

ARTICLE 9 SUPPLEMENTAL REGULATIONS

Section 900 Purpose.

The purpose of this Article is to establish standards for specific uses that require special design considerations. These regulations are set forth to achieve compatibility with the principal uses permitted in a zoning district. These regulations shall apply to all zoning districts in which the particular use being regulated is permitted. It is the intent of the Township that, where these uses are permitted, they comply strictly with the standards that have been created to address their particular impacts and characteristics. The provisions for this Article shall apply in addition to any other applicable zoning regulations. In the case of an inconsistency between the provisions of this Article and any other Article of this Ordinance, the strictest provision shall apply.

Uses specifically regulated in this Article include the following:

- 901 Accessory Building or Structure
- 902 Accessory Use
- 903 Adaptive Reuse
- 904 Apartments Accessory to Non-residential Uses
- 905 Automobile Gasoline Service Station
- 906 Bed and Breakfast
- 907 Commercial Day Care Center
- 908 Continuing Care Retirement Community
- 909 Convenience Store
- 910 Drive-Through Service
- 911 Educational Use
- 912 Forestry
- 913 Funeral Home
- 914 Golf Club
- 915 Home Occupation (Home Based Business)
- 916 Hospital
- 917 Hotel/Motel/Inn
- 918 Multi-Family Building
- 919 Multi-Family Development
- 920 Outdoor Cafe
- 921 Place of Worship
- 922 Planned Commercial Shopping Center
- 923 Riding Academy or Stables
- 924 Sale of Agricultural Products
- 925 Veterinary Clinic
- 926 Accessory Dwelling Unit

Section 901 Accessory Building or Structure.

Accessory buildings or structures shall be permitted when in accordance with the standards set forth below:

- A.** Accessory buildings and structures shall not be located forward of the front line of the principal building or the front yard setback, whichever is greater.
- B.** Minimum setbacks for accessory buildings and structures shall be dependent upon the type of activity proposed as follows:
 - 1. Structures to Serve Active Outdoor Uses. Those structures serving active uses such as swimming, tennis, and riding rings shall not be located within the required minimum yard setbacks for the district the lot is located in.

- C. The floor area of accessory buildings and structures shall not exceed forty (40) percent of the principal building footprint.
- D. The following structures shall be permitted when incidental and subordinate to an existing residential use, and when located on the same lot or tract as the principal use:
 - 1. Flagpole.
 - 2. Private antenna or microwave dish, in accordance with the radio or television antenna provisions of this Ordinance.
 - 3. Signs associated with the occupants of a residence and home occupation.
- E. Any accessory building with a ground floor area exceeding five hundred square feet, whether used for active or passive uses, shall conform to the setback requirements for the principal structure.
- F. No accessory building or structure shall be erected, installed, or constructed prior to the issuance of the permits required by Section 1304 of this Ordinance.

Section 902 Accessory Use.

Accessory uses shall be permitted when in accordance with the standards set forth below:

A. Uses Accessory to Residential Use.

The following uses shall be permitted when incidental and subordinate to an existing residential use, and when located on the same lot or tract as the principal use:

- 1. Off-street parking.
- 2. Home occupation, as permitted in Section 915
- 3. Bed and Breakfast, as permitted by Section 906.
- 4. Keeping of farm animals and poultry as pets subject to the following provisions:
 - a. The lot housing large animals of six hundred (600) pounds or more shall have not more than one (1) large animal per two (2) acres.
 - b. Lots housing small farm animals or poultry shall have a minimum lot area of two (2) acres; such lots shall not have more than eight (8) small animals.
 - c. Stables and shelters shall be set back at least one hundred (100) feet from any property line. Uncovered manure storage shall be located at least one hundred (100) feet from any lot line or stream. No manure may be stored within a swale or drainage way, nor located so as to drain onto adjacent land.
- 5. Garage or Yard Sales.

Garage or yard sales shall be subject to the following provisions:

- a. Such uses shall be limited to occurrences of not more than four (4) times within one (1) calendar year. There shall be at least a thirty (30) day period between such occurrences and each occurrence shall last no more than three (3) consecutive days.

- b. Signs advertising garage or yard sales shall be posted no more than two (2) days prior to the first day of the sale and shall be removed on the final day of the sale. No more than two (2) off-premises signs shall be permitted to advertise the sale. Such signs shall only be placed with the permission of the applicable property owners.

6. Parking or Storage of Commercial Vehicles.

See Section 807.B.4.

7. Swimming pools shall be considered a permissible accessory use, subject to the following standards:

- a. A swimming pool constructed either aboveground or below-ground level designed to hold more than ten thousand (10,000) gallons of water installed after the effective date of this Ordinance shall require a permit issued by the Zoning Officer.
- b. The swimming pool shall meet accessory structure setback requirements in Section 901. All mechanical equipment for the purposes of filtering, heating, pumping, cleaning, filling, draining, or any other maintenance related activity shall meet the required side yard setbacks for the applicable district, and in no case shall be less than ten (10) feet from any property line.
- c. All swimming pools shall be completely enclosed by a by a permanent fence or wall at least four (4) feet in height with no openings larger than four (4) inches in width Any building or structure meeting the height and opening requirement may be included as part of the required enclosure. All gates and door openings through the enclosure shall be equipped with a self-closing and self-latching device for keeping the gate/door securely latched at all times when not in use.
- d. The provisions regulating fencing in subsection c, above, shall not apply having sides extending four (4) or more feet above grade on all sides, or being four (4) or more feet above grade, provided that the stairs, or other means of access to the pool, are removed when the pool is not in use.
- e. The pool is intended to be used solely for the enjoyment of the occupants of a principal use of the property on which it is located.
- f. The Zoning Officer shall issue the permit upon determining from plans or specifications presented by the applicant that the pool meets all requirements.

8. Other uses of similar character to those listed above.

B. Uses Accessory to Commercial and Industrial Uses.

The following uses shall be permitted when incidental and subordinate to an existing commercial use, and when located on the same lot or tract as the principal use:

1. Off-street parking facilities, in accordance with Article 10, Off-Street Parking and Loading.
2. Storage of materials, in accordance with Section 807, Outdoor Storage.
3. Signs in accordance with Article 11, Signs.
4. Day care may be permitted in conjunction with a commercial, office, or industrial use in accordance with the Commercial Day Care Center provisions in Section 907.

Section 903 Adaptive Reuse.

The adaptive reuse of an existing structure shall be permitted as a conditional use in the PBO and VB Districts, and shall be in accordance with the standards set forth below:

A. General Standards.

1. The reuse of an existing structure shall comply with the use requirements of the applicable zoning district. Area and bulk requirements may be modified through the conditional use process, as applicable, where the applicant has demonstrated sensitive restoration, including preservation of facades, rehabilitation using materials and design authentic and appropriate to the architecture, and preservation of the building mass as it appears from all public rights-of-way.
2. Every effort shall be made to maintain or restore the building or structure to its original architectural style and bulk. Additions shall compliment the existing architectural style and bulk of the structure and require approval by the Board of Supervisors.
3. Additional entrances, when required, shall be placed on the side or rear of the building to avoid disruption of the facade.
4. Every effort shall be made so that the proposed use is compatible with the adjacent properties and surrounding neighborhood.
5. Removal or alteration of distinctive stylistic and architectural features of the structure, which contribute to the character of the surrounding neighborhood, shall be avoided.
6. Deteriorated architectural features, which contribute to the character of the neighborhood, should be repaired rather than replaced. Where replacement of such features is necessary, the new material should match the material being replaced in composition, color, design, texture, and other visual qualities.
7. An application for adaptive reuse shall be accompanied by a floor plan including the following information:
 - a. Revisions and modifications to the interior and exterior of the existing structure(s).
 - b. Applicable information required for a Conditional Use.
 - c. Site and architectural plans for the adaptive reuse of said building shall be submitted, as applicable, together with an application for a conditional use, in accordance with the requirements of this Ordinance.
8. Unless clearly impractical or inappropriate, additional parking needed for adaptive reuse projects shall be located to the rear of the structure or where such parking is least visible from public streets and rights-of-way.

B. Adaptive Reuse for Professional Offices or Commercial Convenience Uses.

The following standards and criteria shall govern the design and review procedures for the adaptive reuse of buildings for professional office and commercial convenience uses for which conditional use approval is sought in accordance with the base zone of this Ordinance:

1. Use Opportunities:
 - a. Professional or Business office uses limited to: architects, physicians, engineers, lawyers, realtors, tax consultants, and similar professional businesses.

- b. Neighborhood Commercial uses, not to exceed five thousand (5,000) square feet of gross usable floor area and limited to the following:
 - 1) Retail Commercial Use for the sale of food, drugs, flowers, household goods, newspapers, stationary, art supplies, fine art, tobacco, and similar businesses.
 - 2) Personal Service Commercial Use limited to barber or beauty shops, tailor shop, photographic studios, shoe repair, and similar types of businesses.
- c. Public use, including a library, museum, or park facility.
- d. Bed and Breakfast, subject to the provisions of Section 906.
- e. Religious use, including church and parish house.
- f. Multi-family Building or Development, subject to the provisions of Sections 918 and 919.

Section 904 Apartments Accessory to Non-Residential Uses.

An apartment accessory to a non-residential use is an upper floor dwelling unit within a non-residential building, constituting a separate living area containing independent cooking and sleeping facilities for one (1) family, physically separated from any other dwelling unit, and located on the second (2nd) floor or higher above a separate non-residential use located in the same structure. The following standards apply to apartments accessory to non-residential uses:

- A. The dwelling units shall be clearly incidental to the principal non-residential use of the building.
- B. Parking requirements, in accordance with Article 10, shall be calculated for each use, but may be designated within a common parking lot.
- C. An apartment accessory to a non-residential use shall have independent access and no access to a residential dwelling unit shall be from the non-residential space below.
- D. The non-residential use of the building should not be a nuisance to the dwelling unit(s).

Section 905 Automobile Gasoline Service Station.

Gasoline and service stations shall be subject to the following regulations:

- A. The minimum tract area shall be thirty-thousand (30,000) square feet.
- B. Gasoline pumps or other service appliance installed in connection with any service station may be placed within the required front yard, but in no case closer than twenty-five (25) feet of any street right-of-way.
- C. Each gasoline pump shall be provided with a stacking area that can accommodate a minimum of two (2) cars. Islands that contain more than one (1) pump shall provide a minimum of two (2) spaces per each dispensing nozzle. For the purposes of this Ordinance, one (1) pump serves two (2) fueling positions.
- D. A service station must have adequate fire extinguishers, ample no-smoking signs posted, and any other safeguards deemed necessary for the public safety in accordance with the Pennsylvania State Fire Code and any other applicable state or federal regulations.
- E. Underground storage tanks shall comply with all applicable regulations of the EPA and the PaDEP, including notification and registration requirements. If warranted, as determined by the Township, the

applicant may be required to place tanks in a concrete vault, install other impervious lines, and/or install monitoring devices.

- F. All automotive parts, refuse, and similar articles shall be stored within a building or enclosed area screened from adjacent uses in accordance with Section 99-45.C, Article 11, of the Natural Resource Protection Ordinance, No. 370.06.
- G. All automotive repair or service activities, except those performed at fuel pumps, shall take place within a completely enclosed building.
- H. Vehicles waiting for repairs shall not be stored outside for more than ten (10) days. Junk vehicles may not be stored in the open at any time.
- I. Trash receptacles shall be provided outside for patron use, but shall be located next to the principal structure or at gasoline pump dispensers.
- J. A trash storage area shall be provided which is screened from the street and adjacent properties in accordance with Section 99-45.C, Article 11, of the Natural Resource Protection Ordinance, No. 370.06, to prevent trash from blowing from the area and to permit safe and easy trash removal.
- K. All gasoline pump dispensers shall be covered by a canopy and shall be illuminated only during non-daylight operating hours. Canopy lighting shall be located on the undersurface of the canopy and shall be limited to flush lens fixtures mounted on the canopy ceiling. Drop lens fixtures are prohibited. Up-lens lighting fixtures mounted on the canopy structure above the level of gas pumps area permitted if they have the effect of reducing glare from the lighting fixtures mounted on the canopy ceiling. Canopy height shall be limited to fourteen (14) feet, unless otherwise approved by conditional use. Such canopies shall be limited to fuel island canopies associated with an automotive gasoline or service station or in association with a convenience store.
- L. Screening and landscaping shall be in accordance with the applicable provisions within this Ordinance.

Section 906 Bed and Breakfast.

A Bed and Breakfast, permitted as a conditional use in all zoning districts, is an owner-occupied building designed, used and occupied as a single-family residence, having, as an accessory use therein, public lodging rooms and facilities for, and serving breakfast and afternoon tea prepared within the building to pre-registered transient guests, which meets the minimum requirement of this Ordinance, and shall be subject to the following regulations:

- A. The bed and breakfast shall be considered an accessory use and remain incidental and secondary to the principal use of the building as a dwelling.
- B. A bed and breakfast shall be located only within a building that meets one (1) of the following qualifications:
 - 1. A dwelling that is designated by the Easttown Township Open Space, Recreation and Environmental Resources Plan (see Map 5) or the Easttown Township Comprehensive Plan (see Map 6) as either a National Register Site or National Historic Landmark or considered a significant historic resource by the Township as listed on Map 6 of the Easttown Township Comprehensive Plan.
 - 2. The applicant can document to the satisfaction of the zoning officer that the dwelling that is more than one hundred (100) years old.

- C. The appearance of the building shall not be altered as to detract from its principal purpose as a residential structure, except for purposes of safety in meeting state and Township regulations. Fire escapes, external stairways, or additional external doors shall be located either to the side or rear of the residence.
- D. The number of guest rooms and baths for transient accommodation shall not exceed three (3) each in any building having a habitable floor area, as defined in this Section, of three-thousand (3,000) square feet or less. One (1) additional guest room may be added for each additional six hundred (600) square feet of habitable floor area up to a maximum total number of six (6) guest rooms. No guest rooms shall contain any cooking facilities. Food served to guests on the premises shall be limited to breakfast and afternoon tea and eating facilities shall be open only to guests registered at the Bed and Breakfast use.
- E. The minimum lot size shall be the minimum lot size for single-family detached dwellings in the respective districts. All area and bulk regulations and general regulations, except as provided otherwise in this Section, shall be those that apply to a single-family detached dwelling in the applicable zoning district.
- F. At a minimum, parking shall be provided as required by the minimum parking regulations of the applicable district; provided, however, that one (1) additional parking space shall be required for each guest room and for one (1) employee, if any. The minimum parking setback from an adjacent property line shall be twenty (20) feet, and, when four (4) or more guests and employee parking spaces are provided, the parking area shall be screened from direct view of any adjacent residential use by a completely planted visual barrier consisting of a double row of evergreen plantings with a minimum height of six (6) feet after the planting and placed no more than eight (8) feet apart. The required plantings shall be staggered so as to provide as complete a visual barrier as is possible.
- G. No more than one (1) employee shall be permitted to work on the premises at any time, and none shall be present between the hours of 11:00 pm and 6:00 am. Members of the owner's immediate family who are residents on the premises shall not be considered employees, whether or not paid.
- H. Notwithstanding anything contained in any of the applicable district regulations, any bed and breakfast containing four (4) or more guest rooms shall be served by public sewer. The adequacy of an on-site sewage system to handle increased flows resulting from the use of the property as a bed and breakfast containing three (3) or less guest rooms and the availability and adequacy of sufficient back-up area on the lot to accommodate the proposed use shall be certified by the Chester County Health Department or other regulatory authority having jurisdiction on the basis of an on-site inspection, or required improvements to the sewage system have been completed or are guaranteed.
- I. The requirements of all other applicable ordinances of the township, including but not limited to building, electrical, fire, and plumbing codes shall be met.
- J. No guest may be registered for a maximum continuous period in excess of seven (7) consecutive nights. The owner shall maintain a guest register and shall preserve registration records for a minimum of three (3) years. The register and all records shall be made available for inspection by the Zoning Officer or Codes Enforcement Officer at any time.
- K. Any meals provided and any amenities connected with the guest rooms, such as a swimming pool or tennis court, shall be solely for the use of the owner's family and the owner's registered guest.
- L. One (1) sign shall be permitted identifying the property as a bed and breakfast. The sign shall not exceed three (3) square feet in area, shall be set back a minimum of three (3) feet from the road right-of-way and shall contain no information other than identification of the premises as the named bed and breakfast.

- M.** Upon compliance with all of the requirements of this Section and other applicable codes and regulations, the Zoning Officer shall be authorized to issue a zoning permit which shall be valid for a period of one (1) year, unless sooner revoked for violation of any condition imposed by the Board of Supervisors, any misrepresentation of fact made to the Board of Supervisors, Zoning Officer or Codes Enforcement Officer in conjunction with the application, permit, and review process, or violation of this Section or any provision of this Ordinance. Within thirty (30) days prior to the expiration of any such permit, the property owner shall make application for renewal of the permit to the Zoning Officer, who shall as a condition of issuance of such renewal, make an inspection of the premises for which the permit is sought to determine continued compliance with this Ordinance. In the event that the Zoning Officer determines that a violation exists, the permit shall not be renewed until the violation is cured.
- N.** Upon non-renewal or revocation of the zoning permit for cause shown, the use of the premises as a bed and breakfast shall immediately cease, and continuation thereof shall subject the owner to the penalty provisions of this Ordinance and/or such other legal action as the Township shall determine necessary.
- O.** For purposes of this Section the following definitions shall apply:
1. **Habitable Floor Area.** The sum of the area of the several floors of the residence measured from the face of the interior walls, excluding basement space, elevator shafts, stairwells, attic space, roof, terraces, exterior balconies, breezeways or porches, space devoted to heating, air conditioning or other mechanical equipment and any space located in an accessory building or structure.
 2. **Owner.** An adult individual, sui juris, but not a corporation, partnership or other legal entity, limited as follows:
 - a. In the case of a single owner: ownership of one hundred (100) percent of the fee interest in the property.
 - b. In the case of a husband and wife: their ownership of one hundred percent (100) of the fee interest in the property, whether actually occupied by one (1) or both.
 - c. In the case of a joint tenancy or tenancy in common: ownership of one hundred (100) percent of the fee interest in the property by no more than two (2) co-tenants, each owning an equal and undivided interest therein.

Section 907 Commercial Day Care Center.

Commercial facilities where daytime supervision is provided for the care of children or adults, not related to the caregiver or operator, and where the child or adult care area is not part of a family residence. Commercial day care centers must be licensed or approved to provide services as required by the Commonwealth of Pennsylvania and shall be subject to the following regulations:

- A.** A commercial child day care center shall be permitted when in accordance with the following standards:
1. Prior to issuing of a permit by the Zoning Officer, the applicant shall have received and hold all pertinent approvals and licenses from appropriate federal, State, or County agencies as a condition of permit approval and continuation.
 2. 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 Township's issuing of permits, that these requirements have been met. In addition, an outdoor play area shall be provided according to the following:

- a. The outdoor recreation area shall be located to the rear or side of the building.
 - b. The outdoor recreation area shall be enclosed by a fence suitable to restrict children to the play area and fencing shall be a minimum of five (5) feet in height.
 - c. The outdoor recreation area shall not include driveways, parking areas, or any other area unsuited to active recreation.
 - d. The outdoor recreation shall be on the same site as the principal structure.
 - e. Outdoor recreation areas shall be sufficiently screened as to protect residential areas from disturbance.
 - f. Outdoor recreation areas shall be limited to daylight hours.
3. Off-street parking and passenger loading and unloading spaces shall be provided in accordance with this Ordinance and shall be so designed to prevent interference with traffic flow on any adjacent street or road.
 4. Child drop-off areas shall be designed to eliminate the need for pedestrians to cross traffic lanes within or adjacent to the site.
- B.** A commercial adult day care center shall be permitted when in accordance with the following standards:
1. Prior to issuing of a zoning permit by the Zoning Officer, the applicant shall have received and hold all pertinent approvals and licenses from appropriate Federal, State, or County agencies as a condition of permit approval and continuation.
 2. A minimum indoor recreation area of five hundred (500) total square feet or seventy-five (75) square feet per adult, whichever is greater, shall be provided.
 3. Off-street parking and passenger loading and unloading spaces shall be provided in accordance with this Ordinance and shall be so designed to prevent interference with traffic flow on any adjacent street or road.

Section 908 Continuing Care Retirement Community (CCRC)

A continuing care retirement community (CCRC) is a residential complex design permitted as a conditional use in the PBO District that offers several levels of assistance, including independent living, assisted living and nursing home care. It is different from other housing and care facilities for seniors because it usually provides a written agreement or long-term contract between the resident (frequently lasting the term of the resident's lifetime) and the community which offers a continuum of housing, services and health care system, commonly all on one campus or site. (from ALFA) Such facilities shall be operated for adults, generally fifty-five (55) years old or older, that may include one or any combination of an independent living facility, assisted living facility, or nursing home, as follows:

- A.** The tract of land on which the use is conducted shall, in its entirety, be owned and operated under single or common management.
- B.** The minimum tract size shall be two (2) acres.
- C.** All continuing care retirement communities shall have a maximum gross density of eight (8) units per acre.

- D. The residents shall be at least fifty-five (55) years of age, except that the spouses of residents may be less than fifty-five (5) years old, and except that residents of younger age may be permitted if they need such care because of physical disabilities.
- E. Location, design and layout of buildings containing dwelling units shall be so designed to ensure open space and privacy between units.
- F. Wheelchair access (42 U.S.C Section 12101, et seq. of 1990) to all dwelling units and community facilities, in accordance with the Americans with Disabilities Act, shall be provided in the design of structures, pedestrian walkways, and parking lots. Where practical and desirable, buildings shall be interconnected by means of covered or enclosed walkways.
- G. The following accessory support uses shall be permitted for any CCRC, only when specifically for the use of the members or residents of the facility:
1. Indoor and outdoor recreational facilities including auditoriums, activity rooms, craft rooms, libraries, lounges, and similar recreational facilities for members of the continuing care retirement community.
 2. Dining facilities.
 3. Office and retail service facilities designed and adequate to serve only the members of the community, including, but not limited to: pharmacy, gift shop, coffee shop, bank, beauty shop, and barber shop.
 4. Accessory medical offices, nursing, and convalescent facilities limited to residents of the facility for temporary care and not operating as the principal office of any medical practice serving the general public.
 5. Commercial Day Care Center.
- H. A continuing care retirement community shall follow the requirements for Multi-Family Development, Section 918 herein, in addition to the requirements of this Section, however the requirements of Section 918 shall prevail when there is conflict between the requirements.
- I. Outdoor sitting areas shall be provided within the required open space, which shall be landscaped and shall not be located adjacent to parking lots, detention basins, or collector or arterial streets unless adequate screening is provided. Sitting areas shall not be located on slopes of over five (5) percent grade.
- J. A minimum of twenty (20) percent of the land reserved for recreational area. Maintenance of these areas shall be the responsibility of the common management.
- K. The proposed use shall obtain all applicable state and federal permits, licenses, and certificate of need, as applicable to the proposed use, as well as conditional use approval, prior to the issuance of a Zoning Permit.
- L. Continuing Care Retirement Communities are explicitly prohibited within floodplain areas in accordance with Section 99-13.C.8.b, Article 3, of the Natural Resource Protection Ordinance, No. 370.06 as incorporated by reference in Article 7 of this Ordinance.

Section 909 Convenience Store.

Convenience stores shall be subject to the following regulations:

- A. Trash receptacles shall be provided immediately outside of the convenience store for patron use, but shall not be located near any adjacent residential properties.
- B. A trash storage area shall be provided which shall be screened from the street and adjacent properties in accordance with Section 99-45.C, Article 11, of the Natural Resource Protection Ordinance, No. 370.06 to prevent trash from blowing from the area and to permit safe and easy trash removal.
- C. Where applicable, the sale of gasoline in conjunction with a convenience store shall conform to the applicable regulations of Section 905.

Section 910 Drive-Through Service.

An establishment where by design, physical facilities, services, or packaging procedures, encourages or permits customers to receive services, or obtain goods while remaining in their vehicles. Such use shall include any establishment for the sale and consumption of food and beverages, any establishment providing banking services or other services in which there is a drive-through window, and shall comply with the following provisions:

- A. Drive through service shall be permitted in the PBO and VB zoning districts. In such cases, there shall only be one (1) point of ingress and one (1) point of egress to a collector or arterial street as defined by the Township Comprehensive Plan of 2001, as amended.
- B. The minimum tract size shall be one half (1/2) acre.
- C. Communication devices shall not be audible on adjacent residential properties.
- D. Drive-through service windows shall have a cartway that has a dedicated area for conducting business, a vehicle-stacking lane that can accommodate a minimum of four (4) cars for those waiting to conduct business, and an area for departing vehicles. The stacking lane shall not be used for parking lot circulation aisles or in any way conflict with parking or circulation. The stacking lane shall be clearly marked to distinguish it from other traffic.
- E. When a use with drive-through service is adjacent to or on the same lot as other commercial establishments, it shall use a common access with the other establishments and not have a separate entrance to the street.

Section 911 Educational Use (Non-Profit and Commercial).

Educational uses shall be permitted in the AA zoning district, when in accordance with the following standards:

- A. A non-profit public or private school (one which is not conducted as a private gainful business) and is licensed under the proper governmental authority shall be subject to the following provisions:
 - 1. Access shall be taken from a major or minor collector or a minor arterial as defined by the Township Comprehensive Plan, as amended.
 - 2. The minimum required tract size shall be two (2) acres.

4. Outdoor play or recreation areas adjacent to a residential use or district shall be a minimum of fifty (50) feet from side and rear property lines and shall be sufficiently screened to minimize disturbance of residential areas. Outdoor play or recreation areas adjacent to a non-residential use or district shall be a minimum of twenty-five (25) feet from side and rear property lines.
- B. A commercial (for-profit) school, including trade or professional schools and art, music, or dancing schools shall not be permitted in residential zoning districts. The minimum required lot size shall be that of the underlying district.
- C. Educational uses shall be served by public sewage facilities.
- D. Where such facilities abut a residential property or residential zoning district, the hours of operation shall be limited to 7:00 AM to 6:00 PM in order to not interfere with residential uses.

Section 912 Forestry.

Requirements for Forestry are located in the Natural Resource Protection Ordinance.

Section 913 Funeral Home.

A funeral home is a building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation, and shall comply with the following:

- A. The minimum lot area shall be one (1) acre.
- B. The hours of operation and the parking shall not interfere with the use of neighboring properties.

Section 914 Golf Club

A Golf Club is permitted as a special exception in the AA District, in accordance with the following:

- A. The minimal Lot size for a golf club or similar use shall be one hundred fifty (150) acres.
- B. A gold club is permitted only as a non-profit club.

Section 915 Home Occupation

A. Determination of Classification.

There shall be two (2) categories of home occupations: minor (no-impact home based business) and major. Such uses shall be permitted when in accordance with the following standards. The Zoning Officer shall determine whether a proposed home occupation is major, minor, or prohibited.

1. Issuing of Permit.

All home occupations, whether minor or major, shall be required to obtain a zoning permit for a home occupation from the Township office and submit the permit to the Zoning Officer to obtain approval before such use may be permitted to operate. The applicant shall be responsible for supplying such information as deemed necessary by the Zoning Officer to make this determination. Upon receipt, the Zoning Officer shall determine whether the permit is a minor, major, or prohibited home occupation within fourteen (14) working days and shall inform the applicant of the determination in writing as follows:

- a. Upon determination that the proposed use is a minor home occupation and is in conformance with the requirements of this Ordinance, the Zoning Officer shall issue a zoning permit for a home occupation.
- b. Where the Zoning Officer determines that the proposed use is a major home occupation, the use shall require review and approval by the Zoning Hearing Board in accordance with the provisions of a Special Exception in Article 15 and the criteria of this Section. The Zoning Hearing Board may attach such reasonable conditions and safeguards, as it deems necessary to implement the purposes of this Ordinance. Following approval, the Zoning Officer shall issue a zoning permit.
- c. When the application for a zoning permit for a home occupation is found to be a prohibited home occupation as per subsection E, below, the Zoning Officer shall inform the applicant of the reasons why the application does not comply with this Ordinance.

2. Permit Limitation.

- a. A zoning permit for a home occupation shall not be transferable to another property or to another type of home occupation. The permit issued shall only be valid for the use and on the property for which it was originally issued.
- b. An approved zoning permit for a home occupation shall be valid for a period of one (1) year, unless sooner revoked for violation of any condition imposed by the Zoning Hearing Board, any misrepresentation of fact made to the Zoning Hearing Board, Zoning Officer or Codes Enforcement Officer in conjunction with the application, permit, and review process, or violation of this Section or any provision of this Ordinance. Within thirty (30) days prior to the expiration of any such permit, the property owner shall make application for renewal of the permit to the Zoning Officer, who shall as a condition of issuance of such renewal, make an inspection of the premises for which the permit is sought to determine continued compliance with this Ordinance. In the event that the Zoning Officer determines that a violation exists, the permit shall not be renewed until the violation is cured.
- c. Upon non-renewal or revocation of the zoning permit for cause shown, the use of the premises as a home occupation shall immediately cease, and continuation thereof shall subject the owner to the penalty provisions of this Ordinance and/or such other legal action as the Township shall determine necessary.

B. General Standards Applicable to all Home Occupations.

The following standards shall apply to all home occupations, whether minor or major:

1. A home occupation shall be conducted within the principal structure on a lot that is the residence of and under the ownership of the principal practitioner. The home occupation shall be carried on wholly indoors.
2. All applicants shall be required to obtain a zoning permit in accordance with the requirements of subsection A above, at least thirty (30) days prior to beginning operation of the use.
3. The appearance of the residential structure shall not be altered or the occupation be conducted in such a manner which would cause the premises to differ from its residential character by the use of materials, construction, lighting, show windows, signs, or advertising visible outside the premises to attract customers or clients, other than those signs permitted by this Ordinance. No interior display of goods shall be visible from the outside.
4. The storage of commercial vehicles shall comply with the provisions of Section 807.B.4.

5. There shall be no exterior storage of materials or refuse resulting from the operation of the home occupation.
6. No equipment or process shall be used in a home occupation, which creates noise, vibration, glare, fumes, odors, dust, or electrical interference detectable to normal senses beyond the property line in excess of levels customarily generated, by a residential use.
7. There shall be no storage or use upon the premises of toxic, explosive, polluting, dangerous, or other substances defined as hazardous by the Pennsylvania Department of Environmental Protection.

C. Minor Home Occupation Standards (No-Impact Home Based Business).

A minor home occupation is 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. Minor home occupations shall comply with the following additional standard and shall be permitted by right in all residential districts. All other home occupations shall be defined as major.

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
2. The use shall employ no employees other than the inhabitants of 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 exterior indication 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 interference, including interference with radio or televisions 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.
9. Commercial delivery and pick-up of goods and supplies is limited to no more than once a week, exclusive of normal postal and parcel service typically serving a residential district.

D. Major Home Occupation Standards.

A home occupation that cannot meet one (1) or more of the criteria listed in subsection C, above, shall be defined as a "Major Home Occupation". Major home occupations shall be permitted by special exception in the AA, R-1, R-2, R-3, and R-4 residential districts when other applicable criteria of this Ordinance can be met and shall meet the following regulations:

1. The total area used for a major home occupation shall not exceed eight hundred (800) square feet or twenty-five (25) percent of the floor area of the principal residential structure existing as of the effective date of this ordinance, whichever is less.

2. No more than one (1) person, other than resident members of the immediate family may be employed or subcontracted at the residence.
3. No more than two (2) clients at any given time are permitted to be visiting the premises to conduct business on the premises related to the Major Home Occupation.
4. No articles shall be sold or offered for sale on-site, except those produced on the premises. Such sales shall have the prior approval of the Zoning Hearing Board.
5. Where employees or customer visits are anticipated, off-street parking shall be provided in sufficient capacity to prevent interference with normal residential parking in the neighborhood. Off-street parking, inclusive of required residential parking, shall not exceed five (5) spaces and shall be lighted to provide safe passage.
6. Beauty parlors and barbershops may be permitted as a major home occupation, provided that no more than two (2) stylist or barber chairs are provided and all applicable provisions of state law and licensing and this Ordinance are met.
7. Instructional services may be permitted as a major home occupation, provided that a maximum of two (2) musical students may be instructed at any given time. Non-music instruction shall be limited to no more four (4) students at any given time and no more than two (2) trips per hour.
8. No more than one (1) sign shall be permitted per property providing that it is no larger than two (2) square feet. It shall not be illuminated, animated, or placed in a window. See Section 1104.A.
9. Home Day Care.

Home day care is a major home occupation in which a private residence is used for the care and supervision of between four (4) and six (6) children or adults, not related to the caregiver. (Day care provided for more than six (6) children is considered a "commercial day care center" for the purposes of this Ordinance and is not permitted in residential districts. Care provided to three (3) or fewer children is considered "baby-sitting" and is not formally regulated.) When in compliance with the provisions outlined below and all applicable requirements of state law and licensing and this Ordinance, home day care shall be permitted as a major home occupation:

- a. The minimum lot area for this use shall be one (1) acre.
- b. Home day care uses shall only be permitted as an accessory use in a single family detached dwelling.
- c. There shall be no alterations to exterior facades of residential structures to accommodate accessory day care facilities in a residential district, except for safety purposes which shall be confined to rear or side walls not visible from any public right-of-way.
- d. For home day care intended for children, a minimum outdoor play area of one hundred (100) square feet of contiguous play area shall be provided for each child. The outdoor play area shall be located to the side or rear of the property.
- e. The outdoor play area shall be enclosed by a suitable fence with a minimum height of four (4) feet or other barrier suitable to prevent children from crossing. This requirement shall also apply to adult home day care where outdoor sitting areas are provided for the use of clients.
- f. In addition to the off-street parking required for a single-family home, at least one (1) additional space is required for each non-resident employee. There shall be sufficient area on the lot to accommodate the pick-up and drop-off of children without interference with local traffic.

- g. Prior to approval of the use and issuing of a zoning permit by the Zoning Officer, the applicant shall secure all pertinent approvals and registration certificates from appropriate state or county agencies as a condition of permit approval and continuation.

E. Prohibited Home Occupation.

The following uses shall not be permitted as a home occupation under any conditions:

1. Those home occupations, which cannot meet the criteria of subsections C and D, above.
2. The following uses are prohibited as home occupations and shall be classified as commercial uses:
 - a. Animal Hospital, Animal Shelter, or Veterinary Office.
 - b. Kennel, Commercial Kennel, or Commercial Stable.
 - c. Funeral Parlor or Undertaking Establishment.
 - d. Restaurant.
 - e. Medical or Dental Clinic (two (2) or more doctors or dentists).
 - f. Gift or Antique Shop.
 - g. Rental Business.
 - h. Furniture Stripping.
 - i. Auto or Small Engine Repair.
 - j. Painting of Vehicles, Trailers, or Boats.
 - k. Private School with organized classes.
 - l. Welding shop.
 - m. Other uses of similar character to those listed above.

Section 916 Hospital.

A hospital shall be permitted when in accordance with the following standards:

- A. The minimum lot area for a hospital shall be ten (10) acres.
- B. The principal access to a hospital shall be directly from an arterial or major collector road as designated by the Township Comprehensive Plan. Access to roads shall be a minimum of forty (40) feet from the intersection of any street.
- C. All buildings and structures shall be set back a minimum of one hundred (100) feet from any property line. Where the use adjoins existing residential uses, care shall be taken to locate emergency and service entrances where they are not objectionable to adjoining neighbors.
- D. The following uses are permitted within a hospital complex when designed as an integral part of the hospital:
 1. Medical treatment facility.
 2. Rehabilitation facility.
 3. Hospital administrative offices.
 4. Accessory maintenance facility.
 5. Pharmacy or laboratory.
 6. Snack and restaurant facilities.
 7. Gift shop.
- E. Hospitals are explicitly prohibited within floodplain areas in accordance with Section 99-13.C.8.a, Article 3, of the Natural Resource Protection Ordinance, No. 370.06 as incorporated by reference in Article 7 of this Ordinance.

Section 917 Hotel, Motel, or Inn.

Hotel, motel, or inn facilities shall be permitted when in accordance with the following standards:

- A. The minimum lot area shall be two (2) acres, provided there is a minimum of four thousand (4,000) square feet of lot area per rental unit.
- B. A minimum of twenty (20) percent of the tract shall be permanently retained in landscaping.
- C. The principal access to a hotel, motel, or inn shall be directly from an arterial road as designated in the Township Comprehensive Plan.
- D. Access points shall be limited to two (2).
- E. Each unit shall include private bathroom facilities.
- F. On each lot, one apartment may be provided for a resident owner, manager, or other responsible staff person.
- G. No building shall be closer than twenty-five (25) feet from a property line.
- H. The following accessory uses are permitted within an application when designed as an integral part of a hotel, motel, or inn:
 1. Lodging facilities.
 2. Dining facilities.
 3. Conference and meeting facilities.
 4. Recreation facilities.
 5. Gift shop.
 6. Accessory maintenance facilities.

Section 918 Multi-Family Building.

Multi-family use shall be divided into two (2) categories: multi-family building that involves one (1) single structure, and multi-family development that involves a complex of structures. The following standards shall apply to multi-family buildings:

A. Use Regulations.

A multi-family use may consist of a building on a lot to be used or occupied for any of the following purposes, as a use By-Right, and no other:

1. Apartment house.
2. Quadruplex.
3. Garden Apartments.
4. Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses. The term "accessory use" shall not include a business, but may include:

- a. Parking garage or off-street parking lot or area.
- b. Recreational facilities available for use only by residents of the building and their guests.

B. Site Development Standards.

The following site development standards shall apply to multi-family buildings:

1. Minimum Lot Area. A lot to be developed pursuant to this section shall be not less than twenty-two thousand (22,000) square feet.
2. Density. There shall be a density of not more than eight (8) dwelling units per acre.
3. Building Coverage and Impervious Surface. Coverage of the tract by principal and accessory buildings shall not exceed thirty-five (35) percent of the net lot area, and combined building coverage and paved areas for automobile parking, pedestrian use, and accessory use (impervious surface) shall not exceed sixty-five (65) percent of the net lot area.
4. Open Space. All Multi-Family buildings shall have a minimum of twenty (20) percent of the land reserved for open space areas, and the following provisions shall apply:
 - a. Open space areas shall be free of obstructions, including watercourses, floodplains, steep slopes, and wetlands or their associated buffers as required by the Natural Resource Protection Ordinance.
 - b. Open space areas shall be unpaved and primarily consist of an open grassed area including appropriate trees, bushes, and other vegetation. Such an area shall be contiguous, and shall be setback a minimum of ten (10) feet from any residential uses or residential accessory uses, and shall be a minimum of twenty-five (25) feet in width.
 - c. Open space areas shall not be located within or be included in calculating any required buffer area or setback areas.
 - d. Open space areas shall be substantially free of structures, except those designed for recreational purposes, and shall be usable as such.
 - e. Open space areas shall not contain any required above ground stormwater facilities, required parking islands, or required parking buffer areas.
 - f. Open space areas shall be located and designed so as to be easily accessible by all residents of the Multi-Family building and shall not be part of any private outdoor living area.
 - g. When an open space area is designed for active recreation and abuts a public street, it shall be fenced, provided with an earthen berm, or combination thereof, that physically separates it from the street. Appropriate landscaping should be considered in conjunction with such fence, earthen berm, or combination thereof.
 - h. Maintenance of open space areas shall be the responsibility of the landowners', homeowners', or condominium owners' association.
 - i. Failure to maintain any open space areas shall constitute a violation of this Ordinance and shall be actionable by the Township, as per the applicable requirements of subsection H, below.

C. Setback Requirements.

1. No building containing or constructed to contain a multi-family use shall be located closer than twenty-five (25) feet to any adjoining single-family residence district.
2. No parking area shall be located closer than one hundred twenty-five (25) feet to any adjoining single-family residence district.
3. No interior street whether public or private shall be located so as to have a pavement edge closer than twenty-five (25) feet to any adjoining single family residence district.

D. General Development Standards.

The following site development standards shall apply in all multi-family uses under this Section:

1. Height. No building shall exceed thirty-five (35) feet in height.
2. Building Length. No building shall exceed one hundred and sixty (160) feet as its greatest dimension in length or depth.

E. Off-Street Parking and Vehicular Circulation Standards.

Streets and parking lots should be planned to minimize their adverse impacts on adjoining properties. Buffers should be provided in accordance with Section 918.H.

1. Minimum Distances Between Streets, Parking Lots, and Residential Buildings.
 - a. Streets and residential buildings: (measured from pavement to exterior building walls) ten (10) feet.
 - b. Parking lots and residential buildings: ten (10) feet.
2. Design of Streets and Parking Lots.
 - a. The sizes of parking lots should be harmonious with residential living environments. Large parking areas should be avoided.
 - b. Parking lots for more than twenty (20) cars shall include planted areas within such parking lots. A minimum of one hundred (100) square feet of planting area shall be provided for the first twenty (20) parking spaces, plus one hundred (100) square feet of planting area for each 10 additional parking spaces, on a pro rata basis.
 - c. Parking lots shall be designed so that not more than ten (10) parking spaces are placed in a continuous row without intervening planting area of at least one hundred (100) square feet.
 - d. All planting areas proposed for street rights-of-way and parking lots shall be in conformance with Article 11 of the Natural Resources Protection Ordinance, as incorporated by reference in Section 804 of this Ordinance.
 - e. Streets and parking areas shall be designed to permit safe movement of automobiles, emergency vehicles, moving vans and trash trucks.
 - f. Streets and parking areas shall be designed with consideration given to plowing and piling of snow.

F. Pedestrian Circulation.

Pedestrian circulation shall be addressed by all applications for multi-family use. The application shall indicate the locations, dimensions, and materials to be used in providing for adequate pedestrian circulation in the proposed use for the following:

1. Provision of safe and adequate pedestrian movement in crossing of streets and parking areas.

2. Provision of safe and adequate pedestrian routes to individual residences, with consideration given to privacy requirements of all residences.
3. Specific provisions for school children and safe locations for school bus stops.
4. Provisions for safe and adequate access between public transportation facilities and the proposed use, if appropriate.
5. Multiple uses of pedestrian routes for recreation purposes including, when appropriate, provisions for leisure time walking, jogging and bicycling
6. Aesthetic considerations to the alignments and materials used in construction pedestrian routes.
7. Maintenance considerations of the alignments and materials used in construction pedestrian routes.
8. Compliance with other regulations.
 - a. With all applicable provisions of the Subdivision and Land Development Ordinance pertaining to curbing, walkway dimensions and related matters.
 - b. See Article 11, Landscaping, in the Natural Resources Protection Ordinance.

G. Solid Waste Storage and Collection.

1. A plan for the storage and collection of trash, garbage and rubbish shall be submitted as part of the application for a multi-family use, indicating methods and proposed locations for the storage and collection of all solid wastes.
2. The plan shall be prepared with full consideration given to health, safety and welfare of individual residents of the proposed use as well as adjoining property owners.
3. If common solid waste storage and collection points are proposed, a roofed structure with walls on at least two (2) sides must be provided. Such structures must be architecturally harmonious with other buildings in the proposed use and shall be considered as accessory buildings that shall meet all requirements for such structures as set forth in this Ordinance and the Subdivision and Land Development Ordinance.

H. Landscape Architecture Regulations.

Landscape Architecture. A landscape plan prepared by a registered landscape architect shall be required. See Article 11, Landscaping, of the Natural Resource Protection Ordinance.

Section 919 Multi-Family Development.

Multi-family use shall be divided into two (2) categories: multi-family building that involves one (1) single structure, and multi-family development that involves a complex of structures. The following standards shall apply to multi-family developments:

A. Use Regulations.

A multi-family development may consist of a unified group of two (2) or more buildings on a lot to be used or occupied for any of the following purposes and no other:

1. Apartment house or apartment development.
2. Town house development.
3. Quadruplex or Quadruplex cluster.
4. Accessory use on the same lot with and customarily incidental to the foregoing permitted use. The term "accessory use" shall not include a business, except as permitted below where such use is located within an multi-family development, and may include:
 - a. Parking garage or off-street parking lot or area.
 - b. In conjunction with a permitted multi-family development, an accessory office or commercial use such as a restaurant, personal service shop, drug store, or similar retail store, or a public garage operation, may be permitted, provided:
 - 1) Each such accessory use is conducted entirely within a building constructed as a part of a multi-family development primarily housing residential uses and is located on the ground floor.
 - 2) The total area devoted to business use shall not exceed ten (10) percent of the total floor area of the building in which located, excluding basement and garage.
 - 3) The net floor area of any one (1) store, shop or similar use, except in the case of an office or restaurant, shall not exceed one thousand five hundred (1,500) square feet.
 - c. Recreational facilities available for use only by residents of the development and their guests. Permitted accessory structures within designated open space areas shall be limited to perimeter fences and decks, patios, and swimming pools.
 - 1) Such accessory uses shall be located no closer to the street or street right-of-way line on which the associated building fronts than a line parallel to and coincident with the rear facade of the building, extended to its points of intersection with the side boundaries of the lot or open space area.
 - 2) Such accessory uses shall not be less than twenty (20) feet from any other building or accessory structure located on any other lot or open space area.

B. Site Development Standards.

The following site development standards shall apply to multi-family developments:

1. Minimum Lot Area. A lot to be developed pursuant to this Section shall be not less than one (1) acre in size.
2. Density. There shall be a density of not more than eight (8) dwelling units per acre.

3. **Building Coverage and Impervious Surface.** Coverage of the tract by principal and accessory buildings shall not exceed thirty-five (35) percent of the net acreage, and combined building coverage and paved areas for automobile parking, pedestrian use, and accessory use (impervious surface) shall not exceed sixty-five (65) percent of the net acreage.
4. **Open Space.** All multi-family developments shall have a minimum of twenty (20) percent of the land reserved for open space areas, and the following provisions shall apply:
 - a. Open space areas shall be free of obstructions, including watercourses, floodplains, steep slopes, and wetlands or their associated buffers as required by the Natural Resource Protection Ordinance.
 - b. Open space areas shall be unpaved and primarily consist of an open grassed area including appropriate trees, bushes, and other vegetation. Such an area shall be contiguous, and shall be setback a minimum of ten (10) feet from any residential uses or residential accessory uses, and shall be a minimum of twenty-five (25) feet in width.
 - c. Open space areas shall not be located within or be included in calculating any required buffer area or setback areas.
 - d. Open space areas shall be substantially free of structures, except those designed for recreational purposes, and shall be usable as such.
 - e. Open space areas shall not contain any required above ground stormwater facilities, required parking islands, or required parking buffer areas.
 - f. Open space areas shall be located and designed so as to be easily accessible by all residents of the multi-family dwelling development and shall not be part of any private outdoor living area.
 - g. When an open space area is designed for active recreation and abuts a public street, it shall be fenced, provided with an earthen berm, or combination thereof, that physically separates it from the street. Appropriate landscaping should be considered in conjunction with such fence, earthen berm, or combination thereof.
 - h. Maintenance of open space areas shall be the responsibility of the landowners', homeowners', or condominium owners' association.
 - i. Failure to maintain any open space areas shall constitute a violation of this Ordinance and shall be actionable by the Township, as per the applicable requirements of subsection H, below.

C. Setback Requirements.

1. No principal building or group of town houses or other multi-family structure shall be located closer than fifty (50) feet to any adjoining single-family residence district.
2. No accessory structure or parking area shall be located closer than twenty-five (25) feet to any adjoining single-family residence district.
3. No interior street whether public or private shall be located so as to have a pavement edge closer than twenty-five (25) feet to any adjoining single family residence district.

D. General Development Standards.

The following site development standards shall apply in all multi-family developments under this Section:

1. **Building Separation.** The minimum distance between separate buildings shall be as follows:
 - a. Between front or facing walls (long walls) forty-five (45) feet if both walls provide windows.
 - b. Where walls do not face each other for any of the distance of either wall or for end walls (short walls), twenty-five (25) feet.
2. **Building Dimensions.**
 - a. Height. No building shall exceed thirty-five (35) feet in height. No accessory building shall exceed twenty (20) feet in height.
 - b. Building Length. No building or building group such as a town house group shall exceed one hundred and sixty (160) feet as its greatest dimension in length or depth. No town house group shall consist of more than eight (8) dwelling units.
 - c. Offsets. No more than eight (8) town house dwelling units shall be attached in a single group. No more than two (2) contiguous units in any group may be constructed in line and each unit shall have at least one (1) plan element on any floor which projects or recedes within the wall plane of the facade a minimum dimension of two (2) feet.

E. Off-Street Parking and Vehicular Circulation Standards.

1. **General Guidelines.**
 - a. A street and parking lot circulation plan shall be prepared indicating vehicular movement patterns and expected peak hour traffic volumes. Proposed streets shall be classified according to classifications indicated in the Township's Zoning Ordinance and Subdivision and Land Development Ordinance.
 - b. Streets and parking lots shall be planned to minimize traffic movement in the immediate vicinity of residential buildings and yards, with particular attention given to controlling noise and day - and night - time visual impacts of vehicles.
 - c. Streets and parking lots shall be planned to minimize their adverse impacts on adjoining properties. Buffers shall be provided in accordance with Section 1003 and subsection G, below.
 - 1) ***Minimum Distances Between Streets, Internal Streets, Parking Lots, and Residential Buildings.***
 - a) Streets and/or Internal Street and residential buildings (measured from pavement to exterior building walls): twenty (20) feet
 - b) Parking lots and residential buildings: twenty (20) feet
 - 2) ***Design of Streets and Parking Lots.***
 - a) The sizes of parking lots should be harmonious with residential living environments. Large parking areas should be avoided.
 - b) All planting areas proposed for street rights-of-way and parking lots shall be in conformance with Article 11 of the Natural Resources Protection Ordinance.
 - c) Streets, internal streets, and parking areas shall be designed to permit safe movement of automobiles, emergency vehicles, moving vans and trash trucks.

- d) Streets, internal streets, and parking areas shall be designed with consideration given to plowing and piling of snow.
- d. Pedestrian Circulation Plan. A pedestrian circulation plan shall be required as a part of all applications for multi-family development. The plan shall indicate the locations, dimensions, and materials to be used in providing for adequate pedestrian circulation in the proposed development. The pedestrian circulation plan shall reflect the following considerations:
 - 1) Provision of safe and adequate pedestrian movement in crossing of streets and parking areas.
 - 2) Provision of safe and adequate pedestrian routes to individual residences, with consideration given to privacy requirements of all residences.
 - 3) Specific provisions for school children and safe locations for school bus stops.
 - 4) Provisions for safe and adequate access between public transportation facilities and the proposed development, if appropriate.
 - 5) Multiple uses of pedestrian routes for recreation purposes including, when appropriate, provisions for leisure time walking, jogging and bicycling.
 - 6) Aesthetic considerations to the alignments and materials used in construction pedestrian routes.
 - 7) Maintenance considerations of the alignments and materials used in construction pedestrian routes.

2. Compliance with other regulations.

- a. With all applicable provisions of the Township's Subdivision and Land Development Ordinance pertaining to curbing, walkway dimensions and related matters.
- b. See Article 11, Landscaping, in the Natural Resources Protection Ordinance.

F. Solid Waste Storage and Collection.

1. A plan for the storage and collection of trash, garbage and rubbish must be submitted as part of the application for a multi-family development, indicating methods and proposed locations for the storage and collection of all solid wastes.
2. The plan shall be prepared with full consideration given to health, safety and welfare of individual residents of the proposed development as well as adjoining property owners.
3. If common solid waste storage and collection points are proposed, a roofed structure with walls on at least two (2) sides must be provided. Such structures must be architecturally harmonious with other buildings in the proposed development and shall be considered as accessory buildings, which shall meet, all requirements for such structures as set forth in this Ordinance and the Subdivision and Land Development Ordinance.

G. Architecture and Landscape Architecture Regulations.

1. Architecture. Architectural schematic drawings prepared by an architect registered in the Commonwealth of Pennsylvania shall be required of plans of typical residences and elevations of typical front and rear building facades of residences and accessory buildings.
2. Architectural schematic drawings shall reflect the following considerations:
 - a. The presentation of an overall architectural theme as well as architectural recognition of individual residences.

- b. Compatibility of the proposed project with adjoining properties, particularly residential neighborhoods.
 - c. Long term durability and maintenance requirements of building materials.
3. Landscape Architecture. A landscape plan prepared by a registered landscape architect shall be required in accordance with Section 99.39, Article 11, of the Natural Resources Protection Ordinance, No. 370.06 along with the following:
- a. The provision of landscaped visual buffer zones that shall be in conformance with Article 10 of the Natural Resources Protection Ordinance, as incorporated by reference in Section 804 of this Ordinance. The minimum width of such buffer zones shall be ten (10) feet, except where a multi-family development is adjacent to a Single Family Residential District, in which case the buffer shall be twenty-five (25) feet.

H. Ownership and Maintenance of Open Space.

1. Application plans shall describe the plan for ownership and maintenance of open space.
2. The plan may provide for one (1) of the following:
 - a. Dedication to and maintenance by the Township if acceptable to the Board of Supervisors.
 - b. Private ownership and maintenance. The governing documents of a multi-family development shall provide, in perpetuity, for the common and uniform maintenance of all landscaped areas including open space and buffers.
3. The Board of Supervisors may require dedication, easements and/or deed restrictions covering all or portions of the open space and may require the applicant to provide for and establish an organization for the maintenance of the common open space, organized under or similar to that required by the Unit Property Act of July 3, 1968, P.L. 196, and agree that such organization or owners holding undivided interest in the open space shall not dispose of the open space by sale or otherwise (except to a similar organization or group conceived and established to own and maintain open space). In determining whether the organization described in the plan is adequate, the Board of Supervisors shall consider the type and structure of the organization from the standpoint of its capacity to raise revenue, meet obligations and properly maintain facilities.
4. In the event the open space is, in the judgment of the Board of Supervisors, permitted to deteriorate or not maintained in reasonable condition in accordance with the plan, the Township shall have the option of taking whatever steps are afforded by law to require compliance with the plan.
5. In addition to any other remedies afforded by law, the Township shall have the right, which shall be made part of the agreement with the applicant, to enter upon the common open space and maintain the same for a period not to exceed one (1) year. The purpose of such action by the Township shall be to preserve the taxable values of the property within the development and prevent the common open space from becoming a public nuisance.
6. Prior to entering upon the property, the Board of Supervisors shall give written notice of the condition complained of to the property owner and afford the latter a period of not less than thirty (30) days to remedy and correct the same.
7. The cost of such maintenance by the Township shall be assessed ratably against the properties within the development, which have a right of enjoyment of the open space and shall become a lien upon said properties upon filing thereof as required by law.

I. Application for Development.

1. Applications for development of multi-family development under this Section shall be accompanied by a plan containing the information required by this Section and the Subdivision and Land Development Ordinance. The appropriate application fee, prescribed by resolution of the Board of Supervisors from time to time, shall be paid in advance, and the applicant shall agree to reimburse the Township for all costs incurred by it in connection with and in direct relation to the review and processing of the application.
2. In addition, the following information shall be submitted to the Township:
 - a. The nature of the landowners' interest in the land to be developed.
 - b. The density of land use to be allocated to the site to be developed.
 - c. Location and size of common open space and the form of the organization proposed to own and maintain the common open space.
 - d. The use and the approximate height, bulk, and location of dwellings and other structures and their proposed construction materials.
 - e. The feasibility of proposals for the disposition of sanitary waste and stormwater and provision of public water supply.
 - f. The substance of covenants, grants and easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures, including proposed easements or grants for public utilities.
 - g. A provision for parking of vehicles and the location and width of proposed streets and public ways.
 - h. A statement, which will show the ecological and economic impact of the development on the Township and especially as to the surrounding areas.
 - i. A traffic impact study, as per Section 510.3.e of the Subdivision and Land Development Ordinance, documenting all improvements, which may be needed to avoid off-site congestion, or hazard, which might arise as a result of the construction of the project for which application is made.
 - j. Such other data as will indicate compliance with the development standards of this Section and the Subdivision and Land Development Ordinance.

J. Failure of Applicant to Act Upon Application.

In the event the applicant fails within twelve (12) months to proceed substantially toward completion of construction of the development plan approved by the Board of Supervisors, said application shall be deemed null and void, except that the Board of Supervisors, upon application, may grant the applicant a six (6) month extension of time.

Section 920 Outdoors Café.

An outdoor café shall be an outdoor patio area of an associated restaurant or tavern, used for the express purpose of furnishing food and beverages to the public to be consumed on the premises, and directly abutting and on the same lot as the principal building in which the associated restaurant or premises

(licensed by the Pennsylvania Liquor Control Board pursuant to the regulations of the said Board, Part 1, Chapter 5(b), Section 7.21, of Title 40 of the PA Code) is located. Outdoor cafes shall adhere to the following:

- A.** Prior to constructing or maintaining an outdoor café, an applicant shall first apply for and secure a permit from the Township in accordance with the following:
 - 1. An applicant shall submit in writing to the Zoning Officer, along with the required fee, an application including the following:
 - a. Name of address of the applicant.
 - b. Plan specifying the location of the outdoor café, including a calculation of proposed occupant amount, seating capacity, and location.
 - c. Written consent of the property owner, if other than the applicant.
 - d. Indoors seating capacity.
 - e. Statement of indemnity as per Section 920.A.3, below.
 - f. Other similar information as may be required.
 - g. Information sufficient to demonstrate compliance with subsections B through G, below.
 - 2. No action shall be taken on any application for a permit under this Section until the application has been completed fully and the application fee, as required by the schedule of fees established and amended by the Township, is paid in full
 - 3. The applicant shall indemnify and hold harmless the Township, its officers, employees, and agents from and against any and all actions, suits, demands, payments, costs, and charges for and by reason of the existence of an outdoor café, and all damages to persons or property resulting from or in a manner caused by the presence, location, use, operation, installation, maintenance, replacement, or removal of such use, or by the acts or omission of the employees of agents of the applicant for such use.
- B.** The associated restaurant or tavern shall have a minimum indoor seating capacity of fifteen (15) persons.
- C.** Outdoor café uses, abutting or adjacent to residential districts, shall stop serving customers on or before nine (9) PM prevailing time on Sunday through Thursday and clear all tables of food, beverages, and customers on or before ten (10) PM. On Friday and Saturday, customer service shall stop at ten (10) PM prevailing time, and all tables shall be cleared of food, beverages, and customers on or before eleven (11) PM.
- D.** The use shall not be located on or extend onto a public sidewalk, street, or right-of-way.
- E.** This use shall be associated with a principal use of a restaurant or tavern and shall be located abutting that building in which the principal use is located, and shall be located on the same lot as that principal use.
- F.** The outdoor café shall be separated from parking areas or traffic flow areas by fencing or buffering. However, in any location where the outdoor café is not separated from the flow of traffic or parking areas, no table shall be located within six (6) feet of the curb or the boundary of that area, whichever is closer.
- G.** The outdoor café shall provide table service.
- H.** The applicant shall maintain the outdoor café in accordance with all Township ordinances and federal state and county laws, as well as rules and regulations promulgated and adopted by the Township which pertain to this use.

- I. The applicant shall remove the outdoor café within thirty (30) days after written notice of the Township determines that the use is detrimental to the health, safety, and general welfare of the Township or its residents, as follows:
 1. The outdoor café is no longer being used as such.
 2. The use has been temporarily or permanently closed for violation of any Township, federal state, or county law and/or regulation.
 3. The use is operated in violation of any ordinance or regulations of the Township.
 4. In the event that the applicant fails to remove the outdoor café within seven (7) days after the thirty (30) day period after written notice, the Township may proceed to remove and restore the area and charge the applicant for the cost thereof. In this instance, the applicant is entitled to the return of furnishings or equipment so removed, only after the payment for all costs for the removal due to the Township, and requesting the return in writing. The responsibility for removal under the provisions of this Section shall be the sole responsibility of the applicant without any obligation or cost assessed against the Township.

Section 921 Place of Worship.

Places of worship shall be subject to the following regulations:

- A. Minimum lot area shall be twenty-thousand (20,000) square feet.
- B. The uses permitted under this use shall include.
 1. Church, synagogue, or other place of worship.
 2. Accessory uses, including the following:
 - a. Educational use as per Section 911.
 - b. Gymnasium/recreational facility.
 - c. Commercial Day Care Center as per Section 907.
 - d. Rectory or other lodging for minister, priest, rabbi, or similarly qualified individual.
 - e. Cemetery, when permitted as a special exception.
- C. Accessory uses to a place of worship and on the same lot as the primary use shall meet the following:
 1. Accessory uses shall meet area and bulk requirements of the zoning district in which they are located.
 2. Accessory uses shall be set back a minimum of twenty-five (25) feet from a residential use or district, and shall be sufficiently screened to minimize disturbance of residential areas in accordance with Section 99-45.C, Article 11 of the Natural Resources Protection Ordinance, No. 370.06.

Section 922 Planned Commercial Shopping Center.

A planned commercial shopping center may be permitted in the PBO District after being reviewed and approved as a conditional use and when in accordance with the following standards. These standards shall also apply to any single commercial use in the PBO District when the gross floor area of the use is twenty-thousand (20,000) square feet or greater:

- A. Uses permitted in a planned commercial shopping center include: retail or services stores, restaurants, banks or other financial institution, and professional offices.
- B. Primary access shall be from a collector or arterial street as defined in the Township Comprehensive Plan.
- C. When located adjacent to a residentially zoned district or existing residential use, parking, loading, and service areas shall be located at least fifty (50) feet from the adjacent property line.
- D. Establishments storing shopping carts out-of-doors shall provide defined areas on the site for storage of such carts, which shall be clearly marked and designed for their storage.
- E. Trash receptacles shall be provided outside any establishment with take-out food service or convenience shopping.
- F. Sidewalks shall be provided along all street frontage and pedestrian access to sidewalks on or adjacent to the property shall be provided.

Section 923 Riding Academy or Stables.

A. Standards.

Except for the temporary keeping of horses at the Devon Horse Show grounds, the keeping of horses or ponies shall be subject to the following restrictions and limitations:

- 1. The minimum lot size on which one (1) horse or pony may be kept shall be two (2) acres of fenced open area, exclusive of those areas occupied by dwellings (not intended to include outbuildings) for temporary or permanent human occupancy.
- 2. One (1) additional horse or pony may be kept on each additional one-half (1/2) acre of such land, to a limit of four (4) horses or ponies.
- 3. No portion of the area which the horse or pony may occupy shall be closer than forty (40) feet from the nearest point of any dwelling for temporary or permanent human occupancy on any adjacent lot.
- 4. No manure shall be retained on any area within three hundred (300) feet of the normal high water line of a pond, flowing or intermittent stream, or wells used to supply water for human consumption.
- 5. No facility including rings, jumping, or show areas shall be closer than fifty (50) feet to street line and residential uses or districts, and thirty (30) feet to other property lines.
- 6. In the event a bridle path crosses a road, the property owner shall be responsible for posting signage indicating such use, in compliance with standard procedure and regulations for road signs and signage.
- 7. The perimeter of the lot on which the horse or pony is kept shall be enclosed by a fence sufficiently substantial to contain the horse or pony at all times. The fence may be constructed of wooden poles or boards, posts and rails, or runners, or the like; or two-strand electrified wires, designed and marked with signs so that they will present no hazard.
- 8. All grains shall be kept in rodent-proof containers.

B. Application Required.

Prior to keeping or maintaining a horse or pony, application shall be made to the Zoning Officer for a permit. Said applicant shall demonstrate full compliance with the requirements and limitations contained in this Section.

Section 924 Sale of Agricultural Products.

The display and sale of agricultural products shall be permitted from a permanent building or from a temporary stand dismantled and removed at the end of the growing season provided that:

- A. At least fifty (50) percent of agricultural products displayed for sale shall be produced on the agricultural land contiguous to said building. Agricultural sales shall clearly be subordinate to the principal uses.
- B. Such stand or building shall be located a minimum of thirty (30) feet from any street right-of-way line.
- C. A minimum of three (3) parking spaces, or one (1) space for each three hundred (300) square feet of building floor area, whichever shall be greater, shall be provided behind the street right-of-way line.
- D. Any sales, display, or parking area shall be at least seventy-five (75) feet from a side or rear yard lot line.
- E. Signs associated with the sale of farm products shall conform to the sign regulations within this Ordinance.

Section 925 Veterinary Clinic.

A veterinary clinic shall be permitted when in accordance with the following standards:

- A. All animal boarding buildings that are not completely enclosed, and any outdoor animal pens, stalls, or runways shall be located within the rear yard.
- B. All animal boarding building that are not completely enclosed, and any outdoor animal pens, stalls or runways shall be a minimum of fifty (50) feet from all lot lines.
- C. All outdoor pasture/recreation areas shall be enclosed to prevent the escape of the animals, all such enclosures must be set back a minimum of ten (10) feet from all lot lines.
- D. The sale of related products shall remain accessory to the veterinary clinic and shall occupy no more than twenty-five (25) percent of the floor area of the principal building.
- E. The operator of the veterinary clinic shall provide proof of all requisite permits, licenses, and certification to perform medical procedures and for the care and keeping of animals. Sanitary conditions in conformance with appropriate health authorities shall be maintained at all times.

Section 926 Accessory Dwelling Unit.

- A. Accessory Dwelling Units shall be permitted on lots of five (5) acres and greater in the AA and R-1 Zoning Districts.
- B. Accessory Dwelling Unit shall be self-contained, providing customary kitchen and bathroom facilities.
- C. Accessory Dwelling Unit shall not be attached to the principal dwelling unit.

- D. Shall comply will all applicable setbacks for the district in which the use is located.
- E. Accessory Dwelling Units shall have a footprint not to exceed twenty-five (25) percent of the principal dwelling unit on the lot.
- F. A maximum of one (1) Accessory Dwelling Unit shall be permitted per lot.
- G. Accessory Dwelling Units shall be adequately served by sewer and water facilitates approved by the Chester County Health Department.
- H. The parking requirements for the additional residential Accessory Dwelling Unit shall be met on the lot, which it is located.
- I. The applicant shall demonstrate how safe and efficient access shall be provided to each dwelling from an existing public road by emergency services equipment.