
Easttown  *Township*
Interoffice Memorandum

TO: PLANNING COMMISSION (PC)
FROM: DON CURLEY, DIRECTOR OF PLANNING AND ZONING
SUBJECT: PROSPECTIVE OMNIBUS AMENDMENTS
DATE: OCTOBER 06, 2021

Background:

Kindly recall that I has divided the amendments into categories:

1. Administrative Changes – Section Nos. 12, 13, 15, 20, 24, 36, 41, 42, 43, and 44.
2. Storm Water Related Changes – Section Nos. 7, 8, 9, 10, and 11.
3. Policy Oriented Changes – Section Nos. 14, 15, 16, 39, and 41.
4. Noise Related Changes – Section Nos. 27 and 46.
5. Bee Keeping Oriented Changes – Section Nos. 5, 6, 32, 33, and 34.
6. Historic Commission (HC) Oriented Changes – Section Nos. 1, 2, 3, 4, 28, 29, 30, and 31.
7. Definitions and Other – Section Nos. 17, 18, 19, 20, 21, 22, 23, 25, 35, 37, 38, 40, 44, 45, and 46.

Attached to this memo is a working copy of the Amendments. Items that were reviewed and for which a recommendation was made are highlighted in greyscale.

Requested Action: If the PC decides to continue the review of the Amendments then it should proceed with the review (by category or by section).

EASTTOWN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. – 2021

AN ORDINANCE OF EASTTOWN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE TOWNSHIP OF EASTTOWN, AS AMENDED, AT TO BE COMPLETED PRIOR TO CIRCULATION TO THE BOS AND OTHER MISCELLANEOUS PROVISIONS CONTAINED HEREIN.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Easttown Township as follows:

SECTION 1. Chapter 13, “Boards, Commissions and Committees”, Article IV, “Historical Commission”, subsection 13-16.E, shall hereby be amended by interlineations below, with underlined interlineations indicating insertion of language:¹

When requested, cooperate with and advise the Board of Supervisors, the Township Planning Commission, and all Township officials and agencies in relation to the rehabilitation, preservation, adaptive reuse, and restoration of significant historical structures and sites, including aesthetic design for new construction to maintain the character, streetscape, and massing of structures within the Village of Berwyn districts, adjacent or within sight of historic resources; and review and recommend on design prior to review by the Planning Commission;

SECTION 2. Chapter 13, “Boards, Commissions and Committees”, Article IV, “Historical Commission”, subsection 13-16.G, shall hereby be amended by interlineations below, with underlined interlineations indicating insertion of language and strikethrough interlineations indicating deletion of language:²

~~When requested,~~ Recommend to and cooperate with all Township officials regarding the possible acquisition and use of significant historic structures and sites, including their research and nomination to the National Register of Historic Places in accordance with the provisions of the National Historical Preservation Act of 1966, as amended; and

SECTION 3. Chapter 13, “Boards, Commissions and Committees”, Article IV, “Historical Commission”, subsection 13-17.A.(5), shall hereby be amended by interlineations below, with underlined interlineations indicating insertion of language:³

Elect annually a Chairperson, Vice Chairperson, Secretary, Archivist, Planning Commission liaison, and other officers as deemed necessary by the Commission.

¹ Historical Commission recommendation

² Historical Commission recommendation

³ Historical Commission recommendation

SECTION 4. Chapter 274, “Natural Resources Protection”, Article I, “General Provisions”, Section 274-5, shall hereby be amended by interlineations below, with underlined interlineations indicating insertion of language and strikethrough interlineations indicating deletion of language.⁴

SPECIMEN TREE

Any healthy tree with a trunk diameter of 36 inches and greater dbh. Any application to remove a specimen tree over this diameter on a property listed as a historic resource shall be sent to the Historical Commission for evaluation in connection to a present or past historic resource.

SECTION 5. Chapter 280, “Nuisances”, Article I, “General Provisions”, Section 280-1, shall hereby be amended by the addition of the following definitions:

BEEKEEPING NUISANCE⁵ – Keeping of a hive in such a manner as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life, or interfere with the normal use and enjoyment of the properties surrounding the beekeeper's property. By way of example and not limitation, the following activities are hereby declared to be a public nuisance and are, therefore, unlawful:

- (a) Multiple bees stinging, attacking or otherwise molesting others, including pedestrians, bicyclists, motor vehicle passengers, or domestic animals;
- (b) The keeping of bees not in compliance with zoning provisions;
- (c) The keeping of bees which interferes with the freedom of movement of persons in a public right-of-way; and
- (d) The keeping of overcrowded, bee diseased or abandoned hives.

...

NOISE NUISANCE -- A person found liable for more than three violations of Chapter _____ within one year of the first offense.⁶

SECTION 6. Chapter 280, “Nuisances”, Article I, “General Provisions”, Section 280-3, shall hereby be amended by the addition of two new subsections to read as follows:

L. Creating or permitting a beekeeping nuisance.⁷

M. Creating or permitting a noise nuisance.

⁴ Historical Commission recommendation

⁵ Resident recommendation

⁶ General Code to provide Chapter number.

⁷ Planning Commission direction from resident recommendation.

SECTION 7. Chapter 388, “Stormwater Management”, Article I, “General Provisions”, subsection 388-6.C, shall hereby be amended by the addition of a new subsection to read as follows:

(10) High Tunnels, if:

- i. the High Tunnel or its flooring does not result in an impervious area exceeding 25% of all structures located on the owner’s total contiguous land area; and
- ii. the High Tunnel meets one of the following:
 - (1) the High Tunnel is located at least 100 feet from any perennial stream or watercourse, public road or neighboring property line;
 - (2) the High Tunnel is located at least 35 feet from any perennial stream or watercourse, public road, or neighboring property line and located on land with a slope not greater than 7%; or
 - (3) the High Tunnel is supported with a buffer or diversion system that does not directly drain into a stream or other watercourse by managing stormwater runoff in a manner consistent with the requirements of this Ordinance.

SECTION 8. Chapter 388, “Stormwater Management”, Article I, “General Provisions”, subsection 388-6.D, shall hereby be amended by interlineations below, with underlined interlineations indicating insertion of language and strikethrough interlineations indicating deletion of language:

Modified requirements for small projects. Regulated activities that involve ~~50~~ 500 to less than 1,000 square feet of proposed impervious surfaces and less than 5,000 square feet of proposed earth disturbance may apply the modified requirements presented in Appendix A, "Simplified Approach to Stormwater Management for Small Projects" (simplified approach), to comply with the requirements of §§ 388-16, 388-17, 388-18, 388-19, 388-20, 388-21 and 388-22 and Article IV, Article V, Article VI and Article VII of this chapter (as shown in Table 388-6.2). The applicant shall first contact the Township Engineer to confirm that the proposed project is eligible for use of the simplified approach and is not otherwise exempt from these chapter provisions; to determine what components of the proposed project are to be considered as impervious surfaces; and to determine if other known site or local conditions exist that may preclude the use of any techniques included in the simplified approach. Appendix A includes instructions and procedures for preparation, submittal, review and approval of documents required when using the simplified approach and shall be adhered to by the applicant. All other provisions of this chapter shall apply.

SECTION 9. Chapter 388, “Stormwater Management”, Article II, “Terminology”, Section 388-12, shall hereby be amended by interlineations below, with underlined interlineations indicating insertion of language:

IMPERVIOUS SURFACE - 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, swimming pools, tennis or other paved courts; or athletic play fields comprised of synthetic turf materials. For the purposes of determining compliance with this chapter, compacted soils or stone surfaces used for vehicle parking and movement shall be

considered impervious. Surfaces that were designed to allow infiltration (i.e., areas of porous pavement) will be considered on a case-by-case basis by the Township Engineer, based on appropriate documentation and condition of the material, etc. A generator of 12 square feet or less when proposed on residential property shall not be considered an impervious surface.

SECTION 10. Chapter 388, “Stormwater Management”, Article II, “Terminology”, Section 388-12, shall hereby be amended by the addition of the following definition:

HIGH TUNNEL – A structure which meets the following:

1. is used for the production, processing, keeping, storing, sale or shelter of an agricultural commodity as defined in section 2 of the Act of December 19, 1974 (P.L. 973, No. 319), known as the “Pennsylvania Farmland and Forest Land Assessment Act of 1974,” or for the storage of agricultural equipment or supplies; and
2. is constructed with all the following:
 - a. has a metal, wood or plastic frame;
 - b. when covered, has a plastic, woven textile or other flexible covering; and
 - c. has a floor made of soil, crushed stone, matting, pavers or a floating concrete slab.

SECTION 11. Chapter 388, “Stormwater Management”, Appendix E “Operation and Maintenance Agreement”, shall be deleted and a new Appendix E “Operation and Maintenance Agreement”, attached hereto as Exhibit “A” shall be adopted.

SECTION 12. Chapter 400, “Subdivision and Land Development”, Article V, “Procedural Requirements”, subsection 400-22.B shall hereby be amended by interlineations below, with underlined interlineations indicating insertion of language and strikethrough interlineations indicating deletion of language:

B. The original drawing, and all submitted prints thereof, shall be made on sheets ~~either 18 inches by 24 inches or 36 inches by 48 inches~~ a minimum of 24 inches x 36 inches to a maximum of 36 inches by 48 inches. If the preliminary plan requires more than one sheet, a key diagram showing relative location of the several sections shall be drawn on each sheet.

SECTION 13. Chapter 400, “Subdivision and Land Development”, Article V, “Procedural Requirements”, subsection 400-23.B shall hereby be amended by interlineations below, with underlined interlineations indicating insertion of language and strikethrough interlineations indicating deletion of language:

B. The original drawing, and all submitted prints thereof, shall be made on sheets ~~18 inches by 24 inches~~ a minimum of 24 inches x 36 inches to a maximum of 36 inches by 48 inches or such other size as the Recorder of Deeds of Chester County may specify. If the final plan requires more than one sheet, a key diagram showing the relative location of the several sections shall be drawn on each sheet.

SECTION 14. Chapter 400, “Subdivision and Land Development”, Article VI, “Development and Design Standards”, Section 400-41 shall hereby be amended by interlineations

below, with underlined interlineations indicating insertion of language and strikethrough interlineations indicating deletion of language:

Curbs shall be required on all streets. Sidewalks shall be required along the street frontage of any lot shown on Map 4-1, Pedestrian and Bicycle Mobility, of the Easttown Comprehensive Plan of 2018, as amended, as having an existing sidewalk, being a sidewalk priority location or as an area marked for “Improve Pedestrian Mobility”. Property owners have the option of either installing sidewalks or paying fees-in-lieu-of installations for any lot not abutting the streets shown on Map 4-1, Pedestrian and Bicycle Mobility, of the Easttown Comprehensive Plan of 2018, as amended, as having an existing sidewalk, being a sidewalk priority location or as an area marked for “Improve Pedestrian Mobility”.

SECTION 15. Chapter 455, “Zoning”, Article I, “General Provisions”, subsection 455-2.B shall hereby be amended by interlineations below, with underlined interlineations indicating insertion of language and strikethrough interlineations indicating deletion of language:

B. Community development objectives. This chapter is enacted to implement the spirit and intent of the Easttown Township Comprehensive Plan, as may be amended or readopted (2001) and the Open Space, Recreation, and Environmental Resources Plan, as may be amended or readopted (1993). The statement of goals from the ~~2001~~ Easttown Township Comprehensive Plan are as follows:

(1) Improve pedestrian and bicyclist mobility.

(2) Maintain character and improve parking options in the Village of Berwyn.

(3) Establish a vision for Devon Center.

(4) Make the Route 30 Corridor a complete street.

(5) Enhance services the Township provides.

(6) Responsibility guide future land use.

~~(1) Provide for the maintenance of the Township streetscapes and public spaces.~~

~~(2) Provide for open space and recreation facilities that meet the needs of Township residents.~~

~~(3) Balance development with environmental protection.~~

~~(4) Preserve and protect existing open space and natural landscapes and explore ways to obtain additional open space.~~

~~(5) Encourage and maintain a range of housing opportunities.~~

~~(6) Provide and maintain a high quality, safe and efficient transportation network; provide for the movement of people and goods throughout the Township that avoids further segmenting of the community.~~

~~(7) Maintain and enhance the physical character and integrity of Easttown Township.~~

~~(8) Increase and diversify economic activities in Easttown Township.~~

~~(9) Provide sufficient community facilities and services to meet current and future residential and business requirements in Easttown Township.~~

SECTION 16. Chapter 455, “Zoning”, Article II, “Zoning District and Zoning Map”, subsection 455-12.A, and the Easttown Township Zoning Map, which adopted as part of the Easttown Township Zoning Ordinance, as amended, shall be amended as shown on the Zoning Map which is attached hereto as Exhibit “B”, which shall remove the following properties from the PA Planned Apartment Overlay Zoning District:⁸

<u>Tax Parcel No.</u>	<u>Property Address</u>	<u>Current Legal Owner</u>
55-3J-42	133 Berkley Road	Andrew A. Holder
55-3J-50	27 Dorset Road	Devon Horse Show & Country Fair Foundation
55-3J-51	25 Dorset Road	Devon Horse Show & Country Fair Foundation
55-3J-52	23 Dorset Road	Devon Horse Show & Country Fair Foundation

SECTION 17. Chapter 455, “Zoning”, Article III, “Land Uses and Dimensional Requirements”, subsection 455-13.B is amended by the deletion of existing Land Use Table Figure 3-1 in its entirety and the adoption of new Land Use Figure 3-1, attached hereto as Exhibit “C”.

SECTION 18. Chapter 455, “Zoning”, Article III, “Land Uses and Dimensional Requirements”, subsection 455-14.A is amended by the deletion of existing Dimensional Requirement Table Figure 3-2 in its entirety and the adoption of new Dimensional Requirement Table Figure 3-2, attached hereto as Exhibit “D”.

SECTION 19. Chapter 455, “Zoning”, Article IV, “Planned Business—Office District (PBO)”, subsection 455-16.A.(2) shall hereby be amended by interlineations below, with underlined interlineations indicating insertion of language and strikethrough interlineations indicating deletion of language:

(2) On a lot no less than one acre in size, any one of the following uses: ~~a combination of the uses enumerated in Subsection A(1) above, and the following business uses, provided that business uses shall not exceed 50% of the gross floor area of all buildings constructed, erected or converted under the provisions of this article: ...~~

⁸ Board of Supervisors recommendation. In the alternative, a resident has proposed that for Section 16 above that Section 455-32 Planned Apartment Overlay District be repealed in its entirety.

SECTION 20. Chapter 455, “Zoning”, Article IV, “Planned Business—Office District (PBO)”, subsection 455-16.A shall be amended by the addition of a new subsection (3) to read as follows:

(3) On a lot no less than one acre in size, a combination of by right uses permitted in subsection A.(1) are permitted, provided, the uses provided for in subsection A(2) do not exceed 50% of the gross floor area of all buildings constructed, erected or converted under the provisions of Article IV.

SECTION 21. Chapter 455, “Zoning”, Article IV, “Planned Business—Office District (PBO)”, subsection 455-16.B.(16) shall be deleted in its entirety and marked as “Reserved”.⁹

SECTION 22. Chapter 455, “Zoning”, Article IV, “Planned Business—Office District (PBO)”, subsection 455-16.C shall be amended by the addition of the following subsection:¹⁰

(3) Parking facility, garage.

SECTION 23. Chapter 455, “Zoning”, Article V, “Village of Berwyn Districts (VB, VT and VR)”, subsection 455-25.C shall hereby be amended by interlineations below, with underlined interlineations indicating insertion of language and strikethrough interlineations indicating deletion of language:

Except for single-family dwellings, two-family dwellings, and for public and private parking garages where the parking is located within the building, parking shall not be permitted at grade level under any building in the VB, VT or VR District.

SECTION 24. Chapter 455, “Zoning”, Article VI, “Lot Averaging”, subsection 455-26.C shall hereby be amended by interlineations below, with underlined interlineations indicating insertion of language and strikethrough interlineations indicating deletion of language:

C. Implement the policies of the Easttown Township Comprehensive Plan, as may be amended or readopted (2001) and the Recreation, Open Space and Environmental Resources Plan, as may be amended or readopted (1993) to protect environmentally sensitive areas and to preserve the Township's scenic character.

SECTION 25. Chapter 455, “Zoning”, Article VII, “Overlay Districts”, subsection 455-32.A shall hereby be amended by interlineations below, with underlined interlineations indicating insertion of language and strikethrough interlineations indicating deletion of language:

Purpose and application of regulations. The Planned Apartment Overlay District is designed primarily to make special provisions for low-lot-coverage multifamily development. Notwithstanding Section 455-30, when development for lot(s) is proposed under the PA District regulations, is established and the lot(s) shall be developed only in accordance with the provisions

⁹ Resident recommendation

¹⁰ Resident recommendation

of this section, and shall be subject to the requirements and provisions of Chapter 400, Subdivision and Land Development, all other applicable ordinances, and any other pertinent provisions of this chapter. The requirements of the lot(s)' underlying zoning district or where the applicable, Multifamily Overlay or DC Devon Center Overlay Districts, shall not apply when development for the lot(s) is proposed under the PA District. ~~When it is proposed that a lot or lots be developed in accordance with the underlying zoning, the provisions of t~~ This section shall not apply to lot(s) not located in the PA District or where the development is proposed in accordance with the underlying zoning district, or where applicable, the Multifamily Overlay or DC Devon Center Overlay Districts. There shall be included in the Planned Apartment Overlay District such tracts of ground as are set forth as marked on the Easttown Township Zoning Map.

iiiSECTION 26. Chapter 455, “Zoning”, Article VIII, “General Regulations”, subsection 455-39.A.(1) shall hereby be amended by interlineations below, with underlined interlineations indicating insertion of language and strikethrough interlineations indicating deletion of language:

(1) Outdoor lighting facilities shall be required for off-street parking, off-street loading, and ingress and egress thereto for all residential developments and for all business, commercial, personal service, industrial, recreational, institutional, public, and other uses. All proposed intersections with an arterial or collector road, as defined by functional classification within the Easttown Comprehensive Plan, as may be amended or readopted 2004, shall have streetlights. The Board of Supervisors shall have the authority to require outdoor lighting to be incorporated for other uses or locations where warranted. All outdoor lighting facilities shall have underground wiring.

11SECTION 27. Chapter 455, “Zoning”, Article VIII, “General Regulations”, subsection 455-40.A shall hereby be amended by interlineations below, with underlined interlineations indicating insertion of language and strikethrough interlineations indicating deletion of language:

A. Noise control. No person shall operate or cause to operate a proposed use which creates noise in excess of that permitted by Chapter ¹².

~~The following are maximum permissible sound levels by receiving land use as specified in Figure 8-2 below. No person shall operate or cause to be operated on private or public property any source of continuous sound (any sound which is static, fluctuating, or intermittent with a recurrence greater than one time in any fifteen-second interval) in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in the following figure when measured at or beyond the property boundary of the receiving land use.~~

~~(a) Maximum continuous sound levels permitted by receiving land use.~~

~~Figure 8-2
Maximum Continuous Sound Levels~~

Receiving Land Use Category	Time	Sound Level Limit (dBA)

¹¹ On 10/5/21; the PC agreed to recommend acceptance of the references to zoning and to defer the review of the technical aspects of the proposed amendments to another Township entity.

¹² Proposed chapter number to be obtained from General Code.

Residential, public, open space, agricultural, or institutional	7:00 a.m. to 7:00 p.m., Monday to Friday	55
	8:00 a.m. to 5:00 p.m., Saturday to Sunday	
	All other times and legal holidays	50
Commercial or business	7:00 a.m. to 7:00 p.m., Monday to Friday	65
	8:00 a.m. to 5:00 p.m., Saturday to Sunday	
	All other times and legal holidays	60
Industrial	At all times	70

~~(b) For any source of sound which emits a pure tone, the maximum sound level limits set forth in the above figure shall be reduced by 10 dBA. For any source of sound which emits an impulsive sound (a sound of short duration, with an abrupt onset and rapid decay and an occurrence of not more than one time in any fifteen second interval), the excursions of sound pressure level shall not exceed 10 dBA over the ambient sound pressure level. Sound levels shall be measured at the property lines from which the sound emanates, by a sound level, which conforms to specifications published by the American Standards Association.~~

~~(2) The maximum permissible sound levels by the receiving land use category as listed in the previous figure shall not apply to any of the following noise sources:~~

- ~~(a) The emission of sound for purpose of alerting persons to the existence of an emergency.~~
- ~~(b) Emergency work to provide electricity, water or other public utilities when public health or safety are involved.~~
- ~~(c) Explosives and construction operations.~~
- ~~(d) Motor vehicle operations.~~
- ~~(e) Public celebrations, specifically authorized by the Township.~~
- ~~(f) Surface carriers engaged in commerce by railroad.~~
- ~~(g) The unamplified human voice.~~

~~(3) Excepted from the foregoing restrictions are customary and usual agricultural operations, maintenance and repair operations performed on outdoor recreational facilities, such as parks, playing fields, playground facilities, and golf and tennis facilities. In no event shall the foregoing excepted actions commence prior to 6:00 a.m., prevailing time.~~

SECTION 28. Chapter 455, “Zoning”, Article VIII, “General Regulations”, Section 455-44 shall be renamed “Exterior renovation of or demolition of historic resources”.¹³

SECTION 29. Chapter 455, “Zoning”, Article VIII, “General Regulations”, subsection 455-44.B shall hereby be deleted in its entirety and amended to read as follows:¹⁴

B. Identification of historic resources.

¹³ Historical Commission recommendation

¹⁴ Historical Commission recommendation

(1) There shall be two classes of historic resources in Easttown Township.¹⁵

(a) Class 1: a structure that is designated by the 2018 Easttown Township Comprehensive Plan (Map 3-4), as may be amended, a resource listed on the National Register of Historic Places, or a resource eligible for National Register of Historic Places designation.

(b) Class 2: the applicant can document to the satisfaction of the Zoning Officer that the structure is more than 100 years old.

(2) Historic Resources Map. The Historic Resources Map in the Easttown Township 2018 Comprehensive Plan, as may be amended, contains properties with significant architectural, historical or archeological sites of the Township and are designated as Historic Resources.

(3) Criteria for Easttown Historic Resource Designation. A property containing a building, site or structure is determined by the Township to be of historical, cultural, agricultural, and/or architectural significance by meeting three or more of the following criteria:

- (a) Is 50 years or older and contains 50% or more of the original resource.
- (b) Is relevant to or associated with the significant development, heritage, culture of the Township.
- (c) Is associated with a person of historic significance in the Township or elsewhere.
- (d) Is the site or location of a notable local event considered to have had a significant effect on the Township.
- (e) Is representative of a distinctive architectural style, vernacular building type, craftsmanship or is the work of a notable architect or builder.
- (f) Possesses a notable location and physical characteristics visual feature as an established and familiar visual feature to a neighborhood or the Township overall.
- (g) Contains structures that may have collapsed but leave behind significant materials such as ruins or aging walls that have yielded, or may be likely to yield, information in prehistory or history, such as an archeological site.

(4) Adding a Property to the Historic Resources Map. A property may be added to the Historic Resources Map, if found to meet three or more of the Criteria for Easttown Historic Resource Designation above and approved by the Board of Supervisors, in accordance with the below process.

¹⁵ Note section (1) was retained from the current ordinance as it contains the Class I and Class II designations which carry through other Historical Commission revisions. To the extent Class I and Class II are no longer relevant, Section 455-44 should be revisited to remove those references.

- (a) The Historical Commission shall determine whether a property meets three or more Criteria for Easttown Historic Resource Designation. The Historical Commission shall evaluate the property against the Criteria for Easttown Historic Resource Designation at a public meeting to receive public comments before making a recommendation to the Planning Commission.
- (b) The Planning Commission shall consider the Historical Commission's recommendation before making a formal recommendation to the Board of Supervisors for consideration.
- (c) The Board of Supervisors shall consider the recommendation of the Planning Commission when deciding on whether or not to amend the Historic Resources List Map in the Easttown Township 2018 Comprehensive Plan, as may be amended.
- (5) Removing a Property from the Easttown Township Historic Resources Map. In the unusual circumstances that a property owner seeks to have the historic resource considered for removal from the Historic Resources Map, the following procedure is required:
- (a) The property owner must show by a preponderance of evidence in a public meeting of the Easttown Historical Commission that the historic resource in question does not or no longer meets at least three of the Criteria for Historic Resource Designation. The Historical Commission shall consider the evidence provided before making a recommendation to the Planning Commission to retain or remove the property from the Easttown Historic Resources Map.
- (b) The Planning Commission shall consider the Historical Commission's recommendation before making a formal recommendation to the Board of Supervisors for consideration.
- (c) The Board of Supervisors shall consider the recommendation of the Planning Commission when deciding on whether or not to amend the Historic Resources List Map in the Easttown Township 2018 Comprehensive Plan, as may be amended.

SECTION 30. Chapter 455, "Zoning", Article VIII, "General Regulations", subsection 455-44.C shall be amended by the addition of new subsections (1.1), (1.2), (1.3), (1.4) and (1.5) to read as follows:¹⁶

(1.1) Applications to change the exterior appearance of any contributing building by addition, reconstruction, alteration, maintenance, or repair, shall be reviewed by the Historical Commission. Exterior changes for all primary and accessory buildings shall include all matters which require a permit. These shall include but are not limited to additions and changes such as the repair or replacement of windows; doors; balustrades; columns; cornices; moldings; trim; porches, siding and exterior surfaces; roofing; awnings; fences; signs; murals; and solar panels.

¹⁶ Historical Commission recommendation

(1.2) New construction of a principal or accessory building or structure subject to public view in the Village of Berwyn Districts shall be reviewed by the Historical Commission. The primary design aesthetic of the Village of Berwyn District is Victorian Vernacular. Other designs that fit in within a specific historic streetscape shall be considered. Front entrance garages on main streets in the Village of Berwyn are not seen as fitting in with the historic environment.

(1.3) A recommendation from the Historical Commission shall NOT be required before a permit is issued by the administrative officer for changes to the interior of structures.

(1.4) The Historical Commission will review any historic resources brought to, moved within, or disassembled and re-assembled on site in Easttown Township. The review will include appropriate siting of the relocated structure within context of the property.

(1.5) The Historical Commission should perform a visual inspection from the street for listed properties on a regular basis to detect maintenance issues affecting the exterior of structures, and alert the Zoning Officer of any structures deemed in need of maintenance.

SECTION 31. Chapter 455, “Zoning”, Article VIII, “General Regulations”, subsection 455-44.C(4) shall hereby be amended by interlineations below, with underlined interlineations indicating insertion of language and strikethrough interlineations indicating deletion of language.¹⁷

(4) Review process for exterior renovation or demolition permits.

(a) The Zoning Officer shall notify the Planning Commission of the application for exterior renovation or demolition upon acceptance of a properly completed application, including the necessary filing fee.

(b) Within 30 days of receipt of a complete application for exterior renovation or demolition from the Zoning Officer, at its next regular meeting or a special meeting, the Planning Commission shall review the application for exterior renovation or demolition. The applicant will be notified of the meeting and encouraged to present evidence or testimony pertaining to the exterior renovation or demolition. In reviewing the application, the Planning Commission shall take into account the following:

[1] The effect of demolition on the historical significance and architectural integrity of the historic resource in question and neighboring historic resources, and on the historic character of the neighborhood, district or vicinity in which the resource is located. In the instance of a requested/proposed demolition, the applicant shall provide a historic report produced by a certified architectural historian that document the former occupants’ history and architectural features of the structures. A copy of the historic report, including photographs, architectural drawings, etc will be provided to the Easttown Historical Commission at least one week prior to the public meeting to review the application.

¹⁷ EHC recommendation.

[2] Economic feasibility of continuing the existing use or of adaptively reusing the resource proposed for demolition.

[3] Alternatives to demolition of the resource.

[4] Whether the applicant has demonstrated that he has considered alternatives to demolition.

~~[5] Whether the retention of the resource would represent an unreasonable economic hardship.~~

~~[6]~~ [5] Whether the resource has been intentionally neglected.

(c) Recommendation of the Planning Commission. The Planning Commission shall review the recommendation and comments of the Historical Commission make its written recommendation to the Board of Supervisors either recommending approval of the exterior renovation or demolition application as submitted, recommending approval of the application with conditions, or alternatively, the Planning Commission may recommend to use the following time periods to provide adequate opportunity for documentation of the resources as set forth below, for the applicant to prepare a financial analysis as set forth below, and/or to engage in discussion about alternatives to demolition with the applicant. The Planning Commission shall make every effort to communicate to the applicant the historical significance of the historic resource, its significance to the Township, and alternatives to exterior renovation of or its demolition. with the direct public input from the Historical Commission. The Historical Commission will make a formal presentation to the Planning Commission outlining the reasons for the decision not to recommend approval.

◀ [1] Class 1 historic resources: a period not to exceed 90 days.

[2] Class 2 historic resources: a period not to exceed 60 days.

(d) Recommendation of the Board of Supervisors. Within 30 days of receiving the recommendation from the Planning Commission, the Board of Supervisors shall consider the application at a public meeting, together with the recommendations from the Planning Commission, and vote either to approve the application as submitted, approve the application with changes, or defer their decision affording a delay of demolition for up to the periods specified above. The applicant shall be notified at least 10 days prior to the date of the public meeting and shall have the opportunity to present reasons for filing the application. Within five days of making its decision, the Board of Supervisors shall provide written communication of its decision to the applicant, the Planning Commission, and the Zoning Officer. In the event that the Planning Commission overrules the Historical Commission's recommendation, the Board of Supervisors will allow a presentation from the Historical Commission to regarding the resource prior to a final vote.

(e) Issuance of a demolition permit. Where the Board of Supervisors acts to approve the application, it shall authorize the Zoning Officer to issue the permit. Where the approval is authorized to be granted with conditions, the Zoning Officer shall be authorized to issue a permit upon receipt from the applicant of written acceptance of those conditions.

(f) Documentation. Prior to the issuance of a demolition permit, the applicant may be required at the discretion of the Board of Supervisors to provide documentation of the Class 1 historic resource proposed for demolition. Such documentation may include:

[1] Historical data, survey information, and other data provided by local, state, and federal historic preservation organizations and other agencies.

[2] Photographs.

[3] Floor plans.

[4] Measured drawings.

[5] Archeological survey, if recommended by the Historical Commission as appropriate.

[6] Other available comparable forms of documentation.

(g) Financial analysis. In cases where there is claim that demolition of a Class 1 historic resource is necessary due to financial hardship or the lack of an economically reasonable alternative for reuse, the applicant may be required at the discretion of the Board of Supervisors, during the period of the delay of demolition, to prepare a financial analysis, which may include any or all of the following information:

[1] Amount paid for the property, date of purchase and party from whom purchased.

[2] Assessed value of the land and improvements thereon, according to the most recent assessment.

[3] For depreciable properties, a pro forma financial statement prepared by an accountant or broker of record.

[4] All appraisals obtained by the owner in connection with the purchase or financing of the property, or during the ownership of the property.

[5] Bona fide offers of the property for sale or rent, price asked, and offers received, if any.

[6] Any consideration by the owner as to profitable, adaptive uses for the property, and any other practical uses, as well as incentives which could be offered by the Township to preserve the historic resource and any input from preservation organizations.

[7] Where relevant, written estimates of the cost of rehabilitation from a professional restoration contractor. The Historical Commission may request an independent evaluation of the soundness of the structure and costs of renovation, paid by the township and the township reimbursed by the applicant.

(h) Final recommendation on demolition by the Planning Commission. Prior to or at the end of the expiration of the ninety- or sixty-day review period, the Planning Commission may recommend approval of the demolition permit or, where the Planning Commission does not believe that the applicant has proven hardship, may recommend denial of the application. In such cases, the Planning Commission shall make a written report to the Board of Supervisors setting forth reasons for its recommendation and the evidence considered.

(i) Final decision on demolition by the Board of Supervisors. The Board of Supervisors shall act upon the application for demolition within or at the ninety- or sixty-day review period, whether or not it receives a recommendation from the Planning Commission, and shall vote either to approve the application, to approve the application with changes, or to deny the application. Within 14 days of making its decision, the Board of Supervisors shall provide written communication to the applicant, Planning Commission, ~~and~~ the Zoning Officer and Historical Commission.

(j) Any costs incurred by the Planning Commission and Historical Commission, as agreed to by the applicant, to review plans or studies submitted by the Planning Commission's or the Historical Commission's consultant specifically retained for this purpose shall be reimbursed to the Township by the applicant.

SECTION 32. Chapter 455, "Zoning", Article IX, "Supplemental Regulations", subsection 455-48.A(4)(c) shall hereby be deleted in its entirety.¹⁸

~~Lots housing beehives have a minimum of two acres based on net lot area; such lots shall not have more than two beehives.~~

SECTION 33. Chapter 455, "Zoning", Article IX, "Supplemental Regulations", subsection 455-48.A(4)(d) shall hereby be amended by interlineations below, with strikethrough interlineations indicating deletion of language:

Stables, ~~hives~~, and shelters shall be set back at least 100 feet from any property line. Uncovered manure storage shall be located at least 100 feet from any lot line or stream. No manure may be stored within a swale or drainageway, nor located so as to drain onto adjacent land.

¹⁸ Planning Commission direction from resident recommendation.

SECTION 34. Chapter 455, “Zoning”, Article IX, “Supplemental Regulations”, subsection 455-48.A(8) shall hereby be amended by interlineations below, with underlined interlineations indicating insertion of language and strikethrough interlineations indicating deletion of language:¹⁹

Other uses of similar character to those listed above. Keeping of bees for personal/hobby use on properties having a minimum lot size of 21,000 square feet, subject to the following standards:

(i) Beekeeping shall be permitted for personal or hobby use only. The keeping of bees as part of any home-based business or for other any commercial purposes, including but not limited to the selling of bees or bee products, is prohibited. This section is not intended to apply to or otherwise regulate commercial beekeeping or commercial apiary operations in zoning districts that are currently classified for agricultural use by an ASA designation or otherwise classified as a lawful agricultural use under this chapter.

(ii) No beekeeper may own or maintain an apiary within the Township without having first registered each proposed apiary location with the Pennsylvania Department of Agriculture, Bureau of Plant Industry as required by the Pennsylvania Bee Law, 3 Pa.C.S.A. § 2101 et seq., as amended, and maintaining such registration in good standing at all times thereafter.

(iii) No beekeeper may own or maintain an apiary within the Township without having executed the most current "Pennsylvania Apiary Advisory Board Voluntary Best Management Practices for Maintaining European Honey Bee Colonies in the Commonwealth of Pennsylvania" agreement or such other best management practices protocol as may be approved by the Pennsylvania Department of Agriculture, Bureau of Plant Industry, from time to time, and that the applicant has fulfilled all other then-applicable certifications and requirements under the Pennsylvania Bee Law and regulations promulgated thereunder.

(iv) No beekeeper shall keep or maintain bees in any hive other than a modern movable frame hive which permits thorough examination of every comb to determine the presence of bee disease.

(v) For a property with a minimum of 21,000 square feet of net lot area, a beekeeper is permitted to maintain not more than four (4) hives. For each additional 10,000 square feet of net lot area, the beekeeper is permitted one (1) additional hive.

(vi) Hives shall be set back at least 10 feet from any property line, shall not be located in the front yard of a property, and shall not be located within 50 feet of a swimming pool or permanently kenneled animal at the time of initial establishment.

(vii) Hive entrances shall face away from neighboring property and in such a direction that bees fly across the beekeeper’s property at sufficient distance to gain a height of at least six (6) feet at the property line.

(viii) Signs shall be installed, no larger than one foot by one foot, to warn persons of the presence of bees.

¹⁹ Planning Commission direction from resident recommendation.

(ix) All hive areas shall, at a minimum, be surrounded by a three-foot-high fence to prevent unauthorized access.

(x) From April 1 through November 1 of each year, all beekeepers in the Township shall ensure that a convenient source of fresh water is available to the bees, which is located closer to the apiary than any other water source.

(xi) All beekeepers shall ensure that no bee comb or other materials are left upon the ground of the apiary site. Upon removal from the apiary, all such material shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.

SECTION 35. Chapter 455, “Zoning”, Article IX, “Supplemental Regulations”, new subsection 455-48.A(9) shall hereby be added to read as follows:

Other uses of similar character to those listed above.

SECTION 36. Chapter 455, “Zoning”, Article IX, “Supplemental Regulations”, subsection 455-56.A shall hereby be amended by interlineations below, with underlined interlineations indicating insertion of language and strikethrough interlineations indicating deletion of language:

A. Drive-through service shall be permitted in the PBO and VB Zoning Districts. In such cases, there shall only be one point of ingress and one point of egress to a collector or arterial street as defined by the Township Comprehensive Plan ~~of 2004~~, as may be amended or readopted.

SECTION 37. Chapter 455, “Zoning”, Article IX, “Supplemental Regulations”, subsection 455-57.D. shall hereby be deleted in entirety.

SECTION 38. Chapter 455, “Zoning”, Article IX, “Supplemental Regulations”, subsection 455-61.E(2)(e) shall hereby be amended by interlineations below, with strikethrough interlineations indicating deletion:

(e) ~~Medical or dental clinic~~ professional office (two or more doctors ~~or dentists~~)

SECTION 39. Chapter 455, “Zoning”, Article IX, “Supplemental Regulations”, subsection 455-72.3.B shall hereby be amended by interlineations below, with underlined interlineations indicating insertion of language and strikethrough interlineations indicating deletion of language:

B. Sidewalks shall be installed along the street frontage of any lot abutting a ~~public or private~~ street shown on Map 4-1, Pedestrian and Bicycle Mobility, of the Easttown Comprehensive Plan of 2018, as amended, designated as having an existing sidewalk, being a sidewalk priority location or as an area marked for “Improve Pedestrian Mobility,” ~~where sidewalks do not exist,~~ when new construction of a principal building for the lot occurs or when the principal building for the lot is removed or demolished and replaced. For any lot not abutting the streets shown on Map 4-1, Pedestrian and Bicycle Mobility, of the Easttown Comprehensive Plan of 2018, as amended, as an existing sidewalk or as an area marked for “Proposed Improvement”, property owners have the option of either installing curbs and sidewalks or paying fees-in-lieu-of installation when new

construction of a principal building for the lot occurs or when the principal building for the lot is removed or demolished and replaced. Sidewalks shall comply with the terms of § 400-41.

SECTION 40. Chapter 455, “Zoning”, Article IX, “Supplemental Regulations”, subsection 455-72.4 shall hereby be amended by interlineations below, with strikethrough interlineations indicating deletion:

A short-term dwelling rental unit, shall be permitted as a by conditional use in all zoning districts. A short-term rental of a dwelling unit where the owner does not reside in the dwelling shall be permitted by conditional use in zoning districts where other short-term lodging is permitted. Short-term dwelling rental units and the short-term rental of a dwelling unit where the owner does not reside in the dwelling shall be subject to the following regulations:

...

SECTION 41. Chapter 455, “Zoning”, Article X “Off-Street Parking and Loading”, subsection 455-74.I shall hereby be amended by interlineations below, with strike through interlineations indicating deletion and underlined interlineations indicating insertion of language:

Office and Professional Uses

Office buildings and business services 4.0 spaces per 1,000 square feet of office space gross usable floor area

Commercial Uses and Services

~~Medical or v~~ Veterinary clinic 4.0 spaces per ~~doctor~~ veterinarian

SECTION 42. Chapter 455, “Zoning”, Article XIV, “Conditional Uses”, subsection 455-104.A(1) A shall hereby be amended by interlineations below, with underlined interlineations indicating insertion of language and strikethrough interlineations indicating deletion of language:

The plan shall be consistent with § 455-2, Purposes; community development objectives, of this chapter, with the Easttown Comprehensive Plan, as may be amended or readopted, (2001) for the orderly development of the Township, and with the goals and objectives of the Easttown Open Space, Recreation, and Environmental Resources Plan, as may be amended or readopted (1993).

SECTION 43. Chapter 455, “Zoning”, Article XV “Zoning Hearing Board”, subsection 455-112.C shall hereby be amended by interlineations below, with underlined interlineations indicating insertion of language:

C. Twelve hard copies and one electronic copy in PDF format of an application and all attachments and plans shall be submitted to the Zoning Officer. Appeals, applications or challenges shall be initiated before the Board by filing with the Zoning Officer a completed and executed application in the form adopted by the Board and provided for that purpose, which shall state, at a minimum

SECTION 44. Chapter 455, “Zoning”, Article XVIII, “Terminology”, Section 455-132 shall hereby be amended by interlineations below, with underlined interlineations indicating insertion of language and strikethrough interlineations indicating deletion:

HISTORIC STRUCTURE

[PLACEHOLDER—AMEND FOR CONSISTENCY WITH FINAL DETERMINATION ON 455-44]

HOTEL, MOTEL or INN

A building offering short-term accommodations to the general public for compensation and in some circumstances providing additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.

...

IMPERVIOUS SURFACE

Land that is occupied by principal and accessory structures, buildings, streets, extended roofs, eaves, overhangs, asphalt, concrete, driveways, parking areas, pools (excluding the water surface area), grass pavers, pervious paving, gravel and/or crushed stone, and other man-made cover that prohibits or slows the percolation and infiltration of water into the soils. A generator of 12 square feet or less when proposed on residential property shall not be considered an impervious surface.

...

NET TRACT AREA

The gross lot area of the lot or lots that are held in single ownership and are proposed for development exclusive of any street or railroad rights-of-way, ~~utility easement~~ and flag lot access strips, ~~easements for fuel or communications transmission, whether below or above ground, that do not exclusively serve the lot traversed~~, very steep slopes and 50% of moderately steep slopes, aboveground stormwater management basins greater than 18 inches in depth that do not exclusively serve the lot, and areas within riparian buffer zones, along with the natural resources they protect, provided that at least 50% of the required minimum tract area be contiguous land lying outside of these exclusions.

...

PERSONAL SERVICE, COMMERCIAL

A building or portion of a building in which the services of a person permitted to practice a specific profession are offered to the general public. Examples of such uses include agents, artists studios, barbers, beauticians, ~~optometrists~~, photographers, tailors, and similar uses.

...

STRUCTURES TO SERVE ACTIVE RECREATION USES

Those structures serving active uses such as ^{IV}swimming, tennis, basketball and riding rings shall not be located within the required minimum yard setbacks for the district the lot is located in.

SECTION 45. Chapter 455, “Zoning”, Article XVIII, “Terminology”, Section 455-132 shall hereby be amended by the addition of the following definitions:

APIARY

Any place where one or more colonies or nuclei of bees are kept.

BEE

Any stage of the common hive or honeybee (*Apis Mellifera*) or other species of the genus *Apis*.

BEEKEEPER

An owner of an apiary or a person who has charge of an apiary of one or more colonies of bees in the Township.

HIVE

Any frame hive, box hive, box, barrel, log, gum, skep or other receptacle or container, natural or artificial, or any part thereof, which may be used or employed by a beekeeper as a domicile for bees, which are expected to establish a permanent nest.

SHORT TERM DWELLING RENTAL UNIT

A dwelling unit which is owner occupied and utilized as a single-family dwelling rented for the purpose of overnight lodging for a period of 7 days or less. Such use shall be an accessory use to a dwelling unit.

SHORT TERM LODGING

One or more buildings used, or intended, arranged, or designed to be used, for the accommodation of tourists or transient guests, or a premises used, or intended, arranged or designed to be used, for the accommodation of tourists or transient guests, for compensation. This term shall include motels, hotels, inns, bed and breakfasts and short term rental of a dwelling unit where the owner does not reside in the dwelling. The accessory use of a dwelling as a short term dwelling rental unit does not constitute short term lodging.

²⁰SECTION 46. A new chapter “Noise Control” shall be created to read as follows:

-1 Purpose.

Easttown Township enacts this Chapter under its general powers affecting health, safety and community welfare. This purpose of this Chapter is to establish requirements to prevent and eliminate noise which may affect the health, safety and welfare of its residents; impair the constitutional rights of residents; or that may degrade the quality of life of community members.

-2 Speech regulation.

²⁰ On 10/15/2021; the PC agreed to recommend acceptance of the reference to noise control in the zoning ordinance and to defer the review of the technical aspects of noise control to another Township entity.

This Chapter is not intended, and shall not be interpreted to be, a regulation on the content of protected speech. This Chapter is intended to be content-neutral and regulates the time, place and manner of protected speech according to constitutional law.

-3 Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

ALL-TERRAIN VEHICLE (ATV)

Any motorized off-road recreational vehicle capable of cross-country travel on land, snow, ice, marsh, swampland or other natural terrain, including but not limited to go-karts and multi-track, multi-wheel or low pressure tire vehicles or similar two-wheel, three-wheel, four-wheel or belt-driven vehicles, or an amphibious machine. The definition of ATV excludes golf carts, construction machines, utility vehicles used for business operations, agriculture, yard work, landscaping, snow removal or otherwise being used in the reasonable maintenance of a person's private property, or motorized vehicles being used for law enforcement, fire, emergency, military or other authorized governmental purpose.

COMMERCIAL CONSTRUCTION

The operation of heavy construction equipment in construction or demolition projects.

CONSTRUCTION

Any site preparation, assembly, erection, repair, alteration, remodeling, or similar action, including demolition and removal of buildings or structures.

CONTIGUOUS LAND USE

Any land use bordering or abutting, whether divided by real property boundary or by real property boundary and public street.

CONTINUOUS SOUND

Any sound which is static, fluctuating or intermittent with a recurrence greater than one time in any fifteen-second interval.

DECIBEL (dB)

A unit of sound level which is a division of a logarithmic scale used to express the ratio of the sound pressure of the source or the pressure of an arbitrarily chosen reference pressure; the ratio is expressed on the decibel scale by multiplying its "base 10 logarithm" by 20.

DEMOLITION

Any dismantling, destruction, or removal of buildings, structures, utilities or roadways.

EMERGENCY

Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

EMERGENCY VEHICLE

A vehicle as defined in 75 Pa. C.S. 102.

HEAVY CONSTRUCTION EQUIPMENT

Trucks with three or more axles and earthmoving grading equipment.

IMPULSIVE SOUND

Sound of short duration with an abrupt onset and rapid decay and an occurrence of not more than one time in any fifteen-second interval. Examples of sources of impulsive sound include, but are not limited to, explosions and the discharge of firearms.

LAND USE

The actual real use of land and buildings thereon situated regardless of the zoning or other classification attributed to such land and buildings.

LEGAL HOLIDAYS

New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Juneteenth, Fourth of July, Labor Day, Columbus Day, Veterans' Day, Thanksgiving and Christmas.

NOISE

Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

PLAINLY AUDIBLE SOUND

Any sound that can be detected by a person using his or her unaided hearing facilities. Words, phrases, or specific noise signatures need not be discernible or identifiable to be plainly audible.

PROPERTY LINE

The real or imaginary line and its vertical extension which separate real property owned or controlled by a person from contiguous real property owned or controlled by another person. The use of property line for purposes of this Chapter refers to the relative or apparent property delineated and survey-quality precision is not required, intended or desired.

PURE TONE

Any sound which can be distinctly heard as a single pitch or set of single pitches. For the purposes of this Chapter, a pure tone shall exist if the 1/3 octave band sound pressure level in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous 1/3 octave bands by five dB for center frequencies of 500Hz and above, or by eight dB for center frequencies between 160 Hz and 400 Hz and by 15 dB for center frequencies less than or equal to 125Hz.

RECEIVING LAND USE

The land use which is a contiguous land use to the noise source.

SOUND

An oscillation in pressure, particle displacement, particle velocity or other physical parameter in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

SOUND LEVEL

The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in American National Standards Institute specifications for sound level meters. If the frequency weighting employed is not indicated, the A-weighting shall apply.

SOUND LEVEL METER

An instrument which includes a microphone, amplifier, RMS detector, integrator or time average, output meter and weighting networks used to measure sound pressure levels. The sound level meter used for testing purposes in accordance with this chapter shall meet the current American National Standard Institute specifications.

SOUND PRESSURE

The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.

SOUND PRESSURE LEVEL

Twenty times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure of 20 micropascals [20 times (10 to the negative sixth power) times N over (m squared)]. The sound pressure level is denoted Lp or SPL and is expressed in decibels.

-4 Noise disturbance prohibited; general stands; exceptions

A. Plainly Audible. No person shall make, continue, cause to be made, or cause to continue any of the following:

1. No person shall operate or permit to operate the outdoor operation of any tools, equipment or machinery used for commercial construction, drilling or demolition, or in the sweeping of parking lots in such a manner as to be plainly audible at a property line of the noise source, except between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and from 8:00 a.m. to 5:00 p.m. on Saturday and Sunday. It shall be unlawful to operate or permit the outdoor operation of any tools, equipment or machinery used for commercial construction, drilling or demolition, or in the sweeping of parking lots in such a manner as to be plainly audible at a property line of the noise source on legal holidays as defined by this Chapter.
2. No person shall load or unload trucks or other motor vehicles or open, close or otherwise handle boxes, crates, containers, building materials, garbage cans or other objects in such a manner as to be plainly audible at a property line of the noise

source, except between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and from 8:00 a.m. to 5:00 p.m. on Saturday and Sunday, except for municipal waste haulers who may operate between the hours of 7:00 a.m. and 7:00 p.m. every day of the week.

3. No person shall repair, rebuild, or test or otherwise work on any motorcycle, motor vehicle, motorboat or aircraft outdoors in such a manner as to be plainly audible at a property line of the noise source, except between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and from 8:00 a.m. to 5:00 p.m. on Saturday and Sunday.
4. No person shall operate or permit the operation of any mechanically powered saw, sander, drill, grinder, lawnmower, garden tool, leaf blowers, or similar device used outdoors in residential areas in such a manner as to be plainly audible at a property line of the noise source except between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and from 8:00 a.m. to 5:00 p.m. on Saturday and Sunday.
5. No person shall operate go-carts, ATVs, snowmobiles, motorcycles or motorbikes in such a manner as to be plainly audible at a property line of the noise source except between the hours of 7:00 a.m. and 7:00 p.m., 7:00 a.m. to 7:00 p.m., Monday through Friday, and 8:00 a.m. to 5:00 p.m., Saturday and Sunday. All ATVs and dirt bikes operating in the Township shall be equipped with a muffler or other effective noise suppressing system in working order and in constant operation. A muffler, noise suppressing system or exhaust system shall not be equipped with a cut out, bypass or similar device.
6. No person shall play radios, musical instruments, sound amplifiers, loudspeakers, public address system or device used in whole or in part for the transmission of music or entertainment in such a manner as to be plainly audible at a property line of the noise source, except between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and 8:00 a.m. to 5:00 p.m., Saturday and Sunday.

B. Decibel levels.

1. In those cases not specifically controlled by Subsection A above, no person shall operate or cause to be operated on private or public property 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 category in the following table when measured at or within the property boundary of the receiving land use. All measurements shall be made with a sound level meter which is in conformance with the current American National Standard Institute specifications
2. Continuous sound levels by receiving land use.

Receiving Land Use Category	Time	Sound Level Limit (dBA)
-----------------------------	------	-------------------------

Residential, Public Space, Open Space, Institutional,	7:00 a.m. to 7:00 p.m., Monday to Friday	55
	8:00 a.m. to 5:00 p.m., Saturday, Sunday,	
	All other times and legal holidays	50
Commercial, business	7:00 a.m. to 7:00 p.m. Monday to Friday	65
	8:00 a.m. to 5:00 p.m. Saturday to Sunday	
	All other time and legal holidays	60
Industrial	At all times	70

3. Correction for character of sound. For any source of sound which emits a pure tone, the maximum sound-level limits set forth in the above table shall be reduced by 10 dBA. For any source of sound which emits an impulsive sound, the excursions of sound pressure level shall not exceed 10 dBA over the ambient sound level. Sound levels shall be measured at the property line from which the sound emanates of the receiving land use, by a sound level, which conforms to the specifications published by the American National Standards Institute.

4. The maximum permissible sound level as listed in the previous figure shall not apply to any of the following noise sources:

- a. The emission of sound for the purpose of alerting persons to the existence of an emergency or associated practice drills.
- b. Emergency work to provide electricity, water or other public utilities when public health or safety is involved.
- c. Usual and customary agricultural activities.
- d. Public celebrations, when specifically authorized by the Township.
- e. School sponsored events.
- f. The operation of municipal or public works vehicles or equipment.

- g. Motor vehicle operations shall not exceed the noise levels established in Chapter 157 of Title 67 of the Pennsylvania Code of Regulations, Subchapter B, Established Sound Levels.
- h. Emergency generators during a power outage; and emergency generator testing during the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday, and 8:00 a.m. to 5:00 p.m., Monday through Friday, if the testing occurs no more than once per week and the test duration is less than 10 minutes.
- i. Surface carriers engaged in commerce by railroad.
- j. Unamplified human voice.

-5. Administration and enforcement.

Any law enforcement officer with jurisdiction shall have the power to enforce and administer the terms of this Chapter; investigate complaints and prosecute violations of this Chapter. When enforcing the terms of this Chapter, the Township may retain consultants and engineers with experience in measuring sound levels with the use of sound level meters.

-6 Violations and penalties.

A. Any person who violates or permits the violation of any provision of this Chapter shall, upon conviction thereof in a summary proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense, and shall be subject to the payment of a fine as set forth in subsection 208-24.B, plus the costs of prosecution and reasonable attorney's fees. In default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term of not more than thirty (30) days. Each section of this Chapter violated shall constitute a separate offense, and each day or portion thereof in which a violation of this Chapter is found to exist shall constitute a separate offense, each of which violations shall be punishable by a separate fine imposed by the District Justice.

B. Fines.

- 1. First offense. A first offense by any person for violation of any provision of this Chapter shall be a summary offense and shall carry a fine of \$150.00.
- 2. Second offense. A second offense by any person for violation of any provision of this Chapter shall be a summary offense and carry a fine of \$300.00.
- 3. Third offense. A third offense by any person for violation of any provision of this Chapter shall be a summary offense and carry a fine of \$750.00.
- 4. Subsequent offenses. A subsequent offense after the third offense, by any person for violation of any provision of this Chapter shall be a summary offense and shall carry a fine of \$1,000.00.

C. Continuing violations. Continuing violations of this Chapter are a public nuisance. A person found to liable for more than three violations of this Chapter within one year of the first offense shall be determined to be a public nuisance and shall be deemed a noise nuisance under Chapter 280. Where found to be a noise nuisance, the Township, in addition to, or in lieu of any other sanctions or remedy provided, may proceed under the terms of Chapter 280 and pursue all rights and remedies available thereunder.

D. The Township may pursue any other enforcement rights or remedies available at law or in equity.

SECTION 47. All ordinances or parts of an ordinance conflicting or inconsistent herewith are hereby repealed.

SECTION 48. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section, or part thereof not been included herein.

SECTION 49. General Code is hereby authorized to make non-substantive formatting and numbering changes necessary to clarify references to other sections of the Easttown Township codification and to bring the Ordinance into conformity with the Easttown Township codification.

SECTION 50. This ordinance shall become effective five (5) days after enactment as provided by law.

ENACTED AND ORDAINED by the Board of Supervisors of the Township of Easttown this ____ day of _____, 2021.

Attest:

TOWNSHIP OF EASTTOWN

Eugene C. Briggs, Jr., Township Secretary

BY: _____
Marc J. Heppe, Chairman

BY: _____
Betsy Fadem, Vice Chairman

BY: _____
Michael Wacey, Member

BY: _____

Beth D'Antonio, Member

BY: _____
James W. Oram, Jr., Member

ⁱ It was agreed that the Solicitor would create general language to reflect "...most recently adopted..." It was also determined that the itemized statement of goals should be deleted. As requested; I reviewed the MPC to determine if the itemized statement of goals is required. The MPC (Section 606) specifies that the zoning ordinance should reflect the policy goals of the municipality and that "... the statement may be supplied by reference to the community comprehensive plan..." Therefore, the statement is appropriate and the itemized list of goals is not required.

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^{iv} It was agreed that general language to the effect of including but not limited to sports courts should be added.