

Chapter 27

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Part 1**General Provisions****§27-101. Short Title.**

This Chapter shall be known and shall be cited as the London Grove Township Zoning Ordinance of 1995, as amended.

(*Ord. 74, 3/30/1995, §100*)

§27-102. Purpose.

This Chapter is designed and intended:

A. To promote, protect and facilitate the public health, safety, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, national defense facilities, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water and sewage facilities, schools, public grounds and other public requirements; as well as

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

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

Toward these ends, this Chapter is in accordance with the Comprehensive Plan of London Grove Township with consideration for the character of the Township, its various parts and the suitability of the various parts for particular uses and structures.

(*Ord. 74, 3/30/1995, §101*)

§27-103. Interpretation.

The provisions of this Chapter, shall be held the minimum requirements for the promotion of the aforementioned purposes and objectives.

(*Ord. 74, 3/30/1995, §102*)

§27-104. Scope.

From and after the effective date of this Chapter, use of all land, every building or portion of a building erected, altered in respect to height or area, added to or relocated, and every use hereafter established with any building or use accessory thereto in the Township of London Grove shall be in conformity with the provisions of this Chapter. Any building, structure or use of a building or land lawfully existing at the effective date of this Chapter, which is not in conformity herewith, may be continued, extended or changed only in accordance with the regulations herein contained relating to nonconforming buildings, uses, structures and lots and not otherwise.

(*Ord. 74, 3/30/1995, §103*)

§27-105. Conflict.

It is not intended by this Chapter to repeal, abrogate, annul or interfere with any existing ordinance or enactment or with any rule, regulation or permit adopted or issued thereunder, except insofar as the same may be inconsistent or in conflict with any of the provisions of this Chapter. To the extent possible, this Chapter and every other ordinance of London Grove Township shall be construed together and conflicts resolved in accordance therewith, but, where conflicts are otherwise irreconcilable, the more stringent provision shall be deemed to prevail.

(*Ord. 74, 3/30/1995, §104*)

§27-106. Repealer.

The Zoning Ordinance of 1974, including the Codification of Amendments in 1986, and all amendments of London Grove Township to the Zoning Ordinance of 1974, up to the date of this adoption, shall be and hereby are repealed.

(*Ord. 74, 3/30/1995, §106*)

§27-107. Statement of Community Development Objectives.

The community development objectives, being more fully set forth in the London Grove Township Comprehensive Plan, as amended, are as follows:

A. Guiding and encouraging the future development of London Grove Township in accordance with the comprehensive planning of the land use and population density that represents the most beneficial and convenient relationship among agricultural, residential, commercial, industrial and other areas within the Township having regard to their suitability for the various uses appropriate to each of them and their potentiality for such uses.

B. Protecting the character and social and economic stability of the Township as a whole and of each of the various use areas and encouraging orderly and beneficial growth.

C. Protecting and conserving the value of land and buildings throughout the Township appropriate to the various uses proposed.

D. Bringing about through proper timing the gradual conformity of land use to the Comprehensive Plan and minimizing conflicts among users of land and buildings.

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

F. Aiding in providing a guide for public policy and action in the efficient provision of public facilities and services; in the provision of safe and proper sanitary sewage disposal; establishing and regulating flood hazard areas for maximum protection to persons and property, as well as soils, vegetation and groundwater supply; guiding private enterprise in building development, investment and other economic activities related to land use.

G. Protecting, preserving, and maintaining the essential rural character of London Grove Township, conserving as a public trust the agricultural economy

upon which the Township is based.

H. Preserving farmland and encouraging the development of agriculture, and preserving lands particularly well-suited thereto.

I. Insuring that each use within a district is environmentally compatible with its surrounding uses and reducing the potential for incompatible uses to the greatest extent permitted by law.

J. Providing for the reasonable needs and all reasonable uses within the Township and insuring that the location, construction, maintenance and operation of adjacent units do not detract from the peaceful enjoyment of surrounding uses or impair the public health, safety, or welfare.

K. Preserving, to the greatest extent compatible with reasonable use of land, the forest, watercourses, slopes and other natural features from damage, injury or destruction by adjacent incompatible uses.

L. Encouraging developments in areas of moderate slope and non-agricultural soils in order to retain the dedication of prime farmland to agricultural uses.

M. Providing reasonable facilities and infrastructure to meet the needs of the residents, occupants and commerce of London Grove Township including, but not limited to, such facilities as adequate roads, parks, playgrounds, sewage and water facilities.

N. Providing reasonable, affordable and adequate housing of the widest variety and selection to present and future residents of London Grove Township.

(Ord. 74, 3/30/1995, §107)

§27-108. Establishment of Zoning Districts.

For the purpose of this Chapter, London Grove Township is hereby divided into nine types of zoning districts, which shall be designated as follows:

- A. Residential, Agricultural Preservation (AP) Transfer-out.
- B. Residential, Rural (RR).
- C. Residential, Medium (RM) Transfer-in.
- D. Residential, Mobile Home (MH) Transfer-in.
- E. Residential, High (RH) Transfer-in.
- F. Commercial, General (CG).
- G. Commercial, Interchange (CI).
- H. Industrial (I).
- I. Industrial Special Use (ISU).

(Ord. 74, 3/30/1995, §108)

§27-109. Districts of Annexed Areas.

Any territory hereinafter added to the Township by annexation shall be considered to be zoned and lying within the Agricultural Preservation District (AP), unless the annexation ordinance or an amendment to this Chapter establishes a different zoning district.

(*Ord. 74, 3/30/1995, §109; as amended by Ord. 167, 4/6/2011*)

§27-110. Zoning Map.

The boundaries of said district shall be as shown upon the map made a part of this Chapter, which shall be designated the Zoning Map of London Grove Township. The said map, and, all notations, references and other things shown thereon, shall be made apart of this Chapter as if the matters and things shown by said map were all fully described herein. An official Zoning Map shall be established and, as amended from time to time, continuously maintained in the office of the Township of London Grove, where the same may be examined during regular business hours.

(*Ord. 74, 3/30/1995, §110*)

§27-111. Boundaries of Districts.

The boundaries between districts are, unless otherwise indicated, either the center line of streets or railroad rights-of-way or such lines extended, or parallel thereto, or property boundaries and extensions thereof, from the Township Property Tax Map in use at the enactment of this Chapter. Where figures are shown on the Zoning Map between a street and a district boundary line, they indicate the district boundary line runs parallel to the right-of-way line at a distance therefrom equal to the number of feet so indicated.

(*Ord. 74, 3/30/1995, §111*)

Part 2**Definitions****§27-201. Interpretation.**

Unless otherwise expressly stated or the context clearly indicates another meaning, the following words and phrases shall be construed throughout this Chapter so that:

A. The present tense includes all other tenses; the singular includes the plural and the plural includes the singular; the masculine gender includes the feminine and neuter.

B. The word “person” includes any individual, estate trust, fiduciary, partnership, firm; association, corporation or any other organization or entity, including the principal officers thereof or any other individual or entity acting directly or indirectly by, through or under any of the foregoing.

C. The word “shall” is always mandatory; the word “will” is always directory; and the word “may” is always permissive.

D. The word use shall include the words “arranged,” “designed,” or intended to be used.”

E. The word “structure” shall include the word “building.”

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

G. The terms “such as,” “including” and the like are intended to introduce matters which are illustrative of the meaning of the sentence, clause or phrase in which such terms appear without limiting or derogating from the general application of the sentence, clause or phrase in which such terms appear.

H. The words “as amended” as applied to any statute, ordinance, code, regulation, plan or map, include replacements, supplements or restatements thereof; and reference to a particular Part, Section or subsection which inherently refers to other Parts, Sections or subsections, includes all Parts, Sections and subsections referred to.

I. The word “Township” means London Grove Township, Chester County, Pennsylvania; the term “Township officials” means the Township officials of London Grove Township; the term “Planning Commission” means the Planning Commission of London Grove Township; the term “Board” means Board of Supervisors of London Grove Township; and the term “Zoning Hearing Board” means the Zoning Hearing Board of London Grove Township.

J. Where a word appears in this document and also appears in the Pennsylvania Municipalities Planning Code, as amended, 53 P.S. §10101 *et seq.*, the definition or the implied definition based on its use in context within this Chapter shall apply.

K. When terms, phrases or words are not hereafter defined, they shall have first mentioned relevant definition given in the most recent edition of *Webster's Unabridged Dictionary*. If not found in the aforementioned dictionary their meaning shall have the ordinarily accepted meaning or such as the context may

imply.

L. Where any activity is regulated by any act of the Commonwealth of Pennsylvania and specific definitions are set forth in such act, the definition set forth in the act shall apply if not specifically defined otherwise in this Chapter.

(Ord. 74, 3/30/1995, §200)

§27-202. Definition of Terms.

In this Chapter, words, terms and phrases shall have the following meanings:

Abandonment—the cessation of a use of a property, land, and/or structure by the owner, with intention of neither resuming the use nor transferring the use of the property to another who will so use the property.

Abutting/adjacent owner—the owner of record of a parcel of land which is contiguous at any point to the parcel in question or which is contiguous to a section of road or street (public or private) on which the subject parcel has frontage, i.e., a lot across from the subject parcel.

Accelerated erosion—the removal of the surface of the land through the combined action of man's activities and natural processes at a rate greater than would occur from natural processes alone.

Accessory building—a building subordinate to the principal permitted building on the same lot and designed for purposes which are accessory to the principal use of the lot.

Accommodation zones—those areas designated on the London Grove Township Zoning Map and legally permitted to accept transferable development right in order increase density above the base zoning in accordance with the provisions of this Chapter.

Act 170—the Pennsylvania Municipalities Planning Code, Act 170 of 1988, 53 P.S. §10101 *et seq.*, as the same may be from time to time amended.

Adaptive reuse—the development of a new use for an older building or for a building originally designed for a special or specific purpose.

Age qualified community—a community comprised of any combination of permitted residential uses that conforms to the occupancy requirements of the Fair Housing Act, 42 U.S.C §3601 *et seq.*, as amended by the Housing for Older Persons Act, Public Law 104-76, 109 Stat. 787, approved December 28, 1995. [Ord. 147]

Age qualified unit—a residential unit within a community comprised of any combination of permitted residential uses, so long as the community conforms to the occupancy requirements of the Fair Housing Act, 42 U.S.C. §3601 *et seq.*, as amended by the Housing for Older Persons Act, Public Law 104-76, 109 Stat. 787, approved December 28, 1995. “Age qualified unit” shall include units within a life care retirement community with independent, assisted living and/or skilled nursing components, in any combination. [Ord. 147]

Agriculture, extensive—extensive agriculture shall be deemed to include the customary growing of crops and raising of livestock for production of meat, dairy products, skins and like activities such as horticulture and viticulture, excluding intensive agriculture as hereinafter defined. Extensive agriculture envisions a demand for substantial areas of land and, by reason of disbursed activity, it

generally will present few unusual environmental problems, such as runoff, animal waste concentrations and the like. [Ord. 135]

Agriculture, intensive—intensive agriculture is intended to include, but not be limited to, the following activities: raising of poultry, fattening pens, enclosed feed lots, and pig farms. Intensive agriculture does not include commercial composting processing operations and agriculture composting processing operations. The hallmarks of intensive agriculture may include one or more of the following: relatively small lot areas, strong offensive odors, substantial runoff, large concentrations of animal waste, noise, extensive use of chemical, compost and manure piles. In addition to all of the foregoing, the land application of sewage sludge shall not be deemed an accessory use to extensive agriculture but shall be deemed intensive agriculture, subject to all of the terms, conditions and limitations of the engaging in intensive agriculture under the terms of this Chapter. Intensive and extensive agriculture may coexist upon the same tract of land and those portions of a farm dedicated to intensive agriculture shall be separately addressed and deemed a separate and distinct use. [Ord. 177]

Agricultural employee housing—a dwelling unit intended to be occupied exclusively by employees, and their immediate family members, who are engaged in the conduct of a principal agricultural related use carried out on the premises on which the dwelling unit is situated. Provided, that agricultural employee housing shall be limited to an accessory use to an agricultural related principal use being conducted on the parcel on which the dwelling is constructed.

Agricultural soils—agricultural soils are those soils designated in the Soil Survey of Chester and Delaware Counties, Pennsylvania, United States Department of Agriculture Soil Conservation Service, May, 1963, Series 1959, No. 19, Pages 4 and 5, as falling within the soil capability groups Class I, Class II, Class III, and Class IV.

All weather surface—porous pavers or a pavement constructed of graded stone or slag, with or without a surface of penetration macadam, bituminous concrete or Portland cement concrete.

Alteration, historical—as applied to a historical building or structure, means any change or rearrangement in the structural parts or in the means of egress; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another. Also included in the definition is a change in use classification, a rehabilitation, restoration, or adaptive reuse as per the U.S. Secretary of the Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*.

Alteration, structural—any change in or addition to the supporting or structural members of a building or other structure such as the bearing walls, partitions, columns, beams, or girders, or any change to adapt a structure to a different use.

Amendment—a change in use in any district which includes revisions to the zoning text and/or the official Zoning Map. The authority for any “amendment” lies solely with the Board of Supervisors.

Apartment—a dwelling contained within a multi-family residential building that includes other such dwelling units or another type of use, and provided with either independent or shared access to the exterior of the building. The tenants of such building have no ownership rights to said building or lands.

Applicant—a landowner or developer, including heirs, successors, assigns and grantees, who has filed an application for subdivision and/or land development, as hereinafter defined, or an application for a special exception, variance, or conditional use.

Application for development—every application, whether preliminary or final, which is required to be filed and approved prior to start of construction of development including, but not limited to an application for a building permit, for the approval of a subdivision plan or for the approval of a land development plan.

Archeological resource—a below ground historic resource which is registered with the Pennsylvania Historical and Museum Commission's Bureau for Historic Preservation or listed on the National Register of Historic Places or may have potential for registration or listing with these agencies. It may contain potential for further investigation and research.

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

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

Basement—an enclosed area partly or completely below grade. A basement shall be considered as a story for the purpose of height measurement if the basement ceiling is 5 feet or more above the average ground level around the building.

Bed and breakfast establishment—an accessory use to an owner occupied, single-family detached dwelling that has been adapted to provide overnight lodging and breakfast to guests or travelers. Such lodging is for a short term, less than 14 consecutive days, and the only meal provided is breakfast in a dining room. In addition, no food preparation or consumption is permitted in the guest rooms and the number of guest rooms is limited to five. Owners shall comply with all federal, State and local requirements for the handling, preparation and serving of food. Any amenities (swimming pool, tennis court, etc.) shall be for the use, solely, of the resident owner and guests of the bed and breakfast facility. There shall not be more than one employee on the premises at any one time who is not a member of the household. One on-site parking space shall be provided for each guest bedroom and for any employee not a member of the household and shall be subject to the provisions of Part 18. The owner shall maintain a current guest register. Signage shall conform to Part 18. Area and bulk requirements shall be those that apply to single-family detached dwellings within the applicable zoning district. Those dwellings with on-site wells shall have water to the residence tested every 6 months by a certified laboratory to insure that the water meets Chester County standards for new wells.

Bikeway—a type of trail corridor designed primarily for bicycle traffic as part of the London Grove Township Comprehensive Trail System or as otherwise authorized by the Township. Bikeways may serve transportation and/or recre-

ational functions. Except where a designated bikeway route is contained within a road cartway or road shoulder, bikeways shall exclude all motorized vehicles except motorized wheel chairs or as authorized by the Township for maintenance, management, and emergency purposes. [Ord. 88]

Block—a unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development. [Ord. 117]

Boarding stable—a stable with stalls for hire and usable pasture area of not less than 1 acre per horse, and a total area of not less than 5 acres.

Buffer area—an area with natural ground-cover adjacent to a property boundary which does not contain any structures, except for those permitted in §27-1804, and which is landscaped and maintained as required by this Chapter (See §27-1806 and the applicable district regulations).

Buffer planting strip—a strip of land within the required Buffer Area which is landscaped with trees and shrubs of sufficient height and density to conceal from the view of abutting property owners the structures and uses on the premises on which the screening is located. The buffer strip shall be installed and maintained as required by this Chapter in the manner as required in §27-1806 and the applicable district provisions.

Building—any structure used or intended to be used for sheltering any use or occupancy.

Building area—the aggregate of the maximum horizontal cross-sectional areas of the buildings on a lot, excluding: cornices, eaves, gutters, or chimneys projecting not more than 18 inches; steps, balconies and bay windows not extending through more than one story and not projecting more than 5 feet; and one story open porches projecting not more than 10 feet, (“projecting” means extending from the building wall).

Building coverage ratio—the ratio of the building area to the net lot area and expressed as a percent or decimal, i.e., 30 percent or 0.30.

Building footprint—the perimeter of a principal permitted building, which may be the basis for conveyance of real estate. As an alternative to a conventional lot with yard areas, if a building footprint area is conveyed through a deed, the area outside the building footprint would be some form of open space. [Ord. 6/5/2001]

Building, principal—a building in which is conducted, designed to be conducted or intended to be conducted, the primary use of the lot on which it is located. [Ord. 117]

Building setback line, front yard—the line normally parallel to the public or private street right-of-way line at a distance equal to the minimum depth of the required front yard. All yards adjacent to a public or private street right-of-way normally shall be considered front yards. However, in the case of an interior flag lot, such setback line shall commence measurement from the front lot line or from the points of convergence between the side lot lines and the access to the private or public street.

Building setback, line, side yard—the line normally perpendicular to the front lot line and equal to the minimum depth of a required side yard.

Building setback line, rear yard—the line normally parallel to the front lot line and equal to the required minimum depth of the rear yard.

Bulk—the term used to describe the size of buildings or other structures and their relationship to each other, to open areas such as yards and to lot lines. The term may include the size, height and floor area of buildings or other structures; and all open areas in yard space relating to buildings and other structures.

Carport—a structure used for the storage of motor vehicles and ancillary household storage materials in an ecovillage, which is owned by a homeowners or condominium association created for the ecovillage and which is used by the residents, employees or visitors of an ecovillage with no commercial gain. [Ord. 161]

Cartway—the paved area of a public or private street, within which vehicles are permitted, including travel lanes, but not including shoulders, curbs, gutters, sidewalks or drainage swales.

Car wash—any building or premises or portion thereof used for the commercial washing of automobiles, whether by automatic, semi-automatic, or manual means.

Center line, street—a line in the center of a street which is equidistant from and parallel to the street lines.

Charitable use—a use, conducted by a nonprofit organization, as a service to the general public or to a significant portion of the public, for no fee or at a fee which is less than would be charged by a profit-making organization.

Church—a building or group of buildings primarily including customary accessory buildings, designed or intended for organized religious use. The word “church” includes: meeting houses, chapels, cathedrals and temples.

Clear sight triangle—the triangular area formed by two intersecting street center lines and a line interconnecting points established on each center line, 75 feet from their point of intersection. This entire area is to remain clear of obstructions to vision between a plane established 2½ feet and one of 15 feet in elevation from grade level at the intersection of the street center lines.

Cluster—a type and form of land development in which single-family detached dwellings and a limited number of single-family attached dwellings in the form of townhouses are grouped together on a tract of land, and open space is designated and maintained to protect natural resources and to provide recreational and civic amenities in accordance with Part 27. Cluster developments are designed around open space, which serves as the central organizing element of the neighborhood. (Also referenced as “clustering,” “cluster development,” “clustered housing.”) [Ord. 6/5/2001]

Cluster development—see “cluster.” [Ord. 6/5/2001]

Cluster housing—see “cluster.” [Ord. 6/5/2001]

Clustering—see “cluster.” [Ord. 6/5/2001]

Combustible fibers—readily ignitable free-burning fibers such as, but not limited to, jute, hemp, cotton, sisal, henequin, istle, tow, cocoa fiber, oakum, bailed waste paper, kapok, hay, straw, Spanish moss, excelsior, synthetic fibers and similar materials in fiber form.

Commercial—a use of land, or improvements thereto, for the purpose of engaging in retail, wholesale or service activities for profit. [Ord. 117]

Common house—a structure for the use of residents and facilities in an ecovillage, which is owned by a homeowners or condominium association created for the ecovillage and which may include, but is not limited to:

- (1) A kitchen.
- (2) A meeting room.
- (3) Guest rooms for resident use.
- (4) A workshop.
- (5) A play room for resident children.
- (6) An exercise room.
- (7) Administrative offices.
- (8) A mail room.
- (9) A computer or business center.
- (10) Bathrooms.
- (11) Storage.
- (12) A community deck or patio.
- (13) A community pool.
- (14) A community greenhouse.

[Ord. 161]

Community facilities—the services which provide for various community health, education, safety, leisure and like needs and the locations at which these services are provided. Typical community facilities include schools, parks and recreation areas, libraries, hospitals and other health-care facilities, fire protection, police, ambulance and rescue service, and postal services.

Community living arrangement—a group home consisting of five or less primary resident occupants requiring 24-hour, live-in care, specialized care, custody, or treatment by reason of mental retardation or mental illness, or physical disability, or both, provided that none of the individuals represents in a community living arrangement a risk or danger to himself or others. Specifically excluded from the definition of “community living arrangement” are disciplinary group homes or individuals who are currently engaged in the illegal use of drugs.

Compost—a mixture of organic and inorganic materials used as a medium for the growing of plants, fruits and/or vegetables. [Ord. 177]

Composting materials—any organic waste material, including, but not limited to, the manure of any animal or organic material produced or reclaimed from the cleaning of any barn, building or structure used for raising, housing or retention of livestock, poultry, horses; any other organic material from all sources which is stored, combined, processed, aerated, packaged, shipped as Compost, or for reuse or application on any property or any additional packaging. [Ord. 177]

Composting processing operations—

Agricultural composting processing operations—any mixture, combining, processing, aerating, packaging, or similar use of any composting materials or stored processed compost for use permitted under the definitions of agriculture, extensive or agriculture, intensive. All of the product generated

as a result of this operation must be used in the primary agricultural use on the property where the composting processing operations occurs. The term agricultural composting operations shall include all compost and/or manure storage operations and land application of any composting of any composting materials, but shall not include the manure resulting from an on-site agricultural operation; nor manure product being spread on fields as fertilizer for agriculture. The term shall include spent mushroom growing substrate, as well as materials being processed to used as fresh mushroom compost. The term shall not include residential composting.

Commercial composting processing operations—any mixing, combining, processing, aerating, packaging, shipping or similar use of any composting materials or storing processed compost for the purpose of sale or distribution, excluding retail sales that take place at garden centers, home improvement centers and similar retail establishments. The term commercial composting operations shall include all compost and/manure storage operations and land application of any composting materials, but shall not include manure resulting from an on-site agriculture use, nor manure product being spread on fields as fertilizer for agriculture. The term shall include spent mushroom growing substrate, as well as materials being processed to be used as fresh mushroom compost. The term shall not include residential composting.

[Ord. 177]

Comprehensive Plan—the Township plan, as may be amended from time to time, including maps, tables and text which constitute a policy guide for decisions regarding land use, circulation, community facilities and utilities within the Township.

Comprehensive trail system—a system of interlinking trails throughout the Township, designated for transportation and recreation purposes, as delineated on the London Grove Township Trail System Map, including subsequent additions or amendments thereto. [Ord. 88]

Conditional use—a use which may be approved, after a public hearing by the Township Board of Supervisors, after recommendation by the Planning Commission, when in compliance with all applicable standards and criteria set forth in this Chapter.

Condominium—a term meaning individual ownership of a real estate unit within a multi-unit structure such as, but not limited to, individual ownership of apartments, and having common ownership open areas within the structure and/or land immediately surrounding the structure and organized in accordance with the Pennsylvania Uniform Condominium Act, 68 P.S. §3101 *et seq.*

Convenience store—a retail activity designed to serve a local market which involves, but is not limited to, any of the following uses: delicatessen, small food market, sale of automotive fuel, or video tape rental. [Ord. 117]

Conventional lot development—the standard lot-by-lot development, commonly referred to as “cookie-cutter” development where the lots consume all of the land of the tract, and cluster development is not proposed or utilized. [Ord. 6/5/2001]

Construction operation or activity—the erection, repair, renovation, demolition, removal, rehabilitation or other work performed for, to, or with regard to any building or structure; including the excavation, filling and grading of lots in

connection therewith or in preparation thereof.

Contractor establishment—the business or operating location of a general contractor, heavy equipment contractor, or any contractor where large equipment and/or bulk materials are stored for use under contract or in general business.

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

Conversion, residential—the change in density and dwelling type of an existing residence, resulting in the creation of party walls and independent working lavatory and sleeping facilities.

County—any reference to the “County” contained herein shall refer specifically to Chester County, Pennsylvania.

Court—an unoccupied open space, other than a yard, on the lot with a building or several buildings, which space is bounded on two or more sides by the walls of such building or buildings.

Covenant—an obligation defined by law or agreement, the violation of which can be restrained by court action; these are usually stated in deeds.

Critical environmental area—those areas which, by reason of steep slope, erosive soils, water hazard soils, floodplain, limestone formations or other physiographic features, either prohibit or restrict development or use or require special engineering considerations in the design and placement of structures.

Day care center—any premises in which care is provided for persons who are not relatives of the operator, including nursery schools and adult care facilities, excluding care furnished in places of worship during religious services.

Decision—a final adjudication of any board or other body granted jurisdiction under any land use ordinance either by reason of the grant of original jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of Chester County.

Deck—an attached accessory floor structure, typically made of wood and not enclosed by complete walls or a roof, considered as part of the principal structure for the purpose of determining minimum setbacks. [Ord. 94]

Demolition—the razing or destruction, whether entirely or in significant part, of a building, structure, site, or object. Demolition includes the removal of any building, structure, or object from its site, or the removal or destruction of the facade or surface and also includes natural living barriers such as tree stands.

Density, gross—gross density is determined by dividing the total number of dwelling units by the total amount of the net lot area as hereinafter defined.

Density net—the number of dwelling units in relation to the net lot area actually in use or proposed to be used, exclusive of sidewalks, parks, playgrounds, common open spaces.

Detention basin—a structure designed to retard surface runoff for a period of time sufficient to cause the deposition of sediment and to reduce the velocity and volume of surface flows leaving a site, thus preventing further erosion.

Determination—a determination shall mean any final action of the Zoning Officer or the Township Engineer constituting a final approval or disapproval or approval with conditions of any application for a building or use permit. The decision of the Township Engineer in his administration of the flood hazard regulations shall be deemed a determination when and only when no further action is required on the part of the Zoning Officer, but, where the Township Engineer's decision or recommendations are submitted to the Zoning Officer for further action, whether or not such recommendation is binding upon the Zoning Officer, the decision of the Township Engineer shall not be deemed a determination, but the determination shall be made by and only by the Zoning Officer.

Developer—any landowner, equitable owner or authorized agent of such landowner or tenant with permission of the landowner who formally proposes or makes, or causes to be made, a subdivision, land development or any other development.

Development—the division of a parcel of land into two or more lots; any man-made changes to land, including but not limited to construction, reconstruction, erection, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill, filling or other land disturbance.

Drive, internal access—a private driveway within a tract of land and designed to serve multiple units or buildings, linking parking lots and individual driveways to adjacent streets.

Drive-through service—a restaurant, bank, drug store or other use that provides service to customers who remain seated in automobiles where customers are served either through an exterior window in the establishment, or directly to parked automobiles on the premises. [Ord. 117]

Driveway—a private cartway providing vehicular access from such property to and from a public or private street, designed in accordance with the Township's Subdivision and Land Development Ordinance [Chapter 22].

Dump—a piece of land used for deposit and storage of refuse including, but not limited to, ash, garbage, rubbish, and/or discarded materials. A dump is not

included in the definition of a sanitary landfill as operated in accordance with Pennsylvania DEP standards and regulations. (See also performance standards in §27-1824) [Ord. 167]

Dwelling—any building or other structure designed for, and occupied exclusively for, residential purposes, including an apartment and mobile home, but excluding rental units in a motel, rooming house, tourist home, institutional home, dormitory, and the like. It is the intention to include within the definition of dwelling, all recognized housing types, architectural types or styles or combinations thereof, whether such housing units are for lease or for sale. Dwelling types include, but are not limited to, the following:

(1) *Single-Family Detached*. A building designed for and occupied exclusively as a residence, containing one dwelling unit and having no common or party wall with an adjacent dwelling, and having yards on all sides. Where a private garage is structurally attached to such building, it shall be considered as part thereof.

(2) *Single-Family Semi-detached (Twin)*. A building designed for and occupied exclusively as a residence, containing two dwelling units separated by a vertical common or party wall and having yards on all but one side.

(3) *Single-Family Attached (Townhouse)*. A building designed for and occupied exclusively as a residence, containing three but not more than six dwelling units each accommodating one family and which are attached by a vertical common party wall and which have side yards adjacent to each end unit.

(4) *Multi-family*. A building designed for and occupied exclusively as a residence, containing three or more dwelling units, but which does not meet the definition of a “townhouse.”

[Ord. 117]

Dwelling unit—a single unit providing complete, independent living facilities for one family, including permanent provisions for living sleeping eating, cooking and sanitation, but excluding individual rental units in a motel, rooming house, tourist home, institutional home, dormitory, and the like. [Ord. 117]

Dwelling unit, accessory (ADU)—a separate dwelling unit on the same lot as the principal dwelling unit housing one or more members of the family related by blood or marriage, or otherwise permitted under §27-302.D(5) and §27-303.15, living together as a single housekeeping unit, and not sharing common eating, cooking and/or bathroom facilities. Immediately upon cessation of occupancy by a family member, the ADU use shall be removed from the premises and any structure not lawful shall be made lawful.

Earthen stormwater management facility—a stormwater management facility that is constructed of earthen materials and blends into the natural topography such as grassed waterway, grass lined swale, diversion terrace, berm, or other like type facility. [Ord. 6/5/2001]

Easement—an interest in land owned by another that entitles the holder of the easement to a specific use or enjoyment of the land. [Ord. 111]

Easement, stormwater—an easement on detention basins, wet basins, retention

basins, infiltration basins, and infiltration berms. [Ord. 111]

Ecovillage—an ecovillage is defined as a single-family residential development of attached and/or detached dwellings which meets the following criteria:

(1) An ecovillage shall be located on a previously developed site or an in-fill site.

Infill site—a site that meets any of the following three conditions: 1) at least 75 percent of its perimeter borders sites have been previously developed; 2) the site, in combination with any set of adjoining parcels, forms an aggregate parcel whose perimeter is 75 percent bounded by previously developed sites; or 3) at least 75 percent of the lands within a ½-mile radius of the project perimeter are previously developed. For the purpose of this definition, a street does not constitute previously developed land; instead the status of property on the other side of the street is considered. Any fraction of the perimeter that borders waterfront other than a stream will be excluded from the calculation.

Previously developed site—a site having pre-existing paving, construction, or altered landscapes that would typically have required regulatory permitting to have been initiated.. This does not apply to altered landscapes resulting from current or historical agricultural or forestry use, or use as preserved natural area.

(2) The project shall be located near existing neighborhood shops, services, and facilities so that the project boundary is within ½-mile walking distance of at least seven unique and diverse uses or a walkable commercial district containing at least seven unique and diverse uses listed below:

- (a) Adult/senior care (licensed).
- (b) Bank.
- (c) Child care (licensed).
- (d) Clothing store or department store selling clothes.
- (e) Coffee shop.
- (f) Community/recreation center.
- (g) Convenience store.
- (h) Cultural arts facility (museum, performing arts).
- (i) Educational facility (K-12, vocational, community college, adult education, university).
- (j) Family entertainment venue (theater, sports).
- (k) Farmer's market.
- (l) Fire station.
- (m) Florist.
- (n) Government office where the public is served on-site.
- (o) Gym/health club/exercise studio.
- (p) Hair care.
- (q) Hardware store.

- (r) Laundry/dry cleaner.
- (s) Legal office.
- (t) Medical or dental clinic or office where patients are treated.
- (u) Pharmacy.
- (v) Place of worship.
- (w) Police station.
- (x) Post office.
- (y) Public library.
- (z) Public park.
- (aa) Restaurant/cafe/diner (excluding establishments with only drive-throughs).
- (bb) Social services center.
- (cc) Supermarket or other food store with produce.
- (dd) Any other use which, in the discretion of the Board of Supervisors, is similar to those listed above.

(3) Each ecovillage dwelling unit shall meet and receive appropriate certification of achieving the following performance standards:

- (a) LEED (Leadership in Energy and Environmental Design) Gold for Homes.
- (b) HERS (Home Energy Rating System) score of 50 or lower.
- (c) Fifty percent or more of the annual energy required to operate the ecovillage dwelling unit must be supplied by on-site renewable energy generation.

(4) Any common house shall meet and receive appropriate certification of achieving the following performance standards:

- (a) LEED (Leadership in Energy and Environmental Design) Gold for New Construction.
- (b) Fifty percent or more of the annual energy required to operate the common house must be supplied by on-site renewable energy generation.

(5) The project shall include establishment of a homeowners association or other governance structure as may be approved by the Township for maintenance of common grounds and amenities.

[Ord. 161]

Ecovillage dwelling unit—a building or other structure designed for, and occupied exclusively for, residential purposes, excluding an apartment and rental units in a motel, rooming house, tourist home, institutional home, dormitory and the like. Dwelling types include:

- (1) *Single-Family Detached*. A building designed for and occupied exclusively as a residence, containing one ecovillage dwelling unit and having no common or party wall with an adjacent dwelling.
- (2) *Single-Family Attached (Townhouse)*. A building designed for and occupied exclusively as a residence, containing three but not more than six

dwelling units each accommodating one family and which are attached by a vertical common party wall.

(3) *Single-Family Semi-detached (Twin)*. A building designed for and occupied exclusively as a residence, containing two dwelling units separated by a vertical common or party wall.

[*Ord. 161*]

Ecovillage internal accessway—a private roadway within a tract of land used as an ecovillage which is designed to serve multiple ecovillage dwelling units or structures. [*Ord. 161*]

Educational use—structures or uses specifically designed, arranged and intended for the purpose of education, limited to kindergarten, elementary and secondary schools, either private or public, including schools relating to religious organizations and vocational schools. Day care homes and day care centers are excluded from this definition. [*Ord. 180*]

Engineer, Township—a licensed professional engineer or engineering firm designated by the Township to perform the duties of engineer as herein specified.

Enlargement—an addition to the floor area or increase in size of an existing structure, an increase in the area of a parcel which is occupied by an existing use, or an increase in the intensity of a use as a result of increased parking, traffic generation or alternate sewage disposal system or other impacts on surrounding land uses, existing or zoned.

Environment—the conditions, resources and/or characteristics which exist within and surround the area to be affected by a proposed subdivision and/or land development including; natural elements such as land, water, air, minerals, natural flora and natural fauna; and man-made components such as objects of historic or aesthetic significance, infrastructure and man-related attributes of a social and economic nature.

Equivalent dwelling unit (EDU)—an equivalent dwelling unit represents that amount of water needed or sewage generated by a particular use that is not residential. The Department of Environmental Protection, equivalent EDU ratings shall be used for any proposed EDU use requirements. [*Ord. 167*]

Existing utility easements (EUE)—a term used in the formula for determining maximum allowed dwelling unit density when utilizing either of the cluster development options of Part 3. It refers to any existing utility easements for communications transmission, electricity, pipe transmission lines, and sewer and water, at the time of development plan submission.

Family—a “family” is one or more individuals living together as a single non-profit housekeeping unit, sharing kitchen and other common facilities, and meeting one of the three criteria listed below, together with any domestic servants and with any specialized individuals required to render assistance, aid or services necessary by reason of any mental or physical disability of one or more of said primary resident occupants:

- (1) One individual.
- (2) Two or more individuals related by blood, marriage or adoption, and

including foster children permanently residing in the family unit as a part thereof and placed with the family unit by consent of the natural parents or order of the court or authority of competent jurisdiction.

(3) Four or fewer individuals unrelated by blood or marriage and residing permanently on the premises as part of the family unit.

The term “family” shall not include institutional group homes, disciplinary group homes, dormitories, boarding houses, rooming houses, fraternity houses hotels, day care facilities, or any use similar to those specifically excluded.

Fence—any freestanding and uninhabited structure consisting of wood, glass, metal, plastic, wire, wire mesh, masonry or vegetation singly or in combination with other materials, 2½ feet or higher, erected to secure or divide one property from another or part of a property from a remaining part, to assure privacy, to protect the property so defined, or to enclose all or part of the property; freestanding masonry wall is considered a fence.

Fill—material, exclusive of structures, placed or deposited so as to form an embankment or raise the surface elevation of the land.

Flood—stormwater that temporarily inundates land areas not normally covered by water.

Flood Boundary and Floodway Map (FBFW)—the map prepared by the Federal Emergency Management Agency for London Grove Township denominated “Flood Boundary and Floodway Map,” dated July 8, 1994, or as updated, and made a part of the Flood Insurance Study.

Flood fringe—that portion of the floodplain of the 100-year flood which is outside the floodway.

Flood hazard area—those areas as described in Part 16 and delineated on the Floodplain Conservation District Map.

Flood Insurance Rate Map (FIRM)—the Flood Insurance Rate Map is that map prepared by the Federal Emergency Management Agency (FEMA) for London Grove Township, dated February 1, 1984, or as updated.

Flood Insurance Study (FIS)—the Flood Insurance Study is that study prepared by the Federal Insurance Administration for London Grove Township dated the 8th day of August, 1983, or as updated, and shall be deemed to include, in addition to the other facts, data, diagrams and plans contained therein, the Flood Hazards Boundary Map (FHBM).

Flood, one hundred year—a flood that, on the average is likely to occur only once every 100 years, that is, one that has a 1 percent likelihood of occurring each year, but may occur more than once in any 100-year period, as delineated by the Federal Insurance Agency Maps developed in the Flood Insurance Program. For the purpose of this Chapter, a storm of 7 ⁴/₁₀ inches or more of rain within a 24-hour period shall be deemed a 100-year storm.

Floodplain—a relatively flat or low land area, adjoining a river, stream, water course or body of water, which, area is subject to partial or complete inundation; an area subject to the unusual and rapid accumulation of surface waters from any source, e.g., stormwater drainage course and basins.

Flood prone area—those areas as described in Part 9 and delineated on the

Floodplain Conservation District Map.

Floodproofed—watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydraulic and hydrodynamic loads and effects of buoyancy.

Floodway—that area within the floodplain required to carry the waters of a 100-year flood without increasing the water surface elevation of that flood more than 1 foot at any point. The floodways within the FS District are shown on the FIRM.

Fresh mushroom compost—composting materials, which are used as a part of the process for creating a substance and/or medium in which to grow mushrooms. [Ord. 177]

Funeral home—a building used for the preparation of the remains of deceased persons for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

Garage, private—an accessory use or part of a permitted principal building used for the storage of motor vehicles owned and used by the owner, residents, employees or visitors of such permitted principal building with no commercial gain.

Garage, public—a building, not a private garage, used for the storage or repair of motor vehicles for commercial gain.

Governmental uses—buildings, facilities or activities used or conducted for administrative governmental, as opposed to a proprietary, purpose.

Grade, final—the completed surfaces of, but not limited to, lawns, walks, parking areas, driveways, and roads brought to grades as shown on submitted plans or designs relating thereto.

Green—an open space area around which dwelling units are placed in a clustered arrangement. A green, typically in the range of 5,000 to 10,000 square feet, serves as an organizing element for homes in an arrangement as depicted in Appendix I of the Subdivision and Land Development Ordinance [Chapter 22]. [Ord. 6/5/2001]

Group home—two or more persons unrelated by blood or marriage living together permanently or for an indeterminate period of time in a single housekeeping unit, where such living arrangement arises or continues by reason of a common need for specialized care, custody or treatment provided in that dwelling unit on a continuing basis. Excluded from the term “group home” are:

(1) Apartments for housing workers, students or fraternal members, unless such primary resident occupants qualify by reason of physical or mental disability necessitating such care, custody, and control.

(2) Rooming houses, boarding houses, hotels, motels, or any other arrangement substantially similar to the herein enumerated exclusion.

Group homes are of three types, viz: community living arrangement, institutional group home, and disciplinary group home.

Group home, disciplinary—a group home where the primary resident occupants are there by reason of a sentence of a court of competent jurisdiction, or an order of any administrative board or agency, or any voluntary commitment in lieu of either of the above, where such order, sentence, or commitment is (1) for the violation of the criminal statutes of the Federal government or the Commonwealth

of Pennsylvania, or (2) for commitment as a juvenile offender, or (3) for treatment for drug or alcohol addiction abuse or unlawful use, or (4) for a mental illness or mental retardation where such primary resident occupant represents a risk of harm to himself or others. The term “group home, disciplinary” shall include halfway houses, probationary community living arrangements and other court supervised living facilities for prisoners, parolees, or as an alternative sentencing or treatment method.

Group home, institutional—an institutional group home shall be any group home other than community living arrangement or a disciplinary group home.

Height, building—the height of a structure shall be the distance between the mean level of the ground surrounding the structure and a point midway between the highest and lowest points of the roof; provided, that chimneys, spires, towers or antennas; roof structures for housing stairways; air conditioning, ventilating or elevator equipment; tanks and similar projections shall not be included in calculating the height.

Helicopter—a rotocraft that depends on its engine-driven rotors to fly.

Heliport—a facility, whether private or public, containing an area of land, water, or structural surface which is designed, used or intended to be used for the landing and take-off of helicopters, and any appurtenant areas, which are designed to be used for helicopter support facilities.

Historic resource(s)—within the context of this Chapter, all buildings archaeological sites, structures, objects, and districts over 50 years of age and either shown on the London Grove Historic Resources Map or on file with the Township Historic Commission.

Historic Resources Inventory—an official list appropriately documented, of historic resources with London Grove Township, and their classification as being either Class I, II, or III.

Historic Resources Map—a map adopted separately from this Chapter showing the location of historic resources and their respective classifications.

Home occupation—home occupations are accessory uses to the use of the premises for dwelling purposes and second principal uses shall not be deemed home occupations solely by virtue of the fact that the owner thereof resides upon the premises. Home occupations are divided into two categories: the first, being Level 1 home occupations, are permitted as a use-by-right in any dwelling unit or building accessory thereto, provided the limitations and criteria set forth in the relevant Sections hereof, relating to design standards for home occupations, and §27-1818 through §27-1824 hereof relating to performance standards for home occupations, are fully complied with.

(1) Level 1 home occupations include and are limited to:

(a) All uses shall be limited to a maximum of 10 percent of the total residential area or 250 square feet, whichever is less.

(b) Small office uses, such as professional offices, manufacturers' representatives, real estate brokers.

(c) Studio uses, such as artist studios, musician studios and handicraft shops.

(d) Retail service uses, such as barber shops, tailor shops and the like

(but excluding funeral directors and undertakers establishments).

(e) Educational uses, such as tutorial services, day care for not more than three persons at any one time, music, art or similar instruction for not more than three persons at any one time (but excluding equestrian training). Provided, however, in all such cases, the practitioner shall reside within the principal dwelling unit and the principal activity or use is that of a residence and not a business. No more than two persons not residents of the premises shall be employed in a Level 1 home occupation.

(2) Level 2 home occupations shall be, in like manner, an accessory use to the principal residential dwelling use and shall be demonstrated by the applicant to be clearly subordinate to the residential use. Because of the wide variety of uses that may fall within the category of Level 2 home occupations, these shall be permitted only by special exception. Before such home occupation is approved, the Zoning Hearing Board shall ascertain that the applicant has and will continue to comply with all of the design standards set forth in the relevant residential district, and all of the performance standards of Part 18 referred to in a residential district containing the home occupation. The design and performance standards shall be deemed definitional and no special exception shall be granted unless and until the applicant brings himself within the definitional aspects, including performance and design standards for which such special exception may be granted. No Level 2 home occupation shall employ more than three persons not residing in the principal dwelling house and all such activities shall be conducted in the principal dwelling, buildings accessory thereto or in open areas adequately screened from public roads and adjacent properties. Both the owner and operator of the Level 2 home occupation shall reside upon the premises. The Level 2 home occupations are somewhat larger commercial enterprises, and include and are limited to:

- (a) Office uses.
- (b) Studio uses.
- (c) Retail service uses.

(d) Educational uses, including day care facilities for not more than 12 persons at any one time, art, music and classroom instructions for not more than 12 students at any one time, equestrian training for not more than six students at any one time.

(e) Animal raising, breeding, and veterinary activities, such as pet kennels containing not more than eight household pets over 6 months of age at any one time, veterinary offices, veterinary clinics and veterinary hospitals.

(f) Manufacturing and industrial occupations, such as general automotive repair shops (excluding body and fender shops); the production and sale of handicraft items, furniture repair, and custom cabinet making.

(g) Contractors establishment provided that all activities are conducted in enclosed buildings all vehicles, equipment, supplies, materials and inventory are stored in enclosed accessory buildings.

(h) Indoor retail activities containing less than 1,000 square feet of sales floor area and 1,000 square feet of storage area.

(i) Outdoor nurseries containing less than 10,000 square feet of area, properly screened from view of adjacent properties and, public roads.

(j) The sale, lease or otherwise trading in motor vehicles, mobile homes, recreational vehicles, boats, trailers and the like shall not be deemed home occupations.

Homeowners association—a nonprofit organization comprised of homeowners or property owners, planned and operated under negotiated and approved rules and regulations, for the purpose of administering the needs of residents through the maintenance of community-owned property. This term is synonymous with property owners association.

Horticulture—the science and art of growing fruits, vegetables, flowers, or ornamental plants. [Ord. 135]

Hospital—an institution providing primary health services and medical and/or surgical care to persons, some of whom are outpatients, suffering from illness, disease, injury, deformity and other physical or mental problems. When conducted as an integral part of the hospital, related accessory facilities such as laboratories, outpatient or training facilities or offices for doctors and other medical personnel affiliated with the hospital may be an accessory use to the hospital.

Hospital, animal—a building used for the treatment, housing or boarding of small domestic animals such as, but not limited to, dogs, cats, rabbits and birds or fowl by a veterinarian.

Hotel, motel or inn—a building or group of buildings containing six or more guest rooms, without cooking facilities of any kind, especially designed for the temporary lodging of transient guests in guest rooms. Such establishments shall provide guests with customary hotel services such as maid service and the furnishing of linen. Eating and drinking facilities may be an accessory use to the hotel, motel or inn.

Impervious surface coverage—water shedding materials with a CN of .95 or over, as defined in the Soil Conservation Service's TR-55, that normally shed most rainfall. Examples are buildings, paved areas including streets, parking lots and similar surfaces and other improvements that generate significant stormwater runoff.

Improvements, site—physical additions and changes to land such as grading, paving, streets, curbs, fire hydrants, water mains, sanitary sewers, capped sewers, storm sewers, storm drains, catch basins, culverts, sidewalks, monuments, crosswalks, bridges, earthworks, street lights, street trees and other plantings and other structures that may be necessary to produce usable and desirable land development.

Improvement, substantial—any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the proven market value of the structure either: (1) before the improvement or repair is started; or (2) if the structure had been damaged and was being restored after the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur

when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether not the alteration affects the external dimensions of the structure. The term does not, however, include either: (1) any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or (2) any alteration of a structure listed on the National Register of Historic Places or State inventory of historic places.

Industry manufacturing, heavy—the assembly, construction, fabrication, machining, or processing, of materials or goods that emit noxious smells, high ambient sound levels, excessive light glare, or pollutants beyond the confines of the building or structure intended for such use.

Industry manufacturing, light—any industrial type use that does not meet the criteria of heavy industry manufacturing above.

Industrial park—a grouping of three or more industrial establishments developed according to a unified plan on a tract held in single and separate ownership, and sharing common utilities and streets.

Infrastructure—the basic installations and facilities on which the continuance and growth of a community depend such as, but not limited to, roads, schools, electrical transmission facilities, transportation, communication, sewer and water systems.

Institutional use—any formalized or structured system, whether private or public, providing care, containment, education, guidance, or training to persons of any age and requiring facilities, structures and/or housing of those persons. Some examples of institutional uses are colleges, boarding schools, hospitals, long term care facilities, and prisons or detention centers.

Junk vehicle—any vehicle stored outside, which is so disabled, disassembled, dismantled or damaged, as to be incapable of being used safely for its intended purposes, or does not have a current Pennsylvania motor vehicle registration sticker, and is left in such condition for 90 days or more; vehicles stored for their parts or scrap value.

Junkyard—a lot, land or structure, or part thereof, used primarily for the collection, storage and sale of wastepaper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof. Such facility shall comply with all applicable federal and state regulations and standards regarding acceptance, storage, and disposal of any environmentally hazardous substances contained in accepted materials or products. (See also performance standards, §27-1824)

Kennel, commercial—an establishment where household pets, more than 6 months old, are kept, boarded, raised or bred and income is derived from such services rendered.

Land development—any of the following activities:

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

(a) A group of two or more residential or nonresidential buildings,

whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

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

(2) A subdivision of land.

(3) Development in accordance with §503(1.1) of the MPC, 53 P.S. §10503(1.1).

Land development plan—a sketch, preliminary or final plan which complies with the requirements of the Township's Subdivision and Land Development Ordinance [Chapter 22] (see also, “subdivision plan”).

Landowner—the legal or beneficial owner or owners of land; the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition) or a lessee if he is authorized under the lease to exercise the rights of the owner.

Landscaped area—the landscaped area includes the buffer planting strip and those plantings which serve a functional and/or aesthetic purpose and are located around and between buildings, roads, parking area, sidewalks, walkways, sitting areas, service or maintenance structures, courtyards and the like. The landscaped area is both unsurfaced and water absorbent. It includes that portion of a tract or lot maintained in its natural state and is not occupied by any buildings, paved surfaces or man-made structures.

Landscaping plan—a plan for the installation and maintenance of plants, prepared according to the provisions of Part 18.

Lane, acceleration or deceleration—a lane adjacent to the primary cartway and attached thereto for the use only by vehicles entering, leaving or crossing a lane of forward travel without interrupting the flow of traffic.

Launderette/Laundromat—a business premises equipped with individual clothes-washing machines, dry cleaning machines, and/or dryers for the use of retail customers, exclusive of laundry facilities provided as an accessory use in apartment complexes or houses.

Life care community—a land development which includes residential units within a planned retirement community and accessory uses for the continuing care of the residents.

Limited residential subdivision—the adaption of existing farm structures such as barns, stables, and the like, within the AP R-10 District, to use as housing for employees of the owner of the property on which said housing occurs.

Limited winery—a facility licensed by the Pennsylvania Liquor Control Board as a “limited winery” under and pursuant to the Pennsylvania Liquor Code, 47 P.S. §1-101 *et seq.* (“the Liquor Code”). [Ord. 135]

Livestock—animals of any kind raised for sale, resale or agricultural field production. For the purposes of this Chapter, the keeping of common household pets as defined under “pets, household,” shall not be considered as the keeping of

livestock.

Loading space, off-street—a space in a building or on a lot which is accessible from the public street system for the temporary use of vehicles while loading or unloading merchandise, materials or passengers.

Local/collector trail—a type of trail that is part of the London Grove Township Comprehensive Trail System and that is designed as an on-site recreation resource and as a means of connection to one or more multi-use arterial trails. Such trail may, but need not, serve multi-use functions. [Ord. 88]

Lot—a parcel of land described by metes and bounds, deed descriptions, or an approved subdivision.

Lot area, buildable—the net lot area further reduced by:

- (1) Perimeter setbacks.
- (2) Total required open space.

Lot area, gross—the area of land contained within the limits of the legally described property lines bounding the lot. [Ord. 111]

Lot area, net—the area of land contained within the limits of the legally described property lines bounding the lot, exclusive of any existing or proposed street or railroad rights-of-way, common open space, private easements, easements for the purposes of access, utility (above or on the ground) or stormwater management including infiltration areas, prohibitive steep slopes, floodplain, floodway, and wetlands as defined by this Chapter. Unless otherwise specified, where the term “lot area” is used in this Chapter, it shall be construed to mean net lot area. [Ord. 111]

Lot, corner—a lot abutting upon two or more streets or upon two parts of the same street, forming an interior angle of less than 135 degrees. A corner lot has two front yards and two side yards.

Lot coverage—the percentage of the lot area that is occupied by any required or proposed improved area, exclusive of landscaped open space areas.

Lot depth—the distance along a straight line drawn from the midpoint of the front lot line to the midpoint of the rear lot line.

Lot, interior—a lot which has limited frontage on public street and has access to a public street by a relatively thin strip of land; a “flag-shaped” lot or a lot which has access to a street only by way of a narrow strip of land less than 50 feet wide for each lot, which fronts on a public street.

Lot line, front—the lot line abutting a street and coinciding with the street line. In the case of a corner lot, it shall be the street abutting lot line identified on the approved subdivision and/or land development plan, as the front lot line. In the case of arm existing lot, it shall be the lot line designated on an approved site plan. In the case of any other lot, the front lot line shall be construed to be the lot line on the side of the main entrance.

Lot line, side—any lot line which is not a front lot line or a rear lot line.

Lot line, rear—the lot line which is opposite to the front lot line or, in the case of an interior lot, the front yard.

Lot, reverse frontage—a lot extending between and having frontage on two

generally parallel streets with vehicular access limited to one street. Access shall be from a minor, i.e., local rather than a major, i.e., collector or arterial street.

Lot width—the horizontal distance measured between the side lot lines at the required or proposed front yard building setback line.

Mini storage/warehouse—a structure containing separate storage spaces at varying sizes leased or rented on an individual basis.

Mobile home—(see “dwelling, mobile home”).

Mobile home lot—a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the placing thereon of a single mobile home which is leased by the mobile home park owner to the owner or occupants of the mobile home placed on the lot.

Mobile home park—a parcel of land, under single ownership, which has been planned and improved for the placement of mobile homes for non-transient use and consists of two or more mobile home lots.

Motel—(see “hotel, motel or inn”).

Multi-use arterial trail—a type of trail that is part of the London Grove Township Comprehensive Trail System and that offers low-speed transportation and recreation opportunities to pedestrian, bicycle, and equestrian users. Such trail segments provide the principal connecting routes between destinations within the Township and to multi-municipal and regional trail systems beyond the Township. [Ord. 88]

Municipal use—a use conducted by the Township or the London Grove Township Municipal Authority such as: parks, playgrounds and other recreational, cultural and conservation areas, and sites for sewage treatment or other public facilities. [Ord. 163]

Municipal waste disposal or processing facility—this term is defined by 25 Pa.Code §271.1. [Ord. 154]

Mushroom growing substrate—a specific growth medium prepared to supply the nutrients needed during the mushroom growth cycle.

Nonconforming location, dimension or standard—a nonconforming location exists where an otherwise lawful building or structure encroaches in mandated

setbacks from lot lines; roads or other buildings or structures. A nonconforming dimension is a lawful nonconformity arising where an otherwise lawful building or structure or paving exceeds the lot coverage, green area requirement or other similar dimensions or percentages under this Chapter or restrictive or prohibitory amendment thereto. A nonconforming standard is a lawful nonconformity arising by reason of violation of standards created under this Chapter or any restrictive or prohibitory amendment thereto with reference to those common regulations set forth under Part 21 or otherwise established under any design or performance standards applicable to the use, activity or structure. By way of illustration and not by way of limitation, a nonconforming standard arises where a use had sufficient parking under the prior ordinance but the parking is deficient under the standards set forth in this Chapter.

Nonconforming lot—a lot of record lawfully existing at the passage of this Chapter or amendment hereto, nonconforming by reason of (1) a deficiency in lot areas required under this Chapter or amendment thereto, or (2) a deficiency in lot width at building or street line or where the lot by reason of its narrowness or shape would yield insufficient building envelope after deduction of the mandated lot line setbacks. Provided, however, such nonconforming lots shall not be deemed a lawful nonconformity if the owner thereof owns or controls adjacent land not held in single and separate ownership whereby, upon combining said lots, the nonconformity could be cured.

Nonconforming sign—a sign which does not conform to the sign regulations in this Chapter, as amended, but which was in existence lawfully before the regulation creating the nonconformity was enacted.

Nonconforming structure—a structure or part of a structure constituting a lawful nonconformity which is manifestly so designed as not to conform to or be usable for any applicable use provision in the district in which the structure is located and is not at a reasonable cost readily adaptable thereto. Such structures include, but are not limited to, signs, swimming pools, industrial-type buildings in residential areas where the same are not adaptable thereto. Provided, however, a building utilized for a conforming use shall not be granted the rights of a nonconforming structure merely by reason of an unavailability on the market for a user thereof. Thus, a church authorized in a specific district where the congregation has moved to another location shall not be deemed a nonconforming structure merely because no new congregation is readily available to utilize the same.

Nonconforming use—a nonconforming use is a lawful nonconformity in that the use is a use not permitted in the zoning district in which it is located.

Nonconformity—a nonconformity is a use, dimension, location, standard, structure or lot or the development of activity thereon which does not conform to one or more of the provisions of this Chapter, the Zoning Map or any amendment to either. A nonconformity may exist or have been created by reason of it being a lawful nonconformity as hereinafter defined, by reason of variance granted by the Zoning Hearing Board, by reason of a successful challenge to this Chapter or as an illegal use, structure, lot or activity. Where the nonconformity was created by reason of a successful challenge to this Chapter, the same shall for all purposes be deemed thereafter a lawful nonconformity. Where the same was created by variance, validity variance or variance by estoppel or vested right after determina-

tion by the Zoning Hearing Board, including any appellate review thereof, any change, expansion, modification or relocation shall be only by virtue of appropriate relief if granted by the Zoning Hearing Board, including any appellate review thereof. Unlawful nonconformities shall cease and terminate forthwith and shall constitute a violation of this Chapter.

Nonconformity, lawful—all uses, structures, lots and signs the regulations of the district in which were in lawful existence prior to this Chapter shall be known and regarded as lawful nonconforming.

Nursing home—any premises in which nursing care and related medical or other health services are provided, for a period exceeding one day, for three or more individuals, who are not acutely ill and not in need of hospitalization, but who, because of age, illness, disease, injury, convalescence or physical or mental infirmity need such care.

Object—a thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, moveable yet related to a specific setting or environment.

Office building—a building used primarily for conducting the clerical and administrative affairs of a business, profession, service, industry or government or similar activity.

Open space, agricultural—open space which is designed for agricultural use, and whose ownership, management and maintenance is governed by the open space provisions of Part 27. [Ord. 6/5/2001]

Open space, conservation (primary conservation areas)—conservation open space is that area within a residential development that falls within those critical environmental areas that are sufficiently environmentally sensitive as to preclude actual construction thereon, such as water hazard areas and prohibitive slopes. [Ord. 6/5/2001]

Open space, community (secondary conservation areas)—community open space shall be those areas within a residential development that are not sufficiently environmentally sensitive as to preclude construction thereon. Such open space shall be for the conservation of land in its natural state, such as woodlands, meadows, and scenic views, and useable for active and passive parks and recreation areas, in accordance with Part 27 of this Chapter, and §22-617 of the Subdivision and Land Development Ordinance [Chapter 22]. [Ord. 6/5/2001]

Open space, common or community—common or community open space shall be those areas within the residential development dedicated to the use and enjoyment of the residents thereof or to the public generally. The common open space shall include, but is not limited to, those areas dedicated to water and sewage treatment facilities, parks and recreation areas, active or passive, sedimentation and erosion control facilities and like amenities, but shall exclude from the definition sewer lines, water lines and electrical easements not otherwise used for the purposes herein described, and shall exclude roads and sidewalks and required yard distances and spaces between: structure perimeter setbacks.

Open space, designated—areas, identified on an applicant's plan, which shall be limited to open space use in perpetuity. [Ord. 6/5/2001]

Open space, minimum—the lowest amount of designated open space that is required in a cluster development, the calculation for which shall be based on the percentage of the net acreage of the tract, plus the conservation open space (primary conservation areas). [Ord. 6/5/2001]

Open space, total—total open space within a residential development shall be deemed to include the extensive agricultural, common and conservation open space in the total acreage. A portion of the open space may be both common and conservation open space or a portion may be both conservation and agricultural open space in proper circumstances. Provided, however, that where open space is both common and conservation or is both conservation and agricultural, the total open space required shall not be reduced below the sum total of required common open space, plus the required conservation open space, plus the required agricultural open space, separately computed. The total open space shall not duplicate that acreage, but the total acreage shall be deemed to include the sum total of all acreage dedicated to one or more of the open space areas defined in the paragraphs above.

Park—a tract of land designated and used by the public primarily for recreation of an active or passive nature.

Parks and recreation areas, active—community open space areas that are more formally organized and maintained, such as playfields, tot lots, playgrounds, tennis courts, basketball courts, and the like. [Ord. 6/5/2001]

Parks and recreation areas, passive—community open space areas that are more natural and undeveloped, such as a woodland or stream valley trail, a picnic grove, a scenic overlook, and the like. [Ord. 88]

Parking space—a reasonably level space, available for the temporary parking of one motor vehicle, exclusive of passageways, driveways or other means of circulation or access. A parking space shall include either covered garage spaces or uncovered parking lot spaces located off the street right-of-way. The size of parking spaces shall be as required in §27-2008. Parking shall include and shall be limited to parking spaces for private passenger automobiles of (1) occupants of the premises; (2) employees of the occupants; and (3) customers and suppliers of the occupant. It shall not be deemed to include storage or parking areas for (1) trucks, tractor trailers, buses, taxicabs or other commercial vehicles; (2) automotive inventories such as new or used cars; and (3) work in process such as vehicles awaiting service, repair or disposal.

Permit, building—a license or certificate issued by the Township for the construction of any building, structure, or addition to an existing building or structure. [Ord. 167]

Permit, demolition—a license or certificate issued by the Township for the dismantling or razing of any building structure, or any portion of an existing building or structure. [Ord. 167]

Permit, excavation or grading—a certificate issued by the Zoning Officer of London Grove Township for any earth moving activities that alter the existing contours of the property or cause the removal of existing top soil, even if temporarily.

Permit, occupancy—a certificate issued by the Township for the occupancy of

land or any building or structure. [Ord. 167]

Permit, zoning—a certificate issued by the Zoning Officer of London Grove Township to insure the use and area and bulk standards are in compliance with Township regulations.

Personal service shop or establishment—a building in which limited services consistent with neighborhood needs are offered to the general public. Examples of such services include, but are not limited to: barber and beauty shops, dry cleaning and tailoring shops, shoe repair shops, travel agencies, or photocopy shops. [Ord. 117]

Pets, household, indoor—domestic animals normally considered to be kept in or in conjunction with a dwelling unit for the pleasure and not for the profit of the resident family, such as dogs, cats, small birds, gerbils and other similar pets normally sold by retail pet stores.

Pets, household, outdoor—animals that may normally be considered as livestock except that, they are not raised for resale, and further provided that the number and accommodations for such animals do not generate a health hazard or nuisance to adjacent residents.

Phase—an area or tract which is part of a proposed development which will be constructed according to a timetable for development over a period of years included by the applicant in the development plan.

Planning Code—the Pennsylvania Municipalities Planning Code, Act 170, of 1988, as amended, 53 P.S. §10101 *et seq.* (see Act 170).

Plat—the map or plan of a subdivision or land development; whether sketch, preliminary, or final.

Porch—a permanent structure attached to a principal structure to shelter an entrance or to serve as a semi-enclosed space, which is usually covered by a roof, but which is not enclosed by complete side walls. [Ord. 94]

Primary conservation areas—see “open space, conservation.” [Ord. 6/5/2001]

Primary resident occupant—a person occupying and residing in a dwelling unit or institution as his primary residence where such person is there for receipt of the services, care, or custody for which the institution or residence was created, and is not there for the purpose of rendering such care, custody, service or treatment.

Principal use—the dominant or main use on a lot. [Ord. 117]

Professional office—the office of a member of a recognized and lawful profession maintained for the conduct of that profession, including, but not limited to, dentists, doctors, physicians, chiropractors, attorneys, architects and accountants. [Ord. 117]

Public notice—notice published once each week for 2 successive weeks in a newspaper of general circulation in the Township. When such notice is for a public hearing it shall state the time and place of the hearing and the particular nature of the matter to be considered. The first publication shall be not more than 30 days and the second publication shall not be less than 7 days from the date of the hearing.

Recorded—properly recorded at the office of the Chester County, Pennsylvania,

Recorder of Deeds.

Recreation, area/facility—a place designated and equipped for the conduct of leisure time activities such as games, sports and other customary and usual active recreational activities.

Recreation, active—recreation activities, including the facilities used for such activities, that are usually rigorously athletic and not quiet, and have a noticeable impact on the surrounding neighborhood and environment. Active recreation may include, but is not limited to, individual or team sports, child's play, larger picnics, playground play, ball courts, swimming pools, and recreational events with a large number of participants and/or spectators. [Ord. 117]

Recreation, passive—recreation activities, including the facilities used for such activities, that are usually quiet and not rigorously athletic, and have a low impact on the surrounding environment. Passive recreation may include, but is not limited to, walking, hiking, fishing, bird watching and quiet picnicking. [Ord. 117]

Recreational use, indoor—the use of a building or part thereof for indoor sports such as bowling, tennis, racquetball, squash, indoor basketball, indoor swimming, and those sports activities usually conducted indoors, but excluding target shooting or any other activities that create loud noises or may be dangerous or disturbing to surrounding residents. [Ord. 117]

Recreational use, outdoor—a recreational use and associated facilities designed and equipped for the conduct of sports and leisure time activities, including swimming, tennis and other court games, baseball and other field sports, playground and other outdoor activities, but excluding amusement parks; go-carts, dirt bikes, or motor-cross tracks, shooting ranges and other activities which generate noise objectionable to a residential environment. [Ord. 117]

Recreational vehicle—a vehicle or piece of equipment, whether self-powered or designed to be pulled or carried, intended primarily for leisure time or recreational use. Recreational vehicles or units including travel trailers, truck-mounted campers, motor homes, folding tent campers and autos, buses or trucks adapted for vacation use and other vehicles not suitable for daily conventional family transportation. Snowmobiles, minibikes, all-terrain vehicles, go-carts and boat trailers are also deemed recreational vehicles.

Recycling facility—this term is defined by 25 Pa.Code §271.1. [Ord. 154]

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

Religious use—a use involving a structure or place at which religious worship and ceremonies are held regularly by a group which practices the religion.

Research laboratory—an establishment or other facility for carrying on scientific investigation, engineering or development.

Residential composting—the collection and/or containment of normal waste materials generated on a residential property. The collection and/or containment must meet all setback regulations in that district for accessory buildings. [Ord. 177]

Restaurant—a building used for the purpose of furnishing food to the public to be primarily consumed on the premises. Such a restaurant does not include drive-

through services but may include walk-in take-out services.

Restaurant, fast food—a building used for the purpose of furnishing food to the public for consumption on the premises. Such a restaurant may include drive-through service to allow for the serving and pick-up of food, without leaving the vehicle, for off-premises consumption.

Reserve strip—a parcel of ground in separate (sometimes public) ownership separating a street from other adjacent properties, or from another street.

Retail services—establishments providing services or entertainment, as opposed to products, to the general public, real estate and insurance, personal service establishments, motion pictures, amusement and recreation service, and galleries. [Ord. 117]

Retail service establishment—establishment providing retail services or uses.

Retail store / trade—establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods, such as, but not limited to, hardware store, pharmacy, magazine or bookstore, florist, or clothing store. [Ord. 117]

Reverse subdivision—the combining of one or more contiguous lots, parcels, or tracts into a property held in single ownership.

Riding academy—any establishment where horses are kept for riding, driving or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.

Right-of-way—any street, avenue, boulevard, highway, sidewalk, alley or similar place which is owned by a governmental entity and/or the general public. Right-of-way also includes those easements and access given to quasi-public agencies and public utilities such as railroads, communications carriers, and electric/gas utilities.

Road network—the road network for the purpose of determining road capacity impact of a proposed use shall include the following: (1) all local streets within the proposed use, (2) all local and collector streets between the proposed use and the nearest intersection to an arterial street along that road, (3) all intersections of any streets within the road network, (4) all intersections of the road network with the arterial streets and exit and entrance ramps to arterial streets, (5) any portion of any arterial collector streets wherein the traffic generated from the proposed use exceeds 5 percent of the traffic thereon during any 15-minute interval when the level of service of that street is below Level of Service C (hereinafter called “undiluted traffic”). Excluded from the road network are those portions thereof wherein undiluted traffic is less than five percent of total traffic and also those portions of the road network beyond the municipal boundaries of the Township.

Rotor diameter—the cross sectional dimension of the circle swept by the rotating blades. [Ord. 176]

Secondary conservation areas—see “open space, community” [Ord. 6/5/2001]

Sediment—solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by water.

Setback—the distance that a building, structure, or any site improvement must be separated from a lot boundary, road or other right-of-way, or other specified reference within this Chapter.

Sewage—the total of organic waste and waste water generated by residential, industrial, commercial, institutional or other establishments.

Sewage, sanitary—any liquid waste containing animal or vegetable matter in suspension or solution, or the water carried waste resulting from the discharge of water closets, laundry tubs, washing machines, sinks, dishwashers or any other source of water-carried waste of human origin.

Sewer—any pipe or conduit used to collect and carry away sewage or stormwater runoff from the generating source to treatment plants and to a receiving stream or other drainage-way.

Sewer, sanitary—a pipe, that conveys sanitary sewage.

Sewage system, community—a system for the collection, treatment and disposal of sewage from two or more lots or equivalent dwelling units within a single development, neighborhood, or area. The system is subject to the approval of the London Grove Township Municipal Authority, the Chester County Health Department, the Pennsylvania Department of Environmental Protection, and the Pennsylvania Public Utilities Commission, where applicable. [Ord. 163]

Sewage system, individual on-site—a sewage system which serves a single lot and less than two equivalent dwelling units, and uses a system of piping, tanks, or other facilities for collecting, treating, and disposing of sewage within the lot of origin. The system is subject to the approval of the Chester County Health Department and the Pennsylvania Department of Environmental Protection. [Ord. 163]

Sewage system, public—a system for the collection, treatment and disposal of sewage serving multiple lots and more than a single development, neighborhood, or area, owned and operated by a municipality, governmental agency or public utility. The system is subject to the approval of the Chester County Health Department, the Pennsylvania Department of Environmental Protection and the Pennsylvania Public Utilities Commission, where applicable. [Ord. 163]

Shed—an accessory structure no greater than 200 square feet for the storage of garden or lawn equipment, household items, or used as a work shop only permitted in a side or rear yard behind the rear wall of the primary structure and no closer than 10 feet to any property line.

Shopping center—a group of commercial establishments planned, constructed and managed as a total entity.

Sight distance—the required length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic, as defined by applicable PennDOT regulations.

Sign—any permanent or temporary structure or part thereof, or any device attached, painted or represented directly or indirectly on a structure or other surface that displays or includes any letter, work, insignia, flag or representation which is in the nature of an advertisement, announcement, visual communication, direction or is designed to attract the eye or bring the subject to the attention of the public. Flags of any governmental unit or branch of any charitable or religious organization, interior signs not visible from a public right-of-way or adjoining property and cornerstones built into or attached to a wall of a building are excluded.

Sign, accessory—any sign which specifically relates to the permitted use of the premises on which said sign is erected and which serves as a further description of products available to or services provided for the general public.

Sign area—the area of a sign shall be construed to include all lettering, working and accompanying designs and symbols together with the background whether open or enclosed, on which they are displayed but not including any supporting framework and bracing which are incidental to the display itself. Where the sign consists of individual letters or symbols attached to a surface, building, wall or window, the area shall be considered to be that of the smallest rectangle or other shape, including the sign background which encompasses all of the letters and symbols.

Sign, directional—a sign for the sole purpose of providing directional information to a specific site location or activity.

Sign, flashing—a sign, the illumination of which, when in use, is not kept constant in intensity at all times, and which exhibits sudden or marked changes in lighting effects. Illuminated signs which indicate the time, temperature or date information shall not be considered a flashing sign.

Sign, ground—any sign supported by uprights or braces placed upon the ground, and not attached to any building.

Sign, illuminated—a sign designed to give forth artificial light directly (or through transparent or translucent material) from a source of light within such sign or a sign with illumination derived from an external artificial source so arranged that no direct rays of light are projected from such artificial source to areas other than the sign being illuminated.

Sign, menu board or menu sign—a free-standing sign which depicts the menu of food for sale at the drive-through section of a fast food restaurant. Such sign shall not exceed 25 square feet.

Sign, on-premises—a sign relating in its subject matter to the premises on which it is located or to products, accommodations, services or activities available on the premises.

Sign, off-premises—a sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

Sign, parallel—a sign which is mounted parallel to a wall or other vertical building surface not extending beyond the edge of any wall or other surface to which it is mounted and not projecting more than 15 inches from the wall surface.

Sign, pole—a sign that is mounted on a freestanding pole or other single support.

Sign, projecting—a sign which is attached directly to the wall of a building or other structure which extends more than 15 inches from the face of such wall.

Sign, real estate—a sign pertaining to the sale or lease of the premises on which the sign is located.

Sign, roof—any sign erected, constructed and maintained wholly upon or over the roof of any building with the principal support of the sign on the roof structure.

Sign, temporary—any sign intended to be of a temporary nature, intended to be displayed for 1 year or less. [Ord. 169]

Sign, wall—a sign inset into a freestanding wall or fences which are not connected to any structure.

Sign, window signs—a sign which is oriented to the public right-of-way, is legible to persons in vehicles and is located on the outside or inside of a window to direct attention to an activity conducted on the same lot.

Site, historic—the place where a significant event or pattern of events occurred.

Site restoration—measures taken following completion of land disturbance activities which will stabilize the land surface and minimize exposure to possible erosion or sedimentation.

Slope, steep / precautionary—the area of land which is characterized by a change in elevation of 15 percent or more but not exceeding 25 percent over a specified distance as set forth in Part 12.

Slope, very steep / prohibitive—the area of land which is characterized by a change in elevation of 25 percent or more over a specified distance as set forth in Part 10.

Small streams—a small stream is any watercourse lying outside of the mapped Flood Hazard District having a drainage basin in excess of ½ square mile.

Small wind energy system—equipment that converts and then stores or transfers energy from the wind into usable forms of energy, including any base, blade, foundation, generator, nacelle, rotor, transformer, vane, wire, inverter, batteries, or other component in the system, and having a nameplate capacity of 100 kilowatts or less. [Ord. 176]

Soil percolation test—a field test conducted to determine the absorptive capacity of the soil by measurement at a given location and depth.

Soil survey—the Soil Survey of Chester County, as prepared by the USDA Soil Conservation Service.

Solar energy system—an energy collection and conservation system that takes solar energy and converts it into useable electrical energy, heats water, and/or provides other lawful benefit; such a system shall include all panels, wiring, and other equipment, so that the entire set-up is defined as a solar energy system. Solar energy systems do not include small self-contained units that produce less than 50 watts of electricity. [Ord. 175]

Solar farms—large collections of interconnected solar panels that work together to capture sunlight and turn it into electricity on a grand scale. They can be government-owned or privately-owned. Private solar farms can be large facilities owned by power companies, or small arrays set up on extra acreage on private farmland. In either case, the power generated is sold to electric companies for distribution throughout the power grid. [Ord. 175]

Solar mechanical equipment—any device associated with a solar energy system, such as an outdoor electrical unit/control box, that transfers the energy from the solar energy system to the intended on-site structure. [Ord. 175]

Solar panel—that part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity. [Ord. 175]

Special exception—a use which may be authorized only by the Zoning Hearing Board, in accordance with Part 22, §27-2208 of this Chapter, when the applicant

establishes that this Chapter allows the proposed use by special exception and that the use complies with all applicable specific standards and criteria.

Special event—a special event shall constitute an activity lasting more than 12 hours and open to the general public or a specialized segment thereof wherein admission thereto is by advertisement or invitation (whether or not a fee is charged therefor). No lot shall be used for special events more than four times in any calendar year. Special events include, but are not limited to, the sale of items or services such as carnivals, the conduct of flea markets, the providing of lawful games of chance and activities constituting competition with awards of prizes. Excluded from the definition of “special event” are private parties by invitation at which no admission charge is made, liquidation sales or events at institutions having permanent facilities designed for such events, such as stadia, auditoriums, etc.

Spent mushroom growing substrate (commonly referred to as “spent mushroom compost”)—any material or substance, which remains, or is no longer required in the mushroom growing process, after the production and/or mushroom growing cycle is complete, which means that no fresh mushrooms remain ready for harvest. The material generally consists of organic material, such as straw, manure, hay, cobs, peat moss, and/or soil used in the facility/structure for the production or growing of mushrooms. This definition shall be deemed to include “aged spent mushroom compost,” which is the material remaining after the spent mushroom facility is exposed to natural elements and the fibrous constituents of it are naturally conditioned by the weather and elements, and the remaining substance is primarily a humus-type of material. [Ord. 177]

Stable—any building, structure or portion thereof which is used in whole or in part for the shelter or care of horses or cattle, either permanently or transiently.

Stable, commercial—any building, structure or portion thereof which is used in whole or in part for the shelter or care of horses or cattle, either permanently or transiently and where fees are charged for such services rendered.

Standards for rehabilitation—standards promulgated by the Secretary of the Interior to guide and evaluate the rehabilitation of historic buildings.

Stoop—a covered or uncovered impervious surface area at the exterior of a front, side or rear door not exceeding 4 feet by 5 feet or 20 square feet in area used for gaining ingress or egress to or from such door. [Ord. 94]

Story—that part of a structure included between any floor and the floor or roof next above. When applied to the permissible height of buildings, the term “story” shall not include basement if the floor thereof is more than 5 feet below the average ground level around the structure.

Street—a public or privately owned right-of-way, serving as a means of vehicular travel, furnishing access to three or more abutting lots. Streets shall be included within the definition hereof whether called streets, ways, lanes, drives, boulevards or however denominated. Also, the same are included whether they be public or private streets. Private streets shall contain rights-of-way beyond the cartway to Township specifications, notwithstanding the fact that the same are not then presently intended to be dedicated. Streets shall include the following classifications: local, collector and arterial.

Street line—the dividing line between a lot and the outside boundary or right-of-way line of an opened or officially platted public street, or between a lot and a privately owned street easement line. Also known as “right-of-way line.”

Street, expressway or by-pass—this class of highway facility is devoted entirely to the task of moving large volumes of traffic and performs little or no land service function and is generally characterized by some degree of access control. Normally, this classification should be reserved for multi-lane, divided roads with few, if any, grade intersections.

Street, arterial or through—this class brings traffic to and from the expressway and serves major movements of traffic within or through the areas not served by the expressways. An arterial street serves primarily to move traffic but also performs a secondary function of land service. The average length of a trip normally exceeds 3 miles.

Street, collector or feeder—this class of road serves the internal traffic movement within the Township and connects developed areas within the arterial system. A collector street does not accommodate long, through trips and is not continuous for any appreciable length. The principal difference between collector and arterial roads is the length of trip accommodated. The collector system, both primary and secondary, is intended to simultaneously supply abutting property with the same degree of land service as a local street and accommodate local internal traffic movements.

Street, cul-de-sac—a local street intersecting another street at one end, and terminating at the other end by a permanent vehicular turnaround, with a radius subject to the applicable district.

Street, local—its sole function is to provide access to immediately adjacent land and does not connect with other streets in such manner as to encourage through traffic. This class normally represents a fairly large percentage of the total street miles but carries a small percentage of the vehicle miles traveled daily.

Street, rural—rural streets or roads are roads carrying through traffic into and through communities and includes, but is not limited to, roads not arterial that are part of the State or Federal highway systems. Generally, these roads are typified by low density development and agricultural uses along them, and by the absence of dividers, curbs and other extensive highway construction and facilities.

Street, marginal access—a local street parallel and adjacent to an arterial street, (but separated from it by a reserve strip) which provides access to abutting properties.

Street, private—a local street, serving only abutting lots, that is not offered for or required to be offered for dedication.

Street, single access—a local street, including but not limited to cul-de-sac and loop designs, which has only one point of intersection with an existing or proposed street having more than one access point.

Structure—any man-made object or improvement having an ascertained stationary location on land or in the water, whether or not affixed to the land (this term includes signs).

Storage—the deposit of goods, materials or products intended for future

disposition.

Surface runoff—that part of the precipitation that passes over the surface of the soil to the nearest surface stream without first passing beneath the surface.

Surveyor—a licensed surveyor registered within the State.

Swimming pool, private—a commercially constructed receptacle for water containment, whether indoors or outdoors, in or above ground, even if portable or temporary, having a depth at any point of 38 inches or more, or containing over 2,500 gallons of water; which is used, or intended to be used, for swimming or bathing by the owner, resident or occupant and their guests. A private swimming pool is considered an accessory use to a residence under this Chapter.

Total height—the vertical distance above grade level to the tip of a wind generator blade when the tip is at its highest point. [Ord. 176]

Tower height—the height above grade level of the fixed portion of the tower, excluding the wind turbine itself. [Ord. 176]

Trail—a corridor through which passes, or will pass, a pedestrian or equestrian accessway or a bikeway as part of the London Grove Township Comprehensive Trail System or as otherwise authorized or designated by the Township. A trail is to serve transportation, commuting, and/or recreational functions as part of an inter-modal transportation system. Trails shall exclude all motorized vehicles except motorized wheel chairs or as authorized by the Township for maintenance, management and emergency purposes. [Ord. 88]

Tract—all adjacent lands, whether or not separately described in deeds, under single ownership and control, whether or not bisected by roads or other rights-of-way so long as access between such portions of the tract is not obstructed by said right-of-way. Thus, by way of illustration and not limitation, a tract severed by a general access road such as Pa. Route 41 would constitute a single tract, while a tract severed by the Route 1 Bypass would constitute two tracts. Except for legal limitations of access across rights-of-way, physical barriers, such as steep slopes or streams, whether natural or man-made, shall not constitute a severance of the tract. Lands within the legal rights-of-way of roads abutting the tract perimeter shall be excluded from the tract, as herein defined, and all mandated setbacks shall be measured from the right-of-way line of perimeter roads.

Tract area, gross—the area of land contained within the limits of the legally described property lines bounding the tract. [Ord. 111]

Tract area, net—the area of land contained within the limits of the legally described property lines bounding the tract, exclusive of the constrained lands described in §27-1836.A of this Chapter. Unless otherwise specified, where the term “tract area” is used in this Chapter, it shall be construed to mean net tract area. [Ord. 111]

Tract, effective date tract area—the area of a tract within the Agricultural Preservation Residential District (AP), as herein defined, as of the effective date of this Chapter.

Trail cartpath—the area within a trail right-of-way that is designed and constructed for regular use by the intended trail users and provided with an appropriate surface for that purpose.

Trail shoulder—the areas within a trail right-of-way that is designed and constructed for regular use by the intended trail users and provided with an appropriate surface for that purpose.

Tree mass—areas, groves, or stands of mature trees (i.e., greater than 6 inches caliper, at a height of 5 feet from the ground) covering an area greater than ¼ acre; or groves of mature trees (i.e., greater than 12-inch caliper at a height of 5 feet from the ground) consisting of more than 10 individual trees.

Use—an activity or the specific purpose for which land or a building is designed, arranged, intended or improved or for which it is or may be occupied or used. Unless otherwise stated therein to the contrary, where a use would fall within a generic use permitted by right, specially or conditionally, in one or more districts but is specifically permitted by right, specially or conditionally, in the same district on a more restricted basis or permitted by right specially or conditionally, in another district, the generic use shall not be construed to include the use specifically permitted. By way of example and not by way of limitation, an indoor retail use would not be construed to include within its definition a commercial kennel.

Use, accessory—an accessory use is a use or activity conducted on the same lot as a principal use having all of the following definitional attributes: (1) it is clearly subordinate to the principal use; (2) it is customarily associated therewith; and (3) it complies with all special and general requirements set forth herein applicable generally or by special application to that accessory use.

Use, indoor—an indoor use is a use in which no operations other than parking driveways or drive-in facilities are conducted outside of an enclosing building. Outdoor storage or display, in particular, is prohibited. Thus, an automobile agency with both a display room and outdoor lot does not qualify as an indoor use.

Use, retail products—retail product uses shall be deemed to include the provision of all goods to ultimate consumers where the ultimate consumer is served upon the premises. It includes, but is not limited to, grocery, craft shops, clothing, furniture, jewelry, appliance and similar stores and gasoline service stations. It does not include facilities whose principal activity or use is sales to industrial users or wholesale establishments or any use elsewhere specifically provided as a principal use.

Use, retail service—services or uses, as opposed to products, to the general public, including eating and drinking places, motels and hotels, finance, real estate, and insurance, personal services, motion pictures, amusement and recreation services, health, educational and social services, museums and galleries (excluding veterinary offices, clinics, or hospitals and also excluding institutions).

Variance—permission, approval or authorization granted by the Zoning Hearing Board, constituting a modification or deviation from the provisions of this Chapter, as applied to a specific property, in accordance with the provisions of §910(2)(a) of the Municipalities Planning Code, 53 P.S. §10910(2)(a).

Viticulture—the cultivation or culture of grapes especially for wine making.
[Ord. 135]

Wagering and gambling facilities—a commercial use which provides facilities or at which persons assemble for the purpose of any activity which involves lawful

gambling or wagering including, without limitation, those facilities and activities for pari-mutual wagering on thoroughbred and/or harness horse races remote from any track and governed by and licensed pursuant to the Race Horse Industry Reform Act, the Act of December 17, 1981, P.L. 435, as it shall be from time to time amended, 4 P.S. §325.101 *et seq.* Gambling and wagering shall include any activity, game, or device at which money or other valuable things may be played for, or staked or betted upon and in which, by the rules of the activity, game, or device a consideration is paid by the player or participant and a reward is paid to players or participants as a consequence of some element of chance. A commercial use otherwise permitted shall not constitute a gambling or wagering facility solely on account of the installation of facilities and devices pursuant to the State Lottery, the Act of August 26, 1971, P.L. 351, as amended, 72 P.S. §3761-1 *et seq.* [Ord. 74-D]

Warehouse storage facility—a structure for the storage of merchandise or commodities. Normally these operations store goods and equipment for other businesses but may also house articles for private individuals.

Watercourse—a stream with year-round or substantially year-round flow such as a creek, run or other body of running water, whether natural or man-made.

Water hazard soils—water hazard soils are those soils with high water tables, either continuous or seasonal, whereby the soil, by reason of its instability or high water table, requires special consideration be given to the structural aspect of footings or foundations of buildings or that special flood-proofing or waterproofing considerations be given to basement or other subsurface structures to protect against infiltration of water or damage or instability of structure. Water hazard soils shall be deemed to include the following soils as described in the Soil Survey of Chester and Delaware Counties, Pennsylvania, prepared by the United States Department of Agriculture, Soil Conservation Service, issued May, 1963 as series 1959, No. 19. All soils listed as lying within the building groups 11, 12 and 13 and within London Grove include Glenville silt loam, Guthrie silt loam, Worsham silt loam, Worsham very stony silt loam, and Wehadkee silt loam.

Water supply—

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

(2) *Community*. A centralized system for supplying and distributing water from a common source or sources to two or more dwellings or structures within a single development, neighborhood or area. The system shall be approved by the Chester County Health Department, the Pennsylvania Department of Environmental Protection, the Pennsylvania Public Utility Commission and the London Grove Municipal Authority. The water source may be located on-site or off-site.

(3) *Public*. A system owned and operated by a municipality, governmental agency or public utility for supplying and distributing water from a common source or sources to dwelling and other structures generally not confined to a single development, neighborhood or area. The system shall be approved by the Chester County Health Department, the Pennsylvania Department of

Environmental Protection, and the Pennsylvania Public Utility Commission, where applicable.

[*Ord. 163*]

Water table—the upper surface of a zone of saturation except where that surface is formed by an impermeable body.

Wetlands—the definition of what constitutes wetlands shall be the current definition as provided by the Pennsylvania DEP or the US EPA. [*Ord. 167*]

Wholesale—distribution, sales and storage—the distribution, sale or storage of commodities in large quantities by a middleman or business. These goods or services are usually sold to a retail merchant. These types of operations are generally not open to the public and have limited counter sales. They do require large storage facilities with access for truck delivery and pick-up.

Wind turbine—a wind turbine is a device that converts kinetic energy from the wind into mechanical energy. [*Ord. 176*]

Winery-related events or activities—functions taking place at a limited winery as a part of normal business operations including, but not limited to, the following: social or business gatherings, wine dinners, weddings and wedding receptions, musical performances, wine festivals, and other similar events or activities. [*Ord. 135*]

Yard—an open area with no buildings that lies between the permitted principal or accessory building or buildings and the nearest lot line. Such yard shall be unoccupied and unobstructed from the ground upward, except as provided otherwise in Part 18.

Yard, front—a yard extending the full width of the lot along the front lot line and extending in depth from the front lot line to the nearest point on the lot where a building is permitted. In the case of corner lots or reverse frontage lots, front yards of the required depth shall be provided along all streets.

Yard, rear—a yard extending the full width of the lot along the rear lot line and extending in depth from the rear lot line to the nearest point on the lot where a building is permitted.

Yard, side—a yard extending the full depth of the lot along the side lot line and extending in width from such side lot to the nearest point on the lot where a building is permitted.

Yard waste composting facility—this term is defined by 25 Pa.Code §271.1. [*Ord. 154*]

Zero lot line—the location of a building on a lot in such a manner that one or more of the building's sides rest directly on the lot line.

Zoning Map—the official Land Use Zoning Map of the Township, as amended.

Zoning Officer—the municipal officer charged with enforcing the literal terms of this Chapter.

Zoning Ordinance—the official Township Zoning Ordinance, as amended.

(*Ord. 74, 3/30/1995, §201; as amended by Ord. 74-D, 12/3/1997, §1; by Ord. 6/5/2001, §201; by Ord. 88, 11/12/2003; by Ord. 90, 4/14/2004, §1; by Ord. 94, 10/6/2004, §1; by Ord. 111, 12/14/2005, §1; by Ord. 117, 3/14/2006, §1; by Ord. 135, --/2007, §2; by Ord.*

147, 7/17/2008, §I; by *Ord. 152*, 11/10/2008, §1; by *Ord. 154*, 12/29/2008, §1; by *Ord. 161*, 10/6/2010, §1A; by *Ord. 163*, 12/1/2010, §§10–17; by *Ord. 167*, 4/6/2011; by *Ord. 169*, 10/5/2011, §7; by *Ord. 175*, --/2012, §1; by *Ord. 176*, --/2012, §1; by *Ord. 177*, --/2012, §2; and by *Ord. 180*, 4/15/2013, §1)

Part 3**Agricultural Preservation Residential District (AP)****§27-301. Purpose and Specific Intent.**

1. The land use and economy of the Agricultural Preservation Residential District is primarily oriented toward agricultural activity. Thus it is the desire and intent to preserve farming as an important economic feature and to maintain viable farmland as an irreplaceable asset. Recognizing the conflicts that can occur when residential uses are superimposed upon adjacent farming operations and being desirous of removing development pressures on farming operations, it is the intent of the Board of Supervisors to minimize residential intrusion into viable farmlands within the Agricultural Preservation District (AP). It is further the intent to permit within this district certain compatible farm service uses and to permit accessory dwelling to farm operations.

2. It is also the intent to permit single lot subdivision according to a predetermined formula so that viable farmland will not be reduced in area below minimum size requirements for effective farming operations. In order to avoid undue hardship on owners of AP lands, there shall be the option for the conveyance of transferable development rights (TDR) from these AP lands for use within the residential use districts located within the accommodation zones, according to designated formulae.

(*Ord. 74, 3/30/1995, §300; as amended by Ord. 6/5/2001, §300; and by Ord. 134, 3/29/2007, §1*)

§27-302. Permitted Uses Within AP Lands.

Only those uses enumerated under paragraphs .A, .B, .C, and .D are permitted and no others.

A. Uses by Right.

(1) Reserved. [*Ord. 134*]

(2) Extensive agriculture, subject to the provisions of §27-303.1.

(3) Veterinary hospitals, veterinary clinics and veterinary offices, subject to the provisions of §27-303.2.

(4) Single-family detached dwelling, involving conventional lot development, shall be subject to the provisions of §27-303.3. [*Ord. 134*]

(5) Sale of transferable development rights pursuant to Part 5.

(6) Sewage disposal facilities, such as lagoons, tile and spray irrigation fields for the purpose of enabling development in the Medium Density and High Density Residential Districts.

(7) Municipal use. [*Ord. 163*]

(8) Limited winery, where the primary agricultural use is viticulture, and subject to the area and bulk and design standards stated in §27-303.1 (relating to extensive agriculture), and after obtaining all necessary health, fire safety and building permits and/or licenses (where applicable). A limited winery may

engage in the following activities:

- (a) Wine tasting.
- (b) Winery tours.
- (c) Wholesale and retail sales of wine and grape products.
- (d) Picnic area(s) for winery related activities.
- (e) Food preparation facility for catering on premises indoor or outdoor functions.
- (f) Agricultural-related museums.
- (g) Gift display for the retail sale of winery-related promotional items, gift items, and/or pre-packaged foods, and/or art galleries with sales and framing, not to exceed a total of 500 square feet in interior footprint area.
- (h) Outdoor amplified music until 9 p.m.
- (i) Winery-related events or activities subject to the following limitations:
 - 1) Events or activities involving fewer than 60 persons on the property at a time may be conducted at any time.
 - 2) Events or activities involving more than 60 persons and not more than 125 persons on the property at a time may be conducted on no more than 3 days in a single week.
 - 3) Events or activities involving more than 125 persons and not more than 350 persons on the property at a time may be conducted on no more than 12 days in a calendar year and on no more than 4 days in a single calendar month.
 - 4) Events or activities which exceed any of the limits set forth in subclauses .1 through .3 above shall be allowed, provided that a Zoning Permit Application is filed and approved in accordance with §27-2308.1. In lieu of the requirements in §27-2308.2 (applicable to residential districts) and §27-2308.3 (applicable to commercial, industrial, special use, and flood hazard districts) any zoning permit application required by this subclause shall include a written description of the event that includes, but is not limited to, the number of people, the hours of the event, activities, entertainment and lighting. The applicant must be able to demonstrate to the Zoning Officer compliance with the following:
 - a) Sanitary sewage facilities will be sufficient to accommodate the number of attendees and participants at the event.
 - b) Parking facilities will be sufficient to accommodate the number of attendees and participants at the event.
 - c) Adequate traffic control measures will be provided.
 - d) Adequate plan of trash collection, removal and recycling, including the removal of all trash and signs from public rights of way, property of others and the subject tract.

- (j) Bed and breakfast establishment, as defined in §27-202.

[*Ord. 135*]

B. *Conditional Uses.*

(1) Intensive agriculture uses on lands not within the Ground Water Protection District are permitted by conditional use within the AP District, subject to the provisions of §27-303.4. Intensive agriculture uses are not permitted under any circumstances within the Ground Water Protection District. [*Ord. 152*]

(2) Livestock auctions and livestock sales facilities, subject to the provisions of §27-303.5.

(3) Commercial kennels and commercial stables, subject to the provisions of §27-303.6.

(4) Special events, subject to the provisions of §27-303.7.

(5) Institutional and religious uses, subject to the provisions of §27-303.8.

(6) Riding academies, equestrian and animal shows and training facilities for animals, subject to the provisions of §27-303.9.

(7) Commercial composting processing operations and agricultural composting processing operations in accordance with the provisions in §27-1838. [*Ord. 177*]

C. *Special Exceptions.*

(1) Level 2 home occupations.

(2) Outdoor public and private recreational facilities not a residential accessory. Includes a golf or country club, swim club, athletic field and similar facilities, subject to the provisions of §27-303.11.

(3) Group homes (Community Living Arrangements) excluding disciplinary homes, subject to the provisions of §27-303.12.

D. *Accessory Uses.*

(1) Food processing provided that it is clearly an accessory use subordinate to existing primary agricultural uses permitted by right, and subject to the provisions of §27-303.13.

(2) Nonresidential accessory uses to permitted uses other than those described in paragraph .A(3), hereof.

(3) Single-family detached dwelling as accessory to uses for bed and breakfasts as defined within this Chapter, veterinary hospitals (§27-303.2) Commercial kennels and stables (§27-303.6) and Institutional uses (§27-303.8), provided that no subdivision from the principal use shall be permitted if it reduces the lot area below the minimum lot area mandated for the said principal or accessory use, subject to the provisions of §27-303.14.

(4) Single-family detached dwelling accessory uses when accessory to a residence permitted under §27-303.3 hereof but excluding Level 2 home occupations.

(5) Accessory dwelling units (ADU's), subject to the provisions of §27-

303.15.

(6) Agricultural employee housing.

(*Ord. 74, 3/30/1995, §301; as amended by Ord. 6/5/2001, §301; by Ord. 134, 3/29/2007, §§2, 3, 4; by Ord. 135, --/2007, §3; by Ord. 152, 11/10/2008, §§2, 3, 4, 5; by Ord. 163, 12/1/2010, §18; and by Ord. 177, --/2012, §4*)

§27-303. Area and Bulk Regulations.

1. For extensive agricultural uses permitted as of right, the following design standards shall apply: Also see §27-2208 for special exceptions or §27-2310 for conditional uses.

- A. Lot area (minimum)–10 acres of net lot area. [*Ord. 90*]
- B. Lot width at the building setback line (minimum)–400 feet.
- C. Lot width at the street line (minimum)–200 feet.
- D. Building setback lines for dwellings (minimum) as follows:
 - (1) Front yard–75 feet
 - (2) Side yard–25 feet
 - (3) Rear yard–50 feet

E. The setback for farm buildings or any structure used to house farm animals or to store manure, fertilizer, compost, other odorous materials, or combustible materials (minimum)–100 feet.

F. Set back for all other farm buildings or structures (minimum)–50 feet.

G. Building height (maximum)–35 feet or three stories, except for barns, silos, water towers, chimneys, windmills, antennas (maximum)–95 feet in height.

2. For veterinary hospitals, clinics and offices uses permitted as of right, the following design standards shall apply:

- A. Lot area (minimum)–5 acres of net lot area. [*Ord. 90*]
- B. Building setback from all lot lines (minimum)–50 feet.

Set back from all lot lines for exterior kennel runs (minimum)–100 feet.

Setback from all lot lines for outdoor storage and manure and waste piles (minimum)–100 feet.

C. *Parking.* One all-weather surface parking space per three stalls or boxes capable of keeping animals overnight. Parking and loading shall conform to the requirements set forth in Part 20.

3. For single-family dwellings permitted as of right, the land owner has two options: the subdivision standards described below and/or the transfer of development rights (TDR) as described in Part 5.

- A. Base Density (minimum)–10 acres

[*Ord. 134*]

(1) For lots in existence on the effective date of this Chapter, further residential subdivision shall be in accordance with the following schedule:

Tract Size	Number of lots that may be subdivided therefrom
First 10 acres	Four lots
Next 30 acres	Zero lots
Each additional 10 acres	One additional lot

(2) Residual lot area (minimum)–10 acres, except for tracts less than 15 acres.

- B. Lot width at the building line (minimum)–150 feet.
- C. Lot width at the street line (minimum)–50 feet.
- D. Front yard (minimum)–50 feet.
- E. Side yard (minimum)–25 feet.
- F. Rear yard (minimum)–75 feet.
- G. Building coverage (maximum)–10 percent.
- H. Impervious area coverage (maximum)–15 percent.
- I. Building height (maximum)–35 feet.
- J. Lot size (minimum)–1.5 acres

4. For intensive agricultural uses the following design standards shall apply:

A. Intensive agriculture is restricted to separate tracts of land solely dedicated to the operations and activities of the use. Located on the tract should be all buildings and facilities used in the intensive agriculture operation including, but not limited to, buildings, accessory facilities, structures, storage areas, parking, driveways, accessways, wells, sedimentation basins, sewage beds, lagoons, and stormwater management facilities.

B. *Expansion.* Any expansion of the use must not encroach on the 100 foot perimeter buffer.

C. Area and bulk regulations include:

- (1) Lot size (minimum)–10 acres.
- (2) Perimeter buffer width–100 feet.
- (3) Building coverage (maximum)–30 percent.
- (4) Impervious coverage (maximum)–50 percent.

[Ord. 177]

5. For livestock auctions and livestock sales facilities permitted by conditional use, the following standards shall apply:

- A. Lot size (minimum)–10 acres of net lot area. [Ord. 90]
- B. Lot width at the building line (minimum)–400 feet.
- C. Lot width at the street line–200 feet.
- D. Setback from all lot lines for all buildings and structures (other than perimeter fences) (minimum)–100 feet.
- E. Setback from all lot lines for outdoor storage and manure and waste piles (minimum)–100 feet.

- F. Building coverage (maximum)—20 percent.
 - G. Impervious coverage (maximum)—40 percent.
 - H. Building height (maximum)—35 feet.
 - I. *Parking*. One all weather surface parking space shall be provided per five stalls or boxes capable of keeping animals overnight. Parking and loading shall conform to the requirements set forth in Part 20.
6. For commercial kennels and commercial stables with more than eight stalls, permitted as a conditional use, the following standards shall apply:
- A. Lot size (minimum)—10 acres of net lot area. [*Ord.90*]
 - B. Lot width at the building line (minimum)—400 feet.
 - C. Lot width at the street line (minimum)—50 feet.
 - D. Setback from all lot lines for all buildings and structures (other than perimeter fences) (minimum)—100 feet.
 - E. Setback from all lot lines for outdoor storage and manure and waste piles (minimum)—100 feet.
 - F. Building coverage (maximum)—20 percent.
 - G. Impervious coverage (maximum)—40 percent.
 - H. Building height (maximum)—35 feet.
 - I. *Parking*. One all weather surface parking space shall be provided per three stalls or boxes capable of keeping animals overnight. Parking and loading shall conform to the requirements set forth in Part 20.
 - J. Perimeter fencing (minimum)—6-foot high safety fence. (The burden shall be upon the applicant to demonstrate that his proposed use does not require such fencing.)
7. For special events, permitted as a conditional use, the following standards shall apply:
- A. The applicant shall demonstrate the availability of approved drinking water supply, sanitary sewage facilities, parking, and loading (where loading is to be provided as part of such event) sufficient to accommodate 125 percent of the estimated number of attendees and participants at such event.
 - B. The applicant shall present a plan demonstrating the provision of sufficient trained personnel and the points of location of stations therefor to assist in the directing and control of increased traffic arising from such activity.
 - C. The applicant shall provide adequate facilities to accommodate the said

use in a safe and convenient manner, including, by way of illustration and not limitation, the securing of animals and equipment on the premises and protecting persons attending the special event from risk of injury by reason of contact with such animals or equipment.

D. The applicant shall present as an integral part of the application a plan for the collection, cleaning and removal of trash and the removal of all signs from public rights-of-way, property of others and the subject tract, and shall post financial security in a form and amount satisfactory to the Board.

E. Any application for a conditional use for the conduct of a special event shall be limited to the single scheduling thereof and applications for a special exception to conduct one special event shall not be deemed an approval for the conduct of subsequent repetitions thereof nor for the conduct of other special events.

8. For institutional uses, permitted as a conditional use, the following standards shall apply:

A. Lot size (minimum)—10 acres of net lot area. The tract of land must be sufficient to contain the buildings, parking, access ways, playgrounds, athletic fields, recreational areas, supportive facilities such as sedimentation basins, etc., 75-foot perimeter buffer area while also allowing for reasonable expansion with no encroachment on the buffer area. [Ord. 90]

B. Building coverage (maximum)—20 percent

C. Impervious area coverage (maximum)—40 percent

D. Perimeter fencing (minimum)—6-foot high safety fence. (The burden shall be upon the applicant to demonstrate that his proposed use does not require such fencing.)

9. For riding academies, equestrian shows and training facilities for animals, permitted as a conditional use, the following standards shall apply:

A. Lot size (minimum)—10 acres of net lot area.[Ord. 90]

B. Perimeter setback (minimum)—75 feet.

C. Building coverage (maximum)—20 percent.

D. Impervious coverage (maximum)—40 percent.

E. Perimeter fencing (minimum)—4-foot high safety fence. The burden shall be upon the applicant to demonstrate that his proposed use does not require fencing.

10. Reserved. [Ord. 134]

11. For outdoor recreation uses, permitted by special exception, the following standards shall apply:

A. *Lot Size (Minimum)*. The tract of land shall be of sufficient size to contain the buildings, structures, facilities, parking, driveways, accessways, playgrounds, athletic fields, recreational areas, supportive facilities, such as sedimentation basins, sewage beds, on-site wells, etc., and a perimeter setback of not less than 50 feet for all such activities and facilities. There should be enough area for reasonable expansion, i.e., 50 percent without encroaching on the perimeter buffer area.

- B. Building coverage (maximum)—10 percent.
- C. Impervious surface coverage (maximum)—25 percent
- D. Perimeter fencing (minimum)—6 foot high safety fence. (The burden shall be upon the applicant to demonstrate that his proposed use does not require fencing.)

12. For group homes, permitted by special exception, the following standards shall apply:

A. Group homes shall include housing for not more than four non-related persons living upon the premises. Group homes for more than four non-related persons will be deemed an institutional use and will be permitted as a conditional use under §27-302.B.5.

B. The group home shall be designed architecturally to appear as a single-family residential dwelling.

C. Lot size (minimum)—10 acres of net lot area or 1½ acre of net lot area, if subdivided before March 30, 1995. [*Ord. 90*]

D. Parking—one all weather surface parking space per two bedrooms and one space per employee. If occupancy includes handicapped requirements, parking must be designed as per §27-2008.6. No parking will occur on public roads or will obstruct driveways so that emergency vehicles will have free and uninterrupted access to the home.

13. For food processing facilities, as an accessory use, the following standards shall apply:

A. Portion of the lot used for food processing (maximum)—20 percent

B. Setback from all lot lines for all food processing facilities (minimum)—75 feet.

C. Setback from all lot lines for outdoor storage and manure and waste piles (minimum)—100 feet.

D. Building coverage (minimum)—20 percent.

E. Impervious coverage (maximum)—40 percent.

F. Building height (maximum)—35 feet.

14. For accessory use single-family dwellings the following standards shall apply:

A. Single-family detached dwellings shall be permitted for housing of persons employed in the operation of uses permitted in intensive and extensive agriculture (§§27-302.A(2) and 27-302.B(1)), veterinary hospitals (§27-302.A(3)), commercial kennels, stables, and riding academies (§§27-302.B(3), 27-302.B(6)) conducted on the same tract of ground; provided, however:

(1) There shall be no more than one single-family detached dwelling for the first 10 acres of land, and one additional dwelling for the second 10 acres, and one additional dwelling for the third 10 acres, and one additional dwelling for each additional 25 acres.

(2) Each single-family detached dwelling shall have a designated curtilage of not less than 1½ acres no more than 2 acres.

(3) Each single-family detached dwelling shall be so located on the tract

in relation to roads, access drives, setbacks and other buildings and structures so that the same may be subdivided in accordance with subsection .3 hereof upon a confirming lot and in conformity to all area, coverage and setback regulations.

(4) The number of single-family detached dwelling units permitted under subsection .3 hereof shall be reduced by any dwellings constructed upon the tract and/or subdivided therefrom pursuant to this Section.

B. *Agricultural Employee Housing.* Agricultural employee housing shall be permitted when accessory to uses permitted in intensive and extensive agriculture (§§, 27-302.A.2 or 27-302.H.1.) [Ord. 167]

(1) Agricultural employee housing shall not be required to be on a severable curtilage from the principal use and shall not be construed to diminish the number of single-family detached dwellings permitted under §27-302.B.7. Nor shall agricultural employee housing reduce the number of residential subdivisions permitted under subsection .3.A hereof.

(2) Agricultural employee housing and mobile homes shall be permitted for the housing of farm workers, subject to the following restrictions:

(a) They shall comply as to construction, maintenance and operation with all requirements of the Pennsylvania Department of Agriculture, the Pennsylvania Department of Labor and Industry, the Pennsylvania Department of Environmental Protection, the Pennsylvania Department of Health, the Chester County Department of Health and all applicable regulations of London Grove Township. [Ord. 167]

(b) They shall comply with the general setback regulations for farm buildings and structures as set forth in subsection .1 hereof.

(c) Each unit shall contain kitchen facilities, dining areas, bathrooms and other facilities sufficient to meet the needs of the occupants.

(d) There shall be one parking space for each four occupants.

(e) Only one mobile home per 10 acres of farmed land is permitted.

15. An accessory dwelling unit (ADU) is permitted by special exception as an independent living facility accessory to a single-family unit.

A. An independent living arrangement or ADU is permitted for either of two different conditions:

(1) To provide an independent living arrangement for a qualified family member on a single-family lot.

(2) To provide an independent living arrangement as an accessory to a single-family dwelling on a lot that is (minimum) twice the base density of the district. (Base density is 10 acres per dwelling unit in the AP District)

B. "Qualified family member" shall be:

(1) A parent, grandparent, child, sibling of one or more of the occupants of the dwelling unit to which the ADU is accessory.

(2) Some other person who has for a period of two or more years, been a member of such principal dwelling unit occupants family as defined in the definition "family."

(3) The ADU shall be located on the same lot and clearly accessory and subordinate to the principal dwelling unit.

(4) No ADU shall be permitted when accessory to a multifamily dwelling or attached dwelling.

(5) The ADU shall not be located within the front yard of the lot nor within any mandated side or rear yard setback.

(6) The applicant shall demonstrate a plan of stormwater management whereby the post-construction flow will not exceed the velocity of pre-construction flow at the lot lines if the ADU a separate building.

(7) The ADU shall be served by approved water and sewage facilities.

(8) The applicant shall execute, acknowledge and deliver to the Zoning Officer, contemporaneously with the application for special exception, a declaration stating: (a) that the application is made for the purposes herein set forth; (b) that the costs incurred are for the purpose of enabling the family to give the requisite care and aid to the occupant; (c) that the ADU will be removed within 60 days after the termination of occupancy by the qualified family member; (d) that applicant acknowledges that any expense or hardship incurred in the construction and removal of the ADU is a self-incurred hardship and, therefore, no variance may be obtained to permit the occupancy by other than a qualified family member.

(Ord. 74, 3/30/1995, §302; as amended by Ord. 6/5/2001, §302; by Ord. 90, 4/14/2004, §2; by Ord. 111, 12/14/2005, §§3, 4; by Ord. 134, 3/29/2007, §§5, 7; by Ord. 152, 11/10/2008, §6; by Ord. 167, 4/6/2011; and by Ord. 177, --/2012, §5)

§27-304. General Limitation on Subdivision of (AP) Land.

1. Any provision relating to permitted, conditional or special exception use, or any design or dimensional provision notwithstanding, no subdivision of any nature or description of (AP) lands shall be permitted if any lot, other than a lot created pursuant to §27-302 but including one created as a “special purpose lot,” as herein defined, will have a lot area of less than 10 acres.

2. A special purpose lot shall be one created for a specific use permitted pursuant to §27-302 (whether by right, special exception or conditional use), other than a limited residential use lot created pursuant to §27-302.A(4), for (AP) lands but having a minimum lot size under 10 acres provided in subsection .1 for such use.

3. The development rights of such “special purpose lot” shall be deemed utilized to the extent of the greater of, (A) the required minimum lot size for that use, or, (B) the area actually dedicated to said use.

(Ord. 74, 3/30/1995, §303)

Part 4**Agricultural Residential (AR)****§27-401. Purpose and Specific Intent.**

1. The purpose of this district is to provide for limited residential uses within the context of an agricultural area. Additional opportunities for agricultural activities consistent with adjacent land use patterns shall be permitted. This district is intended to promote limited large lot single-family residential development utilizing individual on-lot water and sewage facilities.

(Ord. 139, 10/25/2007, §300-A.0)

§27-402. Permitted Uses.

1. *Uses by Right.* Within the Agricultural Residential District (AR), a building may be erected, altered or used, and land itself may be used by right for any one of the following uses and no other:

- A. Single-family detached dwellings.
- B. Extensive agriculture as regulated in the AP District.
- C. Municipal use.

D. One mobile home for temporary use only on an individual lot, on which a single-family home is being built. Such temporary use shall be for an initial period of 2 years with optional extensions of time for 1-year increments; provided, that the applicant submits a progress report to the Building Inspector every 6 months, unless the Building Inspector issues an occupancy permit for a non-mobile home and the mobile home is removed within 30 days thereafter. A bond will be required of the applicant by London Grove Township. Said bond shall be used to ensure removal of the temporary residence and shall be released upon completion of the permanent residence.

2. Within the AR District, a building may be erected, altered or used and land itself may be used for any one of the following uses and no other when authorized as a conditional use by the Board of Supervisors in accordance with the provisions of §27-2310.

- A. Church use.

3. Within the Agricultural Residential District, a building may be erected, altered or used for any one of the following uses and no other, when authorized as a special exception in accordance with the provisions of §27-2208 of this Chapter.

- A. Group home as a community living arrangement.

4. Within the Agricultural Residential District, a building may be erected, altered or used and land itself may be used for any one of the following accessory uses.

- A. Any normal and incidental accessory use to the principal residential use.

5. Limited winery, where the primary agricultural use is viticulture, and subject to the area and bulk and design standards stated in §27-303.1 (relating to extensive agriculture), and after obtaining all necessary health, fire safety and building permits

and/or licenses (where applicable). A limited winery may engage in the following activities:

- A. Wine tasting.
- B. Winery tours.
- C. Wholesale and retail sales of wine and grape products.
- D. Picnic area(s) for winery related activities.
- E. Food preparation facility for catering on premises indoor or outdoor functions.
- F. Agricultural related museums.
- G. Gift display for the retail sale of winery-related promotional items, gift items, and/or pre-packaged foods, and/or art galleries with sales and framing, not to exceed a total of 500 square feet in interior footprint area.
- H. Outdoor amplified music until 9 p.m.
- I. Winery-related events or activities subject to the following limitations:
 - (1) Events or activities involving fewer than 60 persons on the property at a time may be conducted at any time.
 - (2) Events or activities involving more than 60 persons and not more than 125 persons on the property at a time may be conducted on no more than 3 days in a single week.
 - (3) Events or activities involving more than 125 persons and not more than 350 persons on the property at a time may be conducted on no more than 12 days in a calendar year and on no more than 4 days in a single calendar month.
 - (4) Events or activities which exceed any of the limits set forth in subparagraphs (1) through (3) above shall be allowed, provided that a zoning permit application is filed and approved in accordance with §27-2308.1. In lieu of the requirements in §27-2308.2 (applicable to residential districts) and §27-2308.3 (applicable to commercial, industrial, special use, and flood hazard districts) any zoning permit application required by this subparagraph shall include a written description of the event that includes, but is not limited to, the number of people, the hours of the event, activities, entertainment and lighting. The applicant must be able to demonstrate to the Zoning Officer compliance with the following:
 - (a) Sanitary sewage facilities will be sufficient to accommodate the number of attendees and participants at the event.
 - (b) Parking facilities will be sufficient to accommodate the number of attendees and participants at the event.
 - (c) Adequate traffic control measures will be provided.
 - (d) Adequate plan of trash collection, removal and recycling, including the removal of all trash and signs from public rights of way, property of others and the subject tract.
- J. Bed and breakfast establishment, as defined in §27-202.

[Ord. 142]

(Ord. 139, 10/25/2007, §300-A.1; as amended by Ord. 142, 12/5/2007, §1)

§27-403. Area and Bulk Regulations.

1. Standards for single-family detached development in the AR District.

- | | | |
|-------------------------------|--|---|
| A. Net lot area | minimum | 1.5 acres |
| B. Building coverage | maximum | 10 percent |
| C. Total impervious coverage | maximum | 15 percent |
| D. Lot width at street line | minimum | 50 feet |
| E. Lot width at building line | minimum | 150 feet |
| F. Setbacks: | | |
| | Minimum front yard | 50 feet |
| | Minimum rear yard | 75 feet |
| | Minimum side yard | 25 feet |
| G. Building height | maximum | 35 feet or 3 stories,
whichever is less. |
| H. Provided the following: | | |
| | (1) Individual on-site sewage systems shall be provided. | |
| | (2) Individual on-site water supply wells shall be provided. | |
| | (3) Common stormwater management facilities and maintenance easements shall be provided for development involving five or more lots. | |

[Ord. 163]

2. In addition to the design standards in the London Grove Township Subdivision and Land Development Ordinance [Chapter 22], the following performance standards shall be applicable to all development in the AR District:

- A. A complete site analysis in accordance with the Subdivision and Land Development Ordinance [Chapter 22], and an environmental assessment report in accordance with §27-1831 with mitigation measures shall be required.
- B. *Natural Features / Resources Protection*. Shall conform to the provisions of Parts 14, 15, 16 and 18 of this Chapter.
- C. *Parking*. Shall conform to the provisions of Part 20 of this Chapter.
- D. *Signs*. Shall conform to the provisions of Part 29 of this Chapter.
- E. *Access and Circulation*. Shall conform to provisions of Part 20 of this Chapter.
- F. *Landscaping*. Shall conform to provisions of §27-1806 of this Chapter.
- G. *Screening*. Shall conform to provisions of §27-1806 of this Chapter.
- H. *Utilities*. All utility service shall be placed underground.

(Ord. 139, 10/25/2007, §300-A.2; as amended by Ord. 163, 12/1/2010, §19)

Part 5**Transferable Development Rights****§27-501. Purpose and Intent.**

The primary purpose of this transferable development rights (TDR) program is to permanently preserve agricultural land, open land, sensitive natural areas and rural community character that would be lost if the land were developed. In addition, this Section is intended to protect property rights by allowing landowners whose land is intended for preservation to transfer their right to develop to other areas of the Township. It is the particular intention of this Section that the transfer of development rights shall be utilized to preserve and mitigate the impact of development on the following resources:

- A. Prime farmland or agricultural land; mature woodlands.
- B. Stream valleys with associated wetlands and floodplains.
- C. Historic, scenic and cultural resources.

(*Ord. 74, 3/30/1995; as amended by Ord. 117, 3/14/2006, §2*)

§27-502. Concept and Authorization.

1. The provisions of this Part which permit the transfer of development rights, allow landowners in areas of London Grove Township proposed for preservation, called "sending areas," to sell the right to develop all, or a portion of, their land to landowners in areas of London Grove Township proposed for additional development, called "receiving areas." The transferable development rights provisions set forth below are specifically authorized under §§603(c)(2.2) and 619.1 of the Pennsylvania Municipalities Planning Code, 53 P.S. §§10603(c)(2.2), 10619.1, under the terms of which development rights are acknowledged to be severable and separately conveyable from a sending area to a receiving area.

2. When landowners in the sending area sell their right to develop all or a portion of their land, they must permanently restrict that portion of the land against any future development, although it may still be used for the purposes that do not involve development, such as agriculture or forestry. The permanent restriction on the land from which the development rights have been severed shall run in favor of the Township or a bona fide conservation organization approved by the Township. When landowners in the receiving area buy the development rights from landowners in the sending area they receive the right to build more homes on their land than they would have been allowed if they had not purchased development rights.

(*Ord. 74, 3/30/1995; as amended by Ord. 117, 3/14/2006, §2*)

§27-503. Sending Area Qualifications and Computation of Development Rights.

Owners of tracts that meet the following requirements may sell their development rights:

- A. *Sending Area Qualifications.* A tract of land from which development

rights are to be sent shall be located within the Agricultural Preservation (AP) or Residential Rural (RR) zoning districts. This tract shall have a minimum land area of no less than 10 contiguous acres, gross and shall contain at least one of the following resources:

- (1) Prime farmland or agricultural land.
- (2) Mature woodlands.
- (3) Stream valleys with associated wetlands and floodplains.
- (4) Historic, scenic or cultural resources identified on the most recently adopted London Grove Township Open Space, Recreation and Environmental Resources Plan.

B. Calculation of Transferable Development Rights.

(1) *Net TDR Tract Area Calculation.* The net TDR tract area is the net tract area minus required area for existing dwellings in the sending area.

(a) Calculate net tract area, as set forth in §27-1836 and then subtract the following additional areas for each existing dwelling in the applicable zoning district:

- 1) In the AP District, 2 acres
- 2) In the RR District, 1 acre

Formula: net TDR tract area = net tract area minus applicable area from subparagraph (1)(a)1 or 2), above = _____ acres.

(2) *Number of Development Rights.* The number of transferable development rights to be assigned to an eligible tract of land shall be established by the following procedure:

(a) In order to promote and encourage the use of TDRs, a development right bonus shall be assigned to each sending area as provided in the table below. The TDR bonus plus the density set forth below equals the maximum number of development rights per net tract acre of sending area land.

District	Existing Cluster Development Density	TDR Bonus	Total Rights (DR**)/Acre
AP	0.1 DU/AC*	625 percent	0.625 DR/AC
RR	1.0 DU/AC (cluster)	25 percent	1.25 DR/AC

*AC equals one acre, net lot area

**DR equals development right

[Ord. 134]

(b) The number of development rights shall be determined by multiplying the net TDR tract area, in acres, established in paragraph .B.1., above, by the total development rights/acre for the applicable zoning district.

Formula: development rights = net TDR tract area x total DR/acre development rights.

(c) Where the calculation of the total number of development rights

results in a fraction, said fraction shall be rounded down.

C. *Monitoring of Rights.*

(1) Within the sending area, all subdivision and land development applications received subsequent to the adoption of this Chapter shall include a notation of:

(a) The total number of development rights held.

(b) The number of rights remaining on each parcel after said subdivision and land development.

(2) The Township shall maintain an accurate record of development rights established and transferred for each tract of land within sending areas through an appropriate indexing system and map based on recorded plans. Such system shall key the information to the original tax parcels.

D. *Sending Area Restrictive Covenant.*

Except for retained development rights, if any, the tract of land within the sending area, or the sending tract, shall be permanently restricted from future development by a conservation easement or other restrictive covenant which meets the following requirements:

(1) Except where any retained development rights are specified, the restrictive covenant shall permanently restrict the land from future development of any non-agricultural uses, except for public park land, conservation areas, municipal facilities, utilities and other similar uses.

(2) The restrictive covenant shall be approved by the Board of Supervisors in consultation with the Township Solicitor. Final plan approval shall be contingent upon the recording of the restrictive covenant at the Chester County Recorder of Deeds.

(3) The restrictive covenant shall designate London Grove Township, and/or a bona fide conservation organization acceptable to the Township, as the beneficiary/grantee, but shall also designate both:

(a) All future owners of all or a portion of the sending parcel.

(b) All future owners of any portion of the receiving parcel as having separate and independent enforcement rights with respect to the restrictive covenants.

(4) The restrictive covenant shall specify the number of development rights to be transferred as well as any to be retained.

(5) No portion of the net TDR tract area used to calculate the number of development rights to be transferred shall be used to satisfy minimum yard setbacks or lot area requirements for any development rights, which are to be retained or for any other development.

(6) A conservation plan for the sending parcel(s) shall be recorded with and enforceable as part of the restrictive covenant. The conservation plan shall:

(a) Identify the natural and man-made resources of the site and adjacent sites.

(b) Follow the guidelines of the intent statement of this Chapter.

(c) Identify areas restricted as well as areas where any retained development rights may be utilized.

(d) Demonstrate a sustainable plan for the long-term management of the sending tract; giving consideration to the following:

1) The ownership, management and maintenance of the restricted areas.

2) The general character of anticipated development wherever development rights are retained, along with any specific design criteria which may be imposed to minimize and/or mitigate the impact of development on the natural and man-made resources of the site.

3) The conservation, land management and agricultural techniques and practices which will be used to conserve and perpetually protect the restricted areas, including conservation plan(s) approved by the Chester County Conservation District, where applicable.

4) The professional and personnel resources that will be necessary in order to maintain and manage the property.

5) The source of money that will be available to such management, preservation and maintenance on a perpetual basis.

6) The nature of public or private access that is planned for the restricted areas.

(7) Should London Grove Township acquire ownership of the sending areas, the land may be used for passive and active recreation coincidental with municipal uses that promote the purposes in §27-502.

(Ord. 74, 3/30/1995; as amended by Ord. 117, 3/14/2006, §2; and by Ord. 134, 3/29/2007, §8)

§27-504. Receiving Area Qualifications and Calculations.

Owners of tracts in the receiving area may use development rights purchased from sending area landowners in accordance with the following regulations:

A. *Receiving Area Qualifications.* Receiving area base densities may be increased through the use of TDRs in accordance with the provisions of this Section.

(1) The tract of land shall be no less than 3 acres, net tract area.

(2) The tract(s) shall be located within the following zoning districts as indicated on the Township Zoning Map:

(a) Residential, High (RH)

(b) Residential, Medium OW

(c) Residential, Mobile Homes (MB)

B. *Transfer of Rights.* Landowners in receiving areas have the right to build the following for each development right purchased, up to the maximum development capacity of the receiving area:

(1) *Maximum Development Capacity.* The maximum development capacity when the developer purchases additional rights in accordance with the provisions of this Part shall be as set forth in the applicable receiving area standards.

(2) *Residential Uses.*

	Additional Dwelling Units, Beyond the Base Density of the Underlying Zoning District, for Each Development Right Purchased in Sending Area	
Receiving Area District	AP	RR
Residential, Medium (RM)	10	1
Residential, Mobile Homes (MH)	10	1
Residential, High (RH)	20	2

[Ord. 134]

(3) *Nonresidential Uses.*

	Square Feet of Floor Area for Each Development Right Purchased in Sending Area	
Receiving Area District	AP	RR
Residential, Medium (RM)	1,000	500
Residential, Mobile Homes (MB)	1,000	500
Residential, High (RH)	1,000	500

C. *Applicable Area and Bulk Regulations.* Applicants using transferable development rights in any residential district are allowed reductions in area and bulk requirements as set forth in the applicable receiving area district ordinance provisions.

(Ord. 74, 3/30/1995; as amended by Ord. 117, 3/14/2006, §2; and by Ord. 134, 3/29/2007, §9)

§27-505. Plan Submittal Process.

Applicants shall submit a preliminary plan showing development with purchase of development rights; this plan shall meet the requirements of the London Grove Township Subdivision and Land Development Ordinance [Chapter 22]. Along with the preliminary plan, applicants shall submit:

A. An agreement of sale for all development rights proposed to be purchased from the sending area tract.

B. A note on the plan showing the total number of dwelling units or total square footage of nonresidential development proposed on the receiving area tract.

C. A note on the plan showing the total number of dwelling units or square footage of nonresidential floor area that could be built on the site when development rights are purchased, the number of homes that can be built under base density and the difference between the two. This difference represents the number of additional dwelling units or square footage of nonresidential floor area that could be constructed on the tract.

D. A plan of the sending area tract from which the applicant proposes to purchase development rights. This plan shall show all information needed to determine the number of development rights, which may be sold, as shown in §27-503.B. In addition, the plan shall be accompanied by a metes and bounds description of the property(s), as well as each property's parcel number, owner name, and street address. If the applicant is purchasing development rights from a portion of a sending area tract, this portion shall be shown on the plan and described with metes and bounds.

E. In order to receive final plan approval, the applicant must agree to record restrictive covenants for all sending area land whose development rights are being used by the applicant. These restrictive covenants must meet the requirements of §27-503.D, above. The restrictive covenant on the sending area land shall be recorded first, followed by a deed of transfer, in accordance with the provisions of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, as amended, which transfers the development rights from the sending area landowner to the receiving area landowner.

(*Ord. 74, 3/30/1995; as amended by Ord. 117, 3/14/2006, §2*)

§27-506. Transfer of less than Total Rights from a Tax Parcel.

The owner of a parcel(s) may transfer less than the total number of development rights established for said parcel; provided, that:

A. No residual parcel(s), except those from which development rights have been transferred, shall be created, unless in conformance with the applicable base zoning district lot size and dimensional requirements.

B. All subdivision plans shall include the residual number of development rights assigned to the unencumbered parcel in addition to required base zoning district lot size and dimensional requirements.

C. In determining which portions of a tract of land should be included in the restrictive covenant agreement, the landowner shall preserve the following resources, to the greatest degree possible:

- (1) Prime agricultural soils.
- (2) Lands devoted to agricultural uses.
- (3) Historic, cultural and scenic resources.
- (4) One-hundred year flood plain.
- (5) Alluvial or hydric soil areas, including wetlands.
- (6) Woodlands and slopes in excess of 15 percent.

(*Ord. 74, 3/30/1995; as amended by Ord. 117, 3/14/2006, §2*)

§27-507. Taxation of Development Rights.

Transferable development rights shall be considered real property. Upon transfer, the instrument conveying the development rights and accompanying deed of transfer of development rights shall be recorded in the Chester County Recorder of Deeds office and notification given by the Township to the Chester County Board of Assessment so that proper reassessment may occur.

(Ord. 74, 3/30/1995; as amended by Ord. 117, 3/14/2006, §2)

§27-508. Public Acquisition.

London Grove Township may purchase development rights and may accept ownership of development rights through transfer by donation. All such development rights shall be either retired by the Township or held in a TDR account for future sale to receiving area properties. Any such purchase or donation shall be accompanied by a deed of transfer of development rights, as prescribed in §27-503.D, above.

(Ord. 74, 3/30/1995; as amended by Ord. 117, 3/14/2006, §2)

Part 6**Residential, Rural (RR) District****§27-601. Purpose and Specific Intent.**

The purpose of this district is to provide for residential densities typical of an area that contains predominantly residential land use. This district is also intended to promote cluster development with a focus toward well designed compact dwelling arrangements in balance with designated open space. The district also offers the opportunity to promote environmentally sustainable land development and building strategies and technologies through “ecovillage” development intended to promote community through land use patterns that foster interaction between the ecovillage residents and with residents in surrounding developments and to promote a healthy, safe and sustainable lifestyle for Township residents.

(*Ord. 74, 3/30/1995, §500; as amended by Ord. 6/5/2001, §500; by Ord. 140, 10/25/2007, §500; and by Ord. 161, 10/6/2010, §1B*)

§27-602. Permitted Uses.

1. *Uses by Right.* Within the Rural Residential District, a building may be erected, altered or used and land itself may be used by right for any one of the following uses and no other:

A. Single-family detached and single-family attached dwellings involving cluster development and five or more lots or dwelling units, in accordance with subsection .2, Part 27, “Open Space Provisions,” and the design standards in §22-617 of the Subdivision and Land Development Ordinance [Chapter 22].

B. One single-family detached dwelling per lot, involving conventional lot development, whenever four lots or fewer are created.

C. One mobile home for temporary use only on an individual lot, on which a single-family home is being built. Such temporary use shall be for an initial period of 2 years with optional extensions of time for 1-year increments; provided, that the applicant submits a progress report to the Building Inspector every 6 months, unless the Building Inspector issues an occupancy permit for a non-mobile home and the mobile home is removed within 30 days thereafter. A bond will be required of the applicant by London Grove Township. Said bond shall be used to ensure removal of the temporary residence and shall be released upon completion of the permanent residence.

D. Extensive agriculture.

E. Municipal use.

F. Golf course.

G. Limited winery, where the primary agricultural use is viticulture, and subject to the area and bulk and design standards stated in §27-303.1 (relating to extensive agriculture), and after obtaining all necessary health, fire safety and building permits and/or licenses (where applicable). A limited winery may engage in the following activities:

- (1) Wine tasting.
- (2) Winery tours.
- (3) Wholesale and retail sales of wine and grape products.
- (4) Picnic area(s) for winery related activities.
- (5) Food preparation facility for catering on premises indoor or outdoor functions.
- (6) Agricultural-related museums.
- (7) Gift display for the retail sale of winery-related promotional items, gift items, and/or pre-packaged foods and/or art galleries with sales and framing, not to exceed a total of 500 square feet in interior footprint area.
- (8) Outdoor amplified music until 9 p.m.
- (9) Winery-related events or activities subject to the following limitations:
 - (a) Events or activities involving fewer than 60 persons on the property at a time may be conducted at any time.
 - (b) Events or activities involving more than 60 persons and not more than 125 persons on the property at a time may be conducted on no more than 3 days in a single week.
 - (c) Events or activities involving more than 125 persons and not more than 350 persons on the property at a time may be conducted on no more than 12 days in a calendar year and on no more than 4 days in a single calendar month.
 - (d) Events or activities which exceed any of the limits set forth in clauses (a) through (c) above shall be allowed, provided that a zoning permit application is filed and approved in accordance with §27-2308.1. In lieu of the requirements in §27-2308.2 (applicable to residential districts) and §27-2308.3 (applicable to commercial, industrial, special use, and flood hazard districts) any zoning permit application required by this clause shall include a written description of the event that includes, but is not limited to, the number of people, the hours of the event, activities, entertainment and lighting. The applicant must be able to demonstrate to the Zoning Officer compliance with the following:
 - 1) Sanitary sewage facilities will be sufficient to accommodate the number of attendees and participants at the event.
 - 2) Parking facilities will be sufficient to accommodate the number of attendees and participants at the event.
 - 3) Adequate traffic control measures will be provided.
 - 4) Adequate plan of trash collection, removal and recycling, including the removal of all trash and signs from public rights of way, property of others and the subject tract.
- (10) Bed and breakfast establishment, as defined in §27-202.

[*Ord. 142*]

H. Education use. [*Ord. 180*]

2. Within the Rural Residential District, a building may be erected, altered or used and land itself may be used for any one of the following uses and no other when

authorized as a conditional use by the Board of Supervisors in accordance with the provisions of Part 24, §27-2409.

A. Church use.

B. Single-family detached dwelling, involving conventional lot development, whenever five or more lots are created, subject to the provisions of §27-603.

C. Ecovillage, common house and the following other uses customary and incidental to an ecovillage:

(1) Bike lockers.

(2) Bike shed.

(3) Gardening shed.

(4) Greenhouse.

(5) Bus stop.

(6) Gazebo.

(7) Any other use which in the discretion of the Board of Supervisors is similar to those set forth in this section and which would further compliment the ecovillage use.

[Ord. 161]

3. Within the Rural Residential District, a building may be erected, altered or used and land itself may be used for any one of the following uses and no other when authorized as a special exception in accordance with the provisions of Part 23, §27-2307 of this Chapter.

A. Group home as a community living arrangement, subject to a minimum 1½ acre lot size.

B. Convalescent homes and multi-family retirement residence, subject to a minimum 2-acre lot size.

4. Within the Rural Residential District, a building may be erected, altered or used and land itself may be used for any one of the following accessory uses and no other.

A. Any normal and incidental accessory use to the principal residential use.

B. Level 1 home occupations in single-family detached dwellings.

C. A swimming pool, provided that it is located in the rear or side yard of the dwelling to which it is accessory, and located at least 10 feet from any lot line and enclosed with a fence.

(Ord. 74, 3/30/1995, §501; as amended by Ord. 6/5/2001, §501; by Ord. 111, 12/14/2005, §5; by Ord. 140, 10/25/2007, §501; by Ord. 142, 12/5/2007, §2; by Ord. 161, 10/6/2010, §1C; and by Ord. 180, 4/15/2013, §2)

§27-603. Area and Bulk Regulations.

1. *Standards for Single-Family Detached Conventional Development.*

A. Net lot area (min.) 1.0 acre

B. Building coverage (max.) 10 percent

- C. Total impervious coverage (max.) 20 percent
- D. Lot width at street line (min.) 50 feet
- E. Setbacks:
 - Minimum front yard 40 feet local street or internal road only 55 feet collector
 - Minimum rear yard 30 feet
 - Minimum side yard 30 feet
- F. Building height (max.) 35 feet or 3-stories, whichever is less

G. Provided the following conditions:

- (1) Either public sewage system or individual on-site sewage systems shall be provided. [*Ord. 163*]
- (2) Either public water supply or individual on-site water supply wells shall be provided. [*Ord. 163*]
- (3) Common stormwater management facilities and maintenance easements shall be provided for conventional development of five or more lots.

2. Clustering is permitted as a use by right in the RR District, contingent upon the requirements of Part 27, Open Space Provisions, the Design Standards of §22-617 of the Subdivision and Land Development Ordinance [Chapter 22] and provided the following conditions are met:

A. Any tract of land within the (RR) Rural Residential District is eligible to use the cluster development provisions hereof, provided all applicable controls, regulations and standards of this Part are met.

B. Public sewage system and public water supply shall be provided for all tracts. [*Ord. 163*]

C. When clustering, the applicant shall submit the calculations for the maximum permitted density (number of dwelling units permitted) and the minimum required open space as set forth in §27-1836 of this Chapter. [*Ord. 111*]

D. The dwelling units shall be a minimum of 80 percent single-family detached dwellings, and a maximum of 20 percent single-family attached dwellings in the form of townhouses.

E. If lot areas are proposed for single-family detached dwellings, the following requirements shall apply:

- (1) Lot area (min.) 12,500 square feet
- (2) Building coverage (max.) 20 percent
- (3) Total impervious coverage (max.) 45 percent
30 percent for lots
18,000 square feet or larger
- (4) Lot width at street line (min.) 50 feet

- (5) Lot width at building line (min.) 60 feet
- (6) Setbacks:
 - Front yard (min.) 20 feet
 - Rear yard (min.) 30 feet
 - Side yard (min.) 8 feet
- (7) Building height (max.) 35 feet or 3-stories, whichever is less

G. If lot areas are not proposed for single-family detached dwellings, and dwellings are conveyed by building footprint deed, versus fee simple lot deed, the following requirements shall apply:

- (1) Building separation distances
 - (a) Side to side (min.) 20 feet
 - (b) Front to side (min.) 35 feet
 - (c) Back to back (min.) 60 feet
- (2) Building setbacks from perimeter property lines (min.) 55 feet
- (3) Limited private garden area extending from dwelling (max.), which shall not be computed as part of the minimum required community open space 25 feet
- (4) Building coverage of tract (max.) 10 percent
- (5) Impervious coverage of tract (max.) 25 percent

H. If townhouses are proposed for up to 20 percent of the total dwelling units in a cluster development, the following requirements shall apply:

- (1) Building separation distances 35 feet
- (2) Building setbacks from perimeter property lines (min.) 55 feet
- (3) Limited private garden area extending from dwelling (max.), which shall not be computed as part of the minimum required community open space 25 feet
- (4) Building coverage of tract (max.) 10 percent
- (5) Impervious coverage of tract (max.) 25 percent

3. The following standards, in addition to Part 18, Performance Standards, of this Chapter shall apply to all uses within this district authorized as a special exception under §27-602.3. above.

A. Lot area (min.)	See §27-602.3. above
B. Building coverage (max.)	10 percent
C. Total impervious coverage (max.)	15 percent
D. Lot width at street line (min.)	100 feet
An unavoidable flag lot (min.)	30 feet
E. Setback, front yard	40 feet along local street or internal road only 55 feet-collector
Rear yard (min.)	40 feet
Side yard (min.)	40 feet
F. Building height (max.)	35 feet or 3-stories, whichever is less

4. For extensive agricultural uses the Agricultural Preservation District area and bulk regulations set forth in §27-402 shall apply.

5. In addition to the design standards in the London Grove Township Subdivision and Land Development Ordinance [Chapter 22], the following performance standards shall apply to all uses in the RR District.

A. A complete site analysis in accordance with the Subdivision and Land Development Ordinance [Chapter 22], and an environmental assessment report in accordance with §27-1831 with mitigation measures shall be required.

B. *Natural Features / Resources Protection.* Shall conform to the provisions of Parts 14, 15, 16 and 18 of this Chapter.

C. *Parking.* Shall conform to the provisions of Part 20 of this Chapter.

D. *Signs.* Shall conform to the provisions of Part 19 of this Chapter.

E. *Access and Circulation.* Shall conform to provisions of Part 20 of this Chapter.

F. *Landscaping.* Shall conform to provisions of Part 18, §27-1806 of this Chapter.

G. *Screening.* Shall conform to provisions of Part 18, §27-1806 of this Chapter.

H. *Utilities.* All utility service shall be placed underground.

6. *Standards for Ecovillage Development.*

A. Single-family detached, single-family semi-detached and single-family attached ecovillage dwelling units shall be permitted.

B. Each ecovillage dwelling unit in an ecovillage may be conveyed either as a condominium unit pursuant to the Pennsylvania Uniform Condominium Act, 68 Pa.C.S.A. §3101 *et seq.*, or as an individual unit in fee simple.

C. Single-family attached ecovillage dwelling unit buildings shall contain no more than six ecovillage dwelling units each accommodating one family and which are attached by a vertical common party wall.

D. Maximum permitted density and minimum required open space shall be based on net tract area as determined in accordance with §27-1836.

E. Public sewer shall be provided by the London Grove Township Municipal Authority.

F. Public water shall be provided.

- G. Net tract area (min.) 5 acres
- H. Building coverage of net tract (max.) 15 percent
- I. Total impervious coverage of net tract (max.) 35 percent

Pervious pavements, which allow infiltration of stormwater, shall not be considered impervious coverage, for purposes of calculating total impervious coverage under this Chapter, but shall be considered impervious for purposes of complying with Township stormwater management requirements.

- J. Building separation distances (min.) 25 feet
- K. Building setbacks from perimeter property lines (min.) 35 feet
- L. Building height (max.) 35 feet or 3 stories, whichever is less

M. *Screening.* Where an ecovillage abuts a residential use, a buffer of a minimum of 25 feet wide shall be provided along the perimeter property lines of the tract except along public streets in areas where common off-street parking areas serving the ecovillage use are located. An ecovillage internal accessway may be located within the required buffer so long as said ecovillage internal accessway is constructed of a reinforced pervious or vegetated surface and so long as the applicant provides a 5 feet wide vegetated screening strip between the property line and the ecovillage internal accessway. All areas of the buffer not containing an ecovillage internal accessway shall be landscaped.

N. In order to encourage the use of environmentally sustainable design, ecovillage internal accessways shall be constructed of reinforced pervious or vegetated surfaces designed with the structural integrity and geometric layout to handle emergency vehicles. No permanent parking shall be permitted on an ecovillage internal accessway. Use of an ecovillage internal accessway for loading and unloading is permitted.

O. Private ownership of ecovillage internal accessways shall be required.

[Ord. 161]

7. *Standards for Educational Uses.*

- A. Net lot area (min.)—15 acres.
- B. Lot width (at building setback line)—300 feet.
- C. *Setbacks.*
 - (1) Minimum front yard—65 feet for parcels having a net lot area of 25

acres or more and 50 feet for parcels having a net lot area of less than 25 acres.

(2) Minimum rear yard—150 feet.

(3) Minimum side yard—90 feet for parcels having a net lot area of 25 acres or more and 60 feet for parcels having a net lot area of less than 25 acres.

D. Building coverage of tract (max.)—30 percent.

E. Impervious coverage of tract (max.)—40 percent.

F. Building height (max.)—35 feet or 3 stories, whichever is less.

G. *Buffer Requirements.* There shall be a 25 foot landscaped perimeter buffer whenever such use abuts a residential use or residential district, which shall conform to the buffer and landscape design standards set forth in §27-1806.

[*Ord. 180*]

(*Ord. 74, 3/30/1995, §502; as amended by Ord. 6/5/2001, §502; by Ord. 117, 3/14/2006, §3; by Ord. 140, 10/25/2007, §502; and by Ord. 161, 10/6/2010, §1D; by Ord. 163, 12/1/2010, §§20, 21; and by Ord. 180, 4/15/2013, §3*)

§27-604. Conditional Use Standards and Criteria.

1. Single-family detached dwelling, involving conventional lot development, whenever five or more lots are created, shall comply with the following.

A. Section 27-2310, “Conditional Uses.”

B. The applicant shall demonstrate that a conventional layout of non-clustered lots will have less environmental impact than a single-family cluster development, in terms of less wetland impact, less floodplain impact, less tree removal impact, less steep slope impact, less wildlife habitat impact, less farmland displacement impact, less scenic resource impact, or less historic resource impact. If the applicant cannot demonstrate that the conventional lot development will have less impact, then a cluster development plan in accordance with §27-603.2 and Part 27 shall be prepared to better conserve or preserve critical environmental and cultural resources.

C. Where development of less than the entire tract is intended, or where the tract is intended to be developed at less density than conventional lot development would permit, the Board of Supervisors may require the applicant to restrict further subdivision or development on the remainder of the tract by recorded covenant or restriction.

(*Ord. 74, 3/30/1995, §503; as amended by Ord. 6/5/2001, §503; and by Ord. 140, 10/25/2007, §503*)

Part 7**Residential, Medium District (RM)****§27-701. Purpose and Development Options.**

1. *Purpose.* It is the purpose of this District to provide for moderate density residential uses that are readily accessible to major highways and services. Additionally, it is intended to allow the use of TDRs to protect constrained lands, preserve agricultural uses and conserve natural and cultural resources within other areas of the Township by accommodating growth in mixed-use village developments. Densities above one dwelling unit per acre are conditioned upon public sewage system and public water supply being provided. [Ord. 163]

2. *Residential Development Options.* In order to achieve these purposes, this Part provides for design flexibility in new residential subdivisions by allowing the following residential design options in the RM District. Section 27-702 lists the permitted uses within each type of development and §27-703 provides density, open space and dimensional requirements. Section 27-703 lists design standards for conditional uses.

A. Cluster subdivision providing for moderate density development of single-family detached, semi-detached and attached residential uses at a maximum base density of two dwelling units per acre of net tract area. This by-right option requires 40 percent or more open space.

B. Conventional subdivision allowing single-family detached dwellings on lots of a minimum ½ acre with no open space required this by-right option is only permitted for developments containing seven or fewer lots or dwelling units.

C. Mixed-use village development allowing for higher density development at a maximum density of four dwelling units per acre of net tract area with 30 percent open space designed according to guidelines to ensure that the resulting form incorporates the design principles of traditional neighborhood design. Small-scale commercial uses may also be permitted within a storefront area in the mixed-use village development option. This higher density option is available by conditional use in conjunction with the use of TDRs as provided for in Part 5, “Transferable Development Rights.”

3. *Nonresidential Development Options.* This Part also provides for the following nonresidential development options, in accordance with the standards herein:

A. Extensive agriculture, subject to the provisions of §27-303.1.

B. Municipal use.

(Ord. 74, 3/30/1995; as amended by Ord. 117, 3/14/2006, §3; and by Ord. 163, 12/1/2010, §22)

§27-702. Uses.

1. *Uses By-Right.* Within the RM District, a building may be erected, altered or used and land itself may be used by-right for any one of the following uses and no other:

A. *Cluster Subdivision.* Cluster subdivision shall be permitted by-right contingent upon the requirements of Part 28, “Open Space Provisions,” the design

standards of §22-617 of the Subdivision and Land Development Ordinance [Chapter 22]; and, provided that the requirements of this Part are met. The following uses shall be permitted within this option:

- (1) Single-family detached dwelling units.
- (2) Single-family semi-detached dwelling units (twins).
- (3) Single-family attached dwelling units (townhouses).
- (4) Open space, said uses complying with §27-2703, “Open Space Provisions; Use Regulations.”
- (5) The following accessory uses shall be permitted:
 - (a) Any normal and incidental accessory use to the principal residential uses.
 - (b) Level 1 home occupations in single-family detached dwellings.

B. *Conventional Subdivision.* Conventional subdivision shall be permitted by-right for seven or fewer lots or dwelling units. The following uses shall be permitted within this option:

- (1) Single-family detached dwellings.
- (2) Extensive agriculture, subject to the provisions of §27-303.1.
- (3) Municipal use.
- (4) The following accessory uses shall be permitted:
 - (a) Any normal and incidental accessory use to the principal residential uses.
 - (b) Level 1 home occupations in single-family detached dwellings.

C. Extensive agriculture, subject to the provisions of §27-303.1.

D. Municipal use.

E. Within the RM District, a building may be erected, altered or used and land itself may be used in conjunction with the use of TDRs for any one of the following uses and no other:

(1) *Mixed-Use Village Development.* Mixed-use village development shall be permitted in conjunction with the use of TDRs as provided for in Part 5, “Transferable Development Rights,” for developments of 25 or fewer dwelling units. In addition, approval shall be contingent upon compliance with the requirements of Part 27, “Open Space Provisions”; the design standards of §22-617 of the Subdivision and Land Development Ordinance [Chapter 22]; the design standards for mixed-use village development in §27-703 of this Part; and the conditions of this Part. The following uses shall be permitted within this option:

- (a) Single-family detached dwellings.
- (b) Single-family semi-detached dwellings (twins).
- (c) Single-family attached dwellings (townhouses).
- (d) Open space, said uses complying with §27-2703, “Open Space Provisions; Use Regulations.”
- (e) The following accessory uses shall be permitted:

- 1) Any normal and incidental accessory use to the principal residential uses.

- 2) Level 1 home occupations in single-family detached dwellings.

F. Limited winery, where the primary agricultural use is viticulture, and subject to the area and bulk and design standards stated in §27-303.1 (relating to extensive agriculture), and after obtaining all necessary health, fire safety and building permits and/or licenses (where applicable). A limited winery may engage in the following activities:

- (1) Wine tasting.

- (2) Winery tours.

- (3) Wholesale and retail sales of wine and grape products.

- (4) Picnic area(s) for winery related activities.

- (5) Food preparation facility for catering on premises indoor or outdoor functions.

- (6) Agricultural-related museums.

- (7) Gift display for the retail sale of winery-related promotional items, gift items, and/or pre-packaged foods and/or art galleries with sales and framing, not to exceed a total of 500 square feet in interior footprint area.

- (8) Outdoor amplified music until 9 p.m.

- (9) Winery-related events or activities subject to the following limitations:

- (a) events or activities involving fewer than 60 persons on the property at a time may be conducted at any time.

- (b) Events or activities involving more than 60 persons and not more than 125 persons on the property at a time may be conducted on no more than 3 days in a single week.

- (c) Events or activities involving more than 125 persons and not more than 350 persons on the property at a time may be conducted on no more than 12 days in a calendar year and on no more than 4 days in a single calendar month.

- (d) Events or activities which exceed any of the limits set forth in subclauses (a) through (c) above shall be allowed, provided that a zoning permit application is filed and approved in accordance with §27-2308.1. In lieu of the requirements in §27-2308.2 (applicable to residential districts) and §27-2308.3 (applicable to commercial, industrial; special use, and flood hazard districts) any zoning permit application required by this subclause shall include a written description of the event that includes, but is not limited to, the number of people, the hours of the event, activities, entertainment and lighting. The applicant must be able to demonstrate to the Zoning Officer compliance with the following:

- 1) Sanitary sewage facilities will be sufficient to accommodate the number of attendees and participants at the event.

- 2) Parking facilities will be sufficient to accommodate the number of attendees and participants at the event.

3) Adequate traffic control measures will be provided.

4) Adequate plan of trash collection, removal and recycling, including the removal of all trash and signs from public rights of way, property of others and the subject tract.

(10) Bed and breakfast establishment, as defined in §27-202.

[Ord. 135]

2. *Conditional Uses.* Within the RM District, a building may be erected, altered or used and land itself may be used by conditional use and in conjunction with the use of TDRs for any one of the following uses and no other:

A. *Mixed-Use Village Development.*

Mixed-use village development shall be permitted by conditional use in conjunction with the use of TDRs as provided for in Part 5, “Transferable Development Rights,” for developments of 26 or more dwelling units, or for any development containing a storefront area(s). In addition, approval shall be contingent upon compliance with the requirements of Part 27, “Open Space Provisions”; the design standards of §22-617 of the Subdivision and Land Development Ordinance [Chapter 22]; the design standards for mixed-use village development in §27-703 of this Part; and the conditions of this Part. The following uses shall be permitted within this option:

(1) Single-family detached dwellings.

(2) Single-family semi-detached dwellings (twins).

(3) Single-family attached dwellings (townhouses).

(4) Open space, said uses complying with §27-2703, “Open Space Provisions; Use Regulations.”

(5) Where a storefront area is provided in accordance with §§27-703 and 27-704, the following nonresidential and mixed uses (commercial residential) shall be permitted:

(a) *Retail Uses, Professional Office and Personal Services.* Retail uses specifically excluded from the mixed-use village development option shall include flea markets, indoor/outdoor amusement businesses, automotive sales, car washes, gasoline stations, building supply stores, adult commercial and mini-storage facility.

(b) Bed and breakfast establishments, subject to the provisions of Part 2.

(c) Day care centers.

(d) Second-story residential uses above retail or office uses.

(e) Artisan living/working uses.

(f) The following accessory uses shall be permitted:

1) Any normal and incidental accessory use to the principal residential uses.

2) Level 1 home occupations in single-family detached dwellings.

(Ord. 74, 3/30/1995; as amended by Ord. 117, 3/14/2006, §3, and by Ord. 135, --/2007, §5)

§27-703. Density, Open Space and Dimensional Standards.

1. *Cluster Subdivision.*

A. *Maximum Density.* The applicant shall submit the following calculations to compute the maximum permitted density (dwelling units per tract):

(1) State constrained lands and net tract area as set forth in §27-1836 of this Chapter:

Contained Lands = _____ (per §27-1836 of this Chapter)

Net Tract Area = _____ (per §27-1836 of this Chapter)

(2) Calculate maximum permitted density, in dwelling units, by multiplying the net tract area by two dwelling units per acre, the base density factor of the RM District.

Formula: Maximum permitted density = net tract area x two dwelling units per acre = _____ dwelling units.

B. *Minimum Required Open Space.* The applicant shall submit the following calculations to compute the minimum required open space:

(1) Multiply net tract area from subsection .1.A(1) by .40, representing 40 percent open space, and add the constrained land from subsection .1.A(1) = _____ acres.

Formula: Minimum required open space = (Net Tract Area x .40) + constrained land = _____.

C. *Area and Bulk Regulations for Residential Uses.* The following standards shall apply to all residential uses:

	Area and Bulk Standards For residential uses	Single-Family Detached	Single-Family Semi-detached	Single-Family Attached
(1)	Lot area (min) With accessory dwelling unit	5,000 sf 8,000 sf	2,500 sf n/a	2,500 sf n/a
(2)	Total impervious coverage (max)	55 percent	65 percent	65 percent
(3)	Lot width at street line (min)	20 feet	20 feet	20 feet
(4)	Lot width at building line (min)	40 feet	25 feet	20 feet
(5)	Principal dwelling setbacks:			
	front yard	15 feet (min)	15 feet (min)	15 feet (min)
	front yard w/front loading garage	15 feet (max)	15 feet (max)	15 feet (max)
	rear yard	35 feet (min)	35 feet (min)	35 feet (min)
	side yard	None	None	None
	side to side building separation*	20 feet (min)	20 feet (min) for Structure	20 feet (min) for Structure
(6)	Building setbacks from perimeter property lines (min)	55 feet	55 feet	55 feet

	Area and Bulk Standards For residential uses	Single-Family Detached	Single-Family Semi-detached	Single-Family Attached
(7)	Garage and accessory building Setbacks: Front loading garages Alley access garages	35 feet (min) 13 feet from alley center line (min)	35 feet (min) 13 feet from alley center line (min)	35 feet (min) 13 feet from alley center line (min)
(8)	Building height	35 feet or 3 stories	35 feet or 3 stories	35 feet or 3 stories
(9)	A maximum of 15 percent of the dwelling units may front directly onto a green, provided that an access easement is provided to the satisfaction of the Township Board of Supervisors.			
(10)	Compliance with the following shall be achieved: (a) in the absence of public sewer and water the Rural Residential District area and bulk regulations shall apply; and, (b) for extensive agricultural uses the provisions of §27-302.1, Agricultural Preservation Residential District area and bulk regulations shall apply.			
(11)	Single-family attached units shall comply with the standards in §27-704.2.A(2).			

* Does not apply to common party wall.

2. *Conventional Subdivision.*

A. *Area and Bulk Regulations for Residential Uses.* The following standards shall apply to all residential uses:

	Area and Bulk Standards for Residential Uses	Single-Family Detached
(1)	Density (max)	2 dwelling units per net acre
(2)	Net lot area (min)	21,780 square feet
(3)	Total impervious coverage (max)	25 percent
(4)	Lot width at street line	20 feet
(5)	Lot width at building line	60 feet
(6)	Yard setbacks: Front Side Rear	25 feet (min) 15 feet each (min) 30 feet (min)
(7)	Building height	35 feet, or 3 stories, whichever is less
(8)	In the absence of public sewage system and public water supply, this development option shall comply with the RR area and bulk standards in §27-603 of this Chapter. [Ord. 163]	

3. For extensive agricultural uses, the Agricultural Preservation Residential District area and bulk regulations in §27-303.1 of this Chapter shall apply.

4. *Mixed-Use Village Development.*

A. *Mix of Residential Uses.* Mixed-use village developments shall consist of at least two dwelling types, except that village developments containing fewer than 60 dwelling units may consist of 100 percent single-family detached units.

B. *Maximum Residential Density.* The applicant shall submit the following calculations to compute the maximum permitted density (dwelling units per tract):

(1) State constrained lands and net tract area as set forth in §27-1836 of this Chapter:

Constrained Lands = _____ (per §27-1836 of this Chapter)

Net Tract Area = _____ (per §27-1836 of this Chapter)

(2) Calculate maximum permitted density, in dwelling units, by multiplying the net tract area by four dwelling units per acre, the TDR density factor of the RM District, when developed in conjunction with Part 5, “Transferable Development Rights.”

Formula: Maximum permitted density = net tract area x 4 dwelling units per acre = _____ dwelling units.

C. *Maximum Nonresidential Density.* Mixed-use village development may contain nonresidential uses in a storefront area. Nonresidential and mixed-use buildings, including parking, shall be limited to 6 percent of the net tract area or 3 acres, whichever is less. This limit may be increased as follows:

(1) Nonresidential and mixed-use building coverage and their associated parking and service areas may occupy up to 12 percent of the net tract area, or 6 acres, whichever is less, if they include second-story residential units above at least 10 percent of the nonresidential building coverage. Said upper-story dwelling units shall be in addition to the base residential density otherwise permitted, provided the total number of dwelling units shall not be increased by more than 10 dwelling units, or 10 percent, whichever is greater.

(2) Nonresidential and mixed-use building coverage and their associated parking areas may occupy up to 18 percent of the net tract area, or 9 acres, whichever is less, if they include second-story residential units, provided that at least half of the new nonresidential building coverage is two stories, and at least 25 percent of the second-story space is designed for residential uses.

(3) The maximum gross leaseable floor area for each nonresidential leasehold shall be 2,400 square feet or less in one-and-one-half-story buildings, and up to 4,800 square feet in buildings of two or more stories.

D. *Minimum Required Open Space.* The applicant shall submit the following calculations to compute the minimum required open space:

(1) Multiply net tract area from §27-702.4.B(a) by .30, representing 30 percent open space, and add the constrained land from §27-702.4. B(a) = _____ acres.

Formula: Minimum required open space = (net tract area x .30) + constrained land = _____.

(2) At least 15 percent of the minimum required open space shall consist of formal open space as set forth in §27-704.3.

5. *Area and Bulk Regulations for Residential Uses.* The following standards shall

apply to all residential uses:

	Area and Bulk Standards For Residential Uses	Single-Family Detached	Single-Family Semi-detached	Single-Family Attached
A.	Lot area (min) With accessory dwelling unit	4,000 sf 8,000 sf	2,500 sf n/a	2,500 sf n/a
B.	Total impervious coverage (max)	55 percent	65 percent	65 percent
C.	Lot width at street line (min)	20 feet	20 feet	20 feet
D.	Lot width at building line (min)	40 feet	25 feet	20 feet
E.	Principal dwelling setbacks:			
	front yard	15 feet (min)	15 feet (min)	15 feet (min)
	front yard w/front loading garage	15 feet (max)	15 feet (max)	15 feet (max)
	rear yard	35 feet (min)	35 feet (min)	35 feet (min)
	side yard	None	None	None
	side to side building separation*	20 feet (min)	20 feet (min) for Structure	20 feet (min) for Structure
F.	Building setbacks from perimeter property lines (min)	55 feet	55 feet	55 feet
G.	Garage and accessory building Setbacks:			
	Front loading garages	35 feet (min)	35 feet (min)	35 feet (min)
	Alley access garages	13 feet from alley center line (min)	13 feet from alley center line (min)	13 feet from alley center line (min)
H.	Building height	35 feet or 3 stories	35 feet or 3 stories	35 feet or 3 stories
I.	In the absence of public sewage system and public water supply, this development option shall not be permitted. [Ord. 163]			
J.	Mixed-use village development shall comply with the design standards in §27-703.			

* Does not apply to common party wall.

6. *Area and Bulk Regulations for Nonresidential and Mixed-Uses (Commercial/Residential) in the Storefront Area.*

A. Such storefront area shall be determined by adding 20 percent to the land area needed for the structures, on-lot parking, ingress/egress, service areas and any required on-site infrastructure (stormwater management areas).

B. The additional 20 percent land area shall constitute formal open space, setbacks and landscaped areas.

C. The storefront area shall be exclusive of the 100-year floodplain, wetlands and slopes over 25 percent.

D. *Nonresidential Building Setbacks.*

- (1) Front—maximum 15-foot setback.
- (2) Rear—20-foot minimum.
- (3) Side—5-foot minimum.

(Ord. 74, 3/30/1995; as amended by Ord. 117, 3/14/2006, §3; and by Ord. 163, 12/1/2010, §§23, 24)

§27-704. Design Standards for Mixed-Use Village Development.

1. *General Design Standards for Mixed-Use Village Development.*

A. *Block Design.*

(1) Mixed-use village developments shall be designed in a generally rectilinear pattern of blocks and interconnecting streets and rear lanes, defined by buildings, landscaping, pedestrian ways, sidewalks and street furniture. To avoid the monotony of a rigid grid layout and to better conform to the natural terrain, streets may include frequent gentle curves.

(2) The maximum length of a block shall be 500 feet. This length may be extended up to 800 feet when mid-block footpaths are provided.

(3) Rectilinear blocks of the dimensions required above may be reshaped at the discretion of Board of Supervisors when topography, existing vegetation, or hydrology considerations influence block shape and size.

(4) In the storefront area, at least one pedestrian pathway; a minimum of 8 feet wide, shall be provided for every 250 feet of street frontage. Said pedestrian pathways shall connect store entrances to the rear parking lots.

(5) Each block that includes storefronts and/or single-family attached (townhouse) lots less than 40 feet wide shall be designed it include a rear alley serving parking areas or garages in the rear. Residential streets shall be configured using a design speed of 25 mph. Traffic calming techniques shall include “T” intersections, traffic islands, circles, loops or crescents, roundabouts, three-way and four-way stop signs.

B. *Use Transitions.*

(1) Similar land uses shall face one another across a street, while dissimilar land uses shall abut along alleys or rear parking areas.

(2) Where feasible, a village green shall be used to separate residential blocks from mixed-use blocks.

2. *Design Standards for Residential Uses.*

A. *Architecture.*

(1) Single-family detached and semi-detached dwellings shall be designed so that:

(a) At least two-thirds shall be oriented with their gable ends facing the street.

(b) At least 35 percent shall have a covered front entry porch, raised a minimum of 18 inches above ground level.

(2) Single-family attached dwelling shall be designed so that:

(a) Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12, except that porches may be attached sheds with slopes no less than 2:12.

(b) Flat roofs, if provided, shall be enclosed by parapets a minimum of 42 inches high to conceal mechanical equipment.

(c) Parking is encouraged to be located at the rear of the building. As an alternative, recessed front-loading garages may be provided.

(d) The first floor elevation shall be raised a minimum of 18 inches above ground level and a stoop or porch shall be provided at the front door.

(3) *Roof Pitch*. Pitched roofs with slopes between 8:12 and 12:12 shall be encouraged.

(4) *Accessory Dwelling Units*. The design of accessory dwelling units shall comply with the following regulations:

(a) Exterior fire escapes are prohibited on any side of accessory dwelling units except at the rear.

(b) All off-street parking for accessory dwelling units shall be located to the side or rear and shall be visually screened from adjoining properties.

(5) *Access to Houselots*. New houselots shall be accessed from interior streets, rather than from roads bordering the tract.

3. *Design Standards for Open Space*.

A. *General*.

(1) Open space shall be delineated in accordance with the standards in §22-617 of the Subdivision and Land Development Ordinance [Chapter 22], setting forth the four-step design process, and in accordance with §27-2703 of this Chapter.

(2) Open space shall consist of two types: natural and formal.

(a) Natural open space consists of, but is not limited to: meadows, woodlands, large specimen trees, hedgerows, wetlands, floodplain, stormwater management areas and steep slopes.

(b) Formal open space consists of greens, commons, squares and parks that are defined by building walls, streets and street trees.

B. *Formal Open Space: Greens, Commons Squares and Parks*.

(1) Greens, commons, squares, and parks shall serve a variety of outdoor leisure and assembly needs of village residents and enhance the form and appearance of the mixed-use village development.

(2) Greens, commons, squares and parks shall be distributed throughout the village in the residential neighborhood and, when included, the storefront area.

(3) When a storefront area is proposed, a main village green shall be required, which shall be:

(a) Located within 200 feet of the outer perimeter of the storefront area. These locational requirements may be adjusted by reason of topography or natural resources to be preserved, at the discretion of the

Board of Supervisors.

(b) Of pedestrian scale, approximately ½ to 1 acre in area, and shall be no longer or wider than 300 feet. The views of greens, commons and squares shall be maximized by locating open space in “terminal vista” locations as often as possible, such as the ends of streets at three-way intersections, and/or along the outer edges of curving streets.

4. *Design Standards for Nonresidential and Mixed-Use Development in the Storefront Area.*

A. *Design Considerations along an Existing Major Arterial Street.* When the storefront area is located along an existing major arterial street the following provisions shall apply:

(1) The buildings shall be designed with display windows and signage facing the major arterial street.

(2) Canopy trees shall be planted at intervals not greater than 40 feet along the major arterial street.

(3) The storefront area shall not parallel the major arterial street for a distance greater than 600 feet, unless the storefronts are located behind a landscaped buffer area providing visual screening in all seasons of the year, or on the opposite side of a village green extending the full length of the storefront area as it parallels the major arterial street. If berms are used within the buffer they shall be no taller than two feet and shall taper gradually into the landscape with slopes not exceeding 1:5.

B. *Massing.* To harmonize with the traditional architectural scale of commercial buildings in historic villages, the massing of larger commercial buildings shall be de-emphasized using, but not limited to, one of the following methods:

(1) The use of projecting and recessed sections, to reduce their apparent overall bulk. Facade breaks shall be at least 3 feet in depth. Such breaks in facades and roof lines shall occur not more frequently than 50 feet, the width of two historic shop fronts.

(2) New commercial buildings with more than 1,500 square feet of floor space (above grade) shall be at least 1.5 stories in height.

(3) Storefront buildings fronting on the same street and located on the same block shall be attached, or located not more than 15 feet apart, except when separated by a “pocket park” or a common, green or square.

(4) Storefront buildings shall have at least 60 percent of their front facade coincident with their street frontage, including frontage onto courtyards.

C. *Architectural Style and Detail.*

(1) Buildings shall articulate the line between the ground and upper levels with a cornice, canopy, balcony, arcade or other architectural feature.

(2) The use of special architectural elements such as, but not limited to, towers, turrets and corner cut-offs, is encouraged at major street corners to accent structures and provide visual interest. These elements shall be in scale with the overall structure.

(3) *Main Entrances.*

(a) As one of the most important parts of the facade, the main entrance shall be easily identifiable. Doors and entryways shall follow a traditional storefront design (usually recessed) and shall be compatible with the architectural style of the structure.

(b) Main entrances shall be from the front sidewalk, except in courtyard designs. Secondary entrances may open to a rear parking lot.

(c) When a building is located on a corner, the entrance shall be located on the corner with an appropriate building articulation, such as a chamfered corner, turret, canopy or other similar building feature.

(4) *Rear Entrances and Facades.* When rear parking is provided, rear entrances and facades should be appropriately detailed to provide an attractive appearance, but should not be overly embellished to compete with the main storefront.

(a) The following requirements shall be met:

1) Adequate lighting shall be provided for security, pedestrian safety and decorative purposes.

2) Trash and service areas, utility lines, mechanical equipment and meter boxes shall be appropriately screened from customer entrances.

(5) *Windows.*

(a) The front elevation of commercial and office buildings shall provide a minimum of 60 percent and a maximum of 85 percent transparency (windows) at ground level.

(b) Buildings shall include large front windows on the ground level, with sills between 12 and 18 inches above sidewalk level and lintels 9 feet to 12 feet above sidewalk level.

(c) Clear glass (providing a minimum of 88 percent light transmission) shall be used on ground floor windows. Tinted glass providing a minimum of 50 percent light transmission shall be limited for use only in transoms and windows above the ground floor. The use of bronze-tinted or reflective glass is prohibited.

(d) The use of transom windows is strongly encouraged.

(e) If aluminum window frames are used they shall be either factory coated or anodized a dark color. Bare aluminum or gold color window frames are prohibited.

(f) If shutters are used, appropriate hardware (hinges, pulls, etc.) shall be used. Shutters shall be proportioned to cover one-half the width of the window.

(6) *Roofs.*

(a) Roofs shall be pitched with overhanging eaves; or flat with articulated parapets and cornices. Desired roof materials include slate (either natural or manmade), shingle (either wood or asphalt composition), and metal formed to resemble "standing seams."

D. *Signs.* In addition to the requirements in Part 19, signs shall conform to the following regulations:

(1) Signs shall not be freestanding and shall be affixed to a building facade, canopy, or arcade.

(2) The top of signs (except window signs) shall be located no higher than the sills of second-story windows.

(3) Signs shall be constructed of wood, metal or synthetic material, provided that the type face and logos have a dimensional rather than flat quality.

(4) Sign colors shall preferably be dark background colors with light-colored lettering.

(5) Signs may be illuminated from external light sources only. Flashing and moving lighting is prohibited.

(6) Moving signs and signs with moving elements are prohibited.

(7) External neon signs are prohibited. Non-flashing neon signs may be displayed inside windows provided they occupy no more than 15 percent of the glass area of the window in which they are displayed.

E. *Street Furniture.*

(1) At least one public trash receptacle shall be provided in each block on each side of the street.

(2) Public benches shall be provided at bus stops and at intervals no greater than 100 feet on each block; and in greens, commons, squares and parks at a rate of one bench per 5,000 square feet.

(3) At least one bicycle rack adjacent to the sidewalk shall be provided on each block, with a paved pad designed to accommodate it.

(Ord. 74, 3/30/1995; as amended by Ord. 117, 3/14/2006, §3)

§27-705. Other Applicable Regulations.

The following standards, shall apply to all permitted uses within this district:

A. A complete site analysis in accordance with the Subdivision and Land Development Ordinance [Chapter 22], and an environmental assessment report in accordance with §27-1831 with mitigation measures shall be required.

B. *Natural Features/Resource Protection.* Shall conform to the provisions of Parts 14, 15, 16 and 18 of this Chapter.

C. *Parking.* Shall conform to the provisions of Part 20 of this Chapter.

D. *Signs.* Shall conform to the provisions of Part 19 of this Chapter.

E. *Access and Circulation.* Shall conform to provisions of Part 20 of this Chapter.

F. *Landscaping.* Shall conform to provisions of §27-1806 of this Chapter.

G. *Screening.* Shall conform to provisions of §27-1806 of this Chapter.

H. *Single-Family Detached Uses.* Shall conform to Part 14, "Ground Water Protection," of this Chapter.

I. *Utilities.* All utility service shall be placed underground.

J. *Open Space.* Shall conform to Part 27, “Open Space Provisions,” and the design standards of §22-617 of the Subdivision and Land Development Ordinance [Chapter 22].

(*Ord. 74, 3/30/1995; as amended by Ord. 117, 3/14/2006, §3*)

Part 8**Residential, Mobile Home (MH)****§27-801. Purpose and Development Options.**

1. *Purpose.* It is the purpose of this District to provide adequate facilities for the use of mobile home parks with the intention of promoting a safe and attractive community environment that will compliment surrounding properties. It is also the intent of this Part to allow within this district certain other compatible and/or existing uses. This District is created to accommodate existing and projected demand for the use of mobile home facilities, and is a receiving area for transferable development rights. Additionally, it is intended to allow the use of TDRs to protect constrained lands, preserve agricultural uses and conserve natural and cultural resources within other areas of the Township by accommodating growth in mixed-use village developments. Densities above one dwelling unit per acre are conditioned upon public sewage system and public water supply being provided. [Ord. 163]

2. *Residential Development Options.* In order to achieve these purposes, this Part provides for design flexibility in new residential subdivisions by allowing the following residential design options in the MH District. Section 27-802 lists the permitted uses within each type of development and §27-803 provides density, open space and dimensional requirements. Section 27-804 lists design standards for mobile home parks.

A. Cluster subdivision providing for moderate density development of single-family detached, semi-detached and attached residential uses and mobile home parks at a maximum base density of two dwelling units per acre of net tract area for single-family detached, semi-detached and attached dwellings and a maximum base density of three dwelling units per acre of net tract area for mobile home dwellings. This by-right option requires 40 percent or more open space.

B. Conventional subdivision allowing single-family detached and semi-detached dwellings on lots of a minimum ½ acre with no open space required. This by-right option is only permitted for developments containing seven or fewer lots or dwelling units.

C. Mixed-use village development allowing for higher density development at a maximum base density of four dwelling units per acre of net tract area with 30 percent open space designed according to guidelines to ensure that the resulting form incorporates the design principles of traditional neighborhood design. Mixed-use village development allows development of single-family detached, semi-detached and attached residential uses. Small-scale commercial uses may also be permitted within a storefront area in the mixed-use village development option. This higher density option is available by conditional use in conjunction with the use of TDRs as provided for in Part 5, “Transferable Development Rights.”

D. Mobile home parks at a maximum base density of six dwelling units per acre of net tract area. This higher density option is available by conditional use in conjunction with the use of TDRs as provided for in Part 5, “Transferable Development Rights.” This option requires 30 percent or more open space.

3. *Nonresidential Development Options.* This Part also provides for the following

nonresidential development options, in accordance with the standards herein:

- A. Extensive agriculture, subject to the provisions of §27-303.1.
- B. Municipal use.

(*Ord. 74, 3/30/1995*; as amended by *Ord. 117, 3/14/2006, §4*; and by *Ord. 163, 12/1/2010, §25*)

§27-802. Uses.

1. *Uses By-Right.* Within the MH Residential District, a building may be erected, altered or used and land itself may be used by-right for any one of the following uses and no other:

A. *Cluster Subdivision.* Cluster subdivision shall be permitted by-right contingent upon the requirements of Part 27, “Open Space Provisions,” the design standards of §22-617 of the Subdivision and Land Development Ordinance [Chapter 22], and, provided that the requirements of this Part are met. The following uses shall be permitted within this option:

- (1) Single-family detached dwelling units.
- (2) Single-family semi-detached dwelling units (twins).
- (3) Single-family attached dwelling units (townhouses).
- (4) Mobile home dwellings.
- (5) Open space, said uses complying with §27-2703, “Open Space Provisions; Use Regulations.”
- (6) The following accessory uses shall be permitted:
 - (a) Any normal and incidental accessory use to the principal residential uses.
 - (b) Level 1 home occupations in single-family detached dwellings.

B. *Conventional Subdivision.* Conventional subdivision shall be permitted by-right for seven or fewer lots or dwelling units. The following uses shall be permitted within this Option:

- (1) Single-family detached dwellings.
- (2) Extensive agriculture, subject to the provisions of §27-303.1.
- (3) Municipal use.
- (4) The following accessory uses shall be permitted:
 - (a) Any normal and incidental accessory use to the principal residential uses.
 - (b) Level 1 home occupations in single-family detached dwellings.

C. Extensive agriculture, subject to the provisions of §27-303.1.

D. Municipal use.

E. Within the MH District, a building may be erected, altered or used and land itself may be used in conjunction with the use of TDRs for any one of the following uses and no other:

- (1) *Mixed-Use Village Development.* Mixed-use village development shall be permitted in conjunction with the use of TDRs as provided for in Part 5, “Transferable Development Rights,” for developments of 25 or fewer dwelling

units. In addition, approval shall be contingent upon compliance with the requirements of Part 27, “Open Space Provisions”; the design standards of §22-617 of the Subdivision and Land Development Ordinance [Chapter 22]; the design standards for mixed-use village development in §27-704 of this Chapter and the conditions of this Part. The following uses shall be permitted within this option:

- (a) Single-family detached dwellings.
- (b) Single-family semi-detached dwellings (twins).
- (c) Single-family attached dwellings (townhouses).
- (d) Open space, said uses complying with §27-2703, “Open Space Provisions; Use Regulations.”
- (e) The following accessory uses shall be permitted:
 - 1) Any normal and incidental accessory use to the principal residential uses.
 - 2) Level 1 home occupations in single-family detached dwellings.

F. Limited winery, where the primary agricultural use is viticulture, and subject to the area and bulk and design standards stated in §27-303.1 (relating to extensive agriculture), and after obtaining all necessary health, fire safety and building permits and/or licenses (where applicable). A limited winery may engage in the following activities:

- (1) Wine tasting.
- (2) Winery tours.
- (3) Wholesale and retail sales of wine and grape products.
- (4) Picnic area(s) for winery related activities.
- (5) Food preparation facility for catering on premises indoor or outdoor functions.
- (6) Agricultural related museums.
- (7) Gift display for the retail sale of winery-related promotional items, gift items, and/or pre-packaged foods and/or art galleries with sales and framing, not to exceed a total of 500 square feet in interior footprint area.
- (8) Outdoor amplified music until 9 p.m.
- (9) Winery-related events or activities subject to the following limitations:
 - (a) Events or activities involving fewer than 60 persons on the property at a time may be conducted at any time.
 - (b) Events or activities involving more than 60 persons and not more than 125 persons on the property at a time may be conducted on no more than 3 days in a single week.
 - (c) Events or activities involving more than 125 persons and not more than 350 persons on the property at a time may be conducted on no more than 12 days in a calendar year and on no more than 4 days in a single calendar month.
 - (d) Events or activities which exceed any of the limits set forth in

subclauses (a) through (c) above shall be allowed, provided that a zoning permit application is filed and approved in accordance with §27-2308.1. In lieu of the requirements in §27-2308.2 (applicable to residential districts) and §27-2308.3 (applicable to commercial, industrial, special use, and flood hazard districts) any zoning permit application required by this subsection shall include a written description of the event that includes, but is not limited to, the number of people, the hours of the event, activities, entertainment and lighting. The applicant must be able to demonstrate to the Zoning Officer compliance with the following:

- 1) Sanitary sewage facilities will be sufficient to accommodate the number of attendees and participants at the event.
- 2) Parking facilities will be sufficient to accommodate the number of attendees and participants at the event.
- 3) Adequate traffic control measures will be provided.
- 4) Adequate plan of trash collection, removal and recycling, including the removal of all trash and signs from public rights of way, property of others and the subject tract.

(10) Bed and breakfast establishment, as defined in §27-202.

[Ord. 135]

2. *Conditional Uses.* Within the MH District, a building may be erected, altered or used and land itself may be used by conditional use and in conjunction with the use of TDRs for any one of the following uses and no other:

A. *Mixed-Use Village Development.* Mixed-use village development shall be permitted by conditional use, in conjunction with the use of TDRs as provided for in Part 5, “Transferable Development Rights,” for developments of 26 or more dwelling units, or for any development containing a storefront area(s). In addition, approval shall be contingent upon compliance with the requirements of Part 27, “Open Space Provisions”; the design standards of §22-617 of the Subdivision and Land Development Ordinance [Chapter 22]; the design standards for mixed-use village development in §27-704 of this Chapter and the conditions of this Part. The following uses shall be permitted within this option:

- (1) Single-family detached dwellings.
- (2) Single-family semi-detached dwellings (twins).
- (3) Single-family attached dwellings (townhouses).
- (4) Open space, said uses complying with §27-2703, “Open Space Provisions; Use Regulations.”

(5) Where a storefront area is provided in accordance with §§27-703 and 27-704, the following nonresidential and mixed uses (commercial/residential) shall be permitted:

(a) Retail uses, professional office and personal services. Retail uses specifically excluded from the mixed-use village development option shall include flea markets, indoor/outdoor amusement businesses, automotive sales, car washes, gasoline stations, building supply stores, adult commercial and mini-storage facility.

- (b) Bed and breakfast establishments, subject to the provisions of Part 2.
- (c) Day care centers.
- (d) Second-story residential uses above retail or office uses.
- (e) Artisan living/working uses.
- (6) The following accessory uses shall be permitted:
 - (a) Any normal and incidental accessory use to the principal residential uses.
 - (b) Level 1 home occupations in single-family detached dwellings.

B. *Mobile Home Park Development.* Mobile home park development shall be permitted by conditional use in conjunction with the use of TDRs as provided for in Part 5, “Transferable Development Rights.” In addition, approval shall be contingent upon compliance with the requirements of Part 27, “Open Space Provisions”; the design standards of §22-617 of the Subdivision and Land Development Ordinance [Chapter 22]; the design standards in §27-804 of this Chapter; and the conditions of this Part. The following uses shall be permitted with this option:

- (1) Mobile home dwellings.
- (2) Open space, said uses complying with §27-2703, “Open Space Provisions; Use Regulations.”
- (3) The following accessory uses shall be permitted:
 - (a) Office and permanent service building for the mobile home park management.
 - (b) Residential accessory structures located on the individual mobile home park lots such as, storage sheds, and not exceeding 100 square feet in floor area.

(Ord. 74, 3/30/1995; as amended by Ord. 117, 3/14/2006, §4; and by Ord. 135, –/–/2007, §6)

§27-803. Density, Open Space and Dimensional Standards.

1. *Cluster Subdivision.*

A. *Maximum Density.* The applicant shall submit the following calculations to compute the maximum permitted density (dwelling units per tract):

- (1) State constrained lands and net tract area as set forth in §27-1836 of this Chapter:

Constrained Lands = _____ (per §27-1836 of this Chapter)

Net Tract Area = _____ (per §27-1836 of this Chapter)

(2) *For Single-Family Detached, Semi-detached and Attached Dwelling Units.* Calculate maximum permitted density, in dwelling units, by multiplying the net duct area by two dwelling units per acre, the base density factor of the MH District.

Formula: Maximum permitted density = net tract area x two dwelling units per

acre = _____ dwelling units.

(3) *For Mobile Home Dwelling Units.* Calculate the maximum permitted density, in dwelling units, by multiplying the net tract area by three dwelling units per acre, the base mobile home density for the MH District.

Formula: Maximum permitted density = net tract area x three dwelling units per acre = _____ dwelling units.

B. *Minimum Required Open Space.* The applicant shall submit the following calculations to compute the minimum required open space:

(1) Multiply net tract area from subsection .1.A(1) by .40, representing 40 percent open space, and add the constrained land from subsection .1.A(1) = _____ acres.

Formula: Minimum required open space = (net tract area x .40) + constrained land = _____.

(2) At least 15 percent of the minimum required open space shall consist of formal open space as set forth in §27-704.3.

C. *Area and Bulk Regulations for Residential Uses.* The following standards shall apply to all residential uses:

	Area and Bulk Standards For Residential Uses	Single-Family Detached	Single-Family Semi-detached	Single-Family Attached	Mobile Home Dwellings
(1)	Lot area (min) With accessory dwelling unit	5,000 sf 8,000 sf	2,500 sf n/a	2,500 sf n/a	4,000 sf n/a
(2)	Total impervious coverage (max)	55 percent	65 percent	65 percent	60 percent
(3)	Lot width at street line (min)	20 feet	20 feet	20 feet	20 feet
(4)	Lot width at building line (min)	40 feet	25 feet	20 feet	40 feet
(5)	Principal dwelling setbacks:				
	front yard	15 feet (min)	15 feet (min)	15 feet (min)	15 feet (min)
	front yard with front loading garage	15 feet (max)	15 feet (max)	15 feet (max)	15 feet (max)
	rear yard	35 feet (min)	35 feet (min)	35 feet (min)	35 feet (min)
	side yard	None	None	None	None
	side to side building separation*	20 feet (min)	20 feet (min) for structure	20 feet (min) for structure	20 feet (min) for structure
(6)	Building setbacks from perimeter property lines (min)	55 feet	55 feet	55 feet	55 feet

	Area and Bulk Standards For Residential Uses	Single-Family Detached	Single-Family Semi-detached	Single-Family Attached	Mobile Home Dwellings
(7)	Garage and accessory building setbacks: Front loading garages Alley access garages	35 feet (min) 13 feet from alley center line (min)	35 feet (min) 13 feet from alley center line (min)	35 feet (min) 13 feet from alley center line (min)	35 feet (min) 13 feet from alley center line (min)
(8)	Building height	35 feet or 3 stories	35 feet or 3 stories	35 feet or 3 stories	15 feet 25 feet or 2 stories for accessory building
(9)	A maximum of 15 percent of the dwelling units may front directly onto a green, provided that an access easement is provided to the satisfaction of the Township Board of Supervisors.				
(10)	Compliance with the following shall be achieved: (a) in the absence of public or community sewer and water the Rural Residential District area and bulk regulations shall apply; and, (b) for extensive agricultural uses the provisions of §27-303.1, Agricultural Preservation Residential District area and bulk regulations shall apply. [Ord. 163]				
(11)	Single-family attached units shall comply with the standards in §27-704.2.A(2).				

* Does not apply to common party wall

2. *Conventional Subdivision.*

A. *Area and Bulk Regulations for Residential Uses.* The following standards shall apply to all residential uses:

	Area and Bulk Standards for Residential uses	Single-family detached
(1)	Density (max)	2 dwelling units per net area
(2)	Net lot area (min)	21,780 square feet
(3)	Total impervious coverage (max)	25 percent
(4)	Lot width at street line	20 feet
(5)	Lot width at building line	60 feet
(6)	Yard setbacks: front side rear	25 feet (min) 15 feet each (min) 30 feet (min)
(7)	Building height	35 feet, or 3 stories, whichever is less
(8)	In the absence of public sewage system and public water supply the Rural Residential District area and bulk regulations shall apply for each dwelling unit. [Ord. 163]	
(9)	For extensive agricultural uses the provisions of §27-303.1, Agricultural Preservation Residential District area and bulk regulations shall apply.	

3. For extensive agricultural uses the agricultural preservation residential district area and bulk regulations in §27-303.1 of this Chapter shall apply.

4. *Mixed-Use Village Development.*

A. *Mix of Residential Uses.* Mixed-use village developments shall consist of at least two dwelling types, except that village developments containing fewer than 60 dwelling units may consist of 100 percent single-family detached units.

B. *Maximum Residential Density.* The applicant shall submit the following calculations to compute the maximum permitted density (dwelling units per tract):

(1) State constrained lands and net tract area as set forth in §27-1836 of this Chapter:

Constrained Lands = _____ (per §27-1836 of this Chapter)

Net Tract Area = _____ (per §27-1836 of this Chapter)

(2) Calculate maximum permitted density, in dwelling units, by multiplying the net tract area by four dwelling units per acre, the TDR density factor of the MH District, when developed in conjunction with Part 5, "Transferable Development Rights."

Formula: Maximum permitted density = net tract area x four dwelling units per acre = _____ dwelling units.

C. *Maximum Nonresidential Density.* Mixed-use village development may contain nonresidential uses in a storefront area. Nonresidential and mixed-use buildings, including parking, shall be limited to 6 percent of the net tract area or 3 acres, whichever is less. This limit may be increased as follows:

(1) Nonresidential and mixed-use building coverage and their associated parking and service areas may occupy up to 12 percent of the net tract area, or 6 acres, whichever is less, if they include second-story residential units above at least 10 percent of the nonresidential building coverage. Said upper-story dwelling units shall be in addition to the base residential density otherwise permitted, provided the total number of dwelling units shall not be increased by more than 10 dwelling units, or 10 percent, whichever is greater.

(2) Nonresidential and mixed-use building coverage and their associated parking areas may occupy up to 18 percent of the net tract area, or 9 acres, whichever is less, if they include second-story residential units; provided, that at least half of the new nonresidential building coverage is two stories, and at least 25 percent of the second story space is designed for residential uses.

(3) The maximum gross leaseable floor area for each nonresidential leasehold shall be 2,400 square feet or less in one-and-one-half-story buildings, and up to 4,800 square feet in buildings of two or more stories.

D. *Minimum Required Open Space.* The applicant shall submit the following calculations to compute the minimum required open space:

(1) Multiply net tract area from subsection .1.A(1) by .30, representing 30 percent open space, and add the constrained land from subsection .1.A(1) = _____ acres.

Formula: Minimum required open space = (net tract area x .30) + constrained land = _____.

(2) At least 15 percent of the minimum required open space shall consist of formal open space as set forth in §27-704.3.

E. *Area and Bulk Regulations for Residential Uses.* The following standards shall apply to all residential uses:

	Area and Bulk Standards For Residential Uses	Single-Family detached	Single-Family Semi-detached	Single-Family Attached
(1)	Lot area (min) With accessory dwelling unit	4,000 sf 8,000 sf	2,500 sf n/a	2,500 sf n/a
(2)	Total impervious coverage (max)	55 percent	65 percent	65 percent
(3)	Lot width at street line (min)	20 feet	20 feet	20 feet
(4)	Lot width at building line (min)	40 feet	25 feet	20 feet
(5)	Principal dwelling setbacks: front yard front yard with front loading garage rear yard side yard side to side building separation*	15 feet (min) 15 feet (max) 35 feet (min) None 20 feet (min)	15 feet (min) 15 feet (max) 35 feet (min) None 20 feet (min) for structure	15 feet (min) 15 feet (max) 35 feet (min) None 20 feet (min) for structure
(6)	Building setbacks from perimeter property lines (min)	55 feet	55 feet	55 feet
(7)	Garage and accessory building setbacks: front loading garages alley access garages	35 feet (min) 13 feet from alley center line (min)	35 feet (min) 13 feet from alley center line (min)	35 feet (min) 13 feet from alley center line (min)
(8)	Building height	35 feet or 3 stories	35 feet or 3 stories	35 feet or 3 stories
(9)	In the absence of public sewage system and public water supply this development option shall not be permitted. [Ord. 163]			
(10)	Mixed-use village development shall comply with the design standards in §27-704.			

* Does not apply to common party wall.

F. *Area and Bulk Regulations for Nonresidential and Mixed-Uses (Commercial/Residential) in the Storefront Area.*

(1) Such storefront area shall be determined by adding 20 percent to the land area needed for the structures, on-lot parking, ingress/egress, service areas and any required on-site infrastructure (stormwater management areas).

(2) The additional 20 percent land area shall constitute formal open

space; setbacks and landscaped areas.

(3) The storefront area shall be exclusive of the 100-year floodplain, wetlands and slopes over 25 percent.

(4) Nonresidential building setbacks.

(a) Front—maximum 15-foot setback.

(b) Rear—20-foot minimum.

(c) Side—5-foot minimum.

5. *Mobile Home Park Development.*

A. *Maximum Density.* The applicant shall submit the following calculations to compute the maximum permitted density (dwelling units per tract):

(1) State constrained lands and net tract area as set forth in §27-1836 of this Chapter:

Constrained Lands = _____ (per §27-1836 of this Chapter)

Net Tract Area = _____ (per §27-1836 this Chapter)

(2) Calculate the maximum permitted density, in dwelling units, by multiplying the net tract area by six dwelling units per acre, the maximum Mobile Home Park TDR density for of the MH District.

Formula: Maximum permitted density = net tract area x six dwelling units per acre = _____ dwelling units.

B. *Minimum Required Open Space.* The applicant shall submit the following calculations to compute the minimum required open space:

(1) Multiply net tract area by .30, representing 30 percent open space, and add the constrained land from paragraph .A(1) = _____ acres.

Formula: Minimum required open space = (net tract area x .30) + constrained land = _____.

(2) At least 25 percent of the minimum required open space shall consist of formal open space as set forth in §27-704.3.

C. *Area and Bulk Regulations.* The following standards shall apply to all mobile home park uses:

	Area and Bulk Standards	Mobile Homes	Office/Service Buildings	Res. Accessory Structures Located on Mobile Home Lots
(1)	Lot area (min)	4,000 sf	5,000 sf	n/a
(2)	Total impervious coverage (max)	55 percent	40 percent	n/a
(3)	Lot width at street line (min)	20 feet	40 feet	n/a
(4)	Lot width at building line (min)	40 feet	40 feet	n/a

	Area and Bulk Standards	Mobile Homes	Office/Service Buildings	Res. Accessory Structures Located on Mobile Home Lots
(5)	Setbacks: front yard front yard with front loading garage rear yard side yard side to side building separation	15 feet (min) 15 feet (max) 35 feet (min) None 20 feet (min) for principle structures	35 feet (min) n/a 50 feet (min) 25 feet n/a	50 feet (min) n/a 5 feet (min) None 10 feet (min) for any structure
(6)	Building setbacks from perimeter property lines (Min)	55 feet	55 feet	55 feet
(7)	In the absence of public sewage system and public water supply the Rural Residential District area and bulk regulations shall apply. [Ord. 163]			
(8)	Mobile Home Park Developments shall comply with the design standards in §27-804, herein.			

(Ord. 74, 3/30/1995; as amended by Ord. 117, 3/14/2006, §4; and by Ord. 163, 12/1/2010, §§27-29)

§27-804. Design Standards for Conditional Uses.

1. Mixed-use village development, as permitted in §27-802.1.E(1), above, shall conform to §27-704 of this Chapter, “Design Standards for Mixed-Use Village Development.”

2. Mobile home park development, as permitted in §27-802.2.A, above, shall conform to the following standards:

A. *Block Design.*

(1) Mobile home park developments shall be designed in a generally rectilinear pattern, of blocks and interconnecting streets and rear lanes, defined by buildings, landscaping, pedestrian ways, and sidewalks. To avoid the monotony of a rigid grid layout and to better conform to the natural terrain, streets may include frequent gentle curves.

(2) The maximum length of a block shall be 500 feet. This length may be extended up to 800 feet when mid-block footpaths are provided.

(3) Rectilinear blocks of the dimensions required above may be reshaped at the discretion of Board of Supervisors when topography, existing vegetation, or hydrology considerations influence block shape and size.

(4) Streets shall be configured using a design speed of 25 mph and shall employ traffic-calming measures as recommended by the Township Engineer and approved by the Board of Supervisors. Speed bumps or humps shall be avoided.

(5) There shall be one entrance from a public street into the development,

plus a lesser entrance not normally accessible to vehicles to be available for emergency, fire and ambulance use. New house lots shall be accessed from interior streets, rather than from roads bordering the tract.

B. Mobile Home Architecture.

(1) Mobile homes shall be sited such that the narrow end of the dwelling unit is parallel to the front yard setback.

(2) A minimum roof pitch of 3:12 shall be provided.

(3) Corrugated roof surfaces shall be prohibited.

(4) Mobile homes shall be equipped with skirts of an approved material and construction which will completely enclose the undercarriage of the structure.

C. Office and Permanent Service Building Standards.

(1) An office and permanent service building for the mobile home park shall not exceed 25 feet, or two stories, whichever is less.

(2) Office and permanent service buildings shall occupy no more than two structures and shall not exceed 10,000 square feet in aggregate square footage.

(3) Office and permanent service buildings shall be centrally located within 1,250 feet of mobile homes.

D. Design Standards for Open Space.

(1) Open space shall be delineated in accordance with the standards in §22-617 of the Subdivision and Land Development Ordinance [Chapter 22], setting forth the four-step design process, and in accordance with §27-2703 of this Chapter.

(2) Open space shall consist of two types: natural and formal.

(a) Natural open space consists of, but is not limited to: meadows, woodlands, large specimen trees, hedgerows, wetlands, floodplain, stormwater management areas and steep slopes.

(b) Formal open space consists of greens, commons, squares and parks that are defined by building walls, streets and street trees.

(3) *Formal Open Space; Greens, Commons, Squares and Parks.*

(a) Greens, commons, squares, and parks shall serve a variety of outdoor leisure and assembly needs of mobile home park residents and enhance the form and appearance of the development.

(b) Greens, commons, squares and parks shall be distributed throughout the development.

(c) The views of greens, commons and squares shall be maximized by locating open space in "terminal vista" locations as often as possible, such as the ends of streets at three-way intersections, and/or along the outer edges of curving streets.

(Ord. 74, 3/30/1995; as amended by Ord. 117, 3/14/2006, §4)

§27-805. Other Applicable Regulations.

The following standards, shall apply to all permitted uses within this district:

A. A complete site analysis in accordance with the Subdivision and Land Development Ordinance [Chapter 22], and an environmental assessment report in accordance with §27-1831 with mitigation measures shall be required.

B. *Natural Features / Resource Protection*. Shall conform to the provisions of Parts 14, 15, 16, and 18 of this Chapter.

C. *Parking*. Shall conform to the provisions of Part 20 of this Chapter.

D. *Signs*. Shall conform to the provisions of Part 19 of this Chapter and to the Uniform Construction Code [Chapter 5, Part 1].

E. *Access and Circulation*. Shall conform to provisions of Part 20 of this Chapter.

F. *Landscaping*. Shall conform to provisions of §27-1806 of this Chapter.

G. *Screening*. Shall conform to provisions of §27-1806 of this Chapter.

H. *Single-Family Detached Uses*. Shall conform to Part 14, “Ground Water Protection,” of this Chapter.

I. *Utilities*. All utility service shall be placed underground.

J. *Open Space*. Shall conform to Part 27, “Open Space Provisions,” and the design standards of §22-617 of the Subdivision and Land Development Ordinance [Chapter 22].

(Ord. 74, 3/30/1995; as amended by Ord. 117, 3/14/2006, §4)

Part 9**Residential, High District (RH)****§27-901. Purpose and Development Options.**

1. *Purpose.* It is the purpose of this District to provide for higher density residential uses that are readily accessible to major highways and services. Additionally, it is intended to allow the use of TDRs to protect constrained lands, preserve agricultural uses and conserve natural and cultural resources within other areas of the Township by accommodating growth in mixed-use village developments. Densities above one dwelling unit per acre are conditioned upon public sewage system and public water supply being provided. [Ord. 163]

2. *Residential Development Options.* In order to achieve these purposes, this Part provides for design flexibility in new residential subdivisions by allowing the following residential design options in the RH District. Section 27-902 lists the permitted uses within each type of development and §27-903 provides density, open space and dimensional requirements. Section 27-904 lists design standards for conditional uses.

A. Cluster subdivision providing for higher density development of single-family detached, semi-detached and attached residential uses at a maximum base density of four dwelling units per acre of net tract area. This by-right option requires 40 percent or more open space.

B. Conventional subdivision allowing single-family detached, semi-detached and attached dwellings with no open space required. This by-right option is only permitted for developments containing seven or fewer lots or dwelling units.

C. Mixed-use village development allowing for higher density development at a maximum density of eight dwelling units per acre of net tract area with 20 percent open space designed according to guidelines to ensure that the resulting form incorporates the design principles of traditional neighborhood design. Small-scale commercial uses may also be permitted within a storefront area in the mixed-use village development option. This high density option is available by conditional use in conjunction with the use of TDRs as provided for in Part 5, "Transferable Development Rights."

D. *Nonresidential Development Options.* This Part also provides for the following nonresidential development options, in accordance with the requirements herein:

- (1) Extensive agriculture, subject to the provisions of §27-303.1.
- (2) Municipal use.

E. Age qualified communities, as a by-right option, subject to the provisions of §27-903.4. [Ord. 147]

(Ord. 74, 3/30/1995; as amended by Ord. 117, 3/14/2006, §5; by Ord. 147, 7/17/2008, §II; and by Ord. 163, 12/1/2010, §30)

§27-902. Uses.

1. *Uses By-Right.* Within the RH District, a building may be erected, altered or

used and land itself may be used by right for any one of the following uses and no other:

A. *Cluster Subdivision*. Cluster subdivision shall be permitted by-right contingent upon the requirements of Part 27, “Open Space Provisions,” the design standards of §22-617 of the Subdivision and Land Development Ordinance [Chapter 22] and provided that the requirements of this Part are met. The following uses shall be permitted within this option:

(1) Any residential use including but not limited to single-family detached, single-family semi-detached, single-family attached, and apartment dwellings.

(2) One mobile home on an individual lot.

(3) Municipal uses.

(4) Extensive agriculture.

(5) Open space, said uses complying with §27-2703, “Open Space Provisions; Use Regulations.”

(6) The following accessory uses shall be permitted:

(a) Any normal and incidental accessory use to the principal residential use.

(b) Level 1 home occupations in single-family detached dwellings.

B. *Conventional Subdivision*. Conventional subdivision shall be permitted by-right for seven or fewer lots or dwelling units. The following uses shall be permitted within this option:

(1) Single-family detached, semi-detached and attached dwellings.

(2) Extensive agriculture, subject to the provisions of §27-303.1.

(3) Municipal use.

(4) The following accessory uses shall be permitted:

(a) Any normal and incidental accessory use to the principal residential uses.

(b) Level 1 home occupations in single-family detached dwellings.

C. *Age Qualified Communities*. Age qualified communities shall be permitted by right, subject to the requirement that age qualified communities shall be comprised of only age qualified units and subject to compliance with the provisions of this Part. The following uses shall be permitted within this option:

(1) Single-family detached dwellings.

(2) Single-family semi-detached dwellings (twins).

(3) Single-family attached dwellings (townhouses).

(4) Apartment dwellings.

(5) The following accessory uses shall be permitted:

(a) Any normal and incidental accessory use to the principal residential use.

(b) Level I home occupations in single-family detached dwellings.

(c) Community facilities.

[Ord. 147]

D. Extensive agriculture, subject to the provisions of §27-303.1.

E. Municipal use.

F. Within the RH District, a building may be erected, altered or used and land itself may be used in conjunction with the use of TDRs for any one of the following uses and no other:

(1) *Mixed-Use Village Development*. Mixed-use village development shall be permitted in conjunction with the use of TDRs as provided for in Part 5, “Transferable Development Rights,” for developments of 25 or fewer dwelling units. In addition, approval shall be contingent upon compliance with the requirements of Part 27, “Open Space Provisions”; the design standards of §22-617 of the Subdivision and Land Development Ordinance [Chapter 22]; the design standards for mixed-use village development in §27-704 of this Part, and the conditions of this Part. The following uses shall be permitted within this option:

(a) Single-family detached dwellings.

(b) Single-family semi-detached dwellings (twins). Single-family attached dwellings (townhouses).

(c) Open space, said uses complying with §27-2703, “Open Space Provisions; Use Regulations.”

(d) The following accessory uses shall be permitted:

1) Any normal and incidental accessory use to the principal residential uses.

2) Level 1 home occupations in single-family detached dwellings.

G. Limited winery, where the primary agricultural use is viticulture, and subject to the area and bulk and design standards stated in §27-303.1 (relating to extensive agriculture), and after obtaining all necessary health, fire safety and building permits and/or licenses (where applicable). A limited winery may engage in the following activities:

(1) Wine tasting.

(2) Winery tours.

(3) Wholesale and retail sales of wine and grape products.

(4) Picnic area(s) for winery related activities.

(5) Food preparation facility for catering on premises indoor or outdoor functions.

(6) Agricultural-related museums.

(7) Gift display for the retail sale of winery-related promotional items, gift items, and/or pre-packaged foods and/or art galleries with sales and framing, not to exceed a total of 500 square feet in interior footprint area.

(8) Outdoor amplified music until 9 p.m.

(9) Winery-related events or activities subject to the following limitations:

(a) Events or activities involving fewer than 60 persons on the

property at a time may be conducted at any time.

(b) Events or activities involving more than 60 persons and not more than 125 persons on the property at a time may be conducted on no more than 3 days in a single week.

(c) Events or activities involving more than 125 persons and not more than 350 persons on the property at a time may be conducted on no more than 12 days in a calendar year and on no more than 4 days in a single calendar month.

(d) Events or activities which exceed any of the limits set forth in subclauses (a) through (c) above shall be allowed, provided that a zoning permit application is filed and approved in accordance with §27-2308.1. In lieu of the requirements in §27-2308.2 (applicable to residential districts) and §27-2308.3 (applicable to commercial, industrial, special use, and flood hazard districts) any zoning permit application required by this subsection shall include a written description of the event that includes, but is not limited to, the number of people, the hours of the event, activities, entertainment and lighting. The applicant must be able to demonstrate to the Zoning Officer compliance with the following:

- 1) Sanitary sewage facilities will be sufficient to accommodate the number of attendees and participants at the event.
- 2) Parking facilities will be sufficient to accommodate the number of attendees and participants at the event.
- 3) Adequate traffic control measures will be provided.
- 4) Adequate plan of trash collection, removal and recycling, including the removal of all trash and signs from public rights of way, property of others and the subject tract.

(10) Bed and breakfast establishment, as defined in §27-202.

[Ord. 135]

2. *Conditional Uses.* Within the RH District, a building may be erected, altered or used and hold itself may be used by conditional use and in conjunction with the use of TDRs for any one of the following uses and no other:

A. *Mixed-Use Village Development.* Mixed-use village development shall be permitted by conditional use in conjunction with the use of TDRs as provided for in Part 5, "Transferable Development Rights," for developments of 26 or more dwelling units, or for any development containing a storefront area(s). In addition, approval shall be contingent upon compliance with the requirements of Part 27, "Open Space Provisions"; the design standards of §22-617 of the Subdivision and Land Development Ordinance [Chapter 22]; the design standards for mixed-use village development in §27-704 of this Part; and the conditions of this Part. The following uses shall be permitted within this option:

- (1) Single-family detached dwellings.
- (2) Single-family semi-detached dwellings (twins).
- (3) Single-family attached dwellings (townhouses).
- (4) Open space, said uses complying with §27-2703, "Open Space

Provisions; Use Regulations.”

(5) Where a storefront area is provided in accordance with §§27-703 and 27-704, the following nonresidential and mind uses (commercial/residential) shall be permitted:

(a) Retail uses, professional office and personal services. Retail uses specifically excluded from the mixed-use village development option shall include flea markets, indoor/outdoor amusement businesses, automotive sales, car washes, gasoline stations, building supply stores, adult commercial and mini-storage facility.

(b) Bed and breakfast establishments, subject to the provisions of Part 2.

(c) Day care centers.

(d) Second-story residential uses above retail or office uses.

(e) Artisan living/working uses.

(f) The following accessory uses shall be permitted:

1) Any normal and incidental accessory use to the principal residential uses.

2) Level 1 home occupations in single-family detached dwellings.

(Ord. 74, 3/30/1995; as amended by Ord. 117, 3/14/2006, §5; by Ord. 135, --/2007, §7; and by Ord. 147, 7/17/2008, §§III, IV)

§27-903. Density, Open Space and Dimensional Standards.

1. *Cluster Subdivision.*

A. *Maximum Density.* The applicant shall submit the following calculations to compute the maximum permitted density (dwelling units per tract):

(1) State constrained lands and net tract area as set forth in §27-1836 of this Chapter:

Constrained Lands = _____ (per §27-1836 of this Chapter)

Net Tract Area = _____ (per §27-1836 of this Chapter)

(2) Calculate maximum permitted density, in dwelling units, by multiplying the net tract area by four dwelling units per acre, the base density factor of the RH District.

Formula: Maximum permitted density = Net tract area x four dwelling units per acre = _____ dwelling units.

B. *Minimum Required Open Space.* The applicant shall submit the following calculations to compute the minimum required open space:

(1) Multiply net tract area from subsection .1.A(1) by .40, representing 40 percent open space, and add the constrained land from subsection .1.A(1) = _____ acres.

Formula: Minimum required open space = (net tract area x .40) + constrained land = _____.

(2) At least 15 percent of the minimum required open space shall consist

of formal open space as set forth in §27-704.3.

C. *Area and Bulk Regulations for Residential Uses.* The following standards shall apply to all residential uses:

	Area and Bulk Standards For Residential Uses	Single-Family Detached	Single-Family Semi-detached	Single-Family Attached	Apartment Dwellings	Mobile Home
(1)	Lot area (min) With accessory dwelling unit	5,000 sf 8,000 sf	2,500 sf n/a	2,500 sf/dwelling n/a	1,250 sf/dwelling n/a	4,000 sf n/a
(2)	Total impervious coverage (max)	55 percent	65 percent	65 percent	65 percent	55 percent
(3)	Lot width at street line (min)	20 feet	20 feet	20 feet	80 feet	20 feet
(4)	Lot width at building line (min)	40 feet	25 feet	20 feet	80 feet	40 feet
(5)	Principal dwelling setbacks: front yard front yard with front loading garage rear yard side yard* side to side building separation*	15 feet (min) 15 feet (max) 35 feet (min) None 20 feet (min)	15 feet (min) 15 feet (max) 35 feet (min) None 20 feet (min) for structure	15 feet (min) 15 feet (max) 35 feet (min) None 20 feet (min) for structure	15 feet (min) n/a 50 feet None 20 feet (min) for structure	15 feet (min) 15 feet (max) 35 feet (min) None 20 feet (min)
(6)	Building setbacks from perimeter property lines (min)	55 feet	55 feet	55 feet	55 feet	55 feet
(7)	Garage and accessory building Setbacks: Front loading garages Alley access garages	35 feet (min) 13 feet from alley center line (min)	35 feet (min) 13 feet from alley center line (min)	35 feet (min) 13 feet from alley center line (min)	n/a 13 feet from alley center line (min)	35 feet (min) 13 feet from alley center line (min)
(8)	Building height	35 feet or 3 stories	35 feet or 3 stories	35 feet or 3 stories	35 feet or 3 stories	15 feet
(9)	Single-family attached units shall comply with the standards in §27-704.2.A(2).					
(10)	A maximum of 15 percent of the dwelling units may front directly onto a green, provided that an access easement is provided to the satisfaction of the Township Board of Supervisors.					
(11)	Compliance with the following shall be achieved: a) in the absence of public sewage system and public water supply the Rural Residential District area and bulk regulations shall apply and b) for extensive agricultural uses the Agricultural Preservation Residential District area and bulk regulations shall apply. [Ord. 163]					

(12)	Single-family attached and apartment dwelling units may be permitted without individual lots, such as by conveyance by building footprint deed. Buildings without lots shall meet the building separation requirements in clause (5), and the requirements of clause (6), (7) and (8). In addition, the total minimum impervious coverage for units not provided with individual lots shall be limited to 65 percent of the gross land area devoted to such building as follows: (a) the gross land area used to satisfy this requirement shall be indicated on submitted plans and shall constitute a single contiguous land area including buildings, parking access and yard areas clearly associated with and in the immediate vicinity of the subject residential development; and, (b) the gross land area indicated on the plans shall not include any land area that is counted toward meeting minimum open space requirements, nor yard area requirements for any other dwelling units or other permitted uses.
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* Does not apply to common party wall.

2. *Conventional Subdivision.*

A. *Area and Bulk Regulations for Residential Uses.* The following standards shall apply to all residential uses:

	Area and Bulk Standards For Residential Uses	Single-Family detached	Single-Family Semi-detached	Single-Family Attached
(1)	Lot area (min)	10,000 sf	10,000 sf	5,000 sf/dwelling
(2)	Total impervious coverage (max)	40 percent	40 percent	50 percent
(3)	Lot width at street line (min)	20 feet	20 feet	20 feet
(4)	Lot width at building line (min)	40 feet	25 feet	40 feet
(5)	Principal dwelling setbacks: front yard front yard w/front loading garage rear yard side yard side to side building separation*	25 feet (min) 25 feet (max) 35 feet (min) None 20 feet (min)	25 feet (min) 25 feet (max) 35 feet (min) None 20 feet (min) for structure	25 feet (min) 25 feet (max) 35 feet (min) None 20 feet (min) for structure
(6)	Building setbacks from perimeter property lines (min)	55 feet	55 feet	55 feet
(7)	Garage and accessory building Setbacks: Front loading garages Alley access garages	45 feet (min) 13 feet from alley center line (min)	45 feet (min) 13 feet from alley center line (min)	45 feet (min) 13 feet from alley center line (min)
(8)	Building height	35 feet or 3 stories	35 feet or 3 stories	35 feet or 3 stories
(9)	In the absence of public sewage system and public water supply the Rural Residential District area and bulk regulations shall apply for each dwelling unit. [Ord. 163]			

	Area and Bulk Standards For Residential Uses	Single-Family detached	Single-Family Semi-detached	Single-Family Attached
(10)	For extensive agricultural uses the Agricultural Preservation Residential District area and bulk regulations in §27-303.1 shall apply.			
(11)	Single-family attached units shall comply with the standards in §27-704.2.A(2).			

3. For extensive agricultural uses the Agricultural Preservation Residential District area and bulk regulations in §27-303.1 of this Chapter shall apply.

4. *Mixed-Use Village Development.*

A. *Mix of Residential Uses.* Mixed-use village developments shall consist of at least two dwelling types, except that village developments containing fewer than 60 dwelling units may consist of 100 percent single-family detached units.

B. *Maximum Residential Density.* The applicant shall submit the following calculations to compute the maximum permitted density (dwelling units per tract):

(1) State constrained lands and net tract area as set forth in §27-1836 of this Chapter:

Constrained Lands = _____ (per §27-1836 of this Chapter)

Net Tract Area = _____ (per §27-1836 of this Chapter)

(2) Calculate maximum permitted density, in dwelling units, by multiplying the net tract area by eight dwelling units per acre, the TDR density factor of the RH District, when developed in conjunction with Part 5, "Transferable Development Rights."

Formula: Maximum permitted density = net tract area x eight dwelling units per acre = _____ dwelling units.

C. *Maximum Nonresidential Density.* Mixed-use village development may contain nonresidential uses in a storefront area. Nonresidential and mixed-use buildings, including parking, shall be limited to 6 percent of the net tract area or 3 acres, whichever is less. This limit may be increased as follows:

(1) Nonresidential and mixed-use building coverage and their associated parking and service areas may occupy up to 12 percent of the net tract area, or 6 acres, whichever is less, if they include second-story residential units above at least 10 percent of the nonresidential building coverage. Said upper-story dwelling units shall be in addition to the base residential density otherwise permitted; provided, the total number of dwelling units shall not be increased by more than 10 dwelling units, or 10 percent, whichever is greater.

(2) Nonresidential and mixed-use building coverage and their associated parking areas may occupy up to 18 percent of the adjusted tract area, or 9 acres, whichever is less, if they include second-story residential units, provided that at least half of the new nonresidential building coverage is two stories, and at least 25 percent of the second-story space is designed for residential uses.

(3) The maximum gross leaseable floor area for each nonresidential leasehold shall be 2,400 square feet or less in one-and-one-half-story buildings,

and up to 4,800 square feet in buildings of two or more stories.

D. *Minimum Required Open Space.* The applicant shall submit the following calculations to compute the minimum required open space:

(1) Multiply net tract area from subsection .1.A(1) by .20, representing 20 percent open space, and add the constrained land from subsection .1.A(1) = _____ acres.

Formula: Minimum required open space = (net tract area x .20) + constrained land = _____.

(2) At least 25 percent of the minimum required open space shall consist of formal open space as set forth in §27-704.3.

E. *Area and Bulk Regulations for Residential Uses.* The following standards shall apply to all residential uses:

	Area and Bulk Standards For Residential Uses	Single-Family Detached	Single-Family Semi-detached	Single-Family Attached	Apartment Dwellings
(1)	Lot area (min) With accessory dwelling unit	4,000 sf 8,000 sf	2,500 sf n/a	2,500 sf/dwelling n/a	1,250 sf/dwelling n/a
(2)	Total impervious coverage (max)	55 percent	65 percent	65 percent	65 percent
(3)	Lot width at street line (min)	20 feet	20 feet	20 feet	80 feet
(4)	Lot width at building line (min)	40 feet	25 feet	20 feet	80 feet
(5)	Principal dwelling setbacks: front yard front yard with front loading garage rear yard side yard side to side building separation*	15 feet (min) 15 feet (max) 35 feet (min) None 20 feet (min)	15 feet (min) 15 feet (max) 35 feet (min) None 20 feet (min) for structure	15 feet (min) 15 feet (max) 35 feet (min) None 20 feet (min) for structure	15 feet (min) n/a 50 feet None 20 feet (min) for structure
(6)	Building setbacks from perimeter property lines (min)	55 feet	55 feet	55 feet	55 feet
(7)	Garage and accessory building setbacks: Front loading garages Alley access garages	35 feet (min) 13 feet from alley center line (min)	35 feet (min) 13 feet from alley center line (min)	35 feet (min) 13 feet from alley center line (min)	n/a 13 feet from alley center line (min)

	Area and Bulk Standards For Residential Uses	Single-Family Detached	Single-Family Semi-detached	Single-Family Attached	Apartment Dwellings
(8)	Building height	35 feet or 3 stories	35 feet or 3 stories	35 feet or 3 stories	35 feet or 3 stories
(9)	Single-family attached and apartment dwelling units may be permitted without individual lots, such as by conveyance by building footprint deed. Buildings without lots shall meet the building separation requirements in clause (5), and the requirements of clause (6), (7) and (8). In addition, the total minimum impervious coverage for units not provided with individual lots shall be limited to 65 percent of the gross land area devoted to such building as follows: (a) the gross land area used to satisfy this requirement shall be indicated on submitted plans and shall constitute a single contiguous land area including buildings, parking access and yard areas clearly associated with and in the immediate vicinity of the subject residential development; and (b) the gross land area indicated on the plans shall not include any land area that is counted toward meeting minimum open space requirements, nor yard area requirements for any other dwelling units or other permitted uses.				
(10)	In the absence of public sewage system and public water supply this development option shall not be permitted. [Ord. 163]				
(11)	Mixed-use village development shall comply with the design standards in §§27-704 and 27-904 of this Chapter.				

* Does not apply to common party wall.

F. Area and Bulk Regulations for Nonresidential and Mixed-uses (Commercial / Residential) in the Storefront Area.

(1) Such storefront area shall be determined by adding 20 percent to the land area needed for the structures, on-lot parking, ingress/egress, service areas and any required on-site infrastructure (stormwater management areas).

(2) The additional 20 percent land area shall constitute formal open space, setbacks and landscaped areas.

(3) The storefront area shall be exclusive of the 100-year floodplain, wetlands and slopes over 25 percent.

(4) *Nonresidential Building Setbacks.*

- (a) Front—maximum 15-foot setback.
- (b) Rear—20-foot minimum.
- (c) Side—5-foot minimum.

5. *Age Qualified Communities.*

A. *Area and Bulk Regulations for Age Qualified Communities.* The following standards shall apply to all residential uses:

	Area and Bulk Standards For Residential Uses	Single-Family Detached	Single-Family Semi-detached	Single-Family Attached	Apartment Dwellings
(1)	Lot area (min)	5,500 sf	2,000 sf	2,000 sf	1,250 sf/dwelling
(2)	Total impervious coverage (max)	65 percent	85 percent	85 percent	85 percent

	Area and Bulk Standards For Residential Uses	Single-Family Detached	Single-Family Semi-detached	Single-Family Attached	Apartment Dwellings
(3)	Lot width at street line (min)	20 feet	20 feet	20 feet	80 feet
(4)	Lot width at building line (min)	40 feet	20 feet	20 feet	80 feet
(5)	Principal dwelling setbacks:				
	front yard	15 feet (min)	15 feet (min)	15 feet (min)	15 feet (min)
	front yard with front loading garage to house (excluding attached garage)	15 feet (min)	15 feet (min)	15 feet (min)	n/a
	to front loading attached garage	20 feet (min)	20 feet (min)	20 feet (min)	20 feet (min)
	rear yard	10 feet	10 feet	10 feet	10 feet
	side yard (side to side building separation does not apply to common party wall)	15 feet (min)	20 feet (min) for structure	20 feet (min) for structure	20 feet (min) for structure
(6)	Building setbacks from tract boundary (min)	20 feet	20 feet	20 feet	20 feet
(7)	Detached garage and accessory building setbacks:				
	Front loading garages	20 feet (min from street right-of-way)	20 feet (min from street right-of-way)	20 feet (min from street right-of-way)	n/a
	Alley access garages	13 feet from alley center line	13 feet from alley center line	13 feet from alley center line	13 feet from alley center line
(8)	Building height	35 feet or 3 stories	35 feet or 3 stories	35 feet or 3 stories	35 feet or 3 stories
(9)	Open space—which may include regulated environmental areas, stormwater management facilities and community facilities	20 percent of gross tract area	20 percent of gross tract area	20 percent of gross tract area, however, single-family attached units without individual lots shall be subject to subsection j below	subject to subsection j below

(10) Single-family attached and apartment dwelling units may be permitted without individual lots, such as by conveyance by building footprint deed. Buildings without lots shall meet the building separation requirements

in (5) and the requirements of (6), (7) and (8). In addition, the total maximum impervious coverage for units not provided with individual lots shall be limited to 85 percent of the gross land area devoted to such building as follows:

(a) The gross land area used to satisfy this requirement shall be indicated on submitted plans and shall constitute a single contiguous land area including buildings, parking, access, and yard areas clearly associated with and in the immediate vicinity of the subject residential development.

(b) The gross land area indicated on the plans shall not include any land area that is counted toward meeting minimum open space requirements, nor yard area requirements for any other dwelling units or other permitted uses.

(11) In the absence of public or community sewer and water, age qualified communities shall not be permitted.

(12) Notwithstanding §27-905.J of this Part, the open space standards set forth in Part 27, "Open Space Provisions," and the design standards of §22-617 of the Subdivision and Land Development Ordinance [Chapter 22] shall not apply to the age qualified communities.

(Ord. 74, 3/30/1995; as amended by Ord. 117, 3/14/2006, §5; by Ord. 147, 7/17/2008, §V; and by Ord. 163, 12/1/2010, §§31–33)

§27-904. Design Standards for Mixed-Use Village Development.

1. Mixed-use village development, as permitted in §27-902.2.A, above, shall conform to §27-704.

A. Roof Pitch.

(1) Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12, except that porches may be attached sheds with slopes no less than 2:12.

(2) Flat roofs, if provided, shall be enclosed by parapets a minimum of 42 inches high to conceal mechanical equipment.

B. Design Standards for Apartment Buildings. Said buildings shall conform to the design considerations for the storefront area buildings in §27-704.4.A and .B of this Chapter.

(Ord. 74, 3/30/1995; as amended by Ord. 117, 3/14/2006, §5)

§27-905. Other Applicable Regulations.

The following standards, shall apply to all permitted uses within this district:

A. A complete site analysis in accordance with the Subdivision and Land Development Ordinance [Chapter 22], and an environmental assessment report in accordance with §27-1831 with mitigation measures shall be required.

B. Natural Features / Resource Protection. Shall conform to the provisions of Parts 14, 15, 16 and 18 of this Chapter.

C. Parking. Shall conform to the provisions of Part 20 of this Chapter.

D. Signs. Shall conform to the provisions of Part 19 of this Chapter and to the Uniform Construction Code [Chapter 5, Part 1].

E. *Access and Circulation*. Shall conform to provisions of Part 20 of this Chapter.

F. *Landscaping*. Shall conform to provisions of Part 18, §27-1806, of this Chapter.

G. *Screening*. Shall conform to provisions of Part 18, §27-1806, of this Chapter.

H. *Single-Family Detached Uses*. Shall conform to Part 14, “Ground Water Protection,” of this Chapter.

I. *Utilities*. All utility service shall be placed underground.

J. *Open Space*. Shall conform to Part 27, “Open Space Provisions,” and the design standards of §22-617 of the Subdivision and Land Development Ordinance [Chapter 22].

(Ord. 74, 3/30/1995; as amended by Ord. 117, 3/14/2006, §5)

Part 10**Commercial, General District (CG)****§27-1001. Purpose and Specific Intent.**

To provide specific areas for medium intensity commercial uses while preserving rural character and agricultural heritage the residents have indicated are desirable. It is the intent of this Chapter to make provisions for specific areas wherein medium intensity commercial uses may be concentrated so that:

A. These uses, singly or cumulatively, shall not create conditions incompatible with the residential and agricultural uses.

B. The concentration of these uses will minimize the demands upon the infrastructure within the Township, thus, avoiding inefficient extension of sewer interceptor lines, extensive road improvements and traffic congestion, demands for dispersed, Township-wide services, etc.

C. The concentration of these commercial uses will encourage concentrations of retail and office uses so that each may benefit by the increased attraction of customers generated by others, thereby encouraging trade and commerce.

(*Ord. 74, 3/30/1995, §900*)

§27-1002. Permitted Uses.

1. A building may be erected or altered and a lot used for any one but not more than two of the following purposes:

- A. Retail and wholesale sales.
- B. Offices.
- C. Hotels, Inns, and Motels.
- D. Institutional and religious uses.
- E. Public utilities and municipal uses.
- F. Clubs, fraternal, and social organizations.
- G. Accessory uses.

H. Wagering and gambling facilities provided that no such use shall be located on any lot or parcel of land unless said lot or parcel of land or any part thereof is separated by either (1) a distance of 1,500 feet or (2) the right-of-way of a limited access highway, from any lot or parcel of land which is used for residential purposes in the Township or an adjoining municipality including any of the following residentially related uses: [*Ord. 74-D*]

- (1) Churches, monasteries, chapels, synagogues, convents, rectories, religious article or religious apparel stores.
- (2) Schools up to and including the twelfth grade and their adjunct play areas.
- (3) Public playgrounds, public swimming pools, public parks and libraries.
- (4) Medical facilities.

2. A building may be erected and a lot used for any one or more of the following purposes when authorized as a conditional use by the Board of Supervisors subject to Part 18, “General Design and Performance Standards,” of this Chapter. The regulations and standards of this Section shall be the minimum requirements controlling such uses, unless otherwise indicated.

- A. Shopping centers of three or more uses.
- B. Light industry manufacturing, storage and distribution.
- C. Restaurants and fast food restaurants.
- D. Outdoor facilities and activities - special events.
- E. Outdoor miniature golf courses and golf driving ranges.
- F. Any more than two of the uses permitted by right.

3. A building may be erected and a lot used for any one or more of the following purposes when authorized as a special exception by the Zoning Hearing Board subject to Part 22 of this Chapter. The regulations and standards of this Section shall be the minimum requirements controlling such uses, unless otherwise indicated:

- A. Automobile service station.
- B. Veterinary clinic.

(Ord. 74, 3/30/1995, §901; as amended by Ord. 74-D, 12/3/1997, §2)

§27-1003. Area and Bulk Regulations.

The following regulations shall apply to all uses permitted in the Commercial General District:

- A. Lot size (minimum) 1 acre
- B. Building coverage (maximum) 25 percent
- C. Total impervious coverage (maximum) 60 percent
- D. Floor area ratio (maximum) .50
- E. Open space and green areas (minimum) 40 percent
- F. Lot width at street line (minimum) 100 feet
- G. Building setback, front (minimum) 50 feet
- H. Building setback, side (minimum) 20 feet
- I. Building setback, rear (minimum) 35 feet
- J. Building height (maximum of) 35 feet or 3 stories
whichever is less

(Ord. 74, 3/30/1995, §902)

§27-1004. Design Standards.

1. All applicable standards provided in Part 19, “Signs,” Part 20, “Access, Parking and Circulation,” Part 18, “General Design and Performance Standards.”

2. All uses in this district shall be subject to the requirement that connection is made to public water supply and public sewage system. [Ord. 163]

3. The applicant shall demonstrate full compliance with the following ordinances,

as well as all other ordinances related to the construction of buildings and the specified uses included therein:

- A. Subdivision and Land Development Ordinance [Chapter 22].
- B. Stormwater, Sedimentation and Erosion Control Ordinance [Chapter 20].
- C. Part 14, Ground Water Protection District, of this Chapter.
- D. All activities relating to the public or patrons of the establishment shall be contained indoors, unless expressly permitted in this Chapter. Outdoor activities may be permitted upon the obtaining of a temporary use permit as provided under §27-2308.6 of this Chapter.

(*Ord. 74, 3/30/1995, §903; as amended by Ord. 163, 12/1/2010, §34*)

§27-1005. Ownership.

Condominium or similar type ownership of buildings is encouraged in order to provide for the smaller business. A condominium group must conform to all area and bulk regulations above, however, a zero lot line (party wall) is permitted between units of the building. In addition, all other applicable Township regulations will apply.

(*Ord. 74, 3/30/1995, §904*)

Part 11**Commercial, Interchange District (CI)****§27-1101. Purpose and Specific Intent.**

To provide specific areas for high intensity commercial uses while preserving rural character and agricultural heritage the residents have indicated are desirable. It is the intent of this Chapter to make provisions for specific areas wherein high intensity commercial uses may be concentrated so that:

A. These uses, singly or cumulatively, shall not create conditions incompatible with the residential and agricultural uses.

B. The concentration of these uses will minimize the demands upon the infrastructure within the Township, thus, avoiding inefficient extension of sewer interceptor lines, extensive road improvements and traffic congestion, demands for dispersed Township-wide services, etc.

C. The concentration of these commercial uses will encourage concentrations of retail and office uses so that each may benefit by the increased attraction of customers generated by others, thereby encouraging trade and commerce.

D. These retail uses may be utilized by residents of other municipalities while minimizing the impact on the infrastructure.

(*Ord. 74, 3/30/1995, §1000*)

§27-1102. Permitted Uses.

1. A building may be erected or altered and a lot may be used for any one or combination of the following purposes: [*Ord. 129*]

A. Retail store or personal service shop.

B. Restaurant providing indoor seating and service. Outdoor seating may be provided by temporary permit, if secondary to the primary indoor service.

C. Bank or other financial services.

D. Wholesale sales available to the general public and discount sales establishments.

E. Commercial printing retail outlets, laundry and dry cleaning retail operations, except such uses are not permitted within the Ground Water Protection District. [*Ord. 152*]

F. Business offices, studios, radio stations, public service and information offices, medical and dental offices.

G. Hotel/Business conference center, motel or inn.

H. Municipal facilities, County, State or Federal administrative or public information service uses.

I. Recreational use.

J. Pet shop or animal grooming, provided all animals are housed within the building.

K. Agricultural uses, excluding intensive agriculture.

L. High density residential uses.

M. Institutional and religious uses.

N. Limited winery, where the primary agricultural use is viticulture, and subject to the area and bulk and design standards stated in §27-303.1 (relating to extensive agriculture), and after obtaining all necessary health, fire safety and building permits and/or licenses (where applicable). A limited winery may engage in the following activities:

(1) Wine tasting.

(2) Winery tours.

(3) Wholesale and retail sales of wine and grape products.

(4) Picnic area(s) for winery related activities.

(5) Food preparation facility for catering on premises indoor or outdoor functions.

(6) Agricultural-related museums.

(7) Gift display for the retail sale of winery-related promotional items, gift items, and/or pre-packaged foods and/or art galleries with sales and framing, not to exceed a total of 500 square feet in interior footprint area.

(8) Outdoor amplified music until 9 p.m.

(9) Winery-related events or activities subject to the following limitations:

(a) Events or activities involving fewer than 60 persons on the property at a time may be conducted at any time.

(b) Events or activities involving more than 60 persons and not more than 125 persons on the property at a time may be conducted on no more than 3 days in a single week.

(c) Events or activities involving more than 125 persons and not more than 350 persons on the property at a time may be conducted on no more than 12 days in a calendar year and on no more than 4 days in a single calendar month.

(d) Events or activities which exceed any of the limits set forth in subclauses (a) through (c) above shall be allowed, provided that a zoning permit application is filed and approved in accordance with §27-2308.1. In lieu of the requirements in §27-2308.2 (applicable to residential districts) and §27-2308.3 (applicable to commercial, industrial, special use, and flood hazard districts) any zoning permit application required by this subsection shall include a written description of the event that includes, but is not limited to, the number of people, the hours of the event, activities, entertainment and lighting. The applicant must be able to demonstrate to the Zoning Officer compliance with the following:

1) Sanitary sewage facilities will be sufficient to accommodate the number of attendees and participants at the event.

2) Parking facilities will be sufficient to accommodate the number of attendees and participants at the event.

- 3) Adequate traffic control measures will be provided.
- 4) Adequate plan of trash collection, removal and recycling, including the removal of all trash and signs from public rights of way, property of others and the subject tract.
- (10) Bed and breakfast establishment, as defined in §27-202.

[Ord. 135]

2. Any use permitted as of right in subsection .1 that meets any of the following characteristics shall only be permitted by conditional use approved by the Board of Supervisors subject to Part 23 and shall not be permitted in the Ground Water Protection District. The regulations and standards of this Section shall be the minimum requirements controlling such uses, unless otherwise indicated. The following characteristics shall automatically require conditional use approval.

- A. Lot sizes larger than 10 acres.
- B. Shopping centers or malls of any size.
- C. Heights in excess of 35 feet or three stories.
- D. High density residential housing subject to all regulations of Part 9 (HR District) and further conditions imposed by the conditional use process.

[Ord. 152]

3. A building may be erected and a lot used for any one or more of the following purposes when authorized as a special exception by the Zoning Hearing Board subject to Part 22, "Zoning Hearing Board," of this Chapter. The regulations and standards of this Section shall be the minimum requirements controlling such uses, unless otherwise indicated.

- A. Outdoor miniature golf courses and golf driving ranges.

(Ord. 74, 3/30/1995, §1001; as amended by Ord. 129, 10/12/2006, §1; by Ord. 135, --/2007, §8; and by Ord. 152, 11/10/2008, §§18, 19)

§27-1103. Area and Bulk Regulations.

The following regulations shall apply to all the uses permitted in the Commercial Interchange District:

- A. Lot size (minimum) 1 acre
- B. Building coverage (maximum) 25 percent
- C. Total impervious coverage (maximum) 60 percent
- D. Floor area ratio (maximum) .50
- E. Open space and green areas (minimum) 40 percent
- F. Lot width at street line (minimum) 100 feet
- G. Building setback, front (minimum) 20 feet
- H. Building setback, side (minimum) 20 feet

- | | | |
|----|---|----------------------|
| I. | Building setback, rear (minimum) | 20 feet |
| J. | Building height (maximum of)
whichever is less | 35 feet or 3 stories |

(*Ord. 74, 3/30/1995, §1002; as amended by Ord. 129, 10/12/2006, §2*)

§27-1104. Design Standards.

1. All applicable standards provided in Part 19, “Signs,” Part 20, “Access, Parking and Circulation,” and Part 18, “General Design and Performance Standards.”

2. All uses in this district shall be subject to the requirement that connection is made to public water supply and public sewage system. [*Ord. 163*]

3. The applicant shall demonstrate full compliance with the following ordinances, as well as all other ordinances related to the construction of buildings and the specified uses included therein:

- A. Subdivision and Land Development Ordinance [Chapter 22].
- B. Stormwater, Sedimentation and Erosion Control Ordinance [Chapter 20].
- C. Part 9, Groundwater Protection District, of this Chapter.

4. All activities relating to the public or patrons of the establishment shall be contained indoors (within the building envelope) unless expressly permitted in this Chapter. However, outdoor activities may be permitted upon the obtaining of a temporary use permit as provided under §27-2308.6 of this Chapter.

(*Ord. 74, 3/30/1995, §1003; as amended by Ord. 163, 12/1/2010, §35*)

§27-1105. Ownership.

Condominium or similar type ownership of buildings is encouraged in order to provide for the smaller business. A condominium group must conform to all area and bulk regulations above, however, a zero lot line (party wall) is permitted between units of the building. In addition, all other applicable Township regulations will apply.

(*Ord. 74, 3/30/1995, §1004*)

Part 12**Industrial, Special Use District (ISU)****§27-1201. Purpose and Specific Intent.**

1. In the event of development of certain uses in the Township, those uses could not be so confined by performance standards as to make them compatible with the general uses and development envisioned in the other districts described in this Chapter. Therefore, certain uses were separated and provision was made for their inclusion in this Industrial Special Use District. (ISU). These uses, by their nature, are incompatible with the uses provided in the other districts of the Township. The allowance of these uses within other districts would tend to limit development of those districts, thus discouraging efficient use of land and eroding the tax base and economic value of those zoning districts. To address these incompatible uses, there has been created an additional zoning district designated the Industrial Special Use (ISU) District.

2. Because it is impossible to anticipate every conceivable use that may arise, any use not otherwise provided for in the various other zoning districts and not constituting a nuisance per se, is permitted as a conditional use in the ISU District. These other uses have major environmental impacts that will tend to be injurious to surrounding development. Such uses include, but are not limited to, mining and quarrying; solid waste treatment storage and disposal facilities; waste transfer stations; landfills; airport; private or utility power production in excess of 500KW; and storage facilities for methane gas. These and similar uses are relegated to the Industrial Special Use (ISU) District.

(*Ord. 74, 3/30/1995, §1100*)

§27-1202. Use Regulation: General; All Uses.

1. A building may be erected, altered or used and the land itself may be used for any one of the following uses by right and no other:

- A. London Grove Township municipal uses.
- B. Wholesale sales, storage, and distribution.
- C. Any use permitted by right in the I District. Except:
 - (1) Auto and truck sales.
 - (2) Contractor establishments.
 - (3) All those uses prohibited in the Ground Water Protection District as outlined in Part 14. [*Ord. 152*]
- D. Institutional and religious uses.
- E. Towers.
- F. Municipal waste disposal or processing facility. [*Ord. 154*]
- G. Recycling facility. [*Ord. 154*]
- H. Yard waste composting facility. [*Ord. 154*]

2. A building may be erected, altered or used and the land itself may be used for

any one of the following uses upon the grant of a conditional use approval (§27-2310) by the Board of Supervisors, although none of these uses are permitted under any circumstances within the Ground Water Protection District. [*Ord. 152*]

A. Mining and quarrying.

B. Public service facilities/structures, any institutional use permitted in the Institutional District.

C. Any other nonresidential use not otherwise provided for and not inherently a public or private nuisance.

D. Any use permitted by conditional use in the I District, except:

(1) Private and utility power generation facilities in excess of 500KW capacity.

E. Commercial Composting Processing Operations and Agricultural Composting Processing Operations in accordance with the provisions in Section 1838. [*Ord. 177*]

F. Large truck and tractor-trailer wash facilities.

G. All other uses not specifically provided for in other zoning districts.

3. A building may be erected, altered or used and the land itself may be used for any one of the following uses upon the grant of a special exception by the Zoning Hearing Board, although none of these uses are permitted under any circumstances within the Ground Water Protection District. [*Ord. 152*]

A. Crematoriums.

B. Junkyards (excluding solid waste transportation storage, treatment and/or disposal facilities for which a DEP permit is required under the Solid Waste Management Act). [*Ord. 167*]

C. Industrial or construction equipment, operation and maintenance training facilities, or other facilities where the instruction in operating heavy equipment occurs.

D. Any use permitted by special exception in the I District.

4. A building may be erected, altered or used and the land itself may be used for any one of the following uses as accessory uses:

A. Apartments and/or residences to be used and occupied only by guards or other persons who are required by both the nature of their work and the policy of the owner or operator of the facility to reside upon the premises, and their respective families.

B. Retail sales when accessory to wholesale or manufacturing uses on the same lot.

C. Other accessory uses to uses permitted in subsections .1, .2 or .3 above.

D. Offices, provided that they shall be exclusively utilized in support of the principal use.

E. Agricultural employee housing.

F. Municipal waste disposal or processing facility. [*Ord. 154*]

G. Recycling facility. [*Ord. 154*]

H. Yard waste composting facility. [*Ord. 154*]
(*Ord. 74*, 3/30/1995, §1101; as amended by *Ord. 152*, 11/10/2008, §§20, 21, 22; by *Ord. 154*, 12/29/2008, §§2, 3, 4; by *Ord. 167*, 4/6/2011; and by *Ord. 177*, --/2012, §6)

§27-1203. Design Regulations: General; All Uses Except Commercial Composting Processing Operations, Agricultural Composting Processing Operations (See §27-1838) and Municipal Waste Disposal or Processing Facilities, Recycling Facilities, and Yard Waste Composting Facilities (See §27-1204) [*Ord. 177*]

1. Minimum lot size, shall conform to the following standards:

A. In no event shall the minimum lot size be less than 2 acres for the uses set forth in §27-1202.1 above.

B. In no event shall the minimum lot size be less than 5 acres for the uses set forth in §27-1202.2 above.

C. In no event shall the minimum lot size be less than 10 acres for the uses set forth in §27-1202.3 above.

2. Perimeter setbacks shall conform to the following standards:

A. *General.* Unless exempted under paragraph .C below, there shall be a perimeter setback of 200 feet, except where property adjoins other ISU District lands, then a 100-foot setback from those lands shall be allowed. Except for entrance and exit driveways, no building or other above-ground structure, other than lighting and other utility standards, curbs and approved signs, shall be installed within the perimeter setback. No storage shall be permitted within the perimeter setback area. Ground level parking facilities or areas may be constructed with a 50-foot setback from the perimeter.

B. The perimeter setback for public service facilities/structures shall be established by the Board of Supervisors during the conditional use review approving such use.

C. *Exemptions.* The Zoning Hearing Board may, by variance or special exception, or the Board of Supervisors, by conditional use review, reduce perimeter setbacks to an amount not less than 50 percent of the required perimeter setback along all or part of the mandated rear or side lot lines (but not along any street line or district line) where the applicant affirmatively proves to the satisfaction of either Board all of the following factors:

(1) That the adjacent use is compatible and will not be adversely affected by the proposed use.

(2) Adequate screening is provided to protect adjacent uses.

(3) All adequate parking, stormwater management and expansion can still be met.

(4) All design and performance standards will be met.

(5) The owners of affected properties have consented to the application in writing.

(6) The applicant will comply with all of the requirements and has proven all of the elements set forth in §27-2208 or §27-2310 of this Chapter, as applicable.

3. Lot width at building setback line (i.e., 100 feet from the street line shall be not less than 250 feet and the lot width at the street line shall be not less than 150 feet. For flag lots the minimum width of the access strip shall be 50 feet, and shall not exceed 75 feet.

4. Lot coverage shall conform to the following standards:

A. Impervious surface coverage maximum—55 percent.

B. Landscaped area minimum—25 percent.

5. Maximum building height shall not exceed the following standards:

A. No building or structure shall exceed 40 feet in height from the foundation's natural grade, prior to any earth moving, except as provided in paragraphs .B and .C hereof.

B. Communication or power transmission towers or antennas, water towers, fire observation platforms or silos for the storage of grains or other materials shall not exceed 80 feet in height from the natural grade, prior to any earth moving.

C. The Zoning Hearing Board may authorize, as a variance or special exception, or the Board of Supervisors, as a conditional use review, buildings and/or structures not included in paragraph .B above to a height not exceeding 60 feet from the foundation's natural grade prior to any earth moving, provided the applicant demonstrates conformity to all of the standards set forth in §27-2208 or §27-2310, as applicable and also establishes by a fair preponderance of credible evidence which shall include, but need not be limited to, a certificate of the chief of the fire company having first call jurisdiction over the subject premises certifying such that any portion of the building or structure higher than 40 feet is adequately protected by in-place firefighting equipment to be installed by and at the expense of the applicant.

6. The applicant shall demonstrate compliance with the applicable provisions of this Chapter relating to design standards, including, but not limited to, access, parking, signs, sight triangles at points of entrance and exit, as well as exterior lighting and parking lot construction.

7. No subdivision shall be permitted between buildings and/or structures which would create a non-conformity, i.e., insufficient area to comply with use and bulk standards.

8. The applicant shall, for uses authorized under §27-1202.2 and .3 hereof, demonstrate compliance with all specific performance standards set forth in Part 18. (*Ord. 74, 3/30/1995, §1102; as amended by Ord. 154, 12/29/2008, §5; and by Ord. 177, --/2012, §1*)

§27-1204. Design Regulations for Municipal Waste Disposal or Processing Facilities, Recycling Facilities and Yard Waste Composting Facilities.

1. Municipal waste disposal facilities shall not exceed 680 feet above mean sea level.

2. Municipal waste disposal or processing facilities, recycling facilities and yard waste composting facilities are required to comply with the dimensional requirements contained in the Pennsylvania Solid Waste Management Act, 35 P.S. §6018.101 *et seq.*, and implementing regulations, 25 Pa.Code §271.1 *et seq.*, and any applicable permit issued by the Pennsylvania Department of Environmental Protection, unless such

dimensional requirements are waived as provided for in the Pennsylvania Solid Waste Management Act, 35 P.S. §6018.101 *et seq.*, and implementing regulations, 25 Pa.Code §271.1 *et seq.*

(*Ord. 74, 3/30/1995, §1103; as added by Ord. 154, 12/29/2008, §6*)

§27-1205. More than One Principal Use on a Lot.

Notwithstanding any other provision of this Chapter to the contrary, more than one principal building, structure and/or use on a lot is permitted in the Industrial Special Use District, so long as each building, structure and use on a lot otherwise complies with all applicable provisions of this Chapter.

(*Ord. 74, 3/30/1995, §1104; as added by Ord. 154, 12/29/2008, §6*)

Part 13**Industrial District (I)****§27-1301. Purpose and Specific Intent.**

The I District is intended to accommodate intensive agricultural uses, light industrial and wholesale and warehousing uses, contractor establishments and their respective accessory uses. These activities have certain characteristics in common, such as a requirement for good roads capable of accommodating truck traffic, a minimum of customer generated traffic, and an independence from surrounding uses. These uses may have additional impacts upon surrounding uses beyond the traffic generated and aesthetics.

(*Ord. 74, 3/30/1995, §1200*)

§27-1302. Permitted Uses.

1. A building may be erected, altered or used and the land itself may be used for any one of the following uses and no other:

A. Extensive and/or intensive agriculture, except intensive agriculture is not permitted in the Ground Water Protection District. [*Ord. 152*]

B. London Grove Township municipal use.

C. Contractor establishments.

D. Outdoor recreation use.

E. Storage.

F. Light manufacturing, except this use is not permitted in the Ground Water Protection District. [*Ord. 152*]

G. Automobile and truck sales.

H. Towers/antennas.

I. Limited winery, where the primary agricultural use is viticulture, and subject to the area and bulk and design standards stated in §27-303.1 (relating to extensive agriculture), and after obtaining all necessary health, fire safety and building permits and/or licenses (where applicable). A limited winery may engage in the following activities:

(1) Wine tasting.

(2) Winery tours.

(3) Wholesale and retail sales of wine and grape products.

(4) Picnic area(s) for winery related activities.

(5) Food preparation facility for catering on premises indoor or outdoor functions.

(6) Agricultural-related museums.

(7) Gift display for the retail sale of winery-related promotional items, gift items, and/or pre-packaged foods and/or art galleries with sales and framing, not to exceed a total of 500 square feet in interior footprint area.

- (8) Outdoor amplified music until 9 p.m.
- (9) Winery-related events or activities subject to the following limitations:
- (a) Events or activities involving fewer than 60 persons on the property at a time may be conducted at any time.
 - (b) Events or activities involving more than 60 persons and not more than 125 persons on the property at a time may be conducted on no more than 3 days in a single week.
 - (c) Events or activities involving more than 125 persons and not more than 350 persons on the property at a time may be conducted on no more than 12 days in a calendar year and on no more than 4 days in a single calendar month.
 - (d) Events or activities which exceed any of the limits set forth in subclauses (a) through (c) above shall be allowed, provided that a zoning permit application is filed and approved in accordance with §27-2308.1. In lieu of the requirements in §27-2308.2 (applicable to residential districts) and §27-2308.3 (applicable to commercial, industrial, special use, and flood hazard districts) any zoning permit application required by this subsection shall include a written description of the event that includes, but is not limited to, the number of people, the hours of the event, activities, entertainment and lighting. The applicant must be able to demonstrate to the Zoning Officer compliance with the following:
 - 1) Sanitary sewage facilities will be sufficient to accommodate the number of attendees and participants at the event.
 - 2) Parking facilities will be sufficient to accommodate the number of attendees and participants at the event.
 - 3) Adequate traffic control measures will be provided.
 - 4) Adequate plan of trash collection, removal and recycling, including the removal of all trash and signs from public rights of way, property of others and the subject tract.
- (10) Bed and breakfast establishment, as defined in §27-202.

[*Ord. 135*]

2. A building may be erected, altered or used and the land itself may be used for any of the following uses upon the grant of a conditional use approval (§27-2310) by the Board of Supervisors, although none of these uses are permitted under any circumstances within the Ground Water Protection District. [*Ord. 152*]

- A. Heliports.
- B. Truck parking areas and/or maintenance areas and facilities.
- C. Multiple permitted uses on the same lot in accordance with the provisions of §27-1303.7 hereof.
- D. Industrial parks and research laboratories.
- E. Junkyard subject to environmental constraints and routine inspections for environmental safety and §27-1824 of this Chapter.
- F. Automobile body repair and short term (maximum 60 day) exterior storage

of vehicles under contract for repair.

G. Heavy industry, including:

(1) Incinerators.

(2) Private and utility power generation facilities in excess of 500KW capacity.

H. Commercial composting processing operations and agricultural composting processing operations in accordance with the provisions in §27-1838. [*Ord. 177*]

3. A building may be erected, altered or used and the land itself may be used for any of the following uses upon the grant of a special exception by the Zoning Hearing Board, although none of these uses are permitted under any circumstances within the Ground Water Protection District. [*Ord. 152*]

A. Wholesale sales.

B. Freight terminal, utility equipment and materials storage areas and freight transfer stations, excluding solid waste treatment, storage, distribution or transport facilities.

C. Fuel service station or storage facility (see §27-2208.A(15) for specific attached conditions).

4. A building may be erected, altered or used and the land itself may be used for any of the following uses as accessory uses:

A. Apartments or residences to be used and occupied only by guards or other persons who are required by both the nature of their work and the policy of the owner or operator of the facility to reside upon the premises, and their respective families.

B. Retail sales when accessory to wholesale or manufacturing uses on the same lot.

C. Other accessory uses to uses permitted in subsections .1, .2 or .3 above, including, but not, limited to, structures and/or services provided exclusively to the employees of the facility and their families such as cafeterias and day care centers.

D. Offices, provided that they shall be exclusively utilized in support of the principal use.

E. Agricultural employee housing.

(*Ord. 74, 3/30/1995, §1201; as amended by Ord. 135, --/2007, §9; by Ord. 152, 11/10/2008, §§23, 24, 25; and by Ord. 177, --/2012, §§8, 9*)

§27-1303. Area and Bulk Regulations: General; All Uses.

1. Minimum lot size for any use shall be computed as follows:

A. It is the intent of this Chapter that lot sizes shall conform to the reasonable needs of the use proposed. In the determination of minimum lot size, potential expansion and growth is an integral part of the reasonable needs. Furthermore, a use may change and, thus, change the parking area requirements. Therefore, to compute minimum lot size for any use, the building footprint, specific parking requirements, driveway and circulation requirements, accessory use areas, setbacks, sanitary sewage facilities, wells and storm sewer water detention basin requirements, plus 50 percent for reasonable growth, change and expansion

combine to determine minimum lot size.

B. In no event shall the minimum lot size be less than 10 acres for storing sewage waste, or 2 acres for all other uses except Commercial Composting Processing Operations and Agricultural Composting Operations which shall be governed by the provisions in Section 1838. [Ord. 177]

2. Perimeter setbacks shall conform to the following standards:

A. *General.* Unless exempted under subparagraph .B below, there shall be a perimeter setback of 100 feet. Except for entrance and exit driveways, no building or other above-ground structure, other than lighting and other utility standards, curbs and approved signs, shall be installed within the perimeter setback. No parking facilities or areas shall be constructed within the perimeter setback.

B. *Exemptions.* The Zoning Hearing Board may, by special exception, reduce perimeter setbacks to an amount not less than 25 percent of the required perimeter setback along all or part of the mandated rear or side lot lines (but not along any street line) where the applicant affirmatively proves to the satisfaction of the Board all of the following factors:

(1) That the adjacent uses are compatible and not adversely affected by the proposed use.

(2) Adequate screening is provided to protect adjacent.

(3) All adequate parking, stormwater management and expansion requirements can still be met.

(4) All appropriate design and performance standards of this Chapter will be met.

(5) The owners of affected properties have been notified by certified mail, return receipt requested, of the application requested.

(6) The applicant will comply with all of the requirements and has proven all of the elements set forth in §27-2208 and §27-2310 of this Chapter.

3. Lot width at building line for standard street frontage building lots, the normal building setback shall apply (i.e., 75 feet from the street line). The lot width at the building line shall be not less than 150 feet and the lot width at the street line shall be not less than 100 feet. For Flag lots the minimum width of the access shall be 50 feet and the building setback shall be 50 feet and measured from the point where the access strip meets the bulk of the lot.

4. Lot coverage shall conform to the following standards:

A. Impervious area coverage maximum—65 percent. The Supervisors may grant a conditional increase to 75 percent based on increased performance standards for stormwater control.

B. Landscaped area minimum—25 percent.

5. Maximum building height shall not exceed the following standards:

A. No building or structure shall exceed 40 feet in height except as provided in paragraphs .B and .C hereof.

B. The height limitation set forth in paragraph .A hereof shall not apply to communication or power transmission towers or antennas, water towers, fire

observation platforms or silos for the storage of grains or other materials.

C. The Board of Supervisors may authorize, as a conditional use, buildings and/or structures not included in paragraph .B above to a height not exceeding 60 feet, provided the applicant demonstrates conformity to all applicable standards set forth in this Chapter and also establishes by presentation of suitable evidence acceptable to the Board (which shall include, but need not be limited to, a certificate of the chief of the fire company having first call jurisdiction over the subject premises, certifying such) that any portion of the building or structure higher than 35 feet is adequately protected by in-place firefighting equipment to be installed by and at the expense of the applicant.

6. The applicant shall demonstrate compliance with the applicable provisions of this Chapter relating to design standards including, but not limited to, access, parking, signs, sight triangles at points of entrance and exit, as well as exterior lighting and parking lot construction.

7. The separation between buildings shall be sufficient to permit subdivision without violation of perimeter setback regulations as provided in subsection .2 hereof.

8. The applicant shall, for all uses authorized under §§27-1302.2 and 27-1302.3 hereof, demonstrate compliance with each and every specific performance standard set forth in Part 18, "General Design and Performance Standards."

(*Ord. 74, 3/30/1995, §1202; as amended by Ord. 177, --/2012, §10*)

Part 14**Ground Water Protection District (GWP)****§27-1401. Purpose and Specific Intent.**

To protect the quality and quantity of the water resources in London Grove Township. The Ground Water Protection District shall be deemed to be an overlay on the applicable zoning districts.

(*Ord. 74, 3/30/1995, §1300*)

§27-1402. District Boundaries.

1. The Groundwater Protection District consists of the area underlain by the Cockeysville Marble Formation, all areas containing the soils set forth in this Section and a 150-foot buffer which surrounds the Cockeysville Marble Formation and/or these soils. The area within the Ground Water Protection District shall be based upon the latest geology mapping as issued by the Pennsylvania Bureau of Topographic and Geologic Survey, Department of Conservation and Natural Resources which may be updated from time to time. The district boundaries shall include all land containing Hagerstown Silt Loam (Ha), Conestoga Silt Loam (Cm), Guthrie Silt Loam (Gu), and Hollinger Silt Loam (Ho) soils. The locations of these soils in London Grove Township are designated in the U.S. Soil Conservation Service, Soil Survey, Chester and Delaware Counties, Pennsylvania, May 1963, and which may be updated from time to time. Within the Ground Water Protection District, special use restrictions and stormwater management measures are to be taken to ensure recharge, to prevent sinkhole formation, and to protect the groundwater and surface waters from contamination.

2. The Ground Water Protection District is being applied as an overlay district on the otherwise applicable zoning districts as delineated on the Zoning Map for London Grove Township. The Ground Water Protection District prohibits certain uses and imposes a set of requirements in addition to the underlying zoning district, requiring that land be used only if permitted within the Ground Water Protection District and the underlying zoning district and under conditions and requirements of both districts.

3. The Ground Water Protection District may also be referred to within this Chapter as the “Carbonate Area Overlay District,” “Carbonate Area,” or “Cockeysville Marble Area” which terms shall be used interchangeably and represent the same area and district as the Ground Water Protection District.

(*Ord. 74, 3/30/1995, §1301; as amended by Ord. 152, 11/10/2008, §7*)

§27-1403. Boundary Challenges and Review.

1. The Township shall make its review of all applications for compliance with the provisions of this Section on the basis of carbonate area boundaries described in §27-1402.

2. Where interpretation is needed as to the extent and exact location of the boundaries of the district, for example, where there appears to be a conflict between a mapped boundary and actual field conditions, an initial determination shall be made

by the Township Engineer.

3. Any party seeking a determination of the exact boundary may submit a geological study of the area in question or other pertinent documentation for consideration. The Township Engineer shall make a written report of the results of his initial determination, a copy of which shall be provided to the Board of Supervisors.

4. Any party may appeal the determination of the Township Engineer to the Zoning Hearing Board. The applicant shall have the burden of proof in any appeal.

(*Ord. 74, 3/30/1995, §1302*)

§27-1404. Nonconforming Uses.

Nonconforming uses may continue within the Special Purpose Stormwater Management Areas in the form in which they exist at the time of the adoption of the Stormwater Management Plan and this Chapter. Any change of title or right to possession shall not affect such continuation of an existing use. Whenever a nonconforming use has been abandoned for a period of 2 years, such use shall not thereafter be re-established and any future use shall only be in compliance with the provisions of this Part and the Stormwater Management Plan.

(*Ord. 74, 3/30/1995, §1303*)

§27-1405. General Provisions.

1. Should the Groundwater Protection District be declared inapplicable by reason of amendment by the Board of Supervisors, or interpretation of the Zoning Hearing Board, or Court of competent jurisdiction, the zoning applicable to such tract shall be deemed to be the district in which said tract is located without consideration of this Part.

2. The applicant shall deposit with the Treasurer of the Township such a sum of money as set forth in the fee schedule adopted by the Board to pay the cost of the hearing, provided that funds deposited in excess of the actual cost of the requested hearing shall be returned to the applicant upon completing of the proceedings and in the event that the costs of the hearing exceed the funds deposited, the applicant shall pay to the Treasurer of the Township funds equal to such excess cost. Failure to pay such fees when billed shall be cause to deem the application incomplete.

3. This Part shall not repeal, impair, or abrogate any existing easements, covenants, or deed restrictions. However, in all cases the applicable regulations that impose the greater restrictions shall prevail.

4. In carbonate areas, development of land creates the potential for certain problems, including (A) greater chance, of contamination of bedrock aquifers, owing to the formation of solution channels, and (B) potential for structural failure due to land subsidence. Therefore, this Part shall not create any liability on the part of the Township or any officer or employee thereof for any damages resulting from reliance on this Chapter or any administrative decisions lawfully made hereunder.

(*Ord. 74, 3/30/1995, §1304*)

§27-1406. Standards.

1. No structure, land, or water shall be used or developed, and no structure shall

be located, extended, converted, or structurally altered in the Groundwater Protection District unless the applicant can minimize the adverse impacts of the proposed action.

2. Should the Township find that an applicant may create a significant risk to the public's health, safety, or welfare, in spite of taking all reasonable measures to minimize such risks, or should the Township determine the applicant has not taken all reasonable actions to minimize said risks, the Township may deny the application in accordance with §27-1409 of this Part.

3. The below ground storage of heating oil, gasoline, chemical solutions or other substances, which if released, would cause pollution to ground or surface waters are expressly prohibited within the district.

4. Only earth filling materials that are non polluting, as defined by Pennsylvania DEP may be used within the district. [*Ord. 167*]

5. Land grading or construction of buildings or other site improvements, which would directly or indirectly diminish the flow of natural springs is prohibited. If necessary, the Township may require the applicant to provide water table data from observation wells suitable for estimating conditions on the site.

6. Public health and safety is to be protected by assuring that here shall be no contamination of groundwater through runoff in the Cockeyville Marble Area (Carbonate Area).

7. Continued groundwater recharge is to be assured through diffuse infiltration through upper soil horizons, through wooded grounds, grassy areas, and infiltration berms, impervious coverage of sites in, or partially in the carbonate area shall not exceed 50 percent of the portion that is within the carbonate area. The total permissible impervious cover shall be prorated, depending on the percentage that lies within the carbonate area.

8. Induced concentrated infiltration through infiltration devices for stormwater runoff shall not have a head of more than 2 feet in the Cockeyville Marble Area.

9. Groundwater recharge and pollution control standards for the Carbonate Area Overlay District as described in §20-303.3 and other relevant Sections of the Stormwater Management Ordinance [Chapter 20] shall apply. No pollutants that exceed Federal and State standards for potable water shall be allowed to enter the aquifer. [*Ord. 152*]

(*Ord. 74, 3/30/1995, §1305; as amended by Ord. 152, 11/10/2008, §§8, 9; and by Ord. 167, 4/6/2011*)

§27-1407. Permitted Uses.

1. Only uses permitted “as of right” or “by right” in the underlying zoning district. Uses that are permitted by conditional use or special exception in the underlying zoning district are not permitted in the Ground Water Protection District.

2. The following uses are expressly prohibited in the Ground Water Protection District under any circumstances:

A. Intensive agriculture.

B. Untreated sewage disposal facilities—an on-lot disposal system for a single-family detached dwelling on a minimum lot size of 1½ acres is permitted.

C. Commercial composting processing operations and agricultural composting processing operations. [*Ord. 177*]

D. Preparation, processing and storage of spent mushroom growing substrate and the application of spent mushroom growing substrate to fertilize fields as part of an extensive agriculture use is permitted as long as such application is done pursuant to the most recent “Best Management Practices for Environmental Protection in the Mushroom Farm Community” manual published by the State of Pennsylvania Department of Environmental Protection. [*Ord. 177*]

E. Residential uses that utilize on-lot disposal systems, unless the lot size exceeds 1½ acres.

F. Mining and quarrying.

G. Landfills, storage, treatment and/or disposal facilities for which a DEP permit is required under the Solid Waste Management Act, 35 P.S. §6018.101 *et seq.*

H. Junkyards.

I. Incinerators.

J. Below ground storage of heating oil, gasoline, chemical solutions or other substances, which if released, would cause pollution to ground or surface waters.

K. Above-ground storage in excess of 275 gallons of heating oil, gasoline, chemical solutions or other substances, which released, would cause pollution to ground or surface waters. In addition, such storage shall only be permitted in storage facilities which conform to 25 Pa.Code §245.542, “Containment Requirements for Above Ground Storage Tanks Systems.”

L. Gasoline, diesel and other types of vehicle filling stations.

M. The storage, handling, processing or disposal of hazardous materials or any other substance with the potential to contaminate ground or surface waters (residential uses are permitted within residential dwellings and on residential lots).

(*Ord. 74, 3/30/1995, §1306; as amended by Ord. 152, 11/10/2008, §10; and by Ord. 177, -/-/2012, §§11, 12*)

§27-1408. Procedures.

1. Exempted from the procedures of this Part are the following uses:

A. The construction or alteration of a single-family detached dwelling, structure accessory thereto, with an approved individual on-site sewage system, serving a dwelling, and located on a minimum lot size of 1½ acres.

B. The construction and alteration of a single-family attached dwelling, structures accessory thereto and connected to the public sewage system.

[*Ord. 163*]

2. Prior to the issuance of a zoning permit for the construction of any nonexempt building within the Groundwater Protection District, the applicant shall ensure that the proposed construction, and any sewage effluent associated therewith, shall comply with the performance standards set forth in this Part. Where the proposed development requires zoning, subdivision or land development approval prior to issuance of a zoning permit, the procedures to ensure compliance with the performance standards shall precede or accompany the zoning application or the preliminary plan application, whichever is submitted first. The following specific procedures shall be followed. [*Ord.*

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A. The applicant shall notify the Township Subdivision and Zoning Officer of the intent to develop a property within the Groundwater Protection District, and shall submit a map, at a scale no smaller than 1 inch = 100 feet, which shall indicate the location of the property, all adjacent properties and roads, and the locations of private and public wells on adjoining properties. The map shall also indicate that portion of the tract within the Groundwater Protection District and all proposed improvements for the tract.

B. The Township Subdivision and Zoning Officer shall notify the Township Engineer of the applicant's intent to develop, and forward to him a copy of the submitted plan.

C. The Engineer, after reviewing any data available as may pertain to the site plan, shall inspect the property. The site inspection shall be arranged by the Township Subdivision and Zoning Officer so that the applicant may accompany the Engineer. The Engineer may request the presence of a member of the County Health Department and/or Soil Conservation Service. The applicant is encouraged but not required to engage a qualified engineer to be present at the site inspection.

D. At the site inspection the Township Engineer, with assistance as needed, shall determine the location of any karst surface features. These include but are not limited to:

- (1) Closed depressions.
- (2) Open sinkholes.
- (3) Limestone fragments in the soil.
- (4) Surface drainage into the ground.
- (5) Fissures, lineaments, faults or air photo fracture traces.
- (6) "Ghost lake" occurring after rainfall.
- (7) Natural springs.

E. Based on the site inspection, the Township Engineer shall determine what tests must be done by the applicant to comply with the performance standards of this Part. The Township Engineer shall notify the Township and the applicant of any required tests. The tests may include, but need not be limited to, soil permeability and depth to bedrock.

F. The applicant shall submit test results to the Township Engineer.

G. The Engineer shall review the test results and submit a report to the Board of Supervisors, with a copy to the applicant. The report shall judge the levels of compliance for every applicable standard in this Part as follows:

- (1) *Compliance*. The application complies with the standard
- (2) *Compliance with Additional Conditions*. The application would comply with the standard provided that certain additional conditions were met by the applicant,
- (3) *Noncompliance*. The application does not comply with the standard.
- (4) *Nondetermination*. A determination of compliance cannot be made on the basis of information provided by the applicant.

The report may also contain recommendations for site planning, including the use of lot averaging or cluster development techniques and/or a reduction in the maximum allowed density proposed. It may further contain suggestions for minimizing stormwater runoff from the site.

H. Should the Township Engineer's report contain findings of "Noncompliance" or "Nondetermination," the applicant shall be permitted to submit an environmental assessment report to the Township in accordance with the procedures in the following Section. Further, should the applicant fail to notify the Township, in writing, within the prescribed time period (including a written request for extension thereof, if necessary), of his intent to submit an environmental assessment report, all findings of "Nondetermination" shall be acted upon by the Board as findings of "Noncompliance."

I. The reasonable costs for the above Township Engineer reviews and comments shall be borne by the applicant and no final approvals or permits shall be issued until such costs are paid in full.

(Ord. 74, 3/30/1995, §1307; as amended by Ord. 152, 11/10/2008, §11; and by Ord. 163, 12/1/2010, §36)

§27-1409. Environmental Assessment Report (EAR).

1. An EAR shall be prepared in accordance with the provisions of this Section. The burden of an EAR is to provide information that demonstrates how the applicant can comply with all standards of this Part, or that one or more of the standards would not be applicable, given the condition of the property and existing or intended uses thereon, or that the proposed actions pose no threat to the public health, safety, or welfare.

2. The format and content of the EAR shall be as follows:

A. *Statement of Purpose.* This Section shall indicate those standards in §27-1405 being addressed in the EAR and whether the applicant is attempting to demonstrate compliance or justify noncompliance with those standards.

B. *Description of Existing Conditions.* This Section shall present a description of existing characteristics of the property with respect to geology, topography, ground and surface water hydrology, soils, vegetation, and existing improvements and uses.

C. *Description of Proposed Action.* This Section shall describe the proposed action including: types, locations, and phasing of proposed site disturbances and construction, as well as proposed future ownership and maintenance of the property and the proposed improvements. Plans describing the proposed action may either be included within or accompany the EAR.

D. *Proposed Measures to Control Potential Adverse Environmental Impacts.* This Section shall describe all measures proposed by the applicant to control impacts, which may occur as a result of the proposed actions. It shall address all impacts cited in the Township Engineer's report on the initial application for the property.

E. *List and Qualifications of Preparers.* The names, addresses, telephone numbers, and qualifications of persons directly responsible for preparing the EAR

shall be provided.

F. *Appendices.* Any additional information which the applicant wishes to provide may be included in one or more appendices to the EAR.

3. The EAR must be received by the Township no later than 30 days prior to the final date by which the Township must formally act upon the application. The EAR shall be submitted in six copies to the Township. The Township Engineer shall review the EAR and submit the review to the Board, with a copy to the applicant.

4. The reasonable costs for the above Township Engineer reviews and comments shall be borne by the applicant and no final approvals or permits shall be issued until such costs are paid in full.

(*Ord. 74, 3/30/1995, §1308*)

§27-1410. Board of Supervisors Approval.

1. Following the report of the Township Engineer on any submission under §§27-1408 or 27-1409, the Board shall either approve the application, approve with conditions, or reject the application, and shall do so within any applicable time period unless a request to extend the time period is mutually agreed upon by the applicant and Township.

2. Where compliance with this Section is required as part of an application for subdivision or land development approval, the Board's decision on whether compliance has been achieved shall be made a part of its decision on the subdivision or land development application.

3. Where the application is part of a request for a zoning permit, the Zoning Officer shall not issue a permit until the terms of this Section, and any conditions imposed upon the use of the property at the time of subdivision or land development approval, are satisfied.

(*Ord. 74, 3/30/1995, §1309*)

§27-1411. Water Management Areas.

Stormwater Management Areas consist of the following:

A. The Riparian Forest Buffer consists of a setback of 75 feet from bodies of water, and intermittent streams and springs, to always consist of two zones: [*Ord. 90*]

(1) A 15-foot woodland zone of no disturbance (except for restoration);
and,

(2) A 60-foot zone of managed or created forest. In addition,

(3) there is an optional zone of level spreading devices that will depend on the type of other runoff pollution control devices being used on a site. Design criteria for the Riparian Buffer can be found in the London Grove Stormwater Management Manual.

(a) Permitted uses in the Riparian Forest Buffer Area.

1) The area may be used for net density calculations with uses permitted in this Chapter.

(*Ord. 74, 3/30/1995, §1310; as amended by Ord. 90, 4/14/2004, §3*)

Part 15**Water Hazard Districts (FM, FA, FS, FG)****§27-1501. Purpose and Specific Intent.**

To prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

A. Regulating uses, activities and development which, acting alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities and frequencies.

B. Restricting or prohibiting certain uses, activities and development from locating within areas subject to flooding.

C. Requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or flood-proofed against flooding and flood damage.

D. Protecting individuals from buying lands and structures which are not suited for intended purposes because of flood hazard.

E. Assuring that permitted buildings, structures, and activities in areas subject to water hazards shall mitigate against any risks arising from flood or water hazards.

(*Ord. 74, 3/30/1995, §1400*)

§27-1502. Applicability.

These provisions shall apply to all lands within London Grove Township located within the boundaries of the floodplain district depicted on the Zoning Map. These provisions shall also apply to any lands (whether or not denominated on the Flood Hazard Map) subject to inundation by flooding or the hazards of high water tables, whether constant, seasonal, or periodic.

(*Ord. 74, 3/30/1995, §1401*)

§27-1503. Compliance.

No structure or land shall hereafter be used and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this Part and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this Chapter.

(*Ord. 74, 3/30/1995, §1402*)

§27-1504. Warning and Disclaimer of Liability.

The degree of flood protection sought by the provisions of this Chapter is considered reasonable for regulatory purposes and is based on accepted methods of engineering and hydrology. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings

restricted by debris. In addition, certain areas may be subject to periodic flooding or high water table, but may not fall within the bounds of the jurisdiction of this Part by reason of other exclusions. This Chapter does not imply that areas outside of the identified floodplain districts or that land uses permitted within such districts will be free from flooding or flood damages. The Water Hazard District regulations are for the public benefit and are not to be construed to cause any user, purchaser or occupier to be deemed a third party beneficiary. The provisions of this Chapter are intended for the benefit of the public in general and not for any particular user or occupier, existing or potential. Therefore, this Chapter shall not create any liability on the part of London Grove Township or any officer or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision made thereunder.

(Ord. 74, 3/30/1995, §1403)

§27-1505. Establishment of Flood Hazard Districts.

1. Description of Districts:

A. *Basis of Districts.* For the purpose of this Chapter, four flood hazard districts are designated. These include those area identified as being subject to the 100-year flood (FM, FA, FS) and those areas subject to small stream flooding or inundation by a high water table or seasonal high water table (FG). The Flood Hazard Districts are based upon the Flood Insurance Study (FIS) prepared for London Grove Township by the Federal Insurance Agency (FIA) dated the eighth day of July, 1994, and shall be deemed an overlay to the existing Township Zoning Map not independent districts per se. To the extent not prohibited by the Flood Hazard Regulations, the uses permitted in the underlying zoning district shall be deemed the permitted uses and, where the Flood Hazard District boundaries are revised, those areas no longer within the Flood Hazard District shall be deemed to be zoned according to the underlying existing zoning districts. However, for lands within any Flood Hazard District, the use regulations of §27-1506.A shall be the only permitted uses, and the prohibitions of §27-1506.C shall apply.

B. The (FA) Approximated Flood Hazard District shall be comprised of all lands lying within the areas denominated as "Flood Area" with approximate 100-year flood boundary lying outside of the limits of detailed study, as described in the Flood Boundary and Floodway Map of London Grove Township prepared by the Federal Emergency Management Agency for the National Flood Insurance Program, dated July 8, 1994. The precise boundaries of the Approximated Flood Hazard District shall be determined in accordance with the procedures set forth in §27-1505.2.

C. The (FS) Surveyed Flood Hazard District, comprises that area shown as lying between the designated limits of detailed study in the Flood Boundary and Floodway Map cited in paragraph .B above.

D. The (FM) Mapped Floodway Hazard District shall be those areas lying within the FS and FA Districts, as described in paragraphs .A and .B above, and constitute all lands designated as lying within the flood hazard area in the above-referenced plans.

E. The (FG) General Flood Hazard District shall constitute all those lands subject to periodic flooding of streams not included within the (FM) Flood Hazard

District and all areas subject to inundation or saturation by reason of a high or seasonably high water table. The precise boundary delineations of the (FG) Flood Hazard District shall be determined as set forth in §27-1505.2.C.

2. *Establishment of District Boundaries.*

A. *(FS) and (FA) Hazard Districts.* The precise boundaries of the (FS) Surveyed Flood Hazard District encompass those lands designated on the Flood Insurance Rate Map (FIRM) as lying within the A1-99 zones. The precise boundaries of the (FA) Approximated Flood Hazard District encompass those lands described as lying within the A zone on the FIRM.

B. The areas designated as lying within the (FM) Mapped Flood Hazard District shall be deemed the precise boundary areas. No withdrawal of lands from the FM District shall be made except by the London Grove Township Zoning Hearing Board as a special exception, provided they have jurisdiction. Jurisdiction over the lands within the FM District is conditioned. upon the filing for hearing of a letter of map amendment of the Federal Emergency Management Agency, a certificate or letter of approval of the Department of Environmental Protection and a certificate or letter of approval of the Department of Community Affairs with respect to such change. The absence of any of the required letters or certificates shall be deemed a complete bar to the jurisdiction of the Zoning Hearing Board. Applications must be accompanied by the requisite jurisdictional letters and/or certificates or they will be deemed incomplete. [Ord. 167]

C. *(FG) General Flood Hazard District.* Where any landowner desires to undertake any grading, filling, storage of materials or construction of any buildings or structures on lands within the floodplain of any small stream, as herein defined, outside the (FM) Hazard District or desires to conduct any such activities on lands mapped as Water Hazard Soils, as herein defined, and mapped in the Soil Survey of Chester and Delaware Counties, Pennsylvania, prepared by the United States Department of Agriculture Soil Conservation Service issued May, 1963 as Series 1959, No. 19, he shall submit an application to the Township accompanied by plans prepared by a professional engineer. The plan must show the flood fringe and floodway of all streams, the boundaries of any such water hazard soils, and the activities proposed. Sufficient supportive data are required to enable the Township Engineer to ascertain the accuracy and delineate the boundaries of the FG District. The floodway of any small stream shall be regulated by the use regulations set forth in §27-1506 and the flood fringe of small streams and the water hazard soil areas shall be regulated by the provisions of §27-1506.B. The Township Engineer shall certify the boundaries within the subject tract of the FG District and certify the boundary locations of the floodways of small streams. The applicant or any other person having standing so to do and aggrieved by the determination of the Township Engineer shall have the right to appeal such determination to the Zoning Hearing Board, which shall hear evidence and determine the precise boundaries of the FG District in accordance with the provisions of paragraph .B above. The filing of the determinations with governmental agencies other than the Department of Environmental Protection with respect to small stream floodways shall not apply. [Ord. 167]

D. *Procedure for Resolution of Boundary Delineation Disputes.*

(1) The boundary lines of the FA and FS Districts as shown on the FIRM

shall be deemed the precise boundaries and no withdrawal of lands shall be made except by approval of the London Grove Township Zoning Hearing Board as a special exception. The jurisdiction to hear and determine any such application requires filing a letter of map amendment of the Federal Emergency Management Agency and a certificate or letter of approval of the Department of Environmental Protection and a certificate or letter of approval of the Department of Community and Economic Development with respect to such change. These documents must be filed with the application to the Zoning Hearing Board. The absence of any of the required letters or certificates shall be deemed a complete bar to the jurisdiction of the Zoning Hearing Board to hear the application. Unless accompanied by the requisite jurisdictional certificates or letters, the application shall be deemed not filed for any purpose whatsoever. [Ord. 167]

(2) Applications with the Township for development of any tract of land with any portion within the FM or FG District, shall include, as part of the building permit application, plans prepared by a professional engineer. These plans must show the boundaries of the FM and FG Districts, the boundary lines delineating the floodway from the flood fringe, and the nature of existing and proposed development of building and structures on the tract. The applicant shall also show thereon any proposed deviation from the FM District boundary limits shown on the FIRM. The applicant, the Township, or any other person having standing may challenge the accuracy of the FM District boundaries as shown on the FIRM, or may allege that the limits as shown on the applicant's plan do not properly reflect the areas subject to such regulation. The challenging party shall furnish detailed engineering studies demonstrating the inaccuracy of the FM District boundaries as shown on the FIRM and the burden of persuasion, as well as the burden of going forward with the evidence, shall lie upon the challenger. The matter shall thereupon be referred to the Township Engineer who shall certify in writing on a plan prepared by him or approved by him the precise boundaries of the (FS), (FA), and FG Districts, as shown on said plan, and shall, where applicable, also certify the precise boundary separation between the floodway and flood fringe areas. The entire matter shall thereupon be certified to the Zoning Hearing Board as an application for special exception, provided the same is accompanied by the requisite jurisdictional letters and certificates.

(3) Copies of the plan designating the precise boundaries of the FM and FA District, as determined by the Zoning Hearing Board, shall be filed with the Department of Community [Affairs] and Economic Development the Federal Emergency Management Agency and the Department of Environmental Protection. [Ord. 167]

3. *Modification of District Boundaries.* No modification of the district boundaries by means of relocation of streams, change of grade by cutting, excavation or filling or by any other means shall occur, except by special exception granted by the Zoning Hearing Board upon application of the landowner. As a jurisdictional prerequisite for the Zoning Hearing Board to hear such application, the applicant shall submit plans prepared and signed by a professional engineer, together with all supporting and explanatory data. Other documents required with the application include certificates

of approval of the Department of Environmental Protection and, if in an FM District, the Department of Community and Economic Development. When required, a Letter of Map Amendment from the Federal Emergency Management Agency, as well as the approvals of any other State, Federal or county office, agency or authority required for such modification. Upon receipt, applications, shall be forwarded to the Township Engineer who shall report in writing any objections and these shall be a part of the record of the Zoning Hearing Board proceeding. The applicant shall have the burden of proof to demonstrate compliance with each and every standard mandated for the grant of special exceptions, as set forth in §27-1508 including both the burden of going forward with the evidence and the burden of persuasion. A copy of the Zoning Hearing Board's order shall be filed with each agency that provided a certificate of approval for the application. [Ord. 167]

(Ord. 74, 3/30/1995, §1404; as amended by Ord. 167, 4/6/2011)

§27-1506. Use Regulations.

It is the policy of London Grove Township to restrict development within the (FM) Flood Hazard District and within the floodways of small streams in the (FG) Flood Hazard District to the maximum extent permitted by law. Development within the FG District is permitted except within the floodways of small streams, in accordance with the underlying zoning regulations. Development is subject to the special considerations set forth in the applicable provisions of the Subdivision and Land Development Ordinance of London Grove Township [Chapter 22]. Any use with respect to lands within the FM District shall be permitted if and only if such use is permitted both in the FM District as provided in paragraph .A and also in the applicable use provisions of the underlying zoning district. Where a use is permitted in the FM District but prohibited in the underlying district or prohibited in the FM District but permitted in the underlying district, any such use application shall be deemed an application for variance and not for special exception and shall be determined under the provisions of §27-1509 and not §27-1508 relating to special exceptions.

A. *Permitted Use Regulations for FM District.* In the (FM) Mapped Floodway District, the following uses and activities are permitted provided they are in compliance with the provisions of the underlying district and are not prohibited by this or any other ordinance and provided that such uses do not require structures, fill or storage of materials or equipment:

(1) Agricultural uses such as general farming, pasture grazing, outdoor plant nurseries, horticultural, truck farming, forestry, sod farming, and wild crop harvesting. Excluded are commercial composting processing operations, agricultural composting processing operations and such agricultural uses as poultry production, piggeries, fattening pens and other forms of intensive agriculture. [Ord. 177]

(2) Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges, hunting and fishing areas and outdoor athletic fields, excluding structures.

(3) Accessory residential uses such as yard areas, gardens, play areas, and pervious parking areas, provided, that access to the residential dwelling

during a 100-year flood is possible without use of areas within the FM Zoning District.

(4) Accessory industrial and commercial uses such as yard areas, pervious parking and loading areas, etc., but excluding outdoor storage areas, except pursuant to special exception as provided in paragraph .B.5.

B. Except within the floodways of the streams within the FM and FG Districts, the following uses and activities and no others are permitted when authorized as a special exception by the Zoning Hearing Board, provided that they are in compliance with the provisions of the underlying district and are not prohibited by this or any other ordinance:

(1) Utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipelines, water and sewage treatment plants (excluding subsurface disposal facilities such as tile fields) and other similar or related uses.

(2) Water related uses and activities such as marinas, docks, piers, etc.

(3) Excavation of sand, gravel and other materials.

(4) Temporary uses such as circuses, carnivals and similar activities, provided they can be dismantled and removed or otherwise secured from the dangers of flood on 4 hours notice. Application for such uses shall include a dismantling and security plan satisfactory to the Township.

(5) Storage of materials and equipment provided that they are not buoyant, flammable or explosive, are not subject to damage by flooding, are not soluble and will not pollute or degrade the stream as the result of any inundation and provided such material, structures and equipment are firmly anchored to prevent flotation or movement and/or can be readily removed from the area within the time available after flood warning. Any such application shall include a dismantling or flood-proofing plan satisfactory to the Township.

(6) Other similar uses and activities provided they cause no increase in flood heights and/or velocities. All uses and activities shall be undertaken in strict compliance with the provisions of this and all other applicable codes and ordinances and shall not include the construction of buildings or above-ground structures in the (FM) Mapped Flood Hazard District.

C. *Prohibited Activities.* In accordance with the Federal Emergency Management Act (FEMA) regarding contaminants, the Floodplain Management Act and the regulations adopted by the Department of Community and Economic Development, no materials nor personal property shall be stored upon the premises which if introduced into the stream could result in contamination of the waters of the Commonwealth or injury to persons or property or contamination of any water source or injury to animal or plant life. [Ord. 167]

D. *(FG) General Flood Hazard Area.*

(1) Within the floodway of small streams as herein defined, the use regulations set forth in paragraph .B shall govern.

(2) Within the flood fringe of small streams and those areas within the FG District solely by reason of water hazard soils, the regulations for use in the underlying district alone shall prevail, subject to the flood-proofing and other

related requirements set forth in the London Grove Township Subdivision and Land Development Regulations [Chapter 22].

(*Ord. 74, 3/30/1995, §1405; as amended by Ord. 167, 4/6/2011; and by Ord. 177, --/2012, §13*)

§27-1507. Existing Structures.

1. No expansion or enlargement of an existing structure and/or use shall be allowed within the FM District that would cause any increase in flood heights or velocities or cause risk to any persons or property at, above or below the location of the structure nor introduce any source of pollution to the waters of the Commonwealth.

2. Any modification, alteration, reconstruction or improvement of any kind to an existing structure and/or use to an extent or amount of 25 percent of its then current square footage as of the date of the adoption of this Chapter shall constitute a substantial improvement and shall be undertaken only when authorized as a special exception in accordance with the provisions of §27-1508 hereof and all other provisions relating to the grant of special exceptions.

3. Any modification, alteration, reconstruction or improvement, of any kind to an existing structure and/or use to an extent or amount of less than 25 percent of its then current square footage as of the date of this Chapter shall be authorized only when approved by the Township Engineer who shall certify in writing to the Zoning Officer that all of the criteria of §27-1508 have been complied with. The burden of proof of satisfying the Township Engineer and the cost thereof shall be and remain upon the applicant.

4. No change of use shall occur within any structure in the FM District unless approved by special exception granted by the Zoning Hearing Board. In addition to the criteria set forth in §27-1508, the Zoning Hearing Board shall determine that the proposed use will not cause any greater risk nor hazard with respect to flooding, injury, or pollution than did the prior existing use.

(*Ord. 74, 3/30/1995, §1406*)

§27-1508. Standards for Special Exceptions.

1. In addition to all other factors to be considered under the terms of this Chapter and applicable law with respect to the grant of special exceptions, the Zoning Hearing Board shall require:

A. That there is no increase in danger to life and/or property due to increased flood heights or velocities upstream or downstream of the subject property caused by encroachments.

B. That there is no danger that materials may be swept onto other lands or downstream to the injury of others.

C. That proposed water supply and sanitation systems are adequately protected to avoid causing disease, contamination and unsanitary conditions.

D. That the proposed use is not susceptible to flood damage.

E. That there are not upon the tract of the owner alternative locations available which are not subject to flooding and could accommodate the proposed use.

F. That the proposed use is not incompatible with existing and foreseeable

nearby uses.

G. That the proposed use is not inimical to the Comprehensive Plan and the Flood Management Program for the area.

H. That there is safe and convenient access during a 100-year flood to the use, buildings and structures for ordinary and emergency vehicles.

I. That the proposed use or structure will not be injured or cause injury to others by reason of the expected heights, velocities, duration, rate of rise and sediment transport of the flood water expected at the site during a 100-year storm.

J. That the special exception, if granted, will not cause any impairment of the coverage of London Grove Township and the residents therein by the Federal Emergency Management Programs or will the proposed use or structure violate any regulations of the Federal Emergency Management Agency, the Department of Community and Economic Development or any other state or federal regulations whereby the advantages unto London Grove Township and its residents would be revoked or impaired. [*Ord. 167*]

K. No special exception or variance shall be granted for the construction of any building within the floodway of any stream within the FM District or any stream within the (FG) District.

L. No special exception or variance shall be granted to permit the erection or installation of any structure or the undertaking of any development in the FM or FG District if the same would cause any increase in flood heights.

M. Notwithstanding any of the foregoing, all structures and buildings permitted within any FM or FG Districts shall be so designed, elevated/flood-proofed, constructed and anchored as to have the capability of resisting all forces and damages arising from a 100-year flood.

N. That the proposed use, if granted, would not be contrary to the public health, safety, or welfare.

O. Such other factors which the Zoning Hearing Board may find relevant to the purposes of this Part.

2. In granting any special exception, the Zoning Hearing Board may attach reasonable conditions and safeguards in addition to those expressed in this Chapter as it may deem necessary to implement the purposes of this Part.

3. With respect to any application for special exception, all of the elements set forth in subsection .1 hereof shall be deemed definitional and the burden of going forward with evidence and of ultimate persuasion as to each of the elements therein listed shall be and remain upon the applicant.

(*Ord. 74, 3/30/1995, §1407; as amended by Ord. 167, 4/6/2011*)

§27-1509. Variances in FM Districts.

In addition to the mandated standards for the grant of variances under the provisions of the Municipalities Planning Code, applicable law and this Chapter, the Zoning Hearing Board, prior to the grant of any variance, shall determine that all of the criteria set forth for the grant of a special exception under §27-1508.1 have been complied with. In the grant of any variance, the Zoning Hearing Board is empowered to attach such reasonable conditions as it may deem necessary to effectuate the

purposes of this Chapter and the programs supported thereunder and thereby.
(*Ord. 74, 3/30/1995, §1408*)

§27-1510. Administration.

1. In the granting or denial of any application under the terms of this Part, the Zoning Officer shall not receive any application unless and until all applicable forms have been completed and filed, the applicable fee paid and all of the certificates and plans required under the terms of this Chapter have been filed. No time limits shall begin to run or shall any rights accrue with respect to pending applications, vis a vis, pending ordinances unless and until all of the requisite documentation is supplied and fees paid.

2. The Zoning Officer, except as herein otherwise provided, is charged with the administration of these floodplain regulations, subject to the determinations, reports and opinions of the Township Engineer, which shall be binding upon the Zoning Officer, but not the Zoning Hearing Board, in his processing and evaluation of any application under this Part.

3. Notwithstanding anything herein or elsewhere contained, no building permit shall be issued for any building, structure or development elsewhere authorized unless and until the applicant shall have established that any such structures, buildings or development have been designed and will be constructed and anchored so as to have the capability of resisting the effects of the 100-year flood.

4. Approvals, permits and certifications by State agencies shall not be binding upon the Zoning Officer or the Zoning Hearing Board in granting of any permit, but no permit may be granted in the absence of such certification or the refusal of any such agency to so certify where, under the terms of this Chapter, such approval or certification is required.

(*Ord. 74, 3/30/1995, §1409*)

Part 16**Steep Slope Conservation District (SSC)****§27-1601. Purpose and Specific Intent.**

1. To promote the public health, safety and welfare by protection of steep slope areas.
2. To permit only those uses of steep slope areas which are compatible with the conservation of natural conditions and which maintain stable soil conditions by minimizing disturbances to vegetative ground covers and restricting the regrading of steep slope areas.
3. To limit soil erosion and the resultant destruction of the land, siltation of streams, and damage to the property of individuals.
4. To protect low-lying areas from flooding by limiting the increase in stormwater runoff caused by grading of slope areas, changes of ground cover, or the erection of structures.
5. To maintain the ecological integrity and habitat value of steeply sloped areas, i.e., indigenous vegetation and wildlife, which could be adversely affected by otherwise permitted disturbances.
6. To allow the continuing replenishment of ground water resources and the maintenance of springs.

(Ord. 74, 3/30/1995, §1500)

§27-1602. General Provisions.

1. No area within the Steep Slope Conservation District shall hereafter be used without full compliance with the terms of this Part and other applicable regulations. The Steep Slope Conservation District shall be deemed to be an overlay on any zoning district(s) now or hereafter enacted to regulate the use of land in the Township.
2. The Steep Slope Conservation District shall have no effect on the permitted uses in the underlying zoning district, except where said uses are intended to be located within the boundaries of the Steep Slope Conservation District, as defined herein, and said uses are in conflict with the permitted uses set forth in this Part.
3. In those areas of the Township where the Steep Slope Conservation District applies, the requirements of the Steep Slope Conservation District, to the extent they are more restrictive, shall supersede the requirements of the underlying zoning district.
4. Each application for construction or land disturbance within the Steep Slope Conservation District shall be submitted in accordance with §27-1606. Any area of the Steep Slope Conservation District that falls within the subject lot or lots shall be interpolated and shown on the site plan required under §27-1606 through shading of such area or areas.
5. Should the Steep Slope Conservation District boundaries be revised, to exclude previously included lands, as a result of legislative or administrative actions or judicial decision, the zoning requirements applicable to the area in question shall revert to the requirements of the underlying zoning district(s) without consideration of this Part.

6. For any parcel or any part thereof on which the Steep Slope Conservation District is an overlay, should the underlying zoning classification(s) be changed as a result of legislative or administrative actions or judicial decision, such change(s) in classification shall have no effect on the boundaries of the Steep Slope Conservation District, unless an amendment to said boundaries was included as part of the proceedings from which the subsequent change(s) originated.

7. It is not intended by this Part to repeal, abrogate, or impair any existing easements covenants, or deed restrictions. However, where this Part imposes greater restrictions, the provisions of this Part shall prevail.

8. The granting of a zoning permit or approval of a subdivision or land development plan within or near the Steep Slope Conservation District shall not constitute a representation, guarantee, or warranty of any kind by the Township, or by any official or employee thereof, of the practicability or safety of the proposed use and shall create no liability upon the Township, its officials or employees. This Chapter does not imply that areas outside the Steep Slope Conservation District boundaries or land uses permitted within said Steep Slope Conservation District will always be totally free from the adverse effects of erosion.

(Ord. 74, 3/30/1995, §1501)

§27-1603. Designation and Interpretation of District Boundaries.

1. The Steep Slope Conservation District consists of two areas which are delineated and defined as follows:

A. *Prohibitive Slope.* Prohibitive slopes are those of 25 percent or greater slope (e.g., sloping 25 feet or more vertical over a distance of 100 feet horizontal). Slopes shall be deemed prohibitive when there are four adjacent contour intervals of 2 feet each such that, in aggregate, they delineate a slope of at least 25 percent.

B. *Precautionary Slope.* Precautionary slopes are those of 15 to 25 percent slope (e.g., sloping 15 to 25 feet vertical over a distance of 100 feet horizontal). Slopes shall be deemed precautionary when there are five adjacent contour intervals of 2 feet each such that, in aggregate, they delineate a slope between 15 percent and 25 percent.

2. Steep slopes shall be determined by either aerial photogrammetric methods or by field survey. The contour intervals shall be set forth at no more than 2 feet per interval on slopes less than 25 percent, and may be set forth at 5 feet per interval on slopes over 25 percent. On properties containing no slopes greater than 10 percent, USGS 7.5 minute quadrangles may be used as the source of slope information, subject to the approval of the Zoning Officer upon the recommendation of the Township Engineer.

3. Where an interpretation is needed as to the exact location of the boundaries of the district in relation to a given parcel, an initial determination shall be made by the Township Engineer. Any party seeking such a determination may submit a topographic survey of the property and any other pertinent documentation for consideration. The Township Engineer shall make a written report of the results of his initial determination, a copy of which shall be provided to the Board of Supervisors.

4. Any party aggrieved by any such determination of the Township Engineer or other decision or determination under this Part may appeal to the Zoning Hearing

Board. The party contesting the location of the district boundary shall have the burden of proof in case of any such appeal.

(*Ord. 74, 3/30/1995, §1502*)

§27-1604. Uses Permitted by Right.

1. In any part of the Steep Slope Conservation District, all grading shall be minimized, and no grading shall be undertaken within any area of the Steep Slope Conservation District except where approved in conjunction with a use permitted under the terms of this Part.

2. The following are the only uses permitted as of right in areas of prohibitive slope. Such uses also shall be in compliance with the base zoning district, and shall not involve the erection of buildings, construction of streets, installation of sewage disposal systems, or permanent removal of top soil unless replaced by approved engineered structures or vegetation.

A. Parks and outdoor recreational uses, consistent with the goals of watershed protection.

B. Yard areas of a building within the Steep Slope Conservation District.

C. Pastures and other agricultural activities such as tree farming that do not expose the soil to erosion on a regular periodic basis.

D. Logging and woodcutting, where such activity is limited to highly selective removal of trees and does not involve clear-cutting. Maximum precautions shall be taken to avoid destruction of or injury to understory brush and trees.

E. The minimum possible grading for a driveway accessing a single-family dwelling or other building when it can be demonstrated that no other routing which avoids prohibitive slopes is feasible or economically reasonable.

F. The minimum possible installation of public or private transmission lines such as power, phone, gas, water, sewer or storm sewer lines when it can be demonstrated that no other routing which avoids prohibitive slopes is practicable or economically reasonable.

Within any lot, the maximum extent of areas classified as prohibitive slopes that may be permanently disturbed for the installation of site improvements shall be limited to 20 percent of the prohibitive slope area, or 10 percent of the lot area, whichever is the lesser, subject to the approval of the Zoning Officer on the recommendation of the Township Engineer. Any such disturbance in excess of either 20 percent of the prohibitive slope area or 10 percent of the lot area shall require the granting of a special exception by the Zoning Hearing Board. On any lot, the total amount of impervious surface that may be installed within areas of prohibitive slope shall not exceed 20 percent of the total impervious area permitted according to the provisions of the underlying base zoning district.

3. The following are the only uses permitted by right in areas of precautionary slope, provided they also are in compliance with the base zoning district and all other provisions of this Chapter.

A. All uses permitted in areas of prohibitive slopes.

B. Tree farming, forestry, and other agricultural uses when conducted in conformity with conservation practices, including minimum tillage methods,

approved by the Soil Conservation Service (SCS) or the County Conservation District.

C. Access roads for the passage of emergency vehicles in the event of fire or accident.

D. Accessory uses (except swimming pools), necessary for the operation and maintenance of the above permitted uses.

Within any lot, the maximum extent of areas classified as precautionary slopes that may be permanently disturbed for the installation of site improvements shall be limited to 40 percent of the precautionary slope area, or 20 percent of the lot area, whichever is the lesser, subject to the approval of the Zoning Officer on the recommendation of the Township Engineer. Any such disturbance in excess of either 40 percent of the precautionary slope area or 20 percent of the lot area shall require the granting of a special exception by the Zoning Hearing Board. On any lot, the total amount of impervious surface that may be installed within areas of precautionary slope shall not exceed 40 percent of the total impervious area permitted according to the provisions of the underlying base zoning district.

(Ord. 74, 3/30/1995, §1503)

§27-1605. Uses Permitted by Special Exception.

Any of the following uses are permitted within the Steep Slope Conservation District when approved as a special exception by the Zoning Hearing Board in accordance with §27-1607 of this Chapter:

A. Any structure permitted by right, special exception or conditional use according to the terms of the underlying base zoning district.

B. Any road necessary to provide primary access to a use permitted by this Chapter, when no practical alternative exists in an area of lesser slope.

In areas of prohibitive slopes these activities shall not be approved by the granting of a special exception unless the applicant demonstrates that there is no alternative which could avoid encroachment into the areas of prohibitive slope. In making its determination, the Board shall give particular weight to the criteria and standards in §27-1607 below.

(Ord. 74, 3/30/1995, §1504)

§27-1606. Administration.

Administration of this Part is governed by Part 23 of this Chapter. In addition, the following specific requirements shall apply:

A. *Application Procedures.* Before a permit is issued for any construction or land disturbance activity on land within or affecting the Steep Slope Conservation District, the following material, in full or in pertinent parts, shall be submitted for review by the Zoning Officer or the Zoning Hearing Board. No zoning permit shall be issued by the Zoning Officer, and no special exception shall be granted by the Zoning Hearing Board, without the Township Engineer's review of this material and his recommendation thereon.

(1) An earth-moving plan of the property at a scale of no more than 100 feet to the inch which indicates existing grades with contour lines at 2-foot

intervals and proposed grades within the area of any proposed activity, disturbance, or construction. All areas of prohibitive and/or precautionary slope shall be shaded accordingly.

(2) A site plan indicating existing and proposed structures, other impervious surfaces, storm drainage facilities, and retaining walls. The site plan also shall locate and identify existing vegetation and ground cover within areas of prohibitive and precautionary slopes, as well as proposed landscaping material to be installed.

(3) Architectural plans, elevations, and sections, with such specifications as may be pertinent.

(4) A statement, signed and sealed by a registered architect or engineer, explaining the building methods to be used in overcoming foundation and other structural problems created by slope conditions, preserving the natural watersheds, and preventing soil erosion and excessive surface water runoff to neighboring properties and/or streets.

(5) Plan, profile, and typical cross-sections of any proposed street, emergency access, or driveway within areas of prohibitive and precautionary slopes, with the seal of a registered professional engineer thereon.

(6) A sediment and erosion control plan, with construction narrative, setting forth the measures to control sediments generated on site by the proposed activity. The plan shall be prepared according to the standards and procedures established by the USDA Soil Conservation Service and the Pennsylvania Department of Environmental Protection. [*Ord. 167*]

(7) A statement, signed by the owner or future occupant at the time of subdivision, land development, or building permit application, that there is a full understanding of any difficulties associated with access stemming from steep slopes.

(*Ord. 74, 3/30/1995, §1505; as amended by Ord. 167, 4/6/2011*)

§27-1607. Standards and Criteria for Review of Special Exceptions.

In evaluating any application for a special exception within the Steep Slope Conservation District, the Zoning Hearing Board shall determine consistency of the proposal with the following:

A. Disturbance to particularly sensitive features of the site shall be minimized; special emphasis in planning for the site should be given to the protection of:

(1) The areas of steepest slope, especially those approaching or exceeding 25 percent.

(2) Soils with seasonal high water table.

(3) Underlying geology which comprises, or contributes to, a major groundwater resource including the flow of existing springs.

B. Disturbance shall be minimized where the length or area of steep slopes, both on the site and on adjacent lands within 200 feet of the site, is extensive.

C. The proposed development, any impervious ground cover, and the

resultant disturbance to the land and existing vegetative cover will not cause runoff and/or related environmental problems off the site.

D. Removal of, or disturbance to, existing vegetation on the site shall be minimized. The proposed impacts on existing vegetation shall be evaluated in terms of the potentially detrimental effects on slope stability, transportation and recharge of stormwater, aesthetic and traditional characteristics of the landscape, and existing drainage patterns. Mitigation measures may be required by the Board as it deems appropriate.

E. The design, construction procedures and sediment and erosion control measures are such that there is no risk of damage or impairment to adjacent slopes, neighboring properties, or down-slope watercourses as a result of the proposed activities.

F. Important visual qualities of the site shall be retained; in addition to vegetation, these may include hilltops/ridgelines, rock outcroppings, and the natural terrain and contours of the site.

G. Road construction shall follow the natural topography, with cuts, fills and grading minimized.

H. Innovative, imaginative building techniques that are well-suited to slope conditions shall be encouraged, consistent with other applicable codes and regulations.

I. The equilibrium of the slope, as characterized by the existing inter-relationships among soil, water, and vegetation, shall be disturbed as little as possible.

J. Finished slopes of all cuts and fills shall not exceed 33 percent, unless the applicant can demonstrate that steeper slopes can be stabilized and maintained adequately to the satisfaction of the Township.

K. Exposed cut slopes within or below prohibitive slopes shall be minimized so that engineered retaining walls or other structures are utilized to the greatest extent practicable to maintain the stability of the disturbed slopes and reduce the risk of harm by reason of erosion and potential slope failure resulting in mud slides.

L. In addition to all other applicable provisions of this Chapter, all activities within the Steep Slope Conservation District shall conform to the performance standards set forth in §§27-1803 through 27-1809 and 27-1817 of this Chapter, and they shall also conform to the requirements of §22-610 and §22-611 of the Subdivision and Land Development Ordinance [Chapter 22] relating to stormwater management, and also sediment and erosion control and Chapter 20, "Stormwater Management."

(*Ord. 74, 3/30/1995, §1506; as amended by Ord. 167, 4/6/2011*)

§27-1608. Uses and/or Structures Rendered Nonconforming by the Adoption of this District.

Following the adoption of this Part, any use or structure which is situated within the boundaries of the Steep Slope Conservation District and which does not conform to the permitted uses specified in §27-1604 of this Part shall become a nonconforming use

or structure, regardless of its conformance to the district in which it is located without consideration of this Part. The expansion or continuance of said nonconforming use or structure shall be governed by the requirements of Part 23 this Chapter. However, the Zoning Hearing Board shall also ensure that the standards contained in §27-1607 of this Part are applied to the expansion or change of said nonconforming use or structure.

(Ord. 74, 3/30/1995, §1506)

Part 17**Historic Resource Protection****§27-1701. Intended Purposes.**

It is the intent of this Part to provide a comprehensive framework for the preservation of historic sites, objects, buildings, structures, and districts in London Grove Township. This Part establishes the London Grove Township Historical Commission to serve as an advisory body to the Board of Supervisors. The protections and incentives of this Part are targeted toward the Township's significant historic resources; they include notification of demolition and waivers or modifications of area and bulk requirements.

(Ord. 74, 3/30/1995, §1600)

§27-1702. General Provisions.

1. *Compliance.* Exterior alterations to, rehabilitation of, or a change in use of a historic resource shown on the Historic Resource Map shall occur in compliance with the terms of §27-1707 of this Part and including, but not limited to, the Township Building Code [Chapter 5].

A. For any CLASS I or II resource or any property shown on the Historic Resources Map, the provisions of this Part shall: (a) apply in addition to those of the underlying zoning district, and (b) supersede the otherwise applicable requirements of the underlying zoning district to the extent those provisions are inconsistent with the provisions of this Part.

B. Should the Historic Resources Map be revised as a result of legislative action or judicial decision such that a property is no longer in the area of the Historic Resources Map, the zoning requirements and other regulatory measures applicable to the property in question shall be those of the underlying zoning district without consideration of this Part.

2. *Preservation of Other Restrictions.* It is not intended by this Part to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Part imposes greater restrictions, the provisions of this Part shall prevail.

(Ord. 74, 3/30/1995, §1601)

§27-1703. Historic Resources Map.

1. *Classifications.* The Historic Resources Map delineates three classifications of historic resources in London Grove Township, which are defined as follows:

A. *Class I* (Having National or State significance).

(1) Historic resources and historic districts which are listed on the National Register of Historic Places.

(2) Contributing resources i.e., buildings, sites, structures, underground resources, and objects, filed as such with the National Register of Historic Places, or having the requisites to be listed in the National Register, or those filed with the Bureau for Historic Preservation of the Pennsylvania Historical

and Museum Commission (Historic Preservation Act, 1966 amended 10/92).

(3) Buildings, sites, structures, objects, and districts which have received a determination of eligibility (DOE) from the Pennsylvania Bureau of Historic Preservation and/or the Secretary of the Interior, as meeting the National Register criteria, but not listed in the National Register of Historic Places.

(4) Resources which are deemed by the London Grove Township Historical Commission to meet substantially the National Register criteria under the Chester County Certification Program. Following is a partial list of the National Register Criteria. Contact the London Grove Township Historical Commission or the Chester County Heritage Preservation Coordinator for additional information:

(a) *Criteria A.* A property may be registered if it is associated with events that have made a significant contribution to the broad patterns of our history. (Examples: The economic growth or decline of a community during a particular period, the development of a transportation system, a pattern of agricultural land use.)

(b) *Criteria B.* A property may be registered if it is associated with the lives of persons significant in our past. (Examples: important writers, inventors, politicians or community leaders.)

(c) *Criteria C.* A property may be registered if it embodies the distinctive characteristics of a type, period, or method of construction; if it represents the work of a master, or if it possesses high artistic values. A property may also be registered if it represents a significant and distinguishable entity whose components may lack individual distinction.

(d) *Criteria D.* A property may be registered if it has yielded, or may be likely to yield, information important in prehistory or history.

B. *Class II* (Having local municipal historical significance and documented by the municipality).

(1) Buildings, sites, structures, objects, and districts included in the historic resources inventory of the London Grove Township Historical Commission that are determined to be of historical, architectural, or other significance as determined by the London Grove Historical Commission.

C. *Class III* (Municipally inventoried but not classified as I or II).

(1) All other sites, structures, and objects included in the Historic Resources inventory of the London Grove Township Historical Commission not included in the Class I or Class II categories and having potential significance in the future.

2. *Revisions.* The Historic Resources Map may be revised from time to time by legislative action of the Board of Supervisors.

A. In considering any revision, including additions, deletions, or changes of classification to the Historic Resources Map, the Board of Supervisors shall receive a written recommendation from the London Grove Township Historical Commission.

B. The owner(s) of any property(ies) which are the subject of any such proposed legislative action shall be given written notice of the Historical

Commission's recommendation to the Board of Supervisors at least 10 days prior to the public meeting bearing on any such property.

3. *Official List.* The Historical Commission shall maintain an updated list of resources shown on the Historic Resources Map and their respective classifications. Individual historic resource property files will be maintained for each designated property on the Historic Resource Map and become part of the official records of the London Grove Historical Commission.

(*Ord. 74, 3/30/1995, §1602*)

§27-1704. Demolition of Historic Resources.

1. No Class I or Class II historic resource may be demolished, as that term is defined in this Chapter, until the applicant obtains a notification of demolition form from the Township and complies with the following procedures. [*Ord. 167*]

2. The proposed demolition of any Class I or II structure on a subdivision plan subject to a DEP Act 537 program will be reviewed by State agencies who may request information from the London Grove Township Historical Commission. [*Ord. 167*]

A. One copy of the notification of demolition shall be forwarded to the London Grove Township Historical Commission no less than 30 days prior to the proposed demolition, together with a sketch plan showing all buildings on the property, and explanation of the reasons for demolition, and future uses of the site. The London Grove Township Historical Commission may request interior and exterior photographs, taken by a Commission member with the applicant's permission.

B. The Historical Commission shall meet as soon as possible to review the notification of demolition. The applicant will be notified of the meeting and encouraged to present evidence or testimony pertaining to the demolition. In reviewing the notification, the Historical Commission shall take into account:

(1) The effect of demolition on the historical significance and architectural integrity of neighboring contributing historic resources.

(2) Economic feasibility of adaptively reusing the resource proposed for demolition.

(3) Alternatives to demolition of the resource.

3. Following the conclusion of the meeting, the London Grove Township Historical Commission shall set forth its recommendation in a written report to the owner/applicant and to the Board of Supervisors.

C. Should the Township learn that a building, structure, or other facility, listed on the Township Historic Resources Inventory as a Class I or Class II, has fallen into such a state of disrepair as to be a threat to public health, safety, or welfare, the Supervisors may dispatch a representative of the Township and an appointed member of the Historical Commission to inspect such building and issue a report of their findings to the Board of Supervisors and to the owner(s) of the property. [*Ord. 167*]

D. *Enforcement.*

(1) *Violation and Penalties.* Any person who violates the terms of this Section shall be subject to the penalties imposed under the terms of Part 23 of this Chapter, as well as applicable fines and penalties imposed under the

Township Building Code. [Ord. 167]

(2) In addition to the above remedies, the Board of Supervisors may take other appropriate legal action, which may include equitable and injunctive relief, to enforce the provisions of this Chapter.

(Ord. 74, 3/30/1995, §1603; as amended by Ord. 167, 4/6/2011)

§27-1705. Modification to Area and Bulk Regulations.

1. *Zoning Hearing Board.* The Zoning Hearing Board, through the grant of a special exception, may approve requested modifications to the otherwise applicable lot size, lot dimension, or yard requirements for plans affecting Class I or Class II historic resources, in accordance with the criteria of §27-1707, “Standards for Rehabilitation,” of this Chapter and provided the following additional criteria are met:

A. The granting of the special exception is deemed by the Zoning Hearing Board to be necessary to the preservation of a Class I or Class II historic resource.

B. The granting of the special exception will be deemed by the Zoning Hearing Board to have minimal detrimental effect on neighboring properties.

C. Any plans for the rehabilitation, alteration, or enlargement of a Class I or Class II historic resource shown on the application for special exception must be in substantial compliance with the standards contained in §27-1707 of this Part.

D. The Township Historical Commission shall review the request for special exception and evaluate whether the proposed modifications are necessary to the preservation of the Class I or Class II resource. The Historical Commission also shall review any construction plans for their compliance with the standards in §27-1707 of this Part. Recommendations shall be transmitted in the form of a written report to the Zoning Hearing Board and shall indicate what specific changes in the plans would bring them into substantial compliance with the standards. The written report of the Historical Commission shall be admissible before the Zoning Hearing Board without further testimony or authentication.

(Ord. 74, 3/30/1995, §1604)

§27-1706. Review of Proposed Rehabilitations, Enlargements, or Alterations.

1. *Zoning Officer.* The Zoning Officer shall, as part of the zoning permit, provide the Historical Commission with a copy of the application within five days of the receipt of a complete application. The Zoning Officer will give the applicant appropriate information from the Township Historical Commission concerning rehabilitation, enlargement or alteration of a Class I or Class II structures.

2. *Building Permits.* No building permit for the rehabilitation, enlargement, or alteration of a Class I or Class II historic resource shall be issued by the Township prior to review and comment on the application by the London Grove Township Historical Commission, in accordance with the terms of this Section.

A. *London Grove Township Historical Commission.* The Commission shall, within 30 days of receipt of a complete application from the Township review the plans for compliance with the standards contained in §27-1707 below, and prepare a written report to the Township with a copy to be sent to the applicant, indicating whether the plans are in substantial compliance. The report shall make

suggestions as to what specific changes in the plans would bring them into substantial compliance.

B. *Issuance of Permit.* Upon receiving a report from the Commission, and providing the plans satisfy all other requirements of the Township, the Township shall issue the building permit.

[Ord. 167]

(Ord. 74, 3/30/1995, §1605; as amended by Ord. 167, 4/6/2011)

§27-1707. Standards for Rehabilitation.

Any proposed rehabilitation, enlargement, or alteration of a Class I or Class II historic resource should be in substantial compliance with the standards as follows:

A. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

B. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

C. Each property shall be recognized as physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

D. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

E. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

F. Deteriorated historical features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

G. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

H. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigating measures shall be undertaken.

I. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.

J. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(Ord. 74, 3/30/1995, §1606)

§27-1708. Landscaping and Buffering.

1. *Landscaping.* When a Class I or Class II historic resource is located within a proposed subdivision or land development, a landscape plan for the grounds surrounding the Class I or Class II historic resource may be required by the Board of Supervisors at a regular public meeting. The plan must meet the requirements of §27-1806 and must be prepared by a landscape architect, or by a nurseryman or other individual deemed qualified by the Board of Supervisors. The plan shall show all pertinent information, including the location, size, and species of all individual trees and shrubs to be removed, planted, or preserved. Through screening, buffering, and selection of plant material, the plan should strive to minimize the impact of the proposed development on the Class I or Class II historic resource and protect its integrity of setting and any significant vegetation. The London Grove Township Historical Commission shall be given the opportunity to evaluate the landscape plan and suggest any modifications prior to final approval.

2. *Buffering.* When a subdivision, land development, or commercial use is proposed on any property within 100 feet of the exterior walls of a Class I or Class II historic resource, the applicant shall be required to submit a plan for buffering the Class I or Class II historic resource from the impact of the proposed use. Buffering standards found in §27-1806 may include, but are not limited to, vegetative screening and fencing, the appropriateness and effectiveness of which shall be evaluated by the Board of Supervisors prior to plan approval.

(Ord. 74, 3/30/1995, §1607)

Part 18**General Design and Performance Standards****§27-1801. Applicability.**

For the purposes of this Chapter, the following general regulations and design standards shall apply to all uses, whether granted by right, conditional use review or special exception. These general design standards and regulations shall apply to all districts. In addition to the general standards and regulations, the following specific performance standards shall be applied when specifically required according to applicable provisions of this Chapter. In all conditional use review applications, conditional use review standards shall also be applied.

(Ord. 74, 3/30/1995, §1700)

§27-1802. Parking.

For all uses, access, internal circulation and off-street parking regulations and design standards shall conform to the provisions of Part 20 of this Chapter.

(Ord. 74, 3/30/1995, §1701)

§27-1803. Signs.

For all uses, sign design standards and regulations shall conform to the provisions of Part 19 of this Chapter.

(Ord. 74, 3/30/1995, §1702)

§27-1804. Projections into Required Yards.

No structure or part of a structure shall be erected within or shall project into any required yard except:

- A. Arbors and trellises less than 12 feet in height.
- B. Tool, utility sheds and similar structures 200 square feet or less, 12 feet in height or less, not located within a required front yard setback, and located a minimum of 10 feet from side or rear property lines.
- C. Egress stairs or landings serving one- or two-family dwellings, which are required by the Building Code.
- D. Stairs or landings serving a one- or two-family dwelling located within a required front yard setback and located a minimum of 10 feet from side or rear property lines.
- E. Decks, patios and similar structures serving a one- or two-family dwelling meeting the appropriate zoning district's front yard setback and located a minimum of 10 feet from side or rear property lines.
- F. A single deck, patio and similar structure serving a one- or two-family dwelling with a height in excess of 12 inches, a maximum size of 10 feet by 12 feet, connected directly to the interior living space, not located within a required front yard setback and located a minimum of 10 feet from side or rear property lines.

G. Eaves, gutters, cornices, bay windows and cantilevered fireplaces not exceeding 2 feet in overall width.

H. Carports in an ecovillage. [*Ord. 161*]

(*Ord. 74, 3/30/1995, §1703; as amended by Ord. 137, 8/1/2007, §1; and by Ord. 161, 10/6/2010, §1E*)

§27-1805. Fencing Standards.

The following standards for fencing and screening shall be applied to all proposed uses:

A. No fence or wall, except a retaining wall, or a wall of a building permitted under the terms of this Chapter, over 6 feet in height, shall be erected within any required yards, unless no more than 50 percent of the vertical plane of the fence or wall which exceeds 6 feet in height shall be opaque.

B. No fence or wall shall obstruct vision at street intersections or along streets, in accordance with §27-2002.C.

(*Ord. 74, 3/30/1995, §1704*)

§27-1806. Buffering Standards.

1. Buffering requirements shall be applicable where proposed commercial, industrial, office or intensive agricultural uses are to be located adjacent to existing residential zoning districts, and when proposed multifamily uses are to be located adjacent to existing one or two-family residences in the Transfer-in District. Buffering shall be provided when specifically required according to the provisions of the Historic Resource Protection regulations set forth in §27-1708.2.

2. Buffering requirements will be deemed to be met by the Board of Supervisors if the items to be buffered according to subsection .1 above are located greater than 400 feet from the adjacent residential uses.

3. Landscaped buffers shall be located so that, at maturity, any building or structure with a height greater than 12 feet, or any storage, loading, or parking area of more than five spaces for the proposed uses set forth above is not visible from abutting lots and building(s) thereon in the adjacent residential zoning district. Landscaped buffers shall conform to the standards set forth in subsection .7 below.

4. To assure compliance with buffering requirements, the applicant shall provide graphic material to enable the Township to assess the impact of the proposed use upon the adjacent residential use and ensure that the proposed buffering will create an effective barrier at necessary points. Graphic material may include any one or a combination of the following: plot plans with view analysis, landscaping and grading plans; profiles; models; cross-sections; and photographs.

5. Buffers shall be established through the use of any one or a combination of the following measures, or other measures that, in the opinion of the Planning Commission, will provide equal or greater buffering:

A. Proposed planting of trees and shrubs that are effective for the intended buffering uses. Plantings that require excessive maintenance, will not be vigorous or do not sufficiently screen the intended use shall not be permitted.

B. Existing natural or man-made barriers such as fences and walls, when

architecturally compatible with the landscaping and architectural style of the adjacent residential uses.

C. Proposed grading of land to create mounding, berms or depressions that block visibility.

6. A landscaping plan utilizing appropriate native species is encouraged and preferred. Such plan incorporating the above measures shall be prepared by the applicant and approved by the Township as part of the development plan. The landscaping plan shall be designed in accordance with the following standards and conditions:

A. The planting shall be composed of evergreen plants and trees arranged to form both a low level and a high level buffer. The high level buffer shall consist of a combination of evergreen and deciduous trees planted with specimens no less than 6 feet in height. The low level buffer shall consist of evergreen shrubs or hedges planted at an initial height of not less than 3 feet and spaced at intervals of not more than 5 feet. The low level buffer shall be placed in alternating rows to produce a more effective barrier. The width of planting material in the buffer shall be a minimum of 25 feet.

B. The buffer planting shall be so placed that at maturity it will be no closer than 3 feet from any street or right-of-way.

C. In accordance with the provisions of §27-2002 of this Chapter, a clear sight triangle shall be maintained at all street intersections and at all points where private access-ways intersect public streets.

D. The buffer planting shall be interrupted only at points of vehicular or pedestrian access and shall not include structures, storage areas or parking in the buffer area.

E. All mechanical equipment, loading areas and storage not enclosed in a building shall be fully and completely screened from view from any adjacent streets or residential districts or uses, through the use of measures set forth above, and in a manner compatible with the architectural and landscape style employed on the lot.

7. The landowner shall maintain the buffer planting and replace any plant material which does not live within one year of notification by the Township.

(Ord. 74, 3/30/1995, §1705)

§27-1807. Outdoor Lighting.

1. *Purpose.*

A. To require and set minimum standards for outdoor lighting to:

(1) Provide for and control lighting in outdoor public places where public health, safety and welfare are issues.

(2) Protect drivers and pedestrians from the disabling glare of non-vehicular light sources.

(3) Protect neighbors and the night sky from nuisance glare and light trespass from poorly shielded, aimed, placed, applied or maintained light sources.

(4) Promote energy efficient lighting design and operation.

(5) Protect and retain the intended character of London Grove Township.

2. *Applicability.*

A. All uses within the Township where there is outdoor lighting including, but not limited to residential, multi-family residential, commercial, industrial, public recreational/sports, institutional uses and signs, architectural and landscape lighting.

B. Criteria for agricultural uses shall be in accordance with subsection .5 of this Section.

C. Temporary decorative/seasonal lighting is exempt from all but the glare control requirements of this Section.

3. *Definitions.*

A. *Footcandle* - a unit of incident light quantity measurable with an illuminance meter, a.k.a. footcandle meter or light meter.

B. *Full cutoff*- a term that describes a lighting fixture from which no light is emitted at or above a horizontal plane through the bottom of light-emitting aperture portion of the fixture and no more than 10 percent of the lamp's intensity is emitted at any angle within 10 degrees below that horizontal plane, at all lateral angles around the fixture.

C. *Glare* - the sensation produced by excessive direct or reflected light that causes annoyance, discomfort or loss in visual performance of the eye. Sensitivity to glare increases with the viewer's age.

D. *Illuminance* - the quantity of incident light measured with a light meter in footcandles.

E. *Light trespass* - light, measured in footcandles, projected beyond the boundaries of the property on which the installation is sited.

F. *Lumen* - in the context of this Section, the published light-output rating of a lamp.

4. *Criteria.*

A. *Illumination Levels.*

(1) Lighting, where required or permitted by this Chapter or as otherwise required by the Township, shall have intensities and uniformity ratios in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA).

B. *Lighting Fixture Design.*

(1) Fixtures shall be of a type and design appropriate to the lighting application and aesthetically acceptable to the Township.

(2) For the lighting of predominantly horizontal surfaces such as, but not limited to, roadways, areas of vehicular and pedestrian passage, merchandising and storage areas, automotive fuel dispensing facilities, automotive sales areas, loading docks, cul-de-sacs, active and passive recreational areas, building entrances, sidewalks, paths, site entrances and parking areas, fixtures shall be aimed straight down and shall meet IESNA

full-cutoff criteria. Any fixture whose aggregate wattage does not exceed the output of a standard 40-watt incandescent lamp, e.g., 500 lumens, shall be exempt from this requirement.

(3) For the lighting of predominantly non-horizontal surfaces such as, but not limited to, facades, landscaping, signs, fountains, displays, flags and statuary, where the use of fixtures meeting IESNA full-cutoff criteria is not practical or possible, fixtures shall be equipped with aiming and/or light-redirecting devices such as shields, visors, baffles, skirts or hoods when necessary to direct or redirect offending light distribution.

(4) The use of floodlighting, spotlighting, non-cutoff wall-mounted fixtures, internally illuminated decorative globes and spheres, lanterns and other fixtures not meeting IESNA full-cutoff criteria shall be permitted only with the approval of the Township, based upon acceptable justification and achievement of suitable glare control. Any fixture whose aggregate wattage does not exceed the output of a standard 40-watt incandescent lamp, e.g., 500 lumens, shall be exempt from this requirement.

(5) NEMA-head fixtures, a.k.a. “bam lights” or “dusk-to-dawn lights,” which create nuisance glare as viewed from another property or roadway, shall not be permitted unless fitted with a reflector or shield to render them full cutoff.

C. Control of Nuisance and Disabling Glare.

(1) All outdoor lighting, whether or not required or permitted by this Chapter, on private, residential, commercial, industrial, municipal, recreational or institutional property; shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.

(2) The use of floodlights, spotlights and omni-directional fixtures that create glare as viewed from another property or roadway shall require approval by the Township. All such fixtures, regardless of whether for residential or non-residential applications, shall be so installed or aimed that they do not project their output into the windows of neighboring residences, adjacent uses, skyward or onto a public roadway or pedestrian way.

(3) Lighting for commercial, industrial, public recreational and institutional uses including, but not limited to, lighting for parking areas, roadways, pathways, facades, signs and landscaping, shall be extinguished by automatic means within ½ hour after the close of business. Where after-hours lighting is deemed reasonably necessary for safety and/or security, the intensity of such lighting shall not exceed 33 percent of the intensities permitted by this Chapter during normal business hours.

(4) Only the United States and state flags, and no others, shall be permitted to be illuminated from dusk till dawn and such flags shall be illuminated by sources with a beam spread no greater than necessary to illuminate the flags. Flag lighting sources shall not exceed 10,000 lumens per flagpole.

(5) Vegetation screens shall not be employed to serve as the primary

means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and placement.

(6) In no case shall the illumination cast by a source or sources onto an adjacent residential property exceed 0.1 vertical footcandle measured line-of-sight, from any point on the adjacent residential property.

(7) Externally illuminated signs and billboards shall be lighted by fixtures mounted at the top of the sign or billboard and aimed downward. Such lighting, when off-premises of the establishment being advertised, shall be automatically extinguished between the hours of 10 p.m. and dawn.

(8) Directional fixtures, e.g., floodlights or spotlights, for such applications as facade, fountain, feature, sign, billboard, recreational and landscape illumination, when specifically approved by the Township for use, shall be aimed so as not to project their output beyond the objects intended to be illuminated.

(9) Canopy lighting for such applications as gas/service stations, bank and fast-food drive-throughs, shall be accomplished using flat-lens full-cutoff fixtures aimed straight down and shielded in such a manner that the lowest opaque edge of the fixture shall be below the light source.

D. *Installation.*

(1) Electrical feeds for fixtures mounted on poles shall be run underground, not overhead.

(2) Poles supporting lighting fixtures for the illumination of parking areas and located directly behind parking spaces, shall be placed a minimum of 5 feet outside paved area, curbing or tire stops, or on concrete pedestals at least 30 inches high above the pavement, or suitably protected by other approved means.

(3) Except as specifically approved for recreational lighting as permitted by the Township and listed in Subdivision and Land Development Ordinance [Chapter 22], fixtures meeting IESNA full-cutoff criteria shall not be mounted in excess of 20 feet above finished grade.

(4) Fixtures not meeting IESNA “full-cutoff” criteria, when specifically approved by the Township, shall not be mounted in excess of 16 feet above grade.

E. *Maintenance.* Lighting fixtures and ancillary equipment shall be maintained so as always to meet the requirements of this Chapter.

5. *Agricultural Criteria.*

A. For agricultural uses, the following criteria shall apply:

(1) No lighting shall be permitted that projects glare onto an adjacent residence.

(2) No lighting shall be permitted that creates a hazard by projecting glare onto a public right-of-way.

(3) Floodlights and other directional fixtures that create glare as viewed

from an adjacent residential use or street, unless required for a seasonal harvesting operation, shall be extinguished by no later than 11 p.m. or controlled by a motion sensor.

6. *Plan Submission.*

A. For variance, special exception, conditional use and building permit applications where site lighting is required or proposed, lighting plans shall be submitted to the Township for review and approval where requested, and shall include:

(1) A site plan or plans of the site, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), vegetation that might interfere with lighting, and adjacent uses that might be adversely impacted by the lighting, and a layout of all proposed fixtures by location, mounting height and type. The submittal shall include in addition to area lighting, exterior architectural lighting, building-entrance lighting, landscape lighting, etc.

(2) 10 feet x 10 feet illuminance-grid (point-by-point) plot of maintained footcandles, plotted out to 0.0 footcandles, which demonstrates compliance with the light trespass, intensity and uniformity requirements as set forth in this Chapter or as otherwise required by the Township. The lamp lumen rating and type, maintenance (light-loss) factors and IES file names used in calculating the illuminance levels shall be documented on the plan.

(3) Description of the proposed equipment, including fixture catalog cuts, photometrics, glare reduction devices, lamps, on/off control devices, mounting heights, pole foundation details and mounting methods.

(4) Landscaping plans shall contain lighting fixture locations and shall demonstrate that the site lighting and landscaping have been coordinated to minimize conflict between vegetation and intended light distribution, both initially and at vegetation maturity.

B. When requested by the Township, applicant shall also submit a visual-impact plan that demonstrates appropriate steps have been taken to mitigate on-site and off-site glare and light trespass and taken to retain the Township's intended character.

7. *Compliance Monitoring.*

A. *Safety Hazards.*

(1) If appropriate officers or agents of the Township judge a lighting installation creates a safety or personal-security hazard, the person(s) responsible for the lighting shall be notified in writing and required to take remedial action.

(2) If appropriate corrective action has not been effected within 30 days of written notification, the Township may commence legal action.

B. *Nuisance Glare and Inadequate Illumination Levels.*

(1) When appropriate officers or agents of the Township judge an installation produces unacceptable levels of nuisance glare, direct skyward light, excessive or insufficient illumination levels or otherwise varies from this Chapter, the Township may cause written notification of the person(s)

responsible for the lighting and require appropriate remedial action.

(2) If appropriate corrective action has not been effected within 30 days of notification, the Township may commence legal action.

8. *Nonconforming Lighting.*

A. Any lighting fixture or lighting installation existing on the effective date of this Section that does not conform with the requirements of this Section, shall be considered as a lawful nonconformance subject to the following:

(1) Unless minor corrective action is deemed by the Township to be an acceptable alternative, a nonconforming lighting fixture or lighting installation shall be made to conform with the applicable requirements of this Section when:

(a) It is deemed by the Township to create nuisance glare, as defined in subsection .7.A(2), above, or a safety hazard.

(b) It is replaced or relocated.

(c) The use is abandoned or there is a change in use of the property on which the area being illuminated is located.

(*Ord. 74, 3/30/1995, §1706; as amended by Ord. 95, 10/13/2004, §1*)

§27-1808. General Storage Standards.

1. In residential districts, no more than one recreational vehicle, travel trailer, boat, unlicensed vehicle or similar items shall be stored outside at any one time on a single lot without proper screening from adjacent lots. Storage of travel trailers without a permit when left in place and used as an extension to the building shall not be permitted in residential districts. In all other districts, no recreational vehicle, travel trailer, boat, unlicensed vehicle or other similar items shall be stored outdoors within any required yard area, except in junkyards permitted under this Chapter.

2. All rubbish and substances, whether organic or inorganic, shall be stored in suitable containers and properly disposed of as soon as is practical, and on a regular basis. All garbage-like materials shall be contained in vermin-proof containers. Except for single-family and two-family dwellings, all incidental storage shall comply with the following:

A. All storage shall be buffered in accordance with §27-1806.

B. Outdoor storage structures for raw materials and/or finished products shall be permitted only within the buildable area of the lot and shall not exceed 10 feet in height.

C. Outdoor storage facilities for fuel, combustible fibers, hazardous or toxic raw materials and/or finished products shall conform to the standards and regulations set forth in §27-1824.

(*Ord. 74, 3/30/1995, §1707*)

§27-1809. Sewage Disposal Standards.

1. The applicant shall demonstrate the ability to provide safe, efficient and permanent facilities for the collection, treatment and disposal of sanitary sewage generated within the tract and shall further demonstrate that the proposed system is

capable of so functioning without degradation of streams, or pollution to, or diversion of the underground water table.

2. No building, zoning or use permits shall be issued with respect to any approved use granted hereunder until all necessary permits issued by regulatory authorities, agencies and public bodies have been issued and copies thereof furnished to the Zoning Officer. This provision shall be deemed incorporated into any approved use granted hereunder by reference whether or not actual reference thereto is made in any opinion or order.

(*Ord. 74, 3/30/1995, §1708*)

§27-1810. Water Supply Standards.

1. Applicant shall demonstrate a safe and efficient permanent water supply (after treatment if necessary) capable of furnishing adequate, safe and potable water for the purposes envisioned within the proposed project. For residential uses and other uses where appropriate, in addition to evidence that the water is safe for human consumption the applicant shall demonstrate that the water supply is of such chemical composition as not to cause injury to persons or property nor corrode or damage pipes, drains or equipment.

2. Wells shall be constructed according to the standards established by the American Waterworks Association in "Standards for Water Wells," A-100-84. Water quality shall meet the most stringent requirements set forth in either the Regulations of the Pennsylvania Department of Environmental Protection, Chap. 109 or "Drinking Water Standards," 1962 Ed., U.S. published by the Public Health Service or applicable standards of the Chester County Department of Health. [*Ord. 167*]

(*Ord. 74, 3/30/1995, §1709; as amended by Ord. 167, 4/6/2011*)

§27-1811. Stormwater Quantity Standards.

1. The applicant shall certify with reasonable certainty and using accepted engineering principles that there will be no increase in peak rate of surface water runoff at any point on the boundaries of the property beyond that runoff presently existing. If the point of discharge is into, a controlled stormwater system so directed and designed as not to interfere with or erode adjacent lands, roads or structures, this requirement shall be deemed satisfied.

2. Stormwater quantities shall be determined by the methods set forth in "Urban Hydrology for Small Watersheds," Technical Release No. 55, and "Hydrology National Engineering Handbook," both by the U.S. Soil Conservation Service, U.S. Department of Agriculture. The type IOI storm shall be utilized in calculating the intensity of rainfall. Predevelopment conditions shall be assumed as woodland where existing trees over 6 inches DBH are found, and as meadow where any other conditions occur.

3. The stormwater facilities to be constructed and maintained thereunder will comply with all applicable requirements of London Grove Township relating to stormwater management such as those in the Subdivision and Land Development Ordinance [Chapter 22] and the Stormwater Management Ordinance [Chapter 20]. Such facilities shall not be used as sedimentation traps. [*Ord. 90*]

(*Ord. 74, 3/30/1995, §1710; as amended by Ord. 90, 4/14/2004, §4*)

§27-1812. Stormwater Quality Standards.

1. The applicant shall establish with reasonable certainty and using accepted engineering principles that there will be a decrease in the levels of surface water pollutants prior to discharge into critical natural areas such as streams or wetlands. The total nitrogen levels shall be reduced between 40 percent and 60 percent, phosphorus levels shall be reduced between 60 percent and 80 percent, trace metals shall be reduced between 60 percent and 80 percent, and suspended sediments shall be reduced between 80 percent and 100 percent.

2. Stormwater pollutants may be reduced by any one or a combination of the following methods:

- A. Designing the stormwater basins to over-detain the first ¼ inch of rainfall.
- B. Using level spreaders and/or vegetative filter strips and swales.
- C. Constructing artificial wetland basins.

3. The reduction in stormwater pollutant levels shall be determined according to the methods and principles set forth in the “simple formula” in *Controlling Urban Runoff*, Schueler, 1987, published by the Metropolitan Washington Area Council of Governments.

(Ord. 74, 3/30/1995, §1711)

§27-1813. Excavation and Earth Disturbance.

Excavation and earth disturbance activities that cause accelerated erosion, the deposition of fill and exposed subsoils shall be conducted in accordance with the regulations of the Pennsylvania Department of Environmental Protection and the Chester County Soil Conservation District, and shall also conform to the requirements of the London Grove Subdivision and Land Development Ordinance [Chapter 22].

(Ord. 74, 3/30/1995, §1712; as amended by Ord. 167, 4/6/2011)

§27-1814. Specific Performance Standard - Capacity of Road Work.

1. In addition to the general standards listed in §§27-1805 through 27-1813 above, the applicant shall demonstrate compliance with every provision of this performance standard set forth below when the number of dwelling units in a subdivision or development plan exceeds 25 units or when more than 50,000 square feet of commercial or industrial usage is proposed.

2. The applicant shall submit a traffic impact study prepared according to the requirements of §27-1827 below demonstrating that the traffic generated by the proposed use, when superimposed upon existing traffic, plus the traffic to be generated by previously approved but yet uninstalled uses, plus the base volume upon the road network, shall not cause or contribute to the reduction of the level of service of the road network nor any part or segment thereof nor any intersection therein at peak hours below level of service C, unless improvements are proposed to be constructed that would maintain levels of service C or better.

3. Roadway capacity shall be determined as set forth in “Highway Capacity Manual - Special Report 209,” Transportation Research Board of the National Research Council, Washington, D.C. 1985. Trip generation of the proposed use shall be determined according to the standards set forth in “Trip Generation,” 5th edition,

Institute of Transportation Engineers, Washington, D.C., 1991. Traffic studies shall conform to the standards set forth by PennDOT in Chapter 201, "Engineering and Traffic Studies."

(*Ord. 74, 3/30/1995, §1713*)

§27-1815. Specific Performance Standard - Impacts on the Road Network.

1. In addition to the general standards listed in §§27-1805 through 27-1813 above, the applicant shall demonstrate compliance with every provision of the performance standard set forth below when specifically referred to in the applicable provisions of this Chapter.

2. The applicant shall submit a traffic impact study prepared according to the provisions of §27-1827 below demonstrating that, separate and apart from traffic volumes, the construction and configuration of the road network and each portion or segment thereof and each intersection therein shall be so constructed, aligned and controlled that the traffic generated from the proposed use will not damage or injure the roads nor cause or contribute to operating hazards on the public roadways. Relevant in the satisfaction of this criteria are the type and weight of the vehicles constituting the generated traffic.

3. The adequacy of the design shall be established according to the standards set forth by PennDOT in Chapter 441, "Access to and Occupancy of Highways by Driveways and Local Roads," and Publication 70, "Guidelines for Design of Local Roads and Streets," and PennDOT Specifications, 1987. The ability of the cartway to adequately handle the loads shall be determined by the applicable AASHTO standards and specifications.

(*Ord. 74, 3/30/1995, §1714*)

§27-1816. Specific Performance Standard - Water Consumption.

1. In addition to the general standards listed in §§27-1805 through 27-1813 above, the applicant shall demonstrate compliance with every provision of the performance standard set forth below when specifically referred to in the applicable provisions of this Chapter.

2. Applicant shall demonstrate that the proposed use of water at the premises, plus the base volume of use, plus the estimated uses of water on previously approved but not implemented projects within the aquifer, less reasonable surface recharge of groundwater, shall not exceed the safe yield of the aquifer, nor shall it adversely affect existing wells or cause the movement of known sources of contaminated groundwater. In determining the effect upon groundwater, the underlying geology, adjacent wells, surface hydrological features shall be examined.

3. Quantities for estimated use shall be determined according to the provisions in Chapter 73 of the Pennsylvania Department of Environmental Protection Regulations. Estimation of aquifer yield shall be determined by the methods set forth in "Engineering Field Manual for Conservation Practices," U.S. Dept. of Agricultural Soil Conservation Service, Chap. 11. [*Ord. 167*]

4. The extraction of ground water for geothermal heating and/or cooling shall require a reinjection well to replace water drawn from the source well. Water drawn for geothermal purposes shall not be permitted to be injected into surface streams or

stormwater management systems.

(*Ord. 74, 3/30/1995, §1715; as amended by Ord. 167, 4/6/2011*)

§27-1817. Specific Performance Standard - Fire Protection.

1. In addition to the general standards listed in §§27-1805 through 27-1813 above, the applicant shall demonstrate compliance with every provision of the performance standard set forth below when specifically referred to in the applicable provisions of this Chapter.

2. All activities and all storage of flammable and explosive material at any point shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate firefighting and fire-suppression equipment, and devices as detailed and specified by the laws of the Commonwealth of Pennsylvania. The applicant shall furnish a plan of fire protection approved by the chief of the fire department having first call jurisdiction demonstrating that firefighting facilities are available to fight fires or similar casualties any place within the subject premises to the extent that the peril may there be found. Where, owing to the height or location of buildings or the activities to be conducted therein, the fire company having first call jurisdiction cannot reach or effectively combat the foreseeable fire or casualty, the applicant shall provide adequate in-place facilities for such emergencies. The plan shall include sufficient explanatory materials to demonstrate compliance with this Section.

3. All fire protection facilities and documentation shall conform to the standards set forth by the National Fire Protection Association (NFPA) as administered by the office of the State Fire Marshal. All buildings and structures and activities within such buildings and structures shall conform to the Building Code, the Fire Prevention Code, and other applicable Township Ordinances. Any explosive material shall conform to the requirements of Chapter 211, Title 25, Rules and Regulations, Pennsylvania Department of Environmental Protection for storing, handling and use of explosives. [*Ord. 167*]

(*Ord. 74, 3/30/1995, §1716; as amended by Ord. 167, 4/6/2011*)

§27-1818. Specific Performance Standard - Noise.

1. In addition to the general standards listed in §§27-1805 through 27-1813 above, the applicant shall demonstrate compliance with every provision of the performance standard set forth below when specifically referred to in the applicable provisions of this Chapter.

2. The sound level of any operation, excluding off-site transportation facilities, temporary construction and demolition activities and emergency alarm signals, shall not exceed the following decibel level in the designated octave bands. All sound pressure levels shall be measured at the property lines of the receiving land use. 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 15 second interval) the excursions of sound pressure level shall not exceed 20 dBA over the ambient sound level, regardless of time of day or night or receiving land use. The maximum permissible sound pressure levels for smooth and continuous noise measured at the receiving land use shall be as follows:

Maximum Permitted Sound Pressure Levels

Frequency Band Cycles Per Second	Maximum Permitted Sound Pressure Level (Decibel)
0-149	67
150-299	59
300-599	52
600-1199	46
1200-2399	40
2400-4799	34
4800-and above	32

The sound levels set forth in the above Table shall be adjusted to account for differing receiving land uses and times of day as set forth in the following Table, when measured at or within the property boundary of the receiving land use.

Continuous Sound Levels by Receiving Land Use

Receiving Land Use Category	Time Frame	Sound Level Adjustment
Residential, Public Space, Open Space,	1) 7:00 a.m. – 10:00 p.m.	0 dBA
Agricultural or Institutional	2) 10:00p.m. – 7:00 a.m. plus Sundays and legal holidays	-10 dBA
Commercial or Business	1) 7:00 a.m. – 10:00 p.m.	+5 dBA
	2) 10:00 p.m. – 7:00 a.m. plus Sundays and legal holidays	0 dBA
Industrial	At all times	+10 dBA
All uses	Less than 5 percent of any hour	+5 dBA

Sound pressure levels shall be determined using the “fast” meter characteristic of a Type II meter, meeting the ANSI specifications S1.4-1971, according to the methods set forth in “Octave, Half Octave and Third Octave Band Filter Sets,” S1.11 1966, R1971, American National Standard Institute, Inc. New York, NY.

(Ord. 74, 3/30/1995, §1717)

§27-1819. Specific Performance Standard - Dust.

1. In addition to the general standards listed in §§27-1805 through 27-1813 above, the applicant shall demonstrate compliance with every provision of the performance standard set forth below when specifically referred to in the applicable provisions of this Chapter.

2. No dust or particulate matter shall be emitted from any chimney, quarry, factory or other operation having a visible gray opacity greater than No. 1 on the Ringleman Smoke Chart, except that smoke of a shade not darker than No. 2 on the Ringleman Chart may be emitted for not more than 4 minutes in a 30 minute period. The emission of dirt, dust, or fly ash, in sufficient quantities which may cause any damage to human health, to animals, to vegetation or to property, or which can cause soiling or staining of persons or property at any point beyond the lot lines of the use creating the emission is prohibited. No emission of liquid or solid particles from any chimney or other source shall exceed $\frac{7}{10}$ grains per cubic foot of the carrying gas at any point beyond the lot line of the use creating the emission. For measurement of the amount of particles and gases resulting from combustion, standard correction shall be applied to a stack temperature of 500°F and 50 percent excess air in stack at full load.

3. Smoke and dust generation shall be measured according to the standards set forth in the "Ringleman Smoke Chart," U.S. Bureau of Mines. The standards for air pollution set forth in the Air Pollution Control Act, 35 P.S. §§4001-4015 and the DEP Regulations promulgated thereunder and Title 2, Pa.Code, Chapters 1 through 143, shall apply in determining emission of particulate matter. The emission of fumes and gasses shall conform to all applicable provisions of the Pennsylvania Air Pollution Control Laws, including the standards set forth in Chapter 123 (Standards for Contaminants) and Chapter 131 (Ambient Air Quality Standards), Part 3, Title 25, Pennsylvania Department of Environmental Protection Rules and Regulations. [*Ord. 167*]

(*Ord. 74, 3/30/1995, §1718; as amended by Ord. 167, 4/6/2011*)

§27-1820. Specific Performance Standard - Odor.

1. In addition to the general standards listed in §§27-1805 through 27-1813 above, the applicant shall demonstrate compliance with every provision of the performance standard set forth below when specifically referred to in the applicable provisions of this Chapter.

2. No use other than extensive and intensive agricultural uses shall emit odors, gases or other odorous matter in such quantities as to be offensive at any point on or beyond its lot lines on a consistent and sustained basis. The occurrence of odors normally incident to extensive or intensive farming shall only be permitted pursuant to utilizing the least offensive methods reasonably available in current practice.

3. The guide for determining offensive odors shall be the 50 percent response level of Table 1 (Odor Thresholds in Air), "Research on Chemical Odors": Part I-Odor Thresholds for 53 Commercial Chemicals, October, 1968, Manufacturing Chemists Association, Inc., Washington, DC. If not specifically referenced in the preceding document, odor shall be determined according to the most restrictive provisions of Table III in Odor Threshold Chapter 5 of "Air Pollution Abatement Manual," Copyright 1951, American Chemists Association, Inc., Washington, DC)

(*Ord. 74, 3/30/1995, §1719*)

§27-1821. Specific Performance Standard - Heat.

1. In addition to the general standards listed in §§27-1805 through 27-1813 above, the applicant shall demonstrate compliance with every provision of the performance

standard set forth below when specifically referred to in the applicable provisions of this Chapter.

2. Heat shall be defined as a perceptible increase above the ambient temperature due to the activities of the use. No use shall produce heat beyond its lot lines. There shall be no emission or transmission of heat or heated air so as to be discernible at the lot line.

(Ord. 74, 3/30/1995, §1720)

§27-1822. Specific Performance Standard - Glare.

1. In addition to the general standards listed in §§27-1805 through 27-1813 above, the applicant shall demonstrate compliance with every provision of the performance standard set forth below when specifically referred to in the applicable provisions of this Chapter.

2. No direct or sky-reflected glare, whether from floodlights or high temperature processes such as combustion or welding or otherwise, shall be permitted so as to be visible at the lot line. No use shall produce any strong or blinding light or direct specular reflection thereof beyond its lot lines. Exterior lighting shall be directed downward and the actual light source shall be shielded from view above 45 degrees from horizontal. Direct or indirect lighting measured at the property line shall not exceed the levels set forth in §27-1807.

3. Glare shall be defined as a source of bright light within 45 degrees of the horizon when measured at the property line, such source emitting light that is over three times the ambient light level that would exist if there was no source of glare.

(Ord. 74, 3/30/1995, §1721)

§27-1823. Specific Performance Standard - Vibrations.

1. In addition to the general standards listed in §§27-1805 through 27-1813 above, the applicant shall demonstrate compliance with every provision of the performance standard specifically set forth below when specifically referred to in the applicable provisions of this Chapter.

2. Except for vibrations produced as a result of construction activities upon the premises, no use shall cause earth vibrations or concussions detectable beyond its lot lines without the aid of instruments. All blasting operations in extractive industries shall be matted and so controlled as to avoid damage from vibrations to persons or property beyond its lot lines or impair the use and enjoyment of adjacent lands and uses. A combination of screening, fencing and buffer areas shall be utilized sufficient to demonstrate compliance with this standard.

3. Vibration shall be defined as that level of earth movement measured at the property line equivalent to Level 1 on the Richter Scale for seismic measurements.

(Ord. 74, 3/30/1995, §1722)

§27-1824. Specific Performance Standard - Storage and Waste Disposal.

1. In addition to the general standards listed in §§27-1805 through 27-1813 above, the applicant shall demonstrate compliance with every provision of the performance standard specifically set forth below when specifically referred to in the applicable

provisions of this Chapter.

2. The applicant shall demonstrate a safe, convenient and effective plan for the collection, storage, treatment and disposal of industrial waste generated by any use upon the property. No materials or waste shall be deposited upon a lot in such a form or manner that they may be transported from approved storage areas by natural causes or forces. There shall be no discharge at any point into any public or private sewerage system, or onto adjacent properties or roads or into any streams, lakes or ponds. Leachate or any other pollutant shall not enter the ground or water table in such a way as will contaminate the aquifer or otherwise cause the emission of hazardous materials into the environment. Any facility accepting discarded products containing environmentally hazardous substances shall comply with all Federal and State regulations regarding storage and disposal of such substances. All outdoor storage of hazardous materials shall be fully enclosed by an approved fence with a self-closing and self-locking gate. All storage of materials or chemicals causing fumes or which may attract rodents or insects or are flammable shall be stored in enclosed containers adequate to eliminate such hazards. In addition to a fence, bulk storage tanks shall be enclosed by a moat or berm to contain potential spillage. Open sedentary lagoons shall not be deemed an acceptable method of storage, treatment or disposal of industrial waste.

3. Storage of waste shall conform to the regulations set forth in the Solid Waste Management Act and other applicable laws of the Commonwealth of Pennsylvania, and specifically Chapters 73, 75, 95 and 97, Title 25 Pennsylvania Department of Environmental Protection Rules and Regulations. The evidence of compliance shall include, but need not be limited to, appropriate permits issued by the Department of Environmental Protection under the Solid Waste Management Act and Regulations issued by the Department of Environmental Protection promulgate under this Act. [Ord. 167]

(Ord. 74, 3/30/1995, §1723; as amended by Ord. 167, 4/6/2011; and by Ord. 177, --/2012, §14)

§27-1825. Specific Performance Standard - Radioactivity or Electrical Disturbances.

1. In addition to the general standards listed in §§27-1805 through 27-1813 above, the applicant shall demonstrate compliance with every provision of the performance standard set forth below when specifically referred to in the applicable provisions of this Chapter.

2. There shall be no activities which emit dangerous radioactivity, or radioactive substances at any point. There shall be no radio or electrical interference adversely affecting the operation of equipment belonging to someone other than the generator of such interference.

3. If any use is proposed which incorporates the use of radioactive material, equipment or supplies, such use shall be in strict conformity with Chapters 211, 223, 227 and 229, Title 25, Part 5, Pennsylvania Department of Environmental Protection Rules and Regulations. Electrical interference shall be defined as interference with normal functioning of electrical equipment occurring directly as a result of the operations of the generator of such interference. [Ord. 167]

(Ord. 74, 3/30/1995, §1724; as amended by Ord. 167, 4/6/2011; and by Ord. 168, 8/10/2011, §1)

§27-1826. Impact Statements.

1. *Applicability.* The following impact statements, §§27-1827 through 27-1830, shall be required for all preliminary applications for development when any of the following are proposed for a property:

- A. Residential development of 25 dwelling units or more.
- B. Institution or life care facility of 25 or more bedrooms or residential units.
- C. Industrial, commercial and/or office development of 50,000 square feet of floor area or greater, or a subdivision of 25 or more lots/units.
- D. Intensive agriculture when the total area for the intensive agriculture use (including all buildings and storage areas) exceeds 1.25 acres. [Ord. 152]

(Ord. 74, 3/30/1995, §1725; as amended by Ord. 152, 11/10/2008, §12; and by Ord. 177, --/2012, §15)

§27-1827. Traffic Impact Study.

1. *Purpose.* A traffic impact study shall be required for any development proposed pursuant to §27-1826 above. Such study shall enable the Board of Supervisors to assess the likely impact of a proposed development in the various components of the transportation system in the Township. The purpose of said study shall be to identify any traffic problems likely to emanate from egress, road capacities, and off-site traffic flow, and to determine its impact on public transportation and pedestrian and non-vehicular circulation in the area. The applicant shall retain a qualified professional traffic engineer to prepare the traffic impact study. For purposes of this provision a qualified traffic engineer shall be deemed any individual holding a degree from an accredited university in traffic engineering specialty, or any individual holding a university degree who also possesses membership in the Institute of Transportation Engineers, or any individual who conforms to the definition for a “municipal traffic engineer” preferred in 67 Pa.Code, Chapter 612, as amended, entitled “Municipal Traffic Engineering Certification.”

2. The study area shall be the road network as defined by the traffic engineer, which represents the area that is likely to be affected (from a traffic impact standpoint) by the development. Prior to identifying the study area, the traffic engineer shall discuss possible study area boundaries with the applicant and the Township. Specific intersections to be included in the study shall be mutually agreed upon prior to initiating work.

3. A traffic impact study shall contain the following information:

- A. *General Site Description.* The size description shall include the size, location proposed land uses, construction staging, and completion date of the proposed development. A brief description of other major existing uses and approved recorded development plans that as agreed upon by the Township, and the traffic engineer, have bearing on the development's likely traffic impact shall be included as source data. The Township may, in addition, require consideration of development proposals not yet approved and recorded, but with sufficient status and probable impact to warrant inclusion.

B. *Transportation Facilities Description.* Said description shall contain a full documentation of the proposed internal and external circulation system within the

study area. Said description shall include:

(1) Proposed internal vehicular, bicycle, and pedestrian circulation; all proposed ingress and egress locations; all internal roadway widths and rights-of-way; existing and proposed parking conditions; traffic channeling; and any traffic signals or other intersection control devices at all intersections within the project site.

(2) Said description shall include all major elements of the existing external roadway system within the study area. All major existing and proposed public transportation services and facilities within the study area also shall be documented. All future highway improvements, including proposed construction and traffic signaling, shall be noted. This information shall be obtained from the Pennsylvania Department of Transportation.

C. *Existing Traffic Conditions.* Existing traffic conditions shall be documented for all major roadways and intersections established as part of the study area under subsection .3.A above. Existing traffic volumes for average daily traffic, peak hour(s) traffic shall be recorded. Mechanical or manual traffic counts at major intersections in the study area shall be conducted encompassing the peak highway and development generated hour(s), and documentation regarding said traffic counts shall be included in the traffic engineer's report. A volume capacity analysis based upon existing volumes shall be performed during the peak highway hour(s) and the peak development generated hour(s) for all roadways and major intersections within the study area. The capacity analysis shall be conducted according to methods of analysis acceptable to the Pennsylvania Department of Transportation. The existing level of service associated with each major roadway and intersection evaluated shall be recorded. Data about the most recent available accident levels within the study area shall be indicated.

D. *Impact of Development on Area Circulation.* Estimates of vehicle trips to result from the proposed development shall be completed for the design-day peak highway hour(s) and peak development generated hour(s). In order to obtain vehicle trip generation base data, the traffic engineer shall consult either his firm's data bank, or the most current edition of the Institute of Transportation Engineers Trip Generation report. All turning movements associated with the proposed improvement generated hour(s) shall be computed and contained in the study. Traffic volumes generated by the proposed use shall be distributed and assigned to existing roadways and intersections throughout the study area for which existing conditions were recorded. Documentation of all assumptions used in distribution and assignment of traffic shall be provided. Any characteristics of the site that are likely to cause particular traffic management problems shall be noted.

E. *Analysis of traffic Impact.* The traffic engineer shall evaluate the likely impact of the proposed development in the area's circulation system. Included shall be an evaluation of the proposal's likely impact on existing and planned public transportation improvements, the expected impact on pedestrian and non-vehicular circulation, an evaluation of the capacity of existing roadways within the study area to accommodate site-generated traffic, as well as total future traffic demand. (Total future traffic demand shall be defined to include existing vehicular volumes and traffic volumes associated with approved developments within the study area). This demand shall consist of a combination of the existing traffic expanded to the

completion year (using an annual traffic rate available from Delaware Valley Regional Planning Commission), the development-generated traffic, and the traffic generated by other proposed developments in the study area. The traffic engineer shall render an opinion regarding the capacity of the existing roadway system to accommodate future traffic demand. Should the traffic engineer conclude that the existing roadway system cannot accommodate anticipated traffic demand, said engineer shall proffer a recommendation regarding what improvements are necessary to the area's roadway system. Said traffic engineer shall identify the relationship of site-generated traffic associated with the proposed development's impact on overall demand, and shall further identify the development's proportional relationship to the traffic system improvements that are likely to be required, in part, due to the development. The volume/capacity analysis performed in accordance with subsection .3.C, above, shall be updated to include a volume/capacity analysis using the total future demand and future roadway capacity. In addition, if staging of the proposed, development is anticipated, calculations for each stage of completion vis-a-vis the volume/capacity analysis shall be performed. The analysis shall be conducted, on a design day, during the peak-highway hour(s) and at major intersections in the study area which are projected to be affected by the proposed development. All access points and pedestrian crossings shall be examined as to the need for and feasibility of installing traffic signals or other traffic control devices. To do this, the traffic engineer shall evaluate access points and pedestrian crossings pursuant to Pennsylvania Department of Transportation specifications for traffic signal warrants.

F. *Conclusions and Recommended Improvements.* Projected levels of service for all roadways and intersections shall be identified at the conclusion of each phase of the development. All roadways and/or intersections showing a level of service which is deemed deficient by the traffic engineer during peak hours of the day (peak hour defined to include peak hour of traffic on the particular roadway and peak hour of traffic of development generated traffic) shall be identified. Specific recommendations for elimination of traffic problems associated with the proposed development shall be identified. (Levels of service are defined in the 1965 Highway Capacity Manual, Highway Research Board, National Academy of Sciences, Special Report 87). A listing of recommended improvements shall include the following elements:

(1) *Internal Circulation Design.* Site access locations and design, improvements and road widening; traffic signal installation and operation, including signal timing; transit design improvements; and reduced intensities of use. All physical roadway improvements shall be shown in sketches as a part of the report.

(2) The listing recommending improvements for vehicular, pedestrian, non-vehicular, and transit modes shall include, for each improvement, the party proposed to be responsible for the improvement, the cost and funding of the improvement (to the extent possible) and the completion data for the improvement (to the extent possible).

4. The Township, with the assistance of its own traffic engineer, shall review the methodology, assumptions, findings, and recommendations of the applicant's traffic

engineer. The Board may impose upon the applicant additional improvements deemed necessary to accommodate impacts of the development.

(*Ord. 74, 3/30/1995, §1726*)

§27-1828. Utilities Impact Study.

1. A utilities impact study must be submitted by the applicant and shall be prepared by a registered professional engineer indicating the likely impact of the proposed development on the existing sewer, water, groundwater, solid waste, and drainage systems serving the Township pursuant to §27-1826 above. Said impact analysis shall identify the existing capacity of facilities which would serve the development, the prospects of those facilities being able to provide service to it, and any improvements that might be required as a direct result of the proposed development.

2. Additionally, the study should identify the likely ability of sewer, water, solid waste, and drainage systems to continue to provide efficient and economic service to existing residents and businesses within the Township, considering added service requirements of the proposed development. The study shall indicate what alternatives have been considered for sewage treatment and disposal, as well as measures to be initiated toward waste recycling and water conservation.

(*Ord. 74, 3/30/1995, §1727*)

§27-1829. Recreation Impact Study.

1. The recreation impact study must be submitted by the applicant, pursuant to §27-1826 above, and shall analyze the demand for recreational facilities which the proposed development will generate and determine whether adequate facilities exist or are planned or proposed. As a minimum, the study should include the following:

A. A description of the projected age breakdown of the residents of the proposed development.

B. A description of any recreational facilities to be provided by the developer.

C. A description of who the responsible party(s) will be for ownership and maintenance (public or private) of any recreational facilities to be provided by the developer.

D. A description of existing municipal recreational facilities and the impact of the proposed development on these facilities. Accepted standards for required recreation shall be indicated in the Township Open Space and Recreation Study.

E. Discussion of potential for any recreational facilities to be provided by the developer to compensate for any anticipated deficiencies of the Township's recreational facilities.

F. A description of accessibility of developer proposed facilities to general Township residents.

G. A description of any contributions the developer plans to make for Township recreation to compensate for expected impacts.

(*Ord. 74, 3/30/1995, §1728*)

§27-1830. Fiscal Impact Analysis.

1. *Applicability.* The requirement of a fiscal impact analysis shall apply only to uses permitted by conditional use review or special exception, to all proposed zoning changes, and to all applications meeting the criteria of §27-1826 above.

2. *Format.* The Board shall consider the impact of the proposed use on the Township and on the facilities and systems as listed hereafter. When required by the Board, the applicant shall provide all of the information, data and studies needed to allow the Board to reach conclusive evaluation of the areas set forth hereafter, which are applicable to the use proposed. The impact statement should be one written document. Necessary maps, charts, etc., should be labeled as consecutively numbered exhibits and properly referenced throughout the text of the written document. The statement should be written in a manner and style that clearly focuses the information, data, and analysis on the issues and objectives requested by the Board. The source of all data should be appropriately documented.

3. *Content.* A fiscal impact analysis shall identify the likely impact of the development on the Township's tax structure and expenditure patterns. Included shall be a determination of the revenue to accrue to the Township as a result of a proposed development, as well as an identification of the costs associated with delivering services to the proposed development. The fiscal impact analysis shall deal with the impact of the proposed development on the ability of the Township to deliver fire, police, administrative, public works and utility services to the development on the Township's economy. In order to prepare the analysis, the applicant shall utilize a methodology proffered in "The Fiscal Impact Handbook" (Rutgers Center for Urban Policy Research, 1978, as modified from time to time), adapted as appropriate and to the Board's satisfaction. The case study method shall be the preferred alternative; in reviewing methodologies with the applicant, however, the Board may authorize a different methodology if the applicant can demonstrate to the Board's satisfaction substantial advantages in results achieved and/or efficiencies realized. The Township shall serve as the key provider of local information for this analysis. Particular aspects of the Township's service delivery capability to be analyzed shall include:

A. *Public Works.* This includes potential effects on the maintenance, repair and upkeep of roads, signal systems, sewer, water and drainage systems, open space and recreation areas or any other applicable function of this department. This study shall address projected cost increases for the above-mentioned items in terms of administration, personnel, equipment and materials.

B. *Administration.* This includes time that would be required by the Board of Supervisors and clerical personnel to process the application and handle the project during construction, as well as long term administrative demands. This should include, but not be limited to, the handling of plans, contracts, various legal instruments or agreements, permits, special problems, and escrow. Added demands on the code administration staff also shall be projected.

C. *Fire and Emergency Services.* The analysis shall incorporate the development's impact on fire company capabilities including, but not limited to, municipal water supply, pumping capacity, specialized equipment and training requirements.

D. *Police.* The study shall project the overall effects of the proposed development on existing Township police personnel numbers, equipment, vehicles and working space. The plan should include whatever facilities or assistance the

development will provide to handle emergencies, criminal investigation, armed robbery, or other security-related problems.

4. Any costs incurred by the Township as agreed to by the applicant, to study plans and/or studies submitted either by the Township's consulting engineer or a professional specifically retained for this purpose, shall be reimbursed to the Township before any use and occupancy permit is issued.

(Ord. 74, 3/30/1995, §1729)

§27-1831. Environmental Assessment Report.

1. All applicants meeting the criteria of §27-1826 above shall prepare an environmental assessment report in accordance with the provisions of this Section. The format and contents of the environmental assessment report shall be as follows:

A. *Description of Existing Conditions.* This Section shall present a description of existing characteristics of the property with respect to geology, topography, ground and surface water hydrology, soils, vegetation, fauna, and existing improvements and uses.

B. *Description of the Proposed Action.* This Section shall describe the proposed action including types, locations and phasing of proposed site disturbances and construction, as well as proposed future ownership and maintenance of the property and the proposed improvements. Plans describing the proposed action may either be included within or accompany the environmental assessment report.

C. *Proposed Measures to Control Potential Adverse Environmental Impacts.* This Section shall describe all measures proposed by the applicant to control all adverse impacts which may occur as a result of the proposed action. It shall address all impacts cited by the Township Engineer in his report on the application, prepared in accordance with procedures described in this Section.

D. *List and Qualifications of Preparers.* The names, addresses, telephone numbers and qualifications of persons directly responsible for preparing the environmental assessment shall be provided.

E. *Appendices.* Any additional information which the applicant wishes to provide may be included in one or more appendices to the report.

2. The environmental assessment report must be received by the Township no later than 20 days prior to the final date by which the Township must formally act upon the application. The report shall be submitted in six copies to the Township. The Township Engineer shall review the report and submit his findings in a memorandum to the Board. A copy of the memorandum shall be forwarded to the applicant.

3. Following the receipt of the environmental assessment report, the Board shall either approve the application, approve with conditions, or reject it, and shall do so within any applicable time period unless a request to extend the time period is mutually agreed upon in writing.

4. Where compliance with this Section is required as part of an application for subdivision or land development approval, the Board's decision on whether compliance has been achieved shall be made as part of its decision on the subdivision or land development application.

5. Where the application is part of a request for a zoning permit, the zoning officer

shall issue no such permit until the terms of this Section, and any conditions imposed upon the use of the property at the time of subdivision or land development approval, are satisfied.

(Ord. 74, 3/30/1995, §1730)

§27-1832. Agricultural Sanitary and Safety Regulations.

The following provisions shall apply to all types of agriculture:

A. *Well, Well House and Pump House.* If a favorable site for a water well is determined to be closer than 50 feet from a lot line, such a well, together with a well or pumphouse, shall be exempt from the setback requirements for accessory structures and facilities, providing that the location of the well meets the requirements of the Chester County Health Department.

B. *In-Ground Liquid Waste Facilities.* Pits, ponds, trenches, lagoons, or other open, in-ground facilities for the collection, storage or processing of liquid wastes or manure from any type of agricultural use shall comply with the following:

(1) Each such in-ground facility, unless located in an enclosed building with doors that are kept locked when not attended, shall be completely surrounded, except as provide in subparagraph (2) below, with a sturdy fence or wall no less than 5 feet in height with an additional three strands of barbed wire running above the fence in the same plane as the fence or wall. Said fence or wall shall be situated as close as practicable to the in-ground facility, but in no case at a distance greater than 100 feet.

(2) Each opening in the required fence or wall shall be fitted with a gate at least as high as the fence (including the distance to the top of the barbed wire) and such gate shall be kept locked at all times when it is not attended.

(3) The minimum distance from the in-ground facility to any lot line or to any dwelling on the lot where said facility is located shall be 250 feet.

(4) In-ground liquid waste facilities shall comply with the requirements and regulations of all Federal and State agencies having jurisdiction over such facilities.

(5) The required fence or wall shall be maintained to keep it in good structural condition, and an area at least 10 feet in width outside the fence shall be kept mowed so that vegetation adjacent to the fence does not exceed 12 inches in height.

C. *Insect and Vermin Control.* Insects, rats and other vermin shall be controlled in accordance with the current regulations of the Chester County Health Department.

D. *Manure Storage.* Areas and structures used for the storage of manure shall be at least 100 feet from wells, springs, lakes and streams, and shall not be in any areas designated as floodplain. Land adjacent to such areas and structures shall be graded so as to divert run-off away from said wells, springs, lakes and streams, as well as away from streets, and adjacent lots. Manure storage shall be in accordance with the current recommended practices and/or regulations of the PA DEP. [Ord. 167]

E. *Run-Off from Feed Lots.* Land adjacent to feed lots shall be graded so as

to divert run-off away from wells, springs, lakes and streams, as well as away from streets and adjacent lots. [Ord. 177]

F. *Composting Processing Operations.* All commercial composting processing operations and agricultural composting processing operations shall be governed by the standards set forth in §27-1838. [Ord. 177]

G. The provisions of the Stormwater Management Ordinance [Chapter 20] shall apply to all intensive agricultural operations.[Ord. 177]

(Ord. 74, 3/30/1995, §1731; as amended by Ord. 90, 4/14/2004, §5; by Ord. 152, 11/10/2008, §13; by Ord. 167, 4/6/2011; and by Ord. 177, --/2012, §§16, 17, 18)

§27-1833. Animal Regulations and Standards.

1. *Horses and Ponies.* The keeping of horses and ponies, for private, non-commercial recreational use only, shall be permitted in residential districts, subject to the following limitations:

A. A lot size of 2 acres shall be the minimum for keeping of one animal; for each additional animal, 1 additional acre of pastured lot will be required.

B. Stables for horses or ponies shall be a minimum of 50 feet from all lot lines.

C. Lots shall be graded so that animal wastes from stables are confined to the lots on which such stables are located.

2. *Non-Commercial Animal Husbandry.* Non-commercial animal husbandry shall be permitted as an accessory use on single-family detached residential lots, subject to the following limitations:

A. A lot size of 2 acres shall be the minimum for keeping one animal unit or one poultry unit or a mixture of animals and poultry not to exceed one unit. For the keeping of each additional animal or poultry unit, or a mixture equaling one unit, 1 additional acre of lot size shall be required.

B. The following shall be used to calculate the number of animals per animal unit and/or birds per poultry unit:

ANIMAL UNITS

500 or more pound animals	=	1.0 animal unit
250 to 500 pound animals	=	0.5 animal unit
125 to 250 pound animals	=	0.25 animal unit
60 to 125 pound animals	=	0.13 animal unit
10 to 60 pound animals	=	0.10 animal unit

POULTRY UNITS

20 or more pound birds	=	0.10 poultry unit
15 to 20 pound birds	=	0.075 poultry unit

10 to 15 pound birds	=	0.05 poultry unit
5 to 10 pound birds	=	0.025 poultry unit
2 to 5 pound birds	=	0.0125 poultry unit

C. Buildings used for housing of animals and poultry shall be located a minimum of 50 feet from all lot lines.

D. Lots shall be graded so that wastes from structures where animals and poultry are kept are confined to the lots where such structures are located.

E. Swine which are allowed outside buildings must have a concrete feed pad.

F. Pasture area for animals and poultry yards shall be enclosed by a sturdy fence to prevent straying of animals and poultry.

G. If horses and/or ponies are kept, as provided in subsection .1, above, they shall be included in determining the number of animal units allowed.

(Ord. 74, 3/30/1995, §1732)

§27-1834. Junkyards and Automobile Grave Yards.

This Section shall regulate junkyards, junkyard dealers, automobile grave yards, scrap yards, and the sale of refuse, scrap, automobile salvage parts, and the like. It shall also regulate the procedures for licensing of the above facilities and the conditions for their safe operation; prescribe the remedies for violations and authorize revocation of licences for noncompliance with the Section's provisions.

A. *License.* No person shall engage in business as a junk dealer, or maintain a junkyard without first having obtained a license from the Board of Supervisors under a conditional use review, per §27-2310, for which license a fee in accordance with the separate fee schedule shall be paid to the Township for the use of the Township. The license shall be issued for the 12-month period beginning July 1, and ending June 30 of the following year, and each license must be renewed annually on or before the first day of July.

B. *Application for License.* The license provided for in this Chapter shall be issued by the Board of Supervisors after written application shall have been made therefore by the person desiring to be licensed. Such license shall state the name to whom such license is issued and the premises on which such business is to be conducted, or such junkyard is to be maintained. Such license shall be posted conspicuously upon the premises licensed thereunder. The written application for license hereinabove mentioned shall be accompanied by a form, every question of which must be answered, which form will be supplied by the Board of Supervisors. The applicant shall also submit there with a plot of the premises used or to be used in connection with such license.

C. *Issuance of License.* Upon receipt of an application by the Board of Supervisors, it shall issue a license or shall refuse to issue a license to the person applying therefor after an examination of the application and taking into consideration the suitability of the property proposed to be used for the purposes of the license, the character of the properties located adjacent, and the effect of the proposed use upon the Township, both economic and aesthetic. In the event the Board of Supervisors shall issue a license, it may impose upon the license and the person applying therefore such terms and conditions in addition to the regulations herein contained and adopted pursuant to this Chapter as may be deemed necessary to carry out the spirit and intent of this Chapter.

D. *License Limitation.* No person licensed under this Chapter shall, by virtue of one license, keep more than one place of business within the Township or maintain more than one junkyard, or the like, for the purpose of buying, selling and dealing in junk. No person shall engage in business as a junk dealer in any place other than the place designated upon the license, or maintain a junkyard in any place other than the place designated upon the license.

E. *Transfer of License.* No license issued by the Board of Supervisors shall be transferable by the licensor to any other person unless such transfer is authorized by the Board of Supervisors. Any person desiring to transfer a license shall notify the Board of Supervisors in writing, which notification shall be accompanied by an application for a license, as described in paragraph .B above, by the transferee.

F. *License and Transfer Fees.* In the event a license is approved, renewed, or transferred the applicant shall immediately pay to the Township the appropriate

fee in accordance with the separate fee schedule, available at the Township building.

G. Every person, licensed under this Chapter, shall provide and shall constantly keep a book, in which shall be fairly written down in the English language at the time of purchase of any junk, a description of every article or material purchased or received by him, the date and hour of such purchase and the person from whom such article or material was purchased, received or handled by such person shall at all times be subject to the inspection of any official of the Township.

H. *Delay in Disposal.* Every person, licensed under this Chapter, shall keep and retain upon the licensed premises, for a period of 48 hours after the purchase or receipt thereof, all junk received or purchased by him, and he shall not disturb or reduce the same or alter the original form, shape or condition until such period of 48 hours shall have elapsed.

I. *Regulations.* Every person licensed under this Chapter shall constantly maintain the licensed premises in accordance with any special provisions imposed by the Board of Supervisors and in the manner prescribed by this Section and the applicable Sections of Part 18, specifically §27-1824.

(1) Such premises shall at all times be maintained so as not to constitute a nuisance or menace to the health of the community or of residents nearby or a place for the breeding of rodents and vermin or insects.

(2) No garbage or other organic waste shall be stored on such premises.

(3) Whenever any motor vehicle shall be received on such premises as junk, all gasoline and oil shall be drained and removed therefrom. Gasoline in an amount not exceeding 10 gallons may be stored above ground in said junkyard provided the same be placed in containers approved by the Board of Supervisors. All other gasoline which is kept on the premises shall be stored underground, which underground storage must be approved by the Board of Supervisors.

(4) The manner of storage and arrangement of junk, and the drainage facilities of the premises shall be such as to prevent the accumulation of stagnant water upon the premises, and to facilitate access for firefighting purposes.

(5) All junk kept, stored, or arranged on the licensed premises shall at all times be kept, stored and arranged as per the application for license hereunder, and as limited under paragraph .I.4., above.

(6) A person licensed under this Chapter shall not burn more than one motor vehicle or its equivalent at any one time. No oil, grease, tires, gasoline or other similar material that might be dangerous and tend to produce noxious smoke or odors shall be burned at any time on the premises. Burning of vehicles must be attended and controlled at all times.

(7) The premises to be licensed shall have the following setback distances and screening characteristics:

Setback from all rights-of-way lines	25 feet
Setback from all property lines	25 feet

Screening at the setback line shall consist of a fence and evergreen plantings determined during the conditional use proceedings. The setback area shall be kept free of all refuse and/or junk at all times. Dead plantings shall be replaced immediately or at the beginning of the next growing season following their death.

J. *Violations.* Any person who shall violate any of the provisions of this Chapter shall, upon conviction thereof, be sentenced to pay a fine, per a separate schedule, and costs of prosecution, and, in default of payment of such fines and costs, to imprisonment for not more than 30 days. Provided, each day's continuance of a violation, after notice thereof, shall constitute a separate offense.

K. *Abatement of Nuisances.* In addition to the remedies provided in paragraph .J, above, any continued violations of this Chapter which shall constitute a nuisance in fact or which shall in the opinion of the Board of Supervisors constitute a nuisance may be abated by proceeding against the violator in a court of equity for relief.

(Ord. 74, 3/30/1995, §1733)

§27-1835. Regulated Adult Uses.

1. *Intent.*

A. Buildings and establishments operated as adult uses as defined by this Part are determined to be detrimental and harmful to the health, safety and general welfare of a community. Noted to promote the health, safety, and general welfare of the residents of London Grove Township, this Section is intended to restrict adult uses to nonresidential, nonbusiness, and noncommercial areas of London Grove Township and otherwise regulate their operation. Wherever the operational characteristics of adult uses increases the deleterious impact on a community when such uses are concentrated, this Section is intended to promote the health, safety and general welfare and good order of the residents of London Grove Township by regulating the concentration of such use to minimize the deleterious effect on the aesthetics and economics of the areas in which these uses are located, and to avoid the promotion of an atmosphere conducive to violence, sexual harassment, public intoxication, prostitution, and the spread of sexually transmitted disease.

2. *Designation of Uses.* Regulated adult uses are uses not otherwise considered obscene as defined and prohibited by this Chapter of London Grove Township including:

- A. Adult bookstores.
- B. Adult mini-motion-picture theaters.
- C. Adult motion-picture theaters.
- D. Cabarets.
- E. Massage parlors.
- F. Drug paraphernalia stores.

3. *Standards of Conduct.* All regulated adult uses shall comply with the following standards:

- A. Regulated adult uses shall be located a minimum of 1,000 feet from

another existing regulated adult use; and/or

B. Regulated uses shall be located a minimum of 200 feet from any residentially zoned district or any of the following residentially related uses:

(1) Churches, monasteries, chapels, synagogues, convents, rectories, religious article or religious apparel stores.

(2) Schools up to and including the twelfth grade and their adjunct play areas.

(3) Public playgrounds, public swimming pools, public parks and libraries.

(4) Medical facilities, or other facilities which children are likely to visit.

C. No such regulated use shall be located in any zoning district except the Industrial District, subject to all regulations of that district.

D. For the purposes of this Section, spacing distances measure as follows:

(1) From all property lines of any regulated use in paragraph .B above.

(2) From the outward line of boundary of all residential zoning districts.

(3) From all property lines of any residentially related use in subsection .C.2.

4. *Signs and Other Visible Messages.* All regulated adult uses shall be permitted signs and visible messages based on the available sign area of the zoning district in which they are located, provided that:

A. *Signs.* Sign messages shall be limited to verbal description of material or services available on the premises.

B. *Other Visible Messages.* Messages which are visible or intended to be visible from outside the property, such as on or within doors or windows, shall not display materials, items, publications, pictures, films or printed material available on the premises, or pictures, films or live presentations of persons performing or services offered on the premises.

5. *Special Exception Permits.*

A. No uses described in this Section shall be established until the issuance of a special exception by the Zoning Hearing Board of London Grove Township. Application for a special exception shall consist of a description of the premises for which the permit is sought, a plain and concise statement of the use which is proposed and such additional information as may be reasonably required by the Zoning Hearing Board.

B. Should any regulated adult use listed above cease or discontinue operation for a period of 90 or more consecutive days, it may not resume nor may it be replaced by any other regulated use unless it complies with all the requirements as set forth herein.

(Ord. 74, 3/30/1995, §1734; as amended by Ord. 74-C, 7/2/1997, §1734)

§27-1836. Residential Density and Open Space Determination Using the Net Tract Area Approach.

Determination of the maximum number of permitted dwelling units for the AP Agricultural Preservation District, RR Residential Rural District, RM Residential

Medium District, MH Mobile Home District, and RH Residential High District shall be based upon the net tract area of the site.

A. Net tract area shall be calculated as follows:

(1) Determine the sum of the acreage of the features described in clause (a)-(f) below. Where two or more features overlap, the area shall be counted only once. This sum shall be inserted on Line 2 in Table 27-1836 below.

(a) Any existing road right-of-way, public or private. For the purpose of this computation, a private road shall be deemed to have a right-of-way equal to that required for a public road of the same classification with the centerline of each being congruent.

(b) Existing easements burdening the tract, including, but not limited to, utility easements, above or on the ground, railroad rights-of-way and private easements. Proposed rights-of-way for overhead high tension lines.

(c) Land under an existing conservation easement.

(d) Floodplain and floodway.

(e) Wetlands.

(f) Prohibitive steep slopes (25 percent or greater).

(2) Determine the applicable percentage for proposed road right-of-way, public or private, and insert on Line 4 in Table 27-1836.

Zoning District	Percent deducted for proposed road right-of-way
AP Agricultural Preservation	5 percent
RR Residential Rural	10 percent
RM Residential Medium	15 percent
RMH Residential Medium/High Mobile Home Park	15 percent
RH Residential High	15 percent

(3) Calculate net tract area in Table 27-1836. Net tract area shall equal the gross tract area minus the constrained lands.

Table 27-1836

1	Insert Gross Tract Area	_____ acres
2	Subtract the sum of (a)-(f) in subsection .A(1) above	- _____ acres
3	Sub-Total A	
4	Multiply by the applicable percentage from Subsection A(2) above	x _____ %
5	Sub-Total B	= _____ acres

6	Add Lines 2 and 5 (Constrained Lands)	- _____ acres
7	Subtract Line 6 from Line 1 NET TRACT AREA	= _____ acres

B. *Permitted Number of Dwelling Units.* The maximum number of permitted dwelling units shall equal the net tract area multiplied by the density factor for the zoning district in which the tract is located. Fractional units shall be rounded down from the product.

Zoning District	Density Factor (dwelling units/net acre, unless otherwise indicated)
AP Agricultural Preservation Base density TDR density	0.10 (per gross acre) 0.625 (DR* per acre)
RR Residential Rural Base density Clustering TDR Density Ecovillage [Ord. 161]	1.00 1.00 1.25 (DR* per acre) 7
RM Residential Medium Option RM-1 Cluster subdivision Option RM-2 Conventional subdivision Option RM-3 Mixed-use Village	2.00 2.00 4.00
MH Mobile Home Park Option MH-1 Cluster subdivision Option MH-2 Conventional subdivision Option MH-3 Mixed-use Village Option MH-4 Mobile Home Park	2.00 (base density for all dwelling types except mobile homes) 3.00 (base density for mobile homes) 2.00 4.00 (TDR density) 6.00 (TDR density)
RH Residential High Option RH-1 Cluster subdivision Option RH-2 Conventional subdivision Option RH-3 Mixed-use Village	4.00 N/A (see §27-902.2) 8.00 (TDR density)

*DR = Development Rights (see §27-503.B(2))

Formula: Maximum Dwelling Units = Net Tract Area x Density Factor

C. *Minimum Open Space.* The minimum open space required equals a percentage of the net tract area plus the constrained lands. The percentage of the net tract area varies depending on the zoning district and development option chosen, as follows:

Zoning District	Open Space Percent of Net Tract Area
RR Residential Rural Base density Clustering Ecovillage [Ord. 161]	-0- 50 percent 50 percent
RM Residential Medium Option RM-1 Cluster subdivision Option RM-2 Conventional subdivision Option RM-3 Mixed-use Village	40 percent -0- 30 percent
MH Mobile Home Park Option MH-1 Cluster subdivision Option MH-2 Conventional subdivision Option MH-3 Mixed-use Village Option MH-4 Mobile Home Park	40 percent -0- 30 percent 30 percent
RH Residential High Option RH-1 Cluster subdivision Option RH-2 Conventional subdivision Option RH-3 Mixed-use Village	40 percent -0- 20 percent

Formula: Minimum Open Space = Percent of Net Tract Area + Constrained Lands

EXAMPLE: Applying the Net Tract Area Approach to a Cluster Development on a 50-Acre Tract in the RR District

- Determine Net Tract Area by using Table 27-1836

TABLE 27-1836

1	Insert Gross Tract Area	50.00 acres
2	Subtract the sum of (a)-(f) in subsection .A(1) above Existing public right-of-way 1.50 acres Existing sewer easement 2.00 acres Floodplain 2.25 acres Wetlands 2.50 acres Prohibitive steep slopes 0.75 acres Total 9.00 acres	- 9.00 acres
3	Sub-Total A	= 41.00 acres

4	Multiply by the applicable percentage for RR District	x 10 percent
5	Sub-Total B	= 4.10 acres
6	Add Lines 2 and 5 (Constrained Lands)	13.10 acres
7	Subtract Line 6 from Line 1 NET TRACT AREA	= 36.90 acres

2. Permitted Dwelling Units

36.90 ac (net tract area) x 1.0 (RR density factor) = **36 dwelling units**

3. Minimum Open Space

36.90 ac (net tract area) x 0.50 (50% of net tract area) + 13.10 ac constrained lands = 18.45 + 13.10 ac = **31.55 ac open space**

[Ord. 111]

(Ord. 74, 3/30/1995; as amended by Ord. 111, 12/14/2005, §6; by Ord. 134, 3/29/2007, §§10, 11; and by Ord. 161, 10/6/2010, §1F)

§27-1837. Communication Towers.

All communication towers constructed in the Township that are 60 feet or higher from ground level shall comply with the following standards and regulations:

A. *Purposes.* The purposes of these standards and regulations are:

- (1) To accommodate the need for communication devices/towers in the Township.
- (2) To require joint use of communication towers to reduce the number in the Township.
- (3) To ensure proper engineering, safety and siting of the communication devices/towers.

B. *Prerequisites and Conditions.* Any tower request must use an existing tower so long as:

- (1) Height and location on the existing tower fulfills needed coverage and/or capacity gaps.
- (2) Space and structural capability on the existing tower exists to safely contain the transmitting and receiving devices proposed by any additional user.
- (3) Interference with existing users and hazards to the Township are not created.

Any future co-user of an existing communication tower shall secure a building permit from the Township authorizing the installation of its equipment on the tower, as well as the installation or construction of any equipment shed/building. In connection with equipment to be placed in the tower, any building permit application by a co-user must be accompanied by studies and/or reports required

by the Pennsylvania Construction Code, demonstrating that the communication tower, together with all of its structural components, has the structural capacity to accommodate the co-user's proposed equipment. At such time as any equipment installed on the tower is no longer operational, such non-operational equipment shall be removed as soon as possible by the user of the equipment and/or the owner of the communication tower.

C. *Standards and Regulations.* "Communication towers" for purposes of this Section shall be defined as self-supporting towers that are 60 feet or higher from ground level and that contain or support electronic equipment for wireless transmission and/or reception of any communication signals. All communication towers 60 feet or higher must:

(1) Meet the standards set forth under the Pennsylvania Uniform Construction Code (UCC).

(2) Conform to FCC and FAA regulations and present applicable FCC and FAA licenses and permits to the Township.

(3) Be enclosed by an 8-foot or higher steel chain link fence with three strands of barbed wire, angled out at 45 degrees from perpendicular. The fence perimeter shall include essential accessory building(s) and related operating infrastructure.

(4) Be readily accessible for only authorized personnel via a stone or paved roadway.

(5) Be centrally monitored 24/7.

(6) Affirm the tower maintenance program, with responsibility to immediately correct any faults. The latest inspection report will be provided to the Township annually.

(7) Be dismantled and cleared from the site the earlier of 6 months after cessation or abandonment of operation, or upon such time as directed by the Federal agency having jurisdiction over the subject matter.

Nothing herein is intended to affect, revoke or alter any present or future Township ordinance regulating communication towers which are less than 60 feet in height, or any ordinance regulating the installation, construction or use of any antennas, discs, receivers, transmitters and/or any other equipment or structures in connection with wireless transmission of any communication signals which are not governed by this Chapter and are not located on, or involving, communication towers 60 feet or greater in height.

D. *Conditional Use.* Communication towers shall be permitted by conditional use in the Industrial District and the Industrial Special Use District, and additionally, they shall be permitted within the Commercial Interchange District where the tower will be utilized in whole or in part by State, County, and/or local government services, subject to the following terms and conditions:

(1) Satisfaction of all standards of this Section.

(2) Exclusively commercial communication towers shall be restricted to a height of 180 feet. However, one communication tower shall be permitted within the Township to a maximum of 400 feet, provided that the tower shall be utilized by State, County and/or local government services as well as

commercial communication users. The communication tower will reduce the propagation of small towers and/or other electronic communications equipment in the Township.

(3) Except for the height of the towers herein provided, all area and bulk regulations for the underlying zoning district shall apply; provided, further, that communication towers shall be subject to the same setback requirements from boundary lines and right-of-way lines applying to buildings in the underlying zoning district.

(4) Existing vegetation shall be preserved to the maximum extent possible. Landscaping shall be required to screen and buffer as much of the communication tower and related buildings as possible, the fence surrounding the communication tower and any other ground level features of the communication tower from the abutting properties.

(*Ord. 74, 3/30/1995, as added by Ord. 74-B, 7/2/1997, §1735; as amended by Ord. 167, 4/6/2011; and by Ord. 168, 8/10/2011, §2*)

§27-1838. Composting Processing Operations, Commercial Composting Processing Operations and Agricultural Composting Operations.

1. Composting processing operations including either commercial composting processing operations and agricultural processing operations, where authorized as a conditional use in any zoning district, are permitted provided the Board of Supervisors determine that the proposed use and activity complies with the following:

A. The conditional use procedures and criteria contained in Section 27-2310.

B. The applicant must satisfy the criteria contained in this Section and provide the following information:

(1) Compliance with all State, Federal and county standards and regulations.

(2) An Environmental Assessment Report prepared and submitted in accordance with Federal, State and county regulations and with §27-1831 of this Chapter.

(3) A water feasibility study demonstrating that the proposed use will not adversely affect any well within 1,000 feet from any portion of the proposed use. In the event that the information does not adequately and reasonably demonstrate a lack of adverse impact on any well within 1,000 feet, the Board of Supervisors may require the applicant to install a monitoring well, or wells, at such locations as is reasonably determined necessary to determine the status of those wells within 1,000 feet of any part of the proposed use. The applicant must comply with the Chester County Conservation District Standards. If there is a conflict between this Section and the provisions in the Chester County Conservation District Standards, the Chester County Conservation District Standards shall prevail.

(4) All driveways onto the site must be paved for a distance of not less the 100 feet from the street right-of-way line. The applicant shall also install gravel access for a distance of 100 feet from the terminus of the blacktop to minimize the impact on any public street.

(5) The applicant must install a landscape strip of not less 50 feet in depth along all property lines. No structures, storage, or any other related activity or operation shall be permitted within this strip. Parking shall be permitted within the first 25 internal feet of this landscape strip except where the landscape strip abuts a residential use, in which case no parking shall be permitted in the landscape strip. Fences or other screening must be located on the interior portion of this strip.

(6) All leachate shall be disposed in compliance with any applicable State and Federal laws or regulations. In no event shall leachate be placed in any storm sewer, sewage disposal system, stormwater collection system, ground on in any manner inconsistent with the PADEP regulations.

(7) The applicant shall provide a method and plan demonstrating safe access to the site, control of odors, and the blowing of any litter, materials, or substances from the site.

(8) The operations facility must include sufficient areas for vehicle stacking while waiting for weighing, loading and/or unloading thereby avoiding stopping and/or parking of vehicles used in the operation on public roads.

(9) No hazardous materials may utilized in any part of this process.

(10) All activities of the operations facility, including vehicular and truck traffic, are subject to the provisions of §27-1818 of this Chapter.

(11) The applicant shall provide proof of notice with a copy of the application and plan to all residents within 1,000 feet of any portion of the proposed use.

C. *Application Procedure.* The applicant must provide a written application, and pay the fee according to the current schedule for a conditional use application. The application must include a topographical plan, prepared by a Pennsylvania registered engineer, with a scale no greater the 1 inch equals 200 feet showing.

(1) Location of site relative to public roads.

(2) Owners of adjacent properties.

(3) Proposed improvements.

(4) Proposed fencing.

(5) Proposed screening.

(6) The identity of the owners of the site and relationship to the applicant. The application shall include a description of the applicant's experience in the composting processing operations, and demonstrate that the applicant has no history of violations in this type of operation from any regulatory agency.

(7) A description of the method by which the applicant will satisfy all requirements and standards in this Part.

D. *Additional Standards.*

(1) *Minimum Lot Size.* No site shall be approved for a composting processing operation, which contains less than 15 contiguous acres, is divided by any public road, or is larger than 50 acres.

(2) Minimum lot width at street line shall be not less than 125 feet.

(3) Minimum setback from the lot lines for any structure, storage or use in this process shall be 250 feet.

(4) *Screening.* In addition to the location of the screening requirements in this Section, the Board may determine and require such types and number of screenings as to prohibit the view of the operations from any adjacent public road or property.

(5) The applicant shall comply with the stormwater management requirements of this Chapter and Storm Water Management Ordinance [Chapter 20].

E. *Design and Operation of Compost Processing Operations.* With regard to all activities, including the processing, preparation, curing, loading, material handling, unloading and storage (long and short-term), the applicant must demonstrate compliance and construct all facilities according to the following:

(1) *Design of All Facilities and Processes in the Operations.*

(a) All processes must occur on an asphalt, concrete, or other impermeable surface, which prevents the release of leachate.

(b) The site must be graded to prevent the pooling of water where agricultural waste or compost is received, processed or stored.

(c) The site must be designed to prevent run-off materials/water from entering the areas where waste or compost is received, processed or stored.

(d) The site must include covered and enclosed (on all sides) storage for organic materials, except unprocessed baled straw or hay.

(e) The site must include an enclosed building with an aerated floor, designed to ensure the compost is maintained in an aerobic condition, and with a negative pressure differential between the inside and outside of the building in which the composting process occurs with air emissions directed to collection and treatment in this Section.

(f) The site must include an air emission collection and treatment system for each part of the process. This system shall be designed and certified by a registered professional engineer, whose specialty includes the design of these types of systems and shall consist of a wet scrubber and biofilter to reduce air contaminants to a concentration that will minimize odor and pollution.

(2) The plan and compost processing operation shall comply with the following operations and standards.

(a) Pre-wetting of straw, hay or any other substance, may occur only as follows:

1) On an aerated floor.

2) In a dunk tank within an enclosed storage facility as required in subparagraph (1)(e) and (f).

(b) Pre-wet straw, hay or other substance must be stored in an enclosed aerated floor.

(c) Any mixture of wetted straw, hay or other organic materials and gypsum and nitrogen rich material must be moved into the enclosed

building described in subparagraph (1)(e) and (f) within the same day on which the mixture occurs.

(d) All other stages of the composting process, after mixture of the straw, hay or other organic materials with the nitrogen rich material, shall occur in the enclosed building described in subparagraph (1)(e) and (f).

(e) The applicant shall provide proof of compliance with all applicable Federal, State and Township rules, laws and requirements.

F. The Board of Supervisors may require the applicant to provide financial security in an amount determined to be reasonably necessary for the removal of any substances utilized as part of the compost processing operations should the operator fail to remove all materials and/or substances upon termination of this operation. The owner and/or operator shall maintain this security on an annual basis, with reasonable annual increases as are then necessary to assure the removal, and provide proof of insurance on or before the annual anniversary of the issuance of a certificate of occupancy.

(Ord. 74, 3/30/1995, as added by Ord. 177, --/2012, §19)

§27-1839. Solar Energy Systems.

1. *Purpose.* The purpose of this Part is to allow for the safe use of solar energy systems within the Township while providing simple guidelines to minimize any negative impact on citizens throughout the Township. The proper application of zoning and land use controls helps to ensure the safety of those involved with solar systems and to protect the aesthetic appeal of neighboring properties, without hindering the ability of citizens to supplement their energy supply through the proper use of solar energy systems. Use of solar energy systems, in accordance with these regulations, is supported and encouraged within the Township. Solar energy systems shall be maintained in accordance with the London Grove Township Property Maintenance Code [Chapter 5, Part 2].

2. The following development and design standards shall be applied to the construction and installation of any solar energy system:

A. Solar energy systems are permitted in all zoning districts as an accessory use, except that in the R-H and R-M Districts, a special exception is required for the installation of any ground mounted solar energy system on any property less than 8,000 square feet as defined in Chapter 27, §27-2104.

B. A zoning permit and a building permit are required for the installation of all solar energy systems.

C. A solar energy system may be placed on the roof (roof mounted) or on the ground (ground mounted).

(1) A roof mounted solar energy system may be mounted on a principle or accessory building. The system must be set back 3 feet from the edges of the roofline from gutter to ridge. The system must also be set back 3 feet along the roof's ridgeline. For sloped roofs and flat roofs the system may not extend higher than 5 feet above the roof where the system is mounted. The solar energy system may not be higher than the maximum allowable height for

buildings in the underlying zoning district. Front roof placement is discouraged unless this represents the only location where a solar system would be functional and only on a roof that meets the necessary slope for a functional roof mounted solar system as defined and certified by a professional engineer in the State of Pennsylvania and experienced in the area of solar energy systems. A front roof is defined as parallel to a front yard as defined in Chapter 27, §27-202, of the Codified Ordinances of London Grove Township.

(2) A ground mounted solar energy system must adhere to the same setback requirements as an accessory building in the underlying zoning district. The system may not be taller than 20 feet from the ground.

D. The surface area of a ground mounted system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage. The total coverage of a lot with ground mounted solar panels cannot exceed the greater of 50 percent lot coverage or the maximum allowable coverage for the district in which they are located.

E. Ground mounted solar energy systems may not be located in the front yard unless a special exception as defined in Chapter 27, §27-2104, of the Codified Ordinances of London Grove Township is granted by the Zoning Hearing Board.

F. All wiring for ground mounted solar energy systems shall be buried underground. Conduit runs to a roof mounted system shall be kept 10 inches below the roof decking. All wiring shall comply with the Pennsylvania Uniform Construction Code.

G. All solar mechanical equipment associated with and necessary for the operation of the solar energy system shall comply with the following:

(1) Solar mechanical equipment shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of shrubbery, trees or other non-invasive plant species which provides a visual screen. In lieu of a planting screen, a decorative fence meeting the requirements of this Chapter may be used.

(2) Solar mechanical equipment shall not be located within the minimum front yard setback of the underlying zoning district unless a special exception is granted by the Zoning Hearing Board.

(3) Solar mechanical equipment shall comply with the setbacks specified for accessory structures in the underlying zoning district.

H. Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.

I. Solar panels shall not be placed in the vicinity of any airport in a manner that would interfere with airport flight patterns. Acknowledgment from the Federal Aviation Administration may be necessary.

J. The owner of the solar energy system shall provide the Township with written confirmation and approval by the public utility company to which the system will be connected. Contacting the local public utility company is not necessary for off-grid systems.

K. Advertising on solar energy systems, outside of reasonable identification of manufacturer and operator, is prohibited. This includes any signage, streamers,

ribbons, flags, banners, or similar materials but does not include the posting of appropriate warning signs.

L. All solar systems shall be manufactured and installed in accordance with the Pennsylvania Uniform Construction Code.

M. The manufacturers' or installers' identification and appropriate warning signage shall be posted on or near the panels in a clearly visible manner.

N. Any solar energy system installed to be used by someone other than the owner of the property requires an affidavit or evidence of agreement between the lot owner and facility's owner or operator confirming the facility owner or operator has permission of the property owner to install and utilize solar panels.

3. Solar energy systems installed before this Part is enacted are not required to meet the regulations. However, any expansion of these systems at any point shall then require the updated portion of the system to be in adherence to this Part.

4. The following standards shall be applied to the installation and construction of any solar farm:

A. Solar farms are a permitted primary use in the Agricultural Protection District and Industrial District, but cannot be installed on more than 1 acre of prime farmland soils that include Class 1 through Class 3 soils.

B. All solar farms shall adhere to the area and bulk requirements of the underlying zoning district.

C. A security fence of at least 6 feet in height must be installed in accordance with buffering and screening requirements as defined in the London Grove Township Zoning Ordinance, §27-1806.

D. All appropriate signage shall be clearly posted at the site.

E. The manufacturers' or installers identification and appropriate warning signage shall be posted at the site in a clearly visible manner.

F. All wiring and on-site power lines shall be placed underground, to the maximum extent practicable. Any wiring carrying live current that is above ground should be clearly labeled as such.

G. All solar panels and solar energy collectors shall be located so as to not create any additional heat load upon neighboring properties.

H. All installers must be on the official list of registered installers (DEP Solar Sunshine) or be able to prove that they meet the standards of the registered installers' North American Board of Certified Energy Practitioners (NABCEP) Certified.

I. No solar farm shall be installed until evidence has been given to the Township that the public utility company, to which the system will be installed, has been informed and approved of the owners's intent to install a grid connected system.

J. Written permission by the owner of a solar farm must be provided to the Township by an installer or operator of the solar farm to apply for the necessary construction and/or operating permits.

K. The following should be included on all permit applications:

(1) Zoning and building permit applications must be on forms supplied by

London Grove Township.

(2) An application for a solar farm that is to be connected to the electric grid may not be approved until evidence has been given to the Township that the public utility company, to which the system will be installed, has been informed and approved of the owner's intent to install a grid connected system.

(3) A decommissioning plan, detailing the expected duration of the solar farm and the deconstruction of the solar farm when it is no longer in use.

L. If any solar farm has stopped operating for longer than 1 year, the facility shall be decommissioned at the owner's expense. Upon removal, the site shall be cleaned, restored, and re-vegetated to blend with the existing surrounding vegetation at the time of abandonment. If removed by the owner, a demolition permit shall be obtained and the facility shall be removed. If an owner of a solar farm has been notified by the Township to remove the farm and has not done so 6 months after receiving said notice, the Township may remove such system and place a lien upon the property for the cost of the removal and the cost for the site to be cleaned, restored, and re-vegetated to blend with the existing surrounding vegetation at the time of abandonment.

(Ord. 74, 3/30/1995, as added by Ord. 175, --/2012, §2)

§27-1840. Small Wind Energy Systems.

1. The purpose of this Part is to allow for the safe use of small wind energy systems within the Township while providing simple guidelines to minimize any negative impact on citizens throughout the Township. The proper application of zoning and land use controls helps to ensure the safety of those involved with small wind energy systems and to protect the aesthetic appeal of neighboring properties, without hindering the ability of citizens to supplement their energy supply through the proper use of small wind energy systems. Use of small wind energy systems, in accordance with these regulations, is supported and encouraged within the Township. Small wind energy systems shall be maintained in accordance with the London Grove Township Property Maintenance Code [Chapter 5, Part 2].

2. The following development and design standards shall be applied to the construction and installation of any small wind energy system:

A. Only small wind energy systems will be allowed in the Township.

B. Small wind energy systems are permitted in all zoning districts as an accessory use, except when they are located in the front yard or on a front roof in which event a special exception must be obtained from the Zoning Hearing Board.

C. All small wind energy systems shall adhere to the area and bulk requirements of the underlying zoning district.

D. A zoning permit and a building permit are required for the installation of all small wind energy systems. Zoning and building permit applications must be on forms supplied by the Township. A special exception must be obtained for a small wind energy system to be located in a front yard or on a front roof.

E. A small wind energy system may be placed on the roof (roof mounted) or on the ground (ground mounted).

(1) A roof mounted small wind energy system may be mounted on a

principle or accessory building. The system should in no place hang off of or extend beyond the edge of the roof. For sloped roofs and flat roofs, the system may not extend higher than 10 feet above the roof where the system is mounted and may not be higher than the maximum allowable height for buildings in the underlying zoning district. Front roof placement is discouraged unless this represents the only location where a small wind energy system would be functional as defined and certified by a professional engineer licensed in the State of Pennsylvania and experienced in the area of small wind energy systems. A front roof is defined as parallel to a front yard as defined in Chapter 27, §27-202 of the Codified Ordinances of London Grove Township.

(2) A ground mounted small wind energy system shall be set back by the greater of the underlying zoning district setbacks or the height of the structure above grade level. Minimum distance between the undisturbed ground at the base of the device and any protruding blade shall be 15 feet, as measured at the lowest point of arc of the blades. There is no minimum distance required for vertical axis turbines and undisturbed ground, because of the need to have the blades/panels of these type of devices closer to the ground. A ground mounted small wind energy system shall be located at least 1.1 times the height of the turbine with the blade tip at its highest point, or more, from an occupied structure on adjoining property and 80 percent total tower height or more from occupied structure on subject property measured from wind tower base. Only one ground mounted small wind energy system will be allowed on parcels that are $\frac{1}{2}$ acre or less of land. For parcels with additional area above a $\frac{1}{2}$ acre, one additional ground mounted small energy system will be allowed for every additional $\frac{1}{2}$ acre of land.

F. The audible sound from a small wind energy system shall not exceed 60 dBA measured at the property line.

G. *Compliance with FAA Regulations.* A small wind energy system shall not be artificially lighted unless such lighting is required by the FAA. No small wind energy system shall be constructed, altered, or maintained so as to project above any of the imaginary airspace surfaces described in FAR Part 77 of the FAA guidance on airspace protection; and must be in compliance with the Airport Zone as defined in Chapter 27, §§2605–2607 of the Codified Ordinances of London Grove Township.

H. Small wind energy systems shall not be climbable up to 15 feet above grade level for ground mounted systems.

I. All wiring and on site power lines for ground mounted small wind energy systems shall be buried underground. All wiring shall comply with the applicable provisions of the Pennsylvania Uniform Construction Code.

J. The local power company should be contacted concerning the connection of a system to the grid and to address any further issues. Contacting the local power company is not necessary for off-grid systems.

K. Advertising on small wind energy systems, outside of reasonable identification of manufacturer and operator, is prohibited. This includes any signage, streamers, ribbons, flags, banners, or similar materials but does not include the posting of appropriate warning signs.

L. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

M. All small wind energy systems shall be manufactured and installed in accordance with the Pennsylvania Uniform Construction Code.

N. The manufacturers' or installers' identification and appropriate warning signage shall be posted on or near the small wind energy system in a clearly visible manner.

O. Any small wind energy system installed by someone other than the owner of the property requires evidence or an affidavit that facility's owner or operator has permission from the property owner to install and utilize a small wind energy system.

3. Small wind energy systems installed before this Part is enacted are not required to meet the regulations. However, any expansion of these systems at any point shall then require the updated portion of the system to be in adherence to this Part.

(*Ord. 74, 3/30/1995, as added by Ord. 176, --/2012, §2*)

Part 19**Signs****§27-1901. Statement of Intent.**

The purpose of this Section is to promote and preserve the public health, general welfare and safety of citizens of London Grove Township by regulating signs of all types. It is intended to protect property values; to create a more attractive community; to regulate the potentially deleterious impact of signs within the Township, to insure the compatibility of signs with adjacent and nearby land uses; to limit the aesthetic impact that a multitude of clustered signs has on the Township and the surrounding community; and to reduce distractions and obstructions that may contribute to traffic accidents. In addition to the above, this Section is an exercise of the Township's zoning and police power in accordance with the following objectives:

A. To control the size, location, and illumination of signs in the Township in order to reduce hazards to pedestrian and vehicular traffic.

B. To encourage signs which are well-designed and pleasing in appearance, and to provide latitude for variety, in order to enhance the economic value, promote local business interests, as well as the preservation and enhancement of the visual character of properties within the Township.

C. To establish standards designed to encourage signs that are compatible with their surroundings, appropriate to the type of activity to which they pertain, expressive of the identity of individual proprietors, and legible in the circumstances in which they are seen; and to prohibit the erection of signs that do not meet these criteria.

D. To establish requirements for compliant signage when a new occupant or use is proposed on a property.

E. To prohibit the construction of and require the removal of signs that constitute a hazard or a blighting influence.

(*Ord. 74, 3/30/1995; as added by Ord. 185, 5/7/2014, §27-1900*)

§27-1902. Administration.

1. Any sign hereafter erected, attached to, suspended from or supported by a building or structure, altered and/or expanded shall conform with the provisions of this Chapter and any other regulations of the Township relating thereto. Any sign not specifically authorized by the provisions of this Chapter shall not be erected or maintained within the Township. Any sign, banner, poster or other display device which is not in compliance with the provisions of this Chapter shall be considered illegal.

2. A sign permit shall be obtained from the Zoning Officer, upon submission of a proper application and fee, before erecting any sign under these regulations except as hereinafter provided. The Zoning Officer shall ensure that all signs erected or constructed under the provisions of this Chapter shall comply with the applicable standards set forth in the Uniform Construction Code [Chapter 5, Part 1]. Drawings submitted for sign permits shall show size, construction details, location and illumination in sufficient detail for review against all applicable Codes and the

provisions of this Chapter.

3. The Zoning Officer is hereby authorized and empowered to revoke a zoning permit issued by the Township upon failure of the holder of said permit to comply with any applicable provision of this Chapter. Revocation can occur only after the Zoning Officer provides a 15-day written notice to the permittee after which if the violation is not corrected and the applicant has not appealed to the Zoning Hearing Board, revocation of said permit shall occur. If the Zoning Officer finds that any sign or other advertising structure regulated herein is unsafe or is a menace to the public, or is constructed, erected, or maintained in violation of the provisions of this Chapter, he shall give written notice thereof to the permittee or property owner of such sign. If the permittee or owner fails to alter or remove the sign so as to comply with the standards set forth herein within 10 days after such notice, the Zoning Officer shall advise the Township to seek redress through the courts.

4. The provisions of this Chapter shall not apply where signs are erected and maintained by the Township for public purposes, provided that all other required governmental permits are obtained by the Township prior to such Township use.

5. Nonconforming signs may be maintained under the provisions of Part 21 of this Chapter.

(*Ord. 74, 3/30/1995; as added by Ord. 185, 5/7/2014, §27-1901*)

§27-1903. Interpretation.

A sign shall be defined as any permanent or temporary structure or part thereof or any device attached, painted or represented directly or indirectly on a structure or other surface that displays or includes any letter, work, insignia, flag or representation which is in the nature of an advertisement, announcement, visual communication, direction or is designed to attract the eye or bring the subject to the attention of the public. Flags of any governmental unit or branch of any charitable or religious organization, interior signs not visible from a public right-of-way or adjoining property and cornerstones built or attached to a wall of a building are excluded from this definition. A structure shall be considered a sign under this definition if such a structure would have no other use except that of supporting a sign, and such structure would not be permitted under any other applicable provision of this Chapter not specifically pertaining to signs. All definitions of signs set forth in Part 2 of this Chapter are incorporated herein by reference.

A. All distances provided for in this Part shall be measured along straight lines between signs and from the near edge to the near edge of the sign or sign structure. Height shall be measured from the existing grade at the location of the sign. If regrading is required to conform to the provisions of any other applicable regulations or Chapters, height shall be measured from the proposed final grade.

B. Any sign located along the right-of-way of a State or Federal highway shall comply with any more restrictive requirements which may be applicable.

(*Ord. 74, 3/30/1995; as added by Ord. 185, 5/7/2014, §27-1902*)

§27-1904. Use Standards.

1. No sign in any zoning district shall be erected containing information which states or implies that a property may be used for any purpose not permitted under the

provisions of this Chapter.

2. No signs in any zoning district shall be erected on any premises except as may be related to a lawful principal use or permitted accessory use on the premises, except as may be otherwise permitted, to allow billboards, found elsewhere in this Part.

3. All illuminated signs in any Residential District shall be turned off at times when the business or entity which they advertise is not open for business and within ½ hour of closing such business.

(*Ord. 74, 3/30/1995; as added by Ord. 185, 5/7/2014, §27-1903*)

§27-1905. Exempt Signs.

The following signs shall be permitted in all zoning districts and are exempt from the permit requirements of this Part since such signs are deemed not to create nuisance situations that would threaten the health, safety, or welfare of persons in the Township. However, all owners of such signs must still comply with all applicable standards of this Part, including the responsibility for maintenance of signs in good and safe repair.

A. Governmental signs, being those established by duly constituted governmental authorities or bodies including, but not limited to: traffic regulation signs, public notice signs and other signs required to be maintained or posted by law or government order, rule or regulation.

B. Traffic regulation signs in private parking lots.

C. Signs indicating the prohibition or control of fishing, hunting, trespassing, peddling, soliciting, etc., or signs indicating the private nature of a road, provided the area of any such sign does not exceed 4 square feet. Such signs may be placed along property lines or road frontages at a maximum frequency of one sign every 100 feet.

D. Signs with an area not exceeding 1 square foot, bearing address or the names of the occupants in residential districts with characters not exceeding 4 inches in height.

E. Decorations or displays for a recognized officially designated holiday provided that they do not create a fire or traffic hazard and they are removed within 15 days after the holiday.

F. Flags, except that flags larger than 80 square feet shall require a permit.

G. Directional signs advertising the availability of restrooms, telephones, or similar public convenience, per §27-1907.3.A.

H. One or more signs applied to a window pane giving store hours or the name or names of credit or charge institutions, when the total area of any such sign or all signs together does not exceed 2 square feet.

I. An identification sign, being defined as a sign which is a permanent architectural feature of a building, or structure such as a cornerstone, or identifying letters carved into or embossed on a building, provided the letters are not made of a reflective material or contrast in color with the building and including historic structure identification signs not exceeding 4 square feet in area.

J. Temporary yard sale or garage sale signs provided such signs do not exceed 6 square feet in area and shall be removed within 48 hours of the conclusion

of such sale, and limited to one sign per street frontage on the property where the sale is being conducted.

K. Signs advertising the meeting places and times of nonprofit service, governmental, religious, educational and charitable organizations, provided that they do not exceed 12 square feet in area and do not advertise any commercial establishment, activity, organization, product, goods or services. Such signs shall be limited to one per property.

L. Address signs, not more than one for each non-residential principal building or use on a premises and not exceeding 160 square inches in area and displaying only the numerical address designation of the premises upon which they are maintained.

M. Noncommercial signs relating to ideological, religious, or political thought provided they do not exceed 12 square feet in area, located on the sign owner's property.

N. Special event temporary signs, including portable signs and banners, that identify a parade, festival, fund drive or similar occasion, where such signs are of general benefit to the Township or for public convenience, necessity, or welfare.

Special event temporary signs shall be permitted for one period of 14 days every calendar year and removed within 2 days of the date or conclusion of the applicable event. Such signs may not exceed 12 square feet in area and shall not be greater than 8 feet in height.

No more than four off-premises special event temporary directional signs may be placed within the Township by any one establishment, and no more than one at any one intersection. No such sign may be erected, placed, installed, or maintained without the written permission of the owner of the real property involved.

O. Temporary signs of contractors, architects, mechanics, and artisans placed on the property where the contracted work is occurring. These signs shall have an area no greater than 4 square feet in area and shall be removed upon completion of the project.

P. Temporary real estate signs placed on the property to be sold, rented, or developed, limited to not more than one sign for every 1,000 feet of street frontage shall be placed on premises held in single and separate ownership unless such premises fronts on more than one street, in which case one sign per each street of frontage. Such signs shall be removed within 7 days after transactions are completed, and shall be a maximum 6 square feet in area. No off-premises real estate directional signs shall be permitted.

Q. Temporary political campaign signs, a maximum 12 square feet in area. Such signs, must be removed within 14 days after such election.

R. Directional signs located within a tract undergoing development, indicating the route to the sales office, model home, construction trailer, etc. These signs shall be a maximum 8 square feet in area.

S. Temporary window signs intended to announce sales, special events or the like. They shall not exceed 20 percent of the total glass area on the side of the building where they are placed.

T. Signs announcing seasonal, temporary business (e.g., farm products, sales

from temporary stands, Christmas tree sales, etc.), limited to a single sign on a property and displayed only during the sale period, not exceeding 60 consecutive days. Such signs may not exceed 15 square feet in area.

U. Emergency warning signs erected by a public utility, pipeline company, or contractor doing such work authorized or permitted by such utility or company.

(*Ord. 74, 3/30/1995; as added by Ord. 185, 5/7/2014, §27-1904*)

§27-1906. Prohibited Signs.

The following signs, because their inherent characteristics could threaten the health, safety, or welfare of persons in the Township, are unlawful and prohibited:

A. Signs which use the words “stop,” “look,” “danger,” or any other word, place, symbol, or character which attempts or appears to attempt to direct the movement of traffic or which interferes with, imitates or resembles any official traffic sign, signal, or device within 75 feet of a public right of way or within 200 feet of a traffic control device.

B. Any banner sign or sign of any other type across a public street.

C. Any suspended sign which is either a pennant that blows in the wind or a spinner which spins in the wind, except when located inside a temporary fairground in conjunction with a special event.

D. Except for traffic control signal, signs displaying red, yellow, or green lights within 75 feet of a public right of way or 200 feet of a traffic control signal.

E. Notices, placards, bills, cards, posters, advertisements, or other signs mounted or placed in any fashion upon a lamppost, electric light, telephone, or other utility pole, hydrant, planter box, bench, trash receptacle or upon any pier or column located on or along the public roads of the Township, or any such signs mounted or placed in any fashion upon a rock, tree or any other natural feature. Exceptions are as authorized or required by law, or when exempt in accordance with §27-1905.C.

F. Any sign with flashing, revolving, moving, sound producing or animated parts, components, or displays, including any sign which has the capability of motion in whole or in part, with the exception of signs that display time and or temperature exclusively.

G. Any sign depicting lewd, vulgar, indecent or obscene advertising matter displayed in any manner.

H. Any sign which obscures or interferes with the line of sight at any street intersection or traffic signal or at any other point of vehicular access to a street.

I. Any sign erected within the right of way of any public or private street except those signs described in §27-1905.A.

J. Any sign erected or maintained so as to prevent free ingress or egress from any driveway, access way, door, window or fire escape.

K. Any portable sign (including vehicle signs) except for signs permitted in §§27-1905.O, .P, .Q, .U, 27-1907.3.B and 27-1909.G.

L. Any sign, or any portion thereof which extends above the roof line on any building on a property or which is attached or mounted or painted on a roof.

M. Billboard signs, except as provided in the Industrial (I) Zoning District (limited to those properties with frontage on Old Baltimore Pike between the municipal boundary line between the Township and the Borough of West Grove and Baker Station Road and permitted pursuant to §§27-1911 and 27-1912 herein.

N. No sign of any kind shall be attached to a stand pipe or fire escape.

O. Off premises signs, except as permitted in §§27-1905.J, 27-1907.3.A(2) and 27-1907.3.A(1).

P. Neon signs that are less than 5 square feet placed in windows of premises are permitted. Exterior use of neon signs is prohibited.

Q. Advertising murals, posters, wall bulletins, or other types of signs directly painted upon the facade or wall of any building or structure are prohibited.

R. Advertising cloth or paper banners or signs of any similar character suspended or hung from any structure are prohibited.

(Ord. 74, 3/30/1995; as added by Ord. 185, 5/7/2014, §27-1905)

§27-1907. Signs by Type and Construction.

1. As referenced in this Part, an “on-premises sign” is a sign that directs attention to a business, commodity, service, entertainment, institution or other permitted use which is offered on the same premises where the sign is located.

2. As referenced in this Part, an “off-premises sign” is a sign that directs attention to a business, commodity, service, entertainment, institution or other permitted use which is offered on a property other than the property on which the sign is located.

3. The following types of signs are permitted, being subject to compliance with the provisions and criteria of this Part:

A. *Directional Sign.* A sign either mounted on a building or a ground sign intended to provide information for pedestrian or automobile traffic within or exterior to a property.

(1) Directional signs are intended to give direction to parking areas, service entrances, restroom facilities and the like within a property. Such signs shall not exceed 2 square feet in area.

(2) Off-premises directional signs of a public or quasi-public nature shall be a maximum 3 square feet in area. No advertising shall be contained on such signs other than the following for the purposes of indicating:

(a) The name or location of a town, village, hospital, community center, school, place of worship or the name or place of meeting of a governmental, civic or service body.

(b) Where specifically approved by the Board or installed by the Township, descriptive signs designating the location and nature of historic districts and listing the historic and commercial buildings or locations within such districts.

B. *Ground Sign.* As defined in §27-202 of this Chapter and as provided for in §27-1909.B.

(1) *Billboard.* A billboard is defined as a form of a ground sign that exceeds the area and height regulations set forth in §27-1909.B. The erection

and maintenance of billboards shall be subject to the provisions set forth in §§27-1911 and 27-1912 herein. Each different display face of a billboard shall constitute a separate billboard. Billboards shall be freestanding and self-supporting. No part or portion of a billboard shall be attached or connected to any other building or structure.

C. *Portable Sign.* Any outdoor advertising display which is movable from one location to another and which is not attached to a fixed structure or does not have permanent supports embedded in the ground. A maximum of one portable sign may be placed on a property, and only as allowed in accordance with §§27-1905.J, 27-1905.K, 27-1905.O, 27-1905.P, 27-1905.Q, 27-1905.U, subsection .3.B and 27-1909.7. The term portable sign shall include an outdoor advertising display located in or on a vehicle, except where:

(1) The vehicle occupies a paved parking space on the property, which is located within 100 feet of the building in which the product or service is being offered.

(2) Such sign merely identifies the vehicle as belonging to such business by displaying the name, address and/or telephone number of such business and/or identifying the type of product or service offered by such business, and is painted on or attached to the vehicle.

(3) The primary use of such vehicle is for the transportation of persons or products or the delivery of services in connection with such business.

(4) Such vehicle is currently Commonwealth of Pennsylvania licensed, Commonwealth of Pennsylvania inspected and is in operable condition.

(*Ord. 74, 3/30/1995; as added by Ord. 185, 5/7/2014, §27-1906*)

§27-1908. Signs Permitted in the Residential Districts.

The following types of signs and no others shall be permitted in the residential districts, provided that the signs comply with all requirements herein specified:

A. Official traffic signs.

B. On-premises directional signs.

C. All off-premises directional signs, indicating only the name of the facility, organization or site, including location of meetings and the direction in which it is located or approximate distance, shall be permitted provided that the size shall not exceed 3 square feet in area. No advertising matter shall be contained on signs of this type. No more than four such signs, per use, shall be permitted within the Township unless otherwise approved by the Board of Supervisors. A permit is required and the application for permit shall contain the number and exact location of each sign.

D. Accessory use signs, provided that:

(1) The size of any such sign shall not exceed 4 square feet.

(2) Not more than one such sign shall be erected for each permitted use or dwelling unit.

(3) The height shall not exceed 6 feet.

E. Identification signs for subdivisions or multi-family developments, farms

or estates, schools, churches, and other permitted uses, provided that:

(1) The size of any such sign shall not exceed 24 square feet.

(2) Not more than two such signs for every 2,000 feet of street frontage shall be placed on premises held in single and separate ownership unless such premises fronts on more than one street, in which case, two such signs may be placed on each street frontage for every 2,000 feet of frontage.

(3) The height shall not exceed 8 feet.

(4) All signs shall remain outside of any clear sight triangle as defined in the Township Subdivision Land Development Ordinance [Chapter 22].

F. Development signs, including signs advertising prices or indicating financing, but excluding directional signs, provided that:

(1) The area of such sign shall not exceed 32 square feet, and that no more than one such sign shall be erected at each entrance to a public road.

(2) Not more than one such sign for every 1,000 feet of street frontage shall be placed on premises held in single and separate ownership, unless such premises front on more than one street, in which case one such sign may be placed on each street frontage for every 1,000 feet of frontage:

(3) The height shall not exceed 8 feet.

(4) All such signs shall be removed upon completion of active work by the developer.

G. Bulletin board signs for churches, schools, parks or institutions, provided that the sign area does not exceed 12 square feet and the height is less than 6 feet, excluding directional signs.

(*Ord. 74, 3/30/1995; as added by Ord. 185, 5/7/2014, §27-1907*)

§27-1909. Signs in Commercial General (CG) and Industrial (I) Districts.

The following types of signs shall be permitted in the Commercial General (CG) and Industrial (I) Districts, provided that the signs comply with all requirements herein specified:

A. All signs permitted in the residential districts.

B. Ground signs, provided that:

(1) Not more than one ground sign shall be erected for each 1,000 feet of street frontage of a lot nor shall such signs be located closer than 300 feet from each other.

(2) Buildings, structures and/or lots having permitted uses in combination shall be encouraged to have signs in combination identifying those areas.

(3) The total display area of all sides of a ground sign shall not exceed 50 square feet per side or 100 square feet total.

(4) Ground signs may be located no closer to a side or rear property boundary line or street right-of-way than the greater of:

(a) Fifteen feet.

(b) A distance equivalent to the height of the sign.

(c) The minimum side or rear yard setback required for the permitted use being identified.

(5) No ground sign shall exceed 12 feet in height when measured from ground level except the maximum height may be increased 2 feet (up to a maximum of 30 feet) for each additional 5 feet of setback from the front right-of-way line beyond the prescribed minimum.

(6) In addition to one ground sign, gasoline service stations shall also be permitted one price sign for each street frontage, provided that:

(a) The sign shall not exceed 18 square feet in area.

(b) The sign shall not exceed 20 feet in height.

(c) The sign shall be located beyond the right-of-way and not obstruct the vision of drivers entering or exiting the site.

(7) In addition to one ground sign, a restaurant with drive-through service shall also be permitted one menu sign, provided that:

(a) The sign shall not exceed 18 square feet in area.

(b) The sign shall not exceed 20 feet in height.

(c) The sign shall be located beyond the right-of-way and not obstruct the vision of drivers entering or exiting the site.

C. A wall sign shall be permitted on any wall of a building or structure incident to a permitted use provided that:

(1) Wall signs shall be installed parallel to the supporting wall and project no more than 10 inches overall from the face of such wall.

(2) The maximum display area of a wall sign mounted on any wall of a building or structure shall not exceed 2 square feet per lineal foot of width of the wall on which the sign is mounted, provided that:

(a) Such signs shall not exceed 6 inches in height for each 10 feet of setback from the facing property line (up to a maximum of 8 feet) or 60 feet in overall length.

(b) The total display area of such sign shall not exceed 25 percent of the total area of the wall on which the sign is mounted.

(c) The total display area of all wall signs mounted on the sides and/or rear of a structure shall not exceed the area of the sign mounted on the front wall. If there is no sign on the front wall of a structure, signs on the sides and/or rear wall may not exceed 100 square feet in total.

(3) No wall signs shall extend above the roof line or cornice of the major building incident to the use, or exceed 30 feet in height.

(4) Signs mounted on a side or rear wall exposed to public view from either a street or parking area shall not extend above the height of the front mounted sign.

(5) For integrated multiple uses on a single lot or within a single building, each use will be permitted one wall sign for identification and/or merchandising purposes, providing such signs shall comply with the regulations stated herein.

D. One projecting sign shall be permitted for each building or structure incident to a permitted use, except wherein wall signs are used for identification and/or merchandising purposes, subject to the following conditions:

(1) Such signs shall not exceed 15 square feet in area and the lower edge of the sign must be a minimum of 10 feet in height when pedestrians are expected to pass under it.

(2) Only one such sign shall be erected on each street frontage of the premises.

E. Window signs advertising the sale or rental of properties, goods, or services, provided that the total area of the sign does not exceed 20 percent of the window in which it is placed.

F. Decorations for an officially designated holiday, provided that they conform to the other applicable provisions herein.

G. Portable signs in accordance with §27-1907.

(*Ord. 74, 3/30/1995; as added by Ord. 185, 5/7/2014, §27-1908*)

§27-1910. Billboards and Electronic Signs.

1. *Intent.* The intent of this Section is to provide opportunity for billboards as a special exception by the London Grove Township Zoning Hearing Board, and to:

A. Support the First Amendment rights of advertisers to promote legal products and services while retaining the sense of community and protecting the character of the Township.

B. Ensure that billboard advertising is provided for in the Township and located safely and appropriately where it can be viewed by the traveling public with the least distraction and degradation to the public safety.

C. Provide billboard advertising in a manner demonstrated to be compatible with the historic, natural and rural character of the Township in terms of size, location, visual prominence from areas other than the adjacent highway, and materials and finishes used in construction.

D. To prevent billboards from having a negative impact on neighborhoods (particularly residentially zoned or used properties) in terms of visual blight, light pollution, or decreased property value.

E. To prevent billboards from having a negative impact on designated historic sites or structures in terms of visual blight, light pollution, or decreased property value.

F. To advance the mission of the International Dark-Sky Association and maintain the Township's nighttime environment by reducing light pollution through lighting practices that provide:

(1) Energy savings resulting in economic and environmental benefits.

(2) Superb nighttime ambience and quality of life.

(3) Conservation of nocturnal wildlife and ecosystems.

(4) Safeguarding of scientific and educational opportunities such as astronomy.

- (5) Preservation of cultural heritage and inspiration for the arts.
- (6) Increased visibility, safety, and security at night by reducing glare.
- (7) Protection of human health.

2. *Definitions.*

Billboard—a form of a ground sign as defined and described in §27-1907.3.B.

Billboard structure—the framework, supports, display face(s) and electrical components of the billboard.

Display face—the face of a billboard, including copy, insignia, background, border and trim. The measurement shall be determined by the smallest rectangle inclusive of all letters and images. The structural support shall be excluded from the area calculations if it is not used to directly express or convey a commercial or noncommercial message.

Electronic sign / billboard—a sign and/or billboard capable of displaying text, graphics, symbols, or images that can be electronically or mechanically changed by remote or automatic means; or with content that may be changed by electronic process through the use of light or lights, including, but not limited to, light emitting diodes (LED), liquid crystal display and plasma image display.

Message sequencing—a single message or advertisement for a product, event, commodity, or service that is divided into segments and presented over two or more successive display phases of a sign, or across two or more individual signs.

Change interval—the “change interval” is defined as the time period in which the display of an electronic sign/billboard must remain static and during which the display may not transition to display another advertisement.

Transition interval—the “transition interval” is defined as the time period in which the display of an electronic sign/billboard transitions to another display.

3. *Criteria for Billboards.* Billboards shall only be permitted by special exception, subject to the applicant establishing compliance with the following criteria, together with all applicable criteria set forth in this Chapter.

A. Billboards may only be erected and maintained in the Industrial (I) Zoning District, limited to those properties with frontage on Old Baltimore Pike between the municipal boundary line between the Township and the Borough of West Grove and Baker Station Road.

B. *Size.* The display face of a billboard shall not exceed 50 square feet in area, unless the applicant can establish before the Zoning Hearing Board that the content of the billboard could not be read from any point along the road frontage and that the permitted size is not adequate for the conveyance of any advertising messages to passing motorists.

If the applicant is able to establish the above, then the billboard shall not be permitted to exceed 300 square feet in area, but shall be no larger than is necessary to be read and conveyed to passing motorists. If present, non-display physical borders around the display image shall not exceed 6 inches on a side.

C. Billboards shall be set back a minimum of 100 feet from any other billboard.

D. All billboards must be set back at least 250 feet from all street

intersections, measured from the point of intersection of the center lines of the intersecting streets.

E. *Setback from Residential Dwelling Unit.* Except as governed by a greater setback required herein, all billboards must be set back a minimum of 100 feet from the boundary of any residential or agricultural zoning districts and from the boundary of any property on which a residential dwelling unit is situated unless separated by a public street. Moreover, the applicant must establish that the billboard will be screened such that the face of the billboard will not be visible from an existing residential dwelling unit. With respect to such setback as applied from any existing residential dwelling unit, the 100-foot setback may be reduced if the owner of such dwelling unit agrees in writing to the placement of such sign as memorialized by an easement filed with the Chester County Recorder of Deeds.

F. The applicant shall bear the burden of establishing that the proposed billboard will not create a public health, welfare, or safety concern.

G. The billboard structure shall be designed as an architecturally decorative feature and shall be screened with vegetation. In no case shall the supporting structure be designed to increase the apparent size of the billboard or to otherwise increase its visual prominence.

H. The applicant shall be required to submit an attestation from a structural engineer, registered in Pennsylvania, to certify that the proposed billboard is properly constructed pursuant to all applicable codes, to certify the viability of the construction of the foundation and erection of the structure for the proposed billboard. The applicant shall further submit a report from an engineer to set forth the wind tolerances of the proposed billboard.

I. The applicant shall submit a plan prepared by a landscape architect showing landscaping proposed to be installed to screen and buffer the billboard structure. Existing vegetation on and around the proposed billboard shall be preserved to the greatest extent possible. All proposed landscaping shall comply with the requirements of this Chapter and Subdivision and Land Development Ordinance [Chapter 22]. Applicants shall submit a visual survey from mutually agreed upon vantage points in order to support the proposed landscaping plan's mitigation of visual impacts.

J. All billboards shall be serviced by underground electrical wiring.

K. Billboards shall be properly and adequately secured to prevent unauthorized access, with such features as a locked ladder way.

4. *Criteria for Electronic Signs/Billboards.* In addition to the above criteria in subsection .3 and the criteria set forth in §27-1911, the following criteria shall apply to electronic signs/billboards, which shall only be permitted by special exception pursuant to the applicant establishing the following criteria:

A. Electronic signs/billboards may only be erected and maintained in the Industrial (I) Zoning District, limited to those properties with frontage on Old Baltimore Pike between the municipal boundary line between the Township and the Borough of West Grove and Baker Station Road.

B. Electronic signs/billboards may not contain any: fading, flashing, modulating, scrolling, moving lights, text or graphics, any full-motion video, or any

visible change during the change interval period.

C. *Change Interval*. Electronic signs/billboards must provide a minimum change interval of at least 2 minutes.

D. *Transition Interval*. Electronic signs/billboards must provide a maximum transition interval of 1 second.

E. Electronic sign/billboard lighting shall be automatically extinguished so as to not operate before 7 a.m. or after 11 p.m.

F. Illumination shall be automatically controlled so that at no point on the electronic sign/billboard shall the luminesce exceed 100 cd/m² with a full-white board face after sunset.

G. The electronic sign/billboard shall contain a default mechanism that will freeze the sign display in one position if malfunction occurs, or shut down and show “full black” on the display.

H. The applicant shall establish compliance with (and submit all evidence as required under) subsection .3. The size of any proposed electronic billboards shall only be as permitted under subsection .3.

I. Message sequencing shall be prohibited.

J. No electronic sign/billboard shall shine or reflect light into adjacent residences.

(Ord. 74, 3/30/1995; as added by Ord. 185, 5/7/2014, §27-1909)

§27-1911. General Standards Applicable to All Signs.

1. *Illumination and Screening*. In addition to the illumination provisions specifically provided for in this Section, the following illumination standards shall apply. All illuminated signs shall be constructed to the standards of the National Board of Fire Underwriters. Illumination of signs is only permitted for commercial purposes between 7 a.m. and the close of business or 11 p.m. (whichever is earlier). Illumination may be direct (giving forth light from the interior of the sign through translucent material) or indirect, provided that the light source is directed upon the sign. The lighting source shall not be directly visible from any street or sidewalk, nor from any other normal vantage point. Lighting shall not shine directly on abutting properties, or within the normal line of vision of the public when using streets or sidewalks. No sign shall be placed or illuminated in such a position that it will cause any danger to pedestrians or vehicular traffic. No sign shall be utilized in a manner that produces a noxious glare at or beyond the boundaries of the lot on which it is located. No direct beams of light shall be directed toward adjacent properties or public roads, and all light sources shall be shielded and screened from adjoining residential properties.

All billboards must comply with this Chapter and more specifically, the general regulations and design standards lighting, as may be amended from time to time.

Applications for the lighting or relighting of signs and billboards (including electronic signs/billboards) using external light sources shall be accompanied by a point-by-point plot of initial vertical illuminance on the sign or billboard face, catalog cuts of proposed fixtures and any glare reduction devices and a description of lamps, mounting locations, aiming angles and proposed hours of operation and method for automatically extinguishing the lighting by the required hour.

2. *Maintenance.* Every sign shall be constructed of durable materials, using non-corrosive fasteners, and shall be structurally safe and erected or installed in strict accordance with the Township Building Code [Chapter 5, Part 1] and maintained in a safe condition and good repair at all times. Specifically, no sign shall be maintained within the Township in such a state of disrepair as to have the appearance of neglect or which is rotting or falling down, which is illegible, or has loose parts, separated from, original fastenings.

3. *Height.* Except as specifically referenced in §§27-1905–27-1909, the height of any sign shall not exceed 30 feet. The height of a sign (excepting wall signs) shall be defined as the vertical distance measured from the sign's highest point to the ground surface, or the vertical distance measured from the grade of the cartway nearest to the sign to its highest point of the sign, whichever is lesser. The highest point in the case of a sign shall include the supporting structure.

4. *Setbacks; Street Intersections.* At all street intersections, no sign, except traffic control signs, school warning signs, and similar signs as provided for by other portions of these provisions, shall be permitted within a clear sight triangle. Such triangles shall be established from a distance of 75 feet from the point of intersection of the centerlines of the intersection streets, except that a clear sight triangle of 200 shall be provided for all intersections with or of arterial highways. In addition, sight distance shall meet the requirements of PennDOT Publication 201, Engineering and Traffic Studies, §201.6.16, as amended from time to time.

5. *Setbacks; Road Right-of-Way.* Signs shall be set back from the right-of-way a minimum of 15 feet, a distance equivalent to 1.1 times the height of the billboard, or the minimum front building setback set forth in the underlying Industrial Zoning District, whichever is greater. No part of a billboard shall be set back more than 60 feet from the nearest street right-of-way.

6. *Setbacks; Building.* In addition to any setback requirements set forth in §§27-1909 or 27-1910, ground signs shall be set back from any building a minimum of 100 feet or 1.1 times the height of the sign from any building, whichever is greater.

7. Signs shall be subject to all applicable rear and side yard building setbacks. No portion of any sign shall project over a lot line, and in no case shall be within a setback area from the rear or side yards equivalent to a distance of 1.1 times the height of the sign, unless the owner of the property over which the sign projects agrees in writing to such sign and unless an easement is filed with the Chester County Recorder of Deeds to permit such encroachment.

8. A sign permit applicant must obtain all necessary outside agency approvals prior to erection of a sign, including, but not limited to, approval from the Pennsylvania Department of Transportation; as may be required. The applicant is required to provide the Township with any such agency approvals prior to the issuance of a permit for a sign. PennDOT and any outside agency approval shall not constitute Township approval.

9. The owner and/or operator of any sign permitted under §§27-1908 and 27-1909 above shall provide, and maintain with, the Township their current address and contact information.

(*Ord. 74, 3/30/1995; as added by Ord. 185, 5/7/2014, §27-1910*)

§27-1912. Removal of Signs.

1. *Unsafe Signs.* All signs and billboards shall be properly and regularly maintained and shall at all times be kept in safe and operational manner. Whenever a sign becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety, the Zoning Officer shall give written notice to the owner of the premises on which the sign is located that such sign be made safe or be removed within 5 days, unless the Zoning Officer shall deem appropriate a more extended period for compliance.

2. *Abandoned Signs.* A sign structure which has been discontinued for a period of 90 consecutive days (in that no advertising content or message has been displayed on the sign within such time), shall be presumed to be abandoned. In such instance, the Township Zoning Officer shall provide written notice to the landowner, directing that the landowner/sign owner advise as to its intent to continue the use of the sign. The notice shall advise the landowner/sign owner that, if the landowner/sign owner fails to provide written notice to the Zoning Officer within 30 days receipt of such notice (unless extended in writing by the Zoning Officer) of its intent to continue the use of the sign, then the sign shall be construed by the Township to be abandoned and the permit for the same shall be revoked. If the landowner/sign owner provides written notice of the intent to continue the use of the sign, then the permit for such sign shall remain in effect (unless and until a future abandonment notice is transmitted to the landowner/sign owner pursuant to this Section). If the landowner fails to do so, then the Zoning Officer shall issue a notice to the landowner/sign owner to revoke the permit for the sign and such sign may not be considered to be nonconforming with respect to any past or future zoning ordinance amendments. The Township may then take any and all actions pursuant to this Chapter and otherwise pursuant to the law (including, but not limited to, an injunction).

3. *Nonconforming Signs.* All existing signs which do not conform to the requirements of this Part, but which have valid permits issued by the Township, shall be nonconforming. Any lawful nonconforming sign may remain in place while maintained in good condition and not abandoned, provided that such nonconforming sign may not be changed, expanded or altered in size, dimension, location or use.

(Ord. 74, 3/30/1995; as added by Ord. 185, 5/7/2014, §27-1911)

Part 20**Access, Parking, Loading and Internal Circulation.****§27-2001. Access.**

1. Safe and convenient access and egress from and to the public roads are declared to be essential elements of land use in London Grove Township. Therefore, no building, use or occupancy permit shall be granted as to any lot unless provision shall be made for the safe and efficient vehicular ingress and egress from such lot to and from public streets, without undue congestion or interference with the normal traffic flow in the Township.

2. If any person or entity proposes accesses having the potential for interference with the safe and efficient flow of traffic, and highway improvements are therefore required by the Township or the State Department of Transportation, said person or entity shall be responsible for the design, construction and the costs of any necessary traffic control device(s) and/or highway modifications.

(Ord. 74, 3/30/1995, §1900)

§27-2002. Access and Frontage Design Standards.

Unless waived by the Zoning Hearing Board by special exception for cause shown and upon proof that such ingress and egress may be accomplished in safety, no building permit or certificate of use and occupancy shall be issued except in strict conformity to the following rules, regulations and design standards for all accesses proposed onto public streets:

A. All accessways and proposed streets shall conform to the applicable provisions of the Subdivision and Land Development Ordinance [Chapter 22].

B. All vehicular accessways shall be located at least 80 feet from the cartway edge of the nearest intersecting public street.

C. There shall be at the point of access from any lot a clear sight triangle wherein no wall, fence, object, structure or any other obstruction or hedge, tree, planting or other growth between a height of two and a half and 15 feet above grade, shall be constructed, installed, planted or permitted to exist, which triangle shall extend from a point in the center of the exit driveway a depth of 20 feet to the edge of the street line, and along the street right-of-way line a distance of 75 feet in each direction. Further, there shall be a sight distance at the point of access in each direction along the public street upon which the lot opens in accordance with the sight distance diagram set forth in the Appendix of the London Grove Township Subdivision and Land Development Ordinance [Chapter 22].

D. Where residential lots are proposed that will have frontage on expressways or major or minor arterial streets as defined in the Comprehensive Plan or according to the standards set forth in the definitions, the proposed street pattern shall provide reverse frontage on local streets within the subdivision. All residential developments that propose reverse frontage streets shall buffer the reverse frontage lots along the rear yard lot line in accordance with Part 28 and limit access to only those streets with the lowest possible functional classification.

E. Unless clearly impractical due to tract configuration or the presence of controlled topographic areas such as steep slopes or wetlands, proposed residential lots that will have frontage along major or minor collector streets as defined in the Comprehensive Plan or the standards set forth in the definitions shall have reverse frontage on local streets, with access only onto streets of the lowest possible functional classification.

F. Lots with less than 100 feet of frontage on a public street shall be limited to one access point onto such street. Lots with more than 100 feet of frontage on a public street shall have no more than one access point onto such street for each 200 feet of frontage. Ingress points segregated from egress points and common accesses for two or more adjacent lots, buildings or uses shall be encouraged to minimize the conflicts between turning movements of entering, exiting and through traffic.

G. *Common Driveways.* Adjacent lots, buildings and uses shall be permitted to utilize a common driveway only to the extent that no more than two users share the common driveway. All common driveways shall conform to the PennDOT Form 408 specifications for drives serving more than one lot, building or use. Individual lots, buildings or uses shall not be served by common driveways unless:

(1) Expressly permitted as part of a duly approved subdivision and/or land development plan specifically delineating said shared driveway.

(2) The common driveway is intended to serve multiple permitted uses authorized in the Commercial Zoning Districts under the provisions of §27-1002 and §27-1004 or §27-1102 and §27-1104 as a conditional use or in an Industrial District under the provisions of §27-1302.3 as a conditional use.

(3) When authorized by a special exception, provided that the burden shall be upon the applicant to demonstrate to the satisfaction of the Zoning Hearing Board that no other layout of the premises is reasonable and such common driveways must be used to avoid encroachment into controlled topographic areas such as steep slopes, floodplains and wetlands.

Any special exception granted for such common driveways and any conditional use involving multiple uses on the same premises, pursuant to paragraph .G above, shall be subject to the condition that a satisfactory easement and maintenance agreement be submitted as part of such application and, upon grant of such application, duly recorded in the Office of the Recorder of Deeds in and for Chester County after review and approval by the Township Solicitor and Township Engineer.

(Ord. 74, 3/30/1995, §1901)

§27-2003. Internal Access Drive Design Standards and Criteria.

1. The circulation within the confines of the tract under development shall be such as to permit safe and convenient movement of vehicles along prescribed driveways and parking areas and safe and convenient pedestrian movement. Both pedestrian and vehicular movement shall be within designated lanes so as to provide crosswalks across vehicular lanes for safe pedestrian passage. Within parking areas and driveways, speeds of vehicles shall be controlled to the greatest extent possible, consistent with the requirements of pedestrian movement and general safety.

2. Except for single-family and two-family dwellings on individual lots, the

internal circulation plan shall be deemed an integral part of any application for a building permit or certificate of occupancy where no building permit is required for all such uses. Provided, however, where the application is for multiple lot development, internal circulation shall be deemed an integral part of the application with respect to common and open areas. The following design criteria shall apply to the internal access drives within all lots containing uses other than one- and two-family detached dwellings or agricultural uses:

A. Internal access drives shall be designed to prevent the obstruction of vehicles entering or leaving the lot. Drives may be one-way or two-way. Areas designed for loading and unloading, refuse collection, fuel delivery and other service vehicles shall be arranged so as to prevent obstruction of the access drives, the use of automobile parking facilities or pedestrian ways. All access drives shall have adequate turnaround areas so egress can occur without reversing direction.

B. Internal access drives, parking areas and loading areas shall have clearly defined parking bays and travel lanes designated by markings, curbs, barriers and/or landscaped islands, so that operators of vehicles intending to utilize such areas shall not impede other traffic as a result of any confusion as to the location of entrances, exits, parking and the travel lanes. The following standards shall be utilized:

(1) To assist in traffic channeling, 3-foot wide raised islands shall be placed at the ends of parking bays so that the end of the bay adjacent to an internal access drive is clearly delineated. In addition, parking bays shall permit no more than 20 adjacent parking stalls per side without interruption by a 3-foot raised island. Such islands shall be landscaped in such a manner that the visibility of the drivers is not impaired.

(2) Traffic channeling shall be planned so that the main internal access drive(s) from the public street(s) to the parking areas is remote from the primary building(s) so as to minimize vehicular/pedestrian conflicts at the entrance to the building(s).

(3) Parking areas shall be designed so that a vehicle within any part of the parking area does not have to enter a public street to move to another part of the parking area. Within all parking bays, sufficient turnaround area shall be provided so that egress from the parking bay can occur in a forward direction.

(4) Every other parking bay shall be provided with a raised and landscaped four foot wide barrier to prevent right angle vehicular movement across parking areas. Parking bays without the landscape barriers shall have concrete stops (bumpers) to present right angle vehicular movement across the parking areas.

C. All internal access drives shall be paved with an approved, all-weather surface, per §22-606 of the Subdivision and Land Development Ordinance [Chapter 22], and shall be designed for proper drainage. The maximum grade of internal drives shall not exceed that permitted by §22-606 of the Subdivision and Land Development Ordinance [Chapter 22].

D. The following shall be the minimum permitted width of the internal access drives, where no adjacent parking is proposed:

USE	TWO-LANE	ONE-LANE
Multifamily	18 feet	10 feet
Commercial/Office	22 feet	12 feet
Industrial	22 feet	12 feet

(Ord. 74, 3/30/1995, §1902)

§27-2004. Fire Lane Design Standards.

Any use located more than 150 feet from a public street shall provide a duly dedicated fire lane easement to within 150 feet of said use. Internal access drives can be utilized for this purpose if they meet all applicable standards of the Fire Marshal.

(Ord. 74, 3/30/1995, §1903; as amended by Ord. 167, 4/6/2011)

§27-2005. Pedestrian and Equestrian Circulation.

The following standards shall apply to pedestrian and equestrian circulation patterns for all uses:

A. Existing foot paths and horse trails shall be preserved as much as possible, consistent with proposed development plans. Where existing trails or paths are proposed to be eliminated, alternative trails or pathways to maintain the continuity of the previously established trail network shall be provided.

B. Where there are no existing footpaths or horse trails on a tract proposed for development, a pedestrian and/or equestrian trail network shall be established so that:

(1) There is a logical continuation or linkage to the network of existing trails or sidewalks off-site.

(2) Pedestrian access is provided to existing or projected public transportation facilities, or pick-up points, public parks, community facilities and commercial areas.

C. There shall be convenient, logical and safe walkway connections between the various entrances of the principal buildings and the required parking areas, preferably in conjunction with landscaped islands to provide physical separation from the vehicles and shade and visual relief from glare.

D. Sidewalks shall be minimum of 4 feet wide, except where adjacent parking stalls overhang the sidewalk, then such sidewalks shall be at least 6 feet wide.

E. Where space permits, the maximum possible separation between the pedestrian and vehicular circulation routes shall be provided for the safety and comfort of pedestrians. Separation can be in the form of any one or a combination of the following: elevation changes such as overpasses, underpasses or embankments; landscaping elements such as street trees, bollards or fences.

(Ord. 74, 3/30/1995, §1904)

§27-2006. Parking Regulations.

No building or structure shall hereafter be constructed, enlarged or modified and

no use or activity shall be conducted or expanded unless provision is made on the same or adjacent lot for off-street parking facilities, either within a structure or in the open, and with proper and safe access from a street, to adequately serve the uses within the district according to the provisions of this Section. In an effort to preserve open space amenities, the construction of underground parking or parking in above ground facilities is encouraged. The following regulations shall apply to all uses except single-family and two-family dwellings unless otherwise specified:

A. Required off-street parking facilities as accessory to uses listed herein shall be solely for the parking of passenger automobiles of patrons, occupants and/or employees.

B. No motor vehicle repair work of any kind except emergency service shall be permitted on parking lots.

C. Interior circulation within parking areas shall be in accordance with the provisions of §27-2003 above.

D. Parking areas shall be landscaped in accordance with the applicable provisions of the Township Subdivision and Land Development Ordinance [Chapter 22], and applicable portions of §27-2006 of this Chapter.

E. Parking spaces shall be clearly delineated by suitable markings. Special use spaces such as short-term visitor parking, handicapped parking and pick-up/drop-off zones shall be differentiated by suitable markings from long-term employees spaces.

(Ord. 74, 3/30/1995, §1905)

§27-2007. Permitted Parking Locations.

1. In no case shall any portion of a public or private street be utilized in complying with the parking requirements of this Section.

2. All parking spaces shall be on the same lot as the principal buildings except when permitted by the Board of Supervisors.

3. The parking spaces required in §27-2009 below may be located elsewhere than on the same lot when authorized by the Board of Supervisors, subject to the following conditions:

A. The owners of two or more establishments shall submit with their application a site plan and agreement showing joint use, agreement, maintenance responsibility and location of a common off-street parking area;

B. Some portion of the common off-street parking area shall lie within 200 feet of an entrance, regularly used by patrons, into the building served hereby.

4. No parking or paved area, except for permitted access ways, shall directly abut a public street. Each such area shall be separated from the street by a curb, planting strip, wall or other suitable barrier against vehicles. Each such area shall be at least 10 feet from the edge of the paving of any street for which a given right-of-way is not indicated or at least 20 feet from the street line of an arterial, major collector or minor collector road.

5. For residential dwellings other than ecovillage dwelling units, the spaces shall be within 100 feet of the dwelling unit they serve. Parking spaces within an ecovillage may be more than 100 feet from the ecovillage dwelling unit they serve provided that

said spaces are located in a common parking area containing parking spaces for five or more vehicles. Common parking areas in an ecovillage shall be permitted within the perimeter property line setback along public streets and shall be screened with landscaping or other structures acceptable to the Township when abutting a public street. [Ord. 161]

6. A garage may be located wholly or partly inside the walls of the principal building, or may be attached to the outer walls. If separate from the principal building, the garage shall conform to all accessory building requirements and shall not be located in the required yard space except that carports which are part of common parking areas in an ecovillage shall be permitted to abut public streets and when abutting public streets may be constructed within the perimeter property line setback area. The garage may be constructed under a yard or court, when authorized as a special exception, but may not extend within 10 feet of any lot line. The space above the underground garage shall be deemed to be part of the open space on the lot on which it is located to the extent determined by the Zoning Hearing Board when authorized as a special exception. [Ord. 161]

(Ord. 74, 3/30/1995, §1906; as amended by Ord. 161, 10/6/2010, §1G)

§27-2008. Parking Stall Standards.

1. In all motor vehicle garages or an outdoor parking areas for establishments with a high volume of turnover, such as supermarkets, the stall size for each vehicle shall be at least 10 feet by 20 feet, including an overhang of 2 feet over the adjacent sidewalk, if present.

2. The parking stall sizes may be reduced to 9 feet by 18 feet for all parking lots in excess of 100 spaces, not to exceed 20 percent of the required spaces, and for low turnover parking lots such as offices.

3. The required parking area shall be measured exclusive of internal access drives or maneuvering areas.

4. Angled parking shall be permitted, with the minimum required stall depths, stall widths and aisles as shown in this Part.

5. Parking areas shall have a minimum slope of 1 percent in any direction to provide for drainage and a maximum slope of 6 percent in any direction for safety, user convenience and stormwater runoff control.

6. *Handicapped Parking.* In addition to any applicable standards under the American Disabilities Act,. All handicapped parking shall comply with the requirements of the Uniform Construction Code [Chapter 5, Part 1].

[Ord. 167]

(Ord. 74, 3/30/1995, §1907; as amended by Ord. 167, 4/6/2011)

§27-2009. Parking Stall Requirements.

1. In all districts, the residential parking requirements, excluding an ecovillage, shall be two spaces per dwelling unit including single-family and two-family dwellings, except when townhouses and single-family dwellings in lots less than 18,000 square feet are proposed, in which case there shall be four parking spaces per dwelling unit, two of which shall be off-street and two of which shall be either off-street on the lot, or in

an off-street visitor parking area, or on-street if the street is determined by the Board of Supervisors to be wide enough to accommodate such parking along with safe travel lanes. The residential parking requirement for an ecovillage shall be a minimum of two spaces per ecovillage dwelling unit; however, applicant shall be required to construct only a minimum of one and three-quarter spaces per ecovillage dwelling unit where at least one car sharing space is provided per 20 ecovillage dwelling units and shall set aside sufficient area in reserve for construction of the remainder of the required parking spaces. The remainder of the spaces shall be constructed only if and when they are deemed necessary by the applicant. During land development, applicant shall demonstrate where the remainder of the spaces could be located on tract. The parking requirement for a common house in an ecovillage shall be one and three-quarter spaces per guest room. [Ord. 161]

2. Nonresidential parking requirements shall be as follows.

A. *Employee*. One space per employee. In the case of shifts, adequate allowance shall be made for overlapping of arrivals and departures.

B. In addition to employee parking, additional spaces shall be provided by the application of the appropriate formula for each use as listed in this subsection.

C. If a related or accessory use, such as a restaurant or auditorium, in connection with a principal use is open to the public, the off-street parking requirement for the related use shall be in addition to that for the principal use.

D. Where the required parking standards are based on a multiple use, the applicant may reduce the number of parking spaces required to be paved initially by a maximum factor of 30 percent; provided, that the plan submitted shows that sufficient land is reserved and properly identified as such to meet the full requirements of this Chapter at such time as any such additional parking space may be required. Until such time it is developed, the parking reserve area shall be landscaped.

E. Minimum off-street parking requirements in addition to employee spaces shall be the lesser as follows:

Minimum Parking Requirements

Industry, wholesale storage or distribution, laboratory	1 space/5,000 square feet of floor area or research
Eating and drinking establishments	1 space/200 square feet of floor area or 2 seats, whichever is greater
Convenience store	1 space/100 square feet of gross floor area.
Driving range and batting range	1 space/tee or box
Golf course	4 spaces/tee
Theater, church, meeting place	1 space/3 seats
Bowling alley	3 spaces/1 alley

Minimum Parking Requirements

Motel, hotel, inn	1 space/guest room and the applicable requisite of parking for any auxiliary use
Hospital	2 spaces/fueling point
Laundromat	1 space/washing machine or 100 square feet
Elementary school	1 space/20 students
All other schools, day care centers	1 space/10 students
Retail stores, antique shops and personal service establishments	1 space/200 square feet of customer sales or service areas
Funeral home	1 space/50 square feet devoted to assembly or viewing room purposes
Institution	1 space/2 beds
Medical and dental offices and clinics	4 spaces/doctor
All other offices and office buildings	1 space/400 square feet of floor area, which includes required spaces for employees
All other uses	1 space/500 square feet of floor area

(*Ord. 74, 3/30/1995, §1908; as amended by Ord. 6/5/2001, §1908; and by Ord. 161, 10/6/2010, §1H*)

§27-2010. Loading and Unloading Standards.

In connection with any building or structure which is erected or substantially altered and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, there shall be provided a sufficient number of off-street loading and unloading berths for the intended use, in accordance with the following minimum requirements:

A. Such areas shall not be located between the building setback line and street line, and loading facilities shall be buffered in accordance with Part 18.

B. Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements of any off-street parking facilities or portions thereof. Required off-street parking spaces or access ways shall not be used for loading and unloading purposes except during hours when business operations are suspended.

C. Off-street loading and unloading areas shall be provided with proper and safe access, preferably separate from other vehicular and pedestrian circulation. In any case, loading and unloading operations, including arrival and departure, shall not interfere with traffic and pedestrian circulation on public streets or within

required off-street parking areas.

D. Loading and unloading spaces shall be at least 12 feet wide, 14 feet vertical clearance, 55 feet deep and shall have an adequate maneuvering apron.

E. Loading and unloading spaces shall have paved all-weather, dustless surfaces of sufficient load-bearing properties consistent with the intended use.

(*Ord. 74, 3/30/1995, §1909*)

Part 21**Nonconforming Uses, Structures, Signs and Lots****§27-2101. Applicability.**

All uses, structures, lots and signs that do not conform to the regulations of the district in which they are located, but were in lawful existence prior to the effective date of this Chapter shall be known and regarded a lawful nonconforming and the following regulations shall apply to them.

(*Ord. 74, 3/30/1995, §2002*)

§27-2102. Continuation.

Lawful uses, buildings, land or signs existing at the time of adoption of this Chapter, or authorized by a building permit issued prior thereto may be continued in the form evident at the time of adoption of this Chapter although such use does not conform to the provisions of this Chapter.

(*Ord. 74, 3/30/1995, §2001*)

§27-2103. Enlargements and Changes of Lawful Nonconforming Uses.

1. A nonconforming use housed within an existing building may be expanded to accommodate the natural growth of the use by not more than 25 percent of the floor area coverage that was dedicated to the nonconforming use on the date such use first became nonconforming; provided, however, if other conforming uses are displaced by the expansion of the nonconforming use and the structure is to be expanded to house the displaced conforming use, this expansion shall be deemed to house the nonconforming use for purposes of determining the percentage of additional floor area coverage dedicated to the nonconforming use.

A. A nonconforming use may be expanded to accommodate the natural growth of the use by not more than 25 percent of the floor area coverage that was dedicated to the nonconforming use on the date such use first became nonconforming.

B. A nonconforming use, to the extent and only to the extent that it is completely housed within an existing building or structure, may be changed to another nonconforming use of the same or of a more restricted nature and classification.

C. A nonconforming use, to the extent conducted on an unenclosed premises, shall not be expanded by more than 25 percent of the area dedicated to said nonconforming use at the time such use first became nonconforming. Any such expansion shall conform to all common regulations and performance standards in addition to locational, dimensional, and area limitations, applicable to the use in the district in which the nonconforming use is located.

2. All enlargements or changes in nonconforming uses specified in subsections .1.A, .1.B and .1.C above shall require the grant of a special exception by the Zoning Hearing Board, which said special exception shall be granted only upon determination by the Zoning Hearing Board, after public hearing, that:

A. The proposed expansion or change in use will be no more detrimental to its neighborhood and surroundings than the existing use it is to replace or expand.

B. The proposed expansion or change in use will comply with all of the design standards, general and common regulations applicable to the district in which the proposed expansion or change in use is to be located.

C. The proposed expansion or change in use complies with all of the criteria set forth in this Section of this Chapter.

2. In determining relative detriment, the Zoning Hearing Board shall take into consideration, among other things, traffic generated; nuisance characteristics such as emission of noise, dust, smoke; fire hazard; and hours and manner of operation. The applicant shall also demonstrate compliance with all common regulations and performance standards that would be applicable to such proposed expansion or change in use if the same were located in an area where such use was permitted as of right or by special exception or conditional use. Further, upon a change of nonconforming use within an existing building or structure, all provisions of this Chapter governing location, dimension and standard shall apply. In granting any special exception, the Zoning Hearing Board may attach such conditions and safeguards as it shall deem necessary to minimize the adverse effects that the expansion or change in use may have upon the neighborhood.

3. In the case where the expansion or change in nonconforming use is determined to pose hazards to the health, safety and welfare of the public or is recognized as a use that emits smoke or noxious fumes or is a nuisance, the proposed expansion or change in use will not be permitted unless, in the opinion of the Zoning Hearing Board, the conditions attached to the special exception permitting such expansion or change in use will result in no additional hazard to the general public when compared to the existing nonconforming use.

(*Ord. 74, 3/30/1995, §2002*)

§27-2104. Nonconforming Structures.

1. A structure nonconforming by reason of encroachment into the applicable setback distance for the district in which the structure is located shall be permitted to be expanded into those areas of the lot that are not within the setback areas, provided, however, that all applicable provisions in this Chapter as to area, dimension, standard and bulk must be met.

2. In the case of residential structures nonconforming by reason of encroachment into the setback area, additions, alterations and extensions (including accessory uses) permitted under this Chapter for residential structures shall be required to conform to the yard requirements specified in this Chapter for the district in which the residence is located, unless, permitted by the Zoning Hearing Board as a special exception, upon findings that:

A. No reasonable alternative exists.

B. The public health, safety and welfare is not adversely affected.

3. A structure nonconforming by reason of design to house a nonconforming use shall not be extended or enlarged except insofar as required by law to assure the structural safety of the building, except by special exception granted by the Zoning

Hearing Board. The Zoning Hearing Board may grant such special exception, provided that and only that:

A. It is clear that such extension is not materially detrimental to the character of the surrounding neighborhood.

B. The expansion of the nonconforming building shall not exceed 25 percent of the floor area of the building at the time it first became nonconforming.

C. Any extension of the building shall conform to all standards of this Chapter or amendment thereto with reference to area, height, location, dimension setback, coverage and building code standards.

D. Any expansion of a structure housing nonconforming uses shall conform to the standards set forth in §27-2103.

4. Where a nonconforming use is conducted entirely on an unenclosed premises, no structure to house or enclose such use, whether or not such structure would otherwise conform to the provisions of this Chapter or any amendment thereto, shall be permitted to be erected on the premises, if such building or structure would thereby become a nonconforming building or structure in that the same could not be used for a permitted purpose if the nonconforming use were discontinued.

(Ord. 74, 3/30/1995, §2003)

§27-2105. Damage or Destruction.

1. A nonconforming building or structure which has been destroyed or damaged by fire or other casualty to an extent that the cost of repairs would not exceed 60 percent of the replacement value of the building or structure, or if the structure is over 100 years old at the time of destruction, or has been designated as an historic structure, such structure may be reconstructed in its former location and to its former dimensions and used for the purpose for which it was used immediately before its damage or destruction, provided that such reconstruction shall be commenced within one year from the date of damage or destruction and shall be completed within 18 months thereafter.

2. A nonconforming building or structure which has been destroyed or damaged by fire or other casualty, to an extent whereby the cost of repair would exceed 60 percent of its replacement value, shall not be reconstructed or replaced except by a conforming building or structure, unless a special exception is granted by the Zoning Hearing Board. In granting a special exception, the Board shall find that:

A. The rebuilding shall attempt to conform to the applicable area, setback, coverage, and height requirements of the district where possible.

B. The proposed rebuilding will be no more detrimental to its neighborhood and surroundings than a conforming building of a similar area.

C. The proposed rebuilding will comply with all of the general and common regulations applicable to the district in which the proposed rebuilding is to be located.

D. If an existing nonconforming structure is intentionally razed by the owner of record, such a structure shall only be replaced by a conforming structure.

(Ord. 74, 3/30/1995, §2004)

§27-2106. Nonconforming Signs.

1. No nonconforming sign shall be moved to another location on the building or lot on which it is located after the effective date of this Chapter unless permitted by the granting of a special exception by the Zoning Hearing Board.

2. The total area of all nonconforming signs relating to a single use as of the date of this Chapter shall not be increased unless permitted by special exception.

3. Nonconforming signs shall not be physically altered or replaced unless authorized as a special exception. Once removed, nonconforming signs shall only be replaced by conforming signs unless permitted by special exception.

4. Whenever any nonconforming use ceases as prescribed in §27-2107, all signs accessory to such use shall be deemed to be nonconforming and shall be removed.

(*Ord. 74, 3/30/1995, §2005*)

§27-2107. Nonconforming Lots.

A nonconforming lot may be used and a building may be constructed upon a nonconforming lot, notwithstanding its deficiency in area or dimension, provided that any building, structure or use thereon shall comply with all applicable regulations as to use, location, setback, coverage, dimension and condition, as well as to all performance standards and common regulations, except to the extent that the Zoning Hearing Board, on application made for special exception, finds that conformity to such location or dimension or common regulation would deprive the applicant of all reasonable use of the lot. It shall be incumbent upon the applicant to conform as nearly as possible to each, all and every locational and dimensional standard and each and every common regulation and performance standard, notwithstanding the status as nonconforming lot of record, except to the extent that the requirement would deprive the applicant of all reasonable use of the lot.

(*Ord. 74, 3/30/1995, §2006*)

§27-2108. Abandonment or Termination of a Lawful Nonconformity.

1. A nonconforming use of a property shall be deemed abandoned, if for that property and use, a new use is approved, and an occupancy permit for that new use is issued, unless the former nonconforming use is explicitly continued as a multiple use.

2. Whenever nonconforming sign or a portion of a building constituting a nonconformity as to location or dimension is removed, the same shall not thereafter be replaced or restored in the area of encroachment or to the extent such replacement would constitute a dimensional nonconformity.

(*Ord. 74, 3/30/1995, §2007*)

Part 22**Zoning Hearing Board****§27-2201. Zoning Hearing Board - General Provisions.**

There has previously been created, and its continuation and existence shall be and hereby is ratified, the Zoning Hearing Board of London Grove Township, except as the context clearly otherwise requires, the term "Board" within this Part shall refer to the Zoning Hearing Board.

(*Ord. 74, 3/30/1995, §2100*)

§27-2202. Membership of the Board.

The membership of the Board shall consist of three residents of London Grove Township, appointed by resolution of the Board of Supervisors of London Grove Township. The terms of office of the members of the Board shall be 3 years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the municipality. Alternative members to the Board may be appointed per the provisions of the MPC.

(*Ord. 74, 3/30/1995, §2101*)

§27-2203. Removal of Members.

Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors taken after the member has received 15 days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

(*Ord. 74, 3/30/1995, §2102*)

§27-2204. Organization of the Board.

1. The Board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Board.

2. The Board may make, alter and rescind rules and forms for its procedure consistent with this Chapter of London Grove Township and the laws of the Commonwealth of Pennsylvania. The Board shall keep full public records of its business, which records shall be the property of London Grove Township and they shall submit a report of the Board's activities to the Board of Supervisors once a year and as may be requested by the Supervisors from time to time.

(*Ord. 74, 3/30/1995, §2103*)

§27-2205. Fees and Expenditures for Services.

1. Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for and fix the compensation of legal counsel as the need arises. The legal counsel shall be an attorney other than the London Grove Township Solicitor. The Board may also employ or contract for and fix the compensation of experts and other staff and make contract for services as it shall deem necessary. The compensation of legal counsel, experts and staff and the sums expended for services shall not exceed the amount appropriated by the Board of Supervisors for this use. For the same purposes, the Board of Supervisors may accept grants of money and services from private sources and from the county, state and federal governments.

2. Members of the Board shall receive compensation for the performance of their duties as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to members of the Board of Supervisors.

3. The Board of Supervisors of London Grove Township may prescribe reasonable fees with respect to the administration of this Chapter and with respect to hearings before the Zoning Hearing Board. Fees for these hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or otherwise technical consultants or expert witness costs. The fees and the method of payment thereof shall be prescribed by resolution of the Board of Supervisors.

4. An applicant, prior to appearing before the Hearing Board, shall deposit with the Treasurer of the Township such a sum of money as set forth in the fee schedule adopted by the Board of Supervisors to pay the cost of the hearing, provided that funds deposited in excess of the actual cost of the requested hearing shall be returned to the applicant upon completing of the proceedings and in the event that the costs of the hearing exceed the funds deposited, the applicant shall pay to the Treasurer of the Township funds equal to such excess cost. Failure to pay such fees when billed shall be cause for the application to be deemed incomplete.

(Ord. 74, 3/30/1995, §2104)

§27-2206. Jurisdiction of the Zoning Hearing Board.

1. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

A. Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to §609.1 and §609.9.1(b)(4) of the MPC.

B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by and appeal taken within 30 days after the effective date of said ordinance.

C. Appeals from the determination of the Zoning Officer including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

D. Appeals from a determination by the Township Engineer or the Zoning

Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

E. Applications for variances from the terms of this Chapter or such provisions within a land use ordinance, pursuant to §27-2207 hereof, or to §910.2. of the MPC.

F. Applications for special exceptions under this Chapter or floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to §27-2208 hereof, or to §912.1. of the MPC.

G. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this chapter.

H. Appeals from the Zoning Officer's determination under §27-2212 hereof, or to §916.2 of the MPC.

I. Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving applications under Article 5 of the MPC.

J. Appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid ordinance or map or any valid rule or regulation governing the action of the Zoning Officer.

K. Appeals which an applicant may elect to bring before it with respect to any municipal ordinance or requirement pertaining to the same development plan or development. In any such case, the Board shall have no power to pass upon the nonzoning issues, but shall take evidence and make a record thereon. At the conclusion of the hearing, the Board shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.

Appeals under this Section and proceedings to challenge any ordinance under this Section may be filed with the Zoning Hearing Board in writing by the officer or agency of the Township, or any person aggrieved. Request for a variance under §27-2207 and for special exception under §27-2208 may be filed with the Zoning Hearing Board by any landowner or any tenant with the permission of such landowner.

2. Except as to clauses subsections .1.C, .1.D, and .1.E which go to the Zoning Hearing Board, the London Grove Township Board of Supervisors shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

A. All applications for approval of subdivisions or land developments under the applicable ordinances of London Grove Township.

B. Applications for conditional use under the express provisions of this Chapter pursuant to §27-2310.

C. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in §27-2311.

(Ord. 74, 3/30/1995, §2105)

§27-2207. Zoning Hearing Board's Functions - Variances.

1. The Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

A. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is, therefore, necessary to enable the reasonable use of the property.

B. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or district in which the property is located.

C. That such unnecessary hardship has not been created by the appellant.

D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation at issue.

F. That in the case where the property in part or totally is located within the regulatory floodway the granting of a variance will not increase the base flood elevation.

2. Where the issuing of a variance will permit the construction of a structure or portion thereof below the base flood elevation in the Floodplain District the applicant shall be notified in writing over the signature of the Township Zoning Officer that the construction of a structure with a location below the base flood elevation will increase the risk to life and property and that flood insurance premium rates for the affected structure will increase. A record of all variance actions including the reasons and justification for the issuance of the variance shall be maintained.

3. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter.

(Ord. 74, 3/30/1995, §2106)

§27-2208. Zoning Hearing Board's Functions - Special Exception.

Where the Board of Supervisors, in this Chapter, has stated special exceptions to be granted or denied by the Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of this Chapter.

A. In hearing requests for special exceptions, the Board shall:

(1) Give consideration to the size, scope, extent, and character of the exception desired and assure itself that such request is consistent with the plan for future land use in the Township, and with the spirit, purpose and intent of this Chapter.

(2) Consider the suitability of the property for the use desired, and find that the new or expanded use, if approved, will be susceptible of regulation or restriction by appropriate conditions and safeguard.

(3) Assure that the specific performance standards set forth in §§27-1814 through 27-1825 shall be made applicable to regulate the nature, intensity, density, design, layout, and operation of the proposed land use permitted as a special exception. The Zoning Hearing Board may waive the requirements for certain specific performance standards if the generic type of use poses no potential for significant impact upon such standards. The burden of proof shall be placed on the applicant.

(4) Consider, where pertinent, that the facility provides safe and convenient pedestrian access and internal circulation within the grounds of the facility and particularly for points of access from the facility to the parking space.

(5) Consider, where pertinent, that adequate screening is provided between the lands in question and surrounding residential uses and residentially zoned districts to screen the facility from view, preclude any glare from lighting or noise from being ascertained beyond the boundaries of the property.

(6) Consider, where pertinent, the adequacy of security and supervision including, but not limited to, information of an adequate supervisor to student or patient ratio and such other evidence as may be required to establish this condition to the satisfaction of the Board.

(7) Consider, where pertinent, the effects of the proposal with respect to congestion on the roads or highways, the most appropriate use of the land, conserving the value of buildings, safety from fire, panic and other dangers, adequacy of light and air, the prevention of overcrowding of land, congestion of population and adequacy of public and community services and determine that approval of the application will not have a substantially adverse effect thereon.

(8) Make certain that the proposed change is reasonable in terms of the logical, efficient, and economical extension of public services and facilities, including but not limited to public water, sewers, police and fire protection, transportation and public schools.

(9) Be assured that the natural features and processes characterizing the proposed site and its surroundings shall not suffer unmitigated degradation, that the management of stormwater, the provision of water and/or sewer service, and any other facility or service proposed are consistent with Township goals, practices, and plans in these regards, and that demand for water and energy by the proposed use shall be minimized to the optimal extent.

(10) Take into consideration the character and type of development in the area surrounding the location for which the request is made and determine that the proposed change or modification, if permitted, will constitute an appropriate use in the area and will not substantially injure or detract from the use of surrounding property or from the character of the neighborhood.

(11) Guide the development of highway frontage insofar as possible so as to limit the total number of access points, reduce the need for on-street parking, and encourage the frontage of buildings on parallel marginal access roads or on roads perpendicular to the highway.

(12) Consider the probable effects of proposed development on highway congestion and insure that adequate access arrangements are provided in order to protect major highways from undue congestion and hazard.

(13) Impose such conditions, in addition to those required as are necessary to assure that the intent of this Chapter is complied with, and which are reasonably necessary to safeguard the health, safety, morals and general welfare of the Township at large and the residents and owners of the property adjacent to the area in which the proposed use is to be conducted. Conditions may include, but are not limited to, harmonious design of buildings, aesthetics, hours of operation, lighting, numbers of persons involved, noise, sanitation, safety, smoke and fume control and minimizing noxious, offensive or hazardous elements.

(14) Consider the impact the exception will have upon on-site and adjacent historic resources of the Township.

(15) In addition to conforming with the general conditions contained in §§27-2208.A.1 to §27-2208.A.15, all applications for special exception for a automobile service station and/or automobile repair facility must conform with all of the special conditions specified in this Section:

(a) All activities except those to be performed at the fuel pumps shall be performed within a completely enclosed building.

(b) Fuel pumps, oiling or greasing mechanisms, or other service appliances installed in connection with any gasoline service station, or repair facility may be placed within the front yard, but in no case closer than 30 feet from any street line or property line.

(c) Automobiles taken to a service station or repair facility for outside storage because of an accident shall remain no longer than 15 days from the day the car arrives at the station unless otherwise extended by the Zoning Officer.

(d) All automobile parts and inoperable motor vehicles shall be stored within a building.

(e) No portion of the lot shall be used for private parking or the parking of other vehicles except for employees and customers.

(f) An automobile service station or automobile repair facility must have adequate fire extinguisher, ample non-smoking signs posted and any other appropriate safeguards deemed necessary for the public safety. A permit shall be obtained from the State Fire Marshal. The Hearing Board

may specify screening to be provided in front of the gasoline pumps, the number and sizes of permitted signs, display of merchandise for sale, and exclusion of canopies from setback requirements.

(*Ord. 74, 3/30/1995, §2107*)

§27-2209. Time Limitations.

1. No person shall be allowed to file any proceeding with the Board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate officer, agency or body of London Grove Township if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal an adverse decision by the Zoning Officer on a challenge to the validity of an ordinance or map pursuant to §27-2206.1.A or MPC §916.2 shall preclude an appeal from a final or preliminary approval, based upon a challenge to this Chapter validity.

2. All appeals from determinations adverse to the landowners shall be filed by the landowner within 30 days after notice of the determination is issued.

(*Ord. 74, 3/30/1995, §2108*)

§27-2210. Validity of Ordinance - Substantive Questions.

1. A landowner who, on substantive grounds, desires to challenge the validity of an ordinance or map or any provision thereof which prohibits or restricts the use of development of land in which he has an interest shall submit the challenge either:

A. To the Zoning Hearing Board under §27-2206.

B. To the Board of Supervisors under §27-2311, together with a request for a curative amendment under MPC §609.1

2. Persons aggrieved by a use or development permitted on the land of another by an ordinance or map, or any provision thereof, who desires to challenge its validity on substantive grounds shall first submit their challenge to the Zoning Hearing Board for a decision thereon under §27-2206.

3. The submissions referred to in subsections .1 and .2 shall be governed by the following:

A. In challenges before the Zoning Hearing Board, the challenging party shall make a written request to the Zoning Hearing Board that it hold a hearing on its challenge. The request shall contain the reasons for the challenge. Where the landowner desires to challenge the validity of such ordinance and elects to proceed by curative amendment before the Board of Supervisors under §27-2311, his application to London Grove Township shall contain, in addition to the requirements of the written request hereof, the plans and explanatory materials describing the use or development proposed by the landowner in lieu of the use or development permitted by the challenged ordinance or map. Such plans or other materials shall not be required to meet the standards prescribed for preliminary or final approval or for the issuance of a permit, so long as they provide reasonable

notice of the proposed use or development and a sufficient basis for evaluating the challenged ordinance or map in light thereof. Nothing herein contained shall preclude the landowner from first seeking a final approval before submitting his challenge.

B. If the submission is made by the landowner to the Board of Supervisors under subsection .1.B, the request also shall be accompanied by an amendment or amendments to this Chapter proposed by the landowner to cure the alleged defects therein.

C. If the submission is made to the Board of Supervisors, the Township solicitor shall represent and advise it at the hearing or hearings.

D. The Board of Supervisors may retain an independent attorney to present the defense of the challenged ordinance or map on its behalf and to present their witnesses on its behalf.

E. Based upon the testimony presented at the hearing or hearings, the Board of Supervisors or the Zoning Hearing Board, as the case may be, shall determine whether the challenged ordinance or map is defective, as alleged by the landowner. If a challenge heard by the Board of Supervisors is found to have merit, the Board of Supervisors shall proceed as provided in §609.1 of the MPC. If a challenge heard by the Zoning Hearing Board is found to have merit, the decision of the ZHB shall include recommended amendments to the challenged ordinance which cure the defects found. In reaching its decision, the Zoning Hearing Board shall consider the amendments, plans and explanatory material submitted by the landowner and shall also consider:

(1) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.

(2) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Chapter or map.

(3) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features.

(4) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, historic resources, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.

(5) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

F. The Board of Supervisors or the Zoning Hearing Board, as the case may be, shall render its decision within 45 days after the conclusion of the last hearing.

G. If the Board of Supervisors or the Zoning Hearing Board, as the case may be, fails to act on the landowner's request within the time limits referred to in subsection .3.F, a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing.

4. The Board of Supervisors or the Zoning Hearing Board, as the case may be, shall commence its hearings within 60 days after the request is filed unless the landowner requests or consents to an extension of time.

5. Public notice of the hearing shall include notice that the validity of this Chapter or map is in question and shall give the place where and the times when a copy of the request, including any plans, explanatory material or proposed amendments may be examined by the public.

6. The challenge shall be deemed denied when:

A. The Board of Supervisors or the Zoning Hearing Board, as the case may be, fails to commence the hearing within the time limits set forth in subsection .4.

B. The Board of Supervisors notifies the landowner that it will not adopt the curative amendment.

C. The Board of Supervisors adopts another curative amendment which is unacceptable to the landowner.

D. The Board of Supervisors or the Zoning Hearing Board, as the case may be, fails to act on the request within 45 days after the close of the last hearing on the request, unless the time is extended by mutual consent by the landowner and the Township.

7. Where, after the effective date of this Chapter, a curative amendment proposal is approved by the grant of a curative amendment application by the Board of Supervisors pursuant to §909.1(b)(4) of the MPC or a validity challenge is sustained by the by the Zoning Hearing Board pursuant to §27-2206.1.A or the court acts finally on appeal from denial of a validity challenge, and the challenge so approved requires a further application for subdivision or land development, the developer shall have 2 years from the date of such approval to file an application for preliminary approval. Within the 2-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or sustained validity challenge. Upon the filing of the preliminary plan, the provisions of §508(4) of the MPC shall apply. Where the proposal appended to the curative amendment application or the validity challenge is approved but does not require further application under any subdivision or land development ordinance, the developer shall have 1 year within which to file for a building permit. Within the 1-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. During these protected periods, the court shall retain or assume jurisdiction for the purpose of awarding such supplemental relief as may be necessary.

(Ord. 74, 3/30/1995, §2109)

§27-2211. Procedure to Obtain Preliminary Opinion.

In order not to unreasonably delay the time when a landowner may secure assurance that this Chapter or map under which he proposed to build is free from challenge, and recognizing that the procedure for preliminary approval of his development may be too cumbersome or may be unavailable, the landowner may advance the date from which time for any challenge to this Chapter or map will run

under §27-2210 by the following procedure:

A. The landowner may submit plans and other materials describing his proposed use or development to the Zoning Officer for a preliminary opinion as to their compliance with the applicable ordinances and maps. Such plans and other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval or for the issuance of a building permit so long as they provide reasonable notice of the proposed use or development and a sufficient basis for a preliminary opinion as to its compliance.

B. If the Zoning Officer's preliminary opinion is that the use or development complies with this Chapter or map, notice thereof shall be published once each week for 2 successive weeks in a newspaper of general circulation in the Township. Such notice shall include a general description of the proposed use or development and its location, by some readily identifiable directive, and the place and times where the plans and other materials may be examined by the public. The favorable preliminary approval under this Section and the time therein specified for commencing a proceeding with the Zoning Hearing Board shall run from the time when the second notice thereof has been published.

(Ord. 74, 3/30/1995, §2110)

§27-2212. Hearings.

The procedures herein described for the conduct of hearings shall be equally applicable to hearings before the Board of Supervisors in its adjudicative capacity and to the hearings before the Zoning Hearing Board. Where the term "Board" is used in this Section, it shall apply to whichever Board is holding the hearings and has jurisdiction to render its decision thereon.

A. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, such other persons as London Grove Township shall designate by ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provision, by rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing. When the Hearing Board shall so order, by mailing or delivering a notice thereof to the owner, if his residence is known, or the occupier of every lot surrounding the affected tract, provided that failure to give notice as required by this paragraph shall not invalidate any action taken by the Hearing Board. The notice herein required shall state the location of the affected tract, the general nature of the question involved, and the date, time and location of the hearing.

B. The hearing shall be held within 60 days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

C. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board

for that purpose.

D. The chairman or acting chairman of the Board shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and the documents requested by the parties.

E. The parties shall have the right to be represented by legal counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

F. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

G. The Board shall keep a stenographic record of the proceedings. The appearance fee for a public stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

H. The Board shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and giving opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

I. The Board shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in paragraph .A of this Section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

J. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later

than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

(Ord. 74, 3/30/1995, §2111)

Part 23**Application, Administration and Enforcement****§27-2301. Application.**

1. Hereafter no land shall be used or occupied, and no building or structure shall be erected, altered, used or occupied, except in conformity with the regulations herein established for the districts in which such land, building or structure is located, as well as all other applicable statutes.

2. In case of mixed occupancy, the regulations for each use shall apply to that portion of the building or land so used.

(Ord. 74, 3/30/1995, §2200)

§27-2302. Zoning Officer.

The provisions of this Chapter shall be enforced by an officer appointed by the Board of Supervisors who shall be known as the "Zoning Officer." The Zoning Officer shall be appointed by the majority of the Board of Supervisors and shall serve at the pleasure of the Board and shall be removable from office by that Board at the Board's sole and unfettered discretion. The compensation of the Zoning Officer shall be determined by the Board of Supervisors and may be modified at the pleasure of the Board. In addition, the Board of Supervisors may appoint such Assistant Zoning Officers or Deputy Zoning Officers as the Board, in its discretion, deems appropriate. The Zoning Officer shall not hold any elective office within the Township Government. The qualifications for the office of Zoning Officer shall be those qualifications deemed satisfactory to the Board of Supervisors and the Zoning Officer shall be able to demonstrate to the satisfaction of the Board of Supervisors a working knowledge of municipal zoning.

A. *Duties.* The duties of the Zoning Officer shall be as follows:

(1) To receive all applications for zoning permits and sign permits as permitted by this Chapter.

(2) To record and file all applications for permits, and accompanying plans and documents, and keep them as public records.

(3) To inspect nonconforming uses, buildings and lots and maintain records thereof, which shall be public records, and to examine such lots, structures and uses periodically with the view toward appropriate regulation and restriction thereof.

(4) Upon the request of the Board of Supervisors, the Zoning Hearing Board, the Planning Commission or other appropriate bodies of the Township, to present to such body facts, records and any similar information on specific requests to assist such bodies in reaching their determinations, decisions or recommendations.

(5) To be responsible for maintaining current records as to this Chapter and the Zoning Map filed with the Township Secretary and to include any amendments thereto.

(6) To make inspections as required to fulfill his/her duties. He/she shall have the right, with the owner's permission, to enter any building or structure or to enter upon any land at any reasonable hour in the course of his/her duties.

(7) To enforce literally the provisions of this Chapter in strict accordance with the terms thereof. No permit of any kind, as provided in this Chapter, shall be granted by him for any purpose except in strict compliance with the provisions hereof.

(8) To issue enforcement notices where it is determined that a violation of this Chapter exists and to report the issuance thereof and the facts surrounding such determination to the Board of Supervisors.

(9) To issue zoning permits only for construction and uses which are in accordance with the regulations of this Chapter and as may be subsequently amended.

(10) To issue zoning permits for uses by special exception and/or variance only after such uses and buildings are ordered by the Zoning Hearing Board in accordance with the regulations of this Chapter, or court of appeals, subject to any stipulations contained in such order.

(11) To be responsible for the administration of the National Flood Insurance Program in the Township and specifically in those areas where records must be maintained relative to the types of land use permitted and occurring within the floodplain district, variances issued, base flood elevations, elevation of lowest floor, including basement, the elevation to which the structure is flood-proofed and other administrative functions necessary for participation in the National Flood Insurance Program.

(12) To notify in riverine situations, adjacent communities and the State coordinating office prior to any alteration or relocation of a watercourse, and maintain copies of such notification.

(13) To assure the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(14) To be responsible for applicable provisions included in all other codes, ordinances and regulations are applied insofar as they are consistent with the Township's needs to minimize the hazard and damage which may result from flooding.

(15) With the consent and approval and at the direction of the Board of Supervisors and in conjunction with the Township Solicitor, to pursue such causes of action and enforcement remedies as may be herein provided or otherwise authorized by law to secure compliance with the terms of this Chapter and any order issued hereunder and punish as appropriate violations thereof.

(16) To receive and process applications for hearings before the Zoning Hearing Board with reference to applications and appeals from the determinations of the Zoning Officer or for such other relief as is provided in this Chapter. [*Ord. 167*]

(*Ord. 74, 3/30/1995, §1201; as amended by Ord. 167, 4/6/2011*)

§27-2303. Violations.

1. Failure to secure a zoning permit prior to the use or change in use of land or building(s) or the erection, enlargement or alteration, demolition of a building or failure to secure a certificate of use and occupancy shall be a violation of this Chapter. It shall also be a violation of this Chapter to undertake other deliberate actions which are contrary to the terms of this Chapter or other existing statutes, or to violate the terms and conditions attached to any zoning permit or approval issued by Township officials, the Zoning Hearing Board, or the Board of Supervisors.

2. If it appears to the Zoning Officer that a violation of this Chapter has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.

3. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, to any person in apparent occupancy or control of that parcel, to the apparent violator of the terms of this Chapter, and to any other person requested in writing by the owner of record to receive such notice.

4. An enforcement notice shall state at the least the following:

A. The name of the owner of record and any other person against whom the municipality intends to take action.

B. The location of the property in violation.

C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.

D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within 30 days in accordance with the procedures set forth in this Chapter.

F. The failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation with possible sanctions of \$500 plus costs and reasonable counsel fees, and that each day the violation continues shall be deemed a separate offense subject to like penalty.

(Ord. 74, 3/30/1995, §2202)

§27-2304. Causes of Action.

In case any building, structure, landscaping or land is or proposed to be erected, constructed, reconstructed, altered, repaired, converted, maintained or used in violation of any provision of this Chapter or of any regulation made pursuant thereto, the Board of Supervisors, or with the approval of the Board of Supervisors, the Zoning Officer on behalf of the Township or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land or to prevent in or about such premises any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least 30 days prior to the time the action

is begun by serving a notice of a complaint on the Zoning Officer. No such action may be maintained until such notice has been given.

(*Ord. 74, 3/30/1995, §2203*)

§27-2305. Enforcement Remedy.

1. Any person, partnership or corporation or the officers thereof who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Zoning Officer with the approval of the Board of Supervisors, pay a judgment of not more than \$500, plus all court costs, including reasonable attorney's fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Township Solicitor shall enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day that a violation continues shall constitute a separate violation, unless the magisterial district judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership, corporation or officer thereof violating this Chapter, to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the magisterial district judge and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of this Chapter shall be paid over to the General Fund of London Grove Township. [*Ord. 167*]

2. The magisterial district judge for District Court 15-4-04, or such other magisterial district judge as shall be designated by general order or special rule of court be designated, shall have jurisdiction to hear and decide all enforcement proceedings brought under §27-2305 hereof. [*Ord. 167*]

3. The Court of Common Pleas, upon petition, may grant an order of stay upon cause shown tolling the per diem fine pending a final adjudication of the violation in judgment.

4. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity, other than London Grove Township, the right to commence any action for enforcement pursuant to this Section.

(*Ord. 74, 3/30/1995, §2204; as amended by Ord. 167, 4/6/2011*)

§27-2306. Finances, Expenditures and Fees.

1. The Board of Supervisors shall make provision in its budget and appropriate funds for the operations of the Zoning Officer and Code Officer, including administration, enforcement, and legal actions. [*Ord. 167*]

2. The Board of Supervisors shall by resolution establish a schedule of fees, charges and expenses and collection procedures for zoning permits and certificates of occupancy.

3. The schedule of fees shall be available for inspection in the office of the Zoning Officer and/or the Township Secretary and may be altered or amended by the Board of Supervisors. Such alteration shall not be considered an amendment to this Chapter and

may be adopted at any public meeting of the Board by resolution.

4. Until all application fees have been paid in full, no action shall be taken on any application.

(*Ord. 74, 3/30/1995, §2205; as amended by Ord. 167, 4/6/2011*)

§27-2307. Exemptions.

This Chapter and the provisions thereof shall not apply to any existing structure or extension thereof, used or to be used, by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to insure that both the corporation and the Township have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceeding.

(*Ord. 74, 3/30/1995, §2206*)

§27-2308. Zoning Permits.

1. General Requirements of Zoning Permits.

A. A zoning permit shall be required prior to the placement, erection, movement, structural alteration, enlargement of any building or other structure or portion thereof upon any lands within London Grove Township. A zoning permit shall be required prior to obtaining a building permit; changing the use of land or buildings; changing the use or extending or enlarging a nonconforming use. The placing of vacant land under cultivation shall not require a zoning permit.

B. It shall be unlawful to commence any site work or other work requiring a zoning permit until a zoning permit has been properly issued therefor. The zoning permit certifies that such specifically enumerated activities or uses are in conformance with all applicable ordinances, approvals and all conditions or stipulations specified in said approvals. It shall be unlawful for any person to commence work on any of the above enumerated activities prior to obtaining of such zoning permit or continuing such activities after the expiration, termination or revocation thereof.

C. It shall be unlawful to locate a travel trailer within the mapped floodway in the Flood Hazard District or in the floodway of any stream. It shall also be unlawful to locate a mobile home, other than one permanently anchored to a permanent foundation any place within the Township until a zoning permit has been duly issued therefor.

D. Applications for a zoning permit shall be made in writing to the Zoning Officer on such forms as the Zoning Officer may prescribe and shall contain all information necessary for such officer to ascertain whether the proposed erection, construction, alteration or use complies with the provisions of this Chapter.

E. Such permits shall be granted or refused within 30 days upon satisfaction of the Township that all required information has been supplied. In the case of refusal, the applicant shall be informed of his right to appeal.

F. No permit shall be issued except in conformity with the regulations of this Chapter and other applicable ordinances except after written order from the Zoning Hearing Board or the Board of Administrative Appeals or a court of competent jurisdiction.

G. In all instances in which the Zoning Officer expresses a reasonable doubt as to the ability of a proposed use to meet all of the requirements of this Chapter, it shall be incumbent upon the applicant to furnish adequate evidence in support of his application. If such evidence is not presented, the zoning permit shall be denied.

H. No application for a permit shall be filed except by the landowner or agent thereof authorized in writing. Proof of standing shall be submitted to the Zoning Officer at time of filing of the application. The parcel or parcels of land and/or buildings or parts of buildings for which an application is being submitted shall be furnished at the time of application. [*Ord. 167*]

I. Application for zoning permits under this Section, along with accompanying plans and data, may be submitted by the Zoning Officer to any governmental agency, authority or representative for review and comment relative to compliance with existing statutes and the Zoning Officer shall consider those comments in acting on the application.

J. A special exception, variance or conditional use shall expire at the end of 6 months unless the applicant has within that time made a proper application for a zoning permit and diligently pursued such application. A zoning permit once issued shall expire at the end of 6 months unless within that time the applicant has made proper application for a building permit under the Building Code [Chapter 5, Part 1]. Once any zoning permit granted expires, all underlying permits and approvals granted by this Township, with the exception of subdivision approvals, shall, in like manner, be deemed to expire. Provided, however, the Board of Supervisors may, on timely application and for cause shown, grant one or more extensions of any such permit, but no extension shall be granted for a period in excess of 6 months, nor shall any extension be granted on application filed after the expiration of such prior approval. Any extension granted shall be granted on such terms as the Board of Supervisors may deem reasonable under the circumstances, including the requirement that the applicant, as a condition to such extension, pay the costs incurred by the Township in the review and processing of such application, which costs shall include, but not be limited to, Engineering and Solicitor's fees incurred.

2. *Application for Zoning Permits in all Residential Districts.*

A. All applications shall be made in writing and shall be accompanied by three sets of plans showing at least the following if applicable:

(1) Three copies of the approved land development plan and/or zoning plan, if applicable, together with any other data and information required by the Zoning Officer to evaluate compliance with this Chapter and other existing statutes.

(2) Three copies of detailed architectural plans for any proposed building or structure under the application showing the exact size and location on the lot of buildings, structures or signs existing and/or proposed extensions

thereto.

- (3) The number of dwelling units, if applicable.
- (4) The number of parking spaces provided and/or loading facilities.
- (5) A statement indicating the existing and proposed use.
- (6) The height of structure(s), building(s) or sign(s).

(7) Where the disturbance or movement of earth is contemplated, a sedimentation and erosion control plan with an accompanying narrative prepared by a qualified person for review and approval by the Township Engineer and Chester County Conservation District; or, when applicable, a copy of the permit issued by the Pennsylvania Department of Environmental Protection approving earth-moving operations. [Ord. 167]

(8) Permit(s) or certification from the appropriate agency for the provision of a healthful water supply, disposal of sewage and other wastes, and control of objectionable effects as well as any other appropriate, lawful permits as may be required by statute.

(9) All other information necessary for the Zoning Officer to determine conformance with and provide for enforcement of this Chapter.

(10) No application is complete until all the necessary documents have been filed and fees have been paid.

B. One copy of the plan shall be returned to the applicant by the Zoning Officer after he/she shall have marked such copies either as approved or disapproved and attested to the same by his/her signature on such copy.

C. One copy of all approved plans shall be retained by the Zoning Officer for his/her permanent records.

D. In applications for minor additions or alterations to residential dwellings, the Board of Supervisors may, but shall not be obligated to, on request by the applicant, waive any procedural requirements with respect to the content of plans or applications so long as the plans or application demonstrate on its face compliance with all of the terms of this Chapter and other applicable ordinances.

[Ord. 167]

3. *Applications for Zoning Permits for Uses in all Commercial, Industrial, Special Use, and Flood Hazard Districts.*

A. Application for zoning permits for all uses in these districts shall be accompanied by:

(1) Three copies of the land development and/or plot plan, if applicable, together with any other data and information required by the Zoning Officer to evaluate compliance with this Chapter and other existing statutes. The plot plan shall show the location of all present and proposed buildings, drives, parking lots showing driveways, circulation patterns, curb cut accesses, parking stalls and bumpers, access from streets, screening fences and walls, waste disposal fields or other methods of sewage disposal and other constructional features on the lot and the location of all topographical features.

(2) Three copies of detailed architectural plans for any proposed building, structure or sign under the application.

(3) A description of the operations proposed, in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards, smoke or emission of any potentially harmful or obnoxious matter or radiation.

(4) Engineering and architectural plans for treatment and disposal of sewage and industrial waste, tailings or unusable by-products.

(5) Engineering and architectural plans for the handling of any excess traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards, smoke or emission of any potentially harmful or obnoxious matter or radiation.

(6) The proposed number of shifts to be worked and the maximum number of employees on each shift.

(8) Where use by more than one firm is anticipated, a list of firms which are likely to be located in the center, their floor area and estimated number of employees.

(9) Wherein the disturbance or movement of earth is contemplated, a soil and erosion control plan with an accompanying Narrative prepared by a qualified person for review and approval by the Township Engineer; or when applicable, a copy of the permit issued by the Pennsylvania Department of Environmental Protection approving earth-moving operations. [Ord. 167]

(10) Designation of the manner by which sanitary sewage shall be disposed and water supply obtained along with permits or certification from the appropriate agency for the provision of a healthful water supply, disposal of sewage and other wastes, and control of objectionable effects as well as any other appropriate, lawful permits as may be required by statute.

(11) No application is complete until all the necessary documents have been filed and fees have been paid.

B. Review by Township Engineer.

(1) Applications for permits under this Section, along with accompanying plans and data, shall be submitted by the Zoning Officer to the Township Engineer for the Engineer's technical review and comment. The Engineer shall review the material to determine that the proposed development is in harmony with this Part and the Comprehensive Plan.

(2) The Township Engineer shall make his comments on the application within 20 days of its receipt. The Zoning Officer shall take into consideration the comments of the Township Engineer in his approval or denial of the application.

C. One copy of the plan shall be returned to the applicant by the Zoning Officer after he/she shall have marked such copies either as approved or disapproved and attested to the same by his/her signature on such copy.

D. One copy of all such plans shall be retained by the Zoning Officer for his/her permanent records.

[Ord. 167]

4. *Application for Sign Permits.* A sign permit shall be required prior to the

erection or modification of any sign, sign structure or change in location of an existing sign. Application for a sign permit shall be made in writing on an appropriate form to the Zoning Officer and shall contain all information necessary for such officer to determine whether the proposed sign, or the proposed alterations, conform to all the requirements of this Chapter. No sign permit shall be issued except in conformity with the regulations of this Chapter, or except after written order from the Zoning Hearing Board, or a court of jurisdiction.

A. All applications for sign permits shall be accompanied by plans of diagrams in duplicate and approximately to scale, showing the following:

(1) Dimensions of the lot (including any right-of-way lines) and/or building upon which the sign is proposed to be erected.

(2) Size, dimensions and location of the said sign on lot or building together with its type, construction, materials to be used, and the manner of installation.

(3) Any other lawful information which may be required of the applicant by the Zoning Officer such as, set back information.

B. One copy of said plan or diagram shall be returned to the applicant, after the Zoning Officer shall have marked such copy either approved or disapproved, and attested to same.

5. *Application for All Other Permits.* Applications shall be accompanied by plans in triplicate, drawn to scale and showing the following:

A. Actual dimensions and shape of the lot to be built upon.

B. Exact size and locations on the lot of all existing buildings and other structures, if any, and the location and dimensions of proposed buildings and other structures or alteration.

C. Existing and proposed uses, showing the number of families the building is designed to accommodate.

D. Any other lawful information that may be required by the Zoning Officer or by other Sections of this Part.

E. Water and sewer systems conforming to the most recent applicable regulations adopted by the Board.

6. *Temporary Use Permit.* A temporary permit may be authorized by the Zoning Hearing Board, subject to the requirements of this Chapter, for a nonconforming structure or use which it deems beneficial to the public health or general welfare or which it deems necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the permit without cost to the Township. Such a permit shall be issued for a specified period of time not exceeding 1 year and may be renewed annually for an aggregate period of not more than 3 years.

(*Ord. 74, 3/30/1995, §2207; as amended by Ord. 167, 4/6/2011*)

§27-2309. Building Permits and Use and Occupancy Permits.

1. *Building Permits.* Building permits shall be required, applied for and issued in accordance with the requirements of the Uniform Construction Code [Chapter 5, Part

1. [Ord. 167]

2. *Use and Occupancy, General.*

A. It shall be unlawful for the applicant and/or person or other entity to sell, use or occupy any building or other structure or parcel of land until a certificate of use and occupancy, if required, has been duly issued therefor. A certificate of use and occupancy shall be required prior to any of the following:

(1) Use and/or occupancy of any parcel of land, building or other structure hereinafter erected, altered or enlarged for which a zoning permit is required.

(2) Any change in use including accessory uses of any parcel of land, building or structure.

(3) Changes in extension, or enlargement of a nonconforming use.

(4) For all commercial and industrial uses, a change of use of any parcel of land, building, or other structure for which a zoning permit has been or should have been issued under this or previous zoning ordinances.

(5) For new construction in all zoning districts prior to sale.

B. *Application Procedures.* Application shall be made in writing to the Township on a form specified for such purposes by the Township. [Ord. 167]

C. *Issuance.*

(1) Certificates of use and occupancy shall be granted or refused within 10 days from the date of application. No application shall be granted or refused until the Zoning Officer has inspected the premises. Issuance of this certificate by a Township official or employee designated by the Zoning Officer shall be based in conformity of the work to the requirements of this Chapter and any other pertinent ordinances.

(2) Pending completion of a building or of alterations thereto, temporary certificate of use and occupancy may be issued by the Zoning Officer for a temporary occupancy of part or all of the building provided that such temporary occupancy will not damage in any way the health, safety, and welfare of the public property and providing further that a time limit for temporary certificate not exceeding 6 months shall be established, and shall not be renewable.

(3) In Commercial and Industrial Districts in which performance standards are imposed by this Chapter or when required by the Zoning Officer, no certificate of use and occupancy shall become permanent until 60 days after the facility is fully operating, when upon a re-inspection by the Zoning Officer it is determined that the facility is in compliance with all performance standards.

[Ord. 167]

(Ord. 74, 3/30/1995, §2208; as amended by Ord. 167, 4/6/2011)

§27-2310. Conditional Uses.

Where London Grove Township, in this Chapter, has stated conditional uses to be granted or denied by the Township, pursuant to express standards and criteria, the Board of Supervisors of London Grove Township shall hold hearings on and decide

requests for such conditional uses in accordance with such standards and criteria. In granting a conditional use, the Board of Supervisors of London Grove Township may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purpose of this Chapter.

A. *Application.* An application for conditional use approval shall be accompanied by a plan showing the size and location of the proposed use, all proposed buildings and all proposed accessory facilities, including roads, access drives, and parking areas. In addition, the application shall be accompanied by such information in graphic and/or narrative form, to demonstrate compliance with all applicable standards to be met. Feasibility of water supply, sanitary sewage disposal, and storm drainage control should be demonstrated but need not be fully engineered.

B. *Conditional Use Procedures.*

(1) A conditional use application shall be filed with the Township on such forms as may be prescribed by the Board of Supervisors.

(2) The Board of Supervisors shall schedule and hold a public hearing on the application pursuant to public notice within 60 days of filing unless the applicant waives or extends the time limitation.

(3) At least 45 days prior to the date of hearing, one copy of the application and supporting material shall be furnished to the Township Planning Commission, the County Planning Commission and any other agencies or consultants deemed appropriate by the Board of Supervisors, together with a request that such agencies submit recommendations regarding the proposed conditional use.

(4) Upon review of the application in terms of the standards and criteria of this Chapter, the Board of Supervisors shall render a decision within 60 days after the public hearing (or last public hearing if more than one is necessary to fully evaluate the proposal).

(5) Any applicant contemplating subdivision or land development as that term is defined in the Township Subdivision and Land Development Ordinance [Chapter 22] shall, upon receiving conditional use approval, submit a subsequent application for approval pursuant to that ordinance and the terms, conditions and requirements thereof.

(6) No application is complete until all the necessary documents have been filed and all fees have been paid.

C. Standards for review of proposed conditional use shall be as follows:

(1) The proposed use shall meet all of the specific standards and regulations for eligibility which appear in the Section of this Chapter authorizing the proposed conditional use.

(2) The standards set forth in §27-2208 for review of special exception applications, shall be met.

D. All applications for conditional uses shall comply and conform to the following general standards:

(1) For all uses, off-street parking regulations and design standards shall

be as provided in Part 20 hereof.

(2) For all uses, sign regulations shall be as contained in Part 19 hereof.

(3) The applicant shall establish by a fair preponderance of credible evidence that the use intended at the location intended shall not be contrary to the public health, public safety, or public welfare.

(4) The applicant shall establish by a fair preponderance of credible evidence that the interior traffic circulation for the proposed use at the proposed location, including, but not limited to, deceleration lanes where required at the proposed entrances to the location, shall be adequate to provide safe and convenient circulation for users of the facility, visitors to the facility, employees of the facility and all emergency vehicles that may require entrance thereon.

(5) The applicant shall establish by a fair preponderance of credible evidence that the facility provides safe and convenient pedestrian access and internal circulation within the grounds of the facility and particularly for points of access from the facility to the parking areas.

(6) The applicant shall establish by a fair preponderance of credible evidence that adequate screening is provided between the lands in question and surrounding residential uses and residentially zoned districts to screen the facility from view, preclude any glare from lighting or noise from being ascertained beyond the boundaries of the property.

(7) Where the facility's operation and purpose, in the opinion of the Board, require supervision and protection, the applicant shall establish by a fair preponderance of credible evidence the adequacy of security and supervision, including, but not limited to, information of an adequate supervisor to inmate, student or patient ratio and such other evidence as may be required to establish this condition to the satisfaction of the Board.

(8) All the applicable standards of Part 18.

E. In all applications for conditional uses, the burden of persuasion shall as to all aspects and standards, shall be and remain upon the applicant. Further, the initial burden of going forward with the evidence shall be upon the applicant to demonstrate (1) compliance with each and every applicable term, condition and provision of this Chapter; and (2) compliance with all performance standards which by the terms of this Chapter are made relevant to the proposed conditional use as set forth in Part 18. With regard to proof of general requirements that the application, if granted, would not be contrary to the public health, safety, and welfare, the initial burden as to specific objections shall be upon the protestant or township, but the burden of persuasion with respect to specific objections raised shall be and remain upon the applicant.

(Ord. 74, 3/30/1995, §2209)

§27-2311. Amendments.

1. For the preparation of amendments to this Chapter, the procedure set forth in §607 of the MPC for the preparation of a proposed zoning ordinance shall be optional.

2. Before voting on the enactment of an amendment, the Board of Supervisors

shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least 1 week prior to the date of the hearing.

3. In the case of an amendment other than that prepared by the Planning Commission, the Board of Supervisors shall submit each such amendment to the Planning Commission at least 30 days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.

4. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

5. At least 30 days prior to the public hearing on the amendment by the Board of Supervisors, the Township shall submit the proposed amendment to the County Planning Commission for recommendations.

6. The Township may offer a mediation option as an aid in completing proceedings authorized by this Section. In exercising such an option, the Township and mediating parties shall meet the stipulations and follow the procedures set forth in Article IV of the MPC.

7. Within 30 days after enactment, a copy of the amendment to this Chapter shall be forwarded to the County Planning Commission.

8. A landowner who, on substantive grounds, desires to challenge the validity of an ordinance or map or any provision thereof, which prohibits or restricts the use of development of land in which he has an interest may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in §609.1 of the MPC and references thereto.

(Ord. 74, 3/30/1995, §2210)

§27-2312. Liability.

Municipal Liability. The granting of any permit under this Chapter by the Township or any of its designated officials or the use of land or structures or the erection, alteration or extension of any structure or the approval of any subdivision or land development plan shall not constitute a representation, guarantee, or warranty of any kind by the Township or any of its officials or employees as to any manner of injury resulting from such use, erection, alterations or extension, and shall create no liability upon, or a cause of action against such public body, officials or employees for any damages or injury that may result pursuant thereto.

(Ord. 74, 3/30/1995, §2211)

§27-2313. Costs.

The London Grove Township Board of Supervisors shall, from time to time, review municipal costs associated with various zoning activities as required by this Chapter.

They shall then, at regular public meeting, assign fees to various required municipal applications and permits. These fees will be contained in a fee schedule separate from this Chapter and herein referred to as the "Fee Schedule."

(Ord. 74, 3/30/1995, §2212)

Part 24

[Reserved]

Part 25

[Reserved]

Part 26**Airport Zone****§27-2601. Statement of Intent.**

1. The intent of this Part is to insure that all property and occupants of lands in the vicinity of the New Garden Airport are protected from its hazards. Furthermore, it is the intent of this Part to insure all users of the airport and their property are protected from safety hazards. It is the specific purpose of this Part to:

A. Prohibit all obstructions that reduce the area available for landing, takeoff and maneuvering of the aircraft.

B. Require special height controls for buildings and structures within areas designated airport zones by this Part.

C. Establish height restrictions, the airport zones enhance public safety and minimize the disruption of existing zoning policies or existing land uses. Interference and obstruction poses a threat to the health, safety, welfare and convenience of residents of the Township and passengers aboard the aircraft.

2. By imposing height restrictions, the airport zones enhance public safety and minimize the disruption of existing zoning policies or existing land uses. Interference and obstruction poses a threat to the health, safety, welfare and convenience of residents of the Township and passengers aboard the aircraft.

(*Ord. 74, 3/30/1995; as added by Ord. 74-E, 3/4/1998, §2501*)

§27-2602. Authority.

The Pennsylvania State Airport Zoning Act, Pennsylvania Aviation Code, and Federal Aviation Regulation Part 77 empower municipalities to restrict the height to which structures may be erected or natural growth may be allowed to occur in airport hazard areas. All standards set forth in this Part support and supplement Federal and State regulations.

(*Ord. 74, 3/30/1995; as added by Ord. 74-E, 3/4/1998, §2502*)

§27-2603. Applicability of Underlying Zoning District Standards.

The airport zones are overlay districts that regulate permitted heights. All applicable standards of the underlying district shall apply. In those instances where the airport zone allows a height restriction different than that imposed by the underlying zoning district, the more restrictive standard shall apply.

(*Ord. 74, 3/30/1995; as added by Ord. 74-E, 3/4/1998, §2503*)

§27-2604. Airport Zones.

The following zones have been created in order to carry out the intent of this Part:

A. *Approach Zone.* A zone longitudinally centered on the extended runway centerline and extending outward from each end of the primary surface. The inner edge of the approach zone coincides with the width of the primary surface and the approach zone expands outward uniformly to a width of 3,500 feet at a horizontal

distance of 10,000 feet from the primary surface.

2. *Horizontal Zone.* A zone established by swinging arcs of 5,000 feet radii from the center of each end of the primary surface of each runway, and connecting the adjacent arcs by lines tangent to these arcs. The horizontal zone does not include the approach zone.

3. *Conical Zone.* The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward a horizontal distance of 4,000 feet.

4. *Transitional Surface Zone.* The transitional surface zone slopes 7 feet outward for each 1-foot upward beginning at the sides of and at the same elevation as the primary and approach surfaces extending to a height of 150 feet above the airport elevation to where these transitional surfaces intersect with the horizontal and conical surfaces.

(Ord. 74, 3/30/1995; as added by Ord. 74-E, 3/4/1998, §2504)

§27-2605. Airport Zone Height Limitations.

Except as otherwise provided, no structure or tree shall be erected, altered, allowed to grow or be maintained in any zone created by this Part to a height in excess of the applicable height limit. Applicable height limitations are as follows:

A. *Approach Zone.* The height limit in the approach zone shall be a line beginning at each end of and at the same elevation as the primary surface and sloping upward 34 feet horizontally for each foot vertically to a horizontal distance of 10,000 feet along the extended runway centerline.

B. *Horizontal Zone.* The height limit in the horizontal zone shall be 585 feet above the mean sea level.

C. *Conical.* The conical zone slopes 20 feet outward for every foot upward beginning at the periphery of the horizontal zone and at 350 feet above the airport elevation of 436 feet.

D. *Transitional Surface Zone.* Where an area is covered by more than one height limitation, the more restrictive limitation shall prevail.

(Ord. 74, 3/30/1995; as added by Ord. 74-E, 3/4/1998, §2505)

§27-2606. Use Reservations.

All uses permitted by the underlying zoning district are subject to the height limitations prescribed by this Part as well as the standards of the underlying zoning district.

(Ord. 74, 3/30/1995; as added by Ord. 74-E, 3/4/1998, §2506)

§27-2607. Nonconforming Uses.

The regulations in this Part shall not require the removal, lowering, or other change to any structure or tree not conforming to the regulations when adopted or amended, except as provided in this Part.

(Ord. 74, 3/30/1995; as added by Ord. 74-E, 3/4/1998, §2507)

§27-2608. Permits.

1. *Future Uses.* No material change shall be made in the use of land and no structure or tree shall be erected, altered, planted, or otherwise established in any zone hereby created unless granted a permit.

A. A permit for a tree or structure of less than 75 feet or vertical height above the ground is not required in the horizontal zones or in any approach zones beyond a horizontal distance of 4,200 feet from each end of the runway except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit for the respective zone.

B. Each applicant for a building permit, or a permit to alter or change an existing structure, shall indicate the purpose(s) for which the permit is desired. Said application shall help determine whether the resulting use, structure or tree would conform to the regulations of this Part. The fee for the permit shall be in an amount equal to the existing charges for a building permit.

C. The applicant shall submit:

(1) Plans, topographic surveys, drawings, blueprints and the like necessary to ascertain the height of any proposed building or structure.

(2) Certification from a professional engineer registered in Pennsylvania stating that they have reviewed the applicant's specifications to ensure that the proposed use does not violate applicable standards.

2. *Existing Uses.* No permit shall be granted that establishes or creates and airport hazard or permits a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on the adoption of this Part or than it is when the application for a permit is made.

3. *Variances.* Any person desiring to erect or increase the height of any structures, or permit the growth of any tree, or use his property in violation of this Part, may apply to the Zoning Hearing Board for a variance from such regulations. The applicant shall notify the Pennsylvania Department of Transportation of its intent to apply for a variance. Notification shall be in written form and sent to the Department at least 10 days before the application is to be submitted.

4. *Hazard Marking and Lighting.* Any permit or variance granted may be conditioned to require the owner of the structure or tree in question to install, operate, and maintain markers and lights necessary to indicate to pilots the presence of an airport hazard.

(Ord. 74, 3/30/1995; as added by Ord. 74-E, 3/4/1998, §2508)

§27-2609. Enforcement.

It is the duty of the Zoning Officer to administer and enforce the regulations of this Part. Applications for permit and variances shall be made to the Zoning Officer. Applications required by this Part to be submitted to the Zoning Officer shall be promptly considered and granted or denied by the Zoning Officer.

(Ord. 74, 3/30/1995; as added by Ord. 74-E, 3/4/1998, §2509)

§27-2610. Determinations and Appeals by the Zoning Hearing Board.

All determinations and appeals made by the Zoning Hearing Board shall be in

accordance with Part 22 of this Chapter.

(*Ord. 74, 3/30/1995; as added by Ord. 74-E, 3/4/1998, §2510*)

§27-2611. Judicial Review.

Any person aggrieved, or any taxpayer affected, by any decision of the Zoning Hearing Board, may appeal to the Court of Common Pleas of Chester County.

(*Ord. 74, 3/30/1995; as added by Ord. 74-E, 3/4/1998, §2511*)

§27-2612. Penalties.

Each violation of this Part or of any regulation, order or ruling promulgated hereunder shall constitute a summary offense under the Pennsylvania Rules of Criminal Procedure and be punishable by a fine of not more than \$1,000 or imprisonment to the extent allowed by law for the punishment of summary offenses. Each day a violation continues to exist shall constitute a separate offense.

(*Ord. 74, 3/30/1995; as added by Ord. 74-E, 3/4/1998, §2512*)

§27-2613. Conflicting Regulations.

Where there exists a conflict between any of the regulations or limitations prescribed in this Part and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall prevail.

(*Ord. 74, 3/30/1995; as added by Ord. 74-E, 3/4/1998, §2513*)

Part 27**Open Space Provisions****§27-2701. Purpose.**

1. The overall intent of these open space provisions is to identify those zoning districts where the designation of open space is explicitly applicable and further, to identify related use regulations, locational criteria, performance standards and ownership and maintenance requirements for land to be held for conservation, preservation, or enhancement of natural and cultural resources and amenities or for recreational or civic use or any combination thereof. These provisions are designed to:

A. Provide an effective means for identifying, organizing and maintaining open space.

B. Preserve natural environmental resources and maintain ecological stability by:

(1) Encouraging the preservation of land in floodplains and thus supplement Water Hazard District regulations.

(2) Limiting the development of prohibitive and precautionary slopes.

(3) Protecting and enhancing the quality of existing watercourses, wetlands, and other water resources, including riparian buffers.

(4) Encouraging the preservation of groundwater resources and the Groundwater Protection District through the provision of open space areas for groundwater recharge.

(5) Minimizing the disruption of woodland and forest areas.

C. Provide for necessary active and passive recreation areas, and civic amenities to complement existing and proposed open space and recreational uses and trails.

D. Create a contiguous network of interconnected open spaces that link with open spaces within the tract, and to neighboring tracts with existing or proposed open spaces.

E. Encourage the preservation of existing and potential agricultural land through the identification and use of open space lands which are suited for agricultural production, particularly prime agricultural land.

F. Preserve historic resources by:

(1) Promoting the preservation of significant historical and cultural sites and structures as open space, especially those on the National Register of Historic Places, and those on inventories of the State and County.

(2) Protecting the character of historic and cultural sites and structures by encouraging the designation of surrounding land as open space.

G. Preserve scenic resources and scenic viewsheds.

H. Aid in the implementation of the Comprehensive Plan and the Open Space and Recreation Plan.

(Ord. 74, 3/30/1995; as added by Ord. 6/5/2001, §2500)

§27-2702. Applicable Districts.

1. Although open space is encouraged to be maintained, organized and designated everywhere in the Township, the provisions of this Part are particularly applicable to:

A. The RR District, Part 6, involving cluster development in accordance with §27-603.2.

(Ord. 74, 3/30/1995; as added by Ord. 6/5/2001, §2501, by Ord. 134, 3/29/2007, §12)

§27-2703. Use Regulations.

1. *Permitted Principal Uses.*

A. Conservation of open land in its natural state (for example, woodland, fallow field or managed meadow).

B. Noncommercial recreational uses, including parks, playgrounds, playfields, greens, trails and structures related thereto for residents of the community and the Township; however, golf courses shall not consume more than 50 percent of the minimum required open space.

C. Agricultural uses which do not require structures.

D. Planted areas used for buffering and screening purposes and noise control.

E. Structures presently existing in areas to be designated as open space.

F. Municipal use.

G. Earthen stormwater management facility.

H. Neighborhood open space uses such as greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact as determined by the Board of Supervisors.

2. *Permitted Accessory Uses.*

A. Uses customarily incidental to the principal uses permitted in subsection .1.

B. Signs which are customarily incidental to the principal uses permitted in §27-2706.1, and in accordance with Part 19.

3. *Conditional Uses* (refer to Part 23).

A. The following uses and their related accessory uses, provided a satisfactory environmental assessment report is prepared as set forth in Part 18:

(1) Parking which is customarily incidental to the principal uses permitted in subsection .1, and in accordance with Part 20.

(2) Bridges.

(3) Stormwater detention basins.

(4) Boundary fences and walls.

(5) Agricultural uses which require structures.

4. *Prohibited Uses and Activities.*

- A. Structures other than those associated with subsections .1, .2 and .3.
- B. Soil, rock or mineral extraction or removal, other than in association with any uses related to subsections .1, .2, or .3 above.
- C. Removal of topsoil other than in association with any uses related to subsections .1, .2, or .3 above.
- D. Cutting or removal of live trees or other flora, except where such vegetation must be cut or removed to accommodate uses associated with subsections .1, .2, or .3 above, or for the removal of invasive species.
- E. Storage of materials that may be hazardous to the health, safety and general welfare of the Township.

(Ord. 74, 3/30/1995; as added by Ord. 6/5/2001, §2502)

§27-2704. Determination of Open Space Areas.

Locational Criteria. The required open space in a cluster development shall meet the requirements of the applicable zoning district and this Part. In addition, the open space shall be designed according to the standards in §22-403A, the four step design process and §22-617, "Cluster Development," in the Subdivision and Land Development Ordinance [Chapter 22].

(Ord. 74, 3/30/1995; as added by Ord. 6/5/2001, §2503)

§27-2705. Calculating Open Space Areas.

1. When computing open space for purposes of determining compliance with the minimum open space requirements set forth in §27-1836, the following shall not be counted as open space: [Ord. 111]

- A. Rights-of-way or easements proposed for dedication.
- B. Areas to be used for permanent soil erosion and sedimentation control and areas for nonearthen stormwater management structures.
- C. Areas used for retail sales of agricultural products or areas of uses accessory thereto.
- D. Roads, parking areas or parking lots which are paved, unless same are part of the required active open space as per §27-2706.E.2.
- E. Yards and minimum lot areas for existing or proposed dwelling units.
- F. Water and Sewage Treatment facilities with permanent above ground facilities.

2. *Buffers for Adjacent Public Parkland.* Where the proposed development adjoins public parkland, a natural greenway buffer at least 150 feet deep shall be provided within the development along its common boundary with the parkland, within which no new structures shall be constructed, nor shall any clearing of trees or understory growth be permitted (except as may be necessary for street or trail construction). Where this buffer is unwooded, the Board of Supervisors may require vegetative screening to be planted, or that it be managed to encourage natural forest succession through "no-mow" policies and the periodic removal of invasive alien plant and tree species.

(Ord. 74, 3/30/1995; as added by Ord. 6/5/2001, §2504; and by Ord. 111, 12/14/2005,

§7)

§27-2706. Performance Standards.

In addition to the regulations of §§22-616 and 22-617 of the London Grove Township Subdivision and Land Development Ordinance [Chapter 22], the following shall apply:

A. *Minimum Contiguous Area.* Any land parcel designated as open space shall have a contiguous area of not less than 1 acre, except for the open space area within a green which shall not be less than 5,000 square feet.

B. *Minimum Parcel Width.* The configuration of any parcel of open space shall provide for a minimum width of 30 feet, except for: (1) the open space of a green, which shall not be less than 50 feet in width; (2) a trail corridor designed exclusively to connect areas of open space or other destinations, and not otherwise located within an area of common open space, which shall be not less than the minimum right-of-way width as required by this Section. [Ord. 88]

C. *Maximum Impervious Surface Coverage.* Not more than 5 percent of the total area of designated open space shall be covered by impervious surfaces; and not more than one-half of any individual parcel of open space shall be covered by impervious surfaces, including buildings.

D. *Minimum Setback.*

(1) Any buildings within the designated open space shall be located no fewer than 55 feet from the perimeter property lines; and no less than 25 feet from any new lot line created within a tract.

(2) Any structures within the designated open space shall be located no less than 30 feet from the perimeter property lines; and no less than 25 feet from any new lot line created within a tract, except for signs, boundary fences, walls, street trees, and the like.

E. *Area Configuration.*

(1) The open space designated within a development area shall not be merely leftover or unusable land. It shall be laid out to the satisfaction of the Board of Supervisors providing a maximum of accessibility to the residents of a development area, and shall conform to the design standards of §22-617 of the London Grove Township Subdivision and Land Development Ordinance.

(2) Existing and/or proposed trails accessible to the public shall be incorporated in any development where such trails have been indicated on the adopted Trail System Map. Where no trails have been indicated on the adopted Trail System Map, the applicant shall provide local/collector trails as a means of connection to the publicly-accessible Comprehensive Trail System. Any new trail shall comply with the standards in §22-617 of the London Grove Township Subdivision and Land Development Ordinance [Chapter 22]. [Ord. 88]

(Ord. 74, 3/30/1995; as added by Ord. 6/5/2001, §2505; and as amended by Ord. 88, 11/12/2003)

§27-2707. Ownership, Maintenance, and Management of Open Space.

1. Except to provide for permitted recreational and open space uses, designated

open space shall be restricted from further subdivision or land development by deed restriction, conservation easement or other agreement in a form acceptable to the Township and duly recorded in the office of the Recorder of Deeds of Chester County. The applicant shall submit a declaration of covenants, easements and restrictions to evidence the restrictions related to the open space. Subject to such permanent restrictions, any of the following methods listed and no other may be used, either individually or together, to preserve, own and maintain open space:

- A. Dedication in fee simple.
- B. Dedication of easements.
- C. Transfer of fee simple title or development rights and easements to a land trust or private conservation organization.
- D. Homeowners association.
- E. Condominium agreement.
- F. Individual private ownership, when the land is used for agricultural purposes, restricted to agricultural use only, and protected by a conservation easement held by the Township or a private conservation organization.

2. The following specific requirements are associated with each of the various methods:

A. *Fee Simple Dedication.*

(1) The Township may, but shall not be required to, accept an offer of a deed of dedication provided that:

- (a) Such land is accessible to the residents of the Township.
- (b) There is no cost of acquisition other than any costs incidental to the transfer of ownership, such as title insurance and recording fees.
- (c) The Township agrees to and has access to maintain such lands.

(2) Where the Township accepts dedication of open space that contains improvements, the Board of Supervisors may require the posting of financial security to ensure structural integrity of said improvements, as well as the functioning of said improvements for a term not to exceed 18 months from the date of acceptance of dedication. The amount of financial security shall not exceed 15 percent of the actual cost of installation of said improvements.

B. *Dedication of Easements.* The Township may, but shall not be required to, accept easements for public use of any portion of open space and, the title of which is to remain in the common ownership by condominium or homeowners association, provided that:

- (1) Such land is accessible to the residents of the Township.
- (2) There is no cost of acquisition other than any costs incidental to the transfer of ownership, such as title insurance.
- (3) A satisfactory maintenance agreement is reached between the developer, condominium or homeowners association and the Township.

C. *Transfer to a Private Conservation Organization.* With permission of the Township, the landowner or developer may transfer either the fee simple title with appropriate deed restrictions running in favor of the Township or the development

rights or easements to a private, nonprofit organization among whose purposes is to conserve open space land, provided that:

(1) The organization is acceptable to the Township and is a bona fide conservation organization with perpetual existence.

(2) The organization is chartered under the laws of the Commonwealth of Pennsylvania to administer deed restrictions limiting eventual disposition of such property for the purposes stated in its articles of incorporation.

(3) The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions.

(4) A maintenance agreement acceptable to the Township is entered into by the landowner or developer and the organization.

D. *Homeowners Association.* The restricted open space land and associated facilities may be held in common ownership by a nonprofit homeowners association. If a homeowners association is formed, it shall be governed according to the following regulations:

(1) The landowner or developer shall provide the Township with a description of the organization, including its bylaws and methods for maintaining open space which shall be acceptable to the Township Solicitor.

(2) The organization is to be organized by the landowner or developer and operating with financial subsidization by the landowner or developer, if necessary, before the sale of any lots within the development.

(3) Membership in the organization is mandatory for all purchasers of dwelling units therein and their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be identified.

(4) The association shall be responsible for maintenance and insurance on common open space land, enforceable by liens placed by the homeowners association. Maintenance obligations also may be enforced by the Township which may place liens to recover its cost. Any governmental body with jurisdiction in the area where the development is located may place liens on the owners of the open space to collect unpaid taxes.

(5) The members of the organization shall share equitably the costs of maintaining and developing open space, in accordance with procedures established by them. If a member fails to pay his pro rata share, then a lien against an individual property may be made in accordance with the provisions for same in the bylaws of the organization. Association dues shall be structured to provide for both annual operating costs and to cover projected long-range costs relating to the repair of any capital facilities (which shall be deposited in a sinking fund reserved for just such purposes).

(6) The organization shall be responsible for maintenance of and insurance and taxes on open space.

(7) In the event of a proposed transfer, within the methods here permitted, of common open space land by the homeowners association or of the assumption of maintenance of such land by the Township, notice of such action

shall be given to all property owners within the development.

(8) The organization shall have or hire adequate staff to administer common facilities and maintain the open space to the satisfaction of the Board of Supervisors.

(9) The homeowners association may lease open space lands to any other qualified person or corporation for operation and maintenance of such lands, but such a lease agreement shall provide:

(a) That the residents of the development shall at all times have access to open space lands contained therein (except that access to land that is actively farmed shall be limited to time of the year when the fields are fallow).

(b) That the common open space land to be leased shall be maintained for the purposes set forth in this Part.

(c) That the operation of open space facilities may be for the benefit of the residents only or may be open to the residents of the Township, at the election of the developer or homeowners association, as the case may be.

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

(11) Homeowners association documentation demonstrating compliance with the provisions herein shall be filed with the final subdivision and land development plans. At the time of preliminary plan submission, the applicant shall provide a draft homeowners association documentation with sufficient detail to demonstrate feasible compliance with this Section.

E. *Condominium Agreement.* The open space and associated facilities may be held in common through the use of condominium agreement(s) approved by the Board of Supervisors. Such agreements shall be in conformance with the Uniform Condominium Act, as may be amended. All open space land shall be held as common elements or limited common elements. To the degree applicable, condominium agreement(s) shall comply with the provisions of subsection .2.B for homeowners associations. Condominium agreement(s) shall be filed with the final subdivision and land development plans. At the time of preliminary plan submission, the applicant shall provide draft condominium agreement(s) with sufficient detail to demonstrate feasible compliance with this Section.

F. If open space is held in private ownership, per subsection .1.F, such open space shall be protected in accordance with subsection .8.B and .C.

G. In the event of any proposed transfer of open space within the methods permitted in this Section or of the assumption of maintenance of open space land by the Township as hereinafter provided, notice of such action shall be given to all affected property owners.

3. In the event that the organization established to own and maintain open space

or any successor organization, shall at any time after designation fail to maintain the open space in reasonable order and condition in accordance with any and all approved plans, the Township may serve written notice upon such organization or upon the residents and owners setting forth the manner in which the organization has failed to maintain the open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within 30 days thereof and shall state the date and place of a hearing thereon which shall be held within 14 days of the notice.

A. At such hearing the Township may modify the terms of the original notice as to the deficiencies and may give an extension of the time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within said 30 days or any extension thereof, the Township, in order to preserve the taxable values of the properties and to prevent the open space from becoming a public nuisance, may enter upon said open space and maintain the same for a period of 1 year, at the expense of the organization. The cost of any such maintenance shall be borne by the owners of lots within the development from which the open space was derived. Said entry and maintenance shall not vest in the public any rights to use the open space except when the same is voluntarily dedicated to the public by the residents and owners.

B. Before the expiration of said year, the Township shall, upon its initiative or upon the request of the organization responsible for the maintenance of the open space, call a public hearing upon notice to such organization or to the residents and owners of the project to show cause why such maintenance by the Township shall not, at the election of the Township, continue for a succeeding year. If the Township shall determine that such organization is ready and able to maintain said open space in reasonable condition, the Township shall cease to maintain said open space at the end of said year. If the Township shall determine such organization is not ready and able to maintain said open space in a reasonable condition, the Township may, in its discretion, continue to maintain said open space during the next succeeding year and subject to a similar hearing and determination in each year thereafter. The decision of the Township in any such case shall constitute a full administrative decision subject to judicial review at the expense of the homeowners association or other entity.

C. The cost of such maintenance by the Township shall be assessed ratably against the properties within the project that have a right of enjoyment of the open space and shall become a municipal lien on said properties. The Township, at the time of entering upon said open space for the purpose of maintenance, shall file a notice of such lien in the office of the Prothonotary of Chester County upon the properties affected.

D. This shall not require the Township to take any action, or limit any remedies permitted by law.

4. The open space shall be assessed in accordance with Act 180 of 1996, the Planned Communities Act.

5. A plan for the management of the open space shall be submitted for Township review prior to any final plan approval. Such plan shall be in accordance with §22-617 of the London Grove Township Subdivision and Land Development Ordinance [Chapter

22].

(*Ord. 74, 3/30/1995*; as added by *Ord. 6/5/2001, §2506*)

Part 28**Chatham Overlay District****§27-2801. District Boundaries.**

The Chatham Overlay District shall be located with the geographic area of the Township that is depicted on the map provided by the Township.

(*Ord. 74, 3/30/1995; as added by Ord. 94, 10/6/2004, §1*)

§27-2802. Purpose.

The Village of Chatham is a historical and traditional village built prior to the enactment of Township zoning ordinances. The Village, at one time, consisted of a contiguous area that over time has been fragmented by the destruction of historic structures. It is the intent of this district to encourage the preservation and logical development of this area by allowing accessory structures in accordance with newly established setback regulations while leaving the remaining underlying zoning district provisions intact.

(*Ord. 74, 3/30/1995; as added by Ord. 94, 10/6/2004, §2*)

§27-2803. Area and Bulk Regulations.

1. *Setbacks.* The following setback requirements shall apply to dwellings located within the district and shall apply only to the construction of decks, porches and stoops. Additions to dwellings shall be specifically excluded from these provisions:

- A. Front yard setback - 10 feet.
- B. Side yard setback - 5 feet.
- C. (1) Rear yard setback (no alley frontage) - 30 feet.
(2) Rear yard setback (alley frontage) - 5 feet for accessory garages with a 30 feet separation between the garage and the primary structure and 30 feet for all other buildings.

(*Ord. 74, 3/30/1995; as added by Ord. 94, 10/6/2004, §2*)

Part 29**Planned Residential Development****§27-2901. Definitions.**

For the purposes of this Part only, the following words and phrases shall be construed to have the meanings herein indicated:

Act—the Pennsylvania Municipalities Planning Code of July 31, 1968, Act 247, 53 P.S. §10101 *et seq.*, as amended.

Age qualified unit—a residential unit within a community comprised of any combination of permitted residential uses, so long as the community conforms to the occupancy requirements of the Fair Housing Act, 42 U.S.C. §3601 *et seq.*, as amended by the Housing for Older Persons Act, Public Law 104-76, 109 Stat. 787, approved December 28, 1995. “Age qualified unit” shall include units within a life care retirement community with independent, assisted living and/or skilled nursing components, in any combination.

Applicant—the landowner or equitable owner that submits an application for tentative or final approval of a development plan.

Board—the Board of Supervisors of London Grove Township.

Comprehensive plan—the Comprehensive Plan for London Grove Township, adopted in 1992, and as amended thereafter.

Development area—the gross acreage contained within the tract decreased by the gross acreage contained within the open space area. All development activities associated with the planned residential development shall be confined to the development area, except for these improvements which are permitted within the open space.

Life Care Retirement Community—a complex of uses primarily designed to serve residents over 55 years of age and may include independent living units, assisted living units and/or skilled nursing components, in any combination, and such other ancillary uses customarily associated with nursing homes and retirement communities including restaurants, recreational facilities, entertainment facilities, social facilities, libraries, educational facilities, personal care facilities, retail shops, medical facilities, offices, parking garages and other services catering to, and addressing, the needs of age qualified residents.

Limited impact living unit—is any permitted residential unit so long as such living unit does not contain more than two bedrooms.

Open space—land shown on the development plan as being permanently restricted from further subdivision and development except for stormwater management facilities, roads and utilities and such other uses as may be approved by the Board. In the event open space is comprised of more than one parcel of land, no single and separate parcel may contain less than 50 acres. The foregoing 50-acre minimum shall not apply to areas within the parcel of land containing the development area, which are depicted as open space, provided that such areas are at their narrowest point a minimum of 50 feet wide and encompass an area of at

least 5,000 square feet.

Planned residential development—an area of land, controlled by a landowner, to be developed as a single project comprised of a mix of residential uses, or combination of residential uses and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one zoning district created, from time to time, under the provisions of this Chapter.

Statement of objectives—for a planned residential development shall mean that statement of objectives contained in §27-2906 of this Part and shall include all maps and attachments incorporated in that statement by reference.

Tract—a single parcel of land or multiple contiguous or noncontiguous parcels containing, in the aggregate, at least 300 acres after deduction of all existing public street rights of way; provided, however, that no single and separate parcel included within a tract shall contain less than 50 acres. Two or more parcels of land separated only by a public or private road, railroad right-of way or other strip of land used for utility purposes may, for purposes of this Part only, be considered a single, undivided parcel.

Traditional neighborhood development—an area of land developed for a compatible mixture of residential units for various income levels and nonresidential commercial and workplace uses, including some structures that provide for a mix of uses within the same building within the contemplation of Article VII-A of the Act, 53 P.S. §10701-A *et seq.* Residences, shops, offices, workplaces, public buildings, and parks are interwoven within the neighborhood so that all are within relatively close proximity to each other. Traditional neighborhood development is relatively compact; limited in size and oriented toward pedestrian activity. It has an identifiable center and a discernable edge. The center of the neighborhood is in the form of a public park, commons, plaza, square or prominent intersection of two or more major streets. Generally, there is a hierarchy of streets laid out in a rectilinear or grid pattern of interconnecting streets and blocks that provides multiple routes from origins to destinations and are appropriately designed to serve the needs of pedestrians and vehicles equally.

(*Ord. 74, 8/30/1995; as added by Ord. 125, 6/222006, §100*)

§27-2902. Declaration of Purpose.

The Township, acknowledging that the technology of land development and the demand for housing are undergoing substantial and rapid changes, and recognizing the applicability of the objectives set forth in Article VII and Article VII-A of the Act, 53 P.S. §§10701 *et seq.*, 10701-A *et seq.*, adopts this Part for the purposes of:

A. Providing increased flexibility in the laws governing the development in the Township that will recognize both the changes in design and technology in the building industry and the new demands in the housing market including, in particular, retirement age housing.

B. Insuring that regulations appropriate to previously developed residential neighborhoods do not operate to discourage efficient and imaginative development of land in the Township within close proximity to developed neighborhoods.

C. Encouraging the allocation, preservation and maintenance, by private initiative, of undeveloped land within the Township.

D. Encouraging the more efficient use of public facilities required in connection with new residential development.

(Ord. 74, 8/30/1995; as added by Ord. 125, 6/222006, §101)

§27-2903. Findings.

The Township hereby elects to adopt the provisions of and exercise the powers granted by Article VII of the Act, 53 P.S. §10701 *et seq.* In support thereof the Board makes the following findings:

A. The Board finds that the Comprehensive Plan adequately provides broad objectives for the future development of the Township consistent with the intent of this Part. The Comprehensive Plan includes basic elements of land development related to: (1) the characteristics of land uses proposed for residents, industry, business, agriculture, traffic facilities, public grounds, floodplains and other areas of special hazards and other similar uses; and, (2) a plan for community facilities and utilities, which include public and private education, recreation, municipal buildings, libraries, water supply, sewage disposal, refuse disposal, storm drainage, and other similar uses. The Board also finds that the Comprehensive Plan adequately recognizes the need for and use of planned residential development as a means of providing for future development of the Township.

B. The objectives to be accomplished by this Part shall include, but not be limited to, the following:

(1) Planned residential development is a way of designing residential neighborhoods which can provide a better environment for the people who live in the Township. A planned residential development can be used to encourage the preservation of and the more productive use of undeveloped lands, the preservation of existing natural features of the landscape, more varied and better design for housing and permitted nonresidential uses, increased economies to the builder and prospective homeowners, increased pedestrian and vehicular safety, and greater flexibility than in conventional subdivisions and land developments. A traditional neighborhood development is the preferred planning concept for the implementation of a planned residential development.

(2) The Board, in determining the reasonableness and merits of any proposed planned residential development shall include consideration of the following:

(a) The long-range aims and goals pertaining to physical and social development the Township as embodied in the Comprehensive Plan.

(b) The integration of the planned residential development with existing land uses and the proposed land uses adjacent to the site.

(c) The interdependence of the neighborhood and the area in which the planned residential development is located.

(d) The conditions and availability of adjacent streets to efficiently and safely afford movement of the volume of vehicles to be generated by

the planned residential development.

(e) Additional community facilities made necessary by the proposed planned residential development.

(f) Additional public services made necessary by the proposed planned residential development, including, but not limited to, public water and public sewer facilities.

(g) The amount, location and proposed use of lands that shall remain undeveloped achieved by the planned residential development.

(*Ord. 74, 8/30/1995; as added by Ord. 125, 6/222006, §102*)

§27-2904. Conditions for Planned Residential Development Ordinance.

The provisions of this Part may, at the election of an applicant, be applied only to a tract proposed to be developed under single ownership located in the RR (Rural Residential), RM (Residential, Medium), RH (Residential, High), RMH (Residential, Mobil Homes), I (Industrial), C (Commercial) and IC (Interchange Commercial) Zoning Districts of the Township, which tract shall contain of at least 300 acres of land; provided, however, that some or all of the open space required in connection with development of the tract may be located in any zoning district of the Township established by this Chapter. Each tract shall be developed in accordance with the standards and criteria for planned residential development herein provided and shall be subject to the approval of the Board in the manner described herein. The Board shall administer all provisions of this Part but the Board may rely upon the review and recommendations of the London Grove Township Planning Commission, the Chester County Planning Commission, the Chester County Health Department, the Chester County Conservation District, and the appropriate Bureaus of the Pennsylvania Department of Environmental Protection.

(*Ord. 74, 8/30/1995; as added by Ord. 125, 6/222006, §103*)

§27-2905. Permitted Uses.

Uses permitted in a planned residential development may include and shall be limited to:

A. Residential uses, in any combination, consisting of single-family detached dwellings, single-family attached dwellings (twin or duplex) semi-detached dwellings, townhomes, condominiums, apartments, residential units which contain office or retail space, or any other residential use, except mobile home. Residential uses shall include life care retirement communities.

B. Nonresidential uses, in any combination, consisting of retail, office, commercial, institutional, and municipal uses, including hotel, inn, public utilities, clubs, religious, recreational, fraternal and social organizations, restaurants (excluding fast food drive-thru establishments) and customarily associated accessory uses.

(*Ord. 74, 8/30/1995; as added by Ord. 125, 6/222006, §104*)

§27-2906. Standards and Criteria for Planned Residential Development.

A plan or plans submitted with respect to a planned residential development that

conforms to the criteria established in §§27-902, 27-903, 27-904 and 27-905 of this Part shall be deemed to have qualified as a “development plan.” When a development plan has been found by the Board to be consistent with the general standards, conditions, and regulations set forth in paragraphs .A through .C, below, the development plan shall be deemed to have qualified for “tentative” approval.

A. *General Planning Considerations.*

(1) The development plan shall encourage provisions for a variety of housing types and shall provide for the mix of the residential use categories described below.

(2) The development plan shall identify the total land area comprising the planned residential development as well as the “development area,” which shall not exceed 40 percent of the tract comprising the planned residential development; and the “open space,” which shall not be less than 60 percent of the tract comprising the planned residential development. The development area must be located entirely within the RR (Rural Residential), RM (Residential, Medium), RH (Residential, High), RMI (Residential, Mobile Homes), I (Industrial), C (Commercial) and IC (Interchange Commercial) Zoning Districts. The development area must be located entirely on a single parcel which conforms to the requirements of this Part. The open space shall remain undisturbed and free of any structures and facilities except for such stormwater management facilities, utilities and streets as are necessary to serve the planned residential development, and such other uses as may be approved by the Board. In order to encourage the preservation of undeveloped lands within the Township through the implementation of a planned residential development, the open space requirement set forth in this Part may be satisfied by one or more single and separate parcels of land located in any zoning district established by this Chapter, provided no single and separate parcel may contain less than 50 acres.

(3) A development plan may provide for a greater number of dwelling units per acre than would be permitted by this Chapter otherwise applicable to the tract. The maximum residential density shall not exceed five residential dwelling units per gross acre comprising the tract of which, at least 66 percent, must be age qualified units. The Board may, in its sole discretion, upon request of an applicant, permit a decrease in the total percentage of age qualified units, in exchange for the addition of limited impact living units, on a two to one basis, i.e., for every two age qualified units eliminated, one limited impact living unit may be added, provided, however, that the planned residential development shall contain at least 33 percent age qualified units.

(4) A development plan may incorporate traditional neighborhood development design concepts described in §27-2901. A development plan which incorporates traditional neighborhood development design concepts shall include a Manual of Written and Graphic Design Guidelines which shall address such matters as building heights, concept elevations, building materials, signage, lighting, landscaping and parking.

(5) Buildings and structures utilized for nonresidential uses of a commercial or institutional nature shall be designed to be architecturally

compatible with the neighborhood to be served.

(6) The total building area of nonresidential space shall not exceed 600 square feet per gross acre comprising the tract. The commercial areas contained in any life care retirement community shall be counted as a nonresidential space.

(7) Recreational areas and other uses in the open space shall be incorporated into each phase or stage of the planned residential development in the manner described on the development plan or established in the addenda or exhibits to the development plan, which shall be consistent with the standards set forth in Appendix I of the London Grove Township Subdivision and Land Development Ordinance [Chapter 22]. Unless the Board, in its sole discretion, approves a condition to the contrary, recreation facilities required to be constructed in a designated phase shall be completed prior to construction of a subsequent phase.

(8) In determining the amount and location of open space the Board shall:

(a) Require differentiation between active and passive open space uses.

(b) Require the delineation of all wetlands and all 100-year flood hazard areas and limit disturbance therein, except to the extent necessary to construct road and utility crossings and to construct recreational facilities, including walking paths and bridges.

(c) Prohibit any commercial use of the open space.

(d) Require identification of “limits of construction” in order to minimize excavation, earthmoving, and other land disturbances within the open space except to the extent necessary to construct stormwater management facilities, road and utility facilities and to construct recreational facilities and to install landscaping.

(e) Require the applicant to provide for the ownership and maintenance of the open space to ensure its continuity and conservation, which may include ownership by the Township or any other municipal, governmental or charitable organization acceptable to the Board. The Board may require an applicant to provide for and establish an organization or organization for the ownership and maintenance of the open space, and that such organization shall not dispose of the open space, by sale or otherwise (except to an organization conceived and established to own and maintain the open space). In the event that the open space is permitted to deteriorate or is not maintained in a condition consistent with the best interests of the entire Township, then and in such event, the Township may take remedial steps provided for in §705(f) of the Act, 53 P.S. §10705(f). The Township may accept the dedication of so or all of the lands proposed to be set aside for open space, or any interest therein, for public use and maintenance, but the Board need not require that land proposed to be set aside for open space be dedicated or made available to public use as a condition of the approval of the planned residential development.

(9) The development plan shall include or reference such proposed

covenants and easements as are necessary and appropriate for the welfare of the residents of the planned residential development and are consistent with the best interests of the entire Township. Such covenants and easements, if part of the development plan, as finally approved, may be modified, enforced, removed or released only in accordance with the provisions of the Act.

(10) The applicant shall designate the development area and type of dwellings that will comprise the planned residential development and shall identify a projected time period for the development of the development area, which may provide for development over a period of years in accordance with a schedule showing proposed times within which applications for final approval of all sections are intended to be filed. The applicant shall file a written update of the projected development schedule with the Township annually, and may amend the development schedule based upon various factors affecting the planned residential development, including delays incurred in obtaining outside agency approvals. The applicant shall depict, as part of the development plan and/or in the Manual of Written and Graphic Design Guidelines, a representative layout of each discreet residential use category and a representative layout of nonresidential uses, including, retail and office uses proposed by the planned residential development. In the event the development plan receives tentative approval from the Board, the applicant shall have the election of designating the unit composition for the development area in a single development plan submission for which the applicant seeks final approval, or in successive development plan submissions pertaining to sections of the development area, for which applicant seeks final approval. Applicant may only utilize housing types and layouts depicted on the development plan which received tentative approval and applicant must conform to the density specified in paragraph .A(3) above. The applicant shall create such easements, covenants and make such other arrangements, and shall furnish such financial security as may be determined by the Board to be reasonably required to assure completion of streets, utilities, and other on-site and off-site improvements in accordance with the development plan which received tentative approval and to protect the public interest in the event of the abandonment of the development plan before completion, which financial security may be posted in increments associated with sections to be developed. In the even that the improvements in a section relating to public roads and streets, utilities and other dedicated improvements, stormwater management facilities and landscaping in open space areas, are not satisfactorily completed and approved within the time period specified in the approval of the development plan, or any extension thereof the Board may refuse to authorize (or withdraw any prior authorization) to commence development activities in a subsequent section until such improvements are completed or the Board may declare an abandonment of such section and seek recourse upon the cash escrow funds, and install such improvements to guarantee and effect satisfactory completion.

B. *Specific Development Plan Requirements.*

(1) *Area and Bulk Regulations.*

Minimum Lot Size	None
Maximum Building Coverage	40 percent of Development Area
Maximum Impervious	80 percent of Development Area but not more than 32 percent of the gross acreage comprising the tract
Required Open Space	60 percent
Building Build-to-Lines	
Front yard	5 feet min.
Side yard	0 feet min.
Rear yard	5 feet min.
Minimum Building Build-to-Lines at Tract Boundaries	
Existing road (edge of paved cartway)	25 feet
To adjacent residential	25 feet
To adjacent nonresidential	25 feet
Building Standards	
Max. length (unbroken facade)	400 feet
Min. setback at interior streets/parking/alley	5 feet
Max. distance between buildings	5 feet
Max. height	65 feet or 5-story (except for life care retirement community building located 100 feet or more from the tract boundary, the maximum building height allowable shall be increased to 85 Feet with 5 stories and 2 parking levels)
 (2) <i>Parking Requirements.</i>	
Stall Size (surface parking)	9 feet x 18 feet*
Parallel Stall Size	7 feet x 22 feet

Minimum Parking Lot/ Build-to-Lines	
From street (edge of paving)	10 feet
From street line of an arterial, major or minor collector	10 feet
Maximum Residential Distance	None specified
Structured Parking Stalls	9 feet x 18 feet*
*Stalls within parking garages shall be 9 feet x 18 feet with an allowable encroachment of 5 square feet for columns	

(3) *Parking Use Requirements.*

Residential	
Age Qualified Units	1.25 spaces/unit
Low Impact Units	1.5 spaces/unit
Other Residential	2 spaces/unit
Retail Uses	1 space/250 square feet of retail space
Office Uses	1 space/300 square feet of office space
Eating and Drinking Establishment	1 space/ 200 square feet or per two seats
Hotel	1 space/guest room
Medical/Dental Offices	4 spaces/doctor
On-Street Parking	Permitted on one or both sides of street and counts towards total required parking

Commercial, office and medical uses within a life care community shall have no parking requirements beyond 1.25 spaces per residential unit.

Note: Parking requirements may be modified by the Board, in its sole discretion, if an applicant demonstrates that the actual parking space needs of the planned residential development, or section thereof, are less than otherwise required by this Chapter.

(4) *Nonresidential Loading.*

Loading space	NA
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Delivery Van Space	NA
Street Front Loading	Permitted, however, parking may be restricted during loading and unloading hours.

(5) The planned residential development shall be served by public water and public sewer.

(6) All main distribution and conveyance utilities lines shall be underground, except meters, transformers and similar utility system components.

(7) All sidewalks in the planned residential development shall have a minimum width of 5 feet.

C. *Applicability of Township Ordinances.* The provisions of Part 14 through Part 20 of this Chapter, the London Grove Township Subdivision and Land Development Ordinance [Chapter 22] and the London Grove Township Stormwater Management Ordinance [Chapter 20] shall apply to each development plan (collectively, the “applicable ordinances”) unless the Board expressly determines pursuant to the authority conferred by the Act, including §707(6) thereof, 53 P.S. 10707(6), that a particular provision is inapplicable. The Board may conclude that one or more provisions of the applicable ordinances shall not apply to a proposal for a planned residential development where the Board finds that such provision or requirement is not required in the interest of the residents of the Planned residential development and that a declaration of the inapplicability of such provision or requirement is not otherwise inconsistent with the interests of the entire Township. In making such determination, the Board may rely on input from the Township Engineer or other qualified consultant engaged by the Township and/or the applicant.

D. *Development in Stages.*

(1) Applicant may construct a planned residential development in stages if the following criteria are met:

(a) The application for tentative approval covers the entire planned residential development and shows the location and approximate time of construction for each stage.

(b) At least 10 percent of the dwelling units shown on the development plan given tentative approval are included in the first stage.

(c) The second and subsequent stages are completed consistent with the tentatively approved development plan and in no event shall such stages contain less than 10 percent of dwelling units receiving tentative approval.

(Ord. 74, 8/30/1995; as added by Ord. 125, 6/222006, §105)

§27-2907. Application for Tentative Approval.

1. The application for tentative approval of a development plan approval shall be executed on behalf of the landowner or equitable owner and filed with the Township

Secretary. An initial deposit in such amount as established by the Board from time to time shall be paid to the Township upon filing of the application to be applied against Township expenses in reviewing the development plan. The applicant shall also agree to pay any review fees incurred by the Township in excess of the above amount. Any unused review fees shall be returned to the applicant upon approval or denial of the development plan.

2. The application for tentative approval of a development plan shall include such documentation as may be necessary to confirm compliance with all of the standards and criteria for planned residential development set forth in §27-2906, and where necessary, the Board shall order such additional documentation as may be necessary.

3. Required documentation shall include, but shall not be limited to, documents illustrating the following:

A. The location and size of the tract and the nature of the applicant's interest in the planned residential development.

B. The function, size, ownership and manner of maintenance of the open space.

C. Documentation supporting the feasibility of proposals for public sanitary sewerage, public water, and stormwater management.

D. The substance of covenants, grants of easements, or other restrictions to be imposed upon the use of land, buildings and structures including proposed grants and/or easements for public utilities.

E. In the case of development plans which anticipate development over a period in excess of 2 years, a schedule showing the time within which applications for approval of development plans for each part of the planned residential development are intended to be filed, which schedule shall be updated annually on the anniversary of submission of the first application for final approval of a development plan pertaining to the first section of phase of the planned residential development.

F. The application shall indicate compliance with the provisions set forth herein, governing the requirements for final approval.

4. Application for tentative approval of a development plan shall include, but not be limited to, the following documents:

A. An existing natural features plan including topography, vegetation, drainage, and soils at 1 inch equals 200 feet.

B. A site plan showing: (1) the general layout of the development area and buildings, roads, parking areas; (2) open space (indicating size, nature of facilities, structures, if any, and uses); and, (3) and projected phasing.

C. A utilities plan with respect to stormwater, sanitary sewer and public sewer supply illustrating connection to public utilities, street and rights-of-way, accompanied by documentation as to the impact of the proposed development on said public utilities, streets and right-of-way.

D. A fiscal impact analysis which shall estimate the net cost of the planned residential development to the Township. The net cost shall be the difference between governmental expenditures which are anticipated in connection with the planned residential development and the revenues that will be generated by the

planned residential development to the Township and the Avon Grove School District. The fiscal impact analysis shall identify whether a net gain or a net gain loss in revenues is anticipated and shall itemize the calculations used in the evaluation. The study may compare various types of mixed land uses.

E. Ten copies of the development plan and all other required information. One copy of each application for tentative approval of a development plan received by the Township Secretary shall be promptly forwarded to the Township Planning Commission, to the Township Engineer, and to the Chester County Planning Commission for study and recommendation. The Township Planning Commission, the Township Engineer, and the Chester County Planning Commission shall review and report upon the application to the Board within 45 days of referral.

F. Ten copies of the Manual of Written and Graphic Design Guidelines if the development plan incorporates traditional neighborhood development design concepts.

5. The applicant, the Board, the Township Planning Commission, and the Chester County Planning Commission, may consult informally concerning the proposed planned residential development prior to the filing of an application for tentative approval of the development plan, provided that no statement or representation by a member of the Board or of the planning agencies shall be binding upon the Township.

(*Ord. 74, 8/30/1995; as added by Ord. 125, 6/222006, §106*)

§27-2908. Public Hearing.

1. Within 60 days after the filing of an application pursuant to §27-2907, a public hearing on the application shall be held by the Board pursuant to public notice as required by the Act. The Chairman of the Board, or in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses. All testimony by witnesses at any hearing shall be given under oath and every party of record at a hearing shall have the right to cross-examine adverse witnesses.

2. A verbatim record of the hearing shall be made by the Board whenever requested by any party to the proceedings. The cost of making and transcribing such record shall be borne by the party requesting it and the expense of copies of such record shall be borne by those who wish to obtain such copies. All exhibits accepted in evidence shall be identified and duly preserved, or if not accepted in evidence, shall be properly identified and the reason for the exclusion clearly noted in the record.

3. The Board may continue the hearing from time to time, and refer the matter to the Planning Commission for a report; provided, however, that in any event, the public hearing or hearings shall be concluded within 60 days after the date of the first public hearing.

(*Ord. 74, 8/30/1995; as added by Ord. 125, 6/222006, §107*)

§27-2909. Findings.

1. Within 60 days following the conclusion of the public hearing, or within 180 days after the date of filing the application, whichever first occurs, the Board shall by official written communication to the landowner either: (A) grant tentative approval of the development plan as submitted; (B) grant tentative approval subject to specified conditions not included in the development plan as submitted; or, (C) deny tentative

approval of the development plan. Failure of the Board to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, that tentative approval of the development plan is granted subject to conditions, the applicant may, within 30 days after receiving a copy of the official written communication from the Board, give notice of his refusal to accept all of the conditions, in which case the Board shall be deemed to have denied tentative approval of the development plan. In the event the applicant does not, within said period, notify the Board of his refusal to accept all of said conditions, the development plan, shall be tentatively approved, subject to conditions.

2. The grant or denial of tentative approval of the development plan shall be in the form of a written resolution which shall include findings of fact related to the specific proposal and shall set forth the reasons of the grant, with or without conditions, or for the denial, and shall set forth with particularity in what respects the development plan would or would not be in the public interest. A copy of the written resolution shall accompany the official written communication to the applicant. Said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest, including, but not limited to, findings of fact and conclusions regarding the following:

A. Those respects in which the development plan is or is not consistent with the Comprehensive Plan.

B. The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the tract, including, but not limited to, density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest.

C. The purpose, location and amount of the open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the open space and the adequacy or inadequacy of the amount and purpose of the open space as related to the proposed density and type of residential development.

D. The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services and recreation facilities, provide adequate control over vehicular traffic and further the amenities of light and air and recreation and visual enjoyment.

E. The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established.

F. In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the planned residential development in the integrity of the development plan.

3. In the event that a development plan is granted tentative approval, with or without conditions, the Board may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed (which may not, without the applicant's consent, be less than 9 months following the date on which tentative approval was granted) or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed (which may not,

without the applicant's consent, be less than 15 months between each successive application for final approval).

(*Ord. 74, 8/30/1995; as added by Ord. 125, 6/222006, §108*)

§27-2910. Status of Plan after Tentative Approval.

1. Where tentative approval has been granted, the same shall be noted on the Township Zoning Map and the development plan shall have the status established by and be subject to the provisions of §710 of the Act, 53 P.S. §10710.

2. Tentative approval of a development plan shall not qualify a plot of the planned residential development for recording nor authorize development or the issuance of any building permits. A development plan which has been given tentative approval as submitted or which has been given tentative approval with conditions which have been accepted by the applicant (and provided that the applicant has not defaulted nor violated any of the conditions of the tentative approval) shall not be modified or revoked nor otherwise impaired by action of the Township pending an application or applications for final approval without the consent of the applicant, provided that an application for final approval is filed, or in the case of development over a period of years, provided that applications are filed within the periods of time specified in the official written communication granting tentative approval.

3. In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the applicant shall elect to abandon said development plan and shall so notify the Board, in writing, or in the event that the applicant shall fail to file application or applications as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not be given shall be subject to those local ordinances otherwise applicable thereto, as they may be amended from time to time, and the same shall be noted on the Zoning Map and in the records of the Secretary of the Township.

(*Ord. 74, 8/30/1995; as added by Ord. 125, 6/222006, §109*)

§27-2911. Application for Final Approval.

1. An application for final approval of a development plan, or any section thereof, shall be submitted to the Township Secretary and shall comply with and be subject to the requirements and procedures of §711 of the Act, 53 P.S. §10711. The application for final approval of a development plan, or any section thereof shall include all documentation submitted for tentative approval of a development plan and shall comply with all conditions of tentative approval imposed by the Board, if any. The application for final approval of a development plan shall also include a site plan at a scale of 1 inch to 50 feet delineating all building lots. Each application for final approval of a development plan, or section thereof shall require a payment to the Township of its standard plan review fees in accordance with a fee schedule established by the Board.

2. In the event the application for final approval of a development plan has been filed, together with all drawings, specifications and other documents in support thereof as required by this Chapter and by the official written communication of tentative approval of the development plan, the Board shall, within 45 days of such filing, grant final approval except that, in the event the development plan, as submitted, contains

variations from the development plan which received tentative approval, the Board may refuse to grant final approval and shall so advise the applicant in writing and set forth the reasons why the variations are not in the public interest and shall do so within 45 days from the filing of the application for final approval. In the event of such refusal, the applicant may either: (A) refile the application for final approval without the variations objected to; or, (B) file a written request with the Board to hold a public hearing on the application for final approval. If the applicant elects to take either alternative action, the applicant may do so at any time within which the applicant is entitled to apply for final approval, or within 30 days of receipt of notice that the development plan is not in substantial compliance, whichever is later. In the event that the applicant fails to timely elect either alternative action, the applicant shall be deemed to have abandoned the development plan. In the event the applicant requests a public hearing, such public hearing shall be held pursuant to public notice within 30 days after request for the hearing is made by the applicant and the hearing shall be conducted in the manner prescribed in this Chapter for the public hearings on applications for tentative approval. Within 30 days after the conclusion of the hearing(s), the Board shall, by official written communication, either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall be in the form and contain the findings required for an application for tentative approval set forth.

3. The grant or denial of final approval of the development plan shall be in the form of and contain the findings required for, the resolution on the application for tentative approval, and the Board shall forthwith notify the applicant by official written communication of the grant or denial of final approval. A development plan which has received final approval shall be so certified by the Board and shall be filed of record with the Recorder of Deeds of Chester County forthwith before any development shall take place in accordance with said development plan. At the time of final approval of a development plan and prior to recording, the applicant shall post financial security for the development plan so approved in accordance with §509 of Municipalities Planning Code, 53 P.S. §10509.

4. In the event that a development plan receives final approval and thereafter the applicant shall abandon such development plan, and shall so notify the governing body in writing; or in the event the applicant shall fail to commence and carry out the planned residential development within such reasonable time as may be fixed by ordinance after final approval has been granted, or as may be agreed by the applicant as a condition of final approval or as may otherwise be established as a condition of the grant of final approval of the development plan or section thereof no development or further development shall take place with respect to the planned residential development until the property subject to the development plan is reclassified by enactment of an amendment to this Chapter, as amended, and the Zoning Map attached thereto.

(*Ord. 74, 8/30/1995; as added by Ord. 125, 6/222006, §110*)

§27-2912. Administration and Review.

1. Performance Guaranty.

A. Prior to release of the approved final development plan for recording, the applicant shall guarantee the installation of all required improvements by posting

a performance guaranty in the amount of 110 percent of the cost of all improvements as estimated by the Township Engineer for that portion of the planned residential development for which final development plan approval has been granted.

B. The performance guaranty may be either a performance bond with a corporate surety, an escrow deposit or other security acceptable to the Township. The performance guaranty shall be submitted in a form and with a surety approved by the Township Solicitor, guaranteeing the construction and installation of all improvements within a stated period not in excess of 3 years from the time of final approval.

C. The amount of performance guaranty may be decreased as and when portions of the required improvements have been installed and shall be released upon completion of all improvements in a manner satisfactory to the Board.

2. *Issuance of Permits.* Issuance of permits and all matters pertaining to administration of the development plan as finally approved shall be in the responsibility of the Township Zoning Officer. Upon applicant demonstrating compliance with the requirements of final approval including the posting of all required financial security and the payment of all required fees, the Zoning Officer shall issue permits for construction pursuant to the development plan, or any section thereof. The provisions of Part 23 of this Chapter, governing administration, shall be fully applicable to the development plan as finally approved insofar as the provisions thereof are consistent with the provisions of this Part and the conditions of final approval. The Zoning Officer shall review the progress and status of construction of the development plan and render monthly reports thereon to the Board in order to assure compliance with the provisions of this Part and the conditions of final approval.

3. *Dedication and Maintenance Guaranty.*

A. All streets, recreational facilities, stormwater management, water and sewer facilities and other improvements shown on the finally approved development plan shall be privately owned until time as they have been offered for dedication to the Township and accepted by resolution of the Board.

B. Before accepting any such offer of dedication, the Board shall require the applicant to file a maintenance guaranty in an amount not less than 15 percent of the Township Engineer's estimate of the cost of such improvements to be dedicated. Such maintenance guaranty shall be in a form and with a surety approved by the Township Solicitor, guaranteeing that the applicant shall maintain all such improvements in good condition for a period of 18 months after completion of construction or installation of all such improvements.

C. At the end of said 18-month period, if the improvements shall be in good condition, such maintenance guaranty shall be released.

(*Ord. 74, 8/30/1995; as added by Ord. 125, 6/222006, §111*)

Zoning Map Amendments

Ord. /Res.	Date	Subject
94	10/6/2004	Amending the Township's zoning map to create a Chatham Overlay District within the Township and to provide for setback requirements therein.
97	11/22/2004	The lands described in Exhibit "A" attached hereto and made a part hereof are rezoned from Industrial (I), Rural Residential (RR) and Residential, Mobile Homes (MH) Districts to Residential, High Districts (RH). The tax parcels described in Exhibit "A", affected by this zoning map amendment and revision are identified as Chester County Tax Parcel Numbers 59-8-58, 59-8-59, 59-8-60, 59-8-63, 59-8-64 and 59-8-66. The lands described in Exhibit "B" attached hereto and made a part hereof are rezoned from Residential, Medium (RM) and Residential, Mobile Homes District (MH) to Residential, High (RH) Districts. The tax parcels described in Exhibit "B" affected by this zoning map amendment and revision are identified as Chester County Tax Parcel Numbers 59-8-44, 59-8-68 and 59-8-70. The land described in Exhibit "C" attached hereto and made a part hereof is rezoned from Rural Residential District (RR) to Residential, High District (RH). The tax parcel described on Exhibit "C" Affected by this zoning map amendment and revision is identified as Chester County Tax Parcel Number 59-8-65.
138	10/25/2007	All those properties listed in Exhibit "A" attached hereto and incorporated herein are rezoned from RR-Rural Residential to AR-Agricultural Residential.
139	10/25/2007	Amending the Township's zoning map to create an Agricultural Residential Zoning District within the Township and to provide for uses therein.
146	5/14/2008	The land described in Exhibit "A" attached hereto and made a part hereof is rezoned from Residential, High District (RH) to Industrial District (I). The land described in Exhibit "A", affected by this zoning map amendment and revision, is identified as part of Chester County Tax Parcel 59-8-59. The land described in Exhibit "B" attached hereto and made a part hereof is rezoned from the Residential, High District (RH) to Commercial, General (CG) District.. The land described in Exhibit "B" affected by this zoning map amendment and revision are identified as part of Chester County Tax Parcel Number 59-8-59 and the entirety of Chester County Tax Parcel 59-8-60.

