere specified, direct the Zoning Officer to issue a permit for a period not to exceed six (6) months. Such permits may be extended not more than once for an additional period of six (6) months.

2. Application for All Zoning and/or Building Permits.

A. Applications shall contain a general description of the proposed work, development, use or occupancy of all parts of the structure or land and shall be accompanied by plans in duplicate drawn to scale and showing the following:

(1) Actual dimensions and shape of lot to be developed.

(2) Exact location and dimensions of any structures to be erected, constructed and altered.
(3) Existing and proposed uses, including the number of occupied units, businesses and etc., all structures are designed to accommodate.

(4) Off-street parking and loading spaces.

(5) Utility systems affected and proposed.

(6) Alteration or development of any improved or unimproved real estate.

(7) The size of structures and the number of employees anticipated.

(8) Any other lawful information that may be required by the Zoning Officer to determine compliance with this Chapter.

B. If the proposed development, excavation or construction is located within the Floodplain Zone, the following information is specifically required to accompany all applications:

(1) The accurate location of the floodplain and floodway.

(2) The elevation, in relation to the National Geodetic Vertical Datum of 1929 (NGVD), of the lowest floor, including basements.

(3) The elevation, in relation to the NGVD, to which all structures and utilities will be floodproofed or elevated.

3. Application for Zoning and/or Building Permits for Uses in All Commercial, Planned Development and Industrial Zones.

A. A location plan showing the tract to be developed, zone boundaries, adjoining tracts, significant natural features and streets for a distance of two hundred (200) feet from all tract boundaries.

B. A plot plan of the lot showing the location of all existing and proposed buildings, driveways, parking lots showing access drives, circulation patterns, curb cut accesses, parking stalls, access from streets, screening fences and walls, waste disposal fields or other methods of sewage disposal, other construction features on the lot, and the location of all topographical features.

C. A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards or the emission of any potentially harmful or obnoxious matter or radiation.

D. Engineering plans for treatment and disposal of sewage and industrial waste, tailings or unusable by-products.
E. Engineering plans for the handling of traffic, noise, glare, air pollution, water pollution, vibration, fire hazards or safety hazards, smoke, or emission of any potentially harmful or obnoxious matter or radiation.

F. Designation of the manner by which sanitary sewage and stormwater shall be disposed and water supply obtained.

G. The proposed number of shifts to be worked and the maximum number of employees on each shift.

H. Where use by more than one (1) firm is anticipated, a list of firms which are likely to be located in the center, their floor area and estimated number of employees.

4. **Certificate of Use and Occupancy.**

A. It shall be unlawful to use and/or occupy any structure, building, sign and/or land or portion thereof for which a permit is required herein until a certificate of use and occupancy for such structure, building, sign and/or land or portion thereof has been issued by the Zoning Officer. The application for issuance of a certificate of use and occupancy shall be made at the same time an application for a building permit is filed with the Zoning Officer as required herein.

B. The application for a certificate of use and occupancy shall be in such form as the Zoning Officer may prescribe and may be made on the same application as is required for a building permit.

C. The application shall contain the intended use and/or occupancy of any structure, building, sign, and/or land or portion thereof for which a building permit is required herein.

D. The Zoning Officer shall inspect any structure, building or sign within ten (10) days upon notification that the proposed work that was listed under the permit has been completed and if satisfied that the work is in conformity and compliance with the work listed in the issued permit and all other pertinent laws, he shall issue a certificate of use and occupancy for the intended use listed in the original application.

E. The certificate of use and occupancy, or a true copy thereof, shall be kept available for official inspection at all times.

F. Upon request of a holder of a building permit, the Zoning Officer may issue a temporary certificate of use and occupancy for a structure, building, sign, and/or land, or portion thereof, before the entire work covered by the permit shall have been completed, provided such portion or portions may be used and/or occupied safely prior to full completion of the work without endangering life or public
welfare. The Zoning Officer shall also issue a temporary certificate of use and occupancy for such temporary uses as tents, use of land for religious or other public or semipublic purposes and similar temporary use and/or occupancy. Such temporary certificates shall be for the period of time to be determined by the Zoning Officer, however, in no case for a period exceeding six (6) months.

G. A certificate of use and occupancy shall not be issued for structures and buildings located in subdivisions requiring improvement guarantees until the structure or building abuts either a roadway which has been accepted by the Township for dedication or abuts upon a street which has been paved with a base wearing course.

H. In commercial and industrial zones in which operation standards are imposed, no certificate of use and occupancy shall become permanent until thirty (30) days after the facilities are fully operational when, upon a reinspection by the Zoning Officer, it is determined that the facilities are in compliance with all operation standards.

§703. FEES.

1. **Determination.** The Board of Supervisors may, by resolution, establish fees for the administration of this Chapter. All fees shall be determined by a schedule that is made available to the general public. The Board of Supervisors may reevaluate the fee schedule and make necessary alterations to it. Such alterations shall not be considered an amendment to this Chapter and may be adopted at any public meeting of the Board of Supervisors.

§704. AMENDMENTS.

1. **Power of Amendment.** The Board of Supervisors may, from time to time, amend, supplement, change or repeal this Chapter, including the Official Zoning Map. Any amendment, supplement, change or repeal may be initiated by the Township Planning Commission, the Board of Supervisors or by a petition to the Board of Supervisors by an interested party.

2. **Hearing and Enactment Procedures for Zoning Amendments.**

   A. **Public Hearing.** Before hearing and enacting this Chapter and/or Zoning Map amendments, the Board of Supervisors shall conduct a public hearing to inform the general public of the nature of the amendment, and to obtain public comment. Such public hearing shall be conducted after public notice (as defined herein and listed below) has been given.

   B. **Public Notice.** Before conducting a public hearing, the Board of Supervisors shall
provide public notice as follows:

(1) Notice shall be published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days, and the second publication shall not be less than seven (7) days from the date of the hearing. Publication of the proposed amendment shall include either the full text thereof or the title and brief summary, prepared by the Township Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

(a) A copy of the full text shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.

(b) An attested copy of the proposed ordinance shall be filed in the County law library or other County office designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.

(2) For Zoning Map amendments, public notice shall also include the posting of a sign(s) at conspicuous locations along the perimeter of the subject property; these sign(s) shall be posted at least one (1) week prior to the hearing and will exhibit the nature, date, time and location of the hearing.

(3) For curative amendments, public notice shall also indicate that the validity of this Chapter and/or map is in question, and shall give the place where and the times when a copy of the request, including any plans, explanatory material or proposed amendments, may be examined by the public.

(4) If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

C. Enactment Notice. In addition to the public notice requirements defined herein, the Board of Supervisors must publish a reference to the time and place of the meeting at which passage of the ordinance or amendment will be considered, and a reference to a place within the Township where copies of the proposed ordinance or amendment may be examined without charge, or obtained for a charge not greater than the cost thereof. Enactment notice shall be published at least once in one (1) newspaper of general circulation in the Township not more than sixty (60) days nor less than seven (7) days prior to passage. The published content of the enactment notice shall be the same as that required for public notice.
described in the preceding subsection.

D. Township Planning Commission Referrals.

(1) For amendments proposed by parties other than the Township Planning Commission, the Board of Supervisors shall submit each amendment to the Township Planning Commission at least thirty (30) days prior to the public hearing on such amendment.

(2) A report of the review by the Township Planning Commission, together with any recommendations, may be given to the Board of Supervisors within thirty (30) days from the date of said referral. The recommendation of the Township Planning Commission may include a specific statement as to whether or not the proposed action is in accordance with the intent of this Chapter and any officially adopted Comprehensive Plan of the Township.

E. Chester County Planning Commission Referrals. All proposed amendments shall be submitted to the Chester County Planning Commission at least forty-five (45) days prior to the public hearing on such amendments. The Commission may submit recommendations to the Board of Supervisors; however, if the Chester County Planning Commission fails to act within forty-five (45) days, the Board of Supervisors may proceed without its recommendations.

F. Adjournment of Public Hearing. If during the public hearing process, the Board of Supervisors needs additional time to understand the proposal, inform the public, receive public comment and/or render a decision, it may adjourn the public hearing to a time and place certain.

G. Within thirty (30) days after enactment, a copy of the amendment to this Chapter shall be forwarded to the Chester County Planning Commission.

3. Amendments Initiated by the Township Planning Commission. When an amendment, supplement, change or repeal is initiated by the Township Planning Commission, the proposal shall be presented to the Board of Supervisors, which shall then proceed in the same manner as with a petition to the Board of Supervisors which has already been reviewed by the Township Planning Commission.

4. Amendment Initiated by the Board of Supervisors. When an amendment, supplement, change or repeal is initiated by the Board of Supervisors, such amendment, supplement, change or repeal shall follow the procedure prescribed for a petition under §704.

5. Amendment Initiated by a Petition from an Interested Party. A petition for amendment, supplement, change or repeal for a portion of this Chapter shall include an accurate legal description and surveyed plan of any land to be rezoned, and all of the reasons supporting the petition to be considered. The petition shall also be signed by at least one (1) record
owner of the property in question whose signature shall be notarized attesting to the truth and correctness of all the facts and information presented in the petition. A fee to be established by the Board of Supervisors shall be paid upon the filing of such petition for change and for the purpose of defraying the costs of the proceedings prescribed herein. The Board of Supervisors may require duplicate sets of petition materials.

6. **Curative Amendment by Landowner.** A landowner, who desires to challenge on substantive grounds the validity of this Chapter or the Official Zoning Map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the Board of Supervisors (including all of the reasons supporting the request to be considered) with a written request that his challenge and proposed amendment be heard and decided as provided in §§609.1 and 916.1 of the Act; as amended. The Board of Supervisors shall commence a hearing thereon within sixty (60) days of the request. The curative amendment shall be referred to the Township and Chester County Planning Commissions as provided for in §704 and public notice of the hearing shall be provided as defined herein.

A. In reviewing the curative amendment, the Board of Supervisors may deny the request, accept the request as submitted, or may adopt an alternative amendment which will cure the challenged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:

1. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.

2. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Chapter or map.

3. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, floodplains, aquifers, natural resources and other natural features.

4. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.

5. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

B. The Board of Supervisors shall render its decision within forty-five (45) days after the conclusion of the last hearing.
C. If the Board of Supervisors fails to act on the landowner's request within the time limits referred to in subsection (B), a denial of the request is deemed to have occurred on the forty-sixth (46th) day after the close of the last hearing.

D. Public notice of the hearing shall include notice that the validity of this Chapter or map is in question and shall give the place where and the times when a copy of the request, including any plans, explanatory material or proposed amendments, may be examined by the public.

E. The challenge shall be deemed denied when:

1. The Board of Supervisors fails to commence the hearing within sixty (60) days.

2. The Board of Supervisors notifies the landowner that it will not adopt the curative amendment.

3. The Board of Supervisors adopts another curative amendment which is unacceptable to the landowner.

4. The Board of Supervisors fails to act on the request forty-five (45) days after the close of the last hearing on the request, unless the time is extended by mutual consent by the landowner and Township.

F. Where, after the effective date of the Act, a curative amendment proposal is approved by the grant of a curative amendment application by the Board of Supervisors pursuant to this Section or a validity challenge is sustained by the Zoning Hearing Board pursuant to §605, or the court acts finally on appeal from denial of a curative amendment proposal or a validity challenge, and the proposal or challenge so approved requires a further application for subdivision or land development, the developer shall have two (2) years from the date of such approval to file an application for preliminary or tentative approval for a subdivision, land development or planned residential development. Within the two (2)-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. Upon the filing of the preliminary or tentative plan, the provisions of section 508 (4) of the Act shall apply.

G. Where the proposal appended to the curative amendment application or the validity challenge is approved but does not require further application under any subdivision or land development ordinance, the developer shall have one (1) year within which to file for a building permit. Within the one-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the
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rights of the applicant as granted in the curative amendment or the sustained validity challenge. During these protected periods, the court shall retain or assume jurisdiction for the purpose of awarding such supplemental relief as may be necessary.

7. Curative Amendment by the Board of Supervisors.

A. The Board of Supervisors, by formal action, may declare this Chapter or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal, the Board of Supervisors shall:

(1) By resolution, make specific findings setting forth the declared invalidity of the Chapter or portions thereof which may include:

(a) References to specific uses which are either not permitted or not permitted in sufficient quantity.

(b) References to a class of use or uses which require revision.

(c) References to the entire Chapter which requires revisions.

(2) Begin to prepare and consider a curative amendment to this Chapter to correct the declared invalidity.

B. Within one hundred eighty (180) days from the date of the declaration and proposal, the Board of Supervisors shall enact a curative amendment to validate or reaffirm the validity of this Chapter pursuant to the provisions required by §610 of the Act in order to cure the declared invalidity of this Chapter.

C. Upon the date of the declaration and proposal, the Board of Supervisors shall not be required to entertain or consider any curative amendment filed by a landowner. Nor shall the Zoning Hearing Board be required to give a report, upon request, for a challenge to the validity of this Chapter under §605 subsequent to the declaration and proposal, based upon the grounds identical to or substantially similar to those specified in the resolution required by this Section. Upon the enactment of a curative amendment to, or the reaffirmation of the validity of this Chapter, no rights to a cure by amendment or challenge shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning Ordinance for which the Board of Supervisors propose to prepare a curative amendment.

D. The Board of Supervisors, having utilized the procedures as set forth in this Section, may not again utilize said procedures for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of this Chapter; provided, however, that if after the date of declaration
and proposal there is a substantially new duty or obligation imposed upon the Township by virtue of a decision by any court of competent jurisdiction, the Board of Supervisors may utilize the provisions of this Section to prepare a curative amendment to this Chapter to fulfill this duty or obligation.

8. **Authentication of Official Zoning Map.** Whenever there has been a change in the boundary of a zone or a reclassification of the zone adopted in accordance with the above, the change on the Official Zoning Map shall be made, and shall be duly certified by the Township Secretary and shall thereafter be refiled as part of the permanent records of the Township.

§705. **CONDITIONAL USES.**

1. **Filing of Conditional Use.** Any conditional use must be obtained from the Board of Supervisors. In addition to the information required on the building permit application, the conditional use application must show:
   
   A. Ground floor plans and elevations of proposed structures.
   
   B. Names and addresses of adjoining property owners including properties directly across a public right-of-way.
   
   C. A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Chapter.
   
   D. A written description of the proposed use in sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Chapter.

2. **General Criteria.** Each applicant must demonstrate compliance with the following:

   A. The proposed use shall be consistent with the purpose and intent of this Chapter.
   
   B. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties.
   
   C. The proposed use will not effect a change in the character of the subject property's neighborhood.
   
   D. Adequate public facilities are available to serve the proposed use (e.g. schools, fire, police and ambulance protection, sewer, water and other utilities, vehicular access and etc.)
   
   E. For development within the Floodplain Zone, that the application complies with those requirements listed in the Official Floodplain Ordinance of Valley Township [Chapter 8].
The proposed use shall comply with those criteria specifically listed in Part 4 of this Chapter. In addition, the proposed use must comply with all other applicable regulations of this Chapter.

The proposed use will not substantially impair the integrity of the Township's Comprehensive Plan.

Conditions. The Board of Supervisors, in approving conditional use applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Chapter and be subject to the penalties described in this Part.

Any site plan presented in support of the conditional use pursuant to §705 shall become an official part of the record for said conditional use. Approval of any conditional use will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a building permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan shall require another conditional use approval.

Hearing Procedures.

Before voting on the approval of a conditional use, the Township Supervisors shall hold a public hearing thereon, pursuant to public notice. The Township Supervisors shall submit each such application to the Planning Commission at least thirty (30) days prior to the hearing on such application to provide the Planning Commission an opportunity to submit recommendations. If, after any public hearing held upon an application, the proposed application is revised, the Township Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the application.

All public hearings shall be conducted in accordance with the requirements outlined in §604 of this Chapter except that any reference to the "Zoning Hearing Board" shall be replaced with the "Township Supervisors," and any reference to "special exception" shall be replaced with "conditional use."

§706. MUNICIPAL EXCEPTION. All uses, structures, buildings and activities on land owned, leased or otherwise licensed by the Township are exempt from the regulations contained in this Chapter.