

Township of Caln, PA  
Monday, April 20, 2015

## Chapter 155. ZONING

[HISTORY: Adopted by the Board of Commissioners of the Township of Caln 3-10-2005 by Ord. No. 2005-2. Amendments noted where applicable.]

### GENERAL REFERENCES

Historical Commission — See Ch. **19**.  
Planning Commission — See Ch. **32**.  
Adult uses — See Ch. **51**.  
Building construction — See Ch. **59**.  
Dumps and junkyards — See Ch. **76**.  
Fire lanes — See Ch. **82**.  
Garbage, rubbish and refuse — See Ch. **87**.  
Health and sanitation — See Ch. **89**.  
Parks and playgrounds — See Ch. **107**.  
Utility poles — See Ch. **118**.  
Property maintenance — See Ch. **120**.  
Sewage disposal systems — See Ch. **124**.  
Sewers — See Ch. **128**.  
Shopping centers — See Ch. **131**.  
Streets and sidewalks — See Ch. **134**.  
Subdivision and land development — See Ch. **137**.  
Vehicles and traffic — See Ch. **149**.

**155a Matrix Chart 1** 

**155b Matrix Chart 2** 

**155c Matrix Chart 3** 

**155d Matrix Chart 4** 

**155e Matrix Chart 5** 

**155f Matrix Chart 6** 

**155g Matrix Chart 7** 

**155h Matrix Chart 8** 

**155i Matrix Chart 9** 

**155i Matrix Chart 10** 

**155j Matrix Chart 13** 

**155k Zoning Color Map** 

**155l Figure A Color Map** 

**155m Figure B Color Map** 

**155n Figure D Color Map** 

- 155o Figure E Color Map 
- 155p Figure 2 Color Map 
- 155q Figure 3 Color Map 
- 155r Figure 5 Color Map 
- 155s Figure 6 Color Map 
- 155t Figure 7 Color Map 
- 155u Airport Surface Area Map 

## Article I. General Provisions

### § 155-1. Preamble.

An ordinance establishing regulations, specifications and restrictions for the uses of land, watercourses and other bodies of water; the size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures; the areas and dimensions of land and bodies of water to be occupied by uses and structures including areas, courts, yards and other open spaces and distances to be left unoccupied by uses and structures; and the density of population and intensity of land uses, within Caln Township, Chester County, Pennsylvania, and for said purposes dividing Caln Township into districts and prescribing certain uniform regulations for each such districts and providing for the administrative enforcement and amendment provisions in accordance with the Pennsylvania Municipalities Planning Code, as amended.

### § 155-2. Short title.

Chapter **155** of the Caln Township Code shall be known as and may be cited as the "Caln Township Zoning Ordinance of 2005."

### § 155-3. Purpose.

This chapter has been adopted in accordance with the requirements of Pennsylvania Municipalities Planning Code, as amended; with the goals, objectives and policies established within the Caln Township Comprehensive Plan (adopted in December of 2003); the Caln Township Open Space, Recreation and Environmental Resources Plan (adopted in July of 1995); and with consideration for the character of Caln Township and its capacity to accommodate growth, development and redevelopment. In addition to implementing the Caln Township Comprehensive Plan, the purpose of Chapter **155** is designed:

- A. To promote, protect and facilitate one or more of the following: the public health, safety, general welfare, coordinated and practical community development, proper density of population, civil defense, emergency management, airports and national defense facilities, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewage, schools, public grounds and other public requirements as well.
- B. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

- C. To identify, protect and preserve the physical and environmental amenities within Caln Township.
- D. To have planned orderly residential growth and development by considering environmentally sensitive land areas, existing land uses, infrastructure and the suburban characteristics of Caln Township.
- E. Provide opportunities for commercial and industrial growth and development by considering environmental limitations, existing land uses, infrastructure and the suburban characteristics.
- F. To provide for a system of open space through the preservation of floodplains, steep slopes, wooded areas and farmlands, providing areas for passive and active recreation.
- G. To improve the quality of life within the community.
- H. To conserve, protect and sustain a high quality natural resource system.
- I. To preserve and enhance scenic resources.
- J. To preserve and protect historical and cultural resources within the community.
- K. To provide a diversified supply of housing that meets the existing and projected demands.
- L. To encourage aesthetical and innovative residential growth within Caln Township that will meet the needs of existing and future residents.
- M. To achieve and maintain a dynamic business climate to ensure a continuation of sound economic growth.
- N. To promote employment and economic development opportunities.
- O. To encourage commercial and industrial development, revitalization and rehabilitation that are adequate to meet Caln Township's needs for employment, goods and services.
- P. To provide community facilities and services which meet the needs of the community while staying within the fiscal budget limitations of Caln Township.
- Q. To provide parks, recreation facilities and open space areas which meet the needs of the residents.
- R. To improve, maintain and plan sanitary sewage disposal facilities and water supply facilities in an effort to meet the needs of the community, protect the environment and support development consistent with land use plans.
- S. To ensure that all existing and prospective uses are serviced by basic utilities.
- T. To promote, encourage and practice energy conservation.
- U. To provide and maintain a safe, efficient and diversified transportation system which optimizes mobility, strengthens the economy and protects the environment.
- V. To achieve a high level of intergovernmental planning by coordinating efforts with local and regional groups within the public and private sectors.

## § 155-4. Community development objectives.

This chapter attempts to emulate through its regulations the goals, objectives and policies of the Caln Township Comprehensive Plan as well as the Caln Township Open Space, Recreation and Environmental Resources Plan.

These regulations have been established with considerations to Caln Township's physical characteristics, population trends, housing characteristics, existing land use characteristics, community facilities and services and existing transportation characteristics. The regulations established in this chapter reflect and portray the goals, objectives and policies of the functional components of the adopted Comprehensive Plan.

## § 155-5. Application and interpretation.

- A. Except as hereinafter provided, no building, structure, land, watercourse or parts thereof within the Township shall be used or occupied, erected, constructed, assembled, moved, removed, demolished, eliminated, enlarged, reconstructed or structurally altered unless in conformity with the provisions of this chapter.
- B. In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements adopted for the promotion of the public health and safety and the general welfare of the residents and occupants of the Township. Where the provisions of this chapter impose greater restrictions than those of any other Township statute, ordinance or regulation, the provisions of this chapter shall be complied with. Where the provisions of any other Township statute, ordinance or regulation impose greater restrictions than this chapter, the provisions of such other Township statute, ordinance or regulation shall be complied with unless otherwise stated in this chapter.
- C. This chapter contains various supplemental matrix charts that are intended to specify certain zoning requirements or summarize certain zoning requirements. Where a discrepancy should exist between the provisions contained within the text and the provisions contained within the supplemental matrix charts, the provisions contained within the text shall prevail.

## § 155-6. Severability.

Should any article, section, subsection, paragraph, clause, phrase or provision of this chapter be declared by a court of competent jurisdiction to be invalid, such judgment shall not affect the validity of this chapter as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

## § 155-7. Repealer.

All ordinances or parts of ordinances, together with the amendments and supplements thereto, are hereby repealed to the extent that the same conflict with the provisions of this chapter; provided, however, that the provisions of this chapter shall not affect any suit or prosecution pending or to be instituted to enforce any provision of such repealed ordinance or to punish any offense against any such repealed ordinance committed prior to the effective date of this Zoning Chapter.

## § 155-8. Exemptions.

This chapter shall not apply to any existing or proposed buildings, or extension thereof, used or to be used by a public utility corporation, if, upon petition of said 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 ensure 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 proceedings.

## § 155-9. Effective date.

The Caln Township Board of Commissioners has enacted the Caln Township Zoning Ordinance of 2005 on March 10, 2005. This chapter of the Caln Township Code shall become effective upon the adoption by the Board of Commissioners.

## § 155-10. (Reserved)

## Article II. Definitions

### § 155-11. General interpretation.

- A. For the purpose of this chapter, certain terms and words are defined under § **155-12**.
- B. Words used in the present tense shall include the future tense.
- C. Words in the singular shall include the plural, and words in the plural shall include the singular.
- D. Words in the masculine shall include the feminine and the neuter.
- E. The word "shall" or "must" is mandatory.
- F. The word "may" is permissive and the word "will" is directory.
- G. The word "person" includes "individual," "corporation," "partnership," "organization," "association," "trust" or other similar entities.
- H. The words "used for" include "designed for," "arranged for," "intended for," "maintained for" or "occupied for."
- I. The word "building" shall be construed as if followed by the phrase "or part thereof."
- J. Any word or term not defined herein shall be used with a meaning of standard usage.

### § 155-12. Specific terms.

Terms or words used in this chapter, unless otherwise expressly stated, shall be construed as defined below. When terms, phrases or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

**ABANDONED VEHICLE**

Any inoperable vehicle lacking a currently effective state license or inspection sticker.

**ABUT**

The state of being side by side, next to or adjoining one another.

**ACCESS DRIVE**

An improved cartway or paved service road designed to provide vehicular access between the public road and the off-street parking area for the designated use.

**ACCESS POINT**

A clearly defined point of ingress and egress for vehicles at the street line.

**ACCESSORY BUILDING OR STRUCTURE**

A building subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal use.

**ACCESSORY USE**

A subordinate use of a portion of a lot which is customarily incidental to the main or principal use of land or of a building on a lot.

**ACRE**

43,560 square feet.

**ACT**

The Pennsylvania Municipalities Planning Code, as amended and codified in 53 P.S., § 10101.

**ACT 247**

The Pennsylvania Municipalities Planning Code, as amended and codified in 53 P.S., § 10101.

**ADAPTIVE REUSE AND REDEVELOPMENT OVERLAY**

A special overlay district established to permit the planned reuse, division and/or redevelopment of existing buildings, structures and land areas within certain zoning districts, subject to the requirements of § 155-45 of the Caln Township Code.

**ADJACENT**

The state of being side by side, next to or adjoining one another.

**ADMINISTRATIVE OFFICE(S)**

An establishment primarily engaged in overall management and supervisory functions, such as executive, personnel, finance, legal and sales activities, typically performed in a single location or building for other branches or divisions of the same company.

**ADT (AVERAGE DAILY TRAFFIC)**

The average number of vehicles that pass over a given point per day.

**ADULT, AGE QUALIFIED CONTINUING CARE RETIREMENT COMMUNITY**

A unified planned residential development servicing the housing, personal needs and care of older persons, who are generally 55 years of age or older, within residential units, and as further defined in this chapter of the Code. This use is intended to provide housing opportunities for older persons in accordance with the Fair Housing Act.

**ADULT BUSINESS USE or ADULT ENTERTAINMENT USE**

Any adult arcades, adult bookstore, adult cabaret, adult theater, adult mini motion-picture theater, adult novelty stores, adult video stores, escort agencies, nude model studios, sexual encounter centers, nontherapeutic massage parlor or other similar adult business uses or adult entertainment uses, whereas, under the provisions of the Caln Township Code and the State Obscenity Code, as amended, must exclude minors or may not knowingly disseminate to minors. The following subdefinitions shall also apply to adult business uses or adult entertainment uses:

- A. **ADULT ARCADE or MINI MOTION-PICTURE THEATER**  
— An enclosed building offering video presentations distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons within private viewing booths and/or by use of token, coin-operated viewing booths, projectors, video machines or other electronic media sources projectors, as defined by the Caln Township Code and/or the State Obscenity Code, as amended.
- B. **ADULT BOOKSTORE and ADULT NOVELTY STORE**  
— A commercial establishment having as a substantial or significant portion of its stock in trade (for sale or rental) books, magazines, periodicals, photographs, films, videos, motion pictures, slides or similar materials, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined by the Caln Township Code and/or the State Obscenity Code, as amended. An adult bookstore and/or adult novelty store may include the sale of instruments, devices, novelties or paraphernalia which are designed for the use in connection with specified sexual activities.
- C. **ADULT CABARET**  
— A nightclub, bar, club, restaurant, tavern, theater or similar commercial establishments which features: persons who appear in the state of nudity or seminudity; live performances which are categorized by the exposure of specified sexual activities or specified anatomical areas; and/or films, motion pictures, videocassettes, slides or other photographic reproductions which are categorized by the depiction or description of specified sexual activities or specified anatomical areas.
- D. **ADULT ESTABLISHMENT**  
— An adult business use and/or an adult entertainment use as permitted under the Caln Township Code.
- E. **ADULT THEATER**  
— A theater, concert hall, auditorium, business or similar commercial establishment which features: persons who appear in the state of nudity or seminudity; live performances which are categorized by the exposure of specified sexual activities or specified anatomical areas; and/or films, motion pictures, videocassettes, slides or other photographic reproductions which are categorized by the depiction or description of specified sexual activities or specified anatomical areas.
- F. **ESCORT**  
— A person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie, or to privately perform a striptease for another person.
- G. **ESCORT AGENCY**  
— A person or business association who or which furnishes, offers or advertises to furnish escorts for a fee, tip or other consideration as part of its business.
- H. **NUDE MODEL STUDIO**

— Any place where a person who appears seminude, in a state of nudity or displays specific anatomic areas and is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons, who may pay money or any other form of consideration.

I. **NUDITY or STATE OF NUDITY**

— The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage; the showing of the female breast with less than fully opaque covering of any part of the nipple; the showing of the covered male genitals in a discernibly turgid state; or as defined by the Commonwealth of Pennsylvania.

J. **SEMINUDE or SEMINUDE CONDITION**

— The state of dress in which clothing partially or transparently covers or exposes specified anatomical areas.

K. **SEXUAL ENCOUNTER CENTER**

— A business or commercial enterprise that as one of its principal business purposes offers for any form of consideration: physical contact in the form of wrestling or tumbling between persons of the opposite sex; activities between male and female persons and/or persons of the same sex when one or more of the persons is in the state of nudity or seminudity; any violation on the activity popularly denominated as "mud wrestling; or any sexual encounter activities defined by the Commonwealth of Pennsylvania.

L. **SEXUALLY ORIENTED BUSINESS**

— Any adult business or entertainment use.

M. **SPECIFIC ANATOMICAL AREAS**

— Human genitals, pubic region, anus, buttocks, female breasts(s) below a point immediately above the top of the areola or human male genitals (covered or uncovered) in a discernibly turgid state, or as defined by the Commonwealth of Pennsylvania.

N. **SPECIFIED SEXUAL ACTIVITIES**

— Activities including: the fondling or other erotic touching of human genital, pubic region, buttocks, anus or female breasts; sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; excretory functions as part of or in connection with any of the sexual activities set forth in this Code; or any specified sexual activities defined by the Commonwealth of Pennsylvania.

O. **STATE OBSCENITY CODE**

— Section 5903, Title 18, Pennsylvania Consolidated Statutes, as amended.

**ADULT TRAINING FACILITY**

A facility which provides supervision and/or instruction on a daily basis for one or more individuals who have a physical or mental disability who are not related to the caregiver or operator, where tuition, fees or other forms of compensation are charged, whether governmentally subsidized and/or licensed and whether operated for profit or not for profit. An adult training facility shall also be considered as an adult day-care facility.

**AGRICULTURAL OPERATION**

An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops,

livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

### **AGRICULTURE (GENERAL)**

The cultivation of the soil and the raising and harvesting of the products of the soil, including but not limited to nursery, horticulture, forestry and animal husbandry. This chapter of the Code outlines the limitations for general agricultural activities. These limitations shall not disrupt any of the rights and privileges established under the Pennsylvania Agricultural Security Act, as amended.

### **AGRICULTURE (INTENSIVE)**

Specialized agricultural activities, including but not limited to mushroom, egg and poultry production, and dry lot livestock production, which due to the intensity of production or raw material storage needs, necessitate special control of operation, raw material storage and processing, and disposal of liquid and solid wastes. Intensive agricultural activities shall also include general agricultural activities exceeding the standards and specifications outlined under this chapter. This chapter also outlines the limitations for intensive agricultural activities. These limitations shall not disrupt any of the rights and privileges established under the Pennsylvania Agricultural Security Act, as amended.

### **ALLUVIAL SOILS**

Soils which have been formed in alluvium and deposited by past stream or flooding conditions.

### **ALLUVIUM**

Soil material such as sand, silt or clay that has been deposited on land by past stream or flooding conditions.

### **ALTERATION(S)**

Any change or rearrangement in the structural parts or in the existing facilities of a building or structure, such as bearing walls, columns, beams, girders, joists, rafters, headers or enclosed walls, or any enlargement or modification thereof, whether by extension on any side or by an increase in height, or the moving of such building from one location or position to another, or any other change of use of a building or a lot.

### **ANIMAL HOSPITAL or CLINIC**

A professional veterinary establishment used for the diagnosis, care and treatment of ailing or injured animals, which may include overnight accommodations. The overnight boarding of healthy animals shall be considered a kennel.

### **ANIMAL HUSBANDRY**

The raising and keeping of livestock and poultry for any commercial purpose. The keeping of livestock and poultry as farm pets for domestic purposes, as permitted within the Caln Township Code, shall not be considered as animal husbandry.

### **ANIMAL UNIT**

Farm animals or livestock equaling 1,000 pounds per animal unit.

### **ANTENNA**

A transmitting and/or receiving device used in telecommunications that radiates or captures radio signals.

### **ANTENNA HEIGHT**

The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

**ANTENNA SUPPORT STRUCTURE**

Any pole, telescoping mast, tower, tripod or any other structure which supports a device used in the transmitting or receiving of radio frequency energy.

**ANTIQUÉ SHOP**

A commercial establishment for the sale of antiques such as clocks, lamps, clothing, rugs, jewelry, furniture and similar items.

**APARTMENT BUILDING**

A single building on a single lot which contains at least three dwelling units which may be separated horizontally and/or vertically.

[Added 10-10-2013 by Ord. No. 2013-07]

**APARTMENT COMPLEX**

A group of two or more apartment buildings built on a lot or lots which shall also include common amenities and recreational facilities for the use of the apartment residents, such as but not limited to office space for uses associated with the apartment development, swimming pools, fitness rooms, recreational areas, open space and common parking areas.

[Added 10-10-2013 by Ord. No. 2013-07]

**APPLICANT**

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

**APPLICATION FOR DEVELOPMENT**

Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development, including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

**APPOINTING AUTHORITY**

The Caln Township Board of Commissioners.

**ARCHITECT**

An architect registered by the Commonwealth of Pennsylvania.

**ARRAY**

Any number of electrically connected photovoltaic (PV) modules providing a single electrical output.

[Added 9-12-2013 by Ord. No. 2013-06]

**ASSISTED LIVING UNIT**

A residential facility for the housing and care of elderly, frail or disabled persons.

**ATTIC**

That part of a building, which is immediately below and wholly or partly within the roof framing.

**AUCTION HOUSE**

A commercial establishment where goods are sold at auction, including space devoted to sales and storage, off-street loading and unloading spaces and all off-street parking spaces.

**AUTOMOBILE SALES**

Any building or land area devoted to the sale of new or used vehicles, including customary service and repair facilities within an enclosed building.

**AUTOMOBILE SERVICE STATION**

Any building or land area devoted to the repair, servicing, restoration, reconstruction and maintenance of vehicles, including the retail sale of gasoline, motor oil, car washes, batteries and other similar vehicular accessories.

**AUTOMOTIVE TRADE SCHOOL**

A commercial school carried on as a business for the vocational teaching and training of a trade or skill in the automotive field.

[Added 10-30-2008 by Ord. No. 2008-9]

**BASEMENT**

That portion of a building that is partly or completely below the grade plane. A basement shall be considered a story above grade plane when the finished surface of the floor above the basement is as follows: more than six feet above the grade plane; more than six feet above the finished ground level for more than 50% of the total building perimeter; and/or more than 12 feet above the finished ground level at any point.

**BED-AND-BREAKFAST**

The use and occupancy of a single-family detached dwelling for the purpose of accommodating transient guests for compensation or rent up to a maximum of 10 consecutive days.

**BLOCK**

A tract of land or a lot or group of lots bounded by streets, public parks, railroad rights-of-way, watercourses or bodies of water, boundary lines of the Township, or by any combination of the above.

**BOARD**

The Board of Commissioners of the Caln Township, Chester County, Pennsylvania.

**BOARD OF COMMISSIONERS**

The Board of Commissioners of Caln Township, Chester County, Pennsylvania.

**BOARDINGHOUSE**

The use and occupancy of a single-family detached dwelling for the purpose of accommodating four or less transient guests for rent or compensation.

**BUFFER YARD**

A continuous strip of land which is clear of all buildings and paved areas and is adequately landscaped in accordance with this chapter.

**BUILDING**

Any combination of material forming any structure, which is erected on the ground and permanently affixed thereto, whereas the framed components or structural parts are designed for the complete enclosure (with walls and a roof) and support for individuals, animals or property of any kind.

**BUILDING AREA**

The total area taken on a horizontal plane at the main grade level of all primary and accessory buildings on a lot, excluding unroofed porches, paved terraces, steps, eaves and gutters, but including all enclosed extensions.

**BUILDING COVERAGE**

The percentage of a lot covered by principal and accessory buildings.

**BUILDING ENVELOPE**

The area of a lot that has no building or construction restrictions such as building set back requirements, rights-of-way, easements, floodplains, wetlands, steep slopes or similar restrictions as defined in this chapter.

**BUILDING FRONTAGE**

The front of a building considering the location of the main entrance and the public street providing access. For corner lots, the building frontage shall be established along both streets to which the building has frontage or access.

**BUILDING HEIGHT**

The vertical distance measured from the grade plane to the average roof height, as further defined by the appropriate building codes adopted by Caln Township.

**BUILDING-INTEGRATED SYSTEM**

A solar photovoltaic system that is constructed as an integral part of a principal or accessory building or structure and where the building-integrated system features maintain a uniform profile or surface of vertical walls, window openings, and roofing. Such a system is used in lieu of a separate mechanical device, replacing or substituting for an architectural or structural component of the building or structure that appends or interrupts the uniform surface of walls, windows openings or roofing. A building-integrated system may occur within vertical facades, replacing view glass, spandrel glass or other façade material; into semitransparent skylight systems; into roofing systems, replacing traditional roofing materials; or other building or structure envelope systems.

[Added 9-12-2013 by Ord. No. 2013-06]

**BUILDING LENGTH**

The measurement of a building in one general direction.

**BUILDING-MOUNTED SYSTEM**

A solar photovoltaic system attached to any part or type of roof on a building or structure that has an occupancy permit on file with the Township and that is either the principal structure or an accessory structure on a lot. This system also includes any solar-based architectural elements.

[Added 9-12-2013 by Ord. No. 2013-06]

**BUILDING SETBACK**

The minimum distance a building or structure must be set back from the ultimate street right-of-way line (where it exists) or from the street legal right-of-way line (where the ultimate right-of-way does not exist) of the street immediately adjacent thereto.

**BUILDING SETBACK LINE**

The line within a property establishing the minimum required distance between any building or structure, or portions thereof, to be erected or altered and a street right-of-way (except the right-of-way of a service street). The distance shall be measured at right angles from the street right-of-way line which abuts the property, and the building setback line shall be parallel to said right-of-way line.

**CALIPER or CALIPER AT BREAST HEIGHT**

The diameter of a tree trunk, as measured 54 inches from the ground surface.

**CAMPGROUND**

A plot of ground upon which two or more campsites are located for occupancy, regardless whether a fee has been charged for the occupancy of such space.

**CAMPING UNIT**

A tent or camping vehicle located on a campsite.

**CAMPSITE**

A plot of ground within a campground for the use of a single camping unit.

**CARBONATE GEOLOGY OVERLAY DISTRICT**

A conservation overlay of land and water, which are generally underlain by geological features with limestone and dolomite characteristics, as categorized and defined under § 155-38 of the Code.

**CARPORT**

A building open on two or more sides and used in association with a dwelling for the storage of private motor vehicles.

**CARTWAY**

The portion of a street right-of-way, whether paved or unpaved, designed for vehicular use.

**CELL**

The smallest basic solar electric device which generates electricity when exposed to light.  
[Added 9-12-2013 by Ord. No. 2013-06]

**CELLAR**

A story partly below the finished grade, having at least 1/2 of its height (measured from finished floor to finished ceiling) below the average level of the adjoining finished grade where such grade abuts the exterior walls of the building. A cellar shall not be considered a story in determining the permissible number of stories.

**CEMETERY**

Land used or intended to be used for the burial of human remains and may include columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

**CERTIFICATE OF USE AND OCCUPANCY**

A statement issued and enforced by the Zoning Officer, whereas upon the completion, conversion, extension or modification of a new building or existing building, a certificate of compliance is issued and signed by the Zoning Officer, and the building can be lawfully occupied for the intended use or activity.

**CHARITABLE ORGANIZATION**

An institution, organization or group which is organized and operated for a charitable, educational, religious or philanthropic purpose and which is not intended to make profits.

[Added 8-10-2006 by Ord. No. 2006-9]

**CHILD**

An individual considered by law to be a minor that is under the age of a person who is under 18 years of age. For the purposes of a day-care center or facility, a child shall be considered any person who is under 15 years of age.

**CHURCH**

A building used for public worship by a congregation, excluding buildings used primarily for residential, educational, burial, recreational or other uses not normally associated with worship.

**CLEAR SIGHT TRIANGLE**

An area of unobstructed vision at a street intersection defined by a line of sight between points at center lines, as defined by the Caln Township Code.

### **CLUB or LODGE**

An association of persons for some common nonprofit activity, not including groups organized primarily to render a service which is customarily carried on as a business.

#### **A. PRIVATE CLUB or COUNTRY CLUB**

— Land and buildings containing private or semiprivate recreation facilities, social quarters, restaurants, meeting rooms, banquet facilities, bars, taprooms and similar uses for the exclusive use of the members and their guests.

#### **B. SOCIAL CLUB or LODGE**

— Land and buildings containing recreation facilities, social quarters, restaurants, meeting rooms, banquet facilities, bars, taprooms and similar uses owned and operated by nonprofit organizations for the exclusive use of the members or guests.

### **CLUSTER DEVELOPMENT**

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

### **CO-LOCATION**

The placement or installation of new wireless telecommunication facilities on previously approved and constructed wireless support structures, including self-supporting or guyed monopoles and towers, electrical transmission towers, water towers or any other structure not classified as a wireless support structure that can support the placement or installation of wireless telecommunications facilities if approved by the Township. The term includes the placement, replacement or modification of accessory equipment within a previously approved equipment compound.

[Added 9-12-2013 by Ord. No. 2013-06]

### **COMMERCIAL CAMPGROUND**

A commercial use, whereas a lot or parcel of land are temporarily occupied by more than two campsites during specified seasons, including tents and recreation vehicles, as defined by the Caln Township Code.

### **COMMERCIAL COMPOSTING**

A commercial use involving the accumulation of biodegradable and organic materials from approved uses, including: mushroom production uses; municipal uses; landscaping uses; nursery uses; forestry uses and other similar uses, as determined appropriate by Caln Township; whereas the composted materials are packaged, processed and/or transported from the commercial composting facility and utilized for other applications.

### **COMMERCIAL DRIVE-THROUGH ESTABLISHMENT**

A permitted commercial use, where the patrons have the option to be provided services without leaving their vehicle, as allowable within certain zoning districts in accordance with the provisions of § 155-79 of this chapter of the Code.

### **COMMERCIAL RECREATIONAL USE**

A use or activity operated as a business that is open to the public for the purpose of recreation and entertainment, including but not limited to, bowling alleys, health or fitness clubs, swimming pools, miniature golf courses, museums, theaters, amusement arcades and other similar commercial recreational uses as determined by the Zoning Officer.

**COMMERCIAL SCHOOLS**

An educational facility carried on as a business and not operated by a public agency. The range of curriculums can include, but not be limited to, academic instruction, business, technical programs, art, music, dance, language and other similar commercial school uses as determined by the Zoning Officer.

**COMMERCIAL USE**

A use or activity that includes, but is not limited to, retail sales, businesses, offices, personal services, banks, financial institutions, restaurants, communications, recreation and other similar commercial uses as determined by the Zoning Officer.

**COMMERCIAL USE OF WATER RESOURCES**

The use of naturally occurring water when 5,000 gallons or more of such water is used on site per day or when 5,000 gallons or more of such water is exported or transported for use off site. "Naturally occurring water" shall mean all water above and below the ground surface.

**COMMERCIAL VEHICLE**

Any motor vehicle utilized for a business or trade activity of any kind, including construction, excavating, earthmoving equipment or similar equipment, regardless of the use, excluding a Class I and II motor vehicle, which is properly licensed by the Commonwealth of Pennsylvania.

**COMMON OPEN SPACE**

A parcel or parcels of land or an area of water, or a combination of land and water, within a development, designed and intended for use or enjoyment of all residents of the development in which it is located. Common open spaces shall not include: land areas within street rights-of-way; required open areas between buildings; between buildings and street rights-of-way, driveways and parking areas; and other areas that may be specified within this chapter. No dwelling unit, accessory building or parking area may be located within common open spaces.

**COMMON PARKING AREA**

A parking facility other than those provided within the lot lines of a lot on which one single-family detached dwelling, one single-family semidetached dwelling or one townhouse is located.

**COMMON WALL**

A wall used or adopted for joint service between two buildings or parts thereof.

**COMMUNITY CENTER**

A public or quasi-public municipal, institutional or recreational use devoted exclusively to accommodate one or more group activities, including but not limited to, civic, social, recreational, educational or cultural or other similar activities determined appropriate by the Zoning Officer, and provided that the community center is properly maintained and is not utilized as a residential use.

**COMPLETION**

The act of bringing to a condition of physical completeness and readiness for use and occupancy.

**COMPREHENSIVE PLAN**

The Caln Township Comprehensive Plan, or any part thereof, last updated and adopted by the Caln Township Board of Commissioners in December of 2003.

**CONDITIONAL USE**

A use in a particular zoning district by approval of the Board of Commissioners in accordance with the specific criteria set forth in this chapter of the Code.

**CONFERENCE CENTER**

A facility utilized for meetings and seminars, with accommodations for meeting rooms, food preparation, social quarters, restaurants, banquet facilities, bars, taprooms, recreation facilities, entertainment, overnight accommodations and similar uses.

**CONSERVATION OVERLAY DISTRICTS**

Overlay provisions established to consider conservation management, environmental resource protection, natural resources and open space preservation. These provisions are intended to supplement and enhance the existing underlying zoning district regulations for certain land areas and water features, including: floodplains; wetlands and hydric soils; steep slopes; woodlands; and carbonate geological formations.

**CONSERVATION USE**

The preservation and utilization of land and surface water as wildlife habitats, forests, farmland, meadows, wetlands, lakes, streams, rivers and other similar uses or features that involve no site improvements other than those required for education, recreation or municipal uses.

**CONSISTENCY**

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

**CONSTRUCTION**

The placement of materials and equipment in a defined area to be assembled, built, applied and/or demolished in a temporary or permanent manner, as approved by the designated officials of Caln Township.

**CONSTRUCTION SITE**

The total necessary land area required for all buildings or uses within a unified development before a zoning permit may be issued.

**CONVALESCENT HOME**

A building containing sleeping rooms used by persons who are lodged and furnished with meals and are provided with needed support and recovery services, including the availability of basic nursing care. Such a facility may or may not include skilled nursing or medical care. This definition shall be limited to facilities licensed by the Commonwealth of Pennsylvania as a convalescent home, nursing center, rehabilitation center or personal care center.

**CONVENIENCE STORE or MINI MARKET**

An area of land, together with a building of not less than 4,000 square feet in gross floor area and not more than 10,000 square feet in gross floor area, which is opened to the general public for up to 24 hours per day, owned and operated by one entity, and designed and intended to be utilized solely for both the retail sale within the building of limited food items, beverages, take-out only delicatessen, newspapers, magazines and incidental personal care items (but excluding the sale of prescription drugs and clothing) and the location within the building of not more than two ATM banking machines for the convenience of the general public, and the retail sale of gasoline outside of the building when dispensed from gasoline fueling positions located under a canopy. The sale of diesel fuel and/or the location of pay telephones are allowed only when permitted as an accessory conditional use by the Board.

**CONVERSION**

To change or adapt land or structures to a different use, occupancy or purpose.

**COUNTY**

The County of Chester, Commonwealth of Pennsylvania.

**COUNTY PLANNING COMMISSION**

The Chester County Planning Commission.

**COURT**

A portion of a lot unoccupied above grade but partially or wholly surrounded by the walls of a structure or buildings.

**CRITICAL ENVIRONMENTAL AREA**

An area of land or water with one or more of the following characteristics: steep slopes; floodplain; wetlands; hydric soils; high water table soils; land subject to hazardous, municipal or industrial waste; fault areas; sinkholes; stream corridors; estuaries; and habitats of endangered species.

**CURATIVE AMENDMENT**

A proposed zoning amendment made to the Board of Commissioners by any landowner/applicant who desires to challenge on substantial grounds the validity of an ordinance which prohibits or restricts the use or the development of land in which the landowner/applicant has an interest.

**CURBLINE**

The edge of the cartway.

**DAY-CARE CENTER or FACILITY**

The offering of care or supervision to minors or adults with special needs. The following subcategories are related to day-care centers and facilities:

**A. ADULT TRAINING FACILITY**

— A facility which provides supervision and/or instruction on a daily basis for one or more individuals who have a physical or mental disability who are not related to the caregiver or operator, where tuition, fees or other forms of compensation are charged, whether governmentally subsidized and/or licensed and whether operated for profit or not for profit. An adult training facility shall also be considered as an adult day-care facility.

**B. CHILD DAY-CARE CENTER**

— A facility which, on a daily basis, exclusively provides supplemental parental care and supervision and/or instruction to seven or more children simultaneously, who are not related to the caregiver or operator, where tuition, fees or other forms of compensation are charged, whether governmentally subsidized or not, and which is licensed or approved to dispense child care by the Commonwealth of Pennsylvania, and whether operated by a for-profit entity or a not-for-profit entity.

**C. CHILD GROUP DAY-CARE HOME**

— A building in which child day care is provided for more than six but fewer than 16 school-age-level children, or more than six but fewer than 13 children of another age, who are unrelated to the operator. Such property shall have outdoor play area in the rear of the property of sufficient size to accommodate 11 children at once which shall be enclosed with at least a four-foot-high continuous fence and self-latching gate.

[Amended 12-17-2007 by Ord. No. 2007-15]

**D. FAMILY DAY-CARE HOME**

— A building used principally as a residence by one adult caregiver resident thereof in which child day care is provided simultaneously to four, five or six children who are unrelated to the resident caregiver. Such residential property shall have an outdoor play area in the rear of the property of sufficient size to accommodate six children at once which shall be enclosed with at least a four-foot-high continuous fence and self-latching gate.

**DECK**

An open or partially enclosed area of a residential use which is constructed in accordance with the Caln Township Code and is occupied for seasonal activities.

**DEDICATION**

The deliberate appropriation of land by its owner for general public use.

**DEED**

A written document whereby an estate in real property is described, conveyed and recorded.

**DEED RESTRICTION**

Clauses included in a deed or other recorded document which restricts, controls or limits the general use of a defined parcel of land.

**DENSITY**

The number of residential dwelling units per acre or lot area.

**DESIGNATED COMMON OPEN SPACE**

The area designated as common open space within a residential development, containing open areas for recreational uses and natural resource conservation.

**DEVELOPER**

Any landowner, agent of such landowner, equitable owner or tenant with the permission of the landowner for whom subdivision or land development plans are being or have been made.

**DEVELOPMENT**

Any man-made change to improved or unimproved land, including but not limited to buildings or other structures, the installation of utilities, filling, grading, paving, excavation, mining, dredging or drilling operations.

**DEVELOPMENT PLAN**

A proposal for the development of land, prepared in accordance with the Caln Township Code, including a plan for subdivision or land development, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this chapter shall mean the written and graphic materials referred to in this definition.

**DINNER THEATER**

A building occupied as a commercial establishment for the purposes of serving food as a restaurant and entertaining patrons with live on-stage theatrical performances, which are considered not to be an adult business or adult entertainment use.

**DISTRICT**

A portion of the Township within which certain uniform regulations and requirements, or combinations thereof, apply under the provisions of this chapter.

**DOMESTIC PETS**

The keeping and housing of nonfarm animals as pets on a property in accordance with Chapter **73** of the Caln Township Code.

**DRIP LINE**

The outermost edge of a roof including eaves, overhangs and gutters.

[Added 9-12-2013 by Ord. No. 2013-06]

### **DRIVE-THROUGH ESTABLISHMENT**

A commercial establishment, whereas the patrons are provided specialty services without leaving their vehicle, as defined within this chapter.

### **DRIVEWAY**

A privately owned and constructed access drive, providing vehicular access between a public road or an approved private road into the lot or parcel having frontage on the road.

### **DUMP**

A site utilized for the disposal, abandonment, dumping, burial, incineration, burning or other means of discarding garbage, trash, junk, vehicles, automobile parts or other forms of waste.

### **DWELLING**

A building or structure or portion thereof arranged, intended, designed or used as the living quarters for one or more families living independently of each other. Such buildings as hospitals, hotels, boarding, rooming, lodging houses, nursing homes, motels and institutional residences are not included in the definition of dwelling. The following dwelling types are further defined as follows:

A. **SINGLE-FAMILY DETACHED DWELLING**

— A building arranged, intended or designed to be occupied exclusively as a residence for one family and having no common wall with an adjacent building.

B. **SINGLE-FAMILY SEMIDETACHED DWELLING**

— A building arranged, intended or designed to be occupied exclusively as a residence for two families, one family living on each side of a vertical common wall.

C. **TWO-FAMILY DETACHED DWELLING (DUPLEX)**

— A building arranged, designed or intended for occupancy of two families, living independent of each other in separate dwelling units that are separated by horizontal floors as opposed to vertical walls.

D. **MULTIFAMILY DWELLING**

— An apartment building.

[Amended 7-28-2011 by Ord. No. 2011-06]

E. **TOWNHOUSE**

— A building arranged, designed and intended to be occupied exclusively as a residence for one family, which is one of a group of three or more such buildings, placed side by side and separated by unpierced vertical common walls, each dwelling having at least one separate entrance from the outside.

F. **APARTMENT BUILDING**

— A building or group of buildings with common ownership on a lot containing three or more dwelling units. A multifamily dwelling.

[Amended 7-28-2011 by Ord. No. 2011-06]

G. **CONDOMINIUM**

— Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common open space solely for the owners of those portions, created under either the Pennsylvania Unit Property Act, as amended, or the Pennsylvania Uniform Condominium Act, as

amended. [1]

#### H. **MOBILE HOME**

— A transportable, single-family dwelling constructed in accordance with the specifications of the Commonwealth of Pennsylvania intended for permanent occupancy contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

#### I. **MODULAR or MANUFACTURED HOME**

— Any structure designed primarily for residential occupancy, which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on the building site. Housing units defined as mobile homes are excluded from this definition.

### **DWELLING UNIT**

A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

### **EASEMENT**

A defined parcel area of land or right-of-way which is granted or conveyed for the limited use of land for public, quasi-public or private purposes.

### **EDUCATIONAL USE**

The use of a building, structure or property for the purpose of educating, teaching or instructing six or more individuals at any one time from kindergarten through the 12th grade. This term shall not include those uses defined as day-care center or facility, higher learning institution, trade school, or automotive trade school.

[Amended 10-30-2008 by Ord. No. 2008-9]

### **ELECTRIC SUBSTATION**

An assemblage of equipment for purposes other than generation or utilization through which electric energy in bulk is passed for the purpose of switching or modifying its characteristics to meet the need of the general public.

### **ELEVATION**

The horizontal alignment of a surface above mean sea level as it exists in predevelopment conditions or as it is proposed in postdevelopment conditions.

#### A. **CENTER LINE ELEVATION**

— The elevation of the street at the midpoint of the street.

#### B. **CURB ELEVATION**

— The elevation of the street at the curbline.

#### C. **FIRST FLOOR ELEVATION**

— The elevation of the level of living space at the main entrance of the building.

#### D. **GARAGE ELEVATION**

— The elevation of the garage floor at the center of the garage door.

### **EMPLOYEES**

The total number of workers (including both part-time and full-time) present on a parcel of land at any given time, other than temporary or occasional construction workers.

**ENGINEER**

A professional engineer, licensed as such in the Commonwealth of Pennsylvania.

**ENVIRONMENTAL IMPACT ASSESSMENT REPORT**

A detailed written report that provides discussion of significant environmental impacts and provides reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment.

**EROSION**

The removal of soil, rock or surface particles by the action of water, wind, ice or other agents.

**FACADE**

The front of a building facing a public or private street or any other building face that is given special architectural treatment.

**FAMILY**

One person occupying a single dwelling; two or more persons related by blood, marriage or adoption, living together in a single dwelling unit and maintaining it as a functional common household; and/or a group of not more than four persons unrelated by blood, marriage or adoption living together in a single dwelling unit and maintaining it as a functional common household. The term "family" shall be deemed to include any domestic employees or gratuitous guests.

[Amended 7-25-2013 by Ord. No. 2013-05]

**FAMILY ENTERTAINMENT COMPLEX**

An indoor or outdoor facility providing recreational, educational, social and entertainment facilities suitable for children and their parents.

**FARM**

An area of land, including all buildings, accessory buildings, farm buildings and one single-family detached principal dwelling, all used for agriculture and where the primary source of income is derived from property.

**FARM ANIMALS**

The raising and ownership of chickens, turkey, sheep, goats, hogs, pigs, cattle, horses and other similar animals which are common to a farm in accordance with Chapter **73** of the Caln Township Code.

**FARM BUILDING**

A barn, silo or any building used for the storage of agricultural equipment or farm produce or housing livestock or poultry. The term "farm building" shall not include dwellings.

**FENCE**

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

**FINANCIAL INSTITUTION**

A bank, savings and loan, credit union or similar use.

**FIRE APPARATUS ACCESS ROAD**

A road that provides fire apparatus access from the fire station to a facility, building or portion thereof. This is a general term inclusive of all other terms such as fire lane, public street, private street, parking lot lane

and access roadway.

### **FLAGPOLE**

A flagstaff designed and solely intended for the patriotic display of the flag of the United States of America, or its armed forces, the Commonwealth of Pennsylvania or any political subdivision thereof, or the flag of a group or organization, or combination thereof, and for no other purpose. A flagpole shall not include a standard antenna, a standard antenna support structure, a commercial communications antenna support structure, tower, antenna or any other structure designed, intended or capable of supporting any other use or purpose.

### **FLEX SPACE**

A mixed use of building space designed and occupied in accordance with § 155-96 of this chapter, whereas the permitted principal use occupies at least 20% of the flex space building and the permitted subordinate uses occupies no more than 80% of the flex space building.

### **FLOODPLAIN OVERLAY DISTRICT**

A conservation overlay of land and water, which have been defined within the Flood Insurance Study, as prepared by the Federal Emergency Management Agency, which principally include areas located along the major creeks and waterways of Caln Township. The following subdefinitions and categories, which are further described and regulated under § 155-34 of the Code, shall apply to the Floodplain Overlay District:

#### **A. BASE FLOOD or REGULATORY FLOOD**

— The flood that has been selected to serve as the basis upon which the floodplain management provisions of this chapter have been prepared. The base flood or regulatory flood shall also be known as the “one-hundred-year flood.”

#### **B. FLOODPLAIN**

— A relatively flat or lowland area adjoining a river, stream or watercourse which is subject to partial or complete inundation of water. Also, an area subject to unusual and rapid accumulation of water or runoff of surface waters from any source.

#### **C. FLOOD HAZARD DISTRICT**

— Those portions of land and water that are generally subject to the inundation of the one-hundred-year flood, whereas base flood elevations have been determined or approximated by the most recent Flood Insurance Study, as conducted by the Federal Emergency Management Agency.

#### **D. FLOOD HAZARD MAP**

— A map depicting those areas or features within the Flood Hazard District, including, but not limited to, the floodplain, floodway, floodway fringe, as well as other areas or features identified by the Federal Emergency Management Agency. The Flood Hazard Map shall also mean the Flood Insurance Rate Map.

#### **E. FLOOD INSURANCE STUDY**

— A study prepared by the Federal Emergency Management Agency, dated November 20, 1996, or the most recent revision thereof.

#### **F. ONE-HUNDRED-YEAR FLOODPLAIN**

— A flood that, on the average, is likely to occur once every 100 years, or has a one% chance of occurring each year, although the flood may occur in any year.

#### **G. FLOODWAY**

— That portion of the Floodplain Overlay District that is required to carry and discharge the waters of

the one-hundred-year flood without increasing the water surface elevation at any point more than one foot above existing conditions, as determined in the Flood Insurance Study for Caln Township or the Federal Emergency Management Agency.

H. **FLOODWAY FRINGE**

— That portion of the Floodplain Overlay District that is subject to inundation by the one-hundred-year flood, lying beyond the floodway in areas where detailed study data and profiles are made available by the Flood Insurance Study.

**FLOOR AREA (GROSS FLOOR AREA)**

The gross floor space of the building or buildings, measured from the exterior faces of exterior walls or from the center line of wall separating buildings. In particular, the floor area of a building or buildings shall include: basement space; all spaces other than cellar space with structural headroom of seven feet, six inches or more; interior balconies and mezzanines; enclosed porches, terraces or other space which are attached to the principal structure on at least one side; attic spaces (with or without a finished floor) providing structural headroom of seven feet, six inches or more is available over 50% of such attic space. However, the floor area shall not include: cellar space, except that cellar space used for retailing; elevator shafts, stairwells, bulkhead, accessory water tanks or cooling towers; terraces; breezeways; uncovered steps; open space; and/or accessory buildings.

**FLOOR AREA RATIO**

The floor area in square feet of all buildings on a lot divided by the gross area of such lot in square feet.

**FORESTRY**

The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

A. **FELLING**

— The act of cutting a standing tree so it falls to the ground.

B. **LANDING**

— A place or area where logs, pulpwood or firewood are assembled for transportation to processing facilities.

C. **LOP**

— To cut tops and slash into smaller pieces to allow the material to settle close to the ground.

D. **OPERATOR**

— An individual, partnership, company, firm, association, or corporation which is engaged in timber harvesting or forestry operations, including the agents, subcontractors and employees thereof.

E. **SKIDDING**

— Dragging trees on the ground from the stump to the landing area by any means.

F. **SLASH**

— Woody debris left in the woods after logging, including logs, chunks, bark, branches, uprooted stumps, broken or uprooted vegetation or similar items.

G. **STAND**

— Any area of the forest vegetation whose site conditions, past history and current species composition are sufficiently uniform to be managed as a unit.

**H. TIMBER HARVESTING, TREE HARVESTING or LOGGING**

— The process of cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products.

**I. TOP**

— The upper portion of a tree that has little or no commercial resale value because of its small size, taper or defect.

**FUNERAL HOME**

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

**GARAGE, PRIVATE RESIDENTIAL**

An accessory building or a part of a principal building used for the storage of motor vehicles owned and used by the owner or tenant of the premises and for the storage of not more than three motor vehicles owned and used by persons other than the owner or tenant of the premises. Not more than one commercial vehicle or truck may be stored in a private garage.

**GARAGE, PUBLIC or REPAIR**

A building, other than a private or storage garage, one or more stories in height, used solely for commercial storage service or repair of motor vehicles.

**GARAGE, STORAGE**

A building, not a private residential or a public garage, one story in height, used solely for the storage of motor vehicles used in conjunction with a business or industry, but not for the sale, service or repair thereof nor for the sale of fuel, accessories or supplies.

**GEOGRAPHIC INFORMATION SYSTEM (GIS)**

A computer-based system that links the geographic location of map features to text information or databases.

**GEOMETRIC DESIGN**

The dimensions of a facility and the relationships of its features such as alignment, profile, grades, widths, sight distances, clearances and slopes.

**GOLF COURSE**

A public or private course with a minimum of nine holes and a length of more than 2,000 yards.

**GOVERNING BODY**

The Board of Commissioners of the Caln Township, Chester County.

**GOVERNMENT USE**

Any activities, services or uses conducted by any agency or department of local, county, state or federal government.

**GRADE PLANE**

A reference plane representing the average of finished ground level adjoining the building at the exterior walls. Where the finished ground levels slope away from the exterior walls, the referenced plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building.

**GREENWAY**

A linear corridor of open space, including natural features such as waterways, stream valleys, ridgelines and scenic vistas, or along man-made features such as railroad beds or abandoned canals, which provide areas for wildlife habitats and recreational uses.

**GROUND-MOUNTED SYSTEM**

A solar photovoltaic system mounted on a structure, pole or series of poles constructed specifically to support the photovoltaic system and not attached to any other structure.

[Added 9-12-2013 by Ord. No. 2013-06]

**GROUP HOME**

The use of any lawful dwelling unit which meets all of the criteria in § 155-58 of this chapter.

[Amended 7-25-2013 by Ord. No. 2013-05]

**HAZARDOUS MATERIALS**

Those chemicals or substances, which are physical hazards or health hazards as defined and classified in the adopted Caln Township Fire Code, whether the materials are in usable or waste condition.

**HEALTH AND RECREATION CLUB**

A private or public indoor facility utilized for health, fitness and/or recreational activities. All activities relating to an adult business use shall be prohibited within a health club.

**HEIGHT**

The vertical distance measured from the average elevation of the ground or finished grade to the highest point of a building or structure.

**HELIPORT**

A defined area to accommodate all phases of operation of rotor-wing aircraft or helicopters, with sufficient space for all required safety controls and maneuvers in accordance with all state and federal requirements, as well as to allow for the provision of service facilities.

**HELISTOP**

A defined area on a roof or on the ground to accommodate touch down and lift off of rotor-wing aircraft or helicopters. All such defined areas shall have sufficient space to accommodate all required safety controls and maneuvers in accordance with all state and federal requirements, but in no case shall such area provide service facilities.

**HIGHER LEARNING INSTITUTION**

A use made up of: an undergraduate division which confers associate or bachelor degrees; a graduate division which comprises a graduate school, and/or professional schools, each of which may confer master's degrees and doctorates. This term shall not include those uses defined as an automotive trade school.

[Added 10-30-2008 by Ord. No. 2008-9]

**HIGH WATER TABLE SOILS**

Surface soils which are within three feet of the seasonable high water table.

**HIGHWAY ACCESS POINT**

A place of ingress/egress from or access to a street or highway created by a driveway or another street or highway. Measurement between them shall be from the center line of one such point to the center line of another such point.

**HIGHWAY FRONTAGE**

The lot dimensions measured along the right-of-way line of any one street or highway abutting a lot.

**HISTORICAL PRESERVATION OVERLAY**

A special overlay district established to provide provisions for subdivision, land development, aesthetics, architectural appearance, landscaping, signs and streetscape design, as specified in § 155-47.

**HISTORICAL SITE**

A place, building, structure or site, whereas because of its' local, state or national significance is considered as a historical site or resource. All such historical sites are identified on the National Register of Historical Places, by the Pennsylvania Historical and Museum Commission, or within the Comprehensive Plan.

**HOME OCCUPATION**

An accessory use, which is customarily conducted within a residential use or a structure accessory thereto, which is clearly secondary and incidental to the residential use in which the practitioner resides. The following categories of home occupation are hereby defined:

**A. CATEGORY 1 HOME OCCUPATIONS**

— A business or commercial activity administered or conducted as an accessory use, which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic (whether vehicular or pedestrian), pickup, delivery or removal functions to or from the premises in excess of those normally associated with a residential use. A Category 1 home occupation shall be synonymous with a no-impact home-based business, as defined by the Pennsylvania Municipalities Planning Code.

**B. CATEGORY 2 HOME OCCUPATIONS**

— A business or commercial activity administered or conducted as an accessory use, which is clearly secondary to a single-family residential dwelling and which involves some customer, client or patient traffic (whether vehicular or pedestrian), pickup, delivery or removal functions to or from the premises in excess of those normally associated with a residential use.

**HOSPITAL**

An institutional use, licensed by the Commonwealth of Pennsylvania, which provides for inpatient and outpatient medical care, 24 hours per day, seven day per week, as well as providing primary health services, medical care and surgical services to patients suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions. In addition, a hospital may also include accessory uses and facilities including, but not limited to, medical offices, administrative offices, educational facilities, research centers, clinics, cafeterias, retail stores and other uses considered customary to a hospital or medical campus.

**HOTEL**

A building or group of buildings containing five or more individual rooms for rental, primarily for transients, with common hallways for all rooms on the same floor, and where no provision is made for cooking in any individual room or suite. Hotel does not include institutional or educational uses and buildings where human beings are housed under legal constraint. Hotels may also include accessory uses such as restaurants, lounges, lobbies, conference rooms and recreational facilities such as swimming pools and fitness facilities provided sufficient off-street parking spaces are provided for each accessory use in accordance with the provisions of Article X of this chapter and provided that the combined floor area of all accessory uses shall not occupy more than 25% of the total gross floor area of the hotel building.

[Amended 9-30-2010 by Ord. No. 2010-05]

**HVAC**

Equipment used to heat, cool or ventilate a structure.

[Added 9-12-2013 by Ord. No. 2013-06]

**HYDRIC SOIL**

A soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part. Hydric soils are identified within the Comprehensive Plan.

**IMPERVIOUS COVERAGE**

The percentage of lot area covered by any and all impervious materials, such as buildings, paved parking areas, paved walks, terraces and similar surfaces, which do not normally absorb rainfall.

**IMPERVIOUS SURFACE**

A surface which prevents the percolation of water into the ground.

[Added 9-12-2013 by Ord. No. 2013-06]

**IMPROVEMENT SETBACK**

The minimum distance an improvement must be set back from a street right-of-way and/or property line.

**IMPROVEMENTS**

Any type of structure, paved area and/or physical changes to the land, including but not limited to, grading, paving, stormwater management facilities, sidewalks, street signs, traffic control devices, monuments, utilities, water supply facilities and sewage disposal facilities.

**INCINERATOR**

A facility designed to reduce municipal solid waste, fuel, gas, refuse or other material by combustion. This use may include heat exchange equipment for energy recovery.

**INDEPENDENT LIVING CARE FACILITY**

A residential community or use designed for those persons who are independent with respect to their daily living activities (bathing, dressing, grooming and eating) and choose to reside in a community with other seniors (55 years or older). These communities may offer amenities such as, but not limited to, security systems, recreational activities, social programs, meal services and transportation.

**INDUSTRIAL PARK**

A group of mixed uses within a planned nonresidential development which principally relate to industrial uses, as specified under § **155-76** of this chapter of the Code.

**INDUSTRIAL USE**

A use or activity that includes, but is not limited to, assembling, manufacturing, distributing, processing, storing or warehousing of products and materials, and other similar industrial uses as determined by the Zoning Officer.

**INSTITUTIONAL USE**

A use or activity that includes, but is not limited to, educational uses, hospitals, medical centers, health care uses, churches, religious uses, assisted living care facilities, and other similar institutional uses as determined by the Zoning Officer.

**INTERCONNECTION**

The technical and practical link between the solar generator and the grid providing electricity to the greater community.

[Added 9-12-2013 by Ord. No. 2013-06]

**JUNK or SALVAGE**

Discarded materials, including, but not limited to, waste, paper, rags, glass, containers, fabric and similar material from vehicles, equipment or machinery.

**JUNKYARD or SALVAGE YARD**

A lot, land or structure, or parts thereof, used for the collection, storage, dismantling, salvage, sale, exchange and/or recycling of used and discarded materials, including, but not limited to, waste, paper, rags, glass, containers, fabric and similar material from vehicles, equipment or machinery. The deposit or storage of two or more unlicensed, uninspected, abandoned, wrecked or disabled vehicles shall be deemed to be a "junkyard."

**JURISDICTIONAL DETERMINATION (JD)**

A site survey performed by the United States Army Corps of Engineers to officially determine whether or not a defined parcel of land is subject to wetlands regulations.

**KENNEL**

Any property, including any building or structure thereon, where four or more dogs, 10 weeks of age or older, are kept or maintained for boarding, grooming, breeding, training, showing, selling or exchange.

**KILOWATT (kW)**

A unit of electrical power equal to 1,000 watts, which constitutes the basic unit of electrical demand. A watt is a metric measurement of power (not energy) and is the rate (not duration) at which electricity is used.

One thousand kW is equal to one megawatt (MW).

[Added 9-12-2013 by Ord. No. 2013-06]

**KITCHEN FACILITIES**

An enclosed and weatherproofed room consisting of a sink with plumbing facilities, permanent stove/oven and a refrigerator, which complies with all codes adopted by Caln Township.

**LABORATORY**

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

**LAND DEVELOPMENT**

Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  - (1) 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
  - (2) 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.
- B. A subdivision of land.
- C. Development in accordance with the Caln Township Code and the Pennsylvania Municipalities Planning Code.

**LANDOWNER**

The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition). A lessee under a written lease who has written authorization of the legal owner shall be deemed to be a landowner for the purpose of this chapter.

**LANDSCAPE ARCHITECT**

A landscape architect registered by the Commonwealth of Pennsylvania.

**LINCOLN HIGHWAY OVERLAY DISTRICT**

A special overlay district established to provide provisions for land development, aesthetics, architectural appearance, landscaping and streetscape design along the Lincoln Highway (Business Route 30) and as further defined in § 155-43 of this Code.

**LIVESTOCK**

The raising and ownership of chickens, turkey, sheep, goats, hogs, pigs, cattle, horses and other similar animals which are common to a farm in accordance with the Caln Township Code.

**LOADING SPACE**

A defined space located within a lot or parcel of land, which has accessibility to a public street, for temporary use of commercial vehicles while loading or unloading merchandise and materials to the principal use and building contained on the lot or parcel of land.

**LOT**

A tract or parcel of land, regardless of size, held in single or joint ownership, not necessarily a lot or lots shown on a duly recorded map, which is occupied or capable of being occupied by buildings, structures and accessory buildings, including such open spaces as are arranged, designed or required. The term "lot" shall also mean parcel, plot, site or any similar term.

**A. CORNER LOT**

— A lot situated at and abutting the intersection of two streets having an interior angle of intersection not greater than 135°. The front yard and lot width requirements shall apply to each street to which the corner lot has frontage. The other yards shall be designated as side yards.

**B. INTERIOR LOT**

— A lot other than a corner lot, the sides of which do not abut a street.

**C. REVERSE FRONTAGE LOTS**

— Lots that have frontage on two public streets while restricting vehicular access solely from the public street which would front along the commonly identified rear of the lot.

**D. THROUGH LOT**

— An interior lot having frontage on two parallel or approximately parallel streets.

**E. FLAG LOT or KEYHOLE LOT**

— An irregularly shaped lot characterized by an elongated extension from a street to the principal part of the lot. The flag or keyhole shape of the lot is normally intended to provide for access to an otherwise landlocked interior parcel.

**LOT AREA (GROSS)**

The space contained within the lot lines of any land parcel, including land area within all existing and future/ultimate street rights-of-way, delineated wetlands, common open space and easements established for all utility, municipal and stormwater purposes.

[Amended 8-10-2006 by Ord. No. 2006-9]

**LOT AREA (NET)**

The space contained within the lot lines of any land parcel, excluding any and all future/ultimate street rights-of-way and common open space. The net lot area shall not be less than the minimum lot size

required by the underlying zoning district for the use proposed in which the lot is located.  
[Amended 8-10-2006 by Ord. No. 2006-9]

### **LOT COVERAGE**

The percentage of a lot covered by all impervious surfaces.

### **LOT DEPTH**

The mean average horizontal distance between the front and the rear lot lines.

### **LOT FRONTAGE**

That portion of a lot which fronts on a single street.

### **LOT LINE**

The property line forming the front, rear or side boundary of a lot.

#### **A. FRONT LOT LINE**

— The line separating a lot from a street. The front lot line is also the street line.

#### **B. REAR LOT LINE**

— The lot line which is opposite the front lot line. The rear line of any triangularly or irregularly shaped lot shall be established such that it will be at least 10 feet long.

#### **C. SIDE LOT LINE**

— Any lot line other than a front or rear lot line.

#### **D. STREET or ALLEY LOT LINE**

— A lot line separating the lot from a street or alley.

### **LOT OF RECORD**

A lot or parcel recorded in the Office of the Recorder of Deeds of Chester County, Pennsylvania.

### **LOT WIDTH**

The width of a lot measured at the street line and at the street line, the legal right-of-way line and the ultimate right-of-way line (where it exists) of the street immediately adjacent thereto.

### **MANUFACTURE or MANUFACTURING USE**

The assembling, creating, cleaning, fabricating, processing, testing, recycling, packaging, converting, distributing and/or repairing of raw materials, with the use of labor and machinery, of products that will be made available for sale. The term "manufacture" shall not include retail sales, personal services, solid waste disposal, truck distribution, mineral extraction, woodland extraction, forestry, exportation of groundwater, warehousing, or similar uses determined by the Zoning Officer.

### **MESSAGE PARLOR or THERAPEUTICALLY MESSAGE FACILITY**

A place of business where a person or persons engage in or carry on any method of pressure on, friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of any part of the body with the hands or with the aid of any mechanical or spa apparatus. This particular use shall only include licensed physicians or members of the American Massage Therapist Association.

### **MEAN SEA LEVEL**

The average height of the sea for all stages of the tide, utilizing the most current National Geodetic Vertical Datum.

### **MEDIATION**

A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

**MEDICAL or DENTAL CLINIC**

A building, which primarily involves a health care use, where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, psychologists, social workers or other similar licensed professional, whereas the patients are not typically lodged overnight or after normal office hours unless prescribed by the licensed professional.

**MEDICAL REHABILITATION AND PHYSICAL THERAPY**

A public or private facility utilized for the treatment, rehabilitation and training of outpatients to regain, develop or enhance their physical skills, condition or stamina which have been lost or impaired through injury or illness.

**MEDICAL RESEARCH CENTER**

A public or private facility utilized for medical testing, sampling or research in a controlled laboratory environment.

**MEDICAL RESEARCH PARK**

A group of mixed uses within a planned nonresidential development, which principally relate to medical or institutional uses, as specified under § 155-75 of this chapter of the Code.

**MEZZANINE**

An intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than 1/3 of the area of the room or space in which the level or levels are located.

**MINERAL EXTRACTION**

The act or process of mining or extracting minerals.

**MINERALS**

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

**MINI MALL**

The multiple use of a single property for a planned group of nonresidential uses, including retail operations, personal services, offices, financial institutions, medical and dental clinics, restaurants, taverns and similar planned uses as determined by the Zoning Officer, where the uses are less than a cumulative total of 30,000 square feet of gross floor area and are owned and maintained by an individual, corporation, partnership or organization. All mini malls shall be planned and designed as an integrated unit or converted as such, with common off-street parking facilities and stormwater management facilities.

**MINI MARKET**

A commercial establishment, usually not over 4,000 square feet in gross floor area, offering prepackaged foods, newspapers, magazines and other similar items.

**MINI WAREHOUSE or SELF-STORAGE FACILITY**

A building or group of buildings that are divided into individual units, each of which unit is available for rent or lease to the public for the self-storage of tangible personal property.<sup>[2]</sup>

**MIXED-USE BUILDING**

A combination of uses permitted in the underlying zoning district within a single building, which may not include residential units on the first floor.

[Added 10-10-2013 by Ord. No. 2013-07]

### **MOBILE HOME LOT**

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

### **MOBILE HOME PARK**

A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

### **MODIFICATION or MODIFY**

The improvement, upgrade or expansion of existing wireless telecommunications facilities or base stations on an existing wireless support structure or the improvement, upgrade or expansion of the wireless telecommunication facilities located within an existing equipment compound, if the improvement, upgrade, expansion or replacement does not substantially change the physical dimensions of the wireless support structure.

[Added 9-12-2013 by Ord. No. 2013-06]

### **MODULE**

A module is the smallest protected assembly of interconnected PV cells.

[Added 9-12-2013 by Ord. No. 2013-06]

### **MOTEL**

A building or group of attached or detached buildings containing individual living or sleeping units designed for temporary use by tourists or transients, each of which is provided with an independent exterior entrance and off-street parking space. The term "motel" includes, auto courts, motor courts, motor inns, motor lodges, roadside hotels or similar accommodations.

### **MOTOR FREIGHT TERMINAL**

Any building or land area on which freight is delivered for transfer, assembly, storage or sorting and then shipped to another location.

### **MPC**

The Pennsylvania Municipalities Planning Code, as amended and codified in 53 P.S., § 10101.

### **MUNICIPAL AUTHORITY**

The Caln Township Municipal Authority.

[3]

### **MUNICIPAL USE**

A use owned and maintained by Caln Township for public recreation area, park, swimming pool, golf course, spectator sports, municipal offices, police station, water and sewage facilities, utilities, community centers, solid waste disposal areas, recycling centers, composting facilities, road materials and equipment storage and similar governmental or municipal uses.

### **MUNICIPALITY**

Caln Township, Chester County, Pennsylvania.

### **NET METERING AGREEMENT**

An agreement with a local electric utility that allows customers to receive a credit for surplus electricity generated by certain renewable energy systems.

[Added 9-12-2013 by Ord. No. 2013-06]

### **NIGHTCLUB**

Any building or establishment used for social and entertainment purposes, whereas food, music and beverages are provided to patrons for a fee.

### **NONCONFORMING LOT**

A lot which does not meet with the minimum lot width or area dimensions specified for the district where such lot is situated but was lawfully in existence prior to the effective date of this chapter or is legally established through the granting of a variance by the Zoning Hearing Board.

### **NONCONFORMING STRUCTURE or BUILDING**

A structure or building, or part thereof, which does not meet the applicable provisions or requirements of the district in which it is located, either at the time of enactment of this chapter or as a result of subsequent amendments thereto, where such building or structure lawfully existed prior to the enactment of such chapter or amendment. Such nonconforming structures include, but are not limited to, nonconforming signs.

### **NONCONFORMING USE**

A building, structure, sign or use of land which does not conform to the applicable regulations of the district in which it is located, either at the time of the enactment of this chapter or as a result of subsequent amendments thereto, but which did not violate any applicable use regulations prior to the enactment of such chapter or amendments. However, no existing use shall be deemed nonconforming solely because of the existence of less than the required off-street parking spaces.

### **NURSERY or GREENHOUSE**

A use involving the raising of trees (for transplanting), ornamental, shrubs, flowers or house plants for any commercial purpose. All nursery/greenhouses that are designed and constructed to be 1,000 square feet or less shall be considered an accessory structure. All nursery/greenhouses that are designed and constructed to exceed 1,000 square feet in size shall be considered a principal structure.

### **NURSING HOME**

A building containing sleeping rooms used by persons who are lodged and furnished with meals and are provided with needed support services, including the availability of basic nursing care. Such a facility may or may not include skilled nursing or medical care. This definition shall be limited to facilities licensed by the Commonwealth of Pennsylvania as a nursing center or personal care center.

### **OBSTRUCTION**

Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, culvert, building, structure, fence, stockpile, refuse, fill or other matter which may impede, retard or change the normal direction or path of air, water or any modes of transportation.

### **OCCUPANCY**

The possession of any structure, building, land area or water body with the intent to remain for the purpose of residing, conducting business or performing social, recreational, cultural, educational, municipal, governmental, institutional, religious, charitable or similar uses.

#### **A. PERMANENT OCCUPANCY**

— Occupancy for a period in excess of 120 consecutive days within one calendar year.

**B. TEMPORARY or SEASONAL OCCUPANCY**

— Occupancy for a period less than 120 consecutive days within one calendar year.

**OFFICE**

A use that primarily involves professional or nonprofit services relating to, but not limited to, administrative, business, clerical, financial, governmental, medical, municipal, political, religious or similar office uses, as determined by the Zoning Officer.

**OFFICE or BUSINESS PARK**

A group of mixed uses within a planned nonresidential development which principally relate to office or business, as specified under § 155-74 of this chapter of the Code.

**OFFICIAL MAP**

The Official Map, as adopted by the Board of Commissioners, showing the characteristics of streets, watercourses, public grounds and other topographic features.

**OFFICIAL ZONING MAP**

The Zoning Map of Caln Township.

**OPEN SPACE**

The unoccupied space, land area or water body that is located on the same lot with the principal use or development, which is open to the sky and not occupied by buildings, structures, sidewalks, off-street parking areas, access drives and/or other impervious areas.

**ORDINANCE**

The Caln Township Zoning Ordinance of 2005 or any provisions or amendments thereof, enacted by the Board of Commissioners, including the Official Zoning Map.

**OUTDOOR STORAGE**

The external storage of materials, products and accessory components of a use which conforms to the normal functions and procedures conducted on that use in accordance with the Caln Township Code.

**OUTSIDE SALES**

All sales conducted outside of a principal building.

**PA**

The Commonwealth of Pennsylvania.

**PARK**

A tract of land designed and utilized by the general public for active and/or passive recreation purposes.

**PARKING LOT**

An off-street area designed solely for the parking of motor vehicles, including driveways, passageways and maneuvering space appurtenant thereto.

**PARKING PERIMETER**

The limit beyond the defined off-street parking area, which parking is not allowed or permitted.

**PARKING SPACE**

A reasonably level space, available for the parking of one motor vehicle, not less than 10 feet wide and having an area of not less than 200 square feet exclusive of passageways or other means of circulation or access.

**PATIO**

An area or courtyard which is not covered by a roof or permanent awning and is designed for outdoor living purposes as an accessory use to the principal structure or building.

**PAVED AREA**

The percentage of lot area covered by any and all impervious materials, such as buildings, paved parking areas, paved walks, terraces and similar surfaces, which do not normally absorb rainfall.

**PERMIT**

A document issued by the proper regulatory agency authorizing the applicant to undertake certain activities as specified on the application or permit.

**A. BUILDING PERMIT**

— A permit issued for a specific building, structure or land use, which indicates that the proposed construction, alteration, development, reconstruction or similar activities are in accordance with the appropriate construction provisions of the Code, as adopted by Caln Township, and authorizes an applicant to commence with the activities specified on the application or the provisions of the permit.

**B. DEMOLITION PERMIT**

— A permit issued to demolish, remove, destroy and/or eliminate a building or structure.

**C. OCCUPANCY PERMIT**

— A permit issued for a building, structure or land use, which indicates that certain construction, alteration, reconstruction, development or similar activities have been completed and inspected in accordance with the appropriate provisions of the Code, as adopted by Caln Township, and allows the applicant to occupy the building, structure or land area in accordance with the provisions of the permit.

**D. SEASONAL or TEMPORARY PERMIT**

— A permit issued for a specific building, structure or land use, which indicates that the seasonal or temporary activities are in accordance with the appropriate provisions of the Code, as adopted by Caln Township, and authorizes an applicant to commence with the seasonal or temporary activities for a defined period of time, not to exceed 60 cumulative days within a calendar year and as specified on the permit.

**E. SIGN PERMIT**

— A permit issued for a specific on-premises or off-premises sign.

**F. SPECIAL PERMIT**

— A permit issued to nonprofit organizations for specific use and event on land owned or leased by the applicant for a defined period of time, not to exceed 30 cumulative days within a calendar year and as specified on the permit. Such permitted uses may include carnivals, circuses, bazaars, fairs, seasonal sales or other nonprofit fund-raisers.

**PERMITTED USE**

A use permitted in a particular district to occupy or use land for a specific purpose in accordance with this chapter when such use is permitted by right.

**PERSON**

An individual, corporation, partnership, organization, incorporator's association, trust or other similar entity.

**PERSONAL CARE FACILITY**

A facility owned and operated by a legal entity which possesses the appropriate certifications and licenses

issued by the Commonwealth of Pennsylvania for operating a personal care home at a defined location. The facility shall be used to provide dwelling units, food, personal assistance or supervision to adults of advanced age or otherwise who do not require services at a licensed long-term care facility, but who, because of their advanced age or other condition, require assistance or supervision in matters such as dressing, bathing, diet, financial management, emergency evacuation and/or taking medication prescribed for self-administration.

**PERSONAL SERVICE ESTABLISHMENT**

A building or portion of a building in which the services of a person permitted to practice a specified profession are offered to the general public. Examples of such professions may include accountants, agents, architects, barbers, beauticians, lawyers, optometrists, photographers, tailors, therapeutic massage, electronic repair technicians or other similar personal service establishments as determined by the Zoning Officer.

**PHOTOVOLTAIC (PV)**

A semiconductor-based device that converts light directly into electricity.

[Added 9-12-2013 by Ord. No. 2013-06]

**PLAN**

A proposal for development, subdivision or land development, including all covenants, grants or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space and public facilities, which complies with the Caln Township Code.

**PLANNING COMMISSION**

The Caln Township Planning Commission, Chester County, Pennsylvania.

**PORCH**

A roofed or unroofed structure projecting from the front, side or rear wall of a building.

**PREEXISTING PLANNED RESIDENTIAL COMMUNITY**

An existing planned residential community, which has been previously approved under previously recognized alternative zoning regulations such as traditional neighborhood development, planned residential development, mixed-use development or lot averaging, which have been terminated as viable alternatives for planned residential communities. These preexisting planned residential communities are further defined and regulated as part of the R-5 Zoning District, as established in the Caln Township Comprehensive Plan and under § 155-25 of this Code.

**PRESERVATION or PROTECTION**

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

**PRIME AGRICULTURAL LAND or RESOURCES**

Prime agricultural soils or land areas as defined in the Caln Township Comprehensive Plan.

**PRINCIPAL BUILDING**

A building in which a principal use on a lot is carried on.

**PRINCIPAL USE**

The main or primary purpose for which any land, structure or building is designed, arranged or intended and for which they may be occupied or maintained under the terms of this chapter. Only one principal use shall be permitted on a lot.

**PUBLIC GROUNDS or LAND AREAS**

All such areas, including: parks, playgrounds, trails, paths and other recreational areas and other public areas; sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and publicly owned or operated scenic and historic sites.

**PUBLIC HEARING**

A formal meeting held pursuant to public notice by Caln Township, the governing body or planning agency intended to inform and obtain public comment prior to taking action in accordance with this Code and the Pennsylvania Municipalities Planning Code.

**PUBLIC MEETING**

A forum held pursuant to notice under the requirements of this Code, the Pennsylvania Municipalities Planning Code and the "Pennsylvania Sunshine Law."

**PUBLIC NOTICE**

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

**QUARRYING or MINING ACTIVITIES**

The removal or extraction of minerals, rock, natural resources or other products of earth, either on the surface or below the surface, in accordance with the provisions of the Caln Township Code and Commonwealth of Pennsylvania.

**RECREATION AREA (ACTIVE)**

Land area containing recreational facilities, which may require visitors or participants to become involved in physical or energetic functions, primarily group functions. Active recreation areas may include, but not limited to, basketball courts, baseball fields, football fields, soccer fields, tennis courts, playgrounds, tot lots, community centers, golf courses, hockey rinks, skateboard areas, swimming pools and volleyball courts.

**RECREATION AREA (PASSIVE)**

Land area containing recreation facilities, which may require visitors or participants to become involved in quiet functions that do not require physical or energetic functions. Passive recreation areas may include, but not limited to, common open space, trails for walking or bicycling, surface water for canoeing, rafting or fishing, pavilions, picnic areas, cultural centers, scenic vistas and amphitheaters.

**RECREATION FACILITIES**

Land, water, buildings, structures, apparatuses and/or equipment which are required to accommodate recreational uses.

**RECREATIONAL USES**

An active or passive recreational use designed to accommodate physical, leisure, sporting or relaxation activities on land or water. Recreational uses may include, basketball, baseball, football, bicycling, walking, jogging, running, golfing, fishing, boating, hunting, hockey, skating, skateboarding, soccer, swimming, tennis, volleyball, racquetball, exercise/fitness, bowling, billiards, bird watching, picnicking or any other similar recreational uses, as determined by the Zoning Officer.

**RECREATIONAL USES (COMMERCIAL)**

An active or passive recreational use in which a fee is generally paid to utilize the recreation facilities.

**RECREATIONAL VEHICLES**

A vehicle of any size which is designed as a temporary dwelling or living unit for travel, recreation and vacation uses. Recreation vehicles may include motorized vehicles designed to be self-propelled or nonmotorized vehicles designed to be towed or carried by another vehicle, including campers, pickup coaches, travel trailer and similar vehicles.

### **RELIGIOUS USE**

Land areas occupied by buildings, churches, synagogues, retreat centers, monasteries, seminaries, convents, shrines, cemeteries and other similar nonprofit facilities, as further defined under § 155-91D(3) of this chapter of the Code, which are primarily used for religious or spiritual worship.

### **RENEWABLE ENERGY SYSTEM**

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

### **RENTAL BUSINESS**

A commercial use in which machinery, equipment and goods, but not motor vehicles, are rented to customers for temporary use pursuant to a short-term rental contract, including the sale of machinery, equipment and goods as an accessory use. For the purposes of this definition, "machinery" means equipment which requires a motor to operate; "equipment" means any nonmotorized device permanently attached to and movable on wheels; and "goods" means any other rental items.

### **RENTAL UNIT**

A defined area within a building or structure which is rented or leased to accommodate residential or nonresidential uses, as permitted by the Caln Township Code.

### **RESIDENTIAL USE**

A use within a permitted dwelling unit designed and utilized as the living quarters for one or more families living independently of each other. Residential uses may be permitted within single-family detached units, single-family semidetached units, two-family attached units, mobile homes, apartment units and townhouse units, provided the type of dwelling unit is a permitted use within the zoning district to which it is located, and provided that the dwelling unit complies with the standards specified by this Code.

### **RESOURCE RECOVERY FACILITY**

A facility or land that is used for any one or a combination of the following or similar uses: composting, incineration, material separation, recycling or trash transfer. A resource recovery facility shall be owned and operated by Caln Township or a municipal authority by and on behalf of Caln Township.

#### **A. COMPOSTING FACILITY**

— A facility for the composting of the organic matter in municipal solid waste.

#### **B. INCINERATOR**

— A facility designed to reduce municipal solid waste by combustion. This use may or may not include heat exchange equipment for energy recovery.

#### **C. REFUSE DERIVED FUEL (RDF) FACILITY**

— The extraction of materials from municipal solid waste for recycling or for use as refuse derived fuel (RDF).

#### **D. RECYCLING FACILITY**

— A business that accumulates material such as paper, glass, aluminum and/or plastic that is no longer

useful for its intended purpose. The materials are then sold to another business as a raw material which can be used to manufacture a new product.

**E. TRANSFER STATION**

— A facility where municipal solid waste is delivered for the purpose of transferring the material into another container or vehicles for transport to a final disposal site or processing facility. (A transfer station may include the separation and collection of material for the purpose of recycling.)

**RESTAURANT**

A commercial establishment devoted to the sale and consumption of food and beverages to patrons within an enclosed building while the patrons are seated at counters, booths or tables. A restaurant may contain an accessory area or use devoted to outdoor eating, retail sales, social quarters, meeting rooms, bars, taprooms and similar uses, provided the cumulative total area of the accessory use does not exceed 30% of the gross floor area of the restaurant.

**RESTAURANT, FAST-FOOD or DRIVE-THROUGH**

A restaurant devoted to the sale of food and beverages to patrons either within an enclosed building, at a pickup counter, through a drive-through service lane and/or through a delivery service. All such facilities may offer their patrons the option to consume the food and beverages either inside the restaurant or at an off-site location.

**RETAIL BUSINESS ESTABLISHMENT**

A permitted business establishment occupying a single permitted retail use, whereas, depending upon its size, type, location or intensity may require distinct approval procedures.

**RETAIL USE**

A commercial establishment devoted to the sale of products and services to patrons within an enclosed building. Retail uses may include establishments selling food, groceries, beverages, clothing, business or office supplies, entertainment items, furniture, home improvement supplies, household products, personal care supplies, building supplies, sporting goods, equipment, machines, computers, electronics, pet supplies, medical supplies, agricultural supplies, automobile supplies, firearms and other similar retail uses, as determined by the Zoning Officer.

**RIGHT-OF-WAY**

The width or area of land which is dedicated or reserved to accommodate streets, utilities, stormwater management facilities, traffic control facilities, curbs, sidewalks, bicycle lanes, streetlights and other public improvements.

**A. LEGAL RIGHT-OF-WAY**

— The existing width or area of land which is currently owned and maintained by Caln Township, the Commonwealth of Pennsylvania and/or other public agency or authority.

**B. ULTIMATE RIGHT-OF-WAY**

— The width or area of land which is determined necessary to reserve and/or dedicate in order to accommodate future public improvements.

**ROOMING HOUSE**

The use and occupancy of a single-family detached dwelling for the purpose of accommodating four or less transient guests for rent or compensation.

**ROUTE 30 BYPASS INTERCHANGE OVERLAY DISTRICT**

A special overlay district established to provide provisions for land development, economic development,

zoning alternatives, aesthetics and architectural appearance at each of the bypass interchanges, as further defined in § 155-46 of this Code.

### **SANITARY FACILITIES**

The required plumbing fixtures within a dwelling unit, including a sink, toilet, bathtub or shower, which are functioning and compliant with the Caln Township Code.

### **SANITARY SEWAGE DISPOSAL SYSTEM**

A system designed to collect, convey, treat and dispose of sewage from users in compliance with local, county, state and federal regulations.

#### **A. ON-LOT SYSTEM**

— A sewage disposal system which collects, conveys, treats and disposes of sewage or holds sewage from only one dwelling, principal use or lot.

#### **B. COMMUNITY SYSTEM**

— A sewage disposal system which collects, conveys, treats and disposes of sewage from more than one source by a system of pipes to a central treatment and disposal plant, generally serving a neighborhood area.

#### **C. PUBLIC OR MUNICIPAL SYSTEM**

— A sewage disposal system which collects, conveys, treats and disposes of sewage from more than one source by a system of pipes to a central treatment and disposal plant.

#### **D. OPTIONAL SYSTEM REQUIREMENT**

— A special or unique use of land, which because of its wastewater disposal needs may have the option to utilize on-lot sewage disposal methods or connect to a private, community, public or municipal treatment system. The selected method for wastewater collection, conveyance and treatment shall be consistent with the Caln Township Act 537 Plan.

### **SATELLITE DISH ANTENNA**

A device incorporating a reflective solid surface in the shape of a dish, cone or horn which is used to transmit and/or receive signals.

### **SCREEN or SCREENING**

An assemblage of permissible materials which are strategically arranged so as to effectively block or obstruct the views between adjacent or adjoining properties from ground level to a height of six feet above grade level or as determined by the Zoning Officer.

### **SENIOR INDEPENDENT LIVING FACILITY**

An apartment building containing multiple residential dwelling units for persons who are 55 years of age and older which qualifies for the exemption to the prohibition against discrimination based on familial status found in Section 3607(b)(1) of the United States Fair Housing Act, 42 U.S.C. § 3607(b)(1), and the Housing for Older Persons Act of 1995<sup>[4]</sup> and the regulations promulgated thereunder. The facility may include accessory uses such as common kitchen facilities and dining areas, activity and meeting rooms, storage areas, recreation and exercise facilities, sundries store, administrative offices and/or a beauty/barber shop solely for the use of the residents and their invitees.

[Added 8-30-2012 by Ord. No. 2012-04]

### **SETBACK REQUIREMENTS**

The setback requirements as established for any building or structure within the applicable zoning district for which it is located.

**SHADE TREE**

A deciduous tree which normally grows with a single trunk and has a canopy which screens and filters sunshine during specific seasons during the year.

**SHOPPING CENTER or SHOPPING MALL**

The multiple use of a single property for a planned group of nonresidential uses, including retail operations, personal services, offices, financial institutions, medical and dental clinics, restaurants, family entertainment centers, taverns, nightclubs and similar planned uses, as determined by the Zoning Officer, where the uses exceed a cumulative total of 30,000 gross square feet of floor area and are owned and maintained by an individual, corporation, partnership or organization. All shopping centers shall be planned and designed as an integrated unit or converted as such with common off-street parking facilities, stormwater management facilities and utility services.

**SIDEWALK SALE**

A seasonal or occasional sale conducted on the sidewalk or outside of the front or side of the principal building or establishment, whereas, goods are offered for sale to the public, provided that all such sales shall not exceed 60 cumulative days during the course of a calendar year.

**SIGN**

Any structure, building, wall or other outdoor surface, or any device or part thereof, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device or other representations utilized for announcement, direction, identification or advertisement. The word "sign" includes the word "billboard," but does not include the flag, pennant or insignia of any nation, state, city or other political unit nor public traffic or directional signs.

**A. ACCESSORY SIGN**

— A subordinate sign located on the same property of the principal use which is erected to further describe the products or services available to the general public.

**B. ANIMATED SIGN**

— A sign or any device designed to attract attention by visual means through the movement or semblance of movement by mechanical, electrical or natural means.

**C. BANNER**

— A promotional sign for special community events, including educational, charitable, philanthropic, civic, cultural, municipal, fraternal, religious or similar community events, as determined by the Zoning Officer, whereas the promotional sign or banner shall be considered as temporary for a period of time not to exceed 30 cumulative days in a calendar year. All such signs or banners shall be made of nylon, canvas or similar all-weather material.

**D. BILLBOARD**

— An off-premises sign erected by a professional sign company or by the outdoor advertising industry on which advertisement space is leased for a fixed period of time.

**E. BUSINESS or NONRESIDENTIAL SIGN**

— An on-premises sign designated for a permitted business or nonresidential use which identifies the written name, type of business, use, commodity sold, type of services, trademark and/or symbol.

**F. CANOPY SIGN**

— A nonilluminated sign made of cloth, canvas, aluminum, metal, wood or similar materials which is affixed to a building and projects outward, whereas the sign or message is painted on, sewed, fastened or applied. All such signs may or may not be fixed or equipped with a mechanism for raising or holding

the canopy or awning in a retracted position against the building.

G. **CHARITABLE or COMMUNITY SERVICE SIGN**

— An on-premises sign identifying the charitable or community service organization, including religious facilities, volunteer fire companies or other nonprofit organization. All such signs may include supplemental information concerning hours, events, activities or messages.

H. **DEVELOPMENT SIGN**

— An on-premises sign indicating that the property is actively in the process of subdivision or land development for residential or nonresidential uses.

I. **DIRECTIONAL SIGN**

— An informational or functional on-premises sign containing only information pertaining to direction, entrance, exit, off-street loading spaces, service areas, service lanes, fire lanes, handicapped parking spaces and off-street parking areas. All such directional signs shall contain no advertisement messages.

J. **DOUBLE-FACED SIGN**

— A sign with two faces that is parallel, facing opposite directions, and matching in size and shape.

K. **FLASHING SIGN**

— A type of sign in which the illumination is not kept constant in intensity at all times of use and which exhibits sudden, timed or marked changes in lighting effects. Unless otherwise permitted by this chapter of the Code, flashing signs shall be prohibited.

L. **FREESTANDING SIGN**

— An on-premises sign displaying information pertaining to the existing use for which it is located and is supported by or suspended from a freestanding column or other support(s) located in or upon the ground surface.

M. **GROUND SIGN**

— An on-premises sign displaying information pertaining to the existing use for which it is located and is placed upon, supported by and anchored to the ground. A ground sign shall not be considered as a freestanding sign or portable sign.

N. **IDENTIFICATION SIGN**

— An on-premises sign identifying a medical facility, hospital, school, institutional use, religious facility, municipal facility, recreational use, farm, historical site or similar use, as determined by the Zoning Officer.

O. **ILLUMINATED SIGN**

— A sign designed to project or reflect artificial light from an internal or external source, which may be directly or indirectly illuminated, or through transparent or translucent material. Illuminated signs may include, billboards, freestanding signs, ground signs or signs affixed to a building or structure, as permitted under the provisions of this chapter of the Code.

P. **MARQUEE SIGN**

— An on-premises sign attached to a building facade which may include changeable letters, messages or displays.

Q. **MUNICIPAL or OFFICIAL SIGN**

— A sign erected by Caln Township, Chester County, the Commonwealth of Pennsylvania or other governmental organization.

**R. OFF-PREMISES SIGN**

— A permitted sign which directs attention to a business, commodity, service, entertainment, institution or other use which is offered elsewhere other than upon the premises where the sign is located.

**S. ON-PREMISES SIGN**

— A permitted sign which directs attention to a business, commodity, service, entertainment, institution or other permitted use which is offered on the same property or tract of land where the sign is located.

**T. PORTABLE SIGN**

— A temporary sign designed to be moved from place to place which is not affixed or anchored to the ground, structure or building.

**U. PROJECTING SIGN**

— An on-premises sign mounted upon a building so that its principal face is a right angle or perpendicular to the wall of the building. All such projecting signs shall extend at least one foot from the building but no more than 12 feet from the building.

**V. REAL ESTATE SIGN**

— An on-premises sign pertaining to the sale or lease of the premises on which the sign is located.

**W. ROOF SIGN**

— An on-premises sign which is erected or displayed upon the roof of a building or exceeds the height of the building. Unless otherwise specified by this chapter of the Code, a roof sign shall be prohibited.

**X. SPECIAL EVENT or SEASONAL SIGN**

— A temporary sign anchored or mounted to the ground by a cylinder or sleeve by which periodical advertisement of specials can be displayed during certain segments of the year in accordance with the provisions specified by this chapter of the Code.

**Y. SPORTS FACILITIES BUSINESS SIGN**

— A business sign erected and maintained only for a nonprofit organization or entity organized to promote youth sports teams, advertising a business, service, product or organization, restricted as to purpose and location and conforming to the requirements of this Code.

**Z. SIGN AREA**

— The area of a sign shall be construed to include all lettering, wording, border trim or framing and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself. Where the sign consists of individual letters or symbols attached to a surface, building, wall or window, the area shall be determined by calculating the smallest rectangle which encompasses all of the letters and symbols used for the sign regardless of the actual shape created by the letters and symbols.

**AA. SIGN ERECTION**

— The installation, construction, placement, relocation, enlargement, alteration, attachment, suspension, painting, posting or displaying of a sign, including the replacement or substitution of face panels within a frame.

**BB. SIGN HEIGHT**

— The height of the sign as measured from the ground elevation to the highest and lowest parts of

the sign.

**CC. SPECIAL USE or TEMPORARY SIGN**

— A permitted on-premises sign erected for a temporary period in accordance with the provisions specified by this chapter of the Code.

**DD. VEHICLE SIGN**

— A sign affixed or painted on a vehicle, trailer or similar device.

**EE. WALL SIGN or PARALLEL SIGN**

— An on-premises sign posted on, suspended from or otherwise affixed to the wall, facade or vertical surface of a building which does not project or extend more than 12 inches from the wall, facade or vertical surface of the building to which it is attached. A wall sign may partially extend above the roofline by more than 20% of the sign height as measured at the point where such sign is attached to the building.

**FF. WINDOW SIGN**

— A temporary or permanent on-premises sign affixed to or visible through a window of a building.

**SILO**

A tall cylindrical structure that is located on a farm and is used to store crops for animal feed.

**SINGLE AND SEPARATE OWNERSHIP**

The ownership of a lot by one or more persons, whereas the ownership is separate and distinct from that of any adjoining land areas.

**SLOPE**

Topographic conditions in which the percentage of vertical to horizontal relief is computed utilizing standard rise over run calculations and/or as defined by this chapter of the Code.

**SOLAR-BASED ARCHITECTURAL ELEMENT**

Structural/architectural element that provides protection from weather that includes awnings, canopies, porches or sunshades and that is constructed with the primary covering consisting of solar PV modules, and may or may not include additional solar PV related equipment.

[Added 9-12-2013 by Ord. No. 2013-06]

**SOLAR ELECTRIC ENERGY SYSTEM**

The components and subsystems that, in combination, convert solar energy into electric energy suitable for use. The term is limited to photovoltaic solar power systems.

[Added 8-9-2012 by Ord. No. 2012-03]

**SOLAR ENERGY COLLECTOR**

A structure used to collect energy from the sun which is utilized to convert and produce heat or electricity.

**SOLAR ENERGY PRODUCTION FACILITY**

An electric generating facility whose main purpose is to generate and supply electricity and consists of one or more solar electric energy systems and other accessory structures and buildings, including substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities. Such facilities shall not include solar electric energy systems which are built as an accessory use to supply energy for the principal use of the property.

[Added 8-9-2012 by Ord. No. 2012-03]

**SOLAR PANEL**

A structure containing one or more receptive cells, the purpose of which is to convert solar energy into usable electrical energy by way of a solar electrical energy system.

[Added 8-9-2012 by Ord. No. 2012-03]

**SOLAR PHOTOVOLTAIC (PV) RELATED EQUIPMENT**

Items including a solar photovoltaic cell, panel or array, lines, mounting brackets, framing and foundations used for or intended to be used for collection of solar energy.

[Added 9-12-2013 by Ord. No. 2013-06]

**SOLAR PHOTOVOLTAIC (PV) SYSTEM**

A solar collection system consisting of one or more building and/or ground mounted systems, solar photovoltaic cells, panels or arrays and solar-related equipment that rely upon solar radiation as an energy source for collection, inversion, storage and distribution of solar energy for electricity generation. A solar PV system is a generation system with a nameplate capacity of not greater than 50 kilowatts if installed at a residential service or not larger than 3,000 kilowatts at other customer service locations and do not produce excess on-site energy greater than currently permitted by Pennsylvania Public Utility Commission guidelines.

[Added 9-12-2013 by Ord. No. 2013-06]

**SOLICITOR**

The legal consultant appointed by the Caln Township Board of Commissioners.

**SOLID WASTE**

Waste, including solid, liquid, semisolid or contained gaseous materials.

**SOLID WASTE DISPOSAL AND REDUCTION FACILITIES**

A site in which engineering principles are utilized to bury, dispose, reduce, eliminate and/or incinerate deposits of solid waste without creating public health or safety hazards, nuisances, pollution or environmental degradation. All such facilities may include sanitary landfills, solid waste landfills, low level radioactive waste disposal facilities, resource recovery facilities, recycling centers and transfer stations.

**SPECIAL EXCEPTION**

A use by which the Zoning Hearing Board may grant permission to an applicant within a particular zoning district for the occupancy or use of land or water for a specific purpose, as specified within this chapter of the Code.

**SPECIAL OVERLAY DISTRICTS**

Overlay provisions established to consider special features, land uses, buildings, zones or corridors. These provisions are intended to supplement and enhance the existing underlying zoning district regulations for specifically defined areas, including abandoned commercial or industrial sites; public transportation zones; transportation corridors; bypass interchanges; and historical sites.

**STABLE**

A building or structure in which horses, lamas, donkeys and other similar animals which are kept for remuneration, hire, sale or other lawful uses.

**STATE**

The Commonwealth of Pennsylvania and its designated agencies.

**STEEP SLOPE OVERLAY DISTRICT**

A conservation overlay of land and water which have been defined by the Comprehensive Plan and § 155-36

of this Code as having "steep slopes" and "very steep slopes."

[Amended 9-29-2005 by Ord. No. 2005-12]

### **STEEP SLOPES**

Those areas which have a range of slope of 15% or greater but less than 20% in predevelopment condition.

[Amended 9-29-2005 by Ord. No. 2005-12]

### **STEEPLE**

A tall tapering structure narrowing to a point on the top that is located on the roof of or is part of the superstructure of a church or other place of worship.

### **STORMWATER**

Drainage runoff from the surface of the land resulting from precipitation in the form of rain, snow, sleet, hail or ice.

### **STORMWATER MANAGEMENT**

A program of controls and measures designed to regulate the quantity and quality of stormwater runoff from a defined area or development while promoting the protection and conservation of surface water, groundwater and groundwater recharge.

### **STORMWATER MANAGEMENT FACILITIES**

Those controls and measures, including, but not limited to, berms, terraces, bridges, dams, storm sewers, basins, infiltration systems, swales, watercourses and floodplains, used to implement stormwater management regulations.

### **STORY**

That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above, including basements and mezzanines, and as further defined by the appropriate building codes adopted by Caln Township.

### **STREET**

A public or private right-of-way, excluding driveways, intended as a means of vehicular and pedestrian travel, furnishing access to abutting properties. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, highway and similar terms. The functional classification of all existing streets has been defined in the Comprehensive Plan.

#### **A. EXPRESSWAYS**

— Routes providing for corridor movements that represent substantial statewide, interstate or regional travel and movements between major urban areas. Expressways contain the most heavily traveled routes (10,000 trips to 100,000 trips per day) and including multilane roadways. This system provides links between developed areas and adjacent towns and cities. The system is designed for relatively high speeds (50 miles per hour to 65 miles per hour) with a minimum of interference to through traffic. Expressways facilitate truck transport by providing optimum conditions. Mobility is the principal function and accessibility should be limited to carefully planned interchanges to preserve the functional classification of expressways.

#### **B. ARTERIALS (MINOR and MAJOR ARTERIAL)**

— Routes providing for corridor movements that represent substantial statewide or regional travel and movements between major urban areas. Arterial routes contain heavily traveled routes (5,000 trips to 30,000 trips per day), including multilane roadways. This system provides links between developed areas and adjacent towns and cities. The system is designed for relatively high speeds (30 miles per hour to 55 miles per hour) with a minor interference to through traffic. Arterial routes

facilitate truck transport by providing favorable conditions. Mobility is the major function and accessibility should be limited to preserve the functional classification of arterials roads.

C. **COLLECTORS (MINOR and MAJOR COLLECTOR)**

— Routes that serve primarily regional or intra-county trips and represents those routes with shorter travel distances than arterial routes. Collector roads contain well-traveled roads (500 trips to 10,000 trips per day) leading to specific destinations or to expressways and arterial routes. The system is designed for moderate speeds (25 miles per hour to 45 miles per hour) with some interference with designed intersections to permit through traffic. Depending upon its structural integrity and design, collector routes can facilitate lightweight truck transport. Mobility is a significant function and accessibility should be limited to street intersections and driveways in order to preserve the functional classification of collector roads.

D. **MINOR STREETS or LOCAL ACCESS STREETS**

— Roads that primarily serve local trips and represents those routes with shorter travel distances than collector routes. Local roads contain low volume to moderately traveled roads (less than 500 trips per day) leading to collector and arterial routes. The system is designed for lower speeds (20 miles per hour to 35 miles per hour) with interference with a number of designed intersections. Local roads are typically designed to facilitate lightweight truck transport for local deliveries. Mobility is a minor function and accessibility to street intersections, driveways and adjacent land areas is significant for local roads.

E. **MARGINAL ACCESS ROADS**

— Roads that serve specific land uses which are parallel or adjacent to an expressway, arterial or major collector roads. Marginal access roads are typically designed to accommodate the use(s) they directly serve. Accessibility between selective points is an essential design element with control at the point of destination. Many marginal access roads are privately owned and maintained.

F. **CUL-DE-SAC STREET**

— A minor street intersecting another street at one end and terminating in a vehicular turnaround at the other end.

G. **INTERNAL STREET**

— A minor street used for circulation and access within a development involving multiresidential, commercial and/or industrial land uses.

H. **SERVICE STREET (ALLEY)**

— A minor right-of-way providing secondary vehicular access to the side or rear of two or more properties.

**STREET FRONTAGE**

The lot dimension measured along the street line or right-of-way line of any one street or highway abutting a lot.

**STREET LINE**

The dividing line between a lot and the outside boundary of a public street, road or highway right-of-way legally open or officially mapped by a municipality or higher governmental authority between a lot and the outside boundary of a street shown on a recorded subdivision or land development plan or between a lot and a private street or road over which the owners or tenants of one or more lots held in single and separate ownership have a right-of-way.

**STRUCTURE**

Any man-made object having an ascertainable stationary location on in land or water, whether or not affixed to the land. The term “structure” shall include, but not limited to, buildings, signs, fences, walls, towers, swimming pools, porches, garages, flagpoles, windmills, water towers, silos, solar energy collectors and similar structures.

**A. PERMANENT STRUCTURE**

— A structure to be utilized for a specific purpose for more than one year, provided the structure complies with the provisions of the Code.

**B. TEMPORARY STRUCTURE**

— A structure to be utilized for a specific purpose for less than one year, provided the structure complies with the provisions of the Code.

**SUBDIVISION**

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

**SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

The Caln Township Subdivision and Land Development Ordinance, also identified as “Chapter **137** of the Caln Township Code.”

**SUBSTANTIAL CHANGE or SUBSTANTIALLY CHANGE**

Any increase in the height of the wireless support structure by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater, except that the mounting of the proposed wireless telecommunications facility may exceed the size limits set forth in this definition if necessary to avoid interference with existing antennas.

[Added 9-12-2013 by Ord. No. 2013-06]

**SUBSTANTIAL DAMAGE**

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its previous condition would equal or exceed 50% of the market value before the damage occurred.

**SUBSTANTIAL IMPROVEMENT**

Any repair, addition, reconstruction, rehabilitation or other improvement to a structure whereby the cost of such improvement equals or exceeds 50% of the market value of the structure before the improvements occurred.

**SUBTERRANEAN BUILDINGS**

A building covered by land on at least 50% of the combined surface of its walls and roof.

**SURFACE MINING**

The extraction of minerals, rock and other products of the earth by activities conducted upon the surface of the land which require the removal of the overburden, strata or material overlying, above or between the minerals, rock and other products of the earth, or by otherwise exposing and retrieving the minerals from the surface. Mining activities carried out beneath the surface by means of shafts, tunnels or other underground mine openings are not included in this definition.

**SURVEYOR**

An individual registered with the Commonwealth of Pennsylvania as authorized to measure the boundaries

of tracts of land, establish locations and perform the requirements of a survey.

## **SWIMMING POOL**

- A. Any structure intended for swimming or recreational bathing that contains water over 24 inches deep, including in-ground swimming pools, aboveground swimming pools, on-ground swimming pools, hot tubs and similar structures, which are further defined and regulated within the Caln Township Code.
- B. Any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, aboveground and on-ground swimming pools, hot tubs and spas.

## **TAVERN or TAPROOM**

An establishment where alcoholic beverages are served to the general public as the primary portion of the trade in accordance with local and state laws.

## **TELECOMMUNICATIONS FACILITY**

A structure, building, tower, antenna and other types of facilities utilized as primary or accessory uses for telecommunications. The following subdefinitions of telecommunications facilities are provided as follows:

- A. **COMMERCIAL COMMUNICATIONS ANTENNA**  
— A device used to receive and/or transmit wireless communications or radio signals, including panels, microwave dishes, wires, signal poles, whips or similar communications devices.
- B. **TOWER**  
COMMERCIAL COMMUNICATIONS ANTENNA SUPPORT STRUCTURE or TOWER — Any monopole or lattice structure designed and intended to be used for the support and attachment of one or more commercial communications antennas, appurtenant communications equipment or similar devices.
- C. **COMMERCIAL COMMUNICATIONS ANTENNA HEIGHT**  
— The vertical distance as measured from the base of the commercial communications antenna support structure at the undisturbed grade to the top of the highest point of the structure. If a commercial communications antenna support structure is located on a sloped grade, the average grade between the highest and lowest elevations on either side of the support structure shall be utilized to calculate the height.
- D. **DIRECTIONAL ANTENNA**  
— An antenna or array of antennas designed to concentrate a radio signal in a particular area.
- E. **LATTICE TOWER**  
— A guyed or self-supporting three- or four-sided open steel frame structure used to support telecommunications equipment.
- F. **MICROCELL**  
— A low-power mobile radio service telecommunications facility used to provide increased capacity in high-call demand areas or to improve coverage in areas of weak coverage. Microcells communicate with the primary low-power mobile radio service facility in a coverage area via fiber optic cable or microwave. Coverage area for a microcell is typically a one-mile radius or less.
- G. **MICROWAVE ANTENNA**  
— A dish-like antenna manufactured in many sizes and shapes used to link communications sites together by wireless transmission of voice or data.
- H. **MONOPOLE**

— A structure composed of a single spire used to support telecommunications equipment.

I. **OMNIDIRECTIONAL ANTENNA**

— An antenna that is equally effective in all directions and whose size varies with the frequency and gain for which it is designed.

J. **REPEATER**

— A low-power mobile radio service telecommunications facility that extends coverage of a cell or service area to areas not covered by the originating cell or service area.

K. **WHIP ANTENNA**

— An antenna that is cylindrical in shape which can be directional or omnidirectional. Their size varies based upon the frequency and gain for which they are designed.

L. **WIRELESS COMMUNICATIONS EQUIPMENT BUILDING**

— A building or cabinet in which electronic receiving, relay or transmitting equipment for a wireless communications facility is housed. The equipment building shall be considered as a component of the commercial communications facility.

M. **WIRELESS COMMUNICATIONS FACILITY**

— The commercial communications antenna(s), commercial communications antenna support structure, wireless communications equipment building, if any, parking and/or other structures and equipment involved in receiving or transmitting wireless communications or radio signals. A wireless communications facility shall also be considered as a commercial communications facility.

## **TELECOMMUNICATIONS**

The science or technology of communications by electronic transmission of impulses as by telegraph, cable, cellular, telephone, radio, television, microwave, earth station broadcast/cable television communications and other similar technology not otherwise enumerated and as may evolve after enactment of this chapter.

## **THERAPEUTIC MASSAGE**

A legal method of applying pressure on, friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of any part of the body with the hands or with the aid of any mechanical or spa apparatus.

## **THERAPEUTIC SPA or HOT TUB**

Any structure intended for relaxation, physical therapy, bathing or wading that contains over a depth exceeding 24 inches as further defined and regulated within § **155-125** of this chapter of the Code.

## **THORNDALE STATION OVERLAY DISTRICT**

A special overlay district established to provide unique provisions for transit-orientated land development activity, economic development, zoning alternatives, aesthetics, and architectural appearance within close proximity to the Thorndale Station, as further defined and regulated under § **155-44** of this Code.

## **TOURIST HOME**

The temporary use and occupancy of a single-family detached dwelling for the purpose of accommodating transient guests for rent.

## **TOWNSHIP**

Caln Township, Chester County, Pennsylvania.

## **TOWNSHIP ENGINEER**

The Caln Township Engineer.

**TRACKING SYSTEM**

A number of photovoltaic modules mounted such that they track the movement of the sun across the sky to maximize energy production, either with a single-axis or dual-axis mechanism.

[Added 9-12-2013 by Ord. No. 2013-06]

**TRACT**

One or more lots assembled for the purposes of subdivision or land development.

**TRADE SCHOOL**

A commercial school carried on as a business, for the vocational teaching and training of a trade or skill. This term shall not include those uses defined as an automotive trade school.

[Added 10-30-2008 by Ord. No. 2008-9]

**TRANSIENT**

The temporary passing or crossing from one thing or person to another, or from place to place, provided the passing or crossing is temporary and not permanent.

**TRUCK or MOTOR FREIGHT ESTABLISHMENT**

An area of land, together with building, which can accommodate the transfer of cargo and freight with trucks or other motor vehicles.

**UNREGULATED YARD AREA**

Area on a lot which is not within a building or a defined setback or yard area.

[Added 9-12-2013 by Ord. No. 2013-06]

**USE**

The specific purpose for which land, a sign, structure or building is designed, arranged or intended, or for which it may be occupied or maintained, or any activity, occupation, business or operation which may be carried on thereon or therein. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

**A. PERMANENT USE**

— A permitted use conducted on a lot for more than one year, provided the permanent use complies with all provisions of the Code.

**B. SEASONAL USE**

— A permitted use conducted on a lot during certain defined segments of the year, provided the seasonal use complies with all provisions of the Code.

**C. TEMPORARY USE**

— A permitted use conducted on a lot for less than a one-year period of time, provided the temporary use complies with all provisions of the Code.

**UTILITY**

A service, facility, apparatus or use which provides electric, telephone, cable, sewer, water, natural gas and similar utility services to customers within a defined service area, grid, neighborhood region or municipality.

**A. COMMUNITY UTILITY**

— A utility which is owned, operated or maintained by a public utility provider, municipality, municipal authority, homeowners' association or private agency for the purposes of providing sanitary sewage disposal, water supply, energy, telephone or other utility services within a defined service area.

**B. PRIVATE UTILITY**

— A utility which is owned, operated or maintained by a private or independent utility provider for the purposes of providing sanitary sewage disposal, water supply, energy, telephone or other utility services within a defined service area.

C. **PUBLIC UTILITY**

— A utility which is owned, operated or maintained by a public utility provider for the purposes of providing sanitary sewage disposal, water supply, energy, telephone or other utility services within a defined service area.

**VARIANCE**

Relief granted by the Zoning Hearing Board from the terms and conditions of this chapter where literal enforcement would create unnecessary hardship and when granting of the relief would not be contrary to the public interest.

**VEHICLE**

Any motor vehicle utilized for any lawful use which is properly licensed and inspected in accordance with all local, state and federal laws.

**VERY STEEP SLOPES**

Those areas which have a range of slope 20% or greater in predevelopment condition.

[Added 9-29-2005 by Ord. No. 2005-12]

**VETERINARY HOSPITAL or ANIMAL CLINIC**

A professional use operated by a doctor of veterinary medicine used for the diagnosis, care and treatment of small domesticated animals, including dogs, cats, reptiles and birds, which may include the provision for a medical laboratory, operating theater and overnight boarding accommodations.

**WAGERING ESTABLISHMENT or GAMBLING ESTABLISHMENT**

A use which provides facilities or locations where persons assemble for the purpose of any activity involving lawful gambling or wagering, including, but not limited to, bingo, games of chance, thoroughbred racing, harness racing or other lawful activities, games and devices at which money or other valuable items may be played for, stacked or betted upon in accordance with certain rules and regulations, whereas, a reward, win or loss may occur as a result of the activity. All such wagering or gambling establishments shall comply with all pertinent operational requirements and laws of Caln Township and the Commonwealth of Pennsylvania.

**WAREHOUSE or WAREHOUSING**

A building or group of buildings primarily utilized for storage, transfer, loading and unloading of certain products or commodities, but shall not include retail uses or trucking establishment, unless such use is specifically permitted in that district.

**WASTE**

A material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed. The term “waste” shall also include and apply to waste considered as either hazardous, contaminated, toxic, residual, municipal or recyclable, as defined by the PA DEP and/or the Environmental Protection Agency.

A. **HAZARDOUS WASTE**

— Any garbage, refuse, sludge and/or discarded materials, including, but not limited to, solid, liquid, semisolid, gaseous and biological materials resulting from municipal, agricultural, residential, commercial, industrial and institutional uses, which because of its quantity, concentration, physical, chemical or infectious characteristics may cause a threat to the health, safety or general welfare of the community.

**B. MUNICIPAL SOLID WASTE**

— The nonseparated and/or unprocessed combination of residential and commercial solid waste materials generated in a municipality.

**WATER SUPPLY SYSTEM**

A system designed to transmit water from the source to users in compliance with the requirements of the appropriate state agencies and the Township.

**A. ON-LOT WATER SUPPLY SYSTEM**

— A water supply system which transmits water from a source on the lot to one dwelling, principal use or lot.

**B. COMMUNITY WATER SUPPLY SYSTEM**

— A temporary water supply system which transmits from a common source to more than one dwelling, principal use and/or lot within a single neighborhood. A community water supply system may be permitted on a temporary basis for developments which are to be permanently serviced by a public water supply system.

**C. PUBLIC or MUNICIPAL WATER SUPPLY SYSTEM**

— A system of water collection, storage, transmission and delivery which are to service a community, but not confined to a neighborhood.

**D. OPTIONAL SYSTEM REQUIREMENT**

— A special or unique use of land which, because of its water supply needs, may have the option to utilize on-lot water supply methods or connect to a private, community, public or municipal water supply system. The selected method for water supply shall be consistent with the Caln Township Act 537 Plan.

**WATERCOURSE**

A permanent or intermittent stream, river, brook, run, channel, swale, pond, lake or other body of surface water carrying or holding water, whether natural or artificial.

**WATERSHED**

The total land area where water drains into a particular watercourse.

**WATER TOWER**

A structure owned and operated by a company which is regulated by the Pennsylvania Public Utility Commission that is used to store water.

**WETLANDS**

Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. The major characteristics of wetlands include vegetation, soil and hydrology.

**WETLANDS AND HYDRIC SOIL OVERLAY DISTRICT**

A conservation overlay of land and water which include areas of wetlands, hydric soils and high water table soils with hydric components, as further defined and regulated under § 155-35 of this Code.

**WHOLESALE or WHOLESALING**

Sales that primarily involve large transactions of commodities to other business and their agents and not to the general public.

**WINDMILL**

A machine that is worked by the wind by means of vanes that radiate from a central shaft which is used to produce energy or perform work.

**WOODLAND EXTRACTION**

The clear cutting of mature trees (six inches or more in caliper) to provide area for development on an individual lot.

**WOODLAND PROTECTION OVERLAY DISTRICT**

A conservation overlay of woodlands and forested areas, which are further defined, categorized and regulated under § 155-37 of the Code.

**WOODLANDS**

An area of land in which one or more contiguous acres are mostly occupied or covered by mature trees (six inches in caliper). The area of the woodlands shall be measured from the dripline of the outer trees.

**YARD**

An open space on the same lot with a structure (or a group of structures) which lies between the structure (or a group of structures) and a lot line and which is unoccupied and unobstructed from the ground upward except as herein permitted.

**A. FRONT YARD**

— A yard extending the full width of the lot between a structure and the front lot line. On lots abutting more than one public street other than an alley, the front yard requirement shall apply fronting each public street.

**B. REAR YARD**

— A yard extending the full width of the lot between a structure and a rear lot line.

**C. SIDE YARD**

— A yard extending from the front yard to the rear yard between a structure and the nearest side lot line.

**ZONING**

Division of all of the land of an entire political subdivision into districts having different regulations pertaining to use of land; height, area, bulk and use of buildings; yard requirements; and in some states density of population. Zoning is affected by local ordinance under the police power of the state granted by specific legislation generally termed an "enabling act."

**ZONING HEARING BOARD**

The Caln Township Zoning Hearing Board, as established by the Board of Commissioners to hear matters in accordance with this chapter.

**ZONING MAP**

The Caln Township Zoning Map.

**ZONING OFFICER**

The agent or official designated by the governing body to administer and enforce this chapter.

**ZONING ORDINANCE**

The Caln Township Zoning Ordinance of 2005, Chapter 155 of the Caln Township Code, as amended.

[1]: *Editor's Note: Former 68 P.S. § § 700.101 through 700.805, the Pennsylvania Unit Property Act, was repealed 7-2-*

1980, P.L. 286, No. 82. See now 68 Pa. C.S.A. § 3101 et seq., the Pennsylvania Uniform Condominium Act.

[2]: *Editor's Note: The former definition of "mixed-use commercial and residential uses," which immediately followed this definition, was repealed 10-10-2013 by Ord. No. 2013-07.*

[3]: *Editor's Note: See Ch. 7, Authority, Municipal.*

[4]: *Editor's Note: See 42 U.S.C. § 3601 et seq.*

## § 155-13. (Reserved)

# Article III. Zoning Map and Zoning Districts

## § 155-14. Establishment of zoning districts and overlay districts.

A. For the purpose of this chapter, Caln Township is hereby divided into 10 base zoning districts, which shall be designated as follows:

[Added 8-9-2012 by Ord. No. 2012-03]

- (1) R-1: Low Density Residential District.
- (2) R-2: Low to Medium Density Residential District.
- (3) R-3: Medium Density Residential District.
- (4) R-4: Medium to High Density Residential District.
- (5) R-5: Preexisting Planned Residential Community District.
- (6) TV-1: Thorndale Village District.
- (7) C-1: Highway Commercial District.
- (8) C-2: Regional Commercial District.
- (9) I-1: Industrial District.
- (10) I: Institutional District.

B. For the purpose of this chapter, the following conservation overlay districts shall be established in accordance with the provisions of Article **V** of this chapter of the Caln Township Code:

- (1) Floodplain Overlay District.
- (2) Wetlands and Hydric Soil Overlay District.
- (3) Steep Slope Overlay District.
- (4) Woodland Protection Overlay District.
- (5) Carbonate Geology Overlay District.

C. The following special overlay districts shall be established:

[Amended 2-17-2011 by Ord. No. 2011-02; 10-10-2013 by Ord. No. 2013-07]

- (1) Zone 1: Lincoln Highway Overlay District.
- (2) Zone 2: Lincoln Highway Overlay District.
- (3) Route 30 Bypass Interchange Overlay District.
- (4) Historical Preservation Overlay District.
- (5) Planned Residential Development Overlay District.

## § 155-15. Official Zoning Map.

- A. The boundaries of the zoning districts shall be as shown on the Zoning Map of Caln Township, as attached hereto and incorporated in Appendix A, Township Maps. The Zoning Map and all notations, references and data illustrated thereon are hereby incorporated by reference into this chapter.<sup>[1]</sup> The official copy of the Zoning Map is labeled as the Caln Township Zoning Map and shall identify the signatures of the Board of Commissioners, attested by the Secretary of said Board, and shall bear the seal of Caln Township under the following words:

[Amended 4-24-2008 by Ord. No. 2008-6]

"This is to certify that this is the Official Zoning Map of Caln Township, as adopted by the Caln Township Board of Commissioners on April 24, 2008, as part of the Township Zoning Ordinance of 2005."

[1]: *Editor's Note: With the inclusion of Ord. No. 2013-07, adopted 10-10-2013, a copy of the Zoning Map, as updated 9-18-2014, was included as an attachment to this chapter.*

- B. If changes are made to district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be made in accordance with the provisions of this chapter and the Pennsylvania Municipalities Planning Code, as amended, and the changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Board of Commissioners. No changes of any nature shall be made to the Official Zoning Map, or matter thereon shown, except in conformity with the applicable procedures established in this chapter. All changes shall be noted by date with a brief description of the nature of the change.
- C. The Official Zoning Map shall be located in a place designated by the Board of Commissioners and shall be the final authority as to the current zoning status of land and water area in Caln Township regardless of unofficial copies which may have been made or published from time to time.
- D. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of Commissioners may, by resolution, adopt a new Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the affect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Board of Commissioners, attested by the Secretary, and bear the seal of Caln Township under the following words:
- "This is to certify that this Official Zoning Map of the Township of Caln supersedes and replaces the Official Zoning Map adopted as part of Ordinance No. \_\_\_\_\_ of Caln Township, Chester County, Pennsylvania."
- E. Unless the prior Official Zoning Map has been lost or has been destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all applicable records pertaining to its adoption or

amendment.

## § 155-16. Interpretation of district boundaries.

Where uncertainty exists as to the boundaries of the base districts as indicated on the Official Zoning Map, the following rules and guidelines, as provided within this section, shall be applicable.

- A. Where district boundaries are indicated as approximately coinciding with the center lines of streets, highways, lanes, alleys, railroad tracks, rivers or creeks, such center line shall be construed to be such boundaries.
- B. Where district boundaries are indicated as approximately coinciding with lot lines or deed lines, which were in effect at the date of this chapter, such lines shall be construed to be such boundaries.
- C. Where district boundaries are indicated as approximately coinciding or municipal boundary lines, such lines shall be construed to be such boundaries.
- D. Where district boundaries are indicated as being approximately parallel to the center or right-of-way lines of streets or highways, lanes, alleys, railroad tracks, rivers or creeks, such district boundaries shall be construed as being parallel to the center or right-of-way lines at such distance as is indicated on the Official Zoning Map.
- E. Where district boundaries are indicated as being approximately perpendicular to the right-of-way lines of streets or highways, such district boundaries shall be construed as being perpendicular to the right-of-way lines.
- F. Where district boundaries are referenced by a distance or measurement from a specific feature, such distance shall be measured in feet and the district boundaries shall follow the specified setback. Where distances or measurements are not specifically referenced on the Official Zoning Map, the scale of the Official Zoning Map shall determine the unspecified setback.
- G. Where a district boundary line divides a lot which was in single ownership at the effective date of this chapter, at the election of the property owner the regulations of either zoning district may be extended a distance of not more than 50 feet beyond the district boundary line onto the remaining portion of the lot.
- H. Where physical or cultural features existing on the ground are inconsistent with those indicated on the Official Zoning Map, or when circumstances not covered within the context of this section apply, the Zoning Hearing Board shall interpret the district boundaries.

## § 155-17. Application of district boundaries.

The following standards indicated within this section shall be utilized for the generalized application of the base district regulations in association with this chapter:

- A. Unless otherwise provided by law or the provisions of this chapter, no building, structure or land area shall be used or occupied except for a permitted use in the zoning district within which the building, structure or land area is located.
- B. Any legally established use of a building, structure, lot, land area, or part thereof, which constitutes a

conforming use under the provisions of this chapter may be continued.

- C. Any legal use which occupies a building, structure, lot or land area prior to the effective date of this chapter or amendment thereto, but does not comply with the use regulations of the district in which it is situated after the effective date of this chapter or any amendment thereto, may be continued as a nonconforming use in accordance with the provisions of this chapter.
- D. The regulations established within this chapter shall apply uniformly to building, structures or uses unless otherwise provided in the Code.
- E. Permitted uses shall adhere to the dimensional requirements for lot area, lot width, yard, height and coverage as specified for the zoning district to which the use is located unless otherwise specified by this chapter.
- F. No building, structure or area of land shall be occupied without the issuance of a certificate of use and occupancy by the Zoning Officer.
- G. No part of a yard, common open space, other open space, off-street parking area or loading space required in connection with any structure, building or use of the land shall be included as part of a yard, common open space, open space, off-street parking area or loading space similarly required for any other structure, building or use of the land except as permitted or required by this chapter.
- H. No yard or lot existing at the time of passage of this chapter which meets the requirements of this chapter shall be reduced in dimension or area below the minimum requirements set forth in this chapter. A yard or lot existing at the time of passage of this chapter shall not be further reduced below the minimum requirements of this chapter.
- I. Where district regulations specify a minimum lot width at the street line, the minimum lot width shall be provided contiguous along the street line of one street. It is prohibited, when calculating the width of a lot, to add widths along the street lines of two or more streets. In the case of a corner lot, the minimum lot width must be provided along each street on which the lot fronts.
- J. In the case of a lot of irregular shape, the Zoning Officer shall designate or assign the front, side and rear yards as considered appropriate for the configuration and conditions.
- K. All territory or land area which may be annexed to Caln Township shall be considered to be zoned in the same manner as the contiguous territory inside the previous municipal limits until otherwise classified.

## § 155-18. (Reserved)

## § 155-19. (Reserved)

# Article IV. Zoning District Regulations

## § 155-20. Statement of intent.

The intent of Article **IV** of this chapter is to assign a list of uses which are permitted by right, special exception and conditional use for each zoning district, as well as establish the minimum and maximum dimensional requirements for each permitted use. The provisions of Article **IV** are intended to be generally consistent with the Caln Township Comprehensive Plan of 2003. Where appropriate, special provisions shall be designated to the permitted uses by reference to other sections of this chapter.

## § 155-21. R-1 Low Density Residential District.

- A. Purpose. The R-1 Zoning District generally contains areas with low-density residential uses, woodlands, steep slopes, stream valleys and agricultural land areas, as well as public, municipal and institutional uses. Subdivision and land development activity should be carefully planned and limited based upon the existing road system, utility provisions and environmentally sensitive land areas. Conservation management practices should be encouraged to preserve or maintain the existing natural features, habitats and resources.
- B. Uses by right. The following principal uses and their accessory uses are permitted by right within the R-1 Zoning District, provided that the use is approved by the Zoning Officer; only one principal use is permitted per lot meeting the minimum and maximum dimensional requirements; and the use complies with all other supplemental development and design requirements specified within the Code.
- (1) Single-family detached dwelling units, subject to § **155-51** of the Code.
  - (2) General agricultural uses, subject to § **155-89** of the Code.
  - (3) Public utilities, subject to § **155-92** of the Code.
  - (4) Municipal uses, subject to § **155-94** of the Code.
  - (5) Category 1 home occupation, subject to § **155-109** of the Code.
  - (6) Category 2 home occupation, subject to § **155-109** of the Code.
  - (7) Forestry, subject to § **155-37** of the Code.
  - (8) Conservation uses.
  - (9) Group home.  
[Added 7-25-2013 by Ord. No. 2013-05]
- C. Uses by conditional use. The following principal uses and their accessory uses are permitted by conditional use within the R-1 Zoning District, provided that a conditional use is granted by the Board of Commissioners; only one principal use is permitted per lot meeting the minimum and maximum dimensional requirements; and the use complies with all other supplemental development and design requirements specified within the Code.
- (1) Residential cluster development, subject to § **155-56** of the Code.
  - (2) Continuing care retirement community or age qualified retirement community, subject to § **155-57** of the Code.
  - (3) Public or private golf course, subject to § **155-90** of the Code.
  - (4) Recreational uses, subject to § **155-90** of the Code.

- (5) Educational uses, subject to § **155-91** of the Code.
  - (6) Hospital or medical center, subject to § **155-91** of the Code.
- D. Uses by special exception. The following principal uses and their accessory uses are permitted by special exception within the R-1 Zoning District, provided that a special exception is granted by the Zoning Hearing Board; only one principal use is permitted per lot meeting the minimum and maximum dimensional requirements; and the use complies with all other supplemental development and design requirements specified within the Code.
- (1) (Reserved)<sup>[1]</sup>  
 [1]: *Editor's Note: Former Subsection D(1), Group home, was repealed 7-25-2013 by Ord. No. 2013-05.*
  - (2) Bed-and-breakfast, tourist, rooming /boarding house, subject to § **155-60** of the Code.
  - (3) Family day-care home, subject to § **155-70** of the Code.
  - (4) Churches and religious uses, subject to § **155-91** of the Code.
- E. Utility and dimensional requirements. **Matrix Chart 1**<sup>[2]</sup> provides the basic utility and dimensional requirements for all permitted uses within the R-1 Zoning District. Unless otherwise specified within the Code, all permitted uses shall comply with these requirements. Where a discrepancy should exist between the provisions contained within the text and the provisions contained within **Matrix Chart 1**, the provisions contained within the text shall prevail.  
 [2]: *Editor's Note: Matrix Chart 1 is included as an attachment to this chapter.*
- F. Accessory uses and structures. Accessory uses and/or structures to the permitted uses of the R-1 Zoning District shall be permitted, provided they are located on the same lot as the principal use; they are clearly subordinate to the principal use; they have been properly addressed as part of the application for a permit, subdivision, land development, special exception, conditional use or other approval requirements; and/or they comply with all other supplemental development and design requirements specified within the Code.
- G. Subdivision and land development requirements. Where required to comply with the provisions of the Caln Township Code, a subdivision plan and/or land development plan shall be submitted to Caln Township for review and consideration prior to the issuance of a building permit for any permitted use within the R-1 Zoning District. If a subdivision or land development plan is required, the plan shall be prepared to comply with the appropriate provisions of Chapters **137** and **155** of the Code.
- H. Off-street parking and loading. Where applicable, all permitted uses within the R-1 District shall comply with the off-street parking and loading requirements specified under Article **X** of this chapter.
- I. Signs. Where applicable, all permitted uses within the R-1 District shall comply with the requirements for signs, as specified under Article **XI** of this chapter.
- J. Supplemental regulations. Where applicable, all sections of this chapter shall apply as supplementary regulations and specifications for permitted uses within the R-1 Zoning District.

## § 155-22. R-2 Low to Medium Density Residential District.

- A. Purpose. The R-2 Zoning District generally contains areas with low- to medium-density residential uses, woodlands, steep slopes, stream valleys and agricultural land areas, as well as public, municipal and

institutional uses. Subdivision and land development activity should be carefully planned and encouraged as either infill development or to serve as a transition between areas of low to medium residential densities. Conservation management practices should be encouraged to preserve or maintain the existing natural features, habitats and resources.

- B. Uses by right. The following principal uses and their accessory uses are permitted by right within the R-2 Zoning District, provided that the use is approved by the Zoning Officer; only one principal use is permitted per lot meeting the minimum and maximum dimensional requirements; and the use complies with all other supplemental development and design requirements specified within the Code.
- (1) Single-family detached dwelling units, subject to § **155-51** of the Code.
  - (2) General agricultural uses, subject to § **155-89** of the Code.
  - (3) Public utilities, subject to § **155-92** of the Code.
  - (4) Municipal uses, subject to § **155-94** of the Code.
  - (5) Category 1 home occupation, subject to § **155-109** of the Code.
  - (6) Category 2 home occupation, subject to § **155-109** of the Code.
  - (7) Forestry, subject to § **155-37** of the Code.
  - (8) Conservation uses.
  - (9) Group home.  
[Added 7-25-2013 by Ord. No. 2013-05]
- C. Uses by conditional use. The following principal uses and their accessory uses are permitted by conditional use within the R-2 Zoning District, provided that a conditional use is granted by the Board of Commissioners; only one principal use is permitted per lot meeting the minimum and maximum dimensional requirements; and the use complies with all other supplemental development and design requirements specified within the Code.
- (1) Residential cluster development, subject to § **155-56** of the Code.
  - (2) Continuing care retirement community or age qualified retirement community, subject to § **155-57** of the Code.
  - (3) Public or private golf course, subject to § **155-90** of the Code.
  - (4) Recreational uses, subject to § **155-90** of the Code.
  - (5) Educational uses, subject to § **155-91** of the Code.
  - (6) Hospital or medical center, subject to § **155-91** of the Code.
  - (7) Convalescent home and nursing home, subject to § **155-91** of the Code.
- D. Uses by special exception. The following principal uses and their accessory uses are permitted by special exception within the R-2 Zoning District, provided that a special exception is granted by the Zoning Hearing Board; only one principal use is permitted per lot meeting the minimum and maximum dimensional requirements; and the use complies with all other supplemental development and design requirements specified within the Code.

(1) (Reserved)<sup>[1]</sup>

[1]: *Editor's Note: Former Subsection D(1), Group home, was repealed 7-25-2013 by Ord. No. 2013-05.*

(2) Tourist, bed-and-breakfast, rooming /boarding house, subject to § **155-60** of the Code.

(3) Family day-care home, subject to § **155-70** of the Code.

(4) Churches and religious uses, subject to § **155-91** of the Code.

E. Utility and dimensional requirements. **Matrix Chart 2**<sup>[2]</sup> provides the basic utility and dimensional requirements for all permitted uses within the R-2 Zoning District. Unless otherwise specified within the Code, all permitted uses shall comply with these requirements. Where a discrepancy should exist between the provisions contained within the text and the provisions contained within **Matrix Chart 2**, the provisions contained within the text shall prevail.

[2]: *Editor's Note: **Matrix Chart 2** is included as an attachment to this chapter.*

F. Accessory uses and structures. Accessory uses and/or structures to the permitted uses of the R-2 Zoning District shall be permitted provided they are located on the same lot as the principal use; they are clearly subordinate to the principal use; they have been properly addressed as part of the application for a permit, subdivision, land development, special exception, conditional use or other approval requirements; and/or they comply with all other supplemental development and design requirements specified within the Code.

G. Subdivision and land development requirements. Where required to comply with the provisions of the Caln Township Code, a subdivision plan and/or land development plan shall be submitted to Caln Township for review and consideration prior to the issuance of a building permit for any permitted use within the R-2 Zoning District. If a subdivision or land development plan is required, the plan shall be prepared to comply with the appropriate provisions of Chapters **137** and **155** of the Code.

H. Off-street parking and loading. Where applicable, all permitted uses within the R-2 District shall comply with the off-street parking and loading requirements specified under Article **X** of this chapter.

I. Signs. Where applicable, all permitted uses within the R-2 District shall comply with the requirements for signs, as specified under Article **XI** of this chapter.

J. Supplemental regulations. Where applicable, all sections of this chapter shall apply as supplementary regulations and specifications for permitted uses within the R-2 Zoning District.

## § 155-23. R-3 Medium Density Residential District.

A. Purpose. The R-3 Zoning District generally contains areas with medium-density residential uses, woodlands, steep slopes, stream valleys and carbonate geology zones, as well as public, municipal and institutional uses. Subdivision and land development activity should be carefully planned and encouraged as either infill development or to serve as a transition between areas of low to high residential densities. Conservation management practices should be encouraged to preserve or maintain the existing natural features, habitats and resources features.

B. Uses by right. The following principal uses and their accessory uses are permitted by right within the R-3 Zoning District, provided that the use is approved by the Zoning Officer; only one principal use is permitted per lot meeting the minimum and maximum dimensional requirements; and the use complies with all other supplemental development and design requirements specified within the Code.

- (1) Single-family detached dwelling units, subject to § **155-51** of the Code.
  - (2) Single-family semidetached dwelling unit, subject to § **155-52** of the Code.
  - (3) Public utilities, subject to § **155-92** of the Code.
  - (4) Municipal uses, subject to § **155-94** of the Code.
  - (5) Category 1 home occupation, subject to § **155-109** of the Code.
  - (6) Category 2 home occupation, subject to § **155-109** of the Code.
  - (7) Forestry, subject to § **155-37** of the Code.
  - (8) Group home.  
[Added 7-25-2013 by Ord. No. 2013-05]
- C. Uses by conditional use. The following principal uses and their accessory uses are permitted by conditional use within the R-3 Zoning District, provided that a conditional use is granted by the Board of Commissioners; only one principal use is permitted per lot meeting the minimum and maximum dimensional requirements; and the use complies with all other supplemental development and design requirements specified within the Code.
- (1) Residential cluster development, subject to § **155-56** of the Code.
  - (2) Continuing care retirement community or age qualified retirement community, subject to § **155-57** of the Code.
  - (3) Public or private golf course, subject to § **155-90** of the Code.
  - (4) Recreational uses, subject to § **155-90** of the Code.
  - (5) Educational uses, subject to § **155-91** of the Code.
  - (6) Hospitals and medical centers, subject to § **155-91** of the Code.
  - (7) Convalescent homes and nursing homes, subject to § **155-91** of the Code.
- D. Uses by special exception. The following principal uses and their accessory uses are permitted by special exception within the R-3 Zoning District, provided that a special exception is granted by the Zoning Hearing Board; only one principal use is permitted per lot meeting the minimum and maximum dimensional requirements; and the use complies with all other supplemental development and design requirements specified within the Code.
- (1) (Reserved)<sup>[1]</sup>  
[1]: *Editor's Note: Former Subsection D(1), Group home, was repealed 7-25-2013 by Ord. No. 2013-05.*
  - (2) Family day-care home, subject to § **155-70** of the Code.
  - (3) Churches and religious uses, subject to § **155-91** of the Code.
- E. Utility and dimensional requirements. **Matrix Chart 3**<sup>[2]</sup> provides the basic utility and dimensional requirements for all permitted uses within the R-3 Zoning District. Unless otherwise specified within the Code, all permitted uses shall comply with these requirements. Where a discrepancy should exist between the provisions contained within the text and the provisions contained within **Matrix Chart 3**, the provisions

contained within the text shall prevail.

[2]: *Editor's Note: **Matrix Chart 3** is included as an attachment to this chapter.*

- F. Accessory uses and structures. Accessory uses and structures to the permitted uses of the R-3 Zoning District shall be permitted, provided they are located on the same lot as the principal use; they are clearly subordinate to the principal use; they have been properly addressed as part of the application for a permit, subdivision, land development, special exception, conditional use or other approval requirements; and/or they comply with all other supplemental development and design requirements specified within the Code.
- G. Subdivision and land development requirements. Where required to comply with the provisions of the Caln Township Code, a subdivision plan and/or land development plan shall be submitted to Caln Township for review and consideration prior to the issuance of a building permit for any permitted use within the R-3 Zoning District. If a subdivision or land development plan is required, the plan shall be prepared to comply with the appropriate provisions of Chapters **137** and **155** of the Code.
- H. Off-street parking and loading. Where applicable, all permitted uses within the R-3 District shall comply with the off-street parking and loading requirements specified under Article **X** of this chapter.
- I. Signs. Where applicable, all permitted uses within the R-3 District shall comply with the requirements for signs, as specified under Article **XI** of this chapter.
- J. Supplemental regulations. Where applicable, all sections of this chapter shall apply as supplementary regulations and specifications for permitted uses within the R-3 Zoning District.

## § 155-24. R-4 Medium to High Density Residential District.

- A. Purpose. The R-4 Zoning District generally contains areas with medium- to high-density residential uses, stream valleys and carbonate geological zones, as well as public, municipal and institutional uses. Subdivision and land development activity should be carefully planned and encouraged as either infill development or to serve as a transition between areas of medium to high residential densities. Conservation management practices should be encouraged to preserve or maintain the existing natural features, habitats and resources features.
- B. Uses by right. The following principal uses and their accessory uses are permitted by right within the R-4 Zoning District, provided that the use is approved by the Zoning Officer; only one principal use is permitted per lot, meeting the minimum and maximum dimensional requirements; and the use complies with all other supplemental development and design requirements specified within the Code:  
[Amended 4-24-2008 by Ord. No. 2008-4]
  - (1) Single-family detached dwelling units, subject to § **155-51** of the Code.
  - (2) Public utilities, subject to § **155-92** of the Code.
  - (3) Municipal uses, subject to § **155-94** of the Code.
  - (4) Category 1 home occupation, subject to § **155-109** of the Code.
  - (5) Forestry, subject to § **155-37** of the Code.
  - (6) Single-family semidetached dwelling units, subject to § **155-52** of the Code.  
[Added 9-27-2012 by Ord. No. 2012-07]

- (7) Group home.  
[Added 7-25-2013 by Ord. No. 2013-05]

C. Uses by conditional use. The following principal uses and their accessory uses are permitted by conditional use within the R-4 Zoning District, provided that a conditional use is granted by the Board of Commissioners; only one principal use is permitted per lot, meeting the minimum and maximum dimensional requirements; and the use complies with all other supplemental development and design requirements specified within the Code:

[Amended 4-24-2008 by Ord. No. 2008-4]

- (1) (Reserved)<sup>[1]</sup>

[1]: *Editor's Note: Former Subsection C(1), which listed single-family semidetached dwelling units as uses by conditional use, was repealed 9-27-2012 by Ord. No. 2012-07. See now Subsection B(6).*

- (2) Two-family detached units, subject to § **155-53** of the Code.
- (3) Multifamily townhouse unit development, subject to § **155-54** of the Code.
- (4) Apartment buildings and apartment complex, subject to § **155-55** of the Code.  
[Amended 10-10-2013 by Ord. No. 2013-07]
- (5) Residential cluster development, subject to § **155-56** of the Code.
- (6) Public or private golf course, subject to § **155-90** of the Code.
- (7) Recreational uses, subject to § **155-90** of the Code.
- (8) Educational uses, subject to § **155-91** of the Code.
- (9) Convalescent home or nursing home, subject to § **155-91** of the Code.
- (10) Senior independent living facility located on property adjacent to a state highway and within 1,500 feet of the U.S. Route 30 bypass, subject to § **155-63** of the Code.  
[Added 8-30-2012 by Ord. No. 2012-04]

D. Uses by special exception. The following principal uses and their accessory uses are permitted by special exception within the R-4 Zoning District, provided that a special exception is granted by the Zoning Hearing Board; only one principal use is permitted per lot meeting the minimum and maximum dimensional requirements; and the use complies with all other supplemental development and design requirements specified within the Code.

- (1) (Reserved)<sup>[2]</sup>

[2]: *Editor's Note: Former Subsection D(1), Group home, was repealed 7-25-2013 by Ord. No. 2013-05.*

- (2) Family day-care home, subject to § **155-70** of the Code.
- (3) Church or religious uses, subject to § **155-91** of the Code.

E. Utility and dimensional requirements. **Matrix Chart 4**<sup>[3]</sup> provides the basic utility and dimensional requirements for all permitted uses within the R-4 Zoning District. Unless otherwise specified within the Code, all permitted uses shall comply with these requirements. Where a discrepancy should exist between the provisions contained within the text and the provisions contained within **Matrix Chart 4**, the provisions contained within the text shall prevail.

[3]: *Editor's Note: **Matrix Chart 4** is included as an attachment to this chapter.*

- F. Accessory uses and structures. Accessory uses and structures to the permitted uses of the R-4 Zoning District shall be permitted, provided they are located on the same lot as the principal use; they are clearly subordinate to the principal use; they have been properly addressed as part of the application for a permit, subdivision, land development, special exception, conditional use or other approval requirements; and/or they comply with all other supplemental development and design requirements specified within the Code.
- G. Subdivision and land development requirements. Where required to comply with the provisions of the Caln Township Code, a subdivision plan and/or land development plan shall be submitted to Caln Township for review and consideration prior to the issuance of a building permit for any permitted use within the R-4 Zoning District. If a subdivision or land development plan is required, the plan shall be prepared to comply with the appropriate provisions of Chapters **137** and **155** of the Code.
- H. Off-street parking and loading. Where applicable, all permitted uses within the R-4 District shall comply with the off-street parking and loading requirements specified under Article **X** of this chapter.
- I. Signs. Where applicable, all permitted uses within the R-4 District shall comply with the requirements for signs, as specified under Article **XI** of this chapter.
- J. Supplemental regulations. Where applicable, all sections of this chapter shall apply as supplementary regulations and specifications for permitted uses within the R-4 Zoning District.

## § 155-25. R-5 Preexisting Planned Residential Community District.

- A. Purpose. Prior to the enactment of the Caln Township Comprehensive Plan (2003), a few planned residential communities had been previously approved under older alternative zoning regulations such as traditional neighborhood development, planned residential development, mixed-use development or lot averaging, which have been terminated as viable alternatives for planned residential communities. The purpose of the R-5 Zoning District is to recognize these planned residential communities, which because of their preexisting condition are allowed to continue under the basic zoning and land development provisions, as they were applied, recognized and approved in the past. Under this concept, the minimum and maximum dimensional requirements of the R-5 Zoning District should be compatible to the minimum and maximum dimensional requirements that were identified on the approved subdivision and land development plans for the applicable planned residential development. Where setback and coverage requirements are not provided on the approved subdivision and land development plan, the setback and coverage requirements in **Matrix Chart 5** shall govern.<sup>[1]</sup>  
[Amended 8-10-2006 by Ord. No. 2006-9]  
[1]: *Editor's Note: **Matrix Chart 5** is included as an attachment to this chapter.*
- B. Uses by right. The following principal uses and their accessory uses are permitted by right within the R-5 Zoning District, provided that the use is approved by the Zoning Officer; the use complies with the provisions of the previously approved plans; the use complies with the minimum and maximum dimensional requirements as specified on the previously approved plans; and the use complies with all other supplemental development and design requirements specified within the Code.
  - (i) All principal and accessory uses identified on the appropriate phases of the Wedgewood Estates Land Development Plan, as approved by the Caln Township Board of Commissioners and recorded with the Chester County Recorder of Deeds, provided the principal and accessory uses are located, developed and improved in accordance with the approved Wedgewood Estates Land Development Plan. No

further subdivision or land development activity shall be permitted within Wedgewood Estates unless it is in strict compliance with the approved plan or the Board of Commissioners has approved the activities.

- (2) All principal and accessory uses identified on the appropriate phases of the Hidden Forest Land Development Plan, as approved by the Caln Township Board of Commissioners and recorded with the Chester County Recorder of Deeds, provided the principal and accessory uses are located, developed and improved in accordance with the approved Hidden Forest Land Development Plan. No further subdivision or land development activity shall be permitted within Hidden Forest unless it is in strict compliance with the approved plan or the Board of Commissioners has approved the activities.
  - (3) All principal and accessory uses identified on the appropriate phases of the Village on Thorndale Greene Land Development Plan, as approved by the Caln Township Board of Commissioners and recorded with the Chester County Recorder of Deeds, provided the principal and accessory uses are located, developed and improved in accordance with the approved Village on Thorndale Greene Land Development Plan. No further subdivision or land development activity shall be permitted within the Village of Thorndale Greene unless it is in strict compliance with the approved plan or the Board of Commissioners has approved the activities.
  - (4) All principal and accessory uses identified on the appropriate phases of the Fairways Land Development Plan, as approved by the Caln Township Board of Commissioners and recorded with the Chester County Recorder of Deeds, provided the principal and accessory uses are located, developed and improved in accordance with the approved Fairways Land Development Plan. No further subdivision or land development activity shall be permitted within the Fairways unless it is in strict compliance with the approved plan or the Board of Commissioners has approved the activities.
  - (5) Recreational uses, subject to the land development controls specified by the approved plan and § **155-90** of the Code.
  - (6) Public utilities, subject to § **155-92** of the Code.
  - (7) Municipal uses, subject to § **155-94** of the Code.
  - (8) Category 1 home occupation, subject to § **155-109** of the Code.
  - (9) Forestry, subject to § **155-37** of the Code.
  - (10) Conservational uses.
  - (11) Group home.  
[Added 7-25-2013 by Ord. No. 2013-05]
- C. Utility and dimensional requirements. **Matrix Chart 5**, which is attached to this chapter as Attachment 5, provides the basic utility and dimensional requirements for all uses within the R-5 Zoning District. Unless otherwise specified within the Code, all uses shall comply with the requirements on such chart.  
[Amended 8-10-2006 by Ord. No. 2006-9; 9-13-2007 by Ord. No. 2007-11]
- D. Accessory uses and structures. Accessory uses and/or structures to the permitted uses of the R-5 Zoning District shall be permitted, provided they are located on the same lot as the principal use; they are clearly subordinate to the principal use; they are in compliance with the previously approved plans; they have been properly addressed as part of the application for a permit, subdivision, land development, special exception, conditional use or other approval requirements; and/or they comply with all other supplemental development and design requirements specified within the Code.

- E. Subdivision and land development requirements. No further subdivision or land development activity shall be permitted within the land areas of the R-5 Zoning District unless it is in strict compliance with a previously approved plan or it is approved by the Board of Commissioners. If permitted or required, a subdivision plan and/or land development plan shall be submitted to Caln Township for review and consideration prior to the issuance of a building permit for any permitted use within the R-5 Zoning District. If a subdivision or land development plan is required, the plan shall be prepared to comply with the appropriate provisions of Chapters **137** and **155** of the Code.
- F. Change of uses. The existing and/or planned uses within the R-5 Zoning District shall be in strict compliance with the previously approved plan. A change of use may be permitted, provided the proposed use is similar or compatible to the previously planned use; the representative homeowners' association has approved the change of use; a special exception is granted by the Caln Township Zoning Hearing Board; and a land development plan is submitted to Caln Township for review and consideration.
- G. Off-street parking and loading. Where applicable, all permitted uses within the R-5 District shall comply with the off-street parking and loading requirements, as identified on the approved plans or as specified under Article **X** of this chapter.
- H. Signs. Where applicable, all permitted uses within the R-5 District shall comply with the requirements for signs, as identified on the approved plans or as specified under Article **XI** of this chapter.
- I. Supplemental regulations. Where applicable, all sections of this chapter shall apply as supplementary regulations and specifications for permitted uses within the R-5 Zoning District.

## § 155-26. TV-1 Thorndale Village District.

- A. Purpose. The TV-1 Zoning District generally contains a mixture of commercial, institutional, municipal, governmental and residential uses, which establishes the central business district and village within Thorndale. Subdivision and land development activity should be encouraged as infill development. The existing and/or proposed land uses should be served by a road system and public utilities with sufficient capacities. Redevelopment opportunities through conversions, adaptive reuse and creative land development designs should be considered to accommodate new business opportunities and enhance economic development opportunities.
- B. Uses by right. The following principal uses and their accessory uses are permitted by right within the TV-1 Zoning District, provided that the use is approved by the Zoning Officer; only one principal use is permitted per lot meeting the minimum and maximum dimensional requirements; and the use complies with all other supplemental development and design requirements specified within the Code.  
[Amended 7-25-2013 by Ord. No. 2013-05]
  - (1) Public utilities, subject to § **155-92** of the Code.
  - (2) Municipal uses, subject to § **155-94** of the Code.
  - (3) Retail business establishments with 7,500 square feet or less of gross floor area.
  - (4) Business and professional offices with 7,500 square feet or less of gross floor area.
  - (5) Medical or dental clinic with 7,500 square feet or less of gross floor area.
  - (6) Restaurants with 7,500 square feet or less of gross floor area and without drive-through service lanes.

- (7) Taverns and taprooms with 7,500 square feet or less of gross floor area.
  - (8) Club or lodge with 7,500 square feet or less of gross floor area.
  - (9) Personal service establishments with 7,500 square feet or less of gross floor area.
  - (10) Banks and financial establishments with 7,500 square feet or less of gross floor area.
  - (11) Forestry, subject to § **155-37** of the Code.
- C. Uses by conditional use. The following principal uses and their accessory uses are permitted by conditional use within the TV-1 Zoning District, provided that a conditional use is granted by the Board of Commissioners; only one principal use is permitted per lot meeting the minimum and maximum dimensional requirements; and the use complies with all other supplemental development and design requirements specified within the Code.
- (1) (Reserved)<sup>[1]</sup>  
 [1]: *Editor's Note: Former Subsection C(1), Adaptive reuse and redevelopment, was repealed 10-10-2013 by Ord. No. 2013-07.*
  - (2) Multifamily townhouse unit development, subject to § **155-54** of the Code.
  - (3) (Reserved)<sup>[2]</sup>  
 [2]: *Editor's Note: Former Subsection C(3), Multifamily apartment unit development, was repealed 10-10-2013 by Ord. No. 2013-07.*
  - (4) Mixed-use building.  
 [Amended 10-10-2013 by Ord. No. 2013-07]
  - (5) Convenience store or mini market, subject to § **155-69** of the Code.
  - (6) Child day-care center, subject to § **155-70** of the Code.
  - (7) Mini malls, subject to § **155-72** of the Code.
  - (8) Shopping centers or shopping malls, subject to § **155-72** of the Code.
  - (9) Commercial drive-through establishments, subject to § **155-79** of the Code.
  - (10) Veterinary hospital or animal clinic, subject to § **155-82** of the Code.
  - (11) Recreational uses, subject to § **155-90** of the Code.
  - (12) Educational uses, subject to § **155-91** of the Code.
  - (13) Hospitals and medical centers, subject to § **155-91** of the Code.
  - (14) Convalescent homes and nursing homes, subject to § **155-91** of the Code.
  - (15) Governmental uses, subject to § **155-94** of the Code.
  - (16) Rental business, subject to § **155-95** of the Code.
  - (17) Retail business establishments with more than 7,500 square feet of gross floor area.
  - (18) Business and professional offices with more than 7,500 square feet of gross floor area.

- (19) Medical or dental clinic with more than 7,500 square feet of gross floor area.
  - (20) Restaurants with more than 7,500 square feet of gross floor area.
  - (21) Taverns and taprooms with more than 7,500 square feet of gross floor area.
  - (22) Club or lodge with more than 7,500 square feet of gross floor area.
  - (23) Personal service establishments with more than 7,500 square feet of gross floor area.
  - (24) Banks and financial establishments with more than 7,500 square feet of gross floor area.
  - (25) Bus or railway station.
  - (26) Theater or family entertainment complex.
  - (27) Hotel or motel.
  - (28) Automobile sales, subject to § **155-73** of the Code.  
[Added 3-10-2011 by Ord. No. 2011-03]
- D. Uses by special exception. The following principal uses and their accessory uses are permitted by special exception within the TV-1 Zoning District, provided that a special exception is granted by the Zoning Hearing Board; only one principal use is permitted per lot meeting the minimum and maximum dimensional requirements; and the use complies with all other supplemental development and design requirements specified within the Code.
- (1) (Reserved)<sup>[3]</sup>  
[3]: *Editor's Note: Former Subsection D(1), Group home, was repealed 7-25-2013 by Ord. No. 2013-05.*
  - (2) Bed-and-breakfast, tourist, rooming /boarding house, subject to § **155-60** of the Code.
  - (3) Adult training or adult day-care uses, subject to § **155-70** of the Code.
  - (4) Child group day-care home, subject to § **155-70** of the Code.
  - (5) Church or religious uses, subject to § **155-91** of the Code.
  - (6) Funeral homes.
- E. Utility and dimensional requirements. **Matrix Chart 6**<sup>[4]</sup> provide the basic utility and dimensional requirements for all permitted uses within the TV-1 Zoning District. Unless otherwise specified within the Code, all permitted uses shall comply with these requirements. Where a discrepancy should exist between the provisions contained within the text and the provisions contained within **Matrix Chart 6**, the provisions contained within the text shall prevail.  
[4]: *Editor's Note: Matrix Chart 6 is included as an attachment to this chapter.*
- F. Accessory uses and structures. Accessory uses and/or structures to the permitted uses of the TV-1 Zoning District shall be permitted, provided they are located on the same lot as the principal use; they are clearly subordinate to the principal use; they have been properly addressed as part of the application for a permit, subdivision, land development, special exception, conditional use or other approval requirements; and/or they comply with all other supplemental development and design requirements specified within the Code.
- G. Subdivision and land development requirements. Where required to comply with the provisions of the Caln Township Code, a subdivision plan and/or land development plan shall be submitted to Caln Township for

review and consideration prior to the issuance of a building permit for any permitted use within the TV-1 Zoning District. If a subdivision or land development plan is required, the plan shall be prepared to comply with the appropriate provisions of Chapters **137** and **155** of the Code.

- H. Off-street parking and loading. Where applicable, all permitted uses within the TV-1 District shall comply with the off-street parking and loading requirements specified under Article **X** of this chapter.
- I. Signs. Where applicable, all permitted uses within the TV-1 District shall comply with the requirements for signs, as specified under Article **XI** of this chapter.
- J. Supplemental regulations. Where applicable, all sections of this chapter shall apply as supplementary regulations and specifications for permitted uses within the TV-1 Zoning District.

## § 155-27. C-1 Highway Commercial District.

- A. Purpose. The C-1 Zoning District generally contains areas which contain high-profile commercial uses located along arterial roadways, which provide opportunities to accommodate pass through traffic within the region. Subdivision and land development activity should be carefully planned and encouraged as infill development. The uses should be served by an arterial road system and by public utilities with sufficient capacities. Redevelopment, revitalization, adaptive reuse and/or innovative development opportunities should be considered to accommodate new business opportunities and to enhance economic development opportunities.
- B. Uses by right. The following principal uses and their accessory uses are permitted by right within the C-1 Zoning District, provided that the use is approved by the Zoning Officer; only one principal use is permitted per lot meeting the minimum and maximum dimensional requirements; and the use complies with all other supplemental development and design requirements specified within the Code.  
[Amended 7-25-2013 by Ord. No. 2013-05]
  - (1) Public utilities, subject to § **155-92** of the Code.
  - (2) Municipal uses, subject to § **155-94** of the Code.
  - (3) Retail business establishments with 7,500 square feet or less of gross floor area.
  - (4) Business and professional offices with 7,500 square feet or less of gross floor area.
  - (5) Medical or dental clinic with 7,500 square feet or less of gross floor area.
  - (6) Restaurants with 7,500 square feet or less of gross floor area and without drive-through service lanes.
  - (7) Taverns and taprooms with 7,500 square feet or less of gross floor area.
  - (8) Club or lodge with 7,500 square feet or less of gross floor area.
  - (9) Personal service establishments with 7,500 square feet or less of gross floor area.
  - (10) Banks and financial establishments with 7,500 square feet or less of gross floor area.
  - (11) Forestry, subject to § **155-37** of the Code.
- C. Uses by conditional use. The following principal uses and their accessory uses are permitted by conditional use within the C-1 Zoning District, provided that a conditional use is granted by the Board of

Commissioners; only one principal use is permitted per lot meeting the minimum and maximum dimensional requirements; and the use complies with all other supplemental development and design requirements specified within the Code.

(1) (Reserved)<sup>[1]</sup>

[1]: *Editor's Note: Former Subsection C(1), Adaptive reuse and redevelopment, was repealed 10-10-2013 by Ord. No. 2013-07.*

(2) Mixed-use building.

[Amended 10-10-2013 by Ord. No. 2013-07]

(3) Convenience store or mini market, subject to § **155-69** of the Code.

(4) Child day-care center, subject to § **155-70** of the Code.

(5) Mini malls, subject to § **155-72** of the Code.

(6) Shopping centers and shopping malls, subject to § **155-72** of the Code.

(7) Automobile sales, subject to § **155-73** of the Code.

(8) Commercial drive-through establishments, subject to § **155-79** of the Code.

(9) Veterinary hospital or animal clinic, subject to § **155-82** of the Code.

(10) Recreational uses, subject to § **155-90** of the Code.

(11) Educational uses, subject to § **155-91** of the Code.

(12) Hospitals or medical centers, subject to § **155-91** of the Code.

(13) Convalescent homes and nursing homes, subject to § **155-91** of the Code.

(14) Governmental uses, subject to § **155-94** of the Code.

(15) Rental business, subject to § **155-95** of the Code.

(16) Retail business establishments with more than 7,500 square feet of gross floor area.

(17) Business and professional offices with more than 7,500 square feet of gross floor area.

(18) Medical or dental clinic with more than 7,500 square feet of gross floor area.

(19) Restaurants with more than 7,500 square feet of gross floor area.

(20) Taverns and taprooms with more than 7,500 square feet of gross floor area.

(21) Club or lodge with more than 7,500 square feet of gross floor area.

(22) Personal service establishments with more than 7,500 square feet of gross floor area.

(23) Banks and financial establishments with more than 7,500 square feet of gross floor area.

(24) Theater or family entertainment complex.

(25) Hotel or motel.

- (26) Commercial greenhouse or nursery.
  - (27) Apartment complex.  
[Added 10-10-2013 by Ord. No. 2013-07]
- D. Uses by special exception. The following principal uses and their accessory uses are permitted by special exception within the C-1 Zoning District, provided that a special exception is granted by the Zoning Hearing Board; only one principal use is permitted per lot meeting the minimum and maximum dimensional requirements; and the use complies with all other supplemental development and design requirements specified within the Code.
- (1) Adult training or adult day-care uses, subject to § **155-70** of the Code.
  - (2) Child group day-care home, subject to § **155-70** of the Code.
  - (3) Automobile service stations, subject to § **155-73** of the Code.
  - (4) Church or religious uses, subject to § **155-91** of the Code.
  - (5) Funeral homes.
  - (6) Wagering and gambling establishment.
- E. Utility and dimensional requirements. **Matrix Chart 7<sup>[2]</sup>** provides the basic utility and dimensional requirements for all permitted uses within the C-1 Zoning District. Unless otherwise specified within the Code, all permitted uses shall comply with these requirements. Where a discrepancy should exist between the provisions contained within the text and the provisions contained within **Matrix Chart 7**, the provisions contained within the text shall prevail.
- [2]: *Editor's Note: **Matrix Chart 7** is included as an attachment to this chapter.*
- F. Accessory uses and structures. Accessory uses and/or structures to the permitted uses of the C-1 Zoning District shall be permitted, provided they are located on the same lot as the principal use; they are clearly subordinate to the principal use; they have been properly addressed as part of the application for a permit, subdivision, land development, special exception, conditional use or other approval requirements; and/or they comply with all other supplemental development and design requirements specified within the Code.
- G. Subdivision and land development requirements. Where required to comply with the provisions of the Caln Township Code, a subdivision plan and/or land development plan shall be submitted to Caln Township for review and consideration prior to the issuance of a building permit for any permitted use within the C-1 Zoning District. If a subdivision or land development plan is required, the plan shall be prepared to comply with the appropriate provisions of Chapters **137** and **155** of the Code.
- H. Off-street parking and loading. Where applicable, all permitted uses within the C-1 District shall comply with the off-street parking and loading requirements specified under Article **X** of this chapter.
- I. Signs. Where applicable, all permitted uses within the C-1 District shall comply with the requirements for signs, as specified under Article **XI** of this chapter.
- J. Supplemental regulations. Where applicable, all sections of this chapter shall apply as supplementary regulations and specifications for permitted uses within the C-1 Zoning District.

## § 155-28. C-2 Regional Commercial District.

- A. Purpose. The C-2 Zoning District generally contains areas with high-profile commercial uses, business and professional parks, medical campuses and industrial parks within unified and planned areas, which provides opportunities to accommodate the regional commercial needs of the residents within the region. Subdivision and land development activity should be carefully planned and encouraged on undeveloped parcels of land or as infill development. Redevelopment, interchange development, adaptive reuse and/or creative land development designs should be considered to accommodate new business opportunities and to enhance economic development opportunities.
- B. Uses by right. The following principal uses and their accessory uses are permitted by right within the C-2 Zoning District, provided that the use is approved by the Zoning Officer; only one principal use is permitted per lot meeting the minimum and maximum dimensional requirements; and the use complies with all other supplemental development and design requirements specified within the Code.
- (1) General agricultural uses, subject to § **155-89** of the Code.
  - (2) Public utilities, subject to § **155-92** of the Code.
  - (3) Municipal uses, subject to § **155-94** of the Code.
  - (4) <sup>[1]</sup> Retail business establishments with 7,500 square feet or less of gross floor area.  
<sup>[1]:</sup> *Editor's Note: Former Subsection B(4), Category 1 home occupation, and Subsection B(5), Category 2 home occupation, were repealed 7-25-2013 by Ord. No. 2013-05. Said ordinance also redesignated former Subsection B(6) through (14) as Subsection B(4) through (12), respectively.*
  - (5) Business and professional offices with 7,500 square feet or less of gross floor area.
  - (6) Medical or dental clinic with 7,500 square feet or less of gross floor area.
  - (7) Restaurants with 7,500 square feet or less of gross floor area and without drive-through service lanes.
  - (8) Club or lodge with 7,500 square feet or less of gross floor area.
  - (9) Personal service establishments with 7,500 square feet or less of gross floor area.
  - (10) Banks and financial establishments with 7,500 square feet or less of gross floor area.
  - (11) Forestry, subject to § **155-37** of the Code.
  - (12) Conservation uses.
- C. Uses by conditional use. The following principal uses and their accessory uses are permitted by conditional use within the C-2 Zoning District, provided that a conditional use is granted by the Board of Commissioners; only one principal use is permitted per lot meeting the minimum and maximum dimensional requirements; and the use complies with all other supplemental development and design requirements specified within the Code.
- (1) (Reserved)<sup>[2]</sup>  
<sup>[2]:</sup> *Editor's Note: Former Subsection C(1), Adaptive reuse and redevelopment, was repealed 10-10-2013 by Ord. No. 2013-07.*
  - (2) Child day-care center, subject to § **155-70** of the Code.
  - (3) Office and business parks, subject to § **155-74** of the Code.
  - (4) Medical research parks, subject to § **155-75** of the Code.

(5) (Reserved)<sup>[3]</sup>

[3]: *Editor's Note: Former Subsection C(5), which permitted industrial parks by conditional use, was repealed 10-30-2008 by Ord. No. 2008-9.*

(6) Commercial water resource use, subject to § **155-80** of this Code.

(7) Veterinary hospital or animal clinic, subject to § **155-82** of the Code.

(8) Recreational uses, subject to § **155-90** of the Code.

(9) Educational uses, subject to § **155-91** of the Code.

(10) Hospitals and medical centers, subject to § **155-91** of the Code.

(11) Convalescent homes and nursing homes, subject to § **155-91** of the Code.

(12) Governmental uses, subject to § **155-94** of the Code.

(13) Flex space, subject to § **155-96** of the Code.

(14) Business and professional offices with more than 7,500 square feet of gross floor area.

(15) Medical or dental clinic with more than 7,500 square feet of gross floor area.

(16) Restaurants with more than 7,500 square feet of gross floor area and without drive-through service lanes.

(17) Club or lodge with more than 7,500 square feet of gross floor area.

(18) Personal service establishments with more than 7,500 square feet of gross floor area.

(19) Banks and financial establishments with more than 7,500 square feet of gross floor area.

(20) Theater or family entertainment complex.

(21) Hotel or motel.

(22) Commercial greenhouse, landscaping center or nursery.

(23) Home center or lumber yard.

D. Uses by special exception. The following principal uses and their accessory uses are permitted by special exception within the C-2 Zoning District, provided that a special exception is granted by the Zoning Hearing Board; only one principal use is permitted per lot meeting the minimum and maximum dimensional requirements; and the use complies with all other supplemental development and design requirements specified within the Code.

(1) Adult training or adult day-care uses, subject to § **155-70** of the Code.

(2) Commercial campgrounds, subject to § **155-78** of the Code.

(3) Church or religious uses, subject to § **155-91** of the Code.

(4) Wagering and gambling establishment.

E. Utility and dimensional requirements. **Matrix Chart 8**<sup>[4]</sup> provides the basic utility and dimensional requirements for all permitted uses within the C-2 Zoning District. Unless otherwise specified within the

Code, all permitted uses shall comply with these requirements. Where a discrepancy should exist between the provisions contained within the text and the provisions contained within **Matrix Chart 8**, the provisions contained within the text shall prevail.

[4]: *Editor's Note: **Matrix Chart 8** is included as an attachment to this chapter.*

- F. Accessory uses and structures. Accessory uses and/or structures to the permitted uses of the C-2 Zoning District shall be permitted, provided they are located on the same lot as the principal use; they are clearly subordinate to the principal use; they have been properly addressed as part of the application for a permit, subdivision, land development, special exception, conditional use or other approval requirements; and/or they comply with all other supplemental development and design requirements specified within the Code.
- G. Subdivision and land development requirements. Where required to comply with the provisions of the Caln Township Code, a subdivision plan and/or land development plan shall be submitted to Caln Township for review and consideration prior to the issuance of a building permit for any permitted use within the C-2 Zoning District. If a subdivision or land development plan is required, the plan shall be prepared to comply with the appropriate provisions of Chapters **137** and **155** of the Code.
- H. Off-street parking and loading. Where applicable, all permitted uses within the C-2 District shall comply with the off-street parking and loading requirements specified under Article **X** of this chapter.
- I. Signs. Where applicable, all permitted uses within the C-2 District shall comply with the requirements for signs, as specified under Article **XI** of this chapter.
- J. Supplemental regulations. Where applicable, all sections of this chapter shall apply as supplementary regulations and specifications for permitted uses within the C-2 Zoning District.

## § 155-29. I-1 Industrial District.

- A. Purpose. The I-1 Zoning District generally contains areas with industrial uses or undeveloped parcels of land located within close proximity to arterial highways and expressways, which provide employment opportunities for the residents within the region. The existing and/or proposed land uses should be served by a road system, rail service (if available) and by public utilities with sufficient capacities. Redevelopment, interchange development or adaptive reuse opportunities should be considered to accommodate new industrial opportunities and to enhance economic development opportunities.
- B. Uses by right. The following principal uses and their accessory uses are permitted by right within the I-1 Zoning District, provided that the use is approved by the Zoning Officer; only one principal use is permitted per lot meeting the minimum and maximum dimensional requirements; and the use complies with all other supplemental development and design requirements specified within the Code.
  - (1) General agricultural uses, subject to § **155-89** of the Code.
  - (2) Public utilities, subject to § **155-92** of the Code.
  - (3) Municipal uses, subject to § **155-94** of the Code.
  - (4) Forestry, subject to § **155-37** of the Code.
  - (5) Conservation use.<sup>[1]</sup>

[1]: *Editor's Note: Former Subsection B(6), Category 1 home occupation, and Subsection B(7), Category 2 home occupation, which immediately and respectively followed this subsection, were repealed 7-25-*

2013 by Ord. No. 2013-05.

C. Uses by conditional use. The following principal uses and their accessory uses are permitted by conditional use within the I-1 Zoning District, provided that a conditional use is granted by the Board of Commissioners; only one principal use is permitted per lot meeting the minimum and maximum dimensional requirements; and the use complies with all other supplemental development and design requirements specified within the Code.

- (1) Manufacturing.
- (2) Mini-warehouse or self-storage units, subject to § **155-84** of the Code.
- (3) Warehousing.
- (4) Wholesale and distribution.
- (5) Fabrication and finishing establishment.
- (6) Bus or railway station.
- (7) Business and professional offices.

(8) (Reserved)<sup>[2]</sup>

[2]: *Editor's Note: Former Subsection C(8), Adaptive reuse and redevelopment, was repealed 10-10-2013 by Ord. No. 2013-07.*

- (9) Office and business parks, subject to § **155-74** of the Code.
- (10) Medical research parks, subject to § **155-75** of the Code.
- (11) Industrial parks, subject to § **155-76** of the Code.
- (12) Commercial water resource use, subject to § **155-80** of the Code.
- (13) Veterinary hospital or animal clinic, subject to § **155-82** of the Code.
- (14) Educational uses, subject to § **155-91** of the Code.
- (15) Telecommunications facilities and services, subject to § **155-93** of the Code.
- (16) Governmental uses, subject to § **155-94** of the Code.
- (17) Flex space, subject to § **155-96** of the Code.
- (18) Undefined land uses or other land uses, subject to § **155-97** of the Code.
- (19) Trade school or automotive trade school.  
[Added 10-30-2008 by Ord. No. 2008-9]

D. Uses by special exception. The following principal uses and their accessory uses are permitted by special exception within the I-1 Zoning District, provided that a special exception is granted by the Zoning Hearing Board; only one principal use is permitted per lot meeting the minimum and maximum dimensional requirements; and the use complies with all other supplemental development and design requirements specified within the Code.

- (1) Mobile home parks, subject to § **155-61** of the Code.

- (2) Adult business and entertainment uses, subject to § **155-77** of the Code.
  - (3) Commercial campgrounds, subject to § **155-78** of the Code.
  - (4) Kennels, subject to § **155-83** of the Code.
  - (5) Quarrying and mining operations, subject to § **155-85** of the Code.
  - (6) Solid waste disposal and reduction facilities, subject to § **155-86** of the Code.
  - (7) Junkyards or salvage yards, subject to § **155-87** of the Code.
  - (8) Trucking and motor freight terminals, subject to § **155-88** of the Code.
  - (9) Intensive agricultural uses, subject to § **155-89** of the Code.
  - (10) Commercial composting, subject to § **155-89** of the Code.
  - (11) Religious uses, subject to § **155-91** of the Code.
- E. Utility and dimensional requirements. **Matrix Chart 9** <sup>[3]</sup> provides the basic utility and dimensional requirements for all permitted uses within the I-1 Zoning District. Unless otherwise specified within the Code, all permitted uses shall comply with these requirements. Where a discrepancy should exist between the provisions contained within the text and the provisions contained within **Matrix Chart 9**, the provisions contained within the text shall prevail.
- [3]: *Editor's Note: **Matrix Chart 9** is included at the end of this chapter.*
- F. Accessory uses and structures. Accessory uses and/or structures to the permitted uses of the I-1 Zoning District shall be permitted, provided they are located on the same lot as the principal use; they are clearly subordinate to the principal use; they have been properly addressed as part of the application for a permit, subdivision, land development, special exception, conditional use or other approval requirements; and/or they comply with all other supplemental development and design requirements specified within the Code.
- G. Subdivision and land development requirements. Where required to comply with the provisions of the Caln Township Code, a subdivision plan and/or land development plan shall be submitted to Caln Township for review and consideration prior to the issuance of a building permit for any permitted use within the I-1 Zoning District. If a subdivision or land development plan is required, the plan shall be prepared to comply with the appropriate provisions of Chapters **137** and **155** of the Code.
- H. Off-street parking and loading. Where applicable, all permitted uses within the I-1 District shall comply with the off-street parking and loading requirements specified under Article **X** of this chapter.
- I. Signs. Where applicable, all permitted uses within the I-1 District shall comply with the requirements for signs, as specified under Article **XI** of this chapter.
- J. Supplemental regulations. Where applicable, all sections of this chapter shall apply as supplementary regulations and specifications for permitted uses within the I-1 Zoning District.

## § 155-30. I Institutional District.

[Added 8-9-2012 by Ord. No. 2012-03]

- A. Purpose. The I District contains large institutional uses such as educational uses and hospitals and allows for

utility uses to service such uses.

- B. Uses by right. The following principal uses and their accessory uses are permitted by right within the I Zoning District, provided that the use is approved by the Zoning Officer; only one principal use is permitted per lot meeting the minimum and maximum dimensional requirements; and the use complies with all other supplemental development and design requirements specified within the Code.
- (1) General agricultural uses, subject to § **155-89** of the Code.
  - (2) Public utilities, subject to § **155-92** of the Code.
  - (3) Municipal uses, subject to § **155-94** of the Code.
  - (4) Conservation use.
  - (5) Forestry.
- C. Uses by conditional use. The following principal uses and their accessory uses are permitted by conditional use within the I Zoning District, provided that a conditional use is granted by the Board of Commissioners; only one principal use is permitted per lot meeting the minimum and maximum dimensional requirements; and the use complies with all other supplemental development and design requirements specified within the Code.
- (1) Solar energy production facility.
  - (2) Educational uses subject to § **155-91** of the Code.
  - (3) Hospitals and medical centers subject to § **155-91** of the Code.
- D. Utility and dimensional requirements. **Matrix Chart 10** is included at the end of this chapter and provides the basic utility and dimensional requirements for all permitted uses within the I Zoning District. Unless otherwise specified within the Code, all permitted uses shall comply with these requirements. Where a discrepancy should exist between the provisions contained within the text and the provisions contained within **Matrix Chart 10**, the provisions contained within the text shall prevail.
- E. Accessory uses and structures. Accessory uses and/or accessory structures to the permitted uses of the I Zoning District shall be permitted, provided they are located on the same lot as the principal use; they are clearly subordinate to the principal use; they have been properly addressed as part of the application for a permit, subdivision, land development, special exception, conditional use or other approval requirements; and/or they comply with all other supplemental development and design requirements specified within the Code.
- F. Subdivision and land development requirements. Where required to comply with the provisions of the Code, a subdivision plan and/or land development plan shall be submitted to Caln Township for review and consideration prior to the issuance of a building permit for any permitted use within the I Zoning District. If a subdivision or land development plan is required, the plan shall be prepared in accordance with the appropriate provisions of Chapters **137** and **155** of the Code.
- G. Off-street parking and loading. Where applicable, all permitted uses within the I District shall comply with the off-street parking and loading requirements specified under Article **X** of this chapter.
- H. Signs. Where applicable, all permitted uses within the I District shall comply with the requirements for signs, as specified under Article **XI** of this chapter.
- I. Supplemental regulations. Where applicable, all sections of this chapter shall apply as supplementary

regulations and specifications for permitted uses within the I Zoning District.

## § 155-31. through § 155-32. (Reserved)

# Article V. Conservation Overlay Districts

## § 155-33. Statement of intent.

- A. The purpose and objective of the Conservation Overlay Districts is to implement the goals, objectives and policies of the Caln Township Comprehensive Plan which pertain to conservation management, environmental resource protection, natural resources and open space preservation. In order to strategically implement these goals, objectives and policies, the following Conservation Overlay Districts are hereby established:
- (1) Floodplain Overlay District.
  - (2) Wetlands and Hydric Soil Overlay District.
  - (3) Steep Slope Overlay District.
  - (4) Woodland Protection and Management Overlay District.
  - (5) Carbonate Geology Overlay District.
- B. The Conservation Overlay Districts incorporated under this article include provisions to supplement and enhance the existing underlying district regulations for certain land areas and water features. These supplemental regulations should not replace the existing underlying zoning district regulations. In cases where the Conservation Overlay Districts should overlap, the more restrictive standards and specifications shall apply.
- C. The land and water areas encompassed by the Conservation Overlay Districts shall be subject to the interpretation of the Zoning Officer.
- D. Should a dispute arise concerning the interpretation of the boundaries or limits of those land or water areas encompassed by the Conservation Overlay Districts, the person aggrieved by the interpretation may file an appeal with the Zoning Hearing Board. In all cases, the burden of proof and submission of technical evidence shall be the responsibility of the person appealing the interpretation of the Zoning Officer.

## § 155-34. Floodplain Overlay District.

- A. The Floodplain Overlay District shall be a conservation overlay to the underlying zoning districts of Caln Township. The purpose and objective of the Floodplain Overlay District is outlined as follows:
- (1) To restrict or prohibit uses of land and water which are dangerous to health, safety or property in times of flood or which could cause increased flood heights or velocities or is a threat to life or property upstream or downstream or a danger of damage to the project or adjacent property owners.

- (2) To protect the quality and quantity of surface and subsurface water supplies adjacent to and underlying flood hazard areas.
  - (3) To provide areas for the deposition of flood-borne sediment.
  - (4) To require that uses vulnerable to floods, including public facilities, be constructed so as to be protected against flood damage.
  - (5) To require that, where uses are permitted by the terms of this chapter, special permit, grant of variance or other administratively or judicially granted relief, notice be given to prospective purchasers and/or lessees that land under agreement of sale or to be placed under such agreement, or under lease or to be leased, be designated as lying either totally or partially within the flood hazard area.
  - (6) To reduce the financial burdens imposed on the community, its governmental or municipal units and its resident by preventing excessive development in areas subject to flooding.
  - (7) To comply with federal and state floodplain management requirements.
  - (8) To implement the recommendations concerning natural features, conservation management and land use, as outlined within the Caln Township Comprehensive Plan.
- B. The Floodplain Overlay District shall include the land or water areas of Caln Township which are inundated or contained within such flood-prone features, including the floodway, the floodway fringe, the one-hundred-year floodplain, special flood hazard area and other flood-prone features defined by the Federal Emergency Management Agency (FEMA). These flood hazard areas are subject to periodic inundation of floodwaters which could result, or has resulted, in loss of property, damage to structures, loss of soils and other detrimental effects of erosion and may result in loss of life, injury to people, disruption of public and private activities and services, burdensome public expenditures for flood protection and impairment of the tax base, all of which do or may adversely affect the public health, safety and general welfare. The flood losses are or will be caused by the cumulative effect of obstructions in flood hazard areas causing increases in flood heights and velocities and the occupancy of flood hazard areas by uses vulnerable to floods.
- C. The limits of the Floodplain Overlay District are identified in the most recent Flood Insurance Rate Study and on Flood Insurance Rate Maps (FIRM), as prepared and issued by the FEMA. The following flood hazard areas and districts are hereby defined:
- (1) The flood area is the bed or channel of any perennial stream, river or other watercourse, or any lake, pond, impoundment or other contained body of water, provided that such lake, pond, impoundment or other body of water is in excess of one acre in area, and the lands adjacent to any of the foregoing that must be reserved in order to discharge a flood of a one-hundred-year frequency. The Floodplain Overlay District consists of all land within the flood hazard area, as defined by the Caln Township Code and by the Flood Insurance Study for Caln Township.
  - (2) The limits of the Floodplain Overlay District are those areas of the Township which are subject to the one-hundred-year flood, as identified in the Flood Insurance Study dated September 29, 2006, and the accompanying maps as prepared by FEMA, or the most recent revisions thereof, including all digital data developed as part of the Flood Insurance Study. The following flood hazard areas and districts are hereby defined:  
[Amended 9-14-2006 by Ord. No. 2006-10]
    - (a) For watercourses studied in detail, the base flood profiles of the Flood Insurance Study shall provide the elevation of the outermost boundaries of the Floodplain Overlay District. For those areas in which the base flood elevations are given but no floodway has been calculated, no new

construction, substantial improvements or other development, including fill, shall be permitted unless it is demonstrated that the cumulative effects of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within Caln Township.

- (b) For areas mapped as approximate one-hundred-year floodplain by the Flood Insurance Study, these areas shall constitute the Floodplain Overlay District, but the precise location of the boundaries of the district shall be determined by the rules for interpretation as specified by the Caln Township Code.
  - (c) No modification or revision of that portion of the Floodplain Overlay District based on data provided by the Flood Insurance Study shall be made without prior approval of the Federal Insurance Administration.
- D. The Floodplain Overlay District shall be shown on the most recent FIRM, as incorporated herein by reference, which is incorporated into Appendix A, Township Maps, of the Zoning Ordinance, and which together with all explanatory material shall be available for inspection at the Caln Township Municipal Building.  
[Amended 4-24-2008 by Ord. No. 2008-6]
- E. The Floodplain Overlay District shall not be deemed to be an independent zoning district, but rather shall be deemed a district overlay to the end that, to the extent that any building use or structure is permitted by the terms of this section of the Code, special exception, variance or other order of any administrative office, agency or body or any judicial determination, the same shall be governed by the general terms of this chapter applicable to the uses, structures and other regulations pertaining to the zoning district in which the building, use or structure is situated.
- F. The rules for determination of the district boundaries within the Floodplain Overlay District shall be as follows:
- (1) The initial determination of the boundaries for the Floodplain Overlay District shall be made by scaling distances on the FIRM.
  - (2) In the event of any dispute as to the accuracy of the boundaries of said district and their precise location, as for example where there appears to be conflict between the mapped boundary and actual field conditions, the peak discharge based on a one-hundred-year storm frequency shall be determined by the greater of any one of the design criteria listed within this section of the Code, which are the minimum standards accepted by the Pennsylvania Department of Environmental Protection. These design criteria shall be considered in the determination of the boundaries for the Floodplain Overlay District.
  - (3) Among the data which should be gathered to estimate extreme runoffs are statistics of rainfall, temperature, physical characteristics of the watershed and previously measured (if available) flow data and high water marks. Methods taking into consideration the amount, duration and intensity of rainfall and the nature of the watershed with reference to area, shape, slope, porosity of soil and state of cultivation, antecedent moisture conditions and degree of urbanization of the drainage basin should be employed. Calculation of flood flows shall assume the watershed to be completely urbanized for drainage areas of less than 1.5 square miles. Consideration of urbanized factors must be done for watersheds of more than 1.5 square miles.
  - (4) In all cases, a safety factor shall be used in calculating the design flood. The computed or measured land flow is multiplied by a safety factor or some formula to obtain the design flood flow, based on the following criteria:

**Safety Factor  
(multiply calculated runoff by)**

<b>Resulting Backwater or Loss of Structure Will Cause:</b>	<b>For Drainage Areas under 150 Square Miles</b>	<b>For Drainage Areas over 150 Square Miles</b>
No or negligible damage	1.0	1.0
Minor damage	1.3	1.2
Moderate damage	1.5	1.4
Great damage	2.0	1.7
Catastrophic or probable loss of human life	2.5	2.0

- (5) If a formula is used to determine the design flood, it should include all or some of the following factors: risk; development or urbanized factor; undeveloped area or woods factor; limestone factor (negative or reducing factor); or other factors peculiar to the site as determined by the Caln Township Engineer or Zoning Officer.
- (6) The following method or methods are recommended for computing runoff for ungauged streams for small drainage areas:
- (a) Rational method (for watersheds of 1.5 square miles or less), available in many engineering handbooks.
  - (b) Method outlined in Urban Hydrology for Small Watersheds (for watersheds of less than 2,000 acres), Technical Release No. 55 (TR 55) from the United States Department of Agriculture Soil Conservation Service.
  - (c) Soil Conservation Service method outlined in United States Department of Agriculture Soil Conservation Service, Hydrology, National Engineering Handbook, Section 4, January 1971.
  - (d) Potters method, developed by the Federal Highway Administration, listed as the alternate method in the Pennsylvania Department of Transportation Design Manual (for watersheds of 0.5 square miles to 25 square miles).
  - (e) Other methods accepted by FEMA and the Caln Township Engineer.
- (7) The following method or methods are recommended for computing runoff for ungauged streams for larger drainage areas.
- (a) Method outlined in Flood Peak Frequency Design Manual, P.S.U. III, by Reich, King and White, the Pennsylvania State University, June 1971.
  - (b) United States Geological Survey method outlined in Floods in Pennsylvania: Frequency and Magnitude, by Busch and Shaw (for watersheds over 10 square miles).
  - (c) United States Geological Survey method outlined in Water Supply Paper 1672, Magnitude and Frequency of Floods in U.S. Part I-B, North Atlantic Slope Basins, New York to New York River, by Richard H. Tice (for watersheds over five square miles).
  - (d) United States Geologic Survey method outlined in Water Supply Paper 1675, Magnitude and Frequency of Floods in U.S. Part 3-A, Ohio River Basin Except Cumberland and Tennessee River Basins, by Paul R. Speer and Charles R. Gamble (for watersheds over 30 square miles).

- (e) Design criteria data referred under § **155-34F(7)(c)** and **(d)** herein extrapolated from the Water Obstruction Manual No. 45 published in 1976 by the Bureau of Water Quality Management, Pennsylvania Department of Environmental Protection.
  - (f) Other methods accepted by FEMA and the Caln Township Engineer.
- (8) Prior to the commencement of any studies to determine the district boundaries of the Floodplain Overlay District, the person, applicant or developer shall consult with the Caln Township Engineer and Zoning Officer.
- G. The data compiled for the Floodplain Overlay District, including plans and runoff computations as involved for single lot or subdivision of less than 25 acres, shall be submitted by the person, applicant or developer to the Zoning Officer for processing by the Caln Township Engineer, who shall render an opinion thereon to the Zoning Officer. The Zoning Officer shall thereupon be bound by the opinion of the Caln Township Engineer with respect to the location of the Floodplain Overlay District, but the Zoning Officer, the applicant or any person aggrieved by such determination may appeal to the Zoning Hearing Board for a review thereof. In any proceeding before the Zoning Hearing Board, the party contesting the Caln Township Engineer's determination as certified to the Zoning Officer shall have the burden of proof. Data for areas over 25 acres shall be submitted by the applicant to the Pennsylvania Department of Environmental Protection for processing, approval and permit requirements as required by that authority.
- H. No building or other structure may be erected or used and no lot may be used or occupied within the Floodplain Overlay District without full compliance with the terms of this section of the Code or any other applicable regulations of this chapter. Any land-altering activity, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or the storage of materials and equipment shall not be commenced without a zoning permit. Any modification, alteration, reconstruction or improvement of any kind that meets the definition of repetitive loss shall be undertaken only in full compliance with the provisions of this § **155-34**.  
[Amended 9-14-2006 by Ord. No. 2006-10]
- I. It is not intended by this section of the Code to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this section of the Code imposes greater restrictions, the provisions of this section of the Code shall prevail. All other ordinances inconsistent with this section of the Code are hereby repealed to the extent of the inconsistency only, and, to the extent that this section of the Code imposes greater restrictions than do other sections of this chapter, this section of the Code shall prevail. However, to the extent not inconsistent with this section of the Code, land within Floodplain Overlay District shall also be deemed to be in and subject to the district classifications shown on either the Zoning Map or the FIRM, as determined by the Zoning Officer.
- J. The degree of flood protection required by this section of the Code is considered reasonable for regulatory purposes and is based on available scientific study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes. In such instances, the areas of land and water outside the Floodplain Overlay District may be subject to flooding or flood damage. Further the permitted uses within the Floodplain Overlay District may be subject to flooding or flood damage. This section of the Code shall not create liability on the part of the Township or any officer or employee thereof for any flood damages that result from reliance on this section of the Code or any administrative decision lawfully made thereunder.
- K. Within the Floodplain Overlay District, all uses not allowed as permitted uses by right or special exception shall be prohibited.
- L. The following uses, and no others, shall be permitted by right within the Floodplain Overlay District to the

extent that they are not prohibited by any other provision of the Code and provided that they do not require structures, fill or outdoor storage of materials or equipment

- (1) Agricultural uses, such as general farming, pasture, orchard, grazing, outdoor plant nurseries, truck farming, forestry and wild crop harvesting.
- (2) Recreation uses, such as park, picnic grounds, golf course, archery, hiking and riding trails, hunting and fishing areas, game farm, fish hatchery, wildlife sanctuary, nature preserve and swimming areas.
- (3) The front, side or rear yard setbacks required for a development of any lot or tract in any zoning district wherein the portion of the lot within the flood hazard area may lie.
- (4) Permeable parking areas and roads to serve other permitted uses in the Floodplain Overlay District or where required by the regulations for any contiguous district.
- (5) Permitted uses allowing changes in the floodplain should include after-development use calculations. The Water Obstructions Act, as written in Chapter 105 of Title 25 of the Pennsylvania State Code, regulates dams, obstructions and other structures "along, across or projecting into all streams and bodies of water," as well as changes in the course, current, cross section or location of any stream in the Commonwealth of Pennsylvania. Submission of plans and calculations in accordance with Department of Environmental Protection criteria must be submitted to the Department of Environmental Protection whenever obstruction or alteration of a stream or body of water is contemplated. The Department of Environmental Protection's definition of "stream" is "all bodies or channels of conveyance of surface waters and parts thereof. The stream or watercourses need not flow constantly." All adjacent communities, FEMA and the Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse. [Amended 9-14-2006 by Ord. No. 2006-10]

M. The following uses and activities are specifically prohibited in the Floodplain Overlay District:

- (1) Sod farming.
- (2) Removal of topsoil.
- (3) Cutting or removal of trees, except necessary clearing for authorized construction and landscaping.
- (4) Outdoor storage.
- (5) Construction and maintenance of septic tanks and cesspools.
- (6) Tennis courts with fencing.
- (7) Mobile homes.
- (8) Within any floodway, as delineated on the Flood Insurance Rate Map (FIRM) of the Caln Township Flood Insurance Study, any development or activity that would result in any increase in the base flood elevation.
- (9) Hospitals.
- (10) Nursing homes.
- (11) Jails or prisons.
- (12) Production, storage and/or use of the following materials considered dangerous to human life,

including: acetone; ammonia; benzene; calcium carbide; carbon disulfide; celluloid; chlorine; hydrochloric acid; hydrocyanic acid; magnesium; nitric acid and oxides of nitrogen; petroleum products (gasoline, fuel oil and similar products); phosphorus; potassium; sodium; sulphur and sulphur products; pesticides (including insecticides, fungicides and rodenticides); radioactive substances, insofar as such substances are not otherwise regulated; and any other materials considered dangerous to human life.

- N. Any use permitted by right, conditional use and special exception within the underlying zoning district wherein the lot or parcel may lie and which is not a prohibited use as specified under § **155-34M**, shall be permitted within the Floodplain Overlay District if the Zoning Hearing Board affirmatively finds that the criteria established under this subsection are met. The burden of establishing each of the enumerated criteria shall be upon the applicant, and, in granting a special exception under the terms hereof where it appears from the testimony that the criteria may be met by the attachment and enforcement of appropriate conditions, the Zoning Hearing Board may and it shall be its duty to attach such conditions as a prerequisite for the grant of any such special exception:

[Amended 3-30-2006 by Ord. No. 2006-5; 9-14-2006 by Ord. No. 2006-10]

- (1) That there is no danger to life or property due to increased flood heights or velocities caused by any encroachment permitted by such granting of a special exception.
- (2) That there is no danger that materials may be swept onto other lands or downstream to the injury of others.
- (3) That the proposed water supply and sanitation systems are safe and adequately protected from flood and that the systems are capable of avoiding the spread of disease, contamination or unsanitary conditions when the lands are inundated to the base flood level. All public utilities and facilities, such as sewer, gas and electrical systems, shall be located and constructed to minimize or eliminate flood damages.
- (4) That the proposed use is not susceptible to flood damage when the lands are inundated to the base flood level.
- (5) That, during inundation to base flood level, there is safe and convenient access to the property for ordinary and emergency vehicles.
- (6) Within any identified floodplain area, any new construction or substantial improvement of a residential building or structure shall have the lowest floor (including basement) elevated a minimum of 1 1/2 feet above the regulatory flood elevation.
- (7) The flood-proofing requirements for nonresidential buildings and structures adhere to the following provisions:
  - (a) Within any identified floodplain area, any new construction or substantial improvement of a nonresidential building or structure shall have the lowest floor (including basement) elevated a minimum of 1 1/2 feet above the regulatory flood elevation or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.
  - (b) Any nonresidential building, structure or part thereof having a lowest floor which is not elevated to at least 1 1/2 feet above the one-hundred-year-flood elevation shall be flood-proofed in a completely or essentially dry manner in accordance with the appropriate space classification standards contained in the publication entitled "Flood-Proofing Regulations," published by the United States Army Corp. of Engineers (June 1972, as amended March 1992), or with some other

equivalent standard. All plans and specifications for such flood-proofing shall be accompanied by a statement certified by a registered professional engineer or architect, which states that the proposed design and methods of construction are in conformance with the above-referenced standards.

- (8) That the granting of a special exception will not, singularly or cumulatively with other relief granted along the same watercourse, impair Caln Township's eligibility to participate in federal flood insurance programs or render the Township or its inhabitants subject to any of the penalties or loss of federal programs by reason of the violation of the flood insurance regulation nor violate any valid rules or regulations of the Federal Emergency Management Agency promulgated with reference to the National Flood Insurance Program.
- (9) That the granting of a special exception will not permit any activity in any floodway as delineated on the Flood Insurance Rate Map (FIRM) of the Caln Township Flood Insurance Study that would result in any increase in the base flood elevation.
- (10) That the space below the lowest floor shall comply with the following standards:
- (a) Fully enclosed space below the lowest floor (including basement) is prohibited.
  - (b) Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access or incidental storage in an area other than a basement shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term "partially enclosed space" also includes crawl spaces. Designs for meeting this requirement must be certified by a registered professional engineer or architect and meet or exceed the following minimum criteria:
    - [1] A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.
    - [2] The bottom of all openings shall be no higher than one foot above grade.
    - [3] Openings may be equipped with screens, louvers, etc., or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
    - [4] Other criteria required by the Caln Township Engineer.
- (11) Anchoring.  
[Amended 9-14-2006 by Ord. No. 2006-10]
- (a) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
  - (b) All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.
  - (c) The design and construction requirements of the UCC pertaining to this subsection as referred to in 34 PA Code (Chapters 401-405 as amended) and contained in the 2003 IBC (Secs. 1605.2.2, 1605.3.1.2, 1612.4 and Appendix G501.3), the IRC (Secs. R301.1 and R323.1.1) and ASCE 24-98 (Sec. 5.6) shall be utilized.
- (12) The following minimum standards shall apply for all construction and development proposed within any identified floodplain area.  
[Added 9-14-2006 by Ord. No. 2006-10]

- (a) Fill. If fill is used, it shall:
- [1] Extend laterally at least 15 feet beyond the building line from all points;
  - [2] Consist of soil or small rock materials only - sanitary landfills shall not be permitted;
  - [3] Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
  - [4] Be no steeper than one vertical to two horizontal feet unless substantiated data justifying steeper slopes are submitted to and approved by the Building Official; and
  - [5] Be used to the extent to which it does not adversely affect adjacent properties. The provisions contained in the 2003 IBC (Sec. 1801.1 and 1803.4) shall be utilized.
- (b) Drainage facilities. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties. The provisions contained in the 2003 IBC (Appendix G401.5) shall be utilized.
- (c) Other utilities. All other utilities such as gas lines and electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- (d) Streets. The finished elevation of all new streets shall be no more than one foot below the regulatory flood elevation.
- (e) Storage. All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life, and not listed in § **155-34M(12)**, shall be stored at or above the regulatory flood elevation and/or floodproofed to the maximum extent possible.
- (f) Placement of buildings and structures. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.
- (g) Floors, walls and ceilings.
- [1] Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
  - [2] Plywood used at or below the regulatory flood elevation shall be of a marine or water-resistant variety.
  - [3] Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
  - [4] Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other water-resistant material.
  - [5] The provisions of the UCC pertaining to this subsection and referenced in the 34 PA Code (Chapters 401-405 as amended) and contained in the 2003 IBC (Secs. 801.1.3, 1403.2, 1403.4, 1403.6 and 1404.2), the 2003 IRC (Secs. R323.1.7 and R501.3) and ASCE 24-98 (Chapter **6**) shall be utilized.

## (h) Paints and adhesives.

- [1] Paints and other finishes used at or below the regulatory flood elevation shall be of marine or water-resistant quality.
- [2] Adhesives used at or below the regulatory flood elevation shall be of a marine or water-resistant variety.
- [3] All wooden components (doors, trim, cabinets, etc.) shall be finished with a marine or water-resistant paint or other finishing material.
- [4] The standards and specifications contained in 34 PA Code (Chapters 401-405, as amended), the 2003 IBC (Secs. 801.1.3, 1403.7 and Appendix G) and the 2003 IRC (Secs. R323.1.7.) shall be utilized.

## (i) Electrical components.

- [1] Electrical distribution panels shall be at least three feet above the one-hundred-year flood elevation.
- [2] Separate electrical circuits shall serve lower levels and shall be dropped from above.
- [3] The provisions pertaining to the above provisions and referenced in the UCC and 34 PA Code (Chapters 401-405) as amended and contained in the 2003 IBC (Sec. 1612.4), the IRC (Sec. R323.1.5), the 2000 IFGC (Secs. R301.5 and R1601.3.8) and ASCE 24 (Chapter 8) shall be utilized.

## (j) Equipment.

- [1] Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.
- [2] The provisions pertaining to the above provision and referenced in the UCC and 34 PA Code (Chapters 401-405), as amended and contained in the 2003 IBC (Sec. 1612.4), the 2003 IRC (Secs. R323.1.5) the 2000 IFGC (Secs. R301.5 and R1601.3.8) and ASCE 24 (Chapter 8) shall be utilized.

## (k) Fuel supply systems. All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

## O. For lands within the Floodplain Overlay District, upon filing an application for a building permit, a use and occupancy permit or special exception, whichever shall first be requested, or within such time thereafter as to permit Caln Township adequate opportunity to review the application prior to a hearing or action thereon, the applicant shall furnish 10 copies of the following material as is necessary for a complete consideration of the matter:

- (1) Plans accurately drawn to scale showing the nature, location, dimensions and elevation of the lot and elevation of the one-hundred-year flood and all existing and proposed uses; photographs where necessary or appropriate to demonstrate existing uses and vegetation; and a soil overlay showing the types and other pertinent information.

[Amended 9-14-2006 by Ord. No. 2006-10]

- (2) A series of cross sections at such intervals as may be necessary along the lot shoreline, showing the stream channel or lake or pond bottom, elevation of adjoining land areas to be occupied by the proposed uses and high-water information.
  - (3) Profile showing the slope of the bottom of the watercourse, stream, channel, lake or pond.
  - (4) Specifications for building materials and construction, flood-proofing, filling, dredging, grading, storage, water supply and sanitary facilities.
  - (5) Computation of the increase, if any, in the height of flood stages which would be anticipated up to the base flood elevation and any additional increases in elevation which would be attributable to the proposed construction.
  - (6) Elevations of the lowest floor, including basements, of any proposed structure.
  - (7) A document, certified by a registered professional engineer or architect, which states that the proposed construction has been adequately designed to withstand the base flood elevations, pressures, velocities, impacts and uplift forces and other hydrodynamic, hydrostatic and buoyancy forces associated with the base flood.
  - (8) Evidence that all other necessary governmental permits such as those required by state and federal laws have been obtained, including those required by Act 537, the Pennsylvania Sewage Facilities Act, the Dam Safety and Encroachments Act, the United States Clean Water Act and the Pennsylvania Clean Streams Act.
- P. All information filed shall be forwarded to the Caln Township Engineer for review prior to any action or hearing, and a copy of any report prepared by the Caln Township Engineer shall be forwarded in advance of the hearing to the applicant.
- Q. Upon consideration of an application under the terms of this section of the Code, the Zoning Hearing Board may attach such conditions to the granting of special exception as it deems necessary to further the purposes of this section of the Code. Among such conditions, without limitation because of specific enumeration, may be included:
- (1) Modification or flood-proofing of waste disposal and water supply facilities.
  - (2) Limitations on periods of use and operation.
  - (3) Flood-proofing measures of any nature or kind deemed necessary by the Township Engineer would prevent or lessen damage to a building located in the Floodplain Overlay District or to the safety of the occupant thereof.
  - (4) Imposition of operational controls, surety or guaranty for completion of any flood-proofing measures and deed restrictions.
  - (5) In any case where the Zoning Hearing Board shall grant a special exception to permit the erection of a structure in the flood hazard area, and it shall appear that such premises is to be offered for sale or lease, or where it shall grant a special exception to permit a change in nonconforming use of a structure already existing in the flood hazard area, and it shall appear that the premises is to be offered for sale or lease, the Zoning Hearing Board shall, for the protection of prospective purchasers and lessees, impose the following conditions:
    - (a) Require the applicant to advise prospective purchasers and/or lessees that the lot is located either entirely or partially, as the case may be, in the flood hazard area.

- (b) Require that before settlement or change in nonconforming use, as the case may be, may take place, the purchaser or lessee shall signify, in writing, that he has been advised that the premises lies partially or entirely in the flood hazard area, and a signed copy of such certifications shall be delivered to Caln Township.
- (c) Where the premises is to be conveyed, the agreement of sale shall contain the following provision:  
 "This lot is entirely (partially) within a flood hazard area as defined by the Zoning Ordinance of Caln Township, Chester County, Pennsylvania.
- (6) In any case where the Zoning Hearing Board shall grant any variance or special exception to permit the erection of a structure in the flood hazard area with a lesser standard of elevation and/or flood-proofing than that required by this section of the Code, the Zoning Hearing Board shall notify the applicant, in writing, that:
  - (a) The granting of the variance may result in increased premium rates for flood insurance.
  - (b) Such variances may increase the risks to life and property.
- (7) No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the one-hundred-year-flood elevation.
- (8) A complete record of all variance requests and related actions shall be maintained by Caln Township. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.
- R. (Reserved)
- S. (Reserved)
- T. (Reserved)
- U. (Reserved)
- V. Definitions. The following words and phrases, when used in this § **155-34**, shall have the meanings indicated in this section. If a term is used in this § **155-34** and is not defined herein, the definition in § **155-12** shall govern. In the event there is a conflict between the definitions contained in this § **155-34V** and in § **155-12**, the definitions in this § **155-34V** shall govern.  
 [Added 9-14-2006 by Ord. No. 2006-10]

#### **ACCESSORY USE OR STRUCTURE**

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

#### **BASEMENT**

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

#### **BUILDING**

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

#### **COMPLETELY DRY SPACE**

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

**DEVELOPMENT**

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

**ESSENTIALLY DRY SPACE**

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

**FEMA**

The Federal Emergency Management Agency.

**FIRM**

The Flood Insurance Rate Map prepared by FEMA which will be effective on September 29, 2006.

**FLOOD**

A temporary inundation of normally dry land areas.

**FLOODPLAIN AREA**

A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

**FLOODPROOFING**

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

**FLOODWAY**

The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this section, the floodway shall be capable of accommodating a flood of the one-hundred-year magnitude.

**HISTORIC STRUCTURE**

Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (a) By an approved state program as determined by the Secretary of the Interior; or

- (b) Directly by the Secretary of the Interior in states without approved programs.

### **IDENTIFIED FLOODPLAIN AREA**

The floodplain area specifically identified in this section as being inundated by the one-hundred-year flood.

### **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.

### **LOWEST FLOOR**

The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood-resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this section.

### **MANUFACTURED HOME**

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

### **MANUFACTURED HOME PARK**

A parcel of land under single ownership which has been planned and improved for the placement of two or more manufactured homes for nontransient use.

### **MINOR REPAIR**

The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

### **NEW CONSTRUCTION**

Structures for which the start of construction commenced on or after September 30, 1981, and includes any subsequent improvements thereto.

**ONE-HUNDRED-YEAR FLOOD**

A flood that, on the average, is likely to occur once every 100 years (i.e., that has one 1% chance of occurring each year, although the flood may occur in any year).

**PERSON**

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

**RECREATIONAL VEHICLE**

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

**REGULATORY FLOOD ELEVATION**

The one-hundred-year flood elevation, plus a freeboard safety factor of 1 1/2 feet.

**REPETITIVE LOSS**

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

**SPECIAL PERMIT**

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

**STRUCTURE**

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

**SUBDIVISION**

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

**SUBSTANTIAL DAMAGE**

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

**SUBSTANTIAL IMPROVEMENT**

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the

actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

### **UNIFORM CONSTRUCTION CODE (UCC)**

The model codes adopted state-wide by the Pennsylvania General Assembly in Act 45 of 1999 which are applicable to all construction in all municipalities whether administered by the municipality, a third party agency, or the Department of Labor and Industry. The UCC specifically adopted the International Codes Council Building, Residential, Mechanical, Plumbing and Energy Conservation Codes by name and the Fire, Fuel Gas and Existing Building Codes by reference as the construction standards applicable to construction in the Commonwealth, including construction within the floodplain. The Township opted to enforce the UCC on May 27, 2004, in Ordinance No. 2004-10 thereby adopting the current edition (which at the time was the 2003 edition) of the required codes. For coordination purposes, references to the UCC are made specifically to various sections of the International Building Code (IBC) and the International Residential Code (IRC).<sup>[1]</sup>

[1]: *Editor's Note: See Ch. 59, Building Construction, Ch. 60, Building Code, Existing, Ch. 77, Electrical Standards, Ch. 79, Energy Conservation, Ch. 83, Fire Prevention, Ch. 86, Fuel Gas Code, Ch. 98, Mechanical Standards, Ch. 114, Plumbing and Ch. 122, Residential Code for One- and Two-Family Dwellings.*

## **§ 155-35. Wetlands and Hydric Soil Overlay District.**

- A. The Wetlands and Hydric Soil Overlay District shall be a conservation overlay to the underlying zoning districts of Caln Township. The purpose and objective of the Wetlands and Hydric Soil Overlay District Overlay District is outlined as follows:
  - (1) To direct growth, development and revitalization efforts by considering environmentally sensitive land areas.
  - (2) To achieve and sustain a high quality natural resource system and to protect a natural diversity of ecosystems.
  - (3) To provide aquatic habitats, which are essential breeding, rearing and feeding grounds for many species of fish, plants and other wildlife.
  - (4) To develop a protective zone to serve as a natural filter in the removing of pollutants such as bacteria, acid and sediment from groundwater and surface water.
  - (5) To implement an effective hydrological and stormwater management program that adequately addresses surface drainage, groundwater recharge and soil erosion control measures
  - (6) To implement best management practices.
  - (7) To implement the recommendations concerning natural features, conservation management and land use, as outlined within the Caln Township Comprehensive Plan.
- B. The Wetlands and Hydric Soil Overlay District shall include the following land and water features:

- (1) All areas delineated as wetlands on the most recent National Wetlands Inventory Maps as prepared by the United States Fish and Wildlife Service.
- (2) All areas delineated as wetlands by a qualified professional or soil scientist with experience in delineating wetlands.
- (3) All areas delineated as wetlands by the United States Army Corps of Engineers, as part of a jurisdictional determination.
- (4) All areas encompassed by hydric soils, as defined and mapped by the United States Department of Agriculture, National Resources Conservation Service.
- (5) All areas encompassed by high water table soils with hydric characteristics, as defined and mapped by the United States Department of Agriculture, National Resources Conservation Service.
- (6) A map of the Wetlands and Hydric Soil Overlay District is attached as Exhibit A-3 of the appendix for reference.<sup>[1]</sup>

[Added 4-24-2008 by Ord. No. 2008-6]

[1]: *Editor's Note: Said map is included at the end of this chapter.*

- C. All uses permitted within the underlying zoning districts shall be permitted as part of the Wetlands and Hydric Soil Overlay District, provided that the land area intended to facilitate the proposed use and related site improvements has not been delineated as a wetlands area by the United States Army Corps of Engineers, the Pennsylvania Department of Environmental Protection, the Chester County Conservation District or by a qualified professional or soil scientist with experience in delineating wetlands.
- D. For all areas that have been delineated as a wetlands area, the following provisions and restrictions shall apply:  
[Amended 12-17-2007 by Ord. No. 2007-15]
- (1) If a jurisdictional determination has been approved by the United States Army Corps of Engineers, a twenty-five-foot buffer zone shall be applied to all areas that have been delineated as wetlands, as measured from the perimeter of the wetlands area. Within this twenty-five-foot buffer zone, no earth disturbance activities or improvements shall be permitted unless approved by the Zoning Hearing Board as a special exception pursuant to the provisions of this § **155-35** and § **155-171** of this chapter.
  - (2) If a jurisdictional determination has not been approved by the United States Army Corps of Engineers, a fifty-foot buffer zone shall be applied to all areas that have been delineated as wetlands, as measured from the perimeter of the wetlands area. Within this fifty-foot buffer zone, no earth disturbance activities or improvements shall be permitted unless it has been approved by the Zoning Hearing Board as a special exception pursuant to the provisions of this § **155-35** and § **155-171** of this chapter.
  - (3) The Caln Township Engineer shall review all of the plans, drawings, and documents relating to any encroachments or planned earth disturbance activities in areas delineated as wetlands, including any jurisdictional determination approved by the United States Army Corps of Engineers. and he shall report his findings to the Zoning Hearing Board and if necessary attend the zoning hearing to present his findings and recommendations.
- E. Application for special exception.  
[Added 12-17-2007 by Ord. No. 2007-15<sup>[2]</sup>]
- (1) In any instance where the Zoning Hearing Board is required to consider an application for earth disturbance activity or development as set forth in Subsection **D** above, such application shall be

authorized as a special exception pursuant and subject to the provisions of § **155-171** of this chapter.

- (2) Applications filed with the Zoning Hearing Board shall contain the basis upon which the application is sought and a description of the relief sought. Plans submitted shall be prepared by a licensed professional engineer and shall include, at a minimum, the following information:
- (a) Location of streams, creeks, watercourses, ponds, lakes and other water resources on the property to be developed.
  - (b) The plans must be drawn to scale and show the nature, location, dimensions and elevations of the lot and existing and proposed uses, together with photographs or drawings showing the existing uses and vegetation within the required buffer zone.
  - (c) Profile showing the slope of the bottom of the stream, creek, watercourse, lake, pond or other water resource, together with the elevation of the adjoining land areas that are proposed for the earth disturbance activities or development.
  - (d) Any additional information that the applicant or Township Engineer deems relevant and necessary to evaluate the special exception application.
- (3) In addition to the criteria and standards set forth in § **155-171** of this chapter, the following criteria shall be considered by the Zoning Hearing Board in rendering a decision on a special exception application:
- (a) That the application is for good and sufficient cause.
  - (b) The danger that the proposed earth disturbance activities or development will have upon the wetlands, the ecosystems and the aquatic habitats which may live in the wetlands.
  - (c) That there are no alternative locations for the proposed earth disturbance activities or development outside of the buffer zone.
  - (d) Whether any modifications to the plans or conditions of approval would achieve the purposes and objectives of Section **155-35A**.
  - (e) Whether the proposed development is consistent with the Township's Comprehensive Plan.
  - (f) Whether the strict application of the ordinance would deny the applicant a reasonable use of the property or otherwise render the property unusable or unsalable for development.
  - (g) Evidence that all other necessary governmental permits such as those required by state or federal laws have been obtained or will be obtained prior to land development approval or, in the case where land development approval is not needed, prior to building permit approval. If such permits have not been obtained, the Zoning Hearing Board may impose it as a condition of special exception approval that all permits be obtained prior to the issuance of any permit necessary for the earth disturbance.
  - (h) Such other factors as are relevant to the purposes of this chapter.

[2]: *Editor's Note: This ordinance also redesignated former Subsections E and F as Subsections F and G, respectively.*

- F. No on-lot sewage disposal system shall be located within any area of the Wetlands and Hydric Soil Overlay District.
- G. Unless otherwise required by Caln Township, a wetlands delineation shall be conducted for all areas in which earth disturbance activities or improvements are proposed within the Wetlands and Hydric Soil

Overlay District.

## § 155-36. Steep Slope Overlay District.

[Amended 9-29-2005 by Ord. No. 2005-12]

A. Purposes. The purposes of this section are to:

- (1) Promote the public health, safety and welfare by the protection of steep slope areas and by encouraging the retention of open space located and designed so as to constitute a harmonious and appropriate part of the physical development of Caln Township.
- (2) Permit only those uses of steep slope areas which are compatible with the conservation of natural conditions and natural vegetation and which maintain stable soil conditions by minimizing disturbances to vegetative ground covers and by restricting the regrading of steep slope areas.
- (3) Limit soil erosion and the resultant destruction of land, siltation of streams and damage to the property of individuals.
- (4) Protect low-lying areas from flooding by limiting the increase in stormwater runoff caused by grading of sloped areas, changes of ground cover or the erection of structures.
- (5) 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) Allow the continuing replenishment of groundwater resources and the maintenance of springs.

B. Definitions. As used in this section, the following terms shall have the meanings indicated below:

### **STEEP SLOPES**

Those areas which have a range of slope of 15% or greater but less than 20% in predevelopment condition.

### **VERY STEEP SLOPES**

Those areas which have a range of slope 20% or greater in predevelopment condition.

C. Rules for interpretation of steep slopes and very steep slopes:

- (1) The Steep Slope Overlay District is comprised of areas of steep slopes and very steep slopes, as shown on the map entitled "Topography Map of Caln Township" which is attached hereto and made a part of this chapter. Such map shall be referred to as the Steep Slope Overlay District Map. The Steep Slope Overlay District Map constitutes only a general representation of steep and very steep slopes, based on the analysis of the contours displayed on the United States Geological Survey (USGS) Quadrangles for Downingtown and Coatesville, Pennsylvania. As such, refined mapping will be required to more accurately define the district, as specified in § **155-36C(3)** below.
- (2) The Steep Slope Overlay District shall be considered as an overlay to the Caln Township Zoning Map subject to the following:
  - (a) The Steep Slope Overlay District shall have no effect on the permitted uses in the underlying zoning district, except to the extent provided for in § **155-36F**.

- (b) Should the Steep Slope Overlay District boundaries be revised as a result of 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 section.
- (3) Interpretation of district boundaries.
- (a) The Steep Slope Overlay District Map shall be used as a general guide for determining the boundaries of the district. In any application for subdivision and/or land development, the applicant shall, using two-foot contours, delineate steep slopes and very steep slopes. Further, the applicant shall use an actual field topographic survey as the source of contour information and the basis for depicting such slope categories which shall be differentiated with separate symbols and legend. However, these regulations shall only apply in the following cases:
    - [1] In the case of a subdivision and/or land development, where two-foot contours shall be shown, the representative sample of a steep slope or very steep slope shall be based on a cumulative change in grade of six feet or more. Therefore, all steep slope and very steep slope areas shall be shown, but only those occurring over three consecutive contour intervals will invoke the use restrictions herein.
  - (b) Once delineated, the mapping submitted by the applicant will be reviewed by the Township Engineer. The applicant will be required to follow all regulations of this section for those areas which reflect steep slope and very steep slope conditions as determined through the Township Engineer's review.
- D. Plan requirements for steep slopes. Where any site has located on it the existence of steep slopes or very steep slopes, the applicant shall supply the following information at the time of application for subdivision and land development approval or a building permit application:
- (1) Subdivision or development plan application. The following information shall be provided:
    - (a) A site plan of the property indicating the existing grades with contour lines at two-foot intervals and proposed grades within the areas of the proposed construction.
    - (b) A landscaping plan indicating proposed paved areas, storm drainage facilities, retaining walls and ground cover, together with trees and ornamental shrub locations.
    - (c) A soil erosion and sedimentation control plan showing how disturbed ground areas will be protected during construction and how disturbed ground areas will be permanently stabilized. All soil erosion and sedimentation control measures shall follow the requirements of the Pennsylvania Department of Environmental Protection, Erosion and Sedimentation Control Manual, latest edition.
    - (d) A plan profile and typical cross sections of the entrance drive and the proposed public street providing access to such drive.
    - (e) A plan for on-site sewage disposal facilities, if connection to a public sanitary sewer system is not contemplated.
  - (2) Building permit application. In addition to the above information, the following additional information shall be provided:
    - (a) Architectural plans, elevations and sections for all permitted buildings, structures or construction, accompanied by a drainage plan and a soil erosion and sedimentation control plan.

- (b) A statement prepared, signed and sealed by a registered architect or a licensed civil or structural engineer describing in detail the building methods to be used in overcoming foundation and other structural problems created by slope conditions, how the natural slopes and watershed will be preserved substantially undisturbed, the method proposed to prevent soil erosion, and details of how overland stormwater runoff and groundwater will be diverted away from all building areas below finished grade.
- E. Limitation of construction on steep slopes. The construction, erection and development of buildings or structures on steep slopes shall be subject to the following limitations:
- (1) The total amount of impervious surface that may be installed or maintained shall not exceed 80% of the maximum amount of impervious surface permitted in the underlying base zoning district.
  - (2) The allowable disturbance of all steep slopes on the entire tract shall be a maximum of 75%.
- F. Permitted uses on very steep slopes. The uses permitted on very steep slopes shall be limited to the following:
- (1) Open space reserved as part of a land development so long as no more than 25% of the open space has a slope greater than 25%.
  - (2) Wildlife sanctuary, woodland preserve, arboretum (exclusive of buildings or structures) and recreation areas (exclusive of buildings or structures).
  - (3) Tree farming, forestry and other agricultural uses (exclusive of buildings or structures) when conducted according to conservation measures approved by the Soil Conservation Service.
- G. Restriction of construction and uses on very steep slopes.
- (1) That portion of any site, parcel or lot that is within very steep slopes shall not be included in the calculation of net lot area, with the following limitation: very steep slopes need not be netted out in the calculation of net lot area if the minimum net lot area (without reference to steep slopes) is increased to 133% of the minimum lot size required by the underlying base zoning district regulations.
  - (2) The total amount of impervious surface that may be installed or maintained shall not exceed 70% of the maximum amount of impervious surface permitted in the underlying base zoning district. The percent of maximum impervious coverage referred to above shall be calculated on the total lot area as increased in accordance with the requirements of Subsection **G(1)** above.
  - (3) Unless permitted by special exception pursuant to Subsection **H** below, or permitted by conditional use pursuant to Subsection **L** below, there shall be no erection or construction of any building, structure, road, driveway, parking area or other similar structure or impervious surface on very steep slopes.  
[Amended 8-9-2012 by Ord. No. 2012-03]
  - (4) The allowable disturbance of all very steep slopes on the entire tract shall be a maximum of 50%.
- H. Special exception uses on very steep slopes. The following uses shall be permitted on very steep slopes by special exception when authorized by the Zoning Hearing Board, subject to the requirements of this section. In addition to the criteria contained in § **155-171**, the Zoning Hearing Board shall consider the extent to which the requested use will disrupt the stability of soils and natural vegetation and contribute to soil erosion before and after construction or installation of the permitted use. The Zoning Hearing Board shall attach such reasonable conditions as it determines necessary and reasonable in furthering the intent and purpose of this section. The uses which shall be permitted on very steep slopes by special exception shall

be as follows:

- (1) Sealed public water supply wells that have been approved by all regulatory agencies having jurisdiction.
- (2) Stormwater detention basins.
- (3) Sanitary or storm sewers that have been approved by all regulatory agencies having jurisdiction.
- (4) Access roads suitable for passage or emergency vehicles in the event of fire or accident. Such road shall be constructed only when no viable alternative for emergency access exists, provided that all requirements of applicable codes and ordinances are met, and subject to approval by all regulatory authorities having jurisdiction.
- (5) One primary road which is designed and intended to serve as an access road to a subdivision or a driveway which is designated and intended to serve as sole access to a lot therein, provided that there is no other feasible way to design access to the property without crossing very steep slopes. The criteria for construction of a public or private street or driveway on very steep slopes is as follows:
  - (a) Such street or driveway shall be proposed for construction only when no viable alternative for access exists. The burden shall be upon the applicant to show that no other alternative exists.
  - (b) The proposed road or driveway shall be placed as close to the natural contour of the land in order to minimize cutting and filling.
  - (c) The construction standards and specifications of the proposed street(s) shall comply with the standards and specifications of §§ **137-35** through **137-43** of Chapter **137** of the Caln Code (the Subdivision and Land Development Ordinance), and the construction standards and specifications of the proposed driveway(s) shall comply with the standards and specifications of the Caln Township Driveway Ordinance, Ordinance No. 2002-2, enacted on April 25, 2002.<sup>[1]</sup>  
 [1]: *Editor's Note: See Ch. 74, Driveways.*
  - (d) The proposed street shall be designed to preclude direct discharge of stormwater into a watercourse without natural filtration provided by a filtration bed and/or detention basin sized in accordance with accepted design criteria for stormwater management.
  - (e) The construction of the proposed street or driveway shall be preceded by the installation of the proposed storm drainage and soil erosion and sedimentation control measures.
  - (f) Criteria for compaction and stabilization of cutting and filling areas shall be proposed by the applicant. Such criteria shall be in accordance with acceptable engineering standards and shall be subject to approval of the Township Engineer.
- I. Nonconformities. If the imposition of the regulations set forth in this section results in any existing lot becoming nonconforming in terms of area requirements, such lot may not be subdivided but may be developed despite these regulations, provided that compliance is had with § **155-36D(1)** and **(2)**, **E** and **G(2)** and **(4)**.
- J. Standards for approval of development.
  - (1) The Board of Commissioners shall consider the following criteria before approving any uses on steep slopes and very steep slopes and the Zoning Hearing Board shall consider the following criteria before approving any of the uses which are permitted by special exception in Subsection **H** of this § **155-36** on very steep slopes:

- (a) The degree of modification proposed within the district to the topographic, soil and vegetation resources and the techniques proposed to mitigate potential environmental impacts.
  - (b) The effect the development would have on adjacent properties.
  - (c) The relationship of the proposed uses to the purposes in § **155-36A**.
- (2) The applicant shall provide evidence that:
- (a) The Steep Slope Overlay District is being proposed for development since no other alternative location is feasible or practical on the basis of access, topography or other physical design considerations.
  - (b) Earthmoving activities and vegetation removal will be conducted only to the extent necessary to accommodate proposed uses and structures and in a manner that will not cause excessive surface water runoff, soil erosion, sedimentation and unstable soil conditions. Further, it shall be demonstrated that any and all reasonable mitigation techniques and procedures will be utilized or have been considered in the preparation of the subdivision and/or land development plan.
  - (c) Proposed buildings and structures are of sound engineering design, and footings are designed in response to the site's slope, soil and bedrock characteristics and, where applicable, shall extend to stable soil and/or bedrock.
- K. Liability. Neither the approval nor the granting of any construction permit, subdivision or land development approval or site development plan involving any land governed by the provisions of this section by an officer, employee or agency of the Township or its officers, officials, employees or agencies shall create liability upon or provide a cause of action against the Township, its officers, agencies, agents or employees for any damage that may result pursuant thereto.
- L. Solar energy production facility. Notwithstanding any other limitation in this chapter, a solar energy production facility, along with its accessory uses, shall be permitted on steep and very steep slopes in the Institutional District if approved by conditional use of the Board of Commissioners and compliance with the criteria set forth in § **155-98**. Pruning and/or topping of trees located on the subject property so as to prevent shading of solar panels making up a solar energy production facility shall be permitted within the steep and very steep slopes of a solar energy production facility if approved as part of the conditional use application. In addition, an access road/driveway of a solar energy production facility shall be permitted within very steep slopes, provided that it is no more than 16 feet in width and the cumulative total length does not exceed 1,000 lineal feet.  
[Added 8-9-2012 by Ord. No. 2012-03]

## § 155-37. Woodland Protection and Management Overlay District.

- A. The Woodland Protection and Management Overlay District shall be a conservation overlay to the underlying zoning districts of Caln Township. The purpose and objective of the Woodland Protection and Management Overlay District is outlined as follows:
- (1) To protect areas classified as woodlands from inappropriate subdivision, land development and conservation management activities.
  - (2) To acknowledge that woodlands are a vital resource and provide a number of community benefits, including: minimizing erosion on areas of steep slopes and streambanks; improving groundwater

quality and quantity by filtering out pollution and sediment; providing wildlife habitats for plants and animals; providing effective stormwater management and erosion control; providing shade from direct sunlight and reduces temperatures; stabilizing adverse climate conditions by providing buffer and wind breaks; providing active and passive recreation opportunities; enhancing the scenic characteristics; and reducing air pollution by absorbing airborne pollutants.

- (3) To establish forestry and timber regulations that will effectively promote good forest stewardship, protect the rights of adjoining property owners and minimize the potential of adverse environmental impacts created by inappropriate timber harvesting.
- (4) To minimize the clear cutting of woodlands and other earth disturbance activities which may create adverse environmental and ecological impacts.
- (5) To implement the recommendations concerning natural features, conservation management and land use, as outlined within the Caln Township Comprehensive Plan.

B. The Woodland Protection and Management Overlay District shall include the following activities:

- (1) Woodland extraction and tree replacement provisions, which apply to all subdivision and land development activities, subject to § **155-37.1** of the Caln Township Code.
- (2) Forestry, timber harvesting, tree harvesting and logging regulations, which apply to all operations involved with the cutting down of trees and removal of logs from woodlands or forests for the primary purpose of sale and commercial processing into wood products, subject to § **155-37.2** of the Caln Township Code.

## § 155-37.1. Woodland extraction and replacement.

- A. Woodland extraction shall be permitted within all underlying zoning districts, provided it is conducted in a manner to facilitate all necessary site improvements, as identified on an approved subdivision plan, land development plan, erosion and sedimentation control plan and/or building permit. For the purposes of this Code, "woodland extraction" is hereby defined as the clear cutting or removal of mature trees, as measured six inches or more in caliper, to provide area for improvements on an individual lot or parcel of land, as the mature trees exist in predevelopment conditions.
- B. The following provisions shall apply to all lots or parcels, regardless of their size, whereas woodland extraction measures are proposed on at least 20% but less than 40% of the lot or parcel, as the mature trees exist in predevelopment conditions:
  - (1) The removal of mature trees and other significant vegetation shall be mitigated by the replacement of two trees per lot or parcel. At least one tree shall be considered as a street tree, with a minimum caliper of three inches and located 10 feet from the street right-of-way line. The other tree shall have a minimum caliper of three inches and be shall planted within the internal area of each lot or parcel.
  - (2) For areas designated as common open space or utility parcels, the removal of mature trees and other significant vegetation shall be mitigated by the replacement of five trees per acre. Where feasible, street trees should be incorporated into the landscaping design. All street trees shall have a minimum caliper of three inches and located at least 10 feet from the street right-of-way line. The other trees shall have a minimum caliper of three inches and be shall planted within the internal area of the common open space or unity parcel.

- (3) In order to satisfy these conditions, the applicant shall submit a landscaping plan to Caln Township for review and consideration. Unless otherwise permitted by the Caln Township Board of Commissioners as part of a subdivision or land development plan application, the landscaping plan shall be prepared by a landscape architect registered within the Commonwealth of Pennsylvania. The size, type or species, location and planting specification of the replacement trees, as well as all vegetative cover, shall be specified on the landscaping plan.
- (4) Where the provisions of this section cannot be feasibly implemented, the required replacement trees shall be planted in an area designated as common open space within the development or any parcel of land owned and maintained by Caln Township. The location of these replacement trees shall be subject to the approval by the Board of Commissioners.
- C. The following provisions shall apply to all lots or parcels, regardless of their size, whereas woodland extraction measures are proposed on at least 40% but less than 60% of the lot or parcel, as the mature trees exist in predevelopment conditions:
- (1) The removal of mature trees and other significant vegetation shall be mitigated by the replacement of three trees per lot or parcel. At least one tree shall be considered as a street tree, with a minimum caliper of three inches and located 10 feet from the street right-of-way line. The other two trees shall have a minimum caliper of three inches and be planted within the internal area of each lot or parcel.
- (2) For areas designated as common open space or utility parcels, the removal of mature trees and other significant vegetation shall be mitigated by the replacement of 10 trees per acre. Where feasible, street trees should be incorporated into the landscaping design. All street trees shall have a minimum caliper of three inches and located at least 10 feet from the street right-of-way line. The other trees shall have a minimum caliper of three inches and be planted within the internal area of the common open space or utility parcel.
- (3) In order to satisfy these conditions, the applicant shall submit a landscaping plan to Caln Township for review and consideration. Unless otherwise permitted by the Caln Township Board of Commissioners as part of a subdivision or land development plan application, the landscaping plan shall be prepared by a landscape architect registered within the Commonwealth of Pennsylvania. The size, type or species, location and planting specification of the replacement trees, as well as all vegetative cover, shall be specified on the landscaping plan.
- (4) Location of replacement trees.
- (a) Where the provisions of this section cannot be feasibly implemented, the required replacement trees shall be planted in the following locations:
- [1] In an area designated as common open space within the development.
- [2] On a parcel of land owned and maintained by Caln Township.
- [3] On a parcel of land owned and maintained by either Chester County, the Coatesville Area School District and any other public, nonprofit or conservation group willing to accept responsibility for the replacement trees.
- (b) The location of these replacement trees shall be subject to the approval by the Board of Commissioners.
- D. Unless otherwise approved by the Board of Commissioners, woodland extraction measures should not

account for the removal or clear cutting of 60% of the mature trees that are located on a lot or parcel in predevelopment conditions.

- E. If additional trees are removed or extracted for the purposes of grading or municipal improvements during the construction sequence, the applicant shall replace all such trees at a ratio of three replacement trees per each mature tree that has been incidentally timbered and/or cleared. The type and location of all such replacement trees shall be subject to the approval of the Board of Commissioners.
- F. Unless otherwise specified by the requirements of this section, all replacement trees must comply with the provisions of § 155-119 of this Code.

## § 155-37.2. Forestry, timber harvesting, tree harvesting and logging.

- A. Forestry, timber harvesting, tree harvesting and/or logging shall be permitted within all underlying zoning districts, provided it is conducted in accordance with the provisions of this section of the Caln Township Code.
- B. A permit shall be required from Caln Township for any forestry, logging, timber harvesting and/or tree harvesting activities, whereas five or more trees per acre are removed from any lot or parcels per year. It shall be unlawful for any person to engage in any forestry, timber harvesting, tree harvesting and/or logging on any lot or parcel of land within Caln Township without first submitting a forest management plan and securing the proper permits. Unless otherwise required by Caln Township, the following permit application procedures and requirements shall apply:
  - (1) A complete application and filing fee shall be submitted by the applicant or person engaged with the proposed forestry, timber harvesting, tree harvesting or logging activities, as imposed by resolution by the Board of Commissioners.
  - (2) A forest management plan of the property where the proposed forestry, timber harvesting, tree harvesting or logging activity shall occur which includes the following:
    - (a) An identification of the concerned property; the legal owners of the property; the mailing address(s) and phone number(s) of the legal property owners, operators and applicant at which they can be reached during normal business hours.
    - (b) The property's boundaries as well as the specific areas of the site on which the work is to be performed and describing existing and proposed improvements and features of the property and the area surrounding the site of the work, including topography, existing vegetation, watercourses, man-made features, the affected watersheds and other natural features.
    - (c) A topographical survey of the site depicting topographic features, both existing and proposed, at a suitable scale of no less than one inch equals 50 feet and with contour intervals of no more than two feet, prepared by a registered surveyor or registered engineer, including a boundary line survey, the location and description of vegetative cover, soil types and other pertinent existing natural or man-made features.
    - (d) A complete description of the planned forestry, timber harvesting, tree harvesting or logging operation as well as a description of the planned replanting of the lot, as prepared and submitted by an approved forester. Where no replanting is planned, a statement from the approved forester

describing the reasons why, in his opinion, the characteristics of the lot and vegetation situated thereon make natural regeneration appropriate or why such replanting is not otherwise necessary.

- (e) An analysis by the approved forester of the soil erosion likely to occur as a result of the planned forestry, timber harvesting, tree harvesting or logging operation and recommended counter-erosion measures.
  - (f) A description of the counter-erosion measures that will be utilized by the landowners.
  - (g) A drawing showing the design, construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails and landings.
  - (h) The location of protective fencing for areas which will not to be harvested.
  - (i) An estimated starting and completion date for the timber harvesting, tree harvesting or logging activities.
  - (j) The location of the proposed temporary off-street parking and loading spaces which shall accommodate the maximum number of employees of the logging, timber harvesting or tree harvesting activities during the greatest shift.
- (3) A soil erosion and sediment control plan of the property where the proposed forestry, timber harvesting, tree harvesting or logging activity shall be submitted in accordance with the provisions of Chapter **137** of the Caln Township Code.
- (4) A stormwater management plan of the property where the proposed forestry, timber harvesting, tree harvesting or logging activity shall be submitted in accordance with the stormwater management provisions of Chapter **137** of the Caln Township Code.
- (5) Complete copies of any permits or licenses, as required by federal or commonwealth laws and regulations.
- C. The requirements of this section of the Code shall be in addition to rather than in substitution of those provisions of the Caln Township Subdivision and Land Development Ordinance (Chapter **137**) relating to storm and surface drainage, grading and erosion control and stormwater management.
- D. Where applicable, a separate application shall be required for each permit. Three copies of all permit and plan documents, as referred to in this section, shall be submitted with each application, one of which, at the discretion of the Caln Township Zoning Officer or Engineer, shall be submitted to the Chester County Conservation District for review and comment.
- E. The following regulations shall apply to all forestry, timber harvesting, tree harvesting and logging operations within Caln Township:
- (1) Felling or skidding on or across any public road is prohibited without the express written consent of Caln Township or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the public road.
  - (2) No tops or slash shall be left within 25 feet of any public road right-of-way.
  - (3) All tops and slash, between 25 feet and 50 feet from a public road right-of-way or private road providing access to adjoining residential property or within 50 feet of adjoining residential property, shall be lopped to a maximum height of four feet above the surface of the ground.

- (4) No tops or slash shall be left on or across the boundary of any property adjoining the operation.
  - (5) Litter resulting from the forestry, timber harvesting, tree harvesting or logging operation shall be removed from the property at least once every seven days.
  - (6) All holes created in the course of any tree harvesting operation shall be filled to grade with soil.
  - (7) The total number of trees harvested over any three-year period may not exceed 65% of the total basal area per acre in interior areas, other than those described in this section.
  - (8) In areas within 50 feet of lot boundaries, the total number of trees harvested over any three-year period may not exceed 40% of the total basal area per acre in such area. Moreover, harvesting in these boundary areas may not be undertaken in such a manner as to concentrate most or all of the tree harvesting in portions of such boundary areas if the result thereof would be the harvesting of more than 40% of the trees in such portions.
  - (9) No timber harvesting, tree harvesting or logging operation shall occur within 100 feet of any watercourse.
  - (10) All land areas and properties which are used for timber harvesting, tree harvesting or a logging operation shall be reseeded in compliance with the forest management plan and erosion and sediment control plan required by the Caln Township Code.
  - (11) It shall be the responsibility of the landowner and operator to insure that tops and slash are appropriately disposed from the property and are not burned within the Township.
- F. The following provisions for inspections, permit fees and permit approval shall apply to all forestry, timber harvesting, tree harvesting and logging operations within Caln Township:
- (1) The Board of Commissioners shall, by resolution, establish a schedule of fees for all permit applications required by this section of the Code. The required fee shall be submitted with the application, which shall not be considered for approval until the application fee is paid.
  - (2) The Caln Township Engineer or Zoning Officer shall review the applicant's permit application, together with all plans, surveys, schedules, design criteria and other documents submitted or required to be submitted as part of the permit application procedure, together with any and all amendments thereto, and shall prepare a report of his findings and recommendations with respect to the same as he shall determine necessary prior to the issuance of any permit or permits. The cost of all such plan review and inspections shall be paid for by the applicant.
  - (3) To ensure payment of all review and inspection fees, at the time of application the applicant shall deposit with Caln Township a sum sufficient to cover the costs of such plan review, together with the cost of any inspections by the Caln Township Engineer or Zoning Officer.
  - (4) The Caln Township Engineer or Township Zoning Officer shall approve and issue all permits, and no work shall commence without the issuance of such permit approval.
- G. Any permit issued under this section may be revoked or suspended by the Caln Township Engineer or Zoning Officer after notice to the permit holder for:
- (1) Failure to comply with the terms specified by this section of the Code.
  - (2) A violation of any condition of the permit.
  - (3) Violation of any provision of this section of the Code or any other applicable law, ordinance, rule or

regulation relating to the forestry, timber harvesting, tree harvesting or logging operations.

- (4) Any conditions or activities conducted on the property which constitutes or creates a nuisance, hazard or endangers human life or the property of others.
- H. The landowner and the operator shall be responsible for repairing any damage to public or private roads caused by traffic associated with a forestry, timber harvesting, tree harvesting or logging operation. Pursuant to Title 67 Pennsylvania Code, Chapter 189, the landowner or operator shall furnish a bond in an amount determined by the Caln Township Engineer to guarantee the repair of such damages. The landowner and operator shall clean any mud or debris that is tracked onto public or private roads and shall be responsible for repairing berms, shoulders, swales and/or stormwater management facilities on public or private roads which may be damaged due to the timber harvesting, tree harvesting or logging operation. All soil and debris washed or carried onto public streets during timber harvesting, tree harvesting or logging operations shall be cleaned on a daily basis.
- I. The Caln Township Engineer, Zoning Officer or other designated professional may go upon the property where any forestry, timber harvesting, tree harvesting or logging operation is occurring to determine if the requirements of this section and of the permit, including conditions thereof, or to the plans and specifications submitted with the permit application, including modifications thereof, or to the approved runoff and erosion control plan are being followed. If Caln Township determines that the landowner or operator are not complying with permit application, supporting plans or other provisions established within this section of the Code, Caln Township shall send a written notice to the landowner, operator and applicant, which notice shall set forth the nature of corrections required and the time within which corrections shall be made. If the landowner, operator or applicant fails to comply with the notice in the time specified, the applicant shall be considered in violation of this section of the Code, in which case Caln Township is entitled to seek all appropriate remedies at law, including the penalty provisions established within the Caln Township Code.

## § 155-38. Carbonate Geology Overlay District.

- A. The Carbonate Geology Overlay District shall be a conservation overlay to the underlying zoning districts of Caln Township. The purpose and objective of the Conservation Overlay District is outlined as follows:
- (1) To identify and protect certain land and water areas in which the underlying geological formations contain limitations for subdivision and land development activity.
  - (2) To develop the provisions and safeguards for certain land and water areas which have the potential for sinkhole development, subsidence, bedrock pinnacles and groundwater infiltration and groundwater contamination.
  - (3) To protect the water resources associated with carbonate geologic formations from land use and development patterns which would threaten their quality and quantity as a result of pollution and the alteration of natural drainage patterns.
  - (4) To protect the health, safety and general welfare of the residents, property owners and business owners of Caln Township.
  - (5) To encourage the utilization of appropriate construction and land development practices.
  - (6) To implement the recommendations concerning natural features, conservation management and land use, as outlined within the Caln Township Comprehensive Plan.

- B. The Carbonate Geology Overlay District shall include limestone and dolomite formations, which are defined and illustrated within the Caln Township Comprehensive Plan and the Geological Map of Pennsylvania. These carbonate geological formations are commonly known as the Conestoga Formation (OCc), Elbrook Formation (Ce), Ledger Formation (Cl) and Vintage Formation (Cv), which are principally located through much of the central lowland areas of Caln Township.
- C. In reviewing all applications involving subdivision, land development, building and construction, Caln Township shall make its review on the basis of carbonate geological formation boundaries, as depicted within the Caln Township Comprehensive Plan, on the Geological Map of Pennsylvania and/or any other reliable geological resource.
- D. Within the Carbonate Geology Overlay District, alteration and/or development of land may be hazardous with respect to foundation stability, water seepage into basements, the safety of structures, the creation of unstable land as a result of changes in drainage and the contamination of ground and surface waters. Based upon the information available at the time of review of certain applications, the professional staff of consultants appointed by Caln Township will attempt to make reasonable judgments as to the compliance with the standards and specifications established under this section of the Code. However, under no circumstances shall the approval of any subdivision or land development plan, or its approval of any building permit, create any liability on the part of Caln Township or any officer, staff member or consultant of Caln Township for any damage that may result from an applicant's or any interested party's reliance upon the regulations of this section of the Code or any decisions made by Caln Township in the administration of such regulations.
- E. Except for those uses, structures and land subdivisions exempted from this section of the Code, no structure, land or water shall be used or developed, and no structure shall be located, extended, converted or structurally altered without full compliance with the procedures and standards set forth in this section of the Code. The following activities are exempted from these standards and procedures:
- (1) The construction and/or alternation of a single-family detached dwelling, or structure accessory thereto, on a lot held in single and separate ownership on the effective date of this chapter and a permitted on-lot sanitary sewer system to serve such dwelling.
  - (2) One below-ground tank for the storage of not more than 1,000 gallons of home heating oil intended to serve a single-family dwelling.
  - (3) Subdivisions of land containing two or fewer lots, whereas the proposed use is limited to one single-family detached dwelling per approved lot.
- F. Where interpretation is needed as to the exact location of the boundaries of the carbonate geological formations, the following procedures and requirements shall be applied:
- (1) Unless other reliable geological documentation, maps or studies are submitted to Caln Township, the geological formations as depicted within the Carbonate Geology Overlay District, the Caln Township Comprehensive Plan or Geological Map of Pennsylvania shall apply. A map of the Carbonate Geology Overlay District is attached hereto and incorporated into Appendix A, Township Maps.  
[Amended 4-24-2008 by Ord. No. 2008-6]
  - (2) Where there appears to be a conflict between a mapped boundary and actual field conditions, an initial determination of the exact boundary of the carbonate geological formations shall be made by the Caln Township Engineer or a professional consultant appointed by Caln Township based upon the information submitted by an applicant seeking subdivision or land development approval. Any applicant or person seeking such determination shall submit a geological study of the area in question or other pertinent documentation for consideration. The Caln Township Engineer or the professional

consultant appointed by Caln Township shall make a written report of the results of his determination within 60 days of such submission. A copy of this report shall be submitted to the Zoning Officer, who shall make the final determination based upon the information submitted by the applicant and the report issued by the Caln Township Engineer or the professional consultant appointed by Caln Township.

- (3) Any party aggrieved by any such determination of the Zoning Officer may appeal to the Zoning Hearing Board. The applicant or person contesting the location of the carbonate geological formations district boundary shall have the burden of proof in case of any such appeal.
- G. Unless otherwise exempted from the carbonate geological requirements of this Code, all persons or applicants seeking building, construction, subdivision and/or land development approval shall submit an environmental impact assessment (EIA) report to Caln Township for review and consideration. At a minimum, the EIA report shall be prepared in accordance with the following provisions:
- (1) Unless otherwise directed by Caln Township, the format and contents of the EIA report should be as follows:
    - (a) Statement of purpose: This section shall indicate the design standards specified by this section of the Code have been addressed and whether the applicant is attempting to demonstrate compliance or justify noncompliance with those design standards.
    - (b) Description of existing conditions: This section shall present a description of existing characteristics of the property, including geology, topography, ground and surface water hydrology, soils, vegetation and existing improvements and uses.
    - (c) Description of the proposed action: This section shall describe the proposed action, including types, locations and phasing of proposed site disturbances and construction, together with proposed future ownership and maintenance of the property and the proposed improvements. A description of the proposed action must either be included within or accompany the environmental assessment report.
    - (d) Proposed mitigation measures: This section shall describe all measures proposed by the applicant to control potential and adverse environmental impacts which may occur as a result of the proposed action and as identified by the Caln Township Engineer in his report on the application.
    - (e) List of professional and qualifications: The names, addresses, telephone numbers, resumes and qualifications of the persons directly responsible for preparing the EIA report shall be provided.
    - (f) Appendixes. Any additional information which the applicant wishes to provide may be included in one or more appendixes to the report.
  - (2) The EIA report shall include a map of the size and scale specified under Chapter **137** of the Code. The map should accurately depict the location of the property and the plan showing all proposed improvements thereon and their geographic relationship to the Carbonate Geology Overlay District. Unless otherwise approved by Caln Township, the applicant shall utilize the carbonate geological boundaries depicted within the Caln Township Comprehensive Plan or Geological Map of Pennsylvania.
  - (3) For areas proposed for grading and/or the construction of buildings, structures and/or other improvements of any kind, the EIA report shall identify and map all known or reasonably determinable data for such areas, gathered and prepared by a professional geologist or soils scientist, indicating the presence of any carbonate geological features, including, but not limited to: depressions; fissures, lineaments, faults or fracture traces; ghost lakes occurring after rainfall events; outcrops of bedrock;

seasonal high-water tables; sinkholes; lineaments; soil types and soil mottling; and springs and/or surface drainage entering the ground. All such data shall be based on field surveys and/or published data, but in either case shall be supported by an explanation of its source, including the qualifications of the individuals directly responsible for preparing such data.

- (4) As part of the EIA report, the applicant shall furnish a detailed plan prepared in accordance with the requirements of Chapter **137** indicating existing and proposed drainage conditions, the locations of existing private and public wells on adjoining properties, as well as the location and extent of all proposed uses and improvements applicable to the design standards established within this Code.
  - (5) Where required by the condition of the property, the EIA report should provide additional information which is sufficient to demonstrate that the applicant can comply with all design standards established within this section of the Code; that one or more of such standards is not applicable because of the conditions of the property or existing uses thereon; and/or that because the applicant's proposed action poses no discernible threat to land, buildings, structures and other improvements existing or proposed from any condition arising from their location in the Carbonate Geology Overlay District.
  - (6) The Caln Township Engineer or a professional consultant appointed by Caln Township shall review the EIA report and other submitted materials required by this section of the Code and shall make a site inspection of the property, having notified the applicant at least five days in advance thereof. Following such site inspection, the Caln Township Engineer shall submit a written report to the Board of Commissioners, Zoning Officer and applicant presenting his findings with respect to the applicant's compliance with the procedures and standards established within this section of the Code.
- H. No structure, land area or water body shall be used or developed, and no structure shall be located, extended, converted or structurally altered within the Carbonate Geology Overlay District unless it conforms with the following standards and regulations:
- (1) The below-ground storage of heating oil, gasoline, chemical solutions or other substances which, if released, would constitute pollutants to ground or surface waters, is prohibited. The applicant may be authorized to place a tank underground in a concrete vault, install other impervious liners and/or install monitoring devices if the Caln Township Engineer determines that there exists no probability of leakage. This limitation shall be in addition to compliance with all applicable laws and the regulations of the Pennsylvania Department of Environmental Protection (PADEP) governing such facilities.
  - (2) The use of fill containing any material which would represent a potential contamination hazard to ground or surface waters is prohibited. Prohibited materials shall include, but not necessarily be limited to, wastes identified as "hazardous" by state and federal laws and by regulations promulgated by the PADEP and the Environmental Protection Agency.
  - (3) Aboveground storage, handling, processing or disposal of toxic materials, liquid fuels or other hazardous liquids or any other substance with the potential to contaminate ground and surface waters shall be prohibited unless contained within an area having impermeable surfaces such as concrete or other impervious material under the storage and handling areas to confine and prevent groundwater contamination. Additionally, aboveground storage tanks shall comply with the requirements of any and all regulations promulgated for the Pennsylvania Storage Tank and Spill Prevention Act, Act No. 32 of 1989 (the "Act"), or any subsequent acts amending the Act or additional acts affecting the subject matter of this subsection. Underground storage tanks shall comply with all applicable federal and state laws.
  - (4) Land grading or construction of structures or other site improvements which would directly or indirectly diminish the flow of natural springs, surface waters or naturally existing underground

drainage channels is prohibited. In determining the potential adverse affect of any proposed grading, site disturbance or construction activities, the applicant shall provide the Township Engineer with geology and water table data from observation wells, test borings and other accepted sources, as deemed necessary by the Caln Township Engineer using accepted engineering practice.

- (5) The installation of individual water supply wells which would directly or indirectly affect water supply, water volume, the water table or underground aquifers, groundwater or the watershed (natural water supplies) is permitted, subject to the applicant's submission of a groundwater study sufficient to conclude that the installation of any such well shall not create an adverse impact on any of the foregoing natural water supplies and shall not result in ground subsidence or damage to any existing or proposed structures or improvements. Any water supply involving water supplied from a community well shall be prohibited in the Carbonate Area District.
  - (6) No stormwater management basin or other associated facilities shall be placed in or over the following features: sinkholes, closed depression, fracture traces, lineament, ghost lake, springs or disappearing streams (places where surface drainage enters the ground). Where necessitated by proximity to such features, basins may be required to be lined or otherwise constructed to preclude the opening of sinkholes and depressions arising as a consequence of water infiltration into carbonate formations.
  - (7) Buildings and structures proposed to be constructed within the influence of a sinkhole, closed depression, lineament, fracture trace, spring, ghost lake or disappearing stream shall be designed so as to provide adequate control and dispersal of water in order to reduce the hazard of building damage due to collapse or subsidence. All measures proposed to be used by the applicant to control adverse impacts shall be subject to the approval of the Caln Township Engineer.
  - (8) All underground sewer and water utilities, roadbeds, curbs, sidewalks and culverts proposed to be constructed and installed in areas evidencing carbonate formations shall be adequately protected from collapse, leakage and other hazards that contribute to or arise from collapse or subsidence, as required by the Caln Township Engineer or other qualified consultant.
- I. Should Caln Township find that an applicant may create a significant risk to the public's health or safety, in spite of taking all reasonable actions to minimize such risk, or should Caln Township determine that the applicant has not taken all reasonable actions to minimize such risk, the Township may deny the application in accordance with the provisions of this Code or impose reasonable conditions deemed appropriate by the Caln Township Engineer to mitigate such risks.
  - J. Following receipt of the report from the Caln Township Engineer, the Zoning Officer shall either approve the permit application, approve it with conditions or reject it, and shall do so within 45 days of submission of the permit application, unless a request to extend the time period is requested or agreed upon, in writing, by the applicant.
  - K. Where compliance with this section of the Code is required as part of an application for subdivision or land development plan approval, the decision on whether compliance has been achieved shall be made at the time of the decision on the subdivision or land development plan application.
  - L. Where the application is a part of a request for a zoning permit, the Zoning Officer shall issue no such permit until the requirements of this section of the Code and any conditions imposed upon the use of the property at the time of subdivision or land development approval are satisfied.

## § 155-39. (Reserved)

## § 155-40. (Reserved)

## § 155-41. (Reserved)

# Article VI. Special Overlay Districts

## § 155-42. Statement of intent.

- A. The purpose and objective of the Special Overlay Districts are to implement the goals, objectives and policies of the Caln Township Comprehensive Plan which pertain to land use planning and economic development. In order to strategically implement these goals, objectives and policies, the following Special Overlay Districts are hereby established:  
[Amended 10-10-2013 by Ord. No. 2013-07]
- (1) Zone 1: Lincoln Highway Overlay District.
  - (2) Zone 2: Lincoln Highway Overlay District.
  - (3) Route 30 Bypass Interchange Overlay District.
  - (4) Historical Preservation Overlay District.
  - (5) Planned Residential Development Overlay District.
- B. The Special Overlay Districts incorporated under this article include provisions to supplement and enhance the existing underlying district regulations for certain land areas and zoning districts. These supplemental regulations should not replace the existing underlying zoning district regulations. In cases where the Special Overlay Districts should overlap, the more restrictive standards shall apply.
- C. The land and water areas encompassed by the Special Overlay Districts shall be subject to the interpretation of the Zoning Officer.

## § 155-43. Lincoln Highway Overlay District

[Amended 4-24-2008 by Ord. No. 2008-6; 10-10-2013 by Ord. No. 2013-07]

- A. The Lincoln Highway Overlay District shall be a special overlay district with two zones, the boundaries of which are depicted on the Lincoln Highway Overlay District Map which is attached to this chapter as part of the appendix.<sup>[1]</sup>  
[1]: *Editor's Note: Said map is included as an attachment to this chapter.*
- B. The objectives of the Lincoln Highway Overlay District are as follows:
- (1) To encourage the reuse and redevelopment of existing buildings, structures and land within the overlay district subject to the specific design criteria and procedural requirements specified herein.

- (2) To provide incentives to property owners who own property in the overlay district when choosing to redevelop and reuse vacant commercial buildings and land within the overlay district.
- (3) To promote development of uses which will provide a sound tax base and employment opportunities for the Township.
- (4) To promote the assembly of small nonconforming or underutilized properties.
- (5) To promote development that supports the use of mass transit services.
- (6) To encourage mixed-use development with commercial businesses on the ground floor and residential uses on floors other than the ground floor.

C. All land uses permitted within the underlying zoning districts shall be permitted in the Lincoln Highway Overlay District. The following additional use shall also be permitted by conditional use of the Board of Commissioners:

- (1) Hotel complex and conference center.

D. The following area and bulk requirements shall apply to all uses in the Lincoln Highway Overlay District:

Regulation	Zone	
	1	2
Minimum net lot area	20,000 square feet	1 acre
Minimum lot width	40 feet	80 feet
Minimum front yard setback	0 feet	20 feet
Minimum side yard setback	5 feet	10 feet
Minimum rear yard setback	5 feet	5 feet
Maximum building height	60 feet	60 feet
Maximum impervious coverage	90%	80%
Maximum building coverage	80%	50%
Ratio of lot width to height	2:1	2:1

E. All uses within the Lincoln Highway Overlay District shall provide public sewer and water.

F. The following design requirements and site improvements shall apply to all uses in the Lincoln Highway Overlay District:

- (1) Landscaping. Any portion of a site which is not utilized for buildings, accessory structures, loading or parking spaces, drive aisles, sidewalks and designated storage areas shall be planted with an all-season ground cover and shall be landscaped in accordance with an overall landscape plan that is prepared in accordance with the provisions of § 155-119 and approved by the Board as part of land development.
- (2) Streetlighting. Properties in Zone 1 may install lights on the building in lieu of streetlights, subject to approval of the Board of Commissioners. Properties in Zone 2 of the overlay district shall install streetlights at consistent intervals as approved by the Board of Commissioners.
- (3) The use of joint access driveways, rear alleys to provide access to the rear of lots and shared parking shall be encouraged.

G. When redevelopment of an existing property, building or structure within the Lincoln Highway Overlay District is proposed or any new use of an existing structure or building is introduced, the Board of Commissioners may approve the following incentives or modifications of the standards that would

otherwise apply pursuant to this chapter or the Caln Township Subdivision and Land Development Ordinance.<sup>[2]</sup>

- (1) If an existing building is nonconforming with regard to height or building setbacks, the Board of Commissioners may allow the existing building to be expanded or enlarged by no more than 25% without the requirement of obtaining variance or special exception approval, provided that the nonconforming condition is not increased. (For example, if an existing building has a nonconforming front yard setback, the building may be enlarged by no more than 25%, provided the nonconforming setback is not further increased). If an existing lot is nonconforming with regard to building cover or impervious cover, the Board of Commissioners may allow an existing building to be expanded or enlarged by no more than 25% without the requirement of obtaining variance or special exception approval, provided the applicant can demonstrate to the Board of Commissioners' satisfaction that there will be no increase in stormwater runoff or other harmful or dangerous effects to Lincoln Highway or adjacent properties.
- (2) For any lot located in the overlay district which is nonconforming with respect to minimum net lot area and/or minimum lot width, the Board of Commissioners may permit the nonconforming lot to be used for any of the uses permitted in the underlying zoning district without the requirement of obtaining variance or special exception approval, provided that all other area and bulk requirements may be met and the applicant does not own any adjacent land which can be merged together with the nonconforming lot.
- (3) The Board of Commissioners may agree to reduce the total number of off-street parking spaces that would otherwise be required pursuant to Article X of this chapter for the proposed use(s), provided that the applicant demonstrates that it has provided sufficient parking for its use(s) and the proposed use(s) will utilize public transportation services or other modes of transportation for its customers and/or employees. Applicants are also encouraged to use joint parking arrangements. Off-premises parking on other lots may also be permitted to satisfy the off-street parking requirements in Article X, provided that the applicant secures an agreement with the property owner where the parking is to occur and the off-premises parking area is within 200 feet of the use(s).
- (4) Applicants may use joint off-street loading areas with other adjacent land uses, provided that the proposed loading area is within 200 feet of the use which it serves and provided that the applicant secures a written agreement from the owner of the property where the common loading area is located.
- (5) The Board of Commissioners may agree that certain area and bulk requirements that are required for the use as identified in the underlying zoning district requirements or in this section may be modified if necessary to allow the redevelopment or reuse of the lot or building, provided the applicant demonstrates that literal compliance with the area and bulk requirements makes redevelopment impracticable or creates undue hardship given the site constraints.
- (6) For any redevelopment or reuse of an existing building in the overlay district, the Board of Commissioners may waive the public facilities and open space requirements in the Township's Subdivision and Land Development Ordinance,<sup>[3]</sup> provided that the overall impervious cover on the lot is reduced after redevelopment, additional green areas are added pursuant to a landscape plan approved by the Board of Commissioners or the applicant incorporates green building techniques into its redevelopment or reuse.

[3]: *Editor's Note: See Ch.137, Subdivision and Land Development.*

[2]: *Editor's Note: See Ch.137, Subdivision and Land Development.*

## § 155-44. (Reserved)

[1]: *Editor's Note: Former § 155-44, Thorndale Station Overlay District, as amended, was repealed 10-10-2013 by Ord. No. 2013-07.*

## § 155-45. (Reserved)

[1]: *Editor's Note: Former § 155-45, Adaptive Reuse and Redevelopment Overlay District, was repealed 10-10-2013 by Ord. No. 2013-07.*

## § 155-46. Route 30 Bypass Interchange Overlay District.

- A. The Route 30 Bypass Interchange Overlay District shall be a special overlay to the underlying zoning district within Caln Township. The objectives of this Special Overlay District are outlined as follows:
- (1) To provide incentive-minded parameters to attract or expand desirable land uses, including: office and business parks; hospitals and medical campuses; hotel complex and conference centers; restaurants; medical research and laboratory centers; and higher learning institutions.  
[Amended 10-30-2008 by Ord. No. 2008-9]
  - (2) To establish enterprise zones that will provide economic benefits to the tax base while creating employment opportunities.
  - (3) To make the most efficient use of the land areas near the existing interchanges.
  - (4) To maintain a positive relationship with the local business community.
  - (5) To implement the recommendations concerning land use planning and economic development, as outlined within the Caln Township Comprehensive Plan.
- B. The Route 30 Bypass Interchange Overlay District shall be defined as all land areas within the C-2 Zoning District in Caln Township within a concentric zone as measured by a three-thousand-foot radius extending outward from the middle of the following interchanges along the Route 30 Bypass: the interchange at Reeceville Road and Fisherville Road; the interchange at Route 340 and Route 30; and the interchange at Route 322 and Route 30. The limits of the Route 30 Bypass Overlay District shall be determined by the Caln Township Zoning Officer.<sup>[1]</sup>  
[Amended 4-24-2008 by Ord. No. 2008-6; 10-30-2008 by Ord. No. 2008-9]
- [1]: *Editor's Note: A map of the Route 30 Bypass Overlay District is included as an attachment to this chapter.*
- C. All land uses permitted within the underlying zoning district, as specified within Article **IV** of this chapter, shall be permitted within the Route 30 Bypass Overlay District.
- D. The following principal uses and their accessory uses are permitted by conditional use within the Route 30 Bypass Interchange Overlay District, provided that a conditional use is granted by the Board of Commissioners; only one principal use is permitted per lot meeting the minimum and maximum dimensional requirements; the use complies with all other supplemental development and design requirements specified within the Code; and that the applicant satisfies the criteria for conditional uses set

forth in § **155-172** of the Code:

[Amended 10-30-2008 by Ord. No. 2008-9]

- (1) Office and business parks. All such uses shall be permitted, provided the proposed office and business park contains at least 10 acres of land with one acre per permitted use, and subject to the provisions of § **155-74** of the Code.
- (2) Hospitals and medical campuses. All such uses shall be permitted, provided the proposed medical campus contains at least 10 acres of land with one acre per permitted use, and subject to the provisions of § **155-75** of the Code.
- (3) Medical research and laboratory centers. All such uses shall be permitted, provided the proposed medical research and laboratory center contains at least 10 acres of land with one acre per permitted use, and subject to the provisions of § **155-75** of the Code.
- (4) Higher learning institutions and trade schools. All such uses shall be permitted, provided the proposed higher learning institution or trade school contains at least three acres per permitted use, and subject to the provisions of § **155-91A** of the Code.
- (5) Hotel complex and conference centers. All such uses shall be permitted, provided the proposed hotel complex and conference center contains at least two acres per permitted use.
- (6) Restaurants. All such uses shall be permitted, provided the proposed restaurant is either part of the permitted hotel complex/conference center; located as a separate parcel of land exceeding one acre in land area; and does not include drive-through services.
- (7) Recreational uses. All such uses shall be permitted, provided the proposed recreational use is accessory to the permitted uses described in this section of the Code as well as the requirements specified under § **155-90** of the Code.
- (8) Shopping centers or shopping malls. All such uses shall be permitted by conditional use provided that the proposed shopping center or shopping mall contains at least 20 acres of net lot area and complies with §§ **155-71** and **155-72** of the Code.
- (9) Retail business establishments with greater than 7,500 square feet of floor area but less than 15,000 square feet of floor area. All such uses shall be permitted, provided the proposed retail business establishment is part of a shopping center or shopping mall, or located on a separate lot not less than two acres in net lot area.

[Added 5-14-2009 by Ord. No. 2009-02]

- E. Unless otherwise specified by the Board of Commissioners as part of the conditional use application, all proposed uses shall be serviced by public sewage disposal facilities and public water supply facilities.
- F. The following minimum and maximum dimensional requirements shall apply to all uses within the Route 30 Bypass Overlay District.
  - (1) The minimum lot width shall be 200 feet per lot.
  - (2) The front yard setback shall be 60 feet, as measured from the ultimate right-of-way line.
  - (3) The side yard setback shall be 30 feet for each side.
  - (4) The rear yard setback shall be 50 feet.
  - (5) Each permitted use shall be located at least 100 feet from an existing lot containing an existing

residential use.

- (6) The maximum height of the buildings shall be 50 feet.
  - (7) The maximum building coverage shall be 40% of the approved lot.
  - (8) The maximum lot coverage shall be 60% of the approved lot.
- G. The following architectural and aesthetical design requirements shall be applied to all permitted uses within the Route 30 Bypass Overlay District:
- (1) Where developments contain multiple buildings and uses, the architectural appearance should be compatible or harmonious to each other.
  - (2) A landscaping plan shall be submitted to comply with the provisions of § **155-119** of the Code.
  - (3) Unless otherwise directed by the utility company providing service, all proposed utilities shall installed underground.
  - (4) Where feasible, all dumpsters shall be located in the rear yard within an enclosed fence with a lockable gate. The location of the dumpster and the specifications of the fence shall be subject to the approval of the Board of Commissioners as part of the conditional use application.
  - (5) Where feasible, streetlights should be considered and strategically located at consistent intervals. All streetlights shall have a diffused light source at the luminaries so as to avoid glare. Any parking lot lights which interfere with the location of the required sidewalk system shall be relocated. The size, type and location of the streetlights shall be subject to the approval of the Board of Commissioners.
  - (6) The total number and size of all signs within the Route 30 Bypass Overlay District should be limited to the basic needs of the use. All proposed signs shall comply with the provisions of Article **XI** of this chapter.
  - (7) Where feasible, the off-street parking spaces and loading spaces for all uses should be located along the sides or rear of the principal building. Whenever the proposed off-street parking spaces interfere with the location of the required sidewalk system, such off-street parking shall be relocated.
- H. The design requirements and site improvements listed under this section of the Code are intended to provide direction to all applicants seeking conditional use approval. Where feasible, these design requirements and site improvements shall be applied to the conditional use application as well as the subdivision and land development plan. If certain design requirements and site improvements are determined to be unwarranted based upon the existing site conditions and not for financial reasons, the Board of Commissioners may consider alternative options relative to the design and improvement of the lot or parcel.

## § 155-47. Historical Preservation Overlay District.

- A. The Historical Preservation Overlay District shall be a special overlay to the underlying zoning district within Caln Township. The objectives of this Special Overlay District are outlined as follows:
- (1) To establish a zone that emphasizes the preservation of selected areas that have historical significance.
  - (2) To implement the official policy statement for the protection and preservation of historical resources.

- (3) To establish effective historical enhancement provisions which consider provisions for buffer yards, scenic vistas, landscaping, signs and other visual enhancements.
  - (4) To promote tourism within this historical region of Chester County.
  - (5) To implement the recommendations concerning historical and cultural resources, natural features and land use planning, as outlined within the Caln Township Comprehensive Plan.
- B. The Historical Preservation Overlay District shall include the areas within Caln Township which are located between the Route 30 Bypass and the municipal boundary line of East Brandywine Township, including all of the land area between Reeceville Road and Route 322. The limits of the Historical Preservation District shall be determined by the Caln Township Zoning Officer. A map of the Historical Preservation Overlay District is attached hereto and incorporated into Appendix A, Township Maps, for reference.  
[Amended 4-24-2008 by Ord. No. 2008-6]
- C. All land uses permitted within the underlying zoning district, as specified within Article **IV** of this chapter, shall be permitted within the Historical Preservation Bypass Overlay District.
- D. As part of all future subdivision and land development applications, the following design requirements and site improvements shall be considered:
- (1) No proposed building or structure shall be located within 100 feet of a historical site which is listed on the National Register of Historical Places.
  - (2) No proposed building or structure shall be located within 50 feet of a historical site which is not listed on the National Register of Historical Places but listed as a significant historical site within the Caln Township Comprehensive Plan or as identified by the Caln Township Historical Commission.
  - (3) Where feasible, street trees and other aesthetic landscaping improvements should be incorporated into the design of the subdivision or land development plan. Unless otherwise directed by Caln Township, all proposed street trees shall be located at least 10 feet from the legal or ultimate right-of-way line, outside of the clear sight triangle for all intersections, and staggered to promote future growth. The selected street trees and landscaping materials shall comply with the provisions of § **155-119** of the Code.
  - (4) The total number and size of all signs within the Historical Preservation Overlay District should be limited to avoid clutter and to serve the basic needs of the use. All proposed signs shall comply with the provisions of Article **XI** of this chapter.
  - (5) Unless otherwise directed by the utility company providing service, all proposed utilities shall be installed underground and within a utility easement or right-of-way.
  - (6) All proposed residential uses shall consider the architectural characteristics of the existing properties within the Historical Preservation Overlay District. Where appropriate, the developer shall utilize building materials that are compatible to these existing properties.
  - (7) The proposed developments shall be designed with regard to the topographic and natural features of the site. The purpose of this provision is to insure that the natural features of the development are preserved and protected to the extent that it is not necessary to disturb the site in order to implement the criteria and standards of this Code. All natural features (lakes, streams, topsoil, knolls, basins, trees and shrubs) not proposed for disturbance as otherwise permitted by the objective standards and criteria of this Code shall be preserved and incorporated into the final landscaping and open space design of the development.

(8) The development shall be designed to preserve and incorporate scenic, natural, historical and cultural features. Where feasible, the development shall incorporate, locate and identify scenic vista points, which will remain after construction of the proposed residential dwellings, other permitted uses and related site improvements, and which will provide visual amenities to the development. The vista points may include unobstructed views looking into the development from adjacent public roads and unobstructed views within the development, each incorporating open space and/or other preserved natural features.

E. All subdivision and land development applications within the Historical Preservation Overlay District shall be submitted to the Caln Township Historical Commission <sup>[1]</sup> for review and consideration. Where appropriate, the Caln Township Historical Commission may submit written comments to the Board of Commissioners, Planning Commission and Zoning Officer.

[1]: *Editor's Note: See Ch. 19, Historical Commission.*

## § 155-48. (Reserved)

## § 155-49. (Reserved)

# Article VII. Residential Land Use and Development Requirements

## § 155-50. Statement of intent.

The intent of Article **VII** is to develop land use and development requirements for the permitted residential uses within Caln Township. The provisions of Article **VII** are intended to supplement and not replace the zoning district regulations, which are further specified under Article **IV** of this chapter.

## § 155-51. Single-family detached residential uses.

- A. Single-family detached residential units, as defined under Article **II** of this chapter, are permitted by right within Caln Township as follows:
- (1) Permitted by right within the R-1, R-2, R-3 and R-4 Districts.  
[Amended 7-25-2013 by Ord. No. 2013-05]
  - (2) Permitted as previously approved by Caln Township within the R-5 Zoning District.
- B. Unless otherwise specified by this Code, all single-family detached dwelling units shall be located on approved residential lots which comply with the minimum and maximum dimensional requirements as well as the utility provisions, which are further specified by the appropriate zoning district to which the single-family detached residential unit is located.

- C. Where required to comply with the provisions of the Caln Township Code, a subdivision plan and/or land development plan shall be submitted to Caln Township for review and consideration prior to the issuance of a building permit for a single-family-detached residential use. If a subdivision or land development plan is required, the plan shall be prepared to comply with the appropriate provisions of the Code.
- D. All typical accessory uses and structures to a single-family detached residential unit shall be permitted, provided they are located on the same lot as the single-family detached unit; they are clearly subordinate to the single-family detached residential unit; they have been properly addressed as part of the application for a building permit, subdivision plan or land development plan; and/or they comply with all other supplemental development and design requirements specified within the Code.

## § 155-52. Single family semidetached residential uses.

- A. Single-family semidetached dwelling units, as defined under Article II of this chapter, are permitted by right within the R-3 and R-4 Zoning Districts.  
[Amended 4-24-2008 by Ord. No. 2008-4; 9-27-2012 by Ord. No. 2012-07]
- B. Unless otherwise specified by this Code, all single-family semidetached dwelling units shall be located on individually approved residential lots which comply with the minimum and maximum dimensional requirements as well as the utility provisions, which are further specified by the appropriate zoning district to which the single-family semidetached residential unit is located.
- C. Unless otherwise permitted by this Code, each residential semidetached unit shall be considered as a principal use and shall be contained within a residential lot meeting the individual dimensional and utility requirements for a semidetached unit. Each residential lot shall be accurately described by bearings and distances which shall be recorded as a separate deed.
- D. The common wall separating the residential semidetached units shall be considered the common lot line as extended from the front property line to the rear property line. The side yard setback requirements shall not apply to any part of the principal residential use; however, the side yard setback requirement for all accessory buildings and/or uses should be measured at least 10 feet from the common lot line.
- E. Where required to comply with the provisions of the Caln Township Code, a subdivision plan and/or land development plan shall be submitted to Caln Township for review and consideration prior to the issuance of a building permit for a single-family semidetached residential use. If a subdivision or land development plan is required, the plan shall be prepared to comply with the appropriate provisions of Chapters **137** and **155** of the Code.
- F. All typical accessory uses and structures to a single-family semidetached residential unit shall be permitted, provided they are located on the same lot as the single-family semidetached unit; they are clearly subordinate to the single-family semidetached residential unit; they have been properly addressed as part of the application for a building permit, subdivision plan or land development plan; and/or they comply with all other supplemental development and design requirements specified within the Code.

## § 155-53. Two-family detached residential uses.

- A. Two-family detached dwelling units, as defined under Article II of this chapter, are permitted by conditional use within the R-4 Zoning District.

[Amended 4-24-2008 by Ord. No. 2008-4]

- B. Unless otherwise specified by this Code, all two-family detached dwelling units shall be located on approved residential lots which comply with the minimum and maximum dimensional requirements as well as the utility provisions, which are further specified by the appropriate zoning district to which the two-family detached residential unit is located.
- C. Unless otherwise permitted by this Code, each two-family detached residential unit which shall be contained within a residential lot meeting the dimensional requirements for two-family detached residential units shall have separate utility connections to each residential unit. Each residential lot and unit shall be accurately by described by defined parameters, which shall be recorded as a separate deed.
- D. Where required to comply with the provisions of the Caln Township Code, a subdivision plan and/or land development plan shall be submitted to Caln Township for review and consideration prior to the issuance of a building permit for a two-family detached residential use. If a subdivision or land development plan is required, the plan shall be prepared to comply with the appropriate provisions of the Code.
- E. All typical accessory uses and structures to a two-family detached residential unit shall be permitted, provided: they are located on the same lot as the two-family detached unit; they are clearly subordinate to the two-family detached residential unit; they have been properly addressed as part of the application for a building permit, subdivision plan or land development plan; and/or they comply with all other supplemental development and design requirements specified within the Code.

## § 155-54. Multifamily townhouse uses and developments.

- A. Multifamily townhouse units, as defined under Article II of this chapter, are permitted by conditional use within the R-4 and TV-1 Zoning Districts. Multifamily townhouse units are also permitted as previously approved by Caln Township within the R-5 Zoning District.
- B. All multifamily townhouse unit developments shall be designed in accordance with the following general design requirements:
  - (1) The minimum amount of land in the development shall be 25 contiguous acres. "Contiguous land area" shall be defined as a parcel of land that is owned under a single deed or parcels of land that are owned under multiple deeds, provided that the parcels of land are contiguous to each other having common deed boundaries and are not physically separated by parcels of land owned by other individuals or parties. The Board of Commissioners shall consider contiguous parcels of land that are physically separated by existing public roads, utility easements or rights-of way, streams and/or other natural features, provided that the applicant demonstrate that the multifamily townhouse unit development can be harmoniously designed.
  - (2) All of the uses contained within the development shall be served by public sanitary sewage disposal facilities. As part of the conditional use application, the applicant shall provide evidence that there are sufficient capacities to service the development in accordance with the terms specified on all pertinent municipal agreements.
  - (3) All of the uses contained within the development shall be served by public water supply facilities. As part of the conditional use application, the applicant shall provide evidence that there are sufficient capacities to service the development in accordance with the terms specified on all pertinent municipal agreements.

- (4) The maximum permitted residential density (townhouse units per gross acre) for multifamily townhouse unit developments shall not exceed 4.0 townhouse units per gross acre.
  - (5) A minimum of 50% of the gross area of the multifamily townhouse unit development shall be set aside as common open space.
- C. The multifamily townhouse unit development shall be designed to comply with the following minimum and maximum dimensional requirements:
- (1) The minimum width of a townhouse unit shall be 24 feet per unit.
  - (2) The building setback line should be established 30 feet from the right-of-way line or 40 feet from the curbline.
  - (3) The minimum building separation from other groups of townhouse units within the development shall be as follows:
    - (a) The separation shall be 40 feet when the townhouse unit groups are side to side.
    - (b) The separation shall be 50 feet when the townhouse unit groups are side to rear.
    - (c) The separation shall be 60 feet when the townhouse unit groups are rear to rear.
  - (4) All townhouse units within the development shall be located at least 50 feet from any property line or property which is not owned by the applicant in predevelopment conditions.
  - (5) The number of townhouse units, attached in a common row, shall not exceed eight attached townhouse units.
  - (6) The maximum height of a townhouse unit shall be 35 feet.
  - (7) No more than 25% of the total area of the development shall be covered by buildings.
  - (8) No more than 40% of the total area of the development shall be covered by impervious surfaces.
- D. The multifamily townhouse unit development shall be designed in accordance with following architectural, landscaping and exterior enhancement standards:
- (1) The development shall be designed with regard to the topographic and natural features of the site. The purpose of this provision is to insure that the natural features of the development are preserved and protected to the extent that it is not necessary to disturb the site in order to implement the conditional use plan utilizing the objective criteria and standards of Chapters **155** and **137** relating to the proposed housing types, street locations and required infrastructure and their intended location within the site.
  - (2) A preliminary grading plan shall be developed to identify the limits of disturbance for all municipal site improvements within the multifamily townhouse unit development, depicting the proposed location thereof in relation to lakes, ponds, streams, floodplains, wetlands, tree masses and hedgerows. Design components shall be implemented to minimize extensive earthmoving, utilizing typical planning and engineering practices.
  - (3) The applicant shall give special attention to the main entrance(s) to the multifamily development. The use of lighting, water and/or landscaping products in conjunction with a boulevard street design shall be provided and considered as a prominent feature of the development. A boulevard entrance shall be required unless otherwise approved by the Board of Commissioners as part of the conditional use

application.

- (4) A landscaping plan shall be submitted to Caln Township for consideration as part of the conditional use application. Unless otherwise permitted by the Board of Commissioners as part of the conditional use application, the applicant shall provide three new trees per townhouse unit. The trees should be a minimum caliper of three inches in caliper and shall be planted either as street trees, as part of the buffer yard or within the areas designated as common open space.
  - (5) The multifamily development shall provide a twenty-five-foot-wide buffer yard and planting screen along the property lines at the perimeter of the development tract to enhance the privacy of the adjacent property owners. The design of the landscape and planting screen shall be subject to the reasonable approval of the Board of Commissioners. The use of existing mature trees (six inches in caliper, as measured four feet from the ground) is encouraged and may be utilized as part of the required buffer yard.
  - (6) Townhouse units shall be constructed utilizing mansards, gables and/or hip roofs as part of the architectural design. The front building lines or facade of any two adjoining townhouse units shall be staggered or offset so that each townhouse unit will have a minimum horizontal separation (front to back at full height) of two feet.
  - (7) The common off-street parking areas and access drives shall be designed considering the provisions of Article **X** of this chapter as well as the following requirements:
    - (a) The parking areas shall not be designed or located to require cars to back into streets in order to leave the parking areas. All dead-end parking lots shall provide adequate areas in which emergency and commercial vehicles can safely maneuver.
    - (b) Common parking areas and access drives shall be located a minimum of 20 feet from all structures and from the exterior lot lines of the development. Common parking areas shall be a minimum of 20 feet from all street rights-of-way and exterior lot lines of the development.
    - (c) The entrance and exitways to parking areas shall have a minimum width of 12 feet for each lane of traffic entering or leaving the areas.
    - (d) Parking areas shall be designed to prevent through traffic to other parking areas. No more than 60 off-street parking spaces shall be accommodated in any one parking area. All common parking areas shall be sufficiently screened and landscaped in accordance with the standards specified under § **155-119** of this Code.
    - (e) Entrances to and exits from common parking areas shall be located a minimum of 150 feet from the point of intersection of the nearest street curblines.
  - (8) Exterior storage areas for trash and rubbish shall be completely screened from view on three sides by fencing and landscaping. All trash and rubbish shall be contained in verminproof containers.
- E. The design of the land or water areas designated as common open space shall comply with the following standards and specifications:
- (1) A minimum of 50% of the gross area of the development tract shall be set aside as common open space.
  - (2) No more than 50% of the common open space shall be located on lands within areas that are located within the one-hundred-year floodplain, areas delineated as wetlands and/or areas with a slope of 20% or greater.

[Amended 9-29-2005 by Ord. No. 2005-12]

- (3) No more than 50% of the common open space shall include land areas that are burdened by or are proposed to contain utilities easements and/or stormwater management facilities, as further described under Caln Township Code.
  - (4) The common open space shall be planned and located as a contiguous accessible area within the development. Existing and/or proposed roads may bisect the areas designated as common open space, provided a crosswalk at grade is safely designed to link the common open space areas. Planned linkages to other common open space areas within other adjacent residential developments shall be considered by the applicant as part of the conditional use application.
  - (5) Significant natural features shall be incorporated into the overall schematic of the design as common open space areas whenever possible.
  - (6) A system for pedestrian circulation throughout the development shall be provided by utilizing sidewalks and trails.
  - (7) The total land area designated to comply with the minimum open space requirements shall be comprised of areas not less than 50 feet in width and shall not contain less than one contiguous acre of land. In addition, there shall be at least one designated common area that is contiguous within the multifamily townhouse unit development containing no less than 25% of the required open space.
  - (8) For all common open spaces, satisfactory written agreements approved by the Board of Commissioners shall be executed as a declaration of easements, covenants and restrictions in perpetuity for the preservation of the common open spaces and shall be recorded with the final plan.
  - (9) The applicant shall make arrangements, provisions and/or agreements to insure that the common open space shall continue to be adequately managed and maintained. The applicant shall have the following options for ownership, management and maintenance of the common open space:
    - (a) Dedicate the land encompassing the common open space to a homeowners' association which is comprised of all the residents of the development; or
    - (b) Dedicate the land encompassing the common open space to Caln Township, who shall have the option to accept or refuse the land offered for dedication
  - (10) The provisions specified herein for common open space do not relieve the applicant of other requirements for open space and recreation, as specified with the Caln Township Code, with which the applicant shall comply.
- F. In addition to the townhouse units, the proposed multifamily development may contain the following nonresidential uses, provided they are considered as part of the conditional use application:
- (1) Office space consisting of no more than 5,000 square feet and utilized for the purposes of conducting customary business, sales, meetings and/or maintenance which are directly associated with the multifamily townhouse unit development and which are owned and operated by the developer or homeowners' association.
  - (2) Indoor recreation and/or community center consisting of no more than 10,000 square feet and utilized exclusively by the residents of the multifamily townhouse unit development.
  - (3) Active and passive recreation uses conducted on the areas designated as common open space.

## § 155-55. Apartment buildings and apartment complexes.

[Amended 9-29-2005 by Ord. No. 2005-12; 7-28-2011 by Ord. No. 2011-06; 10-10-2013 by Ord. No. 2013-07]

- A. Apartment buildings and apartment complexes are permitted by conditional use within the R-4 District. Apartment complexes are permitted by conditional use in the C-1 Highway Commercial District. Apartment buildings and apartment complexes are also permitted as previously approved by Caln Township within the R-5 Zoning District.
- B. Apartment buildings in the R-4 District shall be designed in accordance with the standards in this § **155-55B**.
- (1) There shall be a minimum contiguous land area of four gross acres.
  - (2) The apartment building shall be served by public sanitary sewage and public water supply facilities.
  - (3) There shall be a minimum of 3,000 square feet of lot area per dwelling unit.
  - (4) A minimum of 40% of the gross area of the lot shall be set aside as common open space. No more than 60% of the common open space shall be located on lands within areas that are located within the one-hundred-year floodplain, areas delineated as wetlands and/or areas with a slope of 20% or greater.
  - (5) The building setback line shall be 30 feet from the existing right-of-way line or ultimate right-of-way, whichever is greater.
  - (6) The maximum length of any apartment building shall not exceed 160 feet.
  - (7) The maximum depth of any apartment building shall not exceed 80 feet.
  - (8) All apartment buildings shall be located at least 30 feet from any side or rear property line.
  - (9) The maximum building cover shall be 25%.
  - (10) The maximum impervious cover shall be 40%.
  - (11) The maximum building height shall be 60 feet.
  - (12) The apartment building shall be designed in accordance with the following architectural, landscaping and exterior enhancement standards:
    - (a) A landscaping plan shall be submitted to the Township for consideration and approval as part of the conditional application.
    - (b) The apartment building shall provide a buffer yard and planting screen along the property lines at the perimeter of the development tract sufficient to protect the privacy of the adjacent property owners. In no instance shall the buffer yard be less than 10 feet in width when the proposed yard abuts an existing nonresidential use and no less than 25 feet in width when the yard abuts a residential use. The design of the landscaped and planting screen shall be subject to the approval of the Board of Commissioners as part of the conditional use application. The use of existing mature trees (six inches in caliper, as measured at breast height) is encouraged and may be utilized as part of the required buffer yard.
  - (13) Apartment buildings may be constructed utilizing courtyards, common porticos, mansards, gables and/or hip roofs as part of the architectural design.

- (14) The off-street parking areas and access drives shall be designed in accordance with the following provisions:
    - (a) The parking areas shall not be designed or located to require cars to back into streets in order to leave the parking areas. All dead-end parking lots shall provide adequate areas in which emergency and commercial vehicles can safely maneuver.
    - (b) Common parking areas and access drives shall be located a minimum of 20 feet from the apartment building. Common parking areas shall be a minimum of 20 feet from all street rights-of-way and exterior lot lines of the development.
    - (c) The entrance- and exitways to parking areas shall have a minimum width of 12 feet for each lane of traffic entering or leaving the areas.
    - (d) All common parking areas shall be sufficiently screened and landscaped in accordance with the standards in § 155-119 of this chapter.
    - (e) The minimum number of required number off-street parking spaces for the development shall be two spaces per dwelling unit.
    - (f) Each parking space shall have a minimum area of 162 square feet (nine feet wide by 18 feet long).
  - (15) Exterior storage areas for trash and rubbish shall be completely screened from view on three sides by fencing and landscaping. All trash and rubbish shall be contained in verminproof containers.
  - (16) The provisions specified herein for common open space do not relieve the applicant of complying with other requirements for open space and recreation as specified within the Caln Township Code.
  - (17) The development shall incorporate sidewalks or trails for pedestrian circulation.
- C. Apartment complexes in the R-4 and C-1 Districts shall be designed in accordance with the standards in this § 155-55C.
- (1) There shall be a minimum contiguous land area of 15 gross acres. "Contiguous land area" shall be defined as a parcel of land that is owned under a single deed or parcels of land that are owned under multiple deeds, provided that the parcels of land are contiguous to each other having common deed boundaries and are not physically separated by parcels of land owned by other individuals or parties. The Board of Commissioners shall consider contiguous parcels of land that are physically separated by utility easements or rights-of-way, streams and/or other natural features, provided that the applicant demonstrates that the apartment development can be harmoniously designed.
  - (2) All of the uses contained within the development shall be served by public sanitary sewage disposal facilities. As part of the conditional use application, the applicant shall provide evidence that there are sufficient public sewer capacities to service the development.
  - (3) All of the uses contained within the development shall be served by public water supply facilities. As part of the conditional use application, the applicant shall provide evidence that there are sufficient public water capacities to service the development.
  - (4) The maximum permitted residential density (apartment units per gross acre) for apartment buildings shall be 13 units per acre.
  - (5) A minimum of 40% of the gross area of the apartment development shall be set aside as common open space. No more than 60% of the common open space shall be located on lands within areas that

are located within the one-hundred-year floodplain, areas delineated as wetlands and/or areas with a slope of 20% or greater.

- (6) The total number of individual apartment units contained within a single building shall not exceed 32 apartment units.
- (7) The building setback line shall be 30 feet from the existing right-of-way line or ultimate right-of-way, whichever is greater.
- (8) The minimum building separation from other groups of apartment buildings within the development shall be as follows:
  - (a) The separation shall be 60 feet when the apartment buildings are side-to-side.
  - (b) The separation shall be 70 feet when the apartment buildings are side-to-rear.
  - (c) The separation shall be 80 feet when the apartment buildings are rear-to-rear.
- (9) The maximum length of any apartment building shall not exceed 160 feet.
- (10) The maximum depth of any apartment building shall not exceed 80 feet.
- (11) All apartment buildings shall be located at least 30 feet from any side or rear property line.
- (12) The maximum building cover shall be 25%.
- (13) The maximum impervious cover shall be 40%.
- (14) The maximum building height shall be 60 feet.
- (15) The apartment development shall be designed in accordance with the following architectural, landscaping and exterior enhancement standards:
  - (a) A landscaping plan shall be submitted to the Township for consideration and approval as part of the conditional application.
  - (b) The apartment development shall provide a buffer yard and planting screen along the property lines at the perimeter of the development tract sufficient to protect the privacy of the adjacent property owners. In no instance shall the buffer yard be less than 10 feet in width when the proposed yard abuts an existing nonresidential use and no less than 25 feet in width when the yard abuts a residential use. The design of the landscaped and planting screen shall be subject to the approval of the Board of Commissioners as part of the conditional use application. The use of existing mature trees (six inches in caliper, as measured at breast height) is encouraged and may be utilized as part of the required buffer yard.
- (16) Apartment buildings may be constructed utilizing courtyards, common porticos, mansards, gables and/or hip roofs as part of the architectural design. Where feasible, the front building lines or facades of the apartment building shall be staggered or offset.
- (17) The off-street parking areas and access drives shall be designed in accordance with the following provisions:
  - (a) The parking areas shall not be designed or located to require cars to back into streets in order to leave the parking areas. All dead-end parking lots shall provide adequate areas in which emergency and commercial vehicles can safely maneuver.

- (b) Common parking areas and access drives shall be located a minimum of 20 feet from all buildings and structures within the development. Common parking areas shall be a minimum of 20 feet from all street rights-of-way and exterior lot lines of the development.
- (c) The entrance- and exitways to parking areas shall have a minimum width of 12 feet for each lane of traffic entering or leaving the areas.
- (d) All common parking areas shall be sufficiently screened and landscaped in accordance with the standards in § **155-119** of this chapter.
- (e) The minimum number of required number off-street parking spaces for the development shall be two spaces per dwelling unit.
- (f) Each parking space shall have a minimum area of 162 square feet (nine feet wide by 18 feet long).
- (18) Exterior storage areas for trash and rubbish shall be completely screened from view on three sides by fencing and landscaping. All trash and rubbish shall be contained in verminproof containers.
- (19) The provisions specified herein for common open space do not relieve the applicant of complying with other requirements for open space and recreation as specified within the Caln Township Code.
- (20) The apartment development shall incorporate sidewalks or trails for pedestrian circulation.
- (21) In addition to the dwelling units, an apartment complex may contain the following nonresidential uses:
  - (a) Office space utilized for the purpose of conducting customary business, sales, meetings and/or maintenance which are directly associated with the apartment development.
  - (b) Indoor recreation and/or community center for use by the residents of the apartment buildings.
  - (c) Active and passive recreation uses within the open space areas of the apartment development.

## § 155-56. Residential cluster developments.

- A. The purpose of this section of the Code is to provide development and design standards for cluster developments containing single-family detached residential units. The objectives of these provisions are outlined as follows:
  - (1) To provide an optional approach to community development with provisions to permit more efficient utilization of land and of community facilities and services.
  - (2) To encourage innovative residential land development that will conserve open space and protect environmentally sensitive areas.
  - (3) To endorse smart growth techniques and conservation design practices.
  - (4) To efficiently utilize the remaining undeveloped land area within Caln Township.
  - (5) To implement the recommendations concerning natural features, conservation management, utilities, transportation, housing and land use, as outlined within the Comprehensive Plan.
- B. Residential cluster developments containing residential lots or units, as permitted by this section and as further defined under Article II of this chapter, are permitted by conditional use in the R-1, R-2, R-3 and R-4

Zoning Districts. Cluster developments are also permitted as previously approved by Caln Township within the R-5 Zoning District.

- C. All residential cluster developments shall be designed in accordance with the following general design and eligibility requirements:
- (1) The minimum amount of land in the development shall be 25 contiguous acres. "Contiguous land area" shall be defined as a parcel of land that is owned under a single deed or parcels of land that are owned under multiple deeds, provided that the parcels of land are contiguous to each other having common deed boundaries and are not physically separated by parcels of land owned by other individuals or parties. The Board of Commissioners shall consider contiguous parcels of land that are physically separated by existing public roads, utility easements or rights-of way, streams and/or other natural features, provided that the applicant demonstrate that the residential cluster development can be harmoniously designed.
  - (2) All of the uses contained within the development shall be served by public sanitary sewage disposal facilities. As part of the conditional use application, the applicant shall provide evidence that there are sufficient capacities to service the development in accordance with the terms specified on all pertinent municipal agreements.
  - (3) All of the uses contained within the development shall be served by public water supply facilities. As part of the conditional use application, the applicant shall provide evidence that there are sufficient capacities to service the development in accordance with the terms specified on all pertinent municipal agreements.
  - (4) A minimum of 50% of the gross area of the residential cluster development shall be set aside as common open space. The area designated as common open space shall comply with all provisions of this section of the Code. Where conflicts exist, the provisions of this section shall apply.
  - (5) The maximum permitted base residential density provision for the residential cluster development shall be as follows:
    - (a) One and 1/2 dwelling units per gross acre within the R-1 Zoning District.
    - (b) One and 3/4 dwelling units per gross acre within the R-2 Zoning District.
    - (c) Two dwelling units per gross acre within the R-3 Zoning District.
    - (d) Two and 1/4 dwelling units per gross acre within the R-4 Zoning District.
    - (e) For preexisting planned residential communities within the R-5 Zoning District, the residential density shall not exceed the maximum residential density specified on the approved plan.
  - (6) A density bonus of 0.1 dwelling units per gross acre may be added to the base residential density requirements for each design objective (as contained within this subsection) achieved as part of the conditional use application. The maximum permitted density bonus shall not exceed 0.5 dwelling units per gross acre. As part of the conditional use application, the Board of Commissioners may consider a density bonus for the following design objectives:
    - (a) The conditional use application provides additional consideration to on-site traffic, drainage and sanitary sewer improvements over and above what is otherwise required by ordinance, which are deemed necessary by the Caln Township Engineer to accommodate the residential density of the cluster development.

- (b) The conditional use application provides consideration for active recreation facilities on at least 10% of the land area designated as open space within the cluster development
- (c) The conditional use application provides for passive recreation, educational and/or ecological opportunities that are considered schematically planned, contiguous and/or integrated with other passive recreation areas on at least 20% of the land area designated as open space within the cluster development.
- (d) The overall development is designed as an adult or age qualified community
- (e) The conditional use application is designed with a village atmosphere with unique or enhanced architectural value, including utilizing natural building products for the building face (brick, stone or masonry products) and rooflines (mansards, gables or hip roof designs).
- (f) The conditional use application provides additional open space areas beyond the minimum requirement of 50% of the gross tract area, regardless of configuration, such that a 0.1 residential density bonus shall be incrementally applied for each additional 5% of the gross tract area that is designated as open space within the cluster development. The maximum density bonus for this provision shall not exceed 0.3 dwelling units per acre.
- (g) The conditional use site plan is designed in an environmentally sensitive fashion that results in the preservation of mature trees, woodlands, steep slopes, floodplains and wetlands, such that a minimum of 70% of the gross area designated as open space shall not be disturbed by any site improvements and/or earth disturbance activities
- (h) As part of the conditional use application, the applicant agrees to fund and complete substantial public improvements to mitigate one or more off-site impacts of the development, such as public streets and intersections, public stormwater management and water or sewer improvements identified by the Board of Commissioners as a means to significantly reduce the need for public expenditures to resolve clear public needs associated to any degree with the proposed conditional use development.

D. The following land uses shall be permitted within a residential cluster development:

- (1) Single family detached residential uses within the R-1, R-2, R-3 and R-4 Zoning Districts, subject to the following minimum and maximum development requirements:
  - (a) The minimum net lot area for each individual residential lot shall be 8,000 net square feet.
  - (b) The minimum lot width for each individual residential lot shall be 80 feet.
  - (c) The minimum front yard setback shall be 25 feet. The Board of Commissioners may allow an architectural projection of five feet into the required front yard, provided that the architectural projection is not part of the garage area for the dwelling.  
[Amended 8-10-2006 by Ord. No. 2006-9]
  - (d) The minimum side yard setback shall be 10 feet, as measured on each side.
  - (e) The minimum rear yard setback shall be 30 feet.
  - (f) The maximum building height shall be 35 feet.
  - (g) The maximum building coverage shall be 30% for each lot.
  - (h) The maximum lot coverage shall be 40% for each lot.

- (i) All proposed single-family detached residential units within the development shall be located at least 50 feet from any property line or property which is not owned by the applicant in predevelopment conditions.
- (2) Single-family semidetached uses within the R-3 and R-4 Zoning Districts, subject to the following minimum and maximum development requirements:
  - (a) The minimum lot area for each individual residential lot shall be 7,000 net square feet per residential unit.
  - (b) The minimum lot width for each individual residential lot shall be 50 feet per unit.
  - (c) The minimum front yard setback shall be 30 feet. The Board of Commissioners may allow an architectural projection of five feet into the required front yard, provided that the architectural projection is not part of the garage area for the dwelling.
  - (d) The minimum side yard setback shall be 10 feet, as measured on each side.
  - (e) The minimum rear yard setback shall be 30 feet.
  - (f) The maximum building height shall be 35 feet.
  - (g) The maximum building coverage shall be 30% for each lot.
  - (h) The maximum lot coverage shall be 40% for each lot.
  - (i) All proposed single-family semidetached residential units within the development shall be located at least 50 feet from any property line or property which is not owned by the applicant in predevelopment conditions.
  - (j) The maximum number of single-family semidetached units within a residential cluster development shall not exceed 25% of the total number of residential units within the overall development.
- (3) Townhouse units within the R-4 Zoning District, subject to the following minimum and maximum development requirements:
  - (a) The minimum width of a townhouse unit shall be 24 feet.
  - (b) The minimum front yard setback shall be 25 feet. The Board of Commissioners may allow an architectural projection of five feet into the required front yard, provided that the architectural projection is not part of the garage area for the dwelling.
  - (c) The minimum building separation from other groups of townhouse units within the development shall be as follows: the separation shall be 40 feet when the townhouse unit groups are side to side; the separation shall be 50 feet when the townhouse unit groups are side to rear; the separation shall be 60 feet when the townhouse unit groups are rear to rear.
  - (d) The number of townhouse units, attached in a common row, shall not exceed eight attached townhouse units, provided that the front building lines or facades of any two adjoining townhouse units are offset by a minimum of two feet.
  - (e) The maximum height of a townhouse unit shall be 35 feet.
  - (f) The maximum depth of a group of townhouse units shall not exceed 50 feet.

- (g) No more than 40% of the designated area for the townhouse units shall be covered by buildings.
  - (h) No more than 60% of the designated area for the townhouse units shall be covered by impervious surfaces.
  - (i) All townhouse units within the development shall be located at least 50 feet from any property line or property which is not owned by the applicant in predevelopment conditions.
  - (j) The maximum number of townhouse units within a residential cluster development shall not exceed 25% of the total number of residential units within the overall development.
- (4) Office space consisting of no more than 5,000 square feet and utilized for the purposes of conducting customary business, sales, meetings and/or maintenance which are directly associated with the residential cluster development and which are owned and operated by the developer or homeowners' association.
  - (5) Indoor recreation and/or community center consisting of no more than 10,000 square feet and utilized exclusively by the residents of the residential cluster development.
  - (6) Active and passive recreation uses conducted on the areas designated as common open space, as per the requirements specified by this section as well as those specified under § 155-90 of this Code.
  - (7) Municipal uses.
  - (8) No-impact home-based business or occupation.
  - (9) Accessory buildings, structures and uses.
- E. The residential cluster development shall be designed in accordance with the following planning and engineering considerations:
- (1) All land and water areas that are not utilized for lots, streets, utilities or other permitted uses within the cluster development shall be set aside and maintained as common open space.
  - (2) The minimum lot area required for each residential use shall not include land areas that are classified as being within the one-hundred-year floodplain, areas delineated as wetlands, areas within utility easements or rights-of-way and/or areas with a slope of 20% or greater.  
[Amended 9-29-2005 by Ord. No. 2005-12]
  - (3) The proposed residential lots and dwelling units within the residential cluster development shall not have direct access to an existing public street.
  - (4) No more than four residential dwelling units shall be permitted around the circumference of any cul-de-sac bulb or turnaround.
  - (5) No more than two segments with 200 combined linear feet of road surface, as measured along the center line of the road(s) within the residential cluster development, shall be constructed in areas of very steep slopes.  
[Amended 9-29-2005 by Ord. No. 2005-12]
  - (6) An environmental impact assessment (EIA) report shall be conducted in accordance with the procedures and requirements specified by this Code and shall be submitted with the conditional use application.
  - (7) A traffic impact study shall be conducted in accordance with the provisions of the Caln Township Code

in order to assess transportation conditions and needs. The traffic impact study shall be submitted with the conditional use application.

- (8) The applicant shall be responsible for designing, permitting and constructing at its expense all of the necessary on-site improvements that are required by the Caln Township Code to accommodate the proposed cluster development.
  - (9) In addition to the interior parking spaces within garages, each single-family detached residential lot within the cluster development shall provide a minimum of two off-street parking spaces contiguous to the garage and located no closer than five feet to the side lot line. The proposed off-street parking spaces shall not exceed a grade of 5%.
  - (10) A minimum of 2.5 off-street parking spaces shall be provided for each single-family semidetached unit and/or townhouse unit within the residential cluster development. If interior garages are proposed, each single-family semidetached lot and/or townhouse unit shall provide a minimum of one off-street parking space that is contiguous to the garage, plus 0.5 parking space per single-family semidetached unit or townhouse unit reserved for off-street overflow parking within the residential cluster development. Additional off-street parking spaces may be contiguous to a garage or located within the road right-of-way, provided such additional parking spaces are outside the required cartway width of the road and designed to be perpendicular to the cartway. The proposed off-street parking spaces shall not exceed a grade of 5%.
  - (11) The design requirements and specifications of Chapter **137** of the Caln Township Code shall be applied to the residential cluster development as part of the application for subdivision and land development plan approval.
- F. The residential cluster development shall be designed in accordance with following architectural, landscaping and exterior enhancement standards:
- (1) The residential cluster development shall be designed with regard to the topographic and natural features of the site. The purpose of this provision is to insure that the natural features of the development are preserved and protected to the extent that it is not necessary to disturb the site in order to implement the conditional use plan utilizing the objective criteria and standards of Chapters **155** and **137** relating to the proposed housing types, street locations and required infrastructure and their intended location within the site.
  - (2) The applicant shall consider the effects of seasonal temperatures, hours of sunlight, prevailing winds from adjacent land uses and/or consequences from existing zoning districts that could create adverse impacts associated with weather, noise and/or odor. As part of the conditional use application, the applicant should comply with the following criteria:
    - (a) The applicant should incorporate measures such as landscaping, buffering and screening to buffer existing land uses that may be construed as a nuisance due to noise or odor. As part of this requirement, the applicant should conduct an existing land use survey and zoning analysis to determine the extent to which such protective measures are appropriate.
    - (b) The applicant shall consider seasonal temperatures and hours of sunlight in the physical layout and design of the proposed streets within the cluster development. As part of the conditional use application, the applicant shall demonstrate that all proposed roads servicing the residential units within the cluster development shall be designed strictly in accordance with the standards specified under Chapter **137** of the Code. Design waivers concerning the internal street system shall only be considered where the applicant identifies protective measures designed to avoid traffic hazards to the general public and if those measures are endorsed by the Caln Township

## Engineer

- (3) A preliminary grading plan shall be developed to identify the limits of disturbance for all municipal site improvements within the cluster development, depicting the proposed location thereof in relation to lakes, ponds, streams, floodplains, wetlands, tree masses and hedgerows. Design components shall be implemented to minimize extensive earthmoving, utilizing typical planning and engineering practices.
- (4) The applicant shall give special attention to the main entrance(s) to the residential cluster development. The use of lighting, water and/or landscaping products in conjunction with a boulevard street design shall be provided and considered as a prominent feature of the residential cluster development. A boulevard entrance shall be required unless otherwise approved by the Board of Commissioners as part of the conditional use application.
- (5) A landscaping plan shall be submitted to Caln Township for consideration as part of the conditional use application. Unless otherwise permitted by the Board of Commissioners as part of the conditional use application, the applicant shall provide three new trees per residential unit within the residential cluster development. The trees should be a minimum caliper of three inches in caliper and shall be planted either as street trees, as part of the buffer yard or within the areas designated as common open space.
- (6) The residential cluster development shall provide a twenty-five-foot-wide buffer yard and planting screen along the property lines at the perimeter of the development tract to enhance the privacy of the adjacent property owners. The design of the landscape and planting screen shall be subject to the reasonable approval of the Board of Commissioners. The use of existing mature trees (six inches in caliper, as measured four feet from the ground) is encouraged and may be utilized as part of the required buffer yard.
- (7) The residential units within the cluster development should be designed with a village atmosphere with unique or enhanced architectural value, including utilizing natural building products for the building face (brick, stone or masonry products) and rooflines (mansards, gables or hip roof designs).
- (8) Exterior storage areas for trash and rubbish shall be completely screened from view on three sides by fencing and landscaping. All trash and rubbish shall be contained in verminproof containers.
- (9) The residential cluster development shall be designed to preserve and incorporate scenic, natural, historical and cultural features. As part of the conditional use application, the applicant shall comply with the following design requirements:
  - (a) The conditional use plan shall incorporate, locate and identify within the development scenic vista points, which will remain after construction of the proposed residential dwellings, other permitted uses and related site improvements, and which will provide visual amenities to the development. Vista points may include unobstructed views looking into the development from adjacent public roads and unobstructed views within the development, each incorporating open space and/or other preserved natural features. The number of vistas shall be dependent upon the final design of the development, the tract size and natural land features and shall be subject to the reasonable discretion of the Board based upon those factors, provided, approval shall not be withheld if the development meets the applicable objective criteria of this chapter and Chapter **137** of the Code and provision is made for a reasonable number of scenic vistas within the development based upon the foregoing factors.
  - (b) The applicant shall develop a plan to enhance each selected vista point by means of improving accessibility; creating pulpits or overlook points; providing pedestrian trails within common open space areas; establishing linkages to other recreation facilities or cultural resources within the

common open space areas; integrating and improving historical structures; and/or creating protective habitats for environmentally sensitive areas. The design of enhancements to the vista points shall be determined by the applicant and shall be subject to the approval of the Board of Commissioners.

- G. The design of the land or water areas which are to be designated as common open space shall comply with the following standards and specifications:
- (1) A minimum of 50% of the gross area of the development tract shall be set aside as common open space.
  - (2) No more than 50% of the common open space shall be located on lands within areas that are located within the one-hundred-year floodplain, areas delineated as wetlands and/or areas with a slope of 20% or greater.  
[Amended 9-29-2005 by Ord. No. 2005-12]
  - (3) No more than 50% of the common open space shall include land areas that are burdened by or are proposed to contain utilities easements and/or stormwater management facilities, as further described under Caln Township Code.
  - (4) The common open space shall be planned and located as a contiguous accessible area within the development. Existing and/or proposed roads may bisect the areas designated as common open space, provided a crosswalk at grade is safely designed to link the common open space areas. Planned linkages to other common open space areas within other adjacent residential developments shall be considered by the applicant as part of the conditional use application.
  - (5) Significant natural features shall be incorporated into the overall schematic of the design as common open space areas whenever possible.
  - (6) A system for pedestrian circulation throughout the development shall be provided by utilizing sidewalks and trails.
  - (7) The total land area designated to comply with the minimum open space requirements shall be comprised of areas not less than 50 feet in width and shall not contain less than one contiguous acre of land. In addition, there shall be at least one designated common area that is contiguous within the residential cluster developments containing no less than 25% of the required open space.
  - (8) For all common open spaces, satisfactory written agreements approved by the Board of Commissioners shall be executed as a declaration of easements, covenants and restrictions in perpetuity for the preservation of the common open spaces and shall be recorded with the final plan.
  - (9) The applicant shall make arrangements, provisions and/or agreements to insure that the common open space shall continue to be adequately managed and maintained. The applicant shall have the following options for ownership, management and maintenance of the common open space:
    - (a) Dedicate the land encompassing the common open space to a homeowners' association which is comprised of all the residents of the development; or
    - (b) Dedicate the land encompassing the common open space to Caln Township, who shall have the option to accept or refuse the land offered for dedication
  - (10) The land areas designated as common open space shall be subject to the approval of the Board of Commissioners.

- (11) The provisions specified herein for common open space do not relieve the applicant of other requirements for open space and recreation, as specified with the Caln Township Code, with which the applicant shall comply.

## § 155-57. Age qualified or continuing care retirement community.

- A. The purpose of this section of the Code is to provide development and design standards for age qualified or continuing care retirement communities containing single-family detached or townhouse residential units. The objectives of these provisions are outlined as follows:
  - (1) To provide an optional approach for senior housing and community development with provisions to permit more efficient utilization of land and of community facilities and services.
  - (2) To encourage innovative residential land development that will conserve open space and protect environmentally sensitive areas.
  - (3) To efficiently utilize the remaining undeveloped land area within Caln Township, while providing additional housing opportunities for persons over 55 years of age.
  - (4) To implement the recommendations concerning natural features, conservation management, utilities, transportation, housing and land use, as outlined within the Comprehensive Plan.
- B. Age qualified or continuing care retirement communities containing residential lots or units, as permitted under this section and further defined under Article II of this chapter, are permitted by conditional use within the R-1, R-2 and R-3 Zoning Districts. Age qualified or continuing care retirement communities are also permitted as previously approved by Caln Township within the R-5 Zoning District
- C. All age qualified or continuing care retirement communities shall be designed in accordance with the following general design and eligibility requirements:
  - (1) The minimum amount of land in the development shall be 25 contiguous acres. "Contiguous land area" shall be defined as a parcel of land that is owned under a single deed or parcels of land that are owned under multiple deeds, provided that the parcels of land are contiguous to each other having common deed boundaries and are not physically separated by parcels of land owned by other individuals or parties. The Board of Commissioners shall consider contiguous parcels of land that are physically separated by existing public roads, utility easements or rights-of way, streams and/or other natural features, provided that the applicant demonstrate that the single-family residential age qualified or continuing care retirement community can be harmoniously designed.
  - (2) All of the uses contained within the development shall be served by public sanitary sewage disposal facilities. As part of the conditional use application, the applicant shall provide evidence that there are sufficient capacities to service the development in accordance with the terms specified on all pertinent municipal agreements.
  - (3) All of the uses contained within the development shall be served by public water supply facilities. As part of the conditional use application, the applicant shall provide evidence that there are sufficient capacities to service the development in accordance with the terms specified on all pertinent municipal agreements.
  - (4) A minimum of 50% of the gross area of the age qualified or continuing care retirement community shall be set aside as common open space. The area designated as common open space shall comply

with all provisions of this section of the Code. Where conflicts exist, the provisions of this section shall apply.

(5) The maximum permitted base residential density for age qualified or continuing care retirement communities containing single-family detached residential units shall be as follows:

(a) One and 3/4 dwelling units per gross acre within the R-1 Zoning District.

(b) Two dwelling units per gross acre within the R-2 Zoning District.

(c) Two and 1/4 dwelling units per gross acre within the R-3 Zoning District.

(d) For preexisting planned residential communities within the R-5 Zoning District, the residential density shall not exceed the maximum residential density specified on the approved plan.

D. The following land uses shall be permitted uses within an age qualified or continuing care retirement community:

(1) Single family detached residential uses within the R-1, R-2 and R-3 Zoning Districts, subject to the following minimum and maximum development requirements:

(a) The minimum net lot area for each individual residential lot shall be 8,000 net square feet.

(b) The minimum lot width for each individual residential lot shall be 80 feet.

(c) The minimum front yard setback shall be 30 feet.

(d) The minimum side yard setback shall be 10 feet, as measured on each side.

(e) The minimum rear yard setback shall be 30 feet.

(f) The maximum building height shall be 35 feet.

(g) The maximum building coverage shall be 40% for each lot.

(h) The maximum lot coverage shall be 60% for each lot.

(i) All proposed single-family detached residential units within the development shall be located at least 50 feet from any property line or property which is not owned by the applicant in predevelopment conditions

(2) Townhouse units within the R-3 Zoning District, subject to the following minimum and maximum development requirements:

(a) The minimum width of a townhouse unit shall be 24 feet.

(b) The building setback line shall be 30 feet.

(c) The minimum building separation from other groups of townhouse units within the development shall be as follows: the separation shall be 40 feet when the townhouse unit groups are side to side; the separation shall be 50 feet when the townhouse unit groups are side to rear; and the separation shall be 60 feet when the townhouse unit groups are rear to rear.

(d) All townhouse units within the development shall be located at least 50 feet from any property line or property which is not owned by the applicant in predevelopment conditions.

- (e) The maximum number of townhouse units within an aged qualified or continuing care retirement community shall not exceed 50% of the total number of residential units within the overall development.
  - (f) The number of townhouse units, attached in a common row, shall not exceed eight attached townhouse units, provided that the front building lines or facades of any two adjoining townhouse units are offset by a minimum of two feet.
  - (g) The maximum height of a townhouse unit shall be 35 feet.
  - (h) No more than 40% of the designated area for the townhouse units shall be covered by buildings.
  - (i) No more than 60% of the designated area for the townhouse units shall be covered by impervious surfaces.
- (3) Office space consisting of no more than 5,000 square feet and utilized for the purposes of conducting customary business, sales, meetings and/or maintenance which are directly associated with the age qualified or continuing care retirement community and which are owned and operated by the developer or homeowners' association.
  - (4) Indoor recreation and/or community center consisting of no more than 10,000 square feet and utilized exclusively by the residents of the age qualified or continuing care retirement community.
  - (5) Active and passive recreation uses conducted on the areas designated as common open space, as per the requirements specified by this section as well as those specified under § **155-90** of this Code.
  - (6) Municipal uses.
  - (7) No-impact home-based business or occupation.
  - (8) Accessory buildings, structures and uses.
- E. The age qualified or continuing care retirement community shall be designed in accordance with the following planning and engineering considerations:
- (1) All land and water areas that are not utilized for lots, streets, utilities or other permitted uses within the age qualified or continuing care retirement community shall be set aside and maintained as common open space.
  - (2) The minimum lot area required for each residential use shall not include land areas that are classified as being within the one-hundred-year floodplain, areas delineated as wetlands, areas within utility easements or rights-of-way and/or areas with a slope of 20% or greater.  
[Amended 9-29-2005 by Ord. No. 2005-13]
  - (3) The proposed residential lots and dwelling units within the age qualified or continuing care retirement community shall not have direct access to an existing public street.
  - (4) Unless otherwise permitted by the Board of Commissioners as part of the conditional use application, no more than four residential dwelling units shall be permitted around the circumference of any cul-de-sac bulb or turnaround.
  - (5) An environmental impact assessment (EIA) report shall be conducted in accordance with the procedures and requirements specified by this Code and shall be submitted with the conditional use application.

- (6) A traffic impact study shall be conducted in accordance with the provisions of the Caln Township Code in order to assess transportation conditions and needs. The traffic impact study shall be submitted with the conditional use application.
  - (7) The applicant shall be responsible for designing, permitting and constructing at its expense all of the necessary on-site improvements that are required by the Caln Township Code to accommodate the proposed age qualified or continuing care retirement community.
  - (8) In addition to the interior parking spaces within garages, each residential lot or unit within the age qualified or continuing care retirement community shall provide a minimum of two off-street parking spaces contiguous to the garage and located no closer than five feet to the side lot line. The proposed off-street parking space shall not exceed a grade of 5%.
- F. The age qualified or continuing care retirement community shall be designed in accordance with following architectural, landscaping and exterior enhancement standards:
- (1) The age qualified or continuing care retirement community shall be designed with regard to the topographic and natural features of the site. The purpose of this provision is to insure that the natural features of the development are preserved and protected to the extent that it is not necessary to disturb the site in order to implement the conditional use plan utilizing the objective criteria and standards of Chapters **155** and **137** relating to the proposed housing types, street locations and required infrastructure and their intended location within the site.
  - (2) The applicant shall consider the effects of seasonal temperatures, hours of sunlight, prevailing winds from adjacent land uses and/or consequences from existing zoning districts that could create adverse impacts associated with weather, noise and/or odor. As part of the conditional use application, the applicant should comply with the following criteria:
    - (a) The applicant should incorporate measures such as landscaping, buffering and screening to buffer existing land uses that may be construed as a nuisance due to noise or odor. As part of this requirement, the applicant should conduct an existing land use survey and zoning analysis to determine the extent to which such protective measures are appropriate.
    - (b) The applicant shall consider seasonal temperatures and hours of sunlight in the physical layout and design of the proposed streets within the age qualified or continuing care retirement community. As part of the conditional use application, the applicant shall demonstrate that all proposed roads servicing the residential units within the age qualified or continuing care retirement community shall be designed strictly in accordance with the standards specified under Chapter **137** of the Code. Design waivers concerning the internal street system shall only be considered where the applicant identifies protective measures designed to avoid traffic hazards to the general public and if those measures are endorsed by the Caln Township Engineer
  - (3) A preliminary grading plan shall be developed to identify the limits of disturbance for all municipal site improvements within the age qualified or continuing care retirement community, depicting the proposed location thereof in relation to lakes, ponds, streams, floodplains, wetlands, tree masses and hedgerows. Design components shall be implemented to minimize extensive earthmoving, utilizing typical planning and engineering practices.
  - (4) The applicant shall give special attention to the main entrance(s) to the age qualified or continuing care retirement community. The use of lighting, water and/or landscaping products in conjunction with a boulevard street design shall be provided and considered as a prominent feature of the age qualified or continuing care retirement community. A boulevard entrance shall be required unless otherwise approved by the Board of Commissioners as part of the conditional use application.

- (5) A landscaping plan shall be submitted to Caln Township for consideration as part of the conditional use application. Unless otherwise permitted by the Board of Commissioners as part of the conditional use application, the applicant shall provide three new trees per residential unit within the age qualified or continuing care retirement community. The trees should be a minimum caliper of three inches in caliper and shall be planted either as street trees, as part of the buffer yard or within the areas designated as common open space.
  - (6) The age qualified or continuing care retirement community shall provide a twenty-five-foot-wide buffer yard and planting screen along the property lines at the perimeter of the development tract to enhance the privacy of the adjacent property owners. The design of the landscape and planting screen shall be subject to the reasonable approval of the Board of Commissioners. The use of existing mature trees (six inches in caliper, as measured four feet from the ground) is encouraged and may be utilized as part of the required buffer yard.
  - (7) The residential units within the age qualified or continuing care retirement community should be designed with a village atmosphere with unique or enhanced architectural value, including utilizing natural building products for the building face (brick, stone or masonry products) and rooflines (mansards, gables or hip roof designs).
  - (8) Exterior storage areas for trash and rubbish shall be completely screened from view on three sides by fencing and landscaping. All trash and rubbish shall be contained in verminproof containers.
  - (9) The age qualified or continuing care retirement community shall be designed to preserve and incorporate scenic, natural, historical and cultural features. As part of the conditional use application, the applicant shall comply with the following design requirements:
    - (a) The conditional use plan shall incorporate, locate and identify within the development scenic vista points, which will remain after construction of the proposed residential dwellings, other permitted uses and related site improvements, and which will provide visual amenities to the development. Vista points may include unobstructed views looking into the development from adjacent public roads and unobstructed views within the development, each incorporating open space and/or other preserved natural features. The number of vistas shall be dependent upon the final design of the development, the tract size and natural land features and shall be subject to the reasonable discretion of the Board based upon those factors, provided approval shall not be withheld if the development meets the applicable objective criteria of this chapter and Chapter **137** of the Code and provision is made for a reasonable number of scenic vistas within the development based upon the foregoing factors.
    - (b) The applicant shall develop a plan to enhance each selected vista point by means of improving accessibility; creating pulpits or overlook points; providing pedestrian trails within common open space areas; establishing linkages to other recreation facilities or cultural resources within the common open space areas; integrating and improving historical structures; and/or creating protective habitats for environmentally sensitive areas. The design of enhancements to the vista points shall be determined by the applicant and shall be subject to the approval of the Board of Commissioners.
- G. The design of the land or water areas which are to be designated as common open space shall comply with the following standards and specifications:
- (1) A minimum of 50% of the gross area of the development tract shall be set aside as common open space.

- (2) No more than 50% of the common open space shall be located on lands within areas that are located within the one-hundred-year floodplain, areas delineated as wetlands and/or areas with a slope of 20% or greater.  
[Amended 9-29-2005 by Ord. No. 2005-12]
- (3) No more than 50% of the common open space shall include land areas that are burdened by or are proposed to contain utilities easements and/or stormwater management facilities, as further described under Caln Township Code.
- (4) The common open space shall be planned and located as a contiguous accessible area within the development. Existing and/or proposed roads may bisect the areas designated as common open space, provided a crosswalk at grade is safely designed to link the common open space areas. Planned linkages to other common open space areas within other adjacent residential developments shall be considered by the applicant as part of the conditional use application.
- (5) Significant natural features shall be incorporated into the overall schematic of the design as common open space areas whenever possible.
- (6) A system for pedestrian circulation throughout the development shall be provided by utilizing sidewalks and trails.
- (7) The total land area designated to comply with the minimum open space requirements shall be comprised of areas not less than 50 feet in width and shall not contain less than one contiguous acre of land. In addition, there shall be at least one designated common area that is contiguous within the age qualified or continuing care retirement community containing no less than 25% of the required open space.
- (8) For all common open spaces, satisfactory written agreements approved by the Board of Commissioners shall be executed as a declaration of easements, covenants and restrictions in perpetuity for the preservation of the common open spaces and shall be recorded with the final plan.
- (9) The applicant shall make arrangements, provisions and/or agreements to insure that the common open space shall continue to be adequately managed and maintained. The applicant shall have the following options for ownership, management and maintenance of the common open space:
  - (a) Dedicate the land encompassing the common open space to a homeowners' association which is comprised of all the residents of the development; or
  - (b) Dedicate the land encompassing the common open space to Caln Township, who shall have the option to accept or refuse the land offered for dedication
- (10) The land areas designated as common open space shall be subject to the approval of the Board of Commissioners.
- (11) The provisions specified herein for common open space do not relieve the applicant of other requirements for open space and recreation, as specified with the Caln Township Code, with which the applicant shall comply.

## § 155-58. Group homes.

[Amended 7-25-2013 by Ord. No. 2013-05]

- A. Group homes are permitted by right in the R-1, R-2, R-3, R-4 and R-5 Districts subject to compliance with the criteria in this § **155-58**.
- B. A group home consists of a maximum of four unrelated persons occupying a dwelling unit if said occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988. Such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family as defined in this chapter.
- C. In any case where an applicant seeking a zoning permit for a group home requests a reasonable accommodation pursuant to the provisions of the Federal Fair Housing Act, a written application shall be filed with the Zoning Officer who is hereby empowered to grant such accommodation subject to the provisions of the Federal Fair Housing Act.

## § 155-59. Convalescent homes and nursing homes.

- A. Convalescent homes, nursing homes, rehabilitation centers, assisted living care facilities and/or personal care facilities, as defined under Article II of this chapter, are permitted by conditional use within the R-2, R-3, R-4, TV-1, C-1 and C-2 Zoning Districts.
- B. Unless otherwise specified by this Code, all convalescent homes, nursing homes, rehabilitation centers, assisted living care facilities and/or personal care facilities shall be located on approved lots which comply with the minimum and maximum dimensional requirements as well as the utility provisions, which are further specified by the appropriate zoning district to which the group institution is located.
- C. All convalescent homes, nursing homes, rehabilitation centers, assisted living care facilities and/or personal care facilities shall be designed in accordance with the following general standards and requirements:
  - (1) The facility shall be licensed or sanctioned by the Commonwealth of Pennsylvania.
  - (2) The facility is operated by a qualified staff consisting of licensed physicians, psychologists, counselors, social workers, nurses and/or therapists who are available to serve the special needs of the residents or patients who reside at the facility.
  - (3) The owner or sponsoring agency of the facility shall provide documentation to the Zoning Officer and Code Enforcement Officer that all building, fire, plumbing, heating, electrical and similar facilities meet the standards established by the Caln Township Code and by the Commonwealth of Pennsylvania.
  - (4) At least one supervisor at the facility shall be on call 24 hours per day, seven days per week.
  - (5) The facility shall provide suitable areas for off-street parking spaces, loading spaces, fire lanes and emergency vehicles.
  - (6) Where appropriate, a twenty-five-foot-wide buffer yard and planting screen along the property lines at the perimeter of the facility to enhance the privacy of the adjacent property owners. The design of the landscape and planting screen shall be subject to the reasonable approval of the Board of Commissioners.
  - (7) Active and passive recreation facilities may be permitted, provided that the uses are considered subordinate to the principal use.
  - (8) An emergency management plan must be developed in the event of a catastrophic event resulting from flooding, fire, snow, ice, earthquake, utility outage or other catastrophic event. The emergency

management plan should be submitted to the Caln Township Emergency Management Coordinator for review and consideration prior to the issuance of the use and occupancy permit. The owner of the facility shall provide a copy of the emergency management plan to the tenants of the convalescent home, nursing home, rehabilitation centers, assisted living care facility and/or personal care facility.

- D. As part of the conditional use application, the Board of Commissioners may impose other requirements deemed necessary or appropriate.
- E. Where required to comply with the provisions of the Caln Township Code, a subdivision plan and/or land development plan shall be submitted to Caln Township for review and consideration prior to the issuance of a building permit for the convalescent home, nursing home, rehabilitation center, assisted living care facility and/or personal care facility. The subdivision or land development plan shall be prepared to comply with the appropriate provisions of Chapters **137** and **155**.
- F. All convalescent homes, nursing homes, rehabilitation centers, assisted living care facilities and/or personal care facilities shall be subject to an annual inspection by the Caln Township Zoning Officer and Code Enforcement Officer.

## § 155-60. Tourist, bed-and-breakfast, rooming or boarding house.

- A. Tourist, bed-and-breakfast, rooming or boarding houses, as defined under Article **II** of this chapter, are permitted by special exception within the R-1, R-2 and TV-1 Zoning Districts.
- B. All tourist or bed-and-breakfast establishments shall be designed in accordance with the following general design requirements:
  - (1) A tourist or bed-and-breakfast establishment shall be contained within a single-family detached, owner-occupied dwelling unit. The principal use shall remain that of a single-family detached residential dwelling unit.
  - (2) Unless otherwise specified by this Code, all tourist or bed-and-breakfast establishments shall be located on approved lots which comply with the minimum and maximum dimensional requirements as well as the utility provisions, which are further specified by the appropriate zoning district to which the tourist or bed-and-breakfast establishment is located.
  - (3) The owner of the rooming or boarding house shall be a permanent resident of the establishment.
  - (4) A tourist or bed-and-breakfast establishments shall not have more than five rental units and shall not house more than 10 guests.
  - (5) The principal residential use or single-family dwelling shall contain complete sanitary sewage disposal services, washing and bathing facilities and a central kitchen with complete cooking facilities to accommodate the occupants plus all of the guests. No cooking facilities of any kind shall be permitted in any rental units.
  - (6) The applicant shall provide documentation to the Zoning Hearing Board, Zoning Officer and Code Enforcement Officer that all plumbing, heating, electrical, sanitary sewage disposal, water supply, storm sewer and similar facilities comply with all applicable ordinances, regulations and laws of Caln Township, Chester County and/or the Commonwealth of Pennsylvania.
  - (7) Meals shall only be offered only to registered overnight guests.

- (8) A minimum of one off-street parking space shall be required for each permanent occupant of the house, plus one space for each of the rental units. The proposed off-street parking spaces shall be located at least 25 feet from all property lines and shall comply with the design requirements specified by this Code. The off-street parking spaces shall be screened from the roadways and other adjacent properties with suitable landscaping materials.
  - (9) All external amenities provided for the guests, including swimming pools, whirlpool spas, tennis courts, gazebos, entertainment areas and other common facilities shall be located at least 50 feet from all property lines.
  - (10) Nonresident employees shall be limited to two employees.
  - (11) A single decorative on-site sign, measuring four square feet per side, shall be permitted for the rooming or boarding house establishment. The proposed sign shall be subject to all other requirements specified by the Code.
  - (12) An emergency management plan must be developed in the event of a catastrophic event resulting from flooding, fire, snow, ice, earthquake, utility outage or other catastrophic event. The emergency management plan should be submitted to the Caln Township Emergency Management Coordinator for review and consideration prior to the issuance of the use and occupancy permit. The resident owner shall provide a copy of the emergency management plan in each rental unit as well as the front desk.
  - (13) The resident owner shall maintain a guest register list which shall include the names, addresses and length of stay of all guests.
  - (14) The length of stay for any guest at a rooming or boarding house establishment shall not exceed 10 consecutive days.
- C. All rooming or boarding house establishments shall be designed in accordance with the following general design requirements:
- (1) A rooming or boarding house establishments shall be contained within a single-family detached, owner-occupied dwelling unit. The principal use shall remain that of a single-family detached residential dwelling unit.
  - (2) Unless otherwise specified by this Code, all rooming or boarding house establishments shall be located on approved lots which comply with the minimum and maximum dimensional requirements as well as the utility provisions, which are further specified by the appropriate zoning district to which the rooming or boarding house establishments is located.
  - (3) The owner of the rooming or boarding house shall be a permanent resident of the establishment.
  - (4) The minimum land area required to facilitate rooming or boarding house shall be equal or exceed the provisions for a single-family dwelling unit for the zoning district to which the use is located.
  - (5) A rooming or boarding house establishment shall not have more than four rental units and shall not house more than five unrelated occupants.
  - (6) The principal residential use or single-family dwelling shall contain complete sanitary sewage disposal services, washing and bathing facilities and a central kitchen with complete cooking facilities to accommodate the occupants. No cooking facilities of any kind shall be permitted in any rental units.
  - (7) The applicant shall provide documentation to the Zoning Hearing Board, Zoning Officer and Code Enforcement Officer that all plumbing, heating, electrical, sanitary sewage disposal, water supply,

storm sewer and similar facilities comply with all applicable ordinances, regulations and laws of Caln Township, Chester County and/or the Commonwealth of Pennsylvania.

- (8) A minimum of two off-street parking spaces shall be required for the single-family dwelling, plus one space for each of the rental units. The proposed off-street parking spaces shall comply with the design requirements specified by this Code.
  - (9) No signs shall be permitted to advertise or identify the location of a rooming or boarding house.
  - (10) The resident owner shall maintain a guest register list which shall include the names, addresses and length of stay of all guests.
- D. All tourist, bed-and-breakfast, rooming or boarding houses shall be subject to an annual inspection by the Caln Township Zoning Officer and/or Code Enforcement Officer.

## § 155-61. Mobile home parks.

- A. Mobile home parks, as defined under Article II of this chapter, are permitted by special exception within the I-1 Zoning District.
- B. All mobile home parks shall be designed in accordance with the following design and eligibility requirements:
- (1) The mobile home park shall consist of a minimum contiguous land area of 20 acres. "Contiguous land area" shall be defined as a parcel of land that is owned under a single deed or parcels of land that are owned under multiple deeds, provided that the parcels of land are contiguous to each other having common deed boundaries and are not physically separated by parcels of land owned by other individuals or parties. The Zoning Hearing Board shall consider parcels of land that are physically separated by existing public roads, utility easements or rights-of way, streams and/or other natural features, provided that the applicant demonstrates that the mobile home park can be harmoniously designed.
  - (2) The mobile home park shall be served by public sewage disposal and water supply facilities.
  - (3) A minimum of 40% of the land area within the mobile home park shall be set aside as common open space. The location, character, management and utilization of the common open space shall comply with all applicable specifications concerning open space.
  - (4) The mobile home park shall be designed with regard to the topographic and natural features of the site. All natural features (lakes, streams, topsoil, knolls, basins, trees and shrubs) should be preserved and incorporated into the final landscaping whenever possible. The finished topography shall adequately facilitate the mobile home park without excessive earthmoving and neglect for the natural amenities.
  - (5) The mobile home park shall not exceed eight dwelling units per gross acre.
- C. The mobile homes located within the mobile home park shall be located on individual lots or lease areas and shall be designed to comply with the following dimensional requirements:
- (1) The minimum net lot area or net lease area for each individual mobile home shall be 2,500 square feet.
  - (2) The minimum lot width for each individual mobile home lot or lease area shall be 40 feet.

- (3) The minimum front yard setback shall be 20 feet.
- (4) The minimum side yard setback shall be 10 feet, as measured on each side.
- (5) The minimum rear yard setback shall be 20 feet.
- (6) The maximum lot coverage shall be 70% for each lot or lease area.
- (7) All proposed mobile homes within the mobile home park shall be located at least 50 feet from any property line or property which is not owned by the applicant in predevelopment conditions.
- (8) No structure shall be constructed on or within 50 feet of any features designated as part of the Conservation Overlay Districts identified under Article V of this chapter.
- (9) No more than one mobile home shall be placed on a mobile home lot or lease area, and such mobile home shall be occupied by not more than one single family.
- (10) Unless otherwise specified by this Code, the minimum separation distance for mobile homes shall be 20 feet.

D. All mobile home parks shall be subject to the following development and procedural requirements:

- (1) The mobile home park shall provide an evergreen planting screen at least 20 feet in depth along the property line at the periphery of the development to protect the privacy of adjacent residents.
- (2) Unless otherwise specified by this Code, no part of the mobile home park shall be used to accommodate other than the uses permitted under this section.
- (3) There shall be at least one street within the mobile home park which serves as an internal collector street from which minor streets shall turn out so as to provide direct access to each mobile home lot or lease area. All streets shall be designed and constructed to comply with all pertinent specification adopted by Caln Township.
- (4) All entrances shall conform to the standards of the Pennsylvania Department of Transportation and Caln Township. A traffic impact study should be prepared to assess the needs for on-site and off-site traffic improvements which may be required to facilitate the mobile home park. The traffic impact study shall be submitted to Caln Township for review and consideration as part of the overall development plan.
- (5) A minimum of two off-street parking spaces measuring 10 feet by 20 feet shall be provided for each mobile home lot or lease area. A common off-street parking area may be designed to accommodate the required off-street parking requirements and/or to provide additional spaces for overflow parking spaces. No on-street parking shall be permitted within the mobile home park.
- (6) Each mobile home space shall be provided with a hard surfaced mobile home stand providing a foundation wall and/or footing that will not heave, shift, settle or move due to frost action, inadequate drainage, vibration or other forces acting on the superstructure.
- (7) All mobile homes shall be located, erected and anchored in accordance with all applicable standards and provisions specified in the Caln Township Code and/or the manufacturers specifications.
- (8) Each mobile home stand shall be equipped with utility connections. For reasons of safety, the space between the mobile home stand and the mobile home floor shall be permanently enclosed to prevent unauthorized entry and to conceal all supports and utility connections. Each stand shall be located at such elevation, distance and angle in relation to the access street and mobile home accessory that the

placement and removal of the mobile home is practical.

- (9) The area between the ground level and the perimeter of the mobile home shall be enclosed by means of a suitable skirting.
  - (10) Every mobile home and open space areas shall have access to an improved street within the mobile home park in accordance with Chapter **137** of the Caln Township Code.
  - (11) A subdivision and land development plan shall be submitted to Caln Township for review and consideration.
  - (12) Unless otherwise required by the utility provider, all public utility services shall be underground within the mobile home park.
  - (13) Exterior storage areas for refuse stations shall be properly screened from the view of all mobile homes within the mobile home park and from adjacent property owners. All containers shall be airtight, verminproof and have adequate storage capacity to accommodate the projected volumes of solid waste. The mobile home park shall have a solid waste management plan.
  - (14) All mobile home parks containing 25 or more mobile homes shall employ the services of a qualified manager. The manager shall reside at the mobile home park and shall be responsible for the operation and maintenance of the park.
  - (15) The owner or manager of the mobile home park shall provide Caln Township with a list of tenants who reside within the mobile home park. Any change in tenancy shall be reported to the Township within two weeks. The Caln Township Zoning Officer and Code Enforcement Officer shall have the right to inspect the mobile home park to determine if compliance with all provisions of the Code are in order.
- E. The design of the land or water areas which are to be designated as common open space shall comply with the following standards and specifications:
- (1) A minimum of 40% of the gross area of the mobile home park shall be set aside as common open space.
  - (2) No more than 50% of the common open space shall be located on lands within areas that are located within the one-hundred-year floodplain, areas delineated as wetlands and/or areas with a slope of 20% or greater.  
[Amended 9-29-2005 by Ord. No. 2005-12]
  - (3) No more than 50% of the common open space shall include land areas that are burdened by or are proposed to contain utilities easements and/or stormwater management facilities, as further described under Caln Township Code.
  - (4) The common open space shall be planned and located as a contiguous accessible area within the mobile home park. Existing and/or proposed roads may bisect the areas designated as common open space, provided a crosswalk at grade is safely designed to link the common open space areas. Planned linkages to other common open space areas within other adjacent residential developments shall be considered by the applicant as part of the conditional use application.
  - (5) Significant natural features shall be incorporated into the overall schematic of the design as common open space areas whenever possible.
  - (6) A system for pedestrian circulation throughout the development shall be provided by utilizing sidewalks and trails.

- (7) The total land area designated to comply with the minimum open space requirements shall be comprised of areas not less than 50 feet in width and shall not contain less than one contiguous acre of land. In addition, there shall be at least one designated common area that is contiguous within the mobile home park containing no less than 25% of the required open space.
  - (8) For all common open spaces, satisfactory written agreements approved by the Board of Commissioners shall be executed as a declaration of easements, covenants and restrictions in perpetuity for the preservation of the common open spaces and shall be recorded with the final plan.
  - (9) The applicant shall make arrangements, provisions and/or agreements to insure that the common open space shall continue to be adequately managed and maintained. The applicant shall have the following options for ownership, management and maintenance of the common open space:
    - (a) Retain ownership of the land encompassing the common open space areas;
    - (b) Dedicate the land encompassing the common open space to a homeowners' association which is comprised of all the residents of the development; or
    - (c) Dedicate the land encompassing the common open space to Caln Township, who shall have the option to accept or refuse the land offered for dedication
  - (10) The provisions specified herein for common open space do not relieve the applicant of other requirements for open space and recreation, as specified within the Code, with which the applicant shall comply.
- F. In addition to the permitted mobile homes, the proposed mobile home park may contain the following nonresidential uses, provided they are considered as part of the special exception application:
- (1) Office space consisting of no more than 5,000 square feet and utilized for the purposes of conducting customary business, management, sales, meetings, laundry facilities, storage and/or maintenance which are directly associated with the mobile home park.
  - (2) Indoor recreation and/or community center consisting of no more than 10,000 square feet and utilized exclusively by the residents of the mobile home park.
  - (3) Active and passive recreation uses conducted on the areas designated as common open space.
- G. Mobile home parks that do not conform with the provisions specified as of the effective date of this Zoning Chapter shall be considered nonconforming and subject to the provisions of Article **XII** of this chapter.

## § 155-62. (Reserved)

[1]: *Editor's Note: Former § 155-62, Mixed-use commercial and residential uses, was repealed 10-10-2013 by Ord. No. 2013-07.*

## § 155-63. Senior independent living facilities.

[Added 8-30-2012 by Ord. No. 2012-04]

- A. The following minimum and maximum dimensional requirements shall apply to all senior independent living

facilities:

- (1) The minimum lot width shall be 50 feet at the street line and 250 feet at or beyond the building setback line.
- (2) The front yard setback shall be a minimum of 30 feet, as measured from the ultimate right-of-way line.
- (3) The side yard setback shall be a minimum of 30 feet for each side.
- (4) The rear yard setback shall be a minimum of 30 feet.
- (5) The building shall be located at least 50 feet from an existing lot containing an existing residential use.
- (6) The maximum height of the buildings shall be 50 feet.
- (7) The maximum building coverage shall be 25% of the gross lot area.
- (8) The maximum impervious coverage shall be 50% of the gross lot area.
- (9) The minimum gross lot area shall be three acres.
- (10) The maximum density shall not exceed 17 units per acre.

B. The following design requirements shall be applied to all senior independent living facilities:

- (1) Where developments contain multiple buildings, the architectural appearance of all buildings shall be compatible or harmonious.
- (2) A landscaping plan shall be submitted with the conditional use application which complies with the provisions of § **155-119** of this chapter. Where conditions exist which support a modification of the landscape buffer/yard requirements, such as existing vegetation, topography, etc., the landscaping requirements imposed in § **155-119** may be modified by the Board of Commissioners during and as part of the conditional use approval.
- (3) All proposed utilities shall be installed underground.
- (4) All trash and rubbish shall be contained in verminproof containers. Exterior storage areas for trash and rubbish shall be completely screened from view by fencing and/or landscaping. All dumpsters shall be located in the rear or side yard within an enclosed fence with a lockable gate. The location of the dumpster and the specifications of the fence shall be subject to the approval of the Board of Commissioners as part of the conditional use application.
- (5) Parking lot and exterior lighting shall be designed in accordance with § **155-124** and § **155-139F**.
- (6) The total number and size of all signs related to a senior independent living facility should be limited to the basic needs of the use. All proposed signs shall comply with the provisions of Article **XI** of this chapter.
- (7) Parking shall be provided at a minimum of 1.1 parking spaces per dwelling unit.
- (8) The design standards and area and bulk requirements in § **155-55** pertaining to multifamily apartment uses and developments shall not apply to a senior independent living facility. The design requirements within this § **155-63** shall control and supersede any other design standards and area and bulk criteria contained within this chapter.
- (9) Public water and public sewer shall be provided for the senior independent living facility.

- (10) The senior independent living facility shall provide a twenty-five-foot buffer yard and planting screen along the side property lines that are immediately adjacent to any existing residential dwelling units in an attempt to enhance the privacy of adjacent residential property owners. The aforesaid buffer yard and planting screen may be reduced to 15 feet in width for parking and drive aisles associated with the proposed senior independent living facility and may encompass other buffering methods which shall be subject to the reasonable discretion of the Board of Commissioners. The use of existing mature trees (six inches in caliper measured four feet from the ground) is encouraged and may be utilized as part of the required buffer yard. All such buffering and screening shall be documented on a landscape plan which shall be approved by the Board of Commissioners in conjunction with the conditional use application.
- C. The following additional standards must be met in order for the Board of Commissioners to grant conditional use approval for a senior independent living facility:
- (1) The dwelling units shall be leased or sold as independent dwelling units where the occupants of the dwelling units are independent with respect to their daily living activities such as bathing, dressing and grooming.
  - (2) The dwelling units shall be limited to studio, one-, or two-bedroom units, provided no more than 25% of the total number of dwelling units shall contain two-bedroom units.
  - (3) The senior independent living facility shall be age-restricted for persons 55 years of age and older and must qualify for the exemption to the prohibition against discrimination based on familial status found in Section 3607(b)(1) of the United States Fair Housing Act, 42 U.S.C. § 3601 et seq., and the Housing for Older Persons Act of 1995<sup>[1]</sup> and the regulations promulgated thereunder.  
<sup>[1]</sup>: *Editor's Note: See 42 U.S.C. § 3601 et seq.*
  - (4) The accessory uses which are provided within a senior independent living facility shall not occupy more than 25% of the gross floor area of the building and shall be for the exclusive use of the residents and their invitees.
  - (5) If a sundries shop is provided in the senior independent living facility as an accessory use, the purpose of the shop will be to afford an opportunity for the residents of the facility and their guests to purchase necessary toiletries and other miscellaneous dry goods and snack food items. The maximum size of the shop shall not exceed 500 square feet, and there shall be no advertising of the store outside the facility.
  - (6) If the dwelling units are sold in fee simple or condominium ownership, the common area in the senior independent living facility must be owned and/or managed by a professional management company.

## § 155-64. through § 155-66. (Reserved)

# Article VIII. Nonresidential Land Use and Development Requirements

## § 155-67. Statement of intent.

- A. The intent of Article **VIII** is to develop certain land use and development requirements for the permitted nonresidential uses within Caln Township. The provisions of Article **VIII** are intended to supplement and not replace the zoning district regulations, which are further specified under Article **IV** of this chapter.
- B. For the purposes of this chapter, nonresidential uses shall include all commercial, industrial, religious, institutional, educational, medical, agricultural, recreational and other similar uses, whereas, primary occupancy for residential use does not apply to the existing or proposed use.

## § 155-68. Nonresidential performance standards and controls.

- A. Unless otherwise specified by the Caln Township Code, all nonresidential uses shall comply with the performance standards and controls specified by the Caln Township Code, as determined appropriate by the Caln Township Engineer, Zoning Officer or Code Enforcement Officer.
- B. The following requirements for air quality and management shall apply to all existing and proposed nonresidential uses:
  - (1) Open burning shall only be permitted if it conducted in accordance with the provisions specified under Chapter 64 of the Caln Township Code.
  - (2) No gases, vapors, odors and/or particulates shall be emitted from any nonresidential use which are detrimental to persons, property, animals or vegetation.
  - (3) No toxic, radioactive or corrosive gases, vapors or fumes shall be released into the atmosphere.
  - (4) No odors causing annoyance or discomfort to the adjacent residents shall be detectable beyond the property lines of the nonresidential use on which such odors originate.
  - (5) Any storage or spreading of manure, sludge, fertilizer or other soil enrichment substances shall be conducted in a manner to limit odor and as required with all local, state and federal laws.
  - (6) All state and federal regulations concerning air pollution or air quality shall be considered as minimum standards for the control of smoke, dust, fumes and emissions.
- C. The following requirements for noise and vibration control shall apply to all existing and proposed nonresidential uses:
  - (1) Noise shall be regulated by the provisions of Chapter **103** of the Caln Township Code.
  - (2) No physical vibration shall be perceptible without aid of instruments at or beyond the lot lines with the exception of temporary construction activity.
- D. The following requirements for light, glare and heat control shall apply to all nonresidential uses:
  - (1) Any nonresidential use or operation producing intensive light, glare and/or heat shall be performed within an enclosed building or behind a solid fence in such a manner as to be completely imperceptible from any point beyond the boundary lines.
  - (2) No luminaire, spotlight or other source that is within 200 feet of a residential use or residential district shall be placed at a height exceeding 30 feet above the average surrounding ground level. This limitation shall not apply to lights needed for air safety or lights intended to illuminate an architectural feature.

- (3) All light sources utilized for nonresidential uses shall be shielded or diffused to prevent the lighting from creating a nuisance to adjacent properties or prevent a distraction to motorist on adjacent public streets.
  - (4) Any flashing, flickering or strobe lighting shall be imperceptible from any point beyond the boundary lines.
  - (5) All nonresidential uses shall also comply with the provisions specified under § **155-124** of this chapter.
- E. The following requirements for wastewater management and water supply shall apply to all existing and proposed nonresidential uses:
- (1) In no case shall potentially hazardous effluent or waste from any nonresidential use be discharged into the environment or public infrastructure.
  - (2) The effluent from any nonresidential use shall meet the standards specified by Caln Township, the Caln Township Municipal Authority, the Pennsylvania American Water Company, the Downingtown Area Regional Authority and/or the Pennsylvania Department of Environmental Protection.
  - (3) All nonresidential uses shall comply with the appropriate provisions of Chapter **124** (Sewage Disposal Systems) and Chapter **128** (Sewers) of the Caln Township Code.
- F. The following requirements for solid waste management and disposal shall apply to all existing and proposed nonresidential uses:
- (1) No storage of solid waste materials on the site shall be permitted in excess of 10 days.
  - (2) All solid waste materials awaiting transport shall be properly screened and concealed from the view of all adjacent properties. All containers shall be airtight, verminproof and have adequate storage capacity to accommodate existing and projected volumes of solid waste.
  - (3) All solid waste management violations must be rectified within a twenty-four-hour period.
  - (4) Incineration for the purpose of reducing or disposing of liquid or solid waste material must comply with the Caln Township Code as well as all state and federal air quality standards.
  - (5) All nonresidential uses shall comply with the appropriate provisions of Chapter **87** (Garbage, Rubbish and Refuse) of the Caln Township Code.
- G. The following requirements for outdoor storage shall apply to all existing and proposed nonresidential uses:
- (1) Outdoor storage of any type shall be prohibited if such storage is considered and/or construed as malodorous, hazardous to the environment and potentially detrimental to the health and safety of the adjacent property owners.
  - (2) All storage facilities for fuel, raw materials and products stored outdoors shall be enclosed by a security fence and planting screen adequate to conceal the storage facilities from the view of adjacent properties.
  - (3) No materials or waste shall be deposited on site in such form or manner by which it can be transported off the site by natural causes or forces.
  - (4) No materials or substances which have the potential to contaminate groundwater or surface water shall be permitted to be stored outside unless the owner can provide safeguards which are satisfactory to Caln Township as well as all other state and federal agencies.

- H. The following utility and energy requirements shall apply to all existing and proposed nonresidential uses:
  - (1) All nonresidential uses requiring energy in the form of electric, diesel, gas, oil or other common energy source shall comply with the most acceptable safety requirements recognized by the Pennsylvania Bureau of Labor and Industry and shall be so constructed and installed so as to be an integral part of the architectural features of the site.
  - (2) A buffer yard or coniferous planting arrangement shall properly conceal any utility or energy source.
  - (3) No electromagnetic radiation which interferes with radio, telephone, satellite or television reception or other communications equipment shall be completely imperceptible from any point beyond the property lines.
  - (4) No injurious electromagnetic radiation or radioactive emission shall be produced by any nonresidential use. All radioactive emissions shall meet federal and state standards.
  - (5) Unless otherwise required by the utility company or authority providing service, all utilities shall be installed underground.
- I. No building or structure may be erected, altered or used, and no lot or premises may be used for any activity which is continuously noxious, injurious or offensive by reason of dust, smoke, odor, fumes, noise, vibration, gas, effluent discharge, illumination or similar substances or conditions.
- J. Proprietors who have been cited for any violation(s) subject to this section of the Code may be responsible for applicable costs incurred by Caln Township through background investigations, legal proceedings, retributions and rectification measures in accordance with the First Class Township Code or the Pennsylvania Municipalities Planning Code.

## § 155-69. Convenience stores and mini markets.

- A. Convenience stores or mini markets, as defined under Article II of this chapter, are a permitted by conditional use within the TV-1 and C-1 Zoning Districts.
- B. Unless otherwise permitted by Caln Township, all convenience stores or mini markets shall comply with the minimum and maximum dimensional requirements established for the zoning district to which it is located.
- C. All convenience stores or mini markets shall be designed in accordance with the following design requirements:
  - (1) The convenience store or mini market shall contain a minimum gross floor area of not less than 4,000 square feet and a maximum gross floor area of not more than 10,000 square feet, exclusive of any area of such lot being used for gasoline pump dispensers and the canopy over such dispensers. Accessory buildings shall not be permitted.
  - (2) The maximum number of fueling pumps (one pump serves two fueling positions only) shall be permitted based upon the size of the proposed building housing the convenience store, which shall be specified as follows:

<b>Convenience Store/Mini Market Gross Floor Area (square feet)</b>	<b>Maximum Number of Fuel Pumps</b>	<b>Maximum Number of Fueling Positions</b>
4,000 to 5,000	5	10

5,000 to 6,000	6	12
6,000 to 8,000	7	14
8,000 to 10,000	8	16

- (3) As part of the conditional use application, the Board of Commissioners shall have the power to reduce the designated number of pumps if, in its evaluation of the applicant's traffic study, it determines that safe and convenient vehicular circulation cannot be accommodated on the site.
- (4) Unless otherwise approved by the Board of Commissioners, the canopy covering the fuel pumps shall not exceed 14 feet from ground level at its highest point and shall be of a peak-roof design. The Board of Commissioners may permit a greater canopy height if the design of the canopy is considered as architectural enhancement which meets the objectives of the Lincoln Highway Overlay District.
- (5) The canopy shall not exceed in area (as measured in square feet) the gross floor area of the convenience store or mini market building. However, the canopy shall not exceed in total area 7,000 square feet.
- (6) The convenience store or mini market shall be constructed with brick, stone and stucco, or such combination thereof as is approved by the Board of Commissioners, facing on all four sides of the building from the ground level to the roof. Within the TV-1 Zoning District, the building shall be constructed with either all brick or all stone veneer.
- (7) The following provisions for exterior lighting shall apply to all proposed convenience stores or mini markets:
  - (a) All gasoline pump dispensers shall be covered by a canopy and shall be illuminated by overhead lighting during non-daylight hours. Canopy lighting shall be located on the undersurface (ceiling) of the canopy and shall be limited to flush lens fixtures mounted on the canopy ceiling. Drop lens fixtures are prohibited. Up-lens lighting fixtures mounted on the canopy structure above the level of gas pumps are permitted if they have the effect of reducing glare from the lighting fixtures mounted on the canopy ceiling. Outdoor canopies include, but are not limited to, fuel island canopies associated with service stations and convenience stores and exterior canopies above storefronts. In no event shall any other lighting fixtures be located on or otherwise attached to or used to light a canopy or any area of the property adjacent to the canopy. Canopy lighting over fuel dispensing positions shall not exceed an average of 35.0 maintained footcandles.
  - (b) Lighting for parking areas shall provide an illumination level utilizing currently recommended standards of the Illuminating Engineering Society of North America, unless a more stringent standard is imposed as a condition of a conditional use approval granted by the Board of Commissioners under the circumstances of each application. Exterior lighting of the building is precluded, except as determined necessary by the Board for security. The Board of Commissioners may preclude any exterior lighting that in its judgment adversely affects adjoining properties.
  - (c) In no case shall illumination exceed 0.5 footcandle measured at the property lines, except at driveway entrances, provided the illumination at the cartway center line of the contiguous street shall not exceed 1.0 footcandle, unless a more stringent standard is ordered by the Board under the circumstances of each application.
- (8) All ingress and egress to and from the lot shall be designed to promote safe and convenient access, as finally approved by the Caln Township Engineer and Zoning Officer.

- (9) The internal vehicular circulation pattern of any lot upon which a convenience store with gasoline sales is proposed shall be designed so as to prevent vehicles waiting for such gasoline service from stacking onto public streets. In addition to the required minimum parking spaces, there shall be a minimum of one vehicular stacking space for each fueling position.
  - (10) The applicant shall submit a traffic study with the conditional use application demonstrating the adequacy of existing or proposed streets to accommodate any increase in traffic from the proposed use and the adequacy of the proposed vehicular interior circulation on the lot.
- D. The outdoor display of products or retail items shall be prohibited. Hand equipment intended to be utilized for the washing of windows of motor vehicles, as well as places for the storage of such equipment, shall be permitted.
  - E. The off-street parking and loading spaces shall be designed to comply with the provisions specified under Article **X** of this chapter.
  - F. All proposed signs shall comply with the provisions specified under Article **XI** of this chapter.
  - G. If the Board of Commissioners approves the conditional use application, a complete subdivision and land development plan shall be submitted to Caln Township for review and consideration. The subdivision and land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by the Code.

## § 155-70. Day-care facilities and uses.

- A. The term "day-care facilities" shall include family day-care facilities, child group day-care home, child day-care centers and adult training facilities, which are further defined under Article **II** of this chapter.
- B. Family day-care facilities are a permitted use by special exception within the R-1, R-2, R-3 and R-4 Zoning Districts, subject to the following requirements:
  - (1) Family day-care services shall be permitted within a single-family dwelling unit meeting the minimum and maximum dimensional requirements established for the zoning district to which it is located.
  - (2) The number of children to be cared for within a family day-care facility shall be limited to four, five or six children who are unrelated to the resident caregiver.  
[Amended 12-17-2007 by Ord. No. 2007-15]
  - (3) The use shall be located and conducted within the single-family dwelling, except for a designated outdoor play area meeting the following requirements:
    - (a) The single-family dwelling shall be serviced by public sanitary sewage facilities and public water supply facilities.
    - (b) The internal facilities should be of adequate size to accommodate all of the children receiving, plus the occupants of the single-family dwelling. Common areas and facilities should be designated within the single-family dwelling.
    - (c) The outdoor play area shall be located within the rear yard of the property and have sufficient size to accommodate six children at once. The designated outdoor play area shall be planted and maintained in grass or lawn and shall be enclosed with a continuous and self-latching gate with a height four feet.

- (d) All designated internal and external areas for the family day-care facility shall be physically separated by a distance of 100 feet from any natural or man-made hazard, including swimming pools, stormwater detention facilities, surface waters, machinery, electric generating and transmitting equipment, streets and other areas that may be considered hazardous to children.
  - (4) At least two off-street parking spaces shall be designated for the single-family detached residential use. In addition to these spaces, an off-street pickup and dropoff area measuring 10 feet in width and 40 feet in length shall be designated and maintained for the discharge and collection of children.
  - (5) The family day-care facility and use shall comply with all specifications, standards and licenses which are required by Caln Township, Pennsylvania Department of Public Welfare or other agencies having jurisdiction.
  - (6) The principal care givers at the family day-care facility shall be identified and their credentials shall be submitted to Caln Township for review and consideration.
- C. Child group day-care home facilities are a permitted use by special exception within the TV-1 and C-1 Zoning Districts, subject to the following requirements:
- (1) Child group day-care home facilities shall be permitted within an approved building deemed appropriate by the Zoning Hearing Board, meeting the minimum and maximum dimensional requirements established for the zoning district to which it is located.
  - (2) The child group day-care home shall be capable of providing supplemental parental care and supervision and/or instruction to more than six but fewer than 16 school-age-level children, or more than six but fewer than 13 children of another age, who are unrelated to the operator. Tuition, fees or other forms of compensation may be charged, whether governmentally subsidized or not, by the operator of the child group day-care home.
  - (3) All child group day-care homes shall be licensed and/or approved to dispense child care by the Commonwealth of Pennsylvania.
  - (4) The use shall be located and conducted within approved facility, except for a designated outdoor play area meeting the following requirements:
    - (a) The child group day-care home shall be serviced by public sanitary sewage facilities and public water supply facilities.
    - (b) The internal facilities should be of adequate size to accommodate all of the children receiving, plus the occupants of the principal or secondary use. Common areas and facilities should be designated within the approved facility.
    - (c) The outdoor play area shall be located within the rear yard of the property and have sufficient size to accommodate at least 11 children at the facility at once. The designated outdoor play area shall be planted and maintained in grass or lawn and shall be enclosed with a continuous and self-latching gate with a height four feet.
    - (d) All designated internal and external areas for the facility shall be physically separated by a distance of 100 feet from any natural or man-made hazard, including swimming pools, stormwater detention facilities, surface waters, machinery, electric generating and transmitting equipment, streets and other areas that may be considered hazardous to children.
  - (5) In addition to the number of off-street parking spaces required for the principal and secondary use of the facility, an off-street pickup and dropoff area measuring 10 feet in width and 60 feet in length shall

be designated and maintained for the discharge and collection of children. The designated pickup and dropoff area shall be marked by signs and physically removed from any required parking area, loading area, fire lane and all points for vehicular access providing ingress and egress to the facility.

- (6) The child group day-care home shall comply with all specifications, standards and licenses which are required by Caln Township, Pennsylvania Department of Public Welfare or other agencies having jurisdiction.
  - (7) The principal care givers at the child group day-care home shall be identified and their credentials shall be submitted to Caln Township for review and consideration.
- D. Child day-care centers are a permitted use by conditional use within the TV-1, C-1 and C-2 Zoning Districts, subject to the following requirements:
- (1) Child day-care centers shall be permitted within an approved commercial facility, educational facility, church or religious facility, hospital or medical facility, municipal facility, health care facility or other institutional use deemed appropriate by the Board of Commissioners, meeting the minimum and maximum dimensional requirements established for the zoning district to which it is located.
  - (2) The child day-care facility shall be capable of providing supplemental parental care and supervision and/or instruction to seven or more children simultaneously who are not related to the caregiver or operator on a daily basis. Tuition, fees or other forms of compensation may be charged, whether governmentally subsidized or not, by the operator of the day-care facility.
  - (3) All day-care facilities or child group day-care homes shall be licensed and/or approved to dispense child care by the Commonwealth of Pennsylvania.
  - (4) The use shall be located and conducted within approved facility, except for a designated outdoor play area meeting the following requirements:
    - (a) The child day care facility shall be serviced by public sanitary sewage facilities and public water supply facilities.
    - (b) The internal facilities should be of adequate size to accommodate all of the children receiving, plus the occupants of the principal or secondary use. Common areas and facilities should be designated within the approved facility.
    - (c) The outdoor play area shall be located within the rear yard of the property and have sufficient size to accommodate all of the children at the facility at once. The designated outdoor play area shall be planted and maintained in grass or lawn and shall be enclosed with a continuous and self-latching gate with a height four feet.
    - (d) All designated internal and external areas for the facility shall be physically separated by a distance of 100 feet from any natural or man-made hazard, including swimming pools, stormwater detention facilities, surface waters, machinery, electric generating and transmitting equipment, streets and other areas that may be considered hazardous to children.
  - (5) In addition to the number of off-street parking spaces required for the principal and secondary use of the facility, an off-street pickup and dropoff area measuring 10 feet in width and 60 feet in length shall be designated and maintained for the discharge and collection of children. The designated pickup and dropoff area shall be marked by signs and physically removed from any required parking area, loading area, fire lane and all points for vehicular access providing ingress and egress to the facility.
  - (6) The child day care-facility shall comply with all specifications, standards and licenses which are

required by Caln Township, Pennsylvania Department of Public Welfare or other agencies having jurisdiction.

- (7) The principal care givers at the child day-care facility shall be identified and their credentials shall be submitted to Caln Township for review and consideration.

E. Adult training centers or adult day-care facilities are a permitted use by special exception within the TV-1, C-1 and C-2 Zoning Districts, subject to the following requirements:

- (1) Adult training centers or adult day-care facilities shall be permitted within an approved commercial facility, educational facility, church or religious facility, hospital or medical facility, municipal facility, health care facility or other institutional use deemed appropriate by the Zoning Hearing Board, meeting the minimum and maximum dimensional requirements established for the zoning district to which it is located.
- (2) The facility shall be capable of providing supplemental parental care and supervision, training and/or instruction to one or more individuals who may have a physical or mental disabilities and who are not related to the caregiver or operator on a daily basis. Tuition, fees or other forms of compensation may be charged, whether governmentally subsidized or not, by the operator of the day-care facility.
- (3) All permitted facilities shall be licensed and/or approved to dispense adult care by the Commonwealth of Pennsylvania.
- (4) The use shall be located and conducted within approved facility meeting the following requirements:
  - (a) The facility shall be serviced by public sanitary sewage facilities and public water supply facilities.
  - (b) The internal facilities should be of adequate size to accommodate all of the adults, plus the occupants of the principal or secondary use. Common areas and facilities should be designated within the approved facility.
  - (c) All outdoor facilities should be located within the rear yard of the property and be properly secured.
  - (d) Unless otherwise permitted by Caln Township, the approved facilities shall not be utilized as a permanent or temporary residence by the employees and/or adults requiring care.
- (5) In addition to the number of off-street parking spaces required for the principal and secondary use of the facility, an off-street pickup and dropoff area measuring 10 feet in width and 60 feet in length shall be designated and maintained for the discharge and collection of adults. The designated pickup and dropoff area shall be marked by signs and physically removed from any required parking area, loading area, fire lane and all points for vehicular access providing ingress and egress to the facility.
- (6) The applicant should provide sufficient evidence to the Zoning Hearing Board indicating that adequate security measures shall be implemented and installed at the adult day-care facility to ensure that the adults are provided with sufficient care, as well as the security of the residents within the neighboring properties.
- (7) The facilities and use shall comply with all specifications, standards and licenses which are required by Caln Township, Pennsylvania Department of Public Welfare or other agencies having jurisdiction.
- (8) The principal care givers at the adult day-care facility shall be identified and their credentials shall be submitted to Caln Township for review and consideration.

## § 155-71. Multiple commercial uses.

[Amended 10-30-2008 by Ord. No. 2008-9]

- A. The term "multiple commercial uses" shall include mini malls, shopping centers and/or shopping malls, which are further defined under Article II of this chapter.
- B. Mini malls shall be permitted by conditional use within the TV-1 and C-1 Zoning Districts, subject to the applicable minimum requirements specified under § 155-72 of the Code.
- C. Shopping centers or shopping malls shall be permitted by conditional use within the TV-1 Zoning District, the C-1 Zoning District and in the Route 30 Bypass Interchange Overlay Zoning District, all of which being subject to the applicable minimum requirements specified under § 155-72 of the Code.
- D. Each commercial use within a permitted mini mall, shopping center or shopping mall shall be serviced by public sanitary sewage disposal facilities and public water supply facilities. Unless otherwise permitted by the Caln Township Board of Commissioners as part of the conditional use application, each commercial use shall have separate sanitary sewage disposal connections and water supply connections.

## § 155-72. Mini malls, shopping centers and shopping malls.

- A. Mini malls containing less than 30,000 square feet in cumulative gross floor area and as further defined under Article II of this chapter shall be permitted by conditional use within the TV-1 and C-1 Zoning Districts, subject to the following requirements:
  - (1) All mini malls shall comply with the minimum and maximum dimensional requirements established for the zoning district to which it is located.
  - (2) The permitted uses within a mini mall shall be limited to: retail business establishments; personal business or service establishments; professional offices; banks or financial institutions; medical or dental offices; municipal or governmental uses; restaurants; taverns; and other similar uses.
  - (3) The maximum number of uses within a mini mall shall be limited to 20 independent uses. All proposed uses shall be designed as self-contained structures without common facilities which comply with all requirements of the Caln Township Code.
  - (4) All uses within a mini mall shall be harmoniously planned as attached units within a single building. As part of the conditional use application, the applicant or developer shall identify the planned uses within the mini mall and demonstrate how these uses can be amicably planned during all hours of operation.
  - (5) Unless otherwise permitted by the Board of Commissioners as part of the conditional use application, planned out parcels, pad sites or detached buildings shall not be considered as part of the design of a mini mall.
  - (6) Unless otherwise required by the utility company or authority providing service, all uses within the mini mall shall have individual utility connections.
  - (7) The off-street parking spaces shall be designed to comply with the provisions specified under Article X of this chapter. The total number of off-street parking spaces shall meet or exceed the cumulative

total for all uses within the mini mall. As part of the conditional use application, the Board of Commissioners may permit a reduction of 20% of the required cumulative total off-street parking spaces, provided the applicant or developer demonstrates that the uses will not generate the additional off-street parking demands from employees and patrons during peak operational hours.

- (8) All proposed signs for the mini mall shall comply with the provisions specified under Article **XI** of this chapter. No more than one on-premises freestanding sign shall be permitted, which shall not exceed 60 cumulative square feet per side. No portion of the on-premises freestanding sign shall be less than seven feet or greater than 18 feet, as measured from the from the mean ground elevation
- (9) The side and rear lot lines of the property shall be adequately screened with a twenty-foot-wide landscaped buffer yard.
- (10) The general provisions specified under § **155-72C** of this chapter shall also apply to mini malls.
- (11) As part of the conditional use application, the Board of Commissioners may attach other reasonable conditions that may be appropriate when considering the functional design and operation of the uses contained within the mini mall.

B. Shopping centers or shopping malls containing more than 30,000 square feet in cumulative gross floor area and as further defined under Article **II** of this chapter shall be permitted by conditional use within the TV-1 Zoning District, the C-1 Zoning District and Route 30 Bypass Interchange Overlay Zoning District, subject to the following requirements:

[Amended 10-30-2008 by Ord. No. 2008-9]

- (1) All shopping centers or shopping malls shall comply with the minimum and maximum dimensional requirements and the utility requirements established for the underlying zoning district in which the shopping center or shopping mall is proposed. Upon request, the Board of Commissioners may exercise its discretion in considering an applicant's conditional use application to permit a reduction of up to 50% of the required front yard for any shopping center in order to otherwise increase the setback and buffering between a proposed shopping center and any adjacent residential use, subject to the applicant establishing that such reduction of the front yard requirement will lessen the impact of the proposed development on nearby residential uses, and that such reduction will not create a public health, safety or welfare concern.
- (2) The permitted uses within a shopping center or shopping mall shall be limited to: retail business establishments; personal business or service establishments; professional offices; banks or financial institutions; medical or dental offices; family entertainment complex; health and recreation club; movie theaters; recreational uses; municipal or governmental uses; restaurants; taverns; nightclubs; and other similar uses.
- (3) The maximum number of uses within a shopping center or shopping mall shall be unlimited, provided that each use is designed as part of a common facility or as self-contained structures which comply with all requirements of the Caln Township Code.
- (4) All uses within a shopping center or shopping mall shall be harmoniously planned within a single building or within groups of buildings. As part of the conditional use application, the applicant or developer shall identify the planned uses within the shopping center or shopping mall and demonstrate how these uses can be amicably planned during all hours of operation.
- (5) Planned out parcels, pad sites or detached buildings may be permitted, provided the use is located within a separate lot meeting the appropriate minimum and maximum dimensional requirements for that specific use pursuant to the provisions applicable to the zoning district in which the shopping

center or shopping mall is proposed. With respect to shopping centers or shopping malls proposed in the Route 30 Bypass Interchange Overlay Zoning District, detached buildings may be permitted by the Board of Commissioners as a component of conditional use approval for a shopping center within the same lot, provided that the applicant develops a system of interior pedestrian circulation throughout the shopping center or shopping mall, utilizing sidewalks, in order to accommodate safe pedestrian movements between the detached buildings and the remainder of the shopping center or shopping mall. The design of the interior pedestrian circulation system shall be subject to the approval of the Board of Commissioners. The Board of Commissioners shall further have the discretion to require streetlights at consistent intervals for such interior pedestrian circulation system, as well as the discretion to regulate the size, location, hours of operation, and type of streetlights. Commercial drive-through establishments are permitted by conditional use for detached buildings in shopping centers or shopping malls in the Route 30 Bypass Interchange Overlay Zoning District, pursuant to the standards set forth in § **155-79**.

- (6) Unless otherwise required by the utility company or authority providing service, all uses within the shopping center or shopping mall shall have individual utility connections.
- (7) The off-street parking spaces shall be designed to comply with the provisions specified under Article **X** of this chapter. The total number of off-street parking spaces shall meet or exceed the cumulative total for all uses within the shopping center or shopping mall. As part of the conditional use application, the Board of Commissioners may permit a reduction of up to 20% of the required cumulative total off-street parking spaces, provided the applicant or developer demonstrates through empirical data or otherwise that the proposed parking will be sufficient to service the shopping mall or shopping center, considering the off-street parking demands of employees and patrons during peak operational hours. The Commissioners shall have the discretion to condition the reduction of the number of required parking spaces:
  - (a) On the applicant setting aside a reserve area on the property equivalent in area to the area otherwise required to construct the reduced parking spaces, which the applicant and/or landowner may be required to construct should the Township Board of Commissioners determine, after a public hearing, that the reduced number of parking spaces is not sufficient to service the shopping center or shopping mall; and
  - (b) On the applicant posting financial security for a period of five years from the date of final subdivision and land development approval in a sum equivalent to the cost of constructing such additional parking in the reserve area; and
  - (c) Such parking reserve area shall not be incorporated into the calculation of open space provided by a development.
- (8) Notwithstanding § **155-138C**, off-street loading for a shopping center or shopping mall in the Route 30 Bypass Interchange Overlay Zoning District may be located within the front yard of a lot, provided that no parking for the shopping center or shopping mall will be provided in the front yard in which off-street loading is proposed; and that no access driveways servicing the shopping center or shopping mall or other means of ingress or egress will be located in the front yard in which off-street loading is proposed.
- (9) Signs.
  - (a) All proposed signs for the shopping center or shopping mall shall be permitted pursuant to and shall comply with the provisions specified under Article **XI** of this chapter, except as explicitly noted in this provision. An applicant proposing to develop a shopping center or shopping mall

shall submit a signage plan to the Township with the applicant’s conditional use application for review and approval by the Board of Commissioners, which signage plan must depict the size, configuration, location, lighting, color, letter style, landscaping and all other details pertaining to the proposed signs.

- (b) No more than one on-premises freestanding sign or ground sign shall be permitted along each street having more than 300 feet of frontage and shall not exceed 100 cumulative square feet per side. No portion of an on-premises freestanding sign shall be less than seven feet in height or greater than 25 feet in height, as measured from the mean ground elevation. No portion of any on-premises ground sign shall be greater than 10 feet in height, as measured from the mean ground elevation. Directional signs in shopping centers or shopping malls shall be permitted pursuant to § 155-149A.
- (c) With respect to shopping centers or shopping malls in the Route 30 Bypass Interchange Zoning District, wall signs shall be permitted as follows:

<b>Building Size</b>	<b>Wall Sign Limitation</b>
Less than 15,000 square feet of gross floor area	1 wall sign, being a maximum of 5% of the facade area
Equal to or greater than 15,000 square feet of gross floor area, but less than 50,001 square feet	2 wall signs, with a cumulative total area equal to or less than 200 square feet
Greater than 50,000 square feet	3 wall signs, with a cumulative total area not to exceed 300 square feet

- (10) Lot lines, other than those considered the primary street frontage (i.e., that which provides access from an existing public street) shall be adequately screened with a thirty-foot-deep landscaped buffer yard. In the event that a proposed shopping center abuts a residential zoning district or in the event that a proposed shopping center abuts a lot containing an existing residential dwelling unit, a minimum building setback of 100 feet from such residential dwelling unit and 100 feet from the boundary of a residential zoning district is required, whichever is greater.
- (11) The general provisions specified under § 155-72C of this chapter shall also apply to shopping centers or shopping malls.
- (12) As part of the conditional use application, the Board of Commissioners may attach other reasonable conditions that may be appropriate when considering the functional design and operation of the uses contained within the shopping center or shopping mall.

C. All mini malls, shopping centers or shopping malls shall comply with the following general provisions:  
[Amended 10-30-2008 by Ord. No. 2008-9]

- (1) The ownership of any mini malls, shopping centers or shopping malls shall be under single ownership, partnership, corporation or under a guaranteed unified management control. The shopping center must have at least one on-site manager or a designated individual whose office is located within a reasonable distance of Caln Township. The owner shall annually provide Caln Township with a complete list of on-site managers or designated individual(s) to serve as a primary contact. The list shall include the name, mailing address and telephone number of each on-site manager or each designated individual responsible for the daily operation of the mini mall, shopping center or shopping mall.
- (2) The owner or manager shall provide a complete list of tenants located within the mini mall, shopping center or shopping mall on an annual basis. The list shall include the name of the tenant, business

name, mailing address, telephone number, land use activity and scheduled hours of operation.

- (3) Unless otherwise required by the utility company or authority providing service, all utilities shall be installed underground.
- (4) Unless otherwise permitted by the Caln Township Board of Commissioners as part of the conditional use application, each use within the mini mall, shopping center or shopping mall shall have independent connections for sanitary sewage disposal and water supply.
- (5) All means of ingress and/or egress shall be located at least 300 feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or Caln Township.
- (6) Interior accessways shall be designed so as to prevent traffic congestion at points of ingress and egress. All proposed areas designated for the loading or unloading of trucks and/or other commercial vehicles shall be planned and arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities.
- (7) All loading/unloading docks, service entrances and exterior storage areas shall be fully screened from view from any public or private street or neighboring residential community. All containers shall be airtight, verminproof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area will be permitted within 50 feet from any lot line.
- (8) Unless otherwise permitted by the Board of Commissioners as part of the conditional use application, commercial drive-through establishments shall be permitted only for planned out parcels, pad sites or detached buildings that have been considered as part of the conditional use application and meet all other provisions of the Code.
- (9) As part of the conditional use application, the applicant or developer shall submit the following information for review, consideration, and approval, subject to reasonable conditions imposed by the Board of Commissioners:
  - (a) A preliminary utility plan showing how sanitary sewage disposal facilities, water supply facilities, electric, telephone, natural gas, cable and other utilities will service the site.
  - (b) A landscaping plan shall be submitted to the Board of Commissioners as part of the conditional use application, which plan must demonstrate how buffer yards, screening and other landscaping enhancements incorporated within the site will affect neighboring properties and public/private roadways and streets. The Board of Commissioners, as part of the conditional use application, may attach reasonable conditions that are appropriate to assure adequate buffering and screenings are provided.
  - (c) A preliminary grading plan shall be submitted to the Board of Commissioners for review and approval, which grading plan shall identify the limits of disturbance for all site improvements, the proposed ground elevations, stormwater management facilities and other natural or man-made features of the site.
  - (d) Architectural renderings of the proposed building elevations and plan views.
  - (e) A preliminary lighting plan showing the location and intensity of the proposed lighting within the property to a point 50 feet beyond the perimeter of the property line. The proposed lighting for

buildings, directly illuminated signs, accessways and parking areas shall be arranged so they do not reflect towards any public street or residential zoning districts.

- (f) A traffic impact study shall be conducted in accordance with the provisions of the Caln Township Code in order to assess transportation conditions and needs. The traffic impact study shall be submitted with the conditional use application.
  - (g) An emergency management plan shall be developed in the event of a catastrophic event resulting from flooding, fire, snow, ice, earthquake, utility outage or other catastrophic event. The owner or manager of the mini mall, shopping center or shopping mall shall provide a copy of the emergency management plan to each tenant.
  - (h) An environmental impact assessment report pursuant to Caln Township Code § **137-66** shall be submitted with an applicant's conditional use application under this section.
- (10) No off-premises signs shall be permitted on a lot containing a shopping center or shopping mall.
  - (11) If the Board of Commissioners approves the conditional use application, a complete subdivision and land development plan shall be submitted to Caln Township for review and consideration. The subdivision and land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by the Code.

## § 155-73. Automobile sales and automobile service stations.

- A. Automobile sales establishments, as further defined under Article II of this chapter, shall be permitted by conditional use within the TV-1 and C-1 Zoning Districts and shall comply with the following standards and specifications:  
[Amended 3-10-2011 by Ord. No. 2011-03]
  - (1) A minimum of two acres of net lot area shall be required to accommodate the use in the C-1 District and a minimum of eight acres of net lot area shall be required to accommodate the use in the TV-1 District. In addition, the appropriate minimum and maximum dimensional requirements as described in the respective Zoning District's Matrix Charts shall apply.
  - (2) The use shall be serviced by public sanitary sewage facilities and public water supply facilities.
  - (3) All sales shall be conducted within an enclosed building which complies with the appropriate requirements for a commercial establishment within Caln Township.
  - (4) General service, maintenance and repair facilities shall be permitted, provided that they are conducted within an enclosed building which complies with the appropriate requirements for a commercial establishment within Caln Township and that they are considered as accessory uses to the automobile sales establishment.
  - (5) Unless otherwise permitted by the Caln Township Board of Commissioners as part of the conditional use application, no outdoor storage of parts, equipment, lubricants, fuel or other materials used or discarded as part of the automobile sales establishment shall be permitted.
  - (6) All vehicles stored outside on the premises for sale shall be located outside of the street right-of-way and no closer than 10 feet to any property line. In order to screen the inventory areas from adjacent properties, there shall be a landscape buffer yard which complies with Section **155-119** of this chapter

between the inventory parking area and the property lines. All such vehicles shall be in sound running condition meeting the general inspection and licensing requirements of the Commonwealth of Pennsylvania.

- (7) All vehicles that have been brought in for service, maintenance or repair shall be in a state of active repair and shall not be permitted on the premises for a period of more than 10 consecutive days.
  - (8) The demolishing of vehicles for salvage shall be prohibited.
  - (9) Unless otherwise permitted by the Caln Township Board of Commissioners as part of the conditional use application, the sale of gasoline shall be prohibited.
  - (10) All vehicles sold on the premises shall be stored inside or in an approved off-street parking facility in accordance with the design requirements of Article **X** of this chapter except that the parking space dimensional requirements of § **155-139B** and the requirements of § **155-139W(2)** shall not apply to off-street parking areas designated for inventory and employee parking. Each parking space designated for inventory or employee parking shall have a minimum area of 162 square feet with the minimum dimensions of nine feet by 18 feet. The Board of Commissioners may agree to waive other requirements in § **155-139** as part of the conditional use approval for parking spaces used exclusively for inventory parking. Access aisles shall be regulated in accordance with § **155-139J**.
  - (11) As part of the conditional use application, the applicant or developer shall submit the following information for review and consideration.
    - (a) A preliminary utility plan showing how sanitary sewage disposal facilities, water supply facilities, electric, telephone, natural gas, cable and other utilities will service the site.
    - (b) A preliminary landscaping plan showing how the buffer yards and other landscaping enhancements will be incorporated within the site.
    - (c) A preliminary grading plan shall be developed to identify the limits of disturbance for all municipal site improvements, the proposed ground elevations, stormwater management facilities and other natural or man-made features of the site.
    - (d) Architectural renderings of the proposed building elevations and plan views.
    - (e) A preliminary lighting plan showing the location and intensity of the proposed lighting within the property to a point 50 feet beyond the perimeter of the property line. The proposed lighting for buildings, signs, accessways and parking areas shall be arranged so they do not reflect towards any public street or residential zoning districts.
    - (f) A traffic impact study shall be conducted in accordance with the provisions of the Caln Township Code in order to assess transportation conditions and needs. The traffic impact study shall be submitted with the conditional use application.
  - (12) If the conditional use application is approved by the Board of Commissioners, a complete land development plan shall be submitted to Caln Township for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by the Code.
- B. Automobile service stations, as further defined under Article **II** of this chapter, shall be permitted by special exception within the C-1 Zoning District and shall comply with the following design standards and specifications:

- (1) A minimum of two acres of net land area shall be required to accommodate the use. In addition, the appropriate minimum and maximum dimensional requirements of the C-1 Zoning District shall apply.
- (2) The use shall be serviced by public sanitary sewage facilities and public water supply facilities.
- (3) All general service, maintenance and repair facilities shall be permitted, provided that they are conducted within an enclosed building which complies the appropriate requirements for a commercial establishment within Caln Township and that they are considered as accessory uses to the automobile sales establishment.
- (4) The sale of gasoline, diesel fuel, kerosene or other petroleum products shall be permitted, subject to the following criteria.
  - (a) The maximum number of fueling pumps shall be limited to 12 fuel pumps or 24 fueling positions.
  - (b) The canopy covering the fuel pumps shall not exceed 14 feet from ground level at its highest point and shall be of a peak-roof design. The Zoning Hearing Board may permit a greater canopy height up to 20 feet if the design of the canopy is considered as architectural enhancement.
  - (c) All proposed fueling positions shall be located at least 50 feet from any property line, including the legal and ultimate right-of-way line.
  - (d) The total area of the canopy shall not exceed 10,000 square feet. In addition, the canopy shall be considered as part of the building coverage calculations.
  - (e) During non-daylight hours of operation, overhead lighting under the canopy shall illuminate all fueling positions. The canopy lighting shall be located on the undersurface (ceiling) of the canopy and shall be limited to flush lens fixtures mounted on the canopy ceiling. Drop lens fixtures shall be prohibited. Up-lens lighting fixtures mounted on the canopy structure above the level of gas pumps are permitted if they have the effect of reducing glare from the lighting fixtures mounted on the canopy ceiling. All such canopy lighting over fuel dispensing positions shall not exceed an average of 35.0 maintained footcandles.
  - (f) In no case shall illumination exceed 0.5 footcandle measured at the property lines, except at driveway entrances, provided the illumination at the cartway center line of the contiguous street shall not exceed 1.0 footcandle, unless a more stringent standard is ordered by the Board under the circumstances of each application.
  - (g) All gasoline sales associated with a convenience store or mini market shall comply with the appropriate provisions of § **155-69** of the Caln Township Code.
- (5) Unless otherwise permitted by the Caln Township Zoning Hearing Boards as part of the special exception application, no outdoor storage of parts, equipment, lubricants, fuel or other materials used or discarded as part of the automobile service establishment shall be permitted. All permitted materials that are stored outdoors shall be located outside of the street right-of-way and no closer than 10 feet to any property line.
- (6) All vehicles that have been brought in for service, maintenance or repair shall be in a state of active repair and shall not be permitted on the premises for a period of more than 10 consecutive days.
- (7) The demolishing of vehicles for salvage shall be prohibited.
- (8) Car washing facilities and services shall be permitted, provided that the facilities are designed in accordance with the following criteria:

- (a) Gray water recycling and treatment equipment is incorporated as part of the facility operations. All such equipment shall include provisions for the collection of waste, grease, oil, soap, wax and other materials that can't be recycled or utilized as part of the operations.
  - (b) A stacking or preservice lane, measuring at least 20 feet in width and 70 feet in length, shall be provided for each car washing bay or unit. Alternative designs may be accepted by the Zoning Hearing Board, provided that the design does not interfere with internal or external traffic patterns.
  - (c) A postwashing drying area is provided for two vehicles per car washing bay or unit.
  - (d) All structures housing washing apparatuses shall be set back at least 50 feet from any property line, including the legal and ultimate right-of-way line.
- (9) All off-street parking and loading facilities shall be located, designed and constructed in accordance with the requirements of Article X of this chapter.
- (10) As part of the special exception application, the applicant or developer shall submit the following information for review and consideration:
- (a) A preliminary utility plan showing how sanitary sewage disposal facilities, water supply facilities, electric, telephone, natural gas, cable and other utilities will service the site.
  - (b) A preliminary landscaping plan showing how the buffer yards and other landscaping enhancements will be incorporated within the site.
  - (c) A preliminary grading plan shall be developed to identify the limits of disturbance for all municipal site improvements, the proposed ground elevations, stormwater management facilities and other natural or man-made features of the site.
  - (d) Architectural renderings of the proposed building elevations and plan views.
  - (e) A preliminary lighting plan showing the location and intensity of the proposed lighting within the property to a point 50 feet beyond the perimeter of the property line. The proposed lighting for buildings, signs, accessways and parking areas shall be arranged so they do not reflect towards any public street or residential zoning districts.
  - (f) A traffic impact study shall be conducted in accordance with the provisions of the Caln Township Code in order to assess transportation conditions and needs. The traffic impact study shall be submitted with the special exception application.
  - (g) An environmental impact assessment (EIA) report shall be conducted in accordance with the procedures and requirements specified by this Code. At a minimum, the EIA report shall consider the adverse impacts of fuel spills, tank leaks, groundwater and surface water contamination, air quality, noise, lighting and other adverse impacts considered critical by the Zoning Hearing Board. The EIA report should identify how the potential adverse impact will be mitigated and/or prevented.
- (11) If a special exception application is approved by the Zoning Hearing Board, a complete land development plan shall be submitted to Caln Township for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the special exception application as well as all other provisions specified by the Code.

## § 155-74. Office and business parks.

- A. Office and business parks, as further defined under Article II of this chapter, shall be permitted by conditional use within the C-2 and I-1 Zoning Districts subject to the appropriate provisions specified within the Code.
- B. The following design standards and specifications shall apply to the uses contained within office and business parks:
- (1) A minimum of 10 acres of contiguous net land area shall be required to accommodate all of the uses within an office and business park.
  - (2) Each use shall be serviced by public sanitary sewage facilities and public water supply facilities. Unless otherwise permitted by the Caln Township, each use shall have independent connections for sanitary sewage disposal and water supply.
  - (3) The permitted uses within an office and business park shall be limited to professional offices; banks or financial institutions; governmental offices; municipal uses; medical or dental offices; and other similar office uses, as determined by the Caln Township Board of Commissioners as part of the conditional use application.
  - (4) Subordinate uses within the office and business park shall be limited to restaurants or cafeterias; retail sales establishments; personal care or service establishments; convention centers; day-care facilities; adult day-care facilities; recreational uses; educational uses; and other similar uses that are determined appropriate by the Board of Commissioners as part of the conditional use application. The cumulative gross floor area for all such accessory uses shall not occupy more than 20% of the cumulative gross floor area of all uses within the office and business park. The accessory uses shall be considered subordinate uses that directly benefit the primary uses within the office and business park.
  - (5) Drive-through establishments shall be prohibited use within an office and business park.
  - (6) The following minimum and maximum dimensional requirements shall apply to each principal use within the office and business park:
    - (a) The minimum net lot area shall be one acre per lot, whether it is for one individual use on a lot or multiple permitted uses within a building on a lot.
    - (b) The minimum lot width shall be 200 feet per lot.
    - (c) The front yard setback shall be at least 60 feet, as measured from the ultimate right-of-way line.
    - (d) The side yard setback shall be at least 30 feet for each side.
    - (e) The rear yard setback shall be at least 50 feet.
    - (f) Each building occupying a permitted use shall be located at least 100 feet from an existing lot containing an existing residential use.
    - (g) The maximum height of the buildings shall be no more than 50 feet.
    - (h) The maximum building coverage shall be no more than 40% of the approved lot.
    - (i) The maximum lot coverage shall be no more than 60% of the approved lot

- (7) Office or nonresidential condominiums may be permitted on an individual lot within the office and business park, provided that each use is a permitted use as described in this section of the Code. The permitted uses shall be designed as self-contained structures without common facilities which comply with all pertinent requirements of the Caln Township Code. In addition to these requirements, the following provisions shall apply to office or nonresidential condominiums:
  - (a) The ownership of office condominiums shall be under single ownership, partnership, corporation or under a guaranteed unified management control. The office condominiums must have at least one on-site manager or a designated individual whose office is located within a reasonable distance of Caln Township, as determined appropriate by the Board of Commissioners. The owner shall provide Caln Township with a complete list of on-site managers or designated individuals on an annual basis. The list shall include the name, mailing address and telephone number of each on-site manager or each designated individual responsible for the daily operation of all uses within the office or nonresidential condominiums.
  - (b) The owner or manager shall provide a complete list of tenants located within office or nonresidential condominium on an annual basis. The list shall include the name of the tenant, business name, mailing address, telephone number, land use activity and scheduled hours of operation.
- (8) The architectural features or building facade for the uses within the office and business park shall be harmoniously planned as a nonresidential community. As part of the conditional use application, the applicant or developer shall identify the nonresidential uses and demonstrate how these uses can be amicably planned considering their architectural appearance.
- (9) Unless otherwise required by the utility company or authority providing service, all uses within the office and business park shall have individual utility connections and shall be installed underground.
- (10) The off-street parking and loading spaces shall be designed to comply with the provisions specified under Article **X** of this chapter. The total number of off-street parking spaces shall meet or exceed the cumulative total for all uses within the office and business park. As part of the conditional use application, the Board of Commissioners may permit a reduction of 10% of the required cumulative total off-street parking spaces, provided the applicant or developer demonstrates that the uses will not generate additional off-street parking demands from employees, visitors and patrons during peak operational hours.
- (11) All proposed signs for each use within the office and business park shall comply with the provisions specified under Article **XI** of this chapter. In addition to these signs, no more than one common on-premises freestanding sign shall be permitted along each street in which the office and business park has frontage and shall not exceed 100 square feet per side. No portion of the common on-premises freestanding sign shall be less than seven feet or greater than 18 feet, as measured from the mean ground elevation.
- (12) The side and rear lot lines of the development shall be adequately screened with a twenty-foot-wide landscaped buffer yard.
- (13) All means of ingress and/or egress shall be located at least 300 feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or Caln Township.
- (14) Interior accessways shall be designed so as to prevent traffic congestion at points of ingress and

egress. All proposed areas designated for the loading or unloading of trucks and/or other commercial vehicles shall be planned and arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities.

- (15) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be airtight, verminproof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area will be permitted within 50 feet from any lot line.
- C. As part of the conditional use application, the applicant or developer shall submit the following information for review and consideration:
- (1) A preliminary utility plan showing how sanitary sewage disposal facilities, water supply facilities, electric, telephone, natural gas, cable and other utilities will service the site.
  - (2) A preliminary landscaping plan showing how the buffer yards and other landscaping enhancements will be incorporated within the site.
  - (3) A preliminary grading plan shall be developed to identify the limits of disturbance for all municipal site improvements, the proposed ground elevations, stormwater management facilities and other natural or man-made features of the site.
  - (4) Architectural renderings of the proposed building elevations and plan views.
  - (5) A preliminary lighting plan showing the location and intensity of the proposed lighting within the property to a point 50 feet beyond the perimeter of the property line. The proposed lighting for buildings, signs, accessways and parking areas shall be arranged so they do not reflect towards any public street or residential zoning districts.
  - (6) A traffic impact study shall be conducted in accordance with the provisions of the Caln Township Code in order to assess transportation conditions and needs. The traffic impact study shall be submitted with the conditional use application.
  - (7) An environmental impact assessment (EIA) report shall be conducted in accordance with the procedures and requirements specified by this Code. The EIA report should identify how the potential adverse impact will be mitigated and/or prevented.
- D. If the Board of Commissioners approves the conditional use application, a complete subdivision and land development plan shall be submitted to Caln Township for review and consideration. The subdivision and land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by the Code.

## § 155-75. Medical research parks.

- A. Medical research parks, as further defined under Article II of this chapter, shall be permitted by conditional use within the C-2 and I-1 Zoning Districts subject to the appropriate provisions specified within the Code.
- B. The following design standards and specifications shall apply to the uses contained within medical research parks:
  - (1) A minimum of 10 acres of contiguous net land area shall be required to accommodate all of the uses within a medical research park.

- (2) Each use shall be serviced by public sanitary sewage facilities and public water supply facilities. Unless otherwise permitted by the Caln Township, each use shall have independent connections for sanitary sewage disposal and water supply.
- (3) The permitted uses within a medical research park shall be limited to hospitals or medical centers; laboratories and research facilities; rehabilitation centers; physical therapy facilities; medical or dental offices; emergency management services and facilities; heliports or helistops; municipal uses; and other similar office uses, as determined by the Caln Township Board of Commissioners as part of the conditional use application.
- (4) Subordinate uses within the medical research park shall be limited to restaurants or cafeterias; professional offices; retail sales establishments; banks or financial institutions; personal care or service establishments; convention centers; day-care facilities; adult day-care facilities; recreational uses; educational uses; religious uses; and other similar uses that are determined appropriate by the Board of Commissioners as part of the conditional use application. The cumulative gross floor area for all such accessory uses shall not occupy more than 20% of the cumulative gross floor area of all uses within the medical research parks. The accessory uses shall be considered subordinate uses that directly benefit the primary uses within the medical research park.
- (5) Drive-through facilities and establishments shall be prohibited uses within a medical research park.
- (6) The following minimum and maximum dimensional requirements shall apply to each principal use within the medical research park:
  - (a) The minimum net lot area shall be one acre per lot, whether it is for one individual use on a lot or multiple permitted uses within a building on a lot.
  - (b) The minimum lot width shall be 200 feet per lot.
  - (c) The front yard setback shall be at least 60 feet, as measured from the ultimate right-of-way line.
  - (d) The side yard setback shall be at least 30 feet for each side.
  - (e) The rear yard setback shall be at least 50 feet.
  - (f) Each building occupying a permitted use shall be located at least 100 feet from an existing lot containing an existing residential use.
  - (g) The maximum height of the buildings shall be no more than 50 feet.
  - (h) The maximum building coverage shall be no more than 40% of the approved lot.
  - (i) The maximum lot coverage shall be no more than 60% of the approved lot
- (7) Office or nonresidential condominiums may be permitted on an individual lot within the medical research park, provided that each use is a permitted use as described in this section of the Code. The permitted uses shall be designed as self-contained structures without common facilities which comply with all pertinent requirements of the Caln Township Code. In addition to these requirements, the following provisions shall apply to office or nonresidential condominiums:
  - (a) The ownership of office condominiums shall be under single ownership, partnership, corporation or under a guaranteed unified management control. The office condominiums must have at least one on-site manager or a designated individual whose office is located within a reasonable distance of Caln Township, as determined appropriate by the Board of Commissioners. The

owner shall provide Caln Township with a complete list of on-site managers or designated individuals on an annual basis. The list shall include the name, mailing address and telephone number of each on-site manager or each designated individual responsible for the daily operation of the office or nonresidential condominiums.

- (b) The owner or manager shall provide a complete list of tenants located within office or nonresidential condominium on an annual basis. The list shall include the name of the tenant, business name, mailing address, telephone number, land use activity and scheduled hours of operation.
- (8) The architectural features or building facade for the uses within the medical research park shall be harmoniously planned as a nonresidential community. As part of the conditional use application, the applicant or developer shall identify the nonresidential uses and demonstrate how these uses can be amicably planned considering their architectural appearance.
- (9) Unless otherwise required by the utility company or authority providing service, all uses within the medical research park shall have individual utility connections and shall be installed underground.
- (10) The off-street parking spaces shall be designed to comply with the provisions specified under Article X of this chapter. The total number of off-street parking spaces shall meet or exceed the cumulative total for all uses within the medical research park. As part of the conditional use application, the Board of Commissioners may permit a reduction of 10% of the required cumulative total off-street parking spaces, provided the applicant or developer demonstrates that the uses will not generate additional off-street parking demands from employees, visitors and patrons during peak operational hours.
- (11) All proposed signs for each use within the medical research park shall comply with the provisions specified under Article XI of this chapter. In addition to these signs, no more than one common on-premises freestanding sign shall be permitted along each street in which the medical research park has frontage and shall not exceed 100 square feet per side. No portion of the common on-premises freestanding sign shall be less than seven feet or greater than 18 feet, as measured from the mean ground elevation.
- (12) The side and rear lot lines of the development shall be adequately screened with a twenty-foot-wide landscaped buffer yard.
- (13) All means of ingress and/or egress shall be located at least 300 feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or Caln Township.
- (14) Interior accessways shall be designed so as to prevent traffic congestion at points of ingress and egress. All proposed areas designated for the loading or unloading of trucks, emergency vehicles and/or other commercial vehicles shall be planned and arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities.
- (15) All designated points of ingress and egress for emergency management vehicles shall be designed to consider traffic volumes on existing streets and adjacent residential uses.
- (16) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be airtight, verminproof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area will be permitted within 50 feet from any lot line.

- (17) All medical waste, biohazardous materials, equipment, red bag waste and other similar items which, because of its potential health risks, shall be discarded in a manner specified by local, state and federal laws.
- C. As part of the conditional use application, the applicant or developer shall submit the following information for review and consideration:
- (1) A preliminary utility plan showing how sanitary sewage disposal facilities, water supply facilities, electric, telephone, natural gas, cable and other utilities will service the site.
  - (2) A preliminary landscaping plan showing how the buffer yards and other landscaping enhancements will be incorporated within the site.
  - (3) A preliminary grading plan shall be developed to identify the limits of disturbance for all municipal site improvements, the proposed ground elevations, stormwater management facilities and other natural or man-made features of the site.
  - (4) Architectural renderings of the proposed building elevations and plan views.
  - (5) A preliminary lighting plan showing the location and intensity of the proposed lighting within the property to a point 50 feet beyond the perimeter of the property line. The proposed lighting for buildings, signs, accessways and parking areas shall be arranged so they do not reflect towards any public street or residential zoning districts.
  - (6) A traffic impact study shall be conducted in accordance with the provisions of the Caln Township Code in order to assess transportation conditions and needs. The traffic impact study shall be submitted with the conditional use application.
  - (7) An environmental impact assessment (EIA) report shall be conducted in accordance with the procedures and requirements specified by this Code. The EIA report should identify how the potential adverse impact will be mitigated and/or prevented.
- D. If the Board of Commissioners approves the conditional use application, a complete subdivision and land development plan shall be submitted to Caln Township for review and consideration. The subdivision and land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by the Code.

## § 155-76. Industrial parks.

- A. Industrial parks, as further defined under Article II of this chapter, shall be permitted by conditional use within the C-2 and I-1 Zoning Districts subject to the appropriate provisions specified within the Code.
- B. The following design standards and specifications shall apply to the uses contained within industrial parks:
- (1) A minimum of 10 acres of contiguous net land area shall be required to accommodate all of the uses within an industrial park.
  - (2) Each use shall be serviced by public sanitary sewage facilities and public water supply facilities. Unless otherwise permitted by the Caln Township, each use shall have independent connections for sanitary sewage disposal and water supply.
  - (3) The permitted uses within an industrial park shall be limited to manufacturing facilities; wholesale and

distribution facilities; fabrication and finishing facilities; professional offices; banks or financial institutions; governmental offices; municipal uses; and other similar office uses, as determined by the Caln Township Board of Commissioners as part of the conditional use application.

- (4) Subordinate uses within the industrial park shall be limited to restaurants or cafeterias; retail sales establishments; personal care or service establishments; convention centers; recreational uses; educational uses; and other similar uses that are determined appropriate by the Board of Commissioners as part of the conditional use application. The cumulative gross floor area for all such accessory uses shall not occupy more than 20% of the cumulative gross floor area of all uses within the industrial park. The accessory uses shall be considered subordinate uses that directly benefit the primary uses within the industrial park.
- (5) Drive-through establishments shall be prohibited uses within an industrial park.
- (6) The following minimum and maximum dimensional requirements shall apply to each principal use within the industrial park:
  - (a) The minimum net lot area shall be three acres per lot, whether it is for one individual use on a lot or multiple permitted uses within a building on a lot.
  - (b) The minimum lot width shall be 250 feet per lot.
  - (c) The front yard setback shall be at least 60 feet, as measured from the ultimate right-of-way line.
  - (d) The side yard setback shall be at least 40 feet for each side.
  - (e) The rear yard setback shall be at least 50 feet.
  - (f) Each building occupying a permitted use shall be located at least 150 feet from an existing lot containing an existing residential use.
  - (g) The maximum height of the buildings shall be no more than 75 feet.
  - (h) The maximum building coverage shall be no more than 40% of the approved lot.
  - (i) The maximum lot coverage shall be no more than 60% of the approved lot
- (7) Office or nonresidential condominiums may be permitted on an individual lot within the industrial park, provided that each use is a permitted use as described in this section of the Code. The permitted uses shall be designed as self-contained structures without common facilities which comply with all pertinent requirements of the Caln Township Code. In addition to these requirements, the following provisions shall apply to office condominiums:
  - (a) The ownership of office condominiums shall be under single ownership, partnership, corporation or under a guaranteed unified management control. The office condominiums must have at least one on-site manager or a designated individual whose office is located within a reasonable distance of Caln Township, as determined appropriate by the Board of Commissioners. The owner shall provide Caln Township with a complete list of on-site managers or designated individuals on an annual basis. The list shall include the name, mailing address and telephone number of each on-site manager or each designated individual responsible for the daily operation of all uses within the office or nonresidential condominiums.
  - (b) The owner or manager shall provide a complete list of tenants located within office or nonresidential condominium on an annual basis. The list shall include the name of the tenant,

business name, mailing address, telephone number, land use and scheduled hours of operation.

- (8) The architectural features or building facade for the uses within the industrial park shall be harmoniously planned as a nonresidential community. As part of the conditional use application, the applicant or developer shall identify the nonresidential uses and demonstrate how these uses can be amicably planned considering their architectural appearance.
  - (9) Unless otherwise required by the utility company or authority providing service, all uses within the industrial park shall have individual utility connections and shall be installed underground.
  - (10) The off-street parking and loading spaces shall be designed to comply with the provisions specified under Article **X** of this chapter. The total number of off-street parking spaces shall meet or exceed the cumulative total for all uses within the industrial park. As part of the conditional use application, the Board of Commissioners may permit a reduction of 10% of the required cumulative total off-street parking spaces, provided the applicant or developer demonstrates that the uses will not generate additional off-street parking demands from employees, visitors and patrons during peak operational hours.
  - (11) All proposed signs for each use within the industrial park shall comply with the provisions specified under Article **XI** of this chapter. In addition to these signs, no more than one common on-premises freestanding sign shall be permitted along each street in which the office and business park has frontage and shall not exceed 100 square feet per side. No portion of the common on-premises freestanding sign shall be less than seven feet or greater than 18 feet, as measured from the mean ground elevation.
  - (12) The side and rear lot lines of the development shall be adequately screened with a twenty-five-foot-wide landscaped buffer yard.
  - (13) All means of ingress and/or egress shall be located at least 300 feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or Caln Township.
  - (14) Interior accessways shall be designed so as to prevent traffic congestion at points of ingress and egress. All proposed areas designated for the loading or unloading of trucks and/or other commercial vehicles shall be planned and arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities.
  - (15) All designated points of ingress and egress for truck traffic shall be designed to consider traffic volumes on existing streets, limitations associated with turning movements and all adjacent residential uses.
  - (16) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be airtight, verminproof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area will be permitted within 50 feet from any lot line.
- C. As part of the conditional use application, the applicant or developer shall submit the following information for review and consideration:
- (1) A preliminary utility plan showing how sanitary sewage disposal facilities, water supply facilities, electric, telephone, natural gas, cable and other utilities will service the site.

- (2) A preliminary landscaping plan showing how the buffer yards and other landscaping enhancements will be incorporated within the site.
  - (3) A preliminary grading plan shall be developed to identify the limits of disturbance for all municipal site improvements, the proposed ground elevations, stormwater management facilities and other natural or man-made features of the site.
  - (4) Architectural renderings of the proposed building elevations and plan views.
  - (5) A preliminary lighting plan showing the location and intensity of the proposed lighting within the property to a point 50 feet beyond the perimeter of the property line. The proposed lighting for buildings, signs, accessways and parking areas shall be arranged so they do not reflect towards any public street or residential zoning districts.
  - (6) A traffic impact study shall be conducted in accordance with the provisions of the Caln Township Code in order to assess transportation conditions and needs. The traffic impact study shall be submitted with the conditional use application.
  - (7) An environmental impact assessment (EIA) report shall be conducted in accordance with the procedures and requirements specified by this Code. The EIA report should identify how the potential adverse impact will be mitigated and/or prevented
- D. If the Board of Commissioners approves the conditional use application, a complete subdivision and land development plan shall be submitted to Caln Township for review and consideration. The subdivision and land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by the Code.

## § 155-77. Adult business and entertainment uses.

- A. Adult business and entertainment uses, as further defined under Article II of this chapter, shall be permitted by special exception within the I-1 Zoning District, subject to the appropriate provisions specified within the Code.
- B. The provisions for adult businesses and entertainment uses are hereby incorporated within this chapter of the Code in order to accomplish the following objectives:
  - (1) Pursuant to the authority in the First Class Township Code, the Caln Township Board of Commissioners has the power to prohibit nuisances and to promote the health, cleanliness, comfort and safety of the citizens of Caln Township;
  - (2) After the review of studies conducted by various cities and municipalities in the United States, as well as various court opinions where such studies are referenced and cited, including the United States Supreme Court decision, *The City of Renton v. Playtime Theaters, Inc.*, 475 U.S. 41 (1986), and the United States Court of Appeals for the Third Circuit decision, *Mitchell v. Commission on Adult Entertainment Establishments of the State of Delaware*, 10 F.3d 123 (3<sup>rd</sup> Cir. 1993), the Board of Commissioners recognizes that adult entertainment uses have the tendency to cause adverse secondary effects that impact on the health, safety and general welfare of Caln Township;
  - (3) The Board of Commissioners desires to restrict the location where adult entertainment uses can locate, to require a reasonable separation distance between such uses and other uses which are not compatible with adult-oriented businesses and to prevent an undue concentration and proliferation of

such uses in a close proximity; and

- (4) The Board of Commissioners is fully aware of and fully respects the fundamental constitutional guarantee of freedom of speech and realizes that restrictions on such freedom must be carefully drafted and enforced so that one's right to speak is not curtailed beyond the point at which it is essential to further Caln Township's interest in public health, safety and welfare.

C. The following standards and specifications shall apply to adult businesses and adult entertainment uses:

- (1) No adult business or entertainment use shall be located within 500 feet of any residential zoning district, as measured from the property line to the residential zoning district line.
- (2) No adult business or entertainment use shall be located within 1,000 feet of any religious uses, educational uses, day-care facilities and recreational uses, as measured from the property line.
- (3) No adult business or entertainment use shall be located within 3,000 feet of an existing adult business or entertainment use, as measured from the property line
- (4) The following minimum and maximum dimensional requirements shall apply to each adult business or entertainment use:
  - (a) The minimum net lot area shall be two acres.
  - (b) The minimum lot width shall be 200 feet per lot.
  - (c) The front yard setback shall be at least 60 feet, as measured from the ultimate right-of-way line.
  - (d) The side yard setback shall be at least 40 feet for each side.
  - (e) The rear yard setback shall be at least 50 feet.
  - (f) The maximum height of the buildings shall be no more than 35 feet.
  - (g) The maximum building coverage shall be no more than 30% of the approved lot.
  - (h) The maximum lot coverage shall be no more than 50% of the approved lot
- (5) All storage and displays shall be located within the building occupying the adult business or entertainment use.
- (6) All business transactions that are conducted on the premises shall be within an enclosed building. All adult business uses may operate between the hours of 9:00 a.m. and 11:00 p.m.
- (7) All applications for adult business or entertainment uses shall be accompanied by a land development plan. The minimum information required on the site plan shall include:
  - (a) The proposed nature of the adult business or entertainment use.
  - (b) Architectural renderings of the proposed building elevations and plan views.
  - (c) The location and elevation of all buildings, structures, walls, fences and landscaping on the property.
  - (d) Off-street parking areas, loading areas and traffic circulation patterns.
  - (e) The location, dimensions and content of all signs, displays and advertising.

- (f) A land use survey of all uses located within a one-thousand-foot radius of the property.
  - (8) All applications for adult business and entertainment uses shall include a statement providing specific information on each individual, partner, store manager(s), corporate officer, corporate director or corporate stockholders owning more than 3% of the issued and outstanding stock of a corporate applicant. At a minimum, the applicant shall identify the complete name, business address and telephone number.
  - (9) In the event of the proposed sale, resale or reassignment of interest of an adult business or entertainment use established under the terms of this Code, the Board of Commissioners and Zoning Officer shall be notified of such proposed change of ownership. Such notification shall include the documentation required by this section of the Code. Failure to notify the Board of Commissioners and Zoning Officer shall constitute a violation of this Code, which could lead to the revocation of the use and certificate of occupancy.
  - (10) The following requirements pertaining to signs and other visual displays shall apply to each adult business or entertainment use:
    - (a) The exterior of the building may include one wall sign or parallel sign identifying the name of the adult business or entertainment use, which shall not exceed 20 square feet in size.
    - (b) Freestanding signs, banners, directional signs, illuminated signs, portable signs, roof signs, seasonal signs and billboards shall be prohibited on the property.
    - (c) Window signs shall be limited to 25% of the total window area and shall not include any graphic or pictorial depiction of material related to specific sexual activities or anatomical areas.
    - (d) Advertisements, displays or other promotional materials related to specific sexual activities or anatomical area shall not be shown or exhibited so as to be visible to the public from the exterior of the building.
  - (11) The entrance of the adult business should include a sign warning all individuals that the premises is classified as an adult business use and/or adult entertainment use.
- D. If the Zoning Hearing Board approves the special exception application, a complete subdivision and land development plan shall be submitted to Caln Township for review and consideration. The subdivision and land development plan shall comply with all conditions of approval issued as part of the special exception application as well as all other provisions specified by the Code.

## § 155-78. Commercial campgrounds.

- A. Commercial campgrounds, as further defined under Article II of this chapter, shall be permitted by special exception within the C-2 and I-1 Zoning Districts, subject to the appropriate provisions specified within the Code.
- B. The following design standards and specifications shall apply to the uses contained within commercial campgrounds:
  - (1) A minimum of 10 acres of contiguous net land area shall be required to accommodate all of the uses within a commercial campground.
  - (2) All facilities within the commercial campgrounds shall be serviced by public sanitary sewage facilities

and public water supply facilities. Unless otherwise permitted by the Caln Township, each use shall have independent connections for sanitary sewage disposal and water supply.

- (3) The permitted uses within the commercial campground shall be limited to one single-family detached unit; one retail store with sales limited to items for the convenience of campers; and accessory structures including an office, maintenance buildings and storage areas.
- (4) Subordinate uses within the commercial campground shall be limited to cafeterias; recreational uses; educational uses; and other similar uses that are determined appropriate by the Zoning Hearing Board as part of the special exception application. The accessory uses shall be considered subordinate uses that directly benefit the visitors of the commercial campground.
- (5) The following minimum and maximum dimensional requirements shall apply to each permanent use within the commercial campground:
  - (a) The minimum lot width for the commercial campground shall be 300 feet.
  - (b) The front yard setback shall be at least 100 feet, as measured from the ultimate right-of-way line.
  - (c) The side yard setback shall be at least 100 feet for each side.
  - (d) The rear yard setback shall be at least 100 feet.
  - (e) Common facilities and uses within the commercial campgrounds shall be located at least 200 feet from a lot containing an existing residential use.
  - (f) The maximum height of the buildings shall be no more than 35 feet.
  - (g) The maximum building coverage shall be no more than 20% of the approved lot.
  - (h) The maximum lot coverage shall be no more than 40% of the approved lot.
- (6) No temporary or permanent campsite shall be located closer than 100 feet from any adjoining property line or street right-of-way line.
- (7) All uses within the commercial campsite shall be harmoniously planned as a community for vacation, retreats and temporary occupancy. As part of the special exception application, the applicant or developer shall identify the locations of all permanent and temporary uses and demonstrate how these uses can be amicably planned considering their function and appearance.
- (8) Campsites for tents shall be limited to 20 tents per acre.
- (9) Campsites for recreational vehicles shall be limited to 10 pads or sites per acre.
- (10) The minimum area of a campsite shall be 1,500 square feet and shall be so dimensioned, improved and arranged that when occupied no part of any unit, including accessory attachments, shall be within 10 feet of any designated campsite.
- (11) Roads and accessways shall be provided in such a manner so that ingress and egress for each campsite lot can be had without encroaching or entering upon any other campsite lot.
- (12) Each campsite shall be occupied by only one camping unit, which may include a tent, trailer or camper.
- (13) Other than the approved utility provisions, no permanent structures shall be permitted on any campsite lot.

- (14) Occupancy at a campsite shall only be permitted between the months of February through November. All camping units unoccupied for a period of 72 hours shall not be permitted to remain on the campsite. Occupancy at a campsite shall not be permitted in the months of December and January.
  - (15) Recreational vehicles shall not be stored on the grounds of the commercial campgrounds for a period of 30 consecutive days or 60 cumulative days within a calendar year.
  - (16) No part of any campground area shall be used for nonresidential purposes, except those purposes required for serving the well-being of the campground customers and for the management and maintenance of the campground.
  - (17) A fire prevention and protection plan shall be developed by the applicant or developer and submitted to the Caln Township Fire Chief.
  - (18) Unless otherwise required by the utility company or authority providing service, all uses within the commercial campgrounds shall have individual utility connections and shall be installed underground.
  - (19) The off-street parking and loading spaces shall be designed to comply with the provisions specified under Article **X** of this chapter. The total number of off-street parking spaces shall meet or exceed the cumulative total for all uses within the commercial campground.
  - (20) All proposed signs for commercial campgrounds shall comply with the provisions specified under Article **XI** of this chapter.
  - (21) All perimeter boundary lines of the commercial campground shall be adequately screened with a fifty-foot-wide landscaped buffer yard.
  - (22) All means of ingress and/or egress shall be located at least 300 feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes, as may be required by the Pennsylvania Department of Transportation or Caln Township.
  - (23) Interior accessways shall be designed so as to prevent traffic congestion at points of ingress and egress. All proposed areas designated for the loading or unloading of recreation vehicles, campers and/or other commercial vehicles shall be planned and arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities.
  - (24) All designated points of ingress and egress for truck traffic shall be designed to consider traffic volumes on existing streets, limitations associated with turning movements and all adjacent residential uses.
  - (25) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be airtight, verminproof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area will be permitted within 100 feet from any lot line.
- C. As part of the special exception application, the applicant or developer shall submit the following information for review and consideration
- (1) A preliminary utility plan showing how sanitary sewage disposal facilities, water supply facilities, electric, telephone, natural gas, cable and other utilities will service the site.
  - (2) A preliminary landscaping and grading plan shall be developed to identify the limits of disturbance for

all municipal site improvements, the proposed ground elevations, stormwater management facilities, buffer yards, landscaping improvements and other natural or man-made features of the site.

- (3) A traffic impact study shall be conducted in accordance with the provisions of the Caln Township Code in order to assess transportation conditions and needs. The traffic impact study shall be submitted with the special exception application.
  - (4) An environmental impact assessment (EIA) report shall be conducted in accordance with the procedures and requirements specified by this Code. The EIA report should identify how the potential adverse impact will be mitigated and/or prevented
- D. If the Zoning Hearing Board approves the special exception application, a complete land development plan shall be submitted to Caln Township for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by the Code.

## § 155-79. Commercial drive-through establishments.

- A. Commercial drive-through establishments, as further defined under Article II of this chapter, shall be permitted by conditional use within the TV-1, C-1 Zoning Districts and the Route 30 Bypass Interchange Overlay District, subject to the appropriate provisions specified within the Township Code. In such instances where the specific use proposed is permitted by special exception in the TV-1 or C-1 Zoning District or the Route 30 Bypass Interchange Overlay District, and the structure is designed as a commercial drive-through establishment, it is not necessary for the applicant to obtain both conditional use and special exception approvals for the proposed use. The applicant shall only be required to obtain special exception approval from the Zoning Hearing Board for such proposed use; provided, however, that the specific design standards for such use as well as the design criteria for a commercial drive-through establishment set forth in § 155-79 shall also be met.  
[Amended 3-30-2006 by Ord. No. 2006-5; 5-14-2009 by Ord. No. 2009-02]
- B. The following design standards and specifications shall apply to the uses contained within commercial drive-through establishments:
- (1) A minimum of 50,000 square feet of contiguous net land area shall be required to accommodate all of the structures as part of the commercial drive-through establishment. In addition, the minimum and maximum dimensional requirements for a commercial drive-through establishment, as specified by the TV-1 and C-1 Zoning Districts and the Route 30 Bypass Interchange Overlay District, shall apply.  
[Amended 5-14-2009 by Ord. No. 2009-02]
  - (2) Commercial drive-through establishments shall be limited to restaurants; financial institutions; car washes; personal service establishments; retail uses; and other similar uses which are permitted uses within the TV-1 and C-1 Zoning Districts and the Route 30 Bypass Interchange Overlay District.  
[Amended 5-14-2009 by Ord. No. 2009-02]
  - (3) The commercial drive-through establishment shall be serviced by public sanitary sewage facilities and public water supply facilities.
  - (4) Commercial drive-through establishments shall be located at least 250 feet from an existing residential use or residential zoning district, as measured from the property line.
  - (5) The side and rear lot lines of the commercial drive-through establishment shall be adequately

screened with a ten-foot-wide landscaped buffer yard.

- (6) Unless otherwise required by the utility company or authority providing service, all utility connections and shall be installed underground.
- (7) The applicant shall submit a traffic study to support the location of all proposed means of ingress and egress. The traffic study must demonstrate that the proposed location of all means of ingress and egress are safe to the traveling public and patrons to the commercial drive-through establishment and that the proposed locations will minimize any effect on traffic flow and congestion. The proposed locations of all means of ingress and egress shall be approved by the Board of Commissioners (or, in the case of a special exception application, the Zoning Hearing Board) only after making a determination that the proposed locations satisfy the above-referenced requirements. The applicant shall also obtain a Pennsylvania Department of Transportation highway occupancy permit or a Caln Township road occupancy permit as a condition precedent to application approval. The applicant or developer shall be responsible for the purchase, installation and/or relocation of any traffic control device and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or Caln Township.  
[Amended 5-14-2009 by Ord. No. 2009-02]
- (8) Interior traffic circulation shall be designed so as to minimize traffic congestion at points of ingress and egress and to promote public safety for those patrons parking or using the commercial drive-through feature. Fire lanes shall be clearly established, as required by the Caln Township Fire Code,<sup>[1]</sup> as amended. The required loading and unloading zones shall be designed to minimize interference with interior traffic circulation and parking facilities, unless the Board of Commissioners, in its sole discretion, approves an alternative design provided by the applicant in its conditional use application (or, in the case of a special exception application, by the Zoning Hearing Board), establishing that loading and unloading will take place during off hours.  
[Amended 5-14-2009 by Ord. No. 2009-02]  
<sup>[1]</sup>: *Editor's Note: See Ch. 83, Fire Prevention.*
- (9) A stacking or preservice lane, measuring at least 10 feet in width and 60 feet in length, shall be provided for each service lane or bay for a commercial drive-through establishment. Alternative designs may be approved by the Board of Commissioners, in its sole discretion, as part of the applicant's conditional use application (or, in the case of a special exception application, by the Zoning Hearing Board), provided the applicant can demonstrate that the internal or external traffic patterns are safe and designed to industry standards.  
[Amended 5-14-2009 by Ord. No. 2009-02]
- (10) All designated points of ingress and egress for all vehicles shall be designed to consider traffic volumes on existing streets and adjacent uses.
- (11) The off-street parking and loading spaces shall be designed to comply with the provisions specified under Article **X** of this chapter.
- (12) All proposed signs for the commercial drive-through establishment shall comply with the provisions specified under Article **XI** of this chapter.
- (13) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be airtight, verminproof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area will be permitted within 25 feet from any lot line.

- (14) All exterior speaker, microphone or intercom systems shall be designed in a manner so the messages, music or other audible sounds are reduced by 80% from the source to any property line.
  - (15) The lighting facilities shall be designed in a manner so the illumination does not exceed 0.5 footcandle, as measured at the property lines, except at driveway entrances, provided the illumination at the cartway center line of the contiguous street shall not exceed 1.0 footcandle.
- C. As part of the conditional use application, the applicant or developer shall submit the following information for review and consideration:
- (1) A preliminary utility plan showing how sanitary sewage disposal facilities, water supply facilities, electric, telephone, natural gas, cable and other utilities will service the site.
  - (2) A preliminary landscaping plan showing how the buffer yards and other landscaping enhancements will be incorporated within the site.
  - (3) A preliminary grading plan shall be developed to identify the limits of disturbance for all municipal site improvements, the proposed ground elevations, stormwater management facilities and other natural or man-made features of the site.
  - (4) Architectural renderings of the proposed building elevations and plan views.
  - (5) A preliminary lighting plan showing the location and intensity of the proposed lighting within the property to a point 50 feet beyond the perimeter of the property line. The proposed lighting for buildings, signs, accessways and parking areas shall be arranged so they do not reflect towards any public street or residential zoning districts.
  - (6) A traffic impact study shall be conducted in accordance with the provisions of the Caln Township Code in order to assess transportation conditions and needs. The traffic impact study shall be submitted with the conditional use application.
  - (7) An environmental impact assessment (EIA) report shall be conducted in accordance with the procedures and requirements specified by this Code. The EIA report should identify how the potential adverse impact will be mitigated and/or prevented.
- D. If the Board of Commissioners approves the conditional use application, a complete subdivision and land development plan shall be submitted to Caln Township for review and consideration. The subdivision and land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by the Code.

## § 155-80. Commercial water resource use.

- A. Commercial water resource uses, as further defined under Article II of this chapter, shall be permitted by conditional use within the C-2 and I-1 Districts subject to the appropriate provisions specified within the Code.
- B. Commercial water resource uses shall be limited to groundwater extraction and exportation operations; surface water extraction and exportation operations; bottling and distribution facilities; and other similar uses, as determined by the Caln Township Zoning Officer.
- C. The following design standards and specifications shall apply to the uses contained within commercial water resource uses:

- (1) A minimum of 10 acres of contiguous net land area shall be required to accommodate all of the operational facilities within a commercial water resource use.
  - (2) The commercial water resource use shall be approved and permitted by the appropriate local, state and federal regulatory agencies.
  - (3) The commercial water resource use shall be serviced by public sanitary sewage facilities and public water supply facilities.
  - (4) Unless otherwise permitted by Caln Township, all facility operations, uses, intake devices, wells, pumps, storage tanks and principal buildings associated with the commercial water resource use shall be located at least 200 feet from all property lines.
  - (5) All facility operations, uses, intake devices, wells, pumps, storage tanks and principal buildings associated with the commercial water resource use shall be located at least 2,500 feet from all existing production wells or intake devices utilized for public water supply.
  - (6) The perimeter of the property shall be completely enclosed by a security fence, which shall be eight feet in height.
  - (7) Unless otherwise required by the utility company or authority providing service, all utility connections shall be installed underground.
  - (8) All means of ingress and/or egress shall be located at least 300 feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or Caln Township.
  - (9) All designated points of ingress and egress for truck traffic shall be designed to consider traffic volumes on existing streets, limitations associated with turning movements and adjacent residential uses.
  - (10) The off-street parking and loading spaces shall be designed to comply with the provisions specified under Article **X** of this chapter.
  - (11) All proposed signs for the commercial water resource use shall comply with the provisions specified under Article **XI** of this chapter.
  - (12) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be airtight, verminproof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area will be permitted within 50 feet from any lot line.
- D. As part of the conditional use application, the applicant or developer shall submit the following information for review and consideration:
- (1) A complete hydrological report, analysis and impact plan of the surface water and groundwater conditions shall be prepared by a professional hydrogeologist, which meets the following objectives and requirements:
    - (a) The professional hydrogeologist preparing the report shall certify that the commercial water resource use shall be supplied by a continuous safe daily yield which will not adversely affect the quantity or quality of the surface water and groundwater table within 2,000 feet of the source of

extraction.

- (b) If appropriate, a dynamic recovery rate and draw-down tests shall be conducted by the professional hydrogeologist preparing the report to determine the maximum safe daily yield of the commercial water resource operations.
  - (c) All such applications for the commercial water resource use shall demonstrate that the adjacent public and private water supply sources will not adversely be affected by discontinued use, contamination, loss of supply or the ability to properly recharge over time.
  - (d) The professional hydrogeologist preparing the report shall consult with the Caln Township Engineer and Zoning Officer prior to commencement of the background studies to determine if other conditions should be analyzed as part of the report.
  - (e) The hydrological report, analysis and impact plan shall be subject to the review of the Caln Township Engineer or other professional consultant(s) qualified to render an opinion of the information submitted on behalf of the applicant.
- (2) A preliminary utility plan showing how sanitary sewage disposal facilities, water supply facilities, electric, telephone, natural gas, cable and other utilities will service the site.
  - (3) A preliminary landscaping plan showing how the buffer yards and other landscaping enhancements will be incorporated within the site.
  - (4) A preliminary grading plan shall be developed to identify the limits of disturbance for all municipal site improvements, the proposed ground elevations, stormwater management facilities and other natural or man-made features of the site.
  - (5) A traffic impact study shall be conducted in accordance with the provisions of the Caln Township Code in order to assess transportation conditions and needs. The traffic impact study shall be submitted with the conditional use application.
  - (6) An environmental impact assessment (EIA) report shall be conducted in accordance with the procedures and requirements specified by this Code. The EIA report should identify how the potential adverse impact will be mitigated and/or prevented.
- E. If the Board of Commissioners approves the conditional use application, a complete land development plan shall be submitted to Caln Township for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by the Code.

## § 155-81. Commercial outdoor sales.

- A. Unless otherwise specifically approved or permitted for the nonresidential use, commercial outdoor sales of merchandise shall be prohibited.
- B. Commercial outdoor sales may be permitted for those nonresidential uses whose merchandise are customarily displayed outdoors, provided the use has been designated on an approved land development plan or occupancy permit.
- C. All permitted commercial outdoor sales or display areas shall comply with the minimum setback requirements for the zoning district to which the commercial use is located.

- D. Seasonal or sidewalk sales may be permitted on the sidewalk or outside of the front or side of the principal building of a retail establishment, whereas, goods are offered for retail sale to the public, typically at discounted price, provided that all such sales shall not exceed 60 cumulative days during the course of a calendar year.

## § 155-82. Veterinary hospitals and animal clinics.

- A. Veterinary hospitals and animal clinics, as further defined under Article II of this chapter, shall be permitted by conditional use in the TV-1, C-1, C-2 and I-1 Zoning Districts, subject to the appropriate provisions specified within the Code.
- B. A veterinary hospital or animal clinic shall not include a kennel, as defined under Article II of this chapter. All kennel use, facilities and operations shall specifically comply with the provisions specified under § 155-83 of this chapter.
- C. The following design standards and specifications shall apply to veterinary hospitals or animal clinics:
- (1) A minimum of 50,000 square feet of contiguous net land area shall be required to accommodate all of the uses associated with a veterinary hospital or animal clinic. In addition, the minimum and maximum dimensional requirements for a veterinary hospital or animal clinic, as specified by the zoning district in which the use is located, shall apply.
  - (2) The veterinary hospital or animal clinic shall be serviced by public sanitary sewage facilities and public water supply facilities.
  - (3) Veterinary hospitals or animal clinics shall be located at least 200 feet from all existing residential uses, as measured from the veterinary hospital or animal clinic to the existing residential use.
  - (4) Outdoor runs may be permitted for the animals being cared for at the veterinary hospital or animal clinic, subject to the following conditions:
    - (a) The outdoor runs are conducted between the hours of 8:00 a.m. and 8:00 p.m.
    - (b) The outdoor runs are conducted within a defined area, which is completely enclosed by a six-foot-high fence. The perimeter of the fence shall be adequately screened with a ten-foot-wide landscaped buffer yard.
    - (c) The location of the outdoor runs shall be located at least 100 feet from all property lines.
  - (5) The veterinary hospital or animal clinic shall be adequately soundproofed so that the sounds generated by the animals being cared for are not audible or detectable from any lot line.
  - (6) If an incineration (retort) device is proposed to be installed on the property, the applicant shall prove during the conditional use application that he has secured the written approval and all required licenses from the governmental agency having jurisdiction, and approval thereof shall be within the reasonable discretion of the Board of Commissioners, subject to such reasonable conditions as the Board of Commissioners shall impose in its discretion.
  - (7) The storage of any animal waste shall be regularly disposed of by discharge to an approved sewage disposal system or facility for biological wastes. Any temporary storage of animal or biological waste shall be within a building, within enclosed containers, pending removal to or disposal at an approved facility. A plan for management of such wastes shall be submitted for municipal review as part of the

special exception application.

- (8) Retail sales of items commonly found in connection with such uses, if any, shall be limited to a maximum floor area of 1,000 square feet.
  - (9) Unless otherwise required by the utility company or authority providing service, all utility connections shall be installed underground.
  - (10) All designated points of ingress and egress for all vehicles shall be designed to consider traffic volumes on existing streets and adjacent uses.
  - (11) The off-street parking and loading spaces shall be designed to comply with the provisions specified under Article **X** of this chapter.
  - (12) All proposed signs for the veterinary hospital or animal clinic shall comply with the provisions specified under Article **XI** of this chapter.
  - (13) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be airtight, verminproof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area will be permitted within 50 feet from any lot line.
  - (14) The lighting facilities shall be designed in a manner so the illumination does not exceed 0.5 footcandle, as measured at the property lines, except at driveway entrances, provided the illumination at the cartway center line of the contiguous street shall not exceed 1.0 footcandle.
- D. If the Board of Commissioners approves the conditional use application, a complete land development plan shall be submitted to Caln Township for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by the Code.

## § 155-83. Kennels.

- A. Kennels, as further defined under Article **II** of this chapter, shall be permitted by special exception in the I-1 Zoning District, subject to the appropriate provisions specified within the Code.
- B. A kennel may include accessory uses, including: pet grooming services; veterinary or clinical care facilities; retail sales of pet supplies; and other similar uses.
- C. The following design standards and specifications shall apply to kennels:
  - (1) A minimum of 10 acres of contiguous net land area shall be required to accommodate all of the uses associated with a kennel.
  - (2) The minimum lot width requirement for the lot occupying the kennel use shall be 300 feet.
  - (3) All principal and accessory uses associated with the kennel shall be located at least 100 feet from the ultimate right-of-way line and all property lines.
  - (4) Kennels shall be located at least 500 feet from all existing residential uses, as measured from the kennel to the existing residential use.
  - (5) The kennel shall be serviced by public sanitary sewage facilities and public water supply facilities.

- (6) Outdoor runs or common exterior areas may be permitted for the animals being cared for at the kennel, subject to the following conditions:
  - (a) The outdoor runs are conducted between the hours of 7:00 a.m. and 9:00 p.m.
  - (b) The outdoor runs are conducted within a defined external area, which is completely enclosed by an eight-foot-high fence. The perimeter of the fence shall be adequately screened with a twenty-foot-wide landscaped buffer yard.
  - (c) The location of the outdoor runs shall be located at least 100 feet from all property lines.
- (7) If an incineration (retort) device is proposed to be installed on the property, the applicant shall prove during the special exception application that he has secured the written approval and all required licenses from the governmental agency having jurisdiction, and approval thereof shall be within the reasonable discretion of the Zoning Hearing Board, subject to such reasonable conditions as the Zoning Hearing Board shall impose in its discretion.
- (8) The storage of any animal waste shall be regularly disposed of by discharge to an approved sewage disposal system or facility for biological wastes. Any temporary storage of animal or biological waste shall be within a building, within enclosed containers, pending removal to or disposal at an approved facility. A plan for management of such wastes shall be submitted for municipal review as part of the special exception application.
- (9) Retail sales of items commonly found in connection with such uses, if any, shall be limited to a maximum floor area of 1,000 square feet.
- (10) Unless otherwise specified by the Zoning Hearing Board as part of the special exception application, shows and/or competitions, which are proposed to occur on the property, shall be limited to two events per calendar year. All events shall be specifically designated by the applicant, and a permit will be required to facilitate each event.
- (11) The owner of animals or operator of a kennel shall comply with all pertinent provisions relating to noise, disturbance, odors or other nuisances, as further defined by the Caln Township Code.
- (12) Unless otherwise required by the utility company or authority providing service, all utility connections and shall be installed underground.
- (13) All designated points of ingress and egress for all vehicles shall be designed to consider traffic volumes on existing streets and adjacent uses.
- (14) The off-street parking and loading spaces shall be designed to comply with the provisions specified under Article **X** of this chapter.
- (15) All proposed signs for the kennel shall comply with the provisions specified under Article **XI** of this chapter.
- (16) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be airtight, verminproof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area will be permitted within 50 feet from any lot line.
- (17) The lighting facilities shall be designed in a manner so the illumination does not exceed 0.5 footcandle, as measured at the property lines, except at driveway entrances, provided the illumination at the cartway center line of the contiguous street shall not exceed 1.0 footcandle.

- D. If the Zoning Hearing Board approves the special exception application, a complete land development plan shall be submitted to Caln Township for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by the Code.

## § 155-84. Mini warehouse and self-storage facilities.

- A. Mini warehouse or self storage units, as further defined under Article II of this chapter, shall be permitted by conditional use within the I-1 Zoning District, subject to the appropriate provisions specified within the Code.
- B. The following design standards and specifications shall apply to a mini warehouse or self-storage facility:
- (1) A minimum of five acres of contiguous net land area shall be required to accommodate all of the uses associated with a mini warehouse or self-storage facility. In addition, the minimum and maximum dimensional requirements for a mini warehouse or self-storage facility, as specified by the zoning district in which the use is located, shall apply.
  - (2) A buffer yard shall be established within the required front, side and rear yards of the lot in which the units are proposed. The minimum depth or width of the required buffer yard shall be 30 feet. The buffer yard shall be designed and improved with a four-foot-high raised landscaped berm, with a side slope ratio of three foot horizontal to one foot vertical, and containing a mixed variety of trees (evergreen, canopy and flowering).
  - (3) The mini warehouse or self-storage units must be enclosed and contained by an eight-foot security fence, with a twenty-four-hour automated access gate. The type, location, height and arrangement of the security fence and automated access gate shall be subject to the approval of the Planning Commission. Where required by the Planning Commission, additional landscaping materials shall be provided in order to screen the security fence from all public roads and all adjacent properties.
  - (4) The entrance and all vehicular access aisles shall be a minimum of 24 feet in width and shall be unobstructed by vehicles and/or equipment. The entrance or main entrance shall be paved and landscaped from the cartway of the public road to a point 50 feet within the automated access gate.
  - (5) The outdoor storage and/or parking of recreational vehicles, boats, campers, trailers or similar vehicles shall only be permitted behind the proposed buildings and within the rear yard of the lot. The required buffer yard should conceal the view of all such vehicles. The design and location of the outdoor storage area and/or parking area shall be schematically arranged in accordance with the Caln Township Code.
  - (6) The storage of partially dismantled, wrecked and/or inoperative vehicles shall not be permitted within any exterior area of the mini warehouse or self-storage operation.
  - (7) Other than as set forth herein, all storage shall be kept within an enclosed building except the storage of flammable, high combustible, explosive or hazardous chemicals, which shall be prohibited. Any fuel tanks and/or machinery or other apparatuses relying on such fuel shall be stored only in an external storage area described within this section.
  - (8) Based upon the risk or danger of fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover and other flammable materials, the repair, construction or reconstruction of any boat, engine, motor vehicle or furniture is prohibited within a mini warehouse or

self-storage facility.

- (9) All exterior lighting and signs for the self-storage operation shall conform with all applicable requirements of the Caln Township Code. Exterior lighting shall be limited to security lighting, which shall be designed not to exceed 0.25 footcandle along the perimeter of the property lines so as to preclude trespass glare onto adjacent properties. As part of the land development plan, a lighting plan shall be submitted for review and consideration.
  - (10) Mini warehouses/self-storage units shall be used solely for the dead storage of property. The following are examples of uses specifically prohibited on the site: auctions (except storage lien auctions), commercial wholesale or retail sales (except ancillary supplies normally sold at self-storage centers) or garage sales; the servicing, repair or fabrication of motor vehicles, motorcycles, boats, trailers, lawn mowers, appliances or similar equipment; the operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns or other similar equipment; the establishment of a transfer or storage business except the owner/operator of the self-storage; any use that is noxious or offensive because of odors, dust, noise, fumes or vibrations; retail sales and services; residential uses; and other uses determined inappropriate by the Caln Township Zoning Officer.
  - (11) A minimum of one off-street parking space shall be required per 10,000 square feet of cumulative building space within the mini warehouse or self-storage facility.
  - (12) One office area or building may be included within the site of the mini warehouse or self-storage operation. The office use shall not exceed 2,500 square feet and shall be subordinate and/or accessory to the mini warehouse self-storage operation.
  - (13) Each building shall be a fully enclosed building, built of durable materials on a permanent foundation.
  - (14) Truck trailers, box cars or similar impermanent removable structures shall not be used as buildings for self storage units.
  - (15) The architectural design and appearance of the mini warehouse or self-storage units shall be subject to the approval of the Caln Township Planning Commission and Board of Commissioners.
  - (16) All uses shall be in conformity with all provisions of the Caln Township Code. No use of the mini warehouse or storage units shall violate any local, county, state and federal laws.
- C. A complete land development plan shall be prepared and submitted to Caln Township for review and consideration. The proposed land development plan shall be prepared considering the design standards and specifications by this Code.

## § 155-85. Quarrying and mining operations.

- A. Quarrying and mining operations, as further defined under Article II of this chapter, shall be permitted by special exception within the I-1 Zoning District, subject to the appropriate provisions specified within the Code.
- B. The following design standards and specifications shall apply to a quarrying and mining operation:
  - (1) A minimum of 20 acres of contiguous net land area shall be required to accommodate all of the uses associated with a quarrying and mining operation.
  - (2) The office and maintenance buildings for the quarrying and mining operation shall be serviced by

public sanitary sewage facilities and public water supply facilities.

- (3) The minimum lot width requirement for the quarrying and mining operation shall be 300 feet.
- (4) Quarrying and/or mining activities shall not be conducted within 200 feet of any property line or street right-of-way line.
- (5) Access to the site of the quarrying and mining operation shall be limited to those posted times when an attendant is on duty. In order to protect against indiscriminate and unauthorized activities, the site shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations. Such barricade, fence or gate shall be at least eight feet in height and shall be kept in good repair.
- (6) All means of ingress and/or egress shall be located at least 500 feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or Caln Township.
- (7) No vehicles shall be staged or parked at any entrance and/or access road of the site prior to one hour of the standard operation hours of the quarrying or mining facility. Overnight parking shall be prohibited.
- (8) Measures shall be provided to control dust and debris. The entire area shall be kept clean and orderly. The perimeter of the site shall be inspected for debris on a daily basis.
- (9) Truck access shall be designed to minimize traffic hazards and inconveniences. All interior roadways shall be maintained and constructed by the operator. All trucks leaving the site shall not deposit accumulating amounts of mining products, dirt, mud or other such substances on public roads.
- (10) A tire cleaning area shall be provided on site. All tires of all trucks leaving the site shall be cleaned. Runoff from the tire cleaning area shall be controlled and disposed of in accordance with all pertinent federal, state and/or Township standards.
- (11) A security fence with a minimum height of eight feet shall be erected along all boundary lines of the area which is approved for operational use as a quarry or mine. The fence shall not contain openings greater than four square inches and shall contain, at all entrances, gates which are locked except during operating hours. Warning signs shall be placed on the fence at intervals of no more than 50 feet.
- (12) A fifty-foot-wide buffer yard shall completely surround all areas approved for operational use as a quarry or mine. The buffer yard shall consist of a dense evergreen screen and is to be located and maintained along all boundary lines of the site, except at the entrances. The selected evergreens shall have a minimum height of six feet and shall be staggered on twelve-foot centers. No materials of any nature shall be stored within this buffer yard.
- (13) All blasting operations shall conform to the regulations enforced by the appropriate agencies of the Commonwealth of Pennsylvania and the federal government. Notice of all blasting operations shall be given at least 24 hours prior to the commencement of blasting to Caln Township and to the occupants of all properties within a radius of 1,000 feet of the location of blasting. In addition, notice shall be given to all sensitive business ventures requesting such notice.
- (14) The storage of explosives shall be in accordance with all pertinent local, state and federal laws.

- (15) Crushing and processing operations of the minerals, rock and other products of the earth mined on the premises shall be permitted so long as the physical or chemical properties of the same are not changed and so long as such crushing or processing operations do not involve the manufacture of cement or concrete, asphalt materials and products or any other form of manufacturing or fabrication.
  - (16) No substances which can harm persons, animals, vegetation or other form of property shall be dispersed beyond the property lines of the quarrying or mining operation.
  - (17) The applicant shall comply with all local, state and federal requirements pertaining to the operation of quarrying and mining facility. A copy of all permits and licenses issued to the applicant shall be submitted to Caln Township.
- C. As part of the special exception application, the applicant or developer shall submit the following information for review and consideration:
- (1) A complete hydrological report, analysis and impact plan shall be prepared by a professional hydrogeologist which shall demonstrate the proposed quarrying or mining operation will not adversely affect the quantity or quality of the surface water and groundwater table within 2,000 feet of the source of operations.
  - (2) A geological and geotechnical site investigation shall be prepared by a professional geologist which shall demonstrate that the surrounding area is not prone to sinkhole development.
  - (3) A preliminary utility plan showing how sanitary sewage disposal facilities, water supply facilities, electric, telephone, natural gas, cable and other utilities will service the site or relocated to accommodate the quarrying and mining operation.
  - (4) A preliminary landscaping plan showing how the buffer yards and other landscaping enhancements will be incorporated within the site.
  - (5) A preliminary grading plan shall be developed to identify the limits of disturbance for all site improvements, the proposed ground elevations, stormwater management facilities and other natural or man-made features of the site.
  - (6) A traffic impact study shall be conducted in accordance with the provisions of the Caln Township Code in order to assess transportation conditions and needs. The traffic impact study shall be submitted with the special exception application.
  - (7) An environmental impact assessment (EIA) report shall be conducted in accordance with the procedures and requirements specified by this Code. The EIA report should identify how the potential adverse impact will be mitigated and/or prevented.
- D. If the Zoning Hearing Board approves the special exception application, a complete land development plan shall be submitted to Caln Township for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by the Code.

## § 155-86. Solid waste disposal and reduction facilities.

- A. Solid waste disposal and reduction facilities, as further defined under Article II of this chapter, shall be

permitted by special exception within the I-1 Zoning District, subject to the appropriate provisions specified within the Code.

- B. All solid waste disposal and/or reduction facilities shall comply with all local, county, state and federal laws governing the ownership, operation and maintenance of such facilities, which shall have the appropriate permits to operate the solid waste disposal and/or reduction facilities in accordance
- C. The following design standards and specifications shall apply to a solid waste disposal and/or reduction facilities:
  - (1) A minimum of 20 acres of contiguous net land area shall be required to accommodate all of the uses associated with a solid waste disposal and/or reduction facilities.
  - (2) The offices and maintenance buildings for the solid waste disposal and/or reduction facility shall be serviced by public sanitary sewage facilities and public water supply facilities.
  - (3) The minimum lot width requirement for the solid waste disposal and/or reduction facility shall be 300 feet.
  - (4) All solid waste disposal and/or reduction facilities shall be located at least 200 feet from any property line or street right-of-way line.
  - (5) All means of ingress and/or egress shall be located at least 500 feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or Caln Township.
  - (6) Access to the site of the solid waste disposal and/or reduction facility shall be limited to those posted times when an attendant is on duty. In order to protect against indiscriminate and unauthorized activities, the site shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations. Such barricade, fence or gate shall be at least 12 feet in height and shall be kept in good repair.
  - (7) No vehicles shall be staged or parked at any entrance and/or access road of the site prior to one hour of the standard operation hours of the solid waste disposal and/or reduction facility. Overnight parking shall be prohibited.
  - (8) Measures shall be provided to control dust and debris. The entire area shall be kept clean and orderly. The perimeter of the site shall be inspected for debris on a daily basis.
  - (9) Truck access shall be designed to minimize traffic hazards and inconveniences. All interior roadways shall be maintained and constructed by the operator. All trucks leaving the site shall not deposit accumulating amounts of dirt, mud or other such substances on public roads.
  - (10) An equipment cleaning and tire cleaning area shall be provided on site. All equipment used to dispose, dump, move, transport, grade and compact solid waste shall be cleaned daily. Runoff from the equipment cleaning area shall be controlled and disposed of in accordance with all pertinent local, state and federal laws.
  - (11) All tires of all trucks leaving the site shall be cleaned. Runoff from the tire cleaning area shall be controlled and disposed of in accordance with all pertinent local, county, state or federal standards.
  - (12) A security fence with a minimum height of 12 feet shall be erected along all boundary lines of the area

which is approved for a solid waste disposal and/or reduction facility. The fence shall not contain openings greater than four square inches and shall contain, at all entrances, gates which are locked except during operating hours. Warning signs shall be placed on the fence at intervals of no more than 50 feet.

- (13) A fifty-foot-wide buffer yard shall completely surround all areas approved for the solid waste disposal and/or reduction facility. The buffer yard shall consist of a dense evergreen screen and is to be located and maintained along all boundary lines of the site, except at the entrances. The selected evergreens shall have a minimum height of six feet and shall be staggered on twelve-foot centers. No materials of any nature shall be stored within this buffer yard.
  - (14) No substances which can harm persons, animals, vegetation or other form of property shall be dispersed beyond the property lines of the solid waste disposal and/or reduction facility.
  - (15) The applicant shall comply with all local, state and federal requirements pertaining to the solid waste disposal and/or reduction facility. A copy of all permits and licenses issued to the applicant shall be submitted to Caln Township.
  - (16) Hazardous, contaminated and/or toxic materials, including but not limited to highly flammable materials, explosives, pathological wastes and radioactive materials, shall not be disposed of in the solid waste disposal and/or reduction facility.
  - (17) The operator shall comply with all local, state and federal laws concerning stabilization, stormwater management and erosion and sedimentation control.
  - (18) Routine inspections of the entire site shall be permitted to take place by any local, county, state or federal official who has proper authorization to conduct such inspections. Any necessary corrective work or action shall be performed by the applicant in the time frame specified by the authorized inspector.
  - (19) All components of the solid waste disposal and/or reduction facility shall be conducted within an approved facility, building, cell site, area, transfer site or other area permitted by the appropriate local, state and federal agencies.
  - (20) All solid waste materials awaiting disposal and/or reduction shall be stored or staged in a manner or period of time which does not exceed the requirements specified on the permit.
  - (21) The solid waste disposal and/or reduction facility shall contain an on-site scale which shall be accurately calibrated to weigh and record all solid waste that is disposed or reduced in a manner permitted by the Commonwealth of Pennsylvania. All records concerning the daily tonnage which is delivered, transported, disposed and/or reduced shall be submitted to Caln Township on a monthly basis.
- D. As part of the special exception application, the applicant or developer shall submit the following information for review and consideration:
- (1) A complete hydrological report, analysis and impact plan shall be prepared by a professional hydrogeologist which shall demonstrate the proposed solid waste disposal and/or reduction facility will not adversely affect the quantity or quality of the surface water and groundwater table within 2,000 feet of the source of operations.
  - (2) A geological and geotechnical site investigation shall be prepared by a professional geologist which shall demonstrate that the surrounding area is not prone to sinkhole development from the

preparation stages through the post-closure stages.

- (3) A preliminary utility plan showing how sanitary sewage disposal facilities, water supply facilities, electric, telephone, natural gas, cable and other utilities will service the site or relocated to accommodate the solid waste disposal and/or reduction facility.
  - (4) A preliminary landscaping plan showing how the buffer yards and other landscaping enhancements will be incorporated within the site.
  - (5) A preliminary grading plan shall be developed to identify the limits of disturbance for all site improvements, the proposed ground elevations, erosion and sedimentation control facilities, stormwater management facilities and other natural or man-made features of the site.
  - (6) A traffic impact study shall be conducted in accordance with the provisions of the Caln Township Code in order to assess transportation conditions and needs. The traffic impact study shall be submitted with the special exception application.
  - (7) An environmental impact assessment (EIA) report shall be conducted in accordance with the procedures and requirements specified by this Code. The EIA report should identify how the potential adverse impact will be mitigated and/or prevented.
  - (8) A contingency plan for the disposal and/or reduction of solid waste during any discontinuation of the normal operations.
- E. If the Zoning Hearing Board approves the special exception application, a complete land development plan shall be submitted to Caln Township for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by the Code.

## § 155-87. Junkyards and salvage yards.

- A. Junkyards and/or salvage yards, as further defined under Article II of this chapter, shall be permitted by special exception within the I-1 Zoning District, subject to the appropriate provisions specified within the Code.
- B. The following design standards and specifications shall apply to a junkyard or salvage yard:
  - (1) A minimum of 20 acres of contiguous net land area shall be required to accommodate all of the uses associated with a junkyard or salvage yard.
  - (2) The offices and maintenance buildings for the junkyard and/or salvage yard shall be serviced by public sanitary sewage facilities and public water supply facilities.
  - (3) The minimum lot width requirement for the junkyard or salvage yard shall be 300 feet.
  - (4) All junkyards and/or salvage yards shall be located at least 100 feet from any property line or street right-of-way line.
  - (5) All means of ingress and/or egress shall be located at least 500 feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the

Pennsylvania Department of Transportation or Caln Township.

- (6) Access to the site of the junkyard and/or salvage yard shall be limited to those posted times when an attendant is on duty. In order to protect against indiscriminate and unauthorized activities, the site shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations. Such barricade, fence or gate shall be at least eight feet in height and shall be kept in good repair.
- (7) No vehicles shall be staged or parked at any entrance and/or access road of the site prior to one hour of the standard operation hours of the junkyard and/or salvage yard facility. Overnight parking shall be prohibited.
- (8) Measures shall be provided to control dust and debris. The entire area shall be kept clean and orderly. The perimeter of the site shall be inspected for debris on a daily basis.
- (9) Truck access shall be designed to minimize traffic hazards and inconveniences. All interior roadways shall be maintained and constructed by the operator. All trucks leaving the site shall not deposit accumulating amounts of dirt, mud or other such substances on public roads.
- (10) An equipment cleaning and tire cleaning area shall be provided on site. All equipment used to dispose, dump, move, transport, grade and compact solid waste shall be cleaned daily. Runoff from the equipment cleaning area shall be controlled and disposed of in accordance with all pertinent local, state and federal laws.
- (11) All tires of all trucks leaving the site shall be cleaned. Runoff from the tire cleaning area shall be controlled and disposed of in accordance with all pertinent local, county, state or federal standards.
- (12) A security fence with a minimum height of eight feet shall be erected along all boundary lines of the area which is approved for a junkyard and/or salvage yard. The fence shall not contain openings greater than four square inches and shall contain, at all entrances, gates which are locked except during operating hours. Warning signs shall be placed on the fence at intervals of no more than 50 feet.
- (13) A fifty-foot-wide buffer yard shall completely surround all areas approved for the junkyard and/or salvage yard. The buffer yard shall consist of a dense evergreen screen and is to be located and maintained along all boundary lines of the site, except at the entrances. The selected evergreens shall have a minimum height of six feet and shall be staggered on twelve-foot centers. No materials of any nature shall be stored within this buffer yard.
- (14) No substances which can harm persons, animals, vegetation or other form of property shall be dispersed beyond the property lines of the junkyard and/or salvage yard.
- (15) The applicant shall comply with all local, state and federal requirements pertaining to the junkyard and/or salvage yard. A copy of all permits and licenses issued to the applicant shall be submitted to Caln Township.
- (16) Hazardous, contaminated and/or toxic materials, including but not limited to highly flammable materials, explosives, pathological wastes and radioactive materials, shall not be disposed of in the junkyard and/or salvage yard.
- (17) The operator shall comply with all local, state and federal laws concerning stabilization, stormwater management and erosion and sedimentation control.
- (18) All junk and salvage shall be stored and arranged so as to permit access to emergency management

equipment and to prevent accumulation of stagnant water.

- (19) No materials of any nature shall be piled to a height of more than eight feet from the elevation of the ground.
  - (20) All liquids and/or fluids shall be drained from any junk or scrapped automobiles.
- C. As part of the special exception application, the applicant or developer shall submit the following information for review and consideration:
- (1) A complete hydrological report, analysis and impact plan shall be prepared by a professional hydrogeologist which shall demonstrate the proposed facility will not adversely affect the quantity or quality of the surface water and groundwater table within 1,000 feet of the source of operations.
  - (2) A preliminary landscaping plan showing how the buffer yards and other landscaping enhancements will be incorporated within the site.
  - (3) A preliminary grading plan shall be developed to identify the limits of disturbance for all site improvements, the proposed ground elevations, erosion and sedimentation control facilities, stormwater management facilities and other natural or man-made features of the site.
  - (4) A traffic impact study shall be conducted in accordance with the provisions of the Caln Township Code in order to assess transportation conditions and needs. The traffic impact study shall be submitted with the special exception application.
  - (5) An environmental impact assessment (EIA) report shall be conducted in accordance with the procedures and requirements specified by this Code. The EIA report should identify how the potential adverse impact will be mitigated and/or prevented.
- D. If the Zoning Hearing Board approves the special exception application, a complete land development plan shall be submitted to Caln Township for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by the Code.

## § 155-88. Trucking or motor freight terminals.

- A. Trucking or motor freight terminals, as further defined under Article II of this chapter, shall be permitted by special exception within the I-1 Zoning District, subject to the appropriate provisions specified within the Code.
- B. The following design standards and specifications shall apply to a trucking or motor freight terminal:
- (1) A minimum of 10 acres of contiguous net land area shall be required to accommodate all of the uses associated with a trucking or motor freight terminal.
  - (2) The offices, terminals, storage and maintenance buildings for the trucking or motor freight terminal shall be serviced by public sanitary sewage facilities and public water supply facilities.
  - (3) The minimum lot width requirement for the lot occupying the trucking or motor freight terminal shall be 300 feet.
  - (4) All trucking or motor freight terminals shall be located at least 100 feet from any property line or

street right-of-way line.

- (5) All means of ingress and/or egress shall be located at least 500 feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or Caln Township.
- (6) All designated points of ingress and egress for all vehicles shall be designed to consider traffic volumes on existing streets and adjacent uses.
- (7) Measures shall be provided to control dust and debris. The entire area shall be kept clean and orderly. The perimeter of the site shall be inspected for debris on a daily basis.
- (8) Where overnight parking is permitted, the trucks or commercial vehicles utilizing the facilities shall not be kept running or idling for a period of time exceeding 30 consecutive minutes or 90 cumulative minutes within any twenty-four-hour time period.
- (9) Truck access shall be designed to minimize traffic hazards and inconveniences. All interior roadways shall be maintained and constructed by the owner or manager. All trucks leaving the site shall not deposit accumulating amounts of dirt, mud or other such substances on public roads.
- (10) A fifty-foot-wide buffer yard shall completely surround all areas approved for the trucking or motor freight terminal. The buffer yard shall consist of a dense evergreen screen and is to be located and maintained along all boundary lines of the site, except at the entrances. The selected evergreens shall have a minimum height of six feet and shall be staggered on twelve-foot centers. No materials of any nature shall be stored within this buffer yard.
- (11) Hazardous, contaminated and/or toxic materials, including but not limited to highly flammable materials, explosives, pathological wastes and radioactive materials, shall not be stored at the site of the trucking or motor freight terminal.
- (12) The owner or manager shall comply with all local, state and federal laws concerning stabilization, stormwater management and erosion and sedimentation control.
- (13) All vehicle service, maintenance and repair activities shall be conducted within an enclosed building which has been approved and permitted by Caln Township.
- (14) All vehicles that have been brought in for service, maintenance or repair shall be in a state of active repair and in no case shall be stored on the premises for 30 consecutive days.
- (15) The outdoor storage of unlicensed or noninspected vehicles or trailers shall be prohibited.
- (16) All trucks and trailers stored on the property shall be arranged so as to permit access to emergency management equipment. The off-street parking and loading spaces shall be designed to comply with the provisions specified under Article **X** of this chapter.
- (17) All proposed signs shall comply with the provisions specified under Article **XI** of this chapter.
- (18) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be airtight, verminproof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area will be permitted within 50 feet from any lot line.

- C. As part of the special exception application, the applicant or developer shall submit the following information for review and consideration:
- (1) A preliminary landscaping plan showing how the buffer yards and other landscaping enhancements will be incorporated within the site.
  - (2) A preliminary grading plan shall be developed to identify the limits of disturbance for all site improvements, the proposed ground elevations, erosion and sedimentation control facilities, stormwater management facilities and other natural or man-made features of the site.
  - (3) A traffic impact study shall be conducted in accordance with the provisions of the Caln Township Code in order to assess transportation conditions and needs. The traffic impact study shall be submitted with the special exception application.
  - (4) An environmental impact assessment (EIA) report shall be conducted in accordance with the procedures and requirements specified by this Code. The EIA report should identify how the potential adverse impact will be mitigated and/or prevented.
- D. If the Zoning Hearing Board approves the special exception application, a complete land development plan shall be submitted to Caln Township for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by the Code.

## § 155-89. Agricultural uses.

- A. General agricultural uses, as further defined under Article II of this chapter, shall be permitted by right in the R-1, R-2 and I-1 Zoning Districts, subject to the following provisions:
- (1) General agricultural uses may include the following uses: the cultivation of the soil for the raising and harvesting of produce or crops; nurseries; greenhouses; horticulture operations; the raising of livestock, farm animals and/or exotic pets; animal husbandry operations; dairy farms; and other general agricultural uses, as determined by the Caln Township Zoning Officer.
  - (2) All general agricultural uses shall not include intensive agricultural uses, mushroom production facilities, commercial composting facilities or other forms of specialized agricultural uses that may be considered as a nuisance or as further defined by this Code.
  - (3) A minimum of 1.75 acres of contiguous land area shall be required to accommodate general agricultural uses and activities.
  - (4) Unless otherwise specified by Chapter 73 of the Caln Township Code, the raising or ownership of farm animals, domestic pets or exotic pets shall be limited to 0.5 cumulative animal unit per acre.
  - (5) The minimum lot width requirement for general agricultural uses shall be 100 feet.
  - (6) All general agricultural uses shall be located at least 50 feet from any property line or street right-of-way line.
  - (7) All agricultural uses and activities shall comply with all local, state and federal laws concerning manure management, nutrient management, fertilizer applications, sewage disposal, water supply, stormwater management, erosion and sedimentation control, vehicular accessibility and solid waste management.

- (8) Accessory uses may be permitted for the general agricultural uses, provided they are conducted on the same lot and are permitted by Caln Township.
  - (9) The display and sale of farm products, provided that at least 75% of the quantity of products for sale have been produced on the property on which they are offered for sale. The sale of farm products shall be conducted in a structure or stand which shall not be located closer than 25 feet from the applicable street right-of-way line.
- B. Intensive agricultural uses, as further defined under Article II of this chapter, shall be permitted by special exception within the I-1 Zoning District, subject to the following provisions:
- (1) Intensive agricultural uses may include the following uses: specialized agricultural activities; mushroom production facilities; intensive livestock operations; intensive produce operations; intensive dairy and egg production facilities; poultry production facilities; pork production facilities or pig farms; and other general agricultural uses, as determined by the Caln Township Zoning Officer.
  - (2) A minimum of 20 acres of contiguous net land area shall be required to accommodate intensive agricultural uses and activities.
  - (3) The offices, employee facilities, storage and maintenance buildings for the intensive agricultural use shall be serviced by public sanitary sewage facilities and public water supply facilities. The proposed sewage disposal and water supply methods shall be subject to the approval of the Caln Township.
  - (4) Unless otherwise specified by Chapter **73** of the Caln Township Code, the raising or ownership of farm animals, domestic pets or exotic pets shall be limited to 1.0 cumulative animal unit per acre.
  - (5) The minimum lot width requirement for intensive agricultural use shall be 300 feet.
  - (6) All intensive agricultural uses and facilities shall be located at least 200 feet from any property line or street right-of-way line.
  - (7) All intensive agricultural uses and facilities shall be located at least 100 feet from all streams or surface water.
  - (8) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be airtight, verminproof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area will be permitted within 100 feet from any lot line.
  - (9) All intensive agricultural uses and activities shall comply with all local, state and federal laws concerning manure management, nutrient management, fertilizer applications, sewage disposal, water supply, stormwater management, erosion and sedimentation control, air quality management; vehicular accessibility and solid waste management. Where appropriate, the applicant shall submit plans or other forms of documentation to demonstrate that the intensive agricultural use shall comply with all pertinent local, state and federal laws.
  - (10) All means of ingress and/or egress shall be located at least 500 feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or Caln Township.
  - (11) A traffic impact study shall be conducted in accordance with the provisions of the Caln Township Code in order to assess transportation conditions and needs. The traffic impact study shall be submitted

with the special exception application.

- (12) A complete hydrological report, analysis and impact plan shall be prepared by a professional hydrogeologist which shall demonstrate the proposed intensive agricultural use will not adversely affect the quantity or quality of the surface water and groundwater table within 2,000 feet of the source of operations.
  - (13) A preliminary grading plan shall be developed to identify the limits of disturbance for all site improvements, the proposed ground elevations, stormwater management facilities and other natural or man-made features of the site.
  - (14) An environmental impact assessment (EIA) report shall be conducted in accordance with the procedures and requirements specified by this Code. The EIA report should identify how the potential adverse impact will be mitigated and/or prevented
  - (15) As part of the special exception application, the applicant shall provide evidence that the intensive agricultural uses or activities shall comply with the provisions established within this section of the Code.
  - (16) If the Zoning Hearing Board approves the special exception application, a complete land development plan shall be submitted to Caln Township for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the special exception application as well as all other provisions specified by the Code.
- C. Commercial composting uses, as further defined under Article II of this chapter, shall be permitted by special exception within the I-1 Zoning District, subject to the following provisions:
- (1) Commercial composting uses may include the accumulation of biodegradable and organic materials from approved uses, including mushroom production uses; municipal uses; landscaping uses; nursery uses; forestry uses; and other similar uses as determined appropriate by the Caln Township Zoning Hearing Board; whereas, the composted materials are packaged, processed and/or transported from the commercial composting facility and utilized for other applications.
  - (2) A minimum of 20 acres of contiguous net land area shall be required to accommodate a commercial composting facility.
  - (3) The offices, employee facilities, storage and maintenance buildings for the commercial composting use shall be serviced by public sanitary sewage facilities and public water supply facilities. The proposed sewage disposal and water supply methods shall be subject to the approval of Caln Township.
  - (4) The minimum lot width requirement for commercial a composting use shall be 300 feet.
  - (5) All commercial composting uses and facilities shall be located at least 200 feet from any property line or street right-of-way line.
  - (6) All commercial composting uses and facilities shall be located at least 100 feet from all streams or surface water.
  - (7) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be airtight, verminproof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area will be permitted within 100 feet from any lot line.
  - (8) All commercial composting uses and activities shall comply with all local, state and federal laws

concerning manure management, nutrient management, fertilizer applications, sewage disposal, water supply, stormwater management, erosion and sedimentation control, air quality management, vehicular accessibility and solid waste management. Where appropriate, the applicant shall submit plans or other forms of documentation to demonstrate that the commercial composting use shall comply with all pertinent local, state and federal laws.

- (9) All means of ingress and/or egress shall be located at least 500 feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or Caln Township.
- (10) A traffic impact study shall be conducted in accordance with the provisions of the Caln Township Code in order to assess transportation conditions and needs. The traffic impact study shall be submitted with the special exception application.
- (11) A complete hydrological report, analysis and impact plan shall be prepared by a professional hydrogeologist which shall demonstrate the proposed commercial composting facility will not adversely affect the quantity or quality of the surface water and groundwater table within 2,000 feet of the source of operations.
- (12) A preliminary grading plan shall be developed to identify the limits of disturbance for all site improvements, the proposed ground elevations, stormwater management facilities and other natural or man-made features of the site.
- (13) An environmental impact assessment (EIA) report shall be conducted in accordance with the procedures and requirements specified by this Code. The EIA report should identify how the potential adverse impact will be mitigated and/or prevented.
- (14) As part of the special exception application, the applicant shall provide evidence that the commercial composting uses or activities shall comply with the provisions established within this section of the Code.
- (15) If the Zoning Hearing Board approves the special exception application, a complete land development plan shall be submitted to Caln Township for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the special exception application as well as all other provisions specified by the Code.

## § 155-90. Recreational uses.

- A. Recreational uses, as further defined under Article II of this chapter, shall be permitted by conditional use within the R-1, R-2, R-3, R-4, TV-1, C-1 and C-2 Zoning Districts, subject to the appropriate provisions specified within the Code.
- B. Recreational use are permitted within the R-5 Zoning District as previously approved by Caln Township or as specified under § **155-25** of the Caln Township Code. All such recreational uses shall be subject to the approval of the representative homeowners' association and the Caln Township Board of Commissioners.
- C. The following design standards and specifications shall apply to recreational uses:
  - (1) A minimum of two acres of contiguous net land area shall be required to accommodate the

recreational use.

- (2) Unless otherwise permitted by Caln Township Board of Commissioners as part of the conditional use application, the recreational facilities and uses shall be serviced by public sanitary sewage facilities and public water supply facilities.
  - (3) The minimum lot width for the recreational use shall be 150 feet.
  - (4) All active outdoor recreational areas and uses shall be located at least 50 feet from all property lines and street right-of-ways.
  - (5) All passive recreational areas and uses shall be located at least 10 feet from all property lines and street right-of-ways.
  - (6) Shooting ranges shall be prohibited.
  - (7) All recreational buildings shall be located at least 50 feet from all external property lines and street right-of-ways.
  - (8) All property lines adjacent to existing residential land uses shall be adequately screened and buffered so as to protect the privacy of the residential neighborhood from inappropriate noise, light and other disturbances.
  - (9) All means of ingress and/or egress shall be located at least 200 feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or Caln Township.
  - (10) The off-street parking and loading spaces shall be designed to comply with the provisions specified under Article **X** of this chapter.
  - (11) All proposed signs for the recreational use shall comply with the provisions specified under Article **XI** of this chapter.
  - (12) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be airtight, verminproof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area will be permitted within 50 feet from any lot line
- D. As part of the conditional use application, the applicant or developer shall submit the following information for review and consideration:
- (1) A preliminary grading plan shall be developed to identify the limits of disturbance for all site improvements, the proposed ground elevations, erosion and sedimentation control facilities, stormwater management facilities and other natural or man-made features of the site.
  - (2) A traffic impact study shall be conducted in accordance with the provisions of the Caln Township Code in order to assess transportation conditions and needs. The traffic impact study shall be submitted with the conditional use application.
  - (3) An environmental impact assessment (EIA) report shall be conducted in accordance with the procedures and requirements specified by this Code. The EIA report should identify how the potential adverse impact will be mitigated and/or prevented.

- E. If the Board of Commissioners approves the conditional use application, a complete land development plan shall be submitted to Caln Township for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by the Code.

## § 155-91. Institutional uses.

- A. Educational uses, as further defined under Article II of this chapter, shall be permitted by conditional use within the R-1, R-2, R-3, R-4, TV-1, C-1, C-2 and I-1 Zoning Districts, subject to the provisions of the Caln Township Code as well as the following design standards and specifications:
- (1) A minimum of three acres of contiguous net land area shall be required to accommodate the educational use. In addition, the minimum and maximum dimensional requirements, as specified by the zoning district in which the educational use is located, shall apply.
  - (2) The educational facilities and uses shall be serviced by public sanitary sewage facilities and public water supply facilities.
  - (3) Subordinate uses within the educational use shall be limited to cafeterias; administrative and professional offices; recreational uses; day-care facilities; religious uses; and other similar uses that are determined appropriate by the Board of Commissioners as part of the conditional use application. The cumulative gross floor area for all such accessory uses shall not occupy more than 40% of the cumulative gross floor area of all uses within the educational facility. The accessory uses shall be considered subordinate uses that directly benefit the educational use. All designated subordinate uses and buildings shall be located at least 50 feet from all property lines and street right-of-ways.
  - (4) All property lines adjacent to existing residential land uses shall be adequately screened and buffered so as to protect the residential neighborhood from inappropriate noise, light and other disturbances.
  - (5) Unless otherwise required by the utility company or authority providing service, all utility connections shall be installed underground.
  - (6) All means of ingress and/or egress shall be located at least 300 feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or Caln Township.
  - (7) The off-street parking and loading spaces shall be designed to comply with the provisions specified under Article X of this chapter. The interior accessways shall be designed so as to prevent traffic congestion at points of ingress and egress. All proposed areas designated for the loading or unloading of school buses, emergency response vehicles and/or other commercial vehicles shall be planned and arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities.
  - (8) All proposed signs for the educational use shall comply with the provisions specified under Article XI of this chapter.
  - (9) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be airtight, verminproof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area will be permitted within

50 feet from any lot line of a nonresidential use and 100 feet from any lot line of a residential use.

- B. Hospitals and medical centers, as further defined under Article II of this chapter, shall be permitted by conditional use within the R-1, R-2, R-3, TV-1, C-1 and C-2 Zoning Districts, subject to the provisions of the Caln Township Code as well as the following design standards and specifications:
- (1) A minimum of three acres of contiguous net land area shall be required to accommodate the hospital or medical center. In addition, the minimum and maximum dimensional requirements, as specified by the zoning district in which the hospital or medical center is located, shall apply.
  - (2) The hospital or medical center shall be serviced by public sanitary sewage facilities and public water supply facilities.
  - (3) Subordinate uses within the hospital or medical center shall be limited to restaurants or cafeterias; administrative and professional offices; retail sales establishments; banks or financial institutions; personal care or service establishments; conference or convention centers; day-care facilities; adult day-care facilities; recreational uses; educational uses; religious uses; and other similar uses that are determined appropriate by the Board of Commissioners as part of the conditional use application. The cumulative gross floor area for all such accessory uses shall not occupy more than 40% of the cumulative gross floor area of all uses within the hospital or medical center. All designated subordinate uses and buildings shall be located at least 50 feet from all property lines and street right-of-ways.
  - (4) All heliport or helistop facilities shall be located at least 200 feet from all property lines.
  - (5) All property lines adjacent to existing residential land uses shall be adequately screened and buffered so as to protect the residential neighborhood from inappropriate noise, light and other disturbances.
  - (6) Unless otherwise required by the utility company or authority providing service, all utility connections shall be installed underground.
  - (7) All means of ingress and/or egress shall be located at least 300 feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or Caln Township.
  - (8) The off-street parking and loading spaces shall be designed to comply with the provisions specified under Article X of this chapter. The interior accessways shall be designed so as to prevent traffic congestion at points of ingress and egress. All proposed areas designated for the loading or unloading of emergency response vehicles, buses and/or other commercial vehicles shall be planned and arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities.
  - (9) All proposed signs for the hospital or medical center shall comply with the provisions specified under Article XI of this chapter.
  - (10) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be airtight, verminproof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area will be permitted within 50 feet from any lot line of a nonresidential use and 100 feet from any lot line of a residential use.
  - (11) All medical waste, biohazardous materials, equipment, red bag waste and other similar items which, because of its potential health risks, shall be discarded in a manner specified by local, state and federal

laws.

- C. Assisted living care facilities, convalescent homes and nursing homes, as further defined under Article II of this chapter, shall be permitted by conditional use within the R-2, R-3, R-4, TV-1, C-1 and C-2 Zoning Districts, subject to the provisions of the Caln Township Code as well as the following design standards and specifications:
- (1) A minimum of three acres of contiguous net land area shall be required to accommodate the assisted living care facility, convalescent home and/or nursing home. In addition, the minimum and maximum dimensional requirements, as specified by the zoning district in which the assisted living care facility, convalescent home and/or nursing is located, shall apply.
  - (2) The assisted living care facility, convalescent home and/or nursing home shall be serviced by public sanitary sewage facilities and public water supply facilities.
  - (3) Subordinate uses within the assisted living care facility, convalescent home and/or nursing home shall be limited to restaurants or cafeterias; administrative and professional offices; retail sales establishments; banks or financial institutions; personal care or service establishments; recreational uses; educational uses; religious uses; and other similar uses that are determined appropriate by the Board of Commissioners as part of the conditional use application. The cumulative gross floor area for all such accessory uses shall not occupy more than 40% of the cumulative gross floor area of all uses within the assisted living care facility, convalescent home and/or nursing home. All designated subordinate uses and buildings shall be located at least 50 feet from all property lines and street right-of-ways.
  - (4) All property lines adjacent to existing residential land uses shall be adequately screened and buffered so as to protect the residential neighborhood from inappropriate noise, light and other disturbances.
  - (5) Unless otherwise required by the utility company or authority providing service, all utility connections shall be installed underground.
  - (6) All means of ingress and/or egress shall be located at least 300 feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or Caln Township.
  - (7) The off-street parking and loading spaces shall be designed to comply with the provisions specified under Article X of this chapter. The interior accessways shall be designed so as to prevent traffic congestion at points of ingress and egress. All proposed areas designated for the loading or unloading of emergency response vehicles, buses and/or other commercial vehicles shall be planned and arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities.
  - (8) All proposed signs for the assisted living care facility, convalescent home and/or nursing home shall comply with the provisions specified under Article XI of this chapter.
  - (9) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be airtight, verminproof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area will be permitted within 50 feet from any lot line of a nonresidential use and 100 feet from any lot line of a residential use.
  - (10) All medical waste, biohazardous materials, equipment, red bag waste and other similar items which,

because of its potential health risks, shall be discarded in a manner specified by local, state and federal laws.

- D. Religious uses, as further defined under Article **II** of this chapter, shall be permitted by special exception within the R-1, R-2, R-3, R-4, TV-1, C-1, C-2 and I-1 Zoning Districts, subject to the provisions of the Caln Township Code as well as the following design standards and specifications:
- (1) A minimum of three acres of contiguous net land area shall be required to accommodate the religious use. In addition, the minimum and maximum dimensional requirements, as specified by the zoning district in which the religious use is located, shall apply.
  - (2) Unless otherwise permitted by Caln Township, the religious use shall be serviced by public sanitary sewage facilities and public water supply facilities.
  - (3) Subordinate uses within the religious use shall be limited to cafeterias; administrative and professional offices; conference or convention centers; recreational uses; day-care facilities; adult day-care facilities; and other similar uses that are determined appropriate by the Zoning Hearing Board as part of the special exception application. The cumulative gross floor area for all such accessory uses shall not occupy more than 40% of the cumulative gross floor area of all uses within the religious use.
  - (4) All designated subordinate uses and buildings shall be located at least 50 feet from all property lines and street right-of-ways.
  - (5) All designated areas utilized as a cemetery or burial grounds shall be located at least 50 feet from all property lines and street rights-of-way.
  - (6) Unless otherwise required by the utility company or authority providing service, all utility connections shall be installed underground.
  - (7) All means of ingress and/or egress shall be located at least 300 feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or Caln Township.
  - (8) The off-street parking and loading spaces shall be designed to comply with the provisions specified under Article **X** of this chapter. The interior accessways shall be designed so as to prevent traffic congestion at points of ingress and egress. All proposed areas designated for the loading or unloading of emergency response vehicles, buses and/or other commercial vehicles shall be planned and arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities.
  - (9) All proposed signs for the educational use shall comply with the provisions specified under Article **XI** of this chapter.
  - (10) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be airtight, verminproof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area will be permitted within 50 feet from any lot line of a nonresidential use and 100 feet from any lot line of a residential use.
- E. As part of the conditional use application or the special exception application, the applicant shall provide evidence that the institutional use or activities shall comply with the provisions established within this section of the Code. This may include the submission of a grading plan, utility plan, landscaping plan,

architectural renderings, traffic impact study and/or environmental impact assessment report. Prior to the submission of the conditional use application or special exception application, the applicant shall consult with the Caln Township Engineer and Zoning Officer to initially discuss the supplemental documentation that may be required as part of the application.

- F. If the Board of Commissioners approves the conditional use application, a complete land development plan shall be submitted to Caln Township for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by the Code.
- G. If the Zoning Hearing Board approves the special exception application, a complete land development plan shall be submitted to Caln Township for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by the Code.

## § 155-92. Utilities.

- A. Community utilities, as defined under Article II of this chapter, shall be permitted by right as an accessory use within the R-1, R-2, R-3, R-4, R-5, TV-1, C-1, C-2, C-3 and I-1 Zoning Districts, subject to the following requirements:
  - (1) Community utilities shall be designed to provide service in an isolated service area, community or neighborhood.
  - (2) The community facilities shall be located on a self-contained lot which meets the minimum and maximum dimensional lot requirements of the underlying zoning district.
  - (3) A complete subdivision and land development plan shall be submitted to Caln Township for review and consideration. The subdivision and land development plan shall comply with all provisions specified by the Caln Township Code.
- B. Private utilities, as defined under Article II of this chapter, shall be permitted by right within the C-1, C-2 and I-1 Zoning Districts, subject to the following requirements:
  - (1) A minimum of 20 acres of contiguous net land area shall be required to accommodate all of the uses associated with a private utility provider.
  - (2) The offices, terminals, storage and maintenance buildings for the private utility provider shall be serviced by public sanitary sewage facilities and public water supply facilities.
  - (3) The minimum lot width for the private utility use shall be 300 feet.
  - (4) All facilities and uses associated with the private utility use shall be located at least 200 feet from any property line or street right-of-way line.
  - (5) The maximum height of the buildings and all accessory equipment shall be 50 feet.
  - (6) The maximum building coverage shall be 25% of the total lot area.
  - (7) The maximum lot coverage shall be 40% of the total lot area.
  - (8) All means of ingress and/or egress shall be located at least 500 feet from any intersecting street and

shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or Caln Township.

- (9) Measures shall be provided to control dust and debris. The entire area shall be kept clean and orderly. The perimeter of the site shall be inspected for debris on a daily basis.
- (10) Truck access shall be designed to minimize traffic hazards and inconveniences. All interior roadways shall be maintained and constructed by the owner or manager. All trucks leaving the site shall not deposit dirt, mud or other such substances on public roads.
- (11) A fifty-foot-wide buffer yard shall completely surround all areas approved for the private utility use. Unless otherwise permitted by Caln Township, the buffer yard shall consist of a dense evergreen screen and is to be located and maintained along all boundary lines of the site, except at the entrances. The selected evergreens shall have a minimum height of six feet and shall be staggered on twelve-foot centers. No materials of any nature shall be stored within this buffer yard.
- (12) Hazardous, contaminated and/or toxic materials, including but not limited to highly flammable materials, explosives, pathological wastes and radioactive materials, shall not be stored at the site of private utility use.
- (13) All local, state and federal regulations concerning air pollution or air quality shall be considered as minimum standards for the control of smoke, dust, fumes and emissions.
- (14) The owner or manager shall comply with all local, state and federal laws concerning stabilization, stormwater management and erosion and sedimentation control.
- (15) All designated points of ingress and egress for all vehicles shall be designed to consider traffic volumes on existing streets and adjacent uses.
- (16) All trucks and trailers stored on the property shall be arranged so as to permit access by emergency management equipment. The off-street parking and loading spaces shall be designed to comply with the provisions specified under Article **X** of this chapter.
- (17) All proposed signs shall comply with the provisions specified under Article **XI** of this chapter.
- (18) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be airtight, verminproof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area will be permitted within 100 feet from any lot line.
- (19) A complete land development plan shall be submitted to Caln Township for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by the Code.
- (20) As part of the land development plan, the applicant shall provide documentation to indicate that the private utility use shall comply with the provisions established within the Caln Township Code. This may include the submission of a grading plan, utility plan, landscaping plan, architectural renderings, traffic impact study and/or environmental impact assessment report. Prior to the submission of the land development plan, the applicant shall consult with the Caln Township Engineer and Zoning Officer to initially discuss the supplemental documentation that may be required as part of the application.

C. Public utilities, as defined under Article **II** of this chapter, shall be permitted by right within the R-1, R-2, R-3,

R-4, R-5, TV-1, C-1, C-2 and I-1 Zoning Districts. The provisions of this chapter shall not specifically apply to certain public utilities which, because of their status with the Pennsylvania Public Utility Commission, may be exempt from the provisions of this Code.

## § 155-93. Telecommunications and wireless communications facilities.

[Amended 10-30-2008 by Ord. No. 2008-8; 9-12-2013 by Ord. No. 2013-06]

- A. The purpose of this section and the standards established herein are to govern the use, construction and location of telecommunications and wireless communications facilities in recognition of the nature of commercial communications systems and the Federal Telecommunications Act of 1996. These regulations are intended to:
- (1) Accommodate the need for telecommunications and wireless communications facilities while regulating their location and number so as to ensure the provision for necessary services;
  - (2) Minimize the adverse visual effects and the number of such facilities through proper design, locating, screening, material, color and finish and by requiring that competing providers of wireless communications services co-locate their commercial communications antennas and related facilities on existing towers;
  - (3) Ensure the structural integrity of commercial communications antenna support structures through compliance with applicable industry standards and regulations; and
  - (4) Promote the health, safety and welfare of the residents and property owners within Caln Township.
- B. Unless otherwise specified within this Code, telecommunications or wireless communications facilities, as further defined under Article II, shall be permitted by conditional use within the following areas of Caln Township:
- (1) All land areas, buildings and/or structures that are located within 750 feet of the Route 30 Bypass and within the I-1 Zoning District;
  - (2) All land areas owned and maintained by Caln Township;
  - (3) As permitted by the criteria specified under this section of the Code.
- C. All applicants seeking to construct, erect or relocate a telecommunications or wireless communications tower/pole shall secure conditional use approval from the Board of Commissioners. This approval shall be conditioned upon the applicant demonstrating compliance with the regulations specified under this section of the Code. In addition, the conditional use application shall be accompanied by the information and plans specified within this section of the Code. All such specifications/details must be signed and sealed by a design professional licensed in the Commonwealth of Pennsylvania. Notwithstanding the foregoing provisions of this section, applicants seeking to co-locate or modify an existing wireless support structure shall not be subject to the conditional use procedures set forth in this section; provided that the co-location and/or modification meet all of the requirements set forth in the Pennsylvania Broadband Collocation Act, 53 P.S. § 11702.1, including the definition for collocation and modification in such Act. Any co-location or modification that substantially changes an existing wireless support structure is specifically excluded from this exception and shall proceed through the conditional use procedures in this section.

"Substantially change" shall be defined in accordance with the Act, 53 P.S. § 11702.2.

- D. The following specifications concerning location and height shall apply to telecommunications or wireless communications facilities within the permitted areas of the I-1 Zoning District:
- (1) Telecommunications or wireless communications facilities must be located on a permitted location within the I-1 Zoning District or other areas defined by this section of the Code. A conditional use application shall be submitted to demonstrate that the requirements for location, height, design, infrastructure and site improvements have been properly addressed by the applicant considering the telecommunications or wireless communications network.
  - (2) No applicant shall have the right under the provisions of this section of the Code to erect any commercial communications antenna support structure, also referred to as a "tower" in these regulations, to the maximum height specified within this section of the Code unless it proves the necessity for such height. The applicant shall demonstrate that the proposed height of the commercial communications antenna support structure and the commercial communications antennas intended to be attached thereto is the minimum height required to provide satisfactory service for wireless communications.
  - (3) Prior to the Board of Commissioners' approval of a conditional use authorizing the construction and installation of a commercial communications antenna support structure in a permitted location or zoning district, it shall be incumbent upon the applicant for such conditional use approval to prove to the reasonable satisfaction of the Board of Commissioners that the applicant cannot adequately extend or infill its communications system by the use of equipment such as radomes, repeaters, antennas and other similar equipment installed on existing structures, such as utility poles or their appurtenances, and other available tall structures described in this section of the Code, actually constructed and in existence on the effective date of this chapter, hereinafter referred as an "existing structure."
  - (4) The conditional use application shall be accompanied by a propagation study evidencing the need for the proposed tower or other communications facilities and equipment, a description of the type and manufacturer of the proposed transmission/radio equipment, the frequency range (megahertz band) assigned to the applicant, the power in watts at which the applicant transmits, the design gain of the applicant's antennas, the subscriber equipment sensitivity expressed in dBm, the design dBm of the transmission and receiving equipment and the results of the drive test and other studies conducted by the applicant in determining the need for the proposed site and installation.
  - (5) No commercial communications antenna support structure shall be taller than 120 feet, as measured from undisturbed ground level, unless the applicant proves that another provider of wireless communications services has agreed to co-locate commercial communications antennas on the applicant's tower or that the tower will be available for such co-location. It shall be incumbent upon the applicant to prove that a greater tower height is necessary to provide satisfactory service for wireless communications than is required by the applicant. In such case, the commercial communications antenna support structure shall not exceed 180 feet unless the applicant secures approval from the Commissioners by demonstrating such proof as would be required for the granting of a variance under the provisions of this chapter of the Code. In no event shall mounted commercial communications antennas' height on any tower extend more than 10 feet above the installed height of the tower.
  - (6) In those areas where commercial communications antennas and commercial communications antenna support structures are permitted by conditional use, either one single-story wireless communications equipment building not exceeding 500 square feet in area or metal boxes placed on a concrete pad

not exceeding 10 feet by 20 feet in area housing, the receiving and transmitting equipment may be located on the permitted site selected for installation and location of the tower for each unrelated company sharing commercial communications antenna space on the tower.

- (7) With the exception of the wireless communications equipment structure described in § **155-93D(6)** concerning housing the receiving and transmitting equipment necessary for the proper functioning of the tower and commercial communications antennas, all other uses ancillary to commercial communications antennas and commercial communications antenna support structures, including but not limited to a business office, mobile telephone switching office, maintenance depot and vehicular storage area, shall not be located on any site unless otherwise permitted by the applicable district regulations in which the site is located.
  - (8) The minimum distances between the base of a commercial communications antenna support structure and any adjoining property line or street right-of-way line shall equal 40% of the proposed commercial communications antenna support structure height. Where the site on which a tower is proposed to be located is contiguous to an educational use, child day-care facility or residential use, the minimum distance between the base of a commercial communications antenna support structure and any such adjoining uses shall equal 110% of the proposed commercial communications antenna support structure height unless it is demonstrated to the reasonable satisfaction of the Board of Commissioners that, in the event of tower failure, the tower is designed to collapse upon itself within a setback area less than the required minimum setback without endangering such adjoining uses and their occupants. The security compound as required by § **155-93F(7)** which contains all equipment associated with such tower or pole shall maintain a minimum fifty-foot setback from all adjacent property and street right-of-way lines. Telecommunication/wireless communication facilities are permitted a maximum of 60% impervious coverage.
  - (9) Unless otherwise specified within this Code or as permitted by the Board of Commissioners, a proposed telecommunications or wireless communications facility must be located or separated by a horizontal distance of 1.5 miles from any another telecommunications or wireless communications facility.
- E. The following standards and specifications shall apply to the structural stability, support and design of all telecommunications or wireless communications facilities:
- (1) The applicant shall demonstrate that the proposed commercial communications antennas and commercial communications antenna support structures are designed and constructed in accordance with all applicable national building standards for such facilities and structures, including, but not limited to, the standards developed by the Electronics Industry Association, Institute of Electrical and Electronics Engineer, Telecommunications Industry Association, American National Standards Institute and Electrical Industry Association and other established standards identified by the Caln Township Engineer. The applicant shall demonstrate that the proposed wireless communications facility is designed in such a manner so that no part of the facility will attract/deflect lightning onto adjacent properties.
  - (2) In order to reduce the number of commercial communications antenna support structures within Caln Township in the future, the proposed commercial communications antenna support structure shall be designed to accommodate other potential communications users, including but not limited to, commercial wireless communications companies, local police and fire and ambulance companies.
  - (3) If the wireless communications facility is fully automated, adequate parking shall be required for all maintenance workers, with a minimum of two spaces provided. If the wireless communications facility is not fully automated, the number of required parking spaces shall equal the number of employees

present at the wireless communications facility during the largest shift.

- (4) Commercial communications antenna support structures shall be painted silver or another color approved by the Board or shall have a galvanized finish. All wireless communications equipment buildings and other accessory facilities shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and neighboring buildings to the greatest extent possible. In furtherance of this provision, the Board of Commissioners may require that:
  - (a) Commercial communications antenna support structures be painted green up to the height of nearby trees; and/or
  - (b) Wireless communications equipment buildings which house electrical transmitter equipment be placed underground unless determined to be detrimental to the functioning and physical integrity of such equipment.
- (5) In making these determinations, the Board of Commissioners shall consider whether its decision will promote the harmonious and orderly development of the zoning district involved; encourage compatibility with the character and type of development existing in the area; benefit neighboring properties by preventing a negative impact on the aesthetic character of the community; preserve woodlands and trees existing at the site to the greatest possible extent; and encourage sound engineering and land development design and construction principles, practices and techniques.

F. Unless otherwise permitted by the Board of Commissioners as part of the conditional use application, the following general site improvements, compliance provisions and procedural obligations shall be required for all telecommunications or wireless communications facilities:

- (1) No sign or other structure shall be mounted on the wireless communications facility except as may be required by the Federal Communications Commission (FCC), Federal Aviation Administration (FAA) or other governmental agency.
- (2) Where appropriate, the commercial communications antenna support structures shall meet all FAA regulations. No commercial communications antenna support structure may be artificially lighted except when required by the FAA or other governmental authority. When lighting is required by the FAA or other governmental authority, it shall be limited to the minimum lumens and number of lights so required and it shall be oriented inward so as not to project onto surrounding properties. The applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities as well as Caln Township.
- (3) The applicant shall describe the anticipated maintenance needs, including frequency of service, personnel needs and equipment needs, and the traffic safety and noise impacts of such maintenance.
- (4) If the applicant proposes to build a commercial communications antenna support structure (as opposed to mounting the commercial communications antenna on an existing structure), the applicant shall prove to the Board of Commissioners that it has contacted the owners of structures of suitable location and height, either other towers or existing tall structures within a one-mile radius of the site proposed, asked for permission to install the commercial communications antennas on those structures and has been denied. The Board of Commissioners may deny an application to construct a new commercial communications antenna support structure if the applicant has not made a good faith effort to mount the commercial communications antenna on an existing structure.
- (5) If use of the wireless communications facility is abandoned or if the wireless communications facility is not in use for a period of six months or longer, the owner shall demolish and/or remove the wireless

communications facility from the site within six months of such abandonment and/or nonuse. All costs of demolition and/or removal shall be borne by the owner of the wireless communications facility. In the event that the demolition and/or removal referred to above is not performed in a timely manner, the owner shall be subject to the enforcement remedies of this chapter.

- (6) In the event that the wireless communications facilities cause interference with the radio or television reception of a resident of Caln Township for a period of three continuous days, the resident shall notify the applicant of such interference, and the applicant, at the applicant's sole expense, shall thereafter ensure that any interference problems are promptly corrected. In the event that the interference is not corrected in a timely manner, the applicant shall be subject to the enforcement remedies of this chapter.
  - (7) A security fence shall be required around the antenna support structure and other equipment unless the commercial communications antenna is mounted on an existing structure.
  - (8) Landscaping shall be required to screen and buffer as much of a newly constructed commercial communications antenna support structure as possible. The Board of Commissioners may permit a combination of existing vegetation, topography, walls, decorative fences or other features in lieu of landscaping.
- G. The following background information and documentation shall be submitted as part of the conditional use application:
- (1) The applicant shall demonstrate that it is a commercial wireless communications company, licensed by the Federal Communications Commission (FCC) or, in the case of those companies that own and erect towers for lease to such companies, that it has an existing contract with one or more such companies to locate on the proposed tower (in those zoning districts where such towers are a permitted conditional use) and provide the Township Engineer with copies of all FCC applications, permits, approvals, licenses and site inspection records. All such information shall be accompanied by a certification signed by two officers of the applicant that the information being supplied is true and correct to the best of their knowledge, information and belief. The applicant shall also provide Caln Township with copies of all applicable federal regulations with which it is required to comply and a schedule of estimated FCC inspections.
  - (2) The owner of a commercial communications antenna support structure shall submit to the Caln Township Engineer proof of the annual inspection of the commercial communications antenna support structure and commercial communications antenna(s) by an independent professional engineer as required by the ANSI/EIA/TIA-222-E Code. Based upon the results of such an inspection, the Board of Commissioners may require removal or repair of the wireless communications facility. In the event that the annual inspection referred to above is not performed in a timely manner, the owner shall be subject to enforcement remedies of this chapter.
  - (3) A soil report complying with the standards of geotechnical investigations, ANSI/EIA-222-E, as amended, shall be submitted to the Caln Township Engineer to document and verify the design specifications of the foundation for the commercial communications antenna support structure and anchors for the guy wires, if used.
  - (4) Prior to the issuance of a permit authorizing construction and erection of a commercial communications antenna support structure, a structural engineer registered in Pennsylvania shall issue a written certification to Caln Township of its ability to meet the structural standards required by either the Electronic Industries Association or the Telecommunications Industry Association and certify the proper construction of the foundation and the erection of the commercial

communications antenna support structure.

- (5) The conditional use application shall be accompanied by a full site plan for all wireless communications facilities showing all existing and proposed structures and improvements, including but not limited to the commercial communications antennas, commercial communications antenna support structure, building, fencing, buffering and ingress and egress. The plan shall comply with the sketch plan requirements of Chapter **137** of the Code.
  - (6) In January of each year, the owner of any wireless communications facilities shall pay any registration fees established and shall provide Caln Township with the following information:
    - (a) The names and addresses of the owner of the wireless communications facilities and any organizations utilizing the wireless communications facility and telephone numbers of the appropriate contact person in case of emergency.
    - (b) The name and address of the property owner on which the wireless communications facility is located.
    - (c) The location of the wireless communications facility by geographic coordinates, indicating the latitude and longitude.
    - (d) Output frequency of the transmitter.
    - (e) The type of modulation, digital format and class of service.
    - (f) Commercial communications antenna(s) gain.
    - (g) The effective radiated power of the commercial communications antenna(s).
    - (h) The number of transmitters, channels and commercial communications antenna(s).
    - (i) A copy of the owner or operator's FCC authorization.
    - (j) Commercial communications antenna(s) height.
    - (k) Power input to the commercial communications antenna(s).
    - (l) Distance to nearest base station.
    - (m) A certification signed by two officers of the applicant that the wireless communications facility is continuing to comply with this chapter and all applicable governmental regulations, including but not limited to output and emission limits established by the FCC.
  - (7) A certificate of insurance issued to the owner/operators evidencing that there is adequate current liability insurance in effect insuring against liability for personal injuries and death and property damage caused by the site and the wireless communications facilities.
- H. Wireless communications facilities may be permitted on land owned by Caln Township when conditional use approval has been granted in accordance with the provisions of this chapter of the Code and subject to the following additional criteria:
- (1) Not more than one communications tower, which shall be a freestanding monopole structure, shall be located on any one Township property identified by a separate tax parcel UPI number.
  - (2) The Board of Commissioners may permit a maximum height of 180 feet upon demonstrated proof

that the height is necessary to provide adequate telecommunications service and that such increase is not contrary to health, safety or general welfare.

- (3) When required by the Board of Commissioners, the tower shall be architecturally screened and landscaped to simulate other structures existing in the district, such as light poles, flagpoles, farm silos or trees (stealth features), and, where a monopole tower is proposed, it shall be painted one or more colors (blue, green or remain galvanized) as directed by the Board of Commissioners. Lattice structures shall not be permitted.
- (4) The location of the wireless communications facilities on the property owned by Caln Township shall be at the absolute discretion of the Board of Commissioners, which shall be resolved as part of the conditional use application.
- (5) If a wireless communications equipment building is proposed, such building shall be constructed to simulate the architectural facade and color of the principal building located on the Township's property, or if none, buildings located nearest to the property, unless otherwise specified by the Board of Commissioners. Such building, or in the case where such equipment is proposed to be located in equipment cabinets, shall be located within a fenced compound buffered by a vegetative screen, as required by the provisions of this chapter of the Code, together with such other landscaping as may be required by the Board of Commissioners.
- (6) The conditional use application shall be accompanied by a scaled plan prepared by a Pennsylvania-registered professional engineer showing the proposed facilities and their location on the property, and their visual and spatial relationship to all other buildings, structures and natural features located on or comprising the property; and scaled elevations of the proposed structures.
- (7) No application shall be considered or granted with respect to any property owned by Caln Township that is subject to one or more restrictions or covenants imposed by other governmental authority or entity, whether related to any grant program of which the Township is/was a beneficiary or otherwise, which imposes a restriction that precludes location of the proposed use on the property.
- (8) The burden of proof shall be upon the applicant to prove to the Board's reasonable satisfaction that the proposed wireless communications facilities and equipment (and the radio frequencies at which it operates) will not adversely interfere with or impact public safety communications facilities and equipment (police radio, fire and ambulance radio signals and transmissions) located on or near the Township property on which they are proposed to be located.
- (9) Where required by the Caln Township Board of Commissioners as part of the conditional use application, the other relative provisions of § **155-93** of this chapter of the Code may be applied to the proposed telecommunications and wireless communications facilities.
- (10) Notwithstanding the foregoing provisions of this section, applicants seeking to co-locate or modify an existing wireless support structure located on Township-owned property shall not be subject to the conditional use procedures set forth in this section; provided that the co-location and/or modification meet all of the requirements set forth in the Pennsylvania Broadband Collocation Act, 53 P.S. § 11702.1. Any co-location or modification on an existing wireless support structure on Township-owned property that substantially changes an existing wireless support structure is specifically excluded from this exception and shall proceed through the conditional use procedures in this section. "Substantially change" shall be defined in accordance with the Act, 53 P.S. § 11702.2.

## § 155-94. Municipal and governmental uses.

- A. Municipal uses, as defined under Article II of this chapter, shall be permitted by right within the R-1, R-2, R-3, R-4, R-5, TV-1, C-1, C-2 and I-1 Zoning Districts.
- B. The provisions of this chapter shall not apply to Caln Township nor to any of the following: any lands or buildings of Caln Township or extensions thereof, the use of any premises by Caln Township, and any buildings, lands or premises owned or operated by Caln Township; provided, however, that Caln Township shall comply with any provision of this chapter respecting the preservation of historic sites or structures, as defined under § 155-12, and this municipal exemption shall not apply thereto, and provided further that Caln Township shall comply with all applicable requirements pertaining to public health, safety and general welfare of the community as deemed pertinent by the Caln Township Commissioners.
- C. Governmental uses shall be permitted by conditional use within the TV-1, C-1, C-2 and I-1 Zoning Districts. Unless otherwise exempt from the provisions of this Code, all governmental uses shall comply with the provisions of this Code.

## § 155-95. Rental businesses.

- A. A rental business, as defined under Article II, shall be permitted by conditional use within the TV-1 and C-1 Zoning Districts.
- B. The following design standards and specifications shall apply to a rental business:
  - (1) A minimum of two acres of net land area shall be required to accommodate the use. In addition, the appropriate minimum and maximum dimensional requirements of the TV-1 and C-1 Zoning District shall apply.
  - (2) The use shall be serviced by public sanitary sewage facilities and public water supply facilities.
  - (3) Unless otherwise permitted by this section of the Code, there shall be no outdoor storage or display or temporary parking of machinery or equipment between the building line, or where no building exists, the build-to line and the front lot line. For purpose of this regulation, the term "storage or display" means keeping machinery and equipment on the premises in the conduct of the business when it is not off premises during the term of a rental contract.
  - (4) Unless otherwise permitted by the Board of Commissioners as part of the conditional use application, equipment or machinery kept on or brought to the premises for rent or sale may be displayed between ultimate street right-of-way line and the building setback line. All such equipment and machinery may be displayed in those areas, provided it does not impede or endanger pedestrian and vehicular traffic. If permitted, the total display area shall not be greater than 1,200 square feet within two approved locations in the aggregate and shall be located a minimum of 14 feet from the paved cartway of the abutting street (the display area). All such displayed equipment and machinery shall be removed from the designated display areas at close of business hours and stored either within the building or in the designated and approved outdoor storage area. No equipment and machinery capable of vertical extension displayed in the display area shall be extended to a vertical height exceeding 10 feet in height.
  - (5) Except as otherwise provided in this section of the Code, all machinery, equipment and goods shall be kept, stored and/or displayed either within a building or in a storage yard as shown on the site plan. The storage yard shall not be located within an approved yard area which complies with the appropriate building setback requirements. The storage yard and all outdoor storage of machinery, equipment and goods shall be screened from view of public streets and rights-of-way by the use of a

permanently maintained cyclone fence having a minimum height of six feet. The cyclone fencing shall be made opaque by the use of inserts, designed and intended for such purpose to insure the fencing serves its intended purpose. The use of alternative fencing may be considered by the Board of Commissioners as part of the conditional use application.

- (6) No equipment and machinery capable of vertical extension stored or displayed within the confines of the approved storage yard shall be extended to a vertical height exceeding 40 feet in height. Such vertical height extension shall be limited to the hours of 7:00 a.m. to 5:00 p.m., prevailing time.
- C. As part of the conditional use application, the applicant or developer shall submit the following information for review and consideration:
- (1) A preliminary utility plan showing how sanitary sewage disposal facilities, water supply facilities, electric, telephone, natural gas, cable and other utilities will service the site.
  - (2) A preliminary landscaping plan showing how the buffer yards and other landscaping enhancements will be incorporated within the site. The landscape plan shall specify a proposed planting scheme to comply with the provisions of § **155-119** (Landscaping) as well as the following requirements:
    - (a) A mixture of evergreen, flowering deciduous and nonflowering deciduous trees and bushes shall be planted in front of the required fencing, as specified by this section of the Code. Unless otherwise specified by the Board of Commissioners, the individual trees shall be staggered along the fence line, at such intervals not exceeding 15 feet on center, along all public streets and property lines.
    - (b) Customer parking areas visible from all public streets or the frontage of the property shall be landscaped, as reasonably required by the Board of Commissioners.
    - (c) A buffer planting strip located on the rental business property shall be required between the proposed use and any contiguous or adjacent residential district or residential use.
  - (3) A preliminary grading plan shall be developed to identify the limits of disturbance for all municipal site improvements, the proposed ground elevations, stormwater management facilities and other natural or man-made features of the site.
  - (4) Architectural renderings of the proposed building elevations and plan views.
  - (5) A preliminary lighting plan showing the location and intensity of the proposed lighting within the property to a point 50 feet beyond the perimeter of the property line. The proposed lighting for buildings, signs, accessways and parking areas shall be arranged so they do not reflect towards any public street or residential zoning districts.
  - (6) A traffic impact study shall be conducted in accordance with the provisions of the Caln Township Code in order to assess transportation conditions and needs. The traffic impact study shall be submitted with the conditional use application.
  - (7) An environmental impact assessment (EIA) report shall be conducted in accordance with the procedures and requirements specified by this Code. The EIA report should identify how the potential adverse impact will be mitigated and/or prevented.
- D. If the conditional use application is approved by the Board of Commissioners, a complete land development plan shall be submitted to Caln Township for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the special exception application as well as all other provisions specified by the Code.

## § 155-96. Flex space.

- A. Flex space, as defined under Article II, shall be permitted by conditional use within the C-2 and I-1 Zoning Districts.
- B. The following design standards and specifications shall apply to flex space:
  - (1) A minimum of two acres of net land area shall be required to accommodate the use. In addition, the appropriate minimum and maximum dimensional requirements of the C-2 or I-1 Zoning District shall apply.
  - (2) The flex space uses shall be serviced by public sanitary sewage facilities and public water supply facilities.
  - (3) The principal use shall be considered a business or professional office, provided the total gross floor area occupies more than 20% of the flex space building.
  - (4) The subordinate uses may include light manufacturing, assembly, warehousing, distribution, fabrication or finishing facilities, provided that the total gross floor area occupies no more than 80% of the flex space building.
  - (5) Unless otherwise permitted by the Board of Commissioners as part of the conditional use application, all permitted flex space uses shall be contained within a single building.
- C. As part of the conditional use application, the applicant or developer shall submit the following information for review and consideration:
  - (1) A preliminary utility plan showing how sanitary sewage disposal facilities, water supply facilities, electric, telephone, natural gas, cable and other utilities will service the site.
  - (2) A preliminary landscaping plan showing how the buffer yards and other landscaping enhancements will be incorporated within the site.
  - (3) A preliminary grading plan shall be developed to identify the limits of disturbance for all municipal site improvements, the proposed ground elevations, stormwater management facilities and other natural or man-made features of the site.
  - (4) Architectural renderings of the proposed exterior building elevations and plan views.
  - (5) Architectural drawings depicting how the internal footprint of the flex space building will be divided considering the proposed use and space allocation requirements
  - (6) A preliminary lighting plan showing the location and intensity of the proposed lighting within the property to a point 50 feet beyond the perimeter of the property line. The proposed lighting for buildings, signs, accessways and parking areas shall be arranged so they do not reflect towards any public street or residential zoning districts.
  - (7) A traffic impact study shall be conducted in accordance with the provisions of the Caln Township Code in order to assess transportation conditions and needs. The traffic impact study shall be submitted with the conditional use application.
  - (8) An environmental impact assessment (EIA) report shall be conducted in accordance with the procedures and requirements specified by this Code. The EIA report should identify how the potential

adverse impact will be mitigated and/or prevented.

- D. If a conditional use application is approved by the Board of Commissioners, a complete land development plan shall be submitted to Caln Township for review and consideration. The land development plan shall comply with all conditions of approval issued as part of the special exception application as well as all other provisions specified by the Code.

## § 155-97. Undefined or other land uses.

- A. Other types of land uses, not specifically identified or recognized within this chapter of the Code, may evolve or become commonly acceptable as a reasonable use. It is the purpose of this section to provide for all reasonable and appropriate land uses and to establish a mechanism for the inclusion of such land uses within Caln Township.
- B. All undefined or other reasonable land uses that are not recognized by this Code shall be permitted by conditional use within the I-1 Zoning District.
- C. Unless otherwise permitted by the Board of Commissioners as part of the conditional use application, the following design and development requirements shall apply to all undefined or other reasonable land uses which are not recognized by this Code:
- (1) A minimum of 20 acres of net land area shall be required to accommodate the undefined use. Depending upon the complexity or intensity of the proposed undefined land use, the Board of Commissioners may consider a reduction of the minimum area requirement; however, in no case shall the minimum lot size be reduced to less than five contiguous net acres of land.
  - (2) The undefined use shall be serviced by public sanitary sewage facilities and public water supply facilities.
  - (3) Depending upon the complexity or intensity of the undefined use, the Board of Commissioners shall establish the minimum and maximum dimensional requirements as part of the conditional use application. These provisions shall include the lot width, setback requirements (front, side and rear), height, building coverage and lot coverage requirements for the undefined use.
- D. As part of the conditional use application, the Board of Commissioners shall consider the following information and documentation submitted to Caln Township on behalf of the applicant:
- (1) The applicant shall submit a request for inclusion of an undefined or other reasonable land use that is not recognized as part of the Code, with illustrations and complete documentation that completely describes the land use activity and the manner in which it differs from the permitted uses defined or permitted by the Code.
  - (2) Prior to the commencement of the conditional use hearing, the Zoning Officer shall review the submission and advise the Planning Commission and Board of Commissioner if the application meets the purpose and objective of this section of the Code.
  - (3) The applicant shall provide evidence that the undefined use shall comply with all provisions established within the Code. This may include the submission of a grading plan, utility plan, landscaping plan, architectural renderings, traffic impact study and/or environmental impact assessment report. Prior to the submission of the conditional use application, the applicant shall consult with the Caln Township Engineer and Zoning Officer to initially discuss the supplemental documentation that may be required

as part of the application.

- E. If the Board of Commissioners approves the conditional use application, a complete subdivision and/or land development plan shall be submitted to Caln Township for review and consideration. The subdivision and/or land development plan shall comply with all conditions of approval issued as part of the conditional use application as well as all other provisions specified by the Code.

## § 155-98. Solar energy production facility.

[Added 8-9-2012 by Ord. No. 2012-03]

- A. A solar energy production facility as defined in Article II shall be permitted by conditional use in the I Institutional Zoning District.
- B. The following design standards and specifications shall apply to solar energy production facilities:
- (1) Net lot area. A minimum of five acres of net lot area shall be required to accommodate the use.
  - (2) Maximum height. The maximum height of all buildings or structures in the facility shall be 25 feet.
  - (3) Facility design. The design of the facility shall conform to applicable industry standards, including those of the American National Standards Institute. The applicant shall submit to the Township prior to issuance of building permit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories (UL), IEEE, Solar Rating and Certification Corporation (SRCC) or other similar certifying organizations.
  - (4) Construction standards. The facility shall be constructed in compliance with the applicable Township building codes and the Pennsylvania Uniform Construction Code, Act 45 of 1999, as amended (UCC), the National Electric Code, and any regulations adopted by the Pennsylvania Department of Labor and Industry as they relate to the UCC, except where an applicable industry standard has been approved by the Department of Labor and Industry under its regulatory authority.
  - (5) Lighting. The facility shall not be artificially lighted except to the extent required by safety or by any applicable federal, state or local authority. Any lighting used shall be energy efficient.
  - (6) No advertising. The facility shall not display any advertising, except for reasonable identification of the panel, inverter or other equipment manufacturer, and the facility owner.
  - (7) Safety measures. The facility shall be enclosed by a fence, barrier or other appropriate means to prevent or restrict unauthorized persons or vehicles from entering the property. The specifications and details of the fence or barrier shall be approved by the Board as part of the conditional use approval. Clearly visible warning signs shall be placed on the fence, barrier or at the facility perimeter to inform individuals of potential voltage hazards. On-site transmission and power lines shall, to the maximum extent practicable, be placed underground. The storage of batteries which are capable of storing the electrical power output of the solar energy production facility shall be prohibited on site. Any facility or equipment which is used to store the energy output from the solar energy production facility must be approved by the Board of Commissioners.
  - (8) Setbacks and screening. All structures and buildings associated with a solar energy production facility shall be set back from the nearest property line a distance of not less than 25 feet; however, as part of the conditional use approval, the Board of Commissioners may modify the appropriate setback based

on the site characteristics, topography and the abutting land uses. Each facility shall be screened by a buffer yard to create a continuous visual screen between the facility and a person standing at ground level on an adjacent lot. Such buffer yard shall be comprised of fencing or landscaping or some combination thereof and shall comply with the provisions in § 155-119.

- (9) Decommissioning. The applicant must agree to the following as conditions of the issuance of land development approval and issuance of a building permit for a solar energy production facility:
  - (a) If the applicant ceases operation of the energy project or begins but does not complete construction of the project, the applicant shall restore the site according to a restoration plan approved by the Board of Commissioners as part of the conditional use approval.
  - (b) The owner of the facility shall notify the Township immediately upon cessation or abandonment of the operation. The owner shall be responsible for the removal of the facility within six months from the date the applicant ceases use of the facility or the facility becomes obsolete. The owner shall then have 12 months in which to restore the subject property in accordance with the restoration plan approved by the Board. At the time of issuance of the permit for the construction of the facility, the owner shall provide financial security in form and amount acceptable to the Township and approved as part of the conditional use decision to secure the expense of dismantling and removing said structures and restoring the property in accordance with the restoration plan approved by the Board.
- (10) Glare. The solar energy production facility shall not create glare or light pollution which creates a safety hazard or a public nuisance.
- (11) Vehicular access. Each solar energy production facility shall be provided with a means of vehicular access to and from a public or private road.
- (12) Hazardous materials. The solar energy production facility shall not contain hazardous substances as that term is defined in the Pennsylvania Hazardous Sites Cleanup Act, 35 P.S. § 6020.101 et seq.
- (13) A solar energy production facility shall be serviced by a public water supply for fire-fighting purposes only.

## § 155-99. through § 155-104. (Reserved)

## Article IX. Supplementary Regulations

### § 155-105. Statement of intent.

- A. The purpose and objective of the provisions established under Article **IX** of this chapter is to establish specific supplementary regulations for residential and nonresidential land uses.
- B. The provisions contained in Article **IX** of this chapter are intended to serve as minimum requirements to promote the public health, safety and the general welfare of the residents and property owners of Caln Township. The regulations shall supplement and not replace the provisions established within this chapter of the Code. Unless otherwise specified within this chapter and/or where the supplementary regulations contained within this article impose greater restrictions than those of any other statute, ordinance or

regulation, the provisions established under this article shall prevail.

## § 155-106. Access to lots, buildings, structures and uses.

- A. Every building and structure hereafter erected or moved shall be located on a lot adjacent to a public street or an approved private street. The buildings and structures shall be so located on the lots in such a manner to provide safe and convenient access for emergency vehicles and off-street parking.
- B. More than one principal building may be erected on a single lot, provided that all lot and yard requirements, standards and other requirements of this chapter shall be met for each building as though it were on an individual lot and suitable access is provided to each principal building in the event of future subdivision of the lot.

[Amended 3-30-2006 by Ord. No. 2006-5]

## § 155-107. Accessory uses and structures.

- A. The following provisions for accessory land uses and structures shall apply to residential uses within all zoning districts:
  - (1) No accessory building or structure for a residential use within the R-1, R-2, C-1, C-2 and I-1 Zoning Districts shall be permitted within a required front yard or side yard or within 10 feet of the rear lot line, except for fences, walls and signs as permitted by §§ **155-115** and **155-148** and except for ground-mounted solar photovoltaic systems as permitted by § **155-129**.  
[Amended 12-17-2007 by Ord. No. 2007-15; 9-12-2013 by Ord. No. 2013-06]
  - (2) No accessory building or structure for a residential use within the R-3, R-4, R-5 and TV-1 Zoning Districts shall be permitted within a required front or side yard or within five feet of the rear lot line, except for fences, walls and signs as permitted by §§ **155-115** and **155-148** of this chapter.  
[Amended 12-17-2007 by Ord. No. 2007-15]
  - (3) Garages, porches, decks, terraces, patios and similar buildings or structures which are located within the rear yard of single-family semidetached dwellings, multifamily townhouse units and multifamily apartment units may be located along the common lot line, provided that they do not project onto another property and they are located at least three feet from the rear yard.
  - (4) No permanent residential accessory building or structure shall be constructed on any lot prior to the commencement of construction of the principal building to which it is accessory.
  - (5) Private noncommercial in-ground or aboveground swimming pools, which are designed to contain water with a total surface area greater than 100 square feet and a depth of 24 inches or more, shall be located at least 15 feet from the rear or side property lines and shall be entirely enclosed with permanent fence not less than four feet in height. The pool shall not occupy more than 50% of the minimum side or rear yard area in which it is located. In addition to the provisions of this chapter, other provisions specified by the Caln Township Code may apply for swimming pools.
  - (6) Private noncommercial in-ground or aboveground hot tubs or therapeutically spas, which are designed to contain water with a total surface area less than 100 square feet and a depth of 24 inches or more, shall be located at least 15 feet from the rear or side property lines, which shall be properly secured pursuant to the manufacturers specifications.

- (7) Private noncommercial aboveground temporary pools, which could be inflated, erected and installed as a short-term or seasonal use and could be removed from the property at any given time, shall comply with all provisions for swimming pools, as specified by the Caln Township Code.
  - (8) Detached garages, greenhouses and other outbuildings are permitted as residential accessory uses provided they are located in a manner to comply with the building setback lines for the zoning district in which they are located. All such accessory uses shall be erected, enlarged and/or demolished in accordance with the Caln Township Code. The maximum span of any one side of a permitted detached garage, greenhouse and other outbuilding shall not exceed 36 feet in width and 25 feet in height.
  - (9) Paved terraces, patios or open porches are permitted as a residential accessory structure, provided that such terraces, patios or open porches comply with the following: they are not completely structurally enclosed; they are not located closer than 10 feet to any lot line (except a lot line which is the projection of a common wall); and they do not project into any required front yard.
  - (10) Private noncommercial tennis courts shall not be located closer than 15 feet from any property line.
  - (11) Private freestanding satellite receiving dishes or telecommunications devices shall be mounted at ground level and shall not be located closer than 10 feet from any property lines.
  - (12) Unless otherwise specified by this Code, the height of a residential accessory structure shall not exceed 25 feet in height.
  - (13) Utility sheds on a residential lot shall not exceed a cumulative floor area of 300 square feet.
  - (14) The keeping of domestic farm animals within an accessory structure is permitted, provided that all activities are in compliance with the Code and provided that the accessory structure is located in a manner to comply with the building setback lines for the zoning district in which it is located.
  - (15) Alternative energy systems, including windmills, solar energy panels, geothermal systems or other similar systems, shall be permitted as an accessory structure, provided they are located in a manner to comply with the building setback lines for the zoning district in which it is located.
  - (16) All man-made ponds, lakes, dams and impoundments as well as all stormwater management detention or retention ponds shall be permitted, provided they are located at least 20 feet from all property lines and are permitted by the appropriate agencies.
  - (17) Fences, walls and hedges shall comply with the provisions specified by § **155-115** of this Code.
- B. The following provisions for accessory land uses and structures shall apply to nonresidential uses within all zoning districts:
- (1) Storage facilities are permitted, provided that such facilities are located in areas which have direct access to a street or driveway. The outdoor storage of materials shall be screened from the view of adjacent properties.
  - (2) Living quarters are permitted only for proprietors, watchmen, caretakers or similar employees.
  - (3) Restaurants, cafeterias and/or recreational facilities are permitted, provided they are intended for the use of employees only, unless they are permitted as principal uses in the district in which they are constructed.
  - (4) Unless otherwise specified within this Code, all accessory buildings and structures shall be located in a manner to comply with the building setback lines for the zoning district in which they are located.

- (5) No permanent nonresidential accessory building or structure shall be constructed on any lot prior to the commencement of construction of the principal building to which it is accessory.
- (6) Unless otherwise specified by this Code, the height of a nonresidential accessory structure shall be the 30 feet in height.
- (7) Alternative energy systems, including windmills, solar energy panels, geothermal systems or other similar systems, shall be permitted as accessory structures, provided they are located in a manner to comply with the building setback lines for the zoning district in which they are located.
- (8) All man-made ponds, lakes, dams and impoundments as well as all stormwater management detention or retention ponds shall be permitted, provided they are located at least 20 feet from all property lines and are permitted by the appropriate agencies.
- (9) Fences, walls and hedges shall comply with the provisions specified by § **155-115** of this Code.

## § 155-108. Residential conversions.

- A. The Zoning Hearing Board may authorize as a special exception the conversion of any single-family detached dwelling into a dwelling for not more than two families, provided that the tract or lot is located within the R-4 Zoning District.
- B. As part of the special exception application, the applicant shall demonstrate that the residential conversion shall comply with the following provisions:
  - (1) The minimum lot area per family shall not be reduced to less than the minimum lot area that is required for a single-family dwelling in the zoning district in which the residential conversion is located.
  - (2) The minimum and maximum dimensional requirements for the appropriate zoning district shall not be reduced.
  - (3) The residential uses are serviced by public sewage disposal facilities and public water supply facilities, whereas, separate utility connections are provided meeting the approval of the Caln Township Municipal Authority.
  - (4) The residential conversion shall take place within a building capable of accommodating two families. The applicant shall demonstrate that the building has relatively little economic value or usefulness as a single-family detached dwelling.
  - (5) The building can be altered and improved to comply with all building code requirements. The applicant shall provide documentation to the Zoning Hearing Board, Zoning Officer, Code Enforcement Officer and Sewage Enforcement Officer that all plumbing, heating, electrical, sanitary sewer, storm sewer and similar facilities comply with all applicable ordinances, regulations and laws of Caln Township and/or the Commonwealth of Pennsylvania.
  - (6) Each residential unit shall contain independent washing and bathing facilities as well as a complete kitchen with cooking facilities to accommodate the tenants.
  - (7) At least four off-street parking spaces are provided which are designed to comply with the provisions of Article **X** of this chapter.
  - (8) There shall be no external alterations of the building, unless it is required for safety, structural

durability, accessibility, architectural enhancement or as permitted by Caln Township.

- C. If the residential conversion is permitted, the Zoning Hearing Board may prescribe such further conditions with respect to the conversion and use of such building as it deems appropriate.
- D. All residential conversions shall be subject to an annual inspection by the Caln Township Zoning Officer, Code Enforcement Officer, Sewage Enforcement Officer and/or Municipal Authority.

## § 155-109. Home occupation regulations.

- A. For the purposes of this Code, home occupations shall include the following two categories:
  - (1) Category 1 home occupations. A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic (whether vehicular or pedestrian), pickup, delivery or removal functions to or from the premises in excess of those normally associated with a residential use. A "Category 1 home occupation" shall be synonymous with a "no-impact home-based business," as defined by the Pennsylvania Municipalities Planning Code.
  - (2) Category 2 home occupations. A business or commercial activity administered or conducted as an accessory use which is clearly secondary to a single-family residential dwelling and which involves some customer, client or patient traffic (whether vehicular or pedestrian), pickup, meeting location, delivery or removal functions to or from the premises in excess of those normally associated with a residential use.
- B. Category 1 home occupations shall be permitted by right in the R-1, R-2, R-3, R-4, R-5, TV-1, C-1, C-2 and I-1 Zoning Districts, subject to the following requirements:
  - (1) The home occupation shall be conducted within an approved residential dwelling unit which complies with the minimum and maximum dimensional requirements of the zoning district to which the use is located.
  - (2) The home occupation shall be conducted only within the dwelling and may not occupy more than 25% of the gross floor area of the residential dwelling unit.
  - (3) The home occupation shall include only lawful uses which shall be clearly secondary to the residential use and shall be compatible with surrounding residential uses.
  - (4) The home occupation shall employ no employees other than family members residing in the dwelling.
  - (5) There shall be no visual display or sale of retail goods.
  - (6) There shall be no stockpiling, storage or inventory of products of a substantial nature.
  - (7) There should be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
  - (8) The home occupation may not use any equipment or process which creates noise, vibration, glare, fumes, odors, electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
  - (9) The home occupation may not generate any solid waste or sewage discharge, in volume or type, which

is not normally associated with residential use in the neighborhood.

- C. Category 2 home occupations shall be permitted by right within the R-1, R-2, R-3, TV-1, C-1 and C-2 Zoning Districts, subject to the following requirements:
- (1) The home occupation shall be conducted within an approved single-family detached dwelling unit which complies with the minimum and maximum dimensional requirements of the zoning district to which the use is located.
  - (2) The home occupation shall be conducted only within the dwelling or an approved accessory structure which may not occupy more than 25% of the gross floor area of the single-family detached residential unit or no more than 500 square feet of an accessory structure.
  - (3) The home occupation shall include only lawful uses which shall be clearly secondary to the residential use and shall be compatible with surrounding residential uses. The exterior appearance shall be maintained as a single-family detached residential use.
  - (4) The home occupation shall be limited to the family members residing within the dwelling, plus two additional persons to provide support services and assistance.
  - (5) There shall be no visual display or sale of retail goods.
  - (6) There shall be no stockpiling, storage or inventory of products of a substantial nature.
  - (7) The home occupation may not use any equipment or process which creates noise, vibration, glare, fumes, odors, electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
  - (8) No manufacturing, repairing or other mechanical work shall be performed in any open area. All such activities shall be conducted in such a manner that they are not detectable or noticeable at or beyond the property line.
  - (9) The home occupation may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
  - (10) No more than one home occupation shall be permitted per residential unit.
  - (11) An off-street parking area shall be provided to meet the following requirements: two parking spaces shall be provided for the residential use; one parking space shall be provided for each employee not residing within the dwelling; and no more than two parking spaces shall be provided for guests or patrons. The maximum number of off-street parking spaces shall be limited to six parking spaces, which shall not include any garage spaces and shall be designed to comply with the appropriate provisions of Article X of this chapter.
  - (12) A sign displaying the name and address of the home occupation may be permitted, subject to the following requirements: no more than one such sign shall be erected on the lot; the area of the sign shall not exceed two square feet in size; and the sign shall be either fixed flat on the main wall of the building or may be erected in the front yard, but not within 10 feet of the cartway.

## § 155-110. Height exceptions.

- A. Unless otherwise specified within this Code, the building height limitations contained within this chapter

shall not apply to chimneys, spires, belfries, cupolas, farm buildings, silos, greenhouse ventilators, antennas (not in combination with support towers), water tanks, solar energy collectors, windmills and other similar appurtenances which are usually required to be placed above the roof level, provided they are not intended for human occupancy.

- B. The projection of the exempted structures specified within § 155-110A may be increased to a maximum height of 50 feet, provided that the height of the exempted structure is not greater than the distance to any property line, as measured from the exempted structure to any property line.
- C. The height exceptions specified within this section shall be consistent with the provisions specified by state and federal aviation laws. Where conflicts should arise, the provisions of the state or federal aviation law shall be upheld.

## § 155-111. Front yard and lot width exceptions.

- A. When an unimproved lot is situated between two improved lots with front yard dimensions less than those required for the zoning district in which the unimproved lot is located, the front yard required for the unimproved lot may be reduced to a depth equal to the average of the two adjoining lots; provided, however, that this provision shall only apply in such cases where the improved lots in question are improved as of the time of the adoption of the ordinance and the improvements are located within 100 feet of the unimproved lot. For the purpose of this section, an unimproved lot shall be the same as a vacant lot and an improved lot shall be one on which a principal building is erected.
- B. Unless otherwise specified by this Code, all residential and nonresidential lots shall comply with the appropriate minimum lot width requirement for that use in the zoning district to which it is located, as measured at the street line, legal right-of-way line, ultimate right-of-way line (where it exists) and the building setback line. The following lot width exceptions shall be permitted:
  - (1) Where single-family residential lots are created along the bulb of a cul-de-sac street, the minimum lot width may be reduced by 25% of the required lot width at the street line, provided that the minimum lot width requirement is established at the building setback line, as measure from the street right-of-way line to a point equivalent to the front yard setback requirement, which is specified by the appropriate zoning district in which the single-family detached dwelling is located. In no case shall there be more than four single-family lots located along the bulb of a cul-de-sac street.
  - (2) Where single-family residential lots are created along a street curve with a horizontal radius exceeding 150 feet, as measured along the street center line, the minimum lot width may be reduced by 25% of the required lot width, provided that the minimum lot width requirement is established at the building setback line, as measure from the street right-of-way line to a point equivalent to the front yard setback requirement, which is specified by the appropriate zoning district in which the single-family detached dwelling is located. The side lot lines should be established at 90° angles to the street line tangents or radial to the street line curves.

## § 155-112. Flag lots or key hole lots.

- A. Flag lots or key hole lots are permitted as single-family detached lots within the R-1, R-2 and R-3 Zoning Districts, subject to the following provisions:

- (1) Flag lots shall only be permitted within residential developments containing 10 or fewer lots which are designed to accommodate single-family detached dwelling units.
  - (2) No more than two flag lots shall be permitted as a result of the overall subdivision and/or cumulative phases of the development. In all cases, the applicant must demonstrate that the following site conditions exist:
    - (a) The tract of land cannot be subdivided in a manner to comply with the minimum lot width and area requirements for the zoning district in which the flag lot is located.
    - (b) The tract of land represents the total contiguous land area owned by the applicant.
    - (c) The tract of land cannot be further subdivided in the future by normal or typical design.
    - (d) The tract of land cannot be properly subdivided due to the presence of certain physical or environmental development constraints associated with the site.
    - (e) The configuration of the proposed lots will not limit the potential for development on adjacent tracts of land in the future.
- B. If the applicant demonstrates that the site conditions are amenable to the development of a flag lot, the subdivision shall be designed considering the following requirements:
- (1) The access strip or stem of the flag lot shall be designed in accordance with the following requirements:
    - (a) The access strip or stem of the flag lot shall be owned fee simple and extended from an existing public street to the rear property line of the flag lot.
    - (b) The width of the access strip or stem shall be a minimum of 50 feet. Additional width may be required by Caln Township in order to overcome problems associated with slope, drainage and/or sedimentation.
    - (c) A ten-foot-wide buffer strip shall be provided along both sides of the access strip or stem. The buffer strip shall be sufficiently landscaped in accordance with the provisions specified under **§ 155-119** of this Code.
    - (d) The fifty-foot-wide access strip or stem shall be utilized as a future right-of-way to permit the construction of a public or private street. If additional lots are created and/or if additional lots utilize the access strip or stem for ingress and egress purposes, the fifty-foot-wide access strip shall be improved to comply with the design standards and specifications for a public street.
  - (2) The net lot area for each flag lot shall meet or exceed the minimum lot area for the zoning district to which the flag lot is located. The area of the access strip or stem shall not be included as part of the net lot area for the flag lot.
  - (3) The building setback line for the flag lot shall meet the minimum required setback dimensions for the zoning district in which the flag lot is located. The setback lines shall be established at the flag portion of the lot. The front yard depth or setback shall be measured from the access strip or stem (extended through the lot) and from the rear property line. All other setback requirements shall comply with the rear yard setback provisions.
  - (4) The driveway serving the flag lot shall comply with all pertinent standards and specifications for driveways, as specified by the Caln Township Code and by the Pennsylvania Department of

Transportation. Unless otherwise permitted by the Caln Township Board of Commissioners, common driveways shall be prohibited as part of a flag lot design.

- C. Unless the site conditions change as a result of improved roads and/or the reestablishment of lot frontages, flag lots may not be further subdivided or developed for any other purpose.
- D. If the tract of land contains any residue or undeveloped land area, the applicant shall submit a sketch plan depicting how the remaining area will be developed or perpetually preserved as open space.

## § 155-113. Visibility at street intersections.

- A. Clear sight triangles shall be provided at all street intersections. Within such triangles, nothing, except permitted street signs, traffic lights or signs, utility poles and mail boxes, which impedes vision between a height of 2 1/2 feet and 10 feet above the center line grades of the intersecting streets shall be erected, placed, planted or allowed to grow. Such triangles shall be established as follows:
  - (1) For intersections involving a minor street, the dimension of the clear sight triangle shall be established for a distance of 75 feet, as measured from the middle of the intersection or where the center lines of the intersecting streets cross.
  - (2) For intersections involving a collector street, the dimension of the clear sight triangle shall be established for a distance of 100 feet, as measured from the middle of the intersection or where the center lines of the intersecting streets cross.
  - (3) For intersections involving an arterial street, the dimension of the clear sight triangle shall be established for a distance of 150 feet, as measured from the middle of the intersection or where the center lines of the intersecting streets cross.
- B. The functional classifications of all existing streets within Caln Township are identified within the Caln Township Comprehensive Plan, as adopted in December of 2003.
- C. No fence, wall and/or hedge shall be erected or planted within or encroaching upon the legal or ultimate street right-of-way.

## § 155-114. Corner lot restrictions and requirements.

- A. For all corner lots, as defined under Article II of this chapter, the minimum lot width and front yard setback requirements of the zoning district to which the corner lot is located shall be applied to each street on which the corner lot has frontage.
- B. In cases in which a preexisting lot of record is changed or converted into a corner lot, as the result of an adjacent subdivision or land development, the front yard of the preexisting lot shall only be established along the public street to which it originally had frontage and access. All other setback requirements shall conform with the appropriate side and rear yard setback requirements for the zoning district to which the preexisting lot is located.
- C. All corner lots shall comply with the provisions established for visibility at street intersections, as provided under § 155-113 of this Code.

## § 155-115. Fences, walls and hedges.

- A. Fences, walls and/or hedges may be permitted within and along the periphery of any required yard provided:
- (1) No fence, wall and/or hedge shall be erected or planted within or encroaching upon the legal or ultimate street right-of-way or floodway. No fence, wall and/or hedge shall be erected or planted within or encroaching upon a utility easement or drainage easement unless the easement agreement which creates the easement specifically allows such encroachment.  
[Amended 12-17-2007 by Ord. No. 2007-15]
  - (2) No fence, wall and/or hedge shall be erected in any manner that obstructs a clear line of sight or vision from a driveway or street intersection.
  - (3) Unless otherwise specified by this Code, fences which are erected within a required front yard shall not exceed the installed height of three-rail post and rail fence (five feet) regardless of the type of fence installed, and shall maintain a minimum one to one ratio of open areas to structural members (for example, picket wrought iron fence and post and rail fence). A wall within the front yard shall not exceed four feet.
  - (4) Unless otherwise specified by this Code and with the exception of a tennis court fence, all fences and walls within the required side yard or rear yard shall not exceed a maximum height of six feet on any lot.
  - (5) Fences and walls shall be constructed so as to place structural members toward the property being enclosed by the fence, thereby presenting the best appearance towards adjacent property.
  - (6) Fences which are erected in residential zoning districts may be comprised of the following materials: wood; split rail; wrought iron; vinyl; a combination of the aforementioned materials; or other materials which, in the discretion of the Zoning Officer, are recognized as standard materials utilized for residential fencing.
  - (7) Fences which are erected in the nonresidential zoning districts or for nonresidential uses may be comprised of the following materials: wood; split rail; wrought iron; vinyl; chain link; a combination of the aforementioned materials; or other materials which, in the discretion of the Zoning Officer, are recognized as standard materials utilized for nonresidential fencing.
  - (8) Walls may be comprised of the following materials: decorative concrete block (such as E.P. Henry, Mesa, Keystone); brick; stone; concrete with a brick or stone veneer; or other materials which, in the discretion of the Zoning Officer, are recognized as suitable industry standards.
  - (9) No razor, barb wire or glass shards shall be placed upon a fence or wall in a residential zoning district.
  - (10) The use of razor or barb wire fencing shall only be utilized as part of a security fence for nonresidential uses within nonresidential districts.
  - (11) An existing fence or wall replaced in its entirety shall comply with the provisions established within this chapter of the Code.
  - (12) Ordinary and normal maintenance and/or repairs of a fence or wall in any zoning district shall not require the issuance of a permit. Otherwise, a permit shall be required for any fence installation or wall construction, as specified by this Code.

- (13) Any fence or wall which, in the judgment of the Zoning Officer, is unsafe, dangerous or a threat to the public health, safety and/or welfare shall be removed, repaired or replaced as determined necessary by the Zoning Officer at the expense of the property owner.
  - (14) Fences or walls erected on property that is dedicated to private or public open space shall comply with the provisions established under this chapter of the Code.
- B. The following wall and fences shall be exempt from the provisions established under § **155-115** of this chapter of the Code:
- (1) Fences and walls used for agricultural and recreational purposes to contain livestock, provided that they do not hinder visibility or pose a threat to the public health, safety or welfare.
  - (2) Fences and walls of an historic nature which are accessory to an officially designated historic structure.
  - (3) Buried electronic fences used to control pets, provided that they do not emit radiation which would pose a threat to the public health, safety or welfare.
- C. In situations where the property line is in doubt, the Zoning Officer may require the property owner to have a professional land surveyor determine and mark the precise limits of the property line in question.

## § 155-116. Projections into yards.

- A. The following projections shall be permitted into required yards and shall not be considered in the determination of the lot coverage requirements:
- (1) A lawful building erected prior to the effective date of this chapter which encroaches into the required side yard established for that district may be further extended into the rear yard, provided that the building extension is contiguous to the existing building and provided that the building extension maintains at a minimum the rear yard setback established for that zoning district.
  - (2) A porch abutting the frontage of a building, not exceeding 20 feet in height nor 16 feet in width, may be extended by not more than five feet into the front yard with unenclosed sides except for two columns which support a roof limited to the dimensions of the porch, plus an eighteen-inch projection on any side for cornices, eaves or gutters.
  - (3) A porch abutting the side of a building, not exceeding 20 feet in height nor 16 feet in width, may be extended by not more than five feet into the side yard with unenclosed sides except for two columns which support a roof limited to the dimensions of the porch, plus an eighteen-inch projection on any side for cornices, eaves or gutters. In such cases, the porch shall be located at least five feet from the property line.
  - (4) Porches, decks, terraces or patios located within the rear yard of single-family semidetached dwellings, multifamily townhouse units and multifamily apartment units may be located along the common lot line, provided that they do not project into the rear yard.
  - (5) A porch, deck, terrace or patio, which does not extend above the first floor elevation of the building, may be constructed into the required rear yard for a distance of not more than 10 feet.  
[Amended 8-10-2006 by Ord. No. 2006-9]
  - (6) A carport may be erected over an existing driveway, provided that the carport is located in a manner

to comply with all setback requirements for that zoning district.

- (7) A buttress, chimney, cornice, pier or pilaster of a building may project not more than two feet into a required yard setback.
  - (8) Open balconies, steps, fire escapes, bilco door units, basement door units, bay windows, eaves, window sills and other similar architectural features or structures may project into the required yard, provided that such features shall project no more than five feet into any required yard. In all such cases, the projection shall not be located closer than five feet to a property line.
- B. In situations where the property line is in doubt, the Zoning Officer may require the property owner to have a professional land surveyor determine and mark the precise limits of the property line in question.

## § 155-117. Development along existing public roads.

- A. Where determined appropriate by Caln Township and/or the Pennsylvania Department of Transportation, accessibility to a public street may be restricted, limited or required by one or more of the following methods:
- (1) Provisions of marginal access street or internal street system to provide proper frontage for the proposed lots, which shall be designed, located and constructed in accordance with the appropriate provisions established by Caln Township.
  - (2) Provisions of marginal access street or internal street system to provide rear access for the proposed reverse frontage lots, which shall be designed, located and constructed in accordance with the appropriate provisions established by Caln Township.
  - (3) The restriction of ingress and egress involving specific turning movements onto or off of a collector street or arterial street.
- B. Private streets shall be prohibited unless they are designed, located and constructed in accordance with the provisions of a minor street, as established by Caln Township.
- C. Where a subdivision or land development application abuts or contains an existing street of inadequate right-of-way width or cartway width, the applicant shall dedicate additional right-of-way and improve the cartway to conform with the provisions of the Code or as directed by the Planning Commission and Board of Commissioners.
- D. Where a subdivision or land development application abuts an existing street of inadequate horizontal and/or vertical alignment, the applicant shall dedicate additional right-of-way and improve the street segment to conform with the provisions of the Code or as directed by the Planning Commission and Board of Commissioners.

## § 155-118. Common open space.

- A. The overall intent of these provisions is to supplement and not replace the provisions identified in those zoning districts where the designation of open space is explicitly applicable and further to identify related use regulations and performance for land to be held for recreational use and/or for conservation, preservation or enhancement of natural and cultural resources. These provisions are designed to:

- (1) Provide an effective means for identifying, organizing and maintaining open space.
- (2) Provide for necessary active and passive recreation areas to complement existing open space and recreational uses.
- (3) Preserve the natural and environmental resources while maintaining ecological stability by encouraging the preservation of floodplains; limiting the development of very steep slopes; protecting the quality of existing watercourses, ponds, lakes and other water bodies, including riparian buffers; encouraging the preservation of groundwater resources through the provision of open space areas for groundwater recharge; and avoiding the disruption of woodland and forest areas.  
[Amended 9-29-2005 by Ord. No. 2005-12]
- (4) 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.
- (5) Preserve historic and cultural resources by promoting the preservation of significant historical and cultural sites and structures as open space; protecting the character of historic and cultural sites and structures by encouraging the designation of surrounding land as open space; and by implementing the Caln Township Comprehensive Plan.

B. All land and water areas designated as common open space within Caln Township shall comply with the following provisions:

- (1) All residential developments requiring common open space, as specified under Article **VII** of this chapter, shall comply with the appropriate provisions established under Article **VII** of this chapter.
- (2) All nonresidential developments requiring common open space, as specified under Article **VIII** of this chapter, shall comply with the appropriate provisions established under Article **VIII** of this chapter.
- (3) Where residential or nonresidential developments do not specifically require common open space, as defined under Articles **VII** and **VIII** of this chapter, the residential or nonresidential development shall be subject to the provisions established under this section of the Code as well as those other applicable provisions established by Caln Township.
- (4) The requirements for common open space, as specified under this chapter of the Code, does not relieve any person, applicant or developer from the mandatory requirements for dedication of open space for recreation purposes or recreation impact fees in lieu of land dedication, or any combination thereof, as permitted under the provisions of the Pennsylvania Municipalities Planning Code and as adopted by Caln Township.
- (5) All areas designated as common open space shall be subject to the review of the Caln Township Planning Commission and Caln Township Parks and Recreation Board.

C. The following uses shall be permitted within areas designated as common open space:

- (1) Recreation uses, subject to the provisions of § **155-90** of this Code.
- (2) Conservation uses or areas to preserve woodland and forest areas, lakes, ponds, streams, floodplains, wetlands and other related landscape features.
- (3) Agricultural uses, subject to the provisions of § **155-89** of this Code.
- (4) Municipal uses, subject to the provisions of § **155-94** of this Code.

- (5) Culturally and/or historically significant uses, as determined appropriate by the Board of Commissioners.
  - (6) All other principal and accessory uses which are considered appropriate for a permitted residential development, as further defined and specified under the appropriate sections of Article **VII** of this chapter.
  - (7) All other principal and accessory uses which are considered appropriate for a permitted nonresidential development, as further defined and specified under the appropriate sections of Article **VIII** of this chapter.
  - (8) Utility services and stormwater management facilities which are necessary to accommodate the residential or nonresidential development.
- D. The land and water areas designated as common open space shall comply with the following standards and specifications:
- (1) The minimum area required or the percentage of the gross area to be set aside as common open space shall meet or exceed the requirement established by this Code.
  - (2) No more than 50% of the common open space shall be located on lands within areas that are located within the one-hundred-year floodplain, areas delineated as wetlands and/or areas with a slope of 20% or greater.  
[Amended 9-29-2005 by Ord. No. 2005-12]
  - (3) No more than 50% of the common open space shall include land areas that are burdened by or are proposed to contain utilities easements and/or stormwater management facilities, as further described under Caln Township Code.
  - (4) The common open space shall be planned and located as a contiguous accessible area within the development. Existing and/or proposed roads may bisect the areas designated as common open space, provided a crosswalk at grade is safely designed to link the common open space areas. Planned linkages to other areas designated as common open space shall be considered as part of the application.
  - (5) Significant natural features shall be incorporated into the overall schematic of the design as common open space areas whenever possible.
  - (6) A system for pedestrian circulation throughout the development shall be provided by utilizing sidewalks and trails.
  - (7) The total land area designated to comply with the minimum open space requirements shall be comprised of areas not less than 50 feet in width and shall not contain less than one contiguous acre of land. In addition, there shall be at least one designated common area that is contiguous within the development containing no less than 25% of the required common open space.
- E. The following provisions shall apply to the ownership and maintenance of the areas designated as common open space:
- (1) For all common open spaces, satisfactory written agreements approved by the Board of Commissioners shall be executed as a declaration of easements, covenants and restrictions in perpetuity for the preservation of the common open spaces and shall be recorded with the Chester County Recorder of Deeds.

- (2) The applicant or developer shall make arrangements, provisions and/or agreements to insure that the common open space shall continue to be adequately managed and maintained. The applicant or developer shall have the following options for ownership, management and maintenance of the common open space:
    - (a) Dedicate the land encompassing the common open space to a homeowners' association which is comprised of all the residents of the development;
    - (b) Dedicate the land encompassing the common open space to Caln Township, who shall have the option to accept or refuse the land offered for dedication; or
    - (c) Dedicate the land encompassing the common open space to a conservation organization, as determined appropriate by the Board of Commissioners.
  - (3) The selected options for the ownership, management and maintenance of the land and water areas which are designated as common open space shall be subject to the review by the Caln Township Solicitor and subject to the approval of the Board of Commissioners.
- F. The provisions specified herein for common open space do not relieve the applicant of other requirements for open space and recreation, as specified with the Caln Township Code, with which the applicant shall comply.

## § 155-119. Landscaping.

- A. Where zoning district or development regulations require buffer yards, screening and/or planting strips, the applicant shall prepare and submit a landscaping plan to comply with the following provisions:
- (1) The landscaping plan shall show the following information: the location and arrangement of each buffer yard; the species, placement and size of all plant material selected; the type, placement and size of all fences to be placed in such buffer yards; and the type and density of planting which shall adequately provide the screening effect required.
  - (2) The plant materials utilized shall be selected from the approved list, which is identified under § **155-119D** of this chapter.
  - (3) All plant materials shall be permanently maintained, and any plant material which does not live shall be replaced.
  - (4) Any portion of a site which is not utilized for buildings, accessory structures, loading or parking spaces, aisles, sidewalks and designated storage areas shall be planted with an all-season ground cover and shall be landscaped according to an overall plan.
  - (5) All buffer yards shall be maintained and kept clean of debris, rubbish, weeds and tall grass.
  - (6) If permitted by the Planning Commission and Board of Commissioners, natural berms may be provided as a buffer yard. The applicant shall demonstrate that the soil type, hydrology, topography and selected landscaping material are appropriate for the area in which the buffer yard is to be located. All such natural berms shall be properly graded to a maximum side slope ratio of 4:1. The natural berms shall be properly stabilized by the developer in accordance with the standards specified by Caln Township and the Chester County Conservation District.
  - (7) As part of the application phase for a subdivision plan, land development plan or conditional use, the

Board of Commissioners shall have the right to modify or consider alternatives to any of the above specifications if the applicant can demonstrate that the existing conditions of the site exceeds all applicable requirements listed under § **155-119** of this chapter.

- B. Unless otherwise specified by the provisions of this Code, a landscaping plan shall be prepared and submitted for the following subdivision and land development plan applications:
- (1) All residential developments containing 10 or more dwelling units.
  - (2) All nonresidential developments containing more than one gross acre of land.
  - (3) Where zoning district or development regulations require buffer yards, screening and/or planting strips.
  - (4) All residential developments requiring landscaping plans, as specified under Article **VII** of this chapter.
  - (5) All nonresidential developments requiring landscaping plans, as specified under Article **VIII** of this chapter.
- C. Where landscaping plans are required, the following provisions shall be incorporated as part of the design:
- (1) The plant materials utilized shall be selected from the approved list specified under § **155-119D** of this chapter.
  - (2) The landscaping plan shall show the type, size and arrangement of all species selected.
  - (3) Conventional residential developments containing single-family detached dwelling units and/or single-family semidetached dwelling units shall provide a minimum of two selected canopy, flowering or evergreen trees per lot. The overall development shall contain at least three selected canopy, flowering and/or evergreen trees per gross acre, which may be planted as either street trees, as part of the interior portion of the lot, as part of the buffer yard or within areas designated as open space.
  - (4) Townhouse developments shall provide a minimum of three selected canopy, flowering or evergreen trees per lot which may be planted as either street trees, as part of the buffer yard or within areas designated as open space. Apartment buildings shall provide a minimum of one selected canopy, flowering or evergreen trees per dwelling unit which may be planted as either street trees, as part of the buffer yard or within areas designated as open space.  
[Amended 7-28-2011 by Ord. No. 2011-06]
  - (5) Single-family residential cluster developments and age qualified or continuing care retirement communities shall provide a minimum of three selected canopy, flowering or evergreen trees per lot, which may be planted as either street trees, as part of the buffer yard or within areas designated as open space.
  - (6) Nonresidential developments shall provide a minimum of three selected canopy, flowering and/or evergreen trees per gross acre.
  - (7) All selected trees shall be planted a minimum of 10 feet outside of the legal right-of-way of all existing and proposed streets.
  - (8) All selected plant or tree materials shall be located so as not to interfere with the installation and maintenance of sidewalks, drainage facilities and/or utilities.
  - (9) The strategic placement of trees throughout the development to serve as a buffer against the wind and sun is encouraged for energy conservation purposes.

- (10) All plant materials shall be located so as not to create a potential traffic hazard.
  - (11) All selected trees and/or all other plant materials exceeding two feet in height above average ground elevation at maturity shall not be located within the limits of the clear sight triangle, as further defined under § **155-113** of this chapter of the Code.
  - (12) All plant and tree materials shall be permanently maintained, and any plant material which does not survive shall be replaced.
  - (13) As part of the application phase for a subdivision plan, land development plan or conditional use, the Board of Commissioners shall have the right to modify or consider alternatives to any of the above specifications if the applicant can demonstrate that the existing conditions of the site exceeds all applicable requirements listed under this section of the Code.
  - (14) For residential applications involving 50 or more residential lots, the landscaping plan shall be prepared and certified by a professional landscape architect.
  - (15) For nonresidential applications involving more than 40,000 cumulative gross floor area, the landscaping plan shall be prepared and certified by a professional landscape architect.
- D. The following is an approved list of selected trees, hedges and/or shrubs, which may be utilized to meet the standards and specifications for buffer yards and landscaping. Species selection shall be based upon the existing physical and natural conditions of the site:
- (1) Street trees are permitted, provided they are a minimum of three inches in caliper as measured at breast height. The following is an approved list of street trees:
    - (a) *Acer rubrum* - Red Maple.
    - (b) *Acer saccharum* - Sugar Maple.
    - (c) *Crataegus crusgalli* - Cockspur Hawthorne.
    - (d) *Fraxinus Americana* - White Ash.
    - (e) *Fraxinus pennsylvanica* - Green Ash.
    - (f) *Juniperous virginiana* - Eastern Red Cedar.
    - (g) *Liquidambar styraciflua* - American Sweetgum.
    - (h) *Nyssa silvatica* - Blackgum.
    - (i) *Ostrya virginiana* - American Hophornbeam.
    - (j) *Oxydendrum arboreaum* - Sourwood, Sorrel Tree.
    - (k) *Quercus alba* - White Oak.
    - (l) *Quercus coccinea* - Scarlet Oak.
    - (m) *Quercus palustris* - Pin Oak.
    - (n) *Sassafras albidum* - Common Sassafras.
  - (2) Canopy trees are permitted, provided they are a minimum of three inches in caliper as measured at

breast height. The following is an approved list of canopy trees:

- (a) *Acer ginnala* - Amur maple.
  - (b) *Acer rubrum* - Red maple.
  - (c) *Acer saccharum* - Sugar maple.
  - (d) *Betula alba* - European white birch.
  - (e) *Betula lenta* - Black Birch.
  - (f) *Betula nigra* - River Birch.
  - (g) *Carya ovata* - Shagbark Hickory.
  - (h) *Fagus grandifolia* - American beech.
  - (i) *Fagus sylvatica* - European beech.
  - (j) *Fraxinus americana* - White ash.
  - (k) *Fraxinus pennsylvania lanceolata* - Gen ash.
  - (l) *Ginkgo Biloba* - Ginkgo (male only).
  - (m) *Gleditsia triacanthos inermis* - Thornless honey locust.
  - (n) *Liquidambar styraciflua* - Sweet gum.
  - (o) *Liriodendron tulipifera* - Tulip tree.
  - (p) *Nyssa sylvatica* - Black Gum, Sourgum.
  - (q) *Ostra virginiana* - American Hophornbeam.
  - (r) *Phellondendron amurense* - Amur cork tree.
  - (s) *Platanus acerifolia* - London plane tree.
  - (t) *Quercus alba* - White Oak.
  - (u) *Quercus borealis* - Red Oak.
  - (v) *Quercus coccinea* - Scarlet Oak.
  - (w) *Quercus palustris* - Pin Oak.
  - (x) *Quercus phellos* - Willow Oak.
  - (y) *Robina psuedoacaia inermis* - Thornless black locust.
  - (z) *Sassafras albidum* - Sassafras.
  - (aa) *Sophora japonica* - Japanese zelkova.
- (3) Flowering trees are permitted provided, they are a minimum of 10 feet in height. The following is an approved list of flowering trees:

- (a) *Amelanchier canadensis* - shadblow serviceberry.
  - (b) *Cercis canadensis* - Eastern Redbud.
  - (c) *Chioanthus virginicus* - Fringetree.
  - (d) *Cornus florida* - Flowering dogwood.
  - (e) *Cornus kousa* - Kousa dogwood.
  - (f) *Cornus mas* - Cornelian cherry.
  - (g) *Crataegus Phaenopyrum* - Washington hawthorn.
  - (h) *Koelreuteria paniculata* - Golden rain tree.
  - (i) *Laburnum vossi* - Goldenchain.
  - (j) *Magnolia soulangeana* - Saucer magnolia.
  - (k) *Malus baccata* - Siberian crab.
  - (l) *Malus floribunda* - Japanese flowering crab.
  - (m) *Malus hopy* - Hopy red-flowering shrub.
  - (n) *Oxydendrum arboreum* - Sourwood.
  - (o) *Prunus calleryana* - Kwanzan cherry.
  - (p) *Prunus yedoensis* - Yoshino cherry.
  - (q) *Pyrus cultivars* - Hybrid Ornamental Pear.
  - (r) *Viburnum prunifolium* - Blackhaw Viburnum.
- (4) Evergreen trees are permitted provided, they are a minimum of six feet in height. The following is an approved list of evergreen trees:
- (a) *Ilex opaca* - American holly.
  - (b) *Juniperus virginiana* - Eastern Red Cedar.
  - (c) *Picea abies* - Norway spruce.
  - (d) *Picea omorika* - Serbian spruce.
  - (e) *Picea pungens* - Colorado spruce.
  - (f) *Pinus nigra* - Austrian pine.
  - (g) *Pinus strobus* - Eastern white pine.
  - (h) *Pinus sylvestris* - Scotch pine.
  - (i) *Pinus thunbergii* - Japanese black pine.
  - (j) *Pseudotsuga menziesii* - Douglas fir.

- (k) *Tbuja occidentlis* - Arborvitae.
  - (l) *Tsuga caraliniana* - Caralina hemlock.
  - (m) *Tsuga canadensis* - Canada hemlock.
- (5) Hedges or hedgerows are permitted for buffer and screening purposes, provided they are a minimum of four feet in height. The following is an approved list:
- (a) *Crataegus crus-galli* - Cockspur thorn.
  - (b) *Crataegus intricata* - Thicket hawthorn.
  - (c) *Crataegus phaenopyrum* - Washington hawthorn.
  - (d) *Forsythia intermedia* - Border forsythia.
  - (e) *Rhamnus frazula columnaris* - Tailhedge buckthorn.
  - (f) *Syringa chinensis* - Chinese lilac.
  - (g) *Syringa vulgaris* - Common lilac.
  - (h) *Tbuja occidentlis* - Arborvitae.
  - (i) *Viburnum alatus* - Viburnum.
  - (j) *Viburnum sieboldii* - Siebold viburnum.
  - (k) *Viburnum tomentosum* - Doublefile viburnum.
- (6) Shrubs are permitted for buffer and screening purposes, provided they are a minimum of three feet in height. The following is an approved list of shrubs:
- (a) *Euonymus alatus* - Winged euonymus.
  - (b) *Hamamelis vernalis* - Vernal witch hazel.
  - (c) *Hamamelis virginiana* - Common witch hazel.
  - (d) *Ilex glaabra* - Inkberry.
  - (e) *Ilex verticillata* - Winterberry.
  - (f) *Juniper virginiana* - Upright juniper.
  - (g) *Kalmia latifolia* - Mountain Laurel.
  - (h) *Myrica pennsylvanica* - Bayberry.
  - (i) *Juniper virginiana* - Upright juniper.
  - (j) *Rhamnus frangula* - Glossy buckthorn.
  - (k) *Taxus capitata* - Upright yew.
  - (l) *Taxus hicksi* - Hicks yew.

- (m) Viburnum dentatum - Arrowwood viburnum.
  - (n) Viburnum lantana - Wayfaring tree viburnum.
  - (o) Viburnum trilobum - Highbrush Cranberry.
- E. As part of the application phase for a subdivision plan, land development plan or conditional use, the Board of Commissioners may permit alternative trees, hedges and/or shrubs from those specified under § **155-119D**, provided the applicant or developer provides sufficient evidence from a landscape architect to demonstrate that the alternative tree, hedge and/or shrub will be more effective to meet the standards and specifications for buffer yards and landscaping. Species selection shall be based upon the existing physical and natural conditions of the site.
- F. Any tree, plant, shrub, flower, vine or grass species which has been classified as invasive, noxious or destructive by any local, county, state or federal agency, including the Pennsylvania Department of Agriculture, shall be specifically prohibited for use in landscaping and ground cover.
- G. The following provisions shall be considered as a guarantee concerning the survival of all buffer yards and landscaping which are required as part of the subdivision and/or land development plan application:
- (1) Any tree or shrub which dies within 18 months of planting shall be replaced within a three-month time period.
  - (2) Substitutions for certain species may be permitted only when approved by the Board of Commissioners.

## § 155-120. Temporary structures and uses.

- A. A temporary permit shall be issued for the authorization of temporary structures or uses necessary during construction or other special circumstances of a discontinuing nature.
- B. The time period of the initial permit shall be six months, which may be renewed for three-month time periods up to and not exceeding one year from the time the original temporary permit was issued.
- C. The temporary structure(s) shall be removed completely within 30 days of the expiration of the permit without cost to Caln Township.

## § 155-121. Outdoor storage and sales.

- A. Outdoor storage of any type shall not be permitted unless such storage conforms to the normal functions and procedures conducted on the premises. Outdoor storage of any type that is not a normal function of the property or permitted use shall be prohibited if such storage is considered as unsightly, malodorous, hazardous to the environment and potentially detrimental to the health and safety of the adjacent property owners.
- B. The materials to be stored outdoors shall be enclosed by a fence and planting screen to conceal the storage facilities from the view of adjacent properties. The fence and planting screen shall be subject to the review and approval by the Caln Township Zoning Officer.
- C. The location of the permitted materials to be stored outside as well as any required fence enclosure shall

comply with the minimum setback provisions of the zoning district in which it is located.

- D. The storing or parking of automobiles for sale shall not be located within any street right-of-way and shall be located at least 10 feet from all other property lines.
- E. No materials or waste shall be deposited on site in such form or manner by which it can be transported off the site by natural causes or forces.
- F. No exterior storage of a substance which has the potential to contaminate groundwater or surface water shall be permitted unless the owner provides and installs safeguards which are satisfactory to the Township and the Pennsylvania Department of Environmental Protection. All such protective safeguards shall be subject to the review and approval by the Caln Township Zoning Officer.
- G. Unless otherwise specifically approved or permitted for the nonresidential use, commercial outdoor sales of merchandise shall be prohibited. Commercial outdoor sales may be permitted for those nonresidential uses whose merchandise are customarily displayed outdoors, provided the use has been designated on an approved land development plan or occupancy permit.
- H. Seasonal or sidewalk sales may be permitted on the sidewalk or outside of the front or side of the principal building or establishment, whereas, goods are offered for sale to the public, typically at discounted price, provided that all such sales shall not exceed 60 cumulative days during a calendar year.

## § 155-122. Prohibited uses.

- A. No building or structure may be erected, altered or used, and no lot or premises may be used for any activity which is continuously noxious, injurious or offensive by reason of dust, smoke, odor, fumes, noise, vibration, gas, effluent discharge, illumination or similar substances or conditions.
- B. No building, structure, land, watercourse or parts thereof within Caln Township shall be used or occupied, erected, constructed, assembled, moved, enlarged, reconstructed or structurally altered unless in conformity with the provisions of this chapter.

## § 155-123. Hazardous conditions and areas.

- A. Within Caln Township, certain land and/or water areas may be considered hazardous in terms of their condition or potential use. These hazardous areas may include mine holes; quarries; sinkholes; waterways; caves; areas of naturally occurring physical features; areas of naturally occurring minerals or chemicals; areas containing hazardous, contaminated or toxic waste; solid waste disposal areas; and/or other areas considered hazardous by the Caln Township Zoning Officer or other professional consultants appointed by Caln Township. Based upon their presence, these hazardous areas could endanger the public health, safety or welfare by presenting potential hazards to life, health or property.
- B. Where hazardous areas have been identified by the appropriate local, county, state or federal agency, the following provisions shall apply:
  - (1) No occupied building, well or sewage disposal system shall be located within 500 feet of an identified hazardous area except as noted within this section of the Code.
  - (2) An occupied building, well or sewage disposal system may be located within 500 feet of an identified

hazardous area, provided that a sufficient number of excavations, borings, soil probes and/or groundwater tests have been conducted within the area to determine that the soil, geology and/or groundwater conditions are not considered hazardous to the occupant(s). The accuracy of all test results and/or conclusions shall be certified by a qualified professional, as determined to have the appropriate qualification and credentials by Caln Township. All wells located within 500 feet of the hazardous area shall be retested every two years by a certified laboratory to determine if the water is potable. All costs incurred for the sampling and laboratory analysis shall be incurred by the property owner.

- C. The hazardous areas shall continue to be considered as a hazardous area until the Board of Commissioners determine that the hazards have been sufficiently mitigated or adequate safeguards against such hazards have been provided as recommended, approved or permitted by the appropriate local, county, state or federal agencies.

## § 155-124. Exterior lighting.

- A. This section sets forth minimum criteria for the installation, use and maintenance of exterior lighting, the purposes of which are to require lighting in outdoor public places where safety and security are concerns; protect drivers and pedestrians on nearby streets from glare from nonvehicular light sources that shine directly into their eyes and thereby impair safe travel; shield neighboring properties from glare resulting from excessive light sources and from nonexistent or improperly directed or shielded light sources; limit the height of light standards to preclude or lessen light pollution; and promote efficient design and operation with regard to energy conservation.
- B. Lighting facilities shall be required for all off-street parking areas and off-street loading areas and for all driveways providing ingress and egress thereto and for all subdivisions and/or land developments for business, commercial, retail, personal service, industrial, multifamily, recreational, institutional and public uses and for all construction or reconstruction or improvement of any such use for which land development approval is not required. In the approval of any subdivision or land development plan, the Commissioners shall have the authority to require lighting to be incorporated for other uses or locations where in their reasonable discretion such lighting is warranted. In addition, the provisions of this section shall apply to signs, architectural lighting and landscape lighting.
- C. Where required by Caln Township to demonstrate compliance with the provisions of this Code, a lighting plan shall be prepared and submitted in accordance with the following criteria:
- (1) A lighting plan shall be submitted for review and approval for all applications and uses which require exterior lighting.
  - (2) The lighting plan shall include a schematic layout of all proposed exterior fixture locations, ISO footcandle data and a plat demonstrating intensities and uniformities within the limitations established within this section of the Code, as well as the manufacturer's description of the equipment (catalog cuts), glare control devices, lamps, mounting heights and means, proposed hours of operation of the lighting and maintenance schedule. Illumination intensities shall be plotted on a ten-foot-by-ten-foot grid.
  - (3) The applicant shall submit a visual impact photometric plan that demonstrates both light coverage and light spillage resulting from the proposed lighting plan and the provision for adequate measures to mitigate nuisance from light pollution and disabling glare, both on the use or development site and on adjacent properties.

- D. The lighting plan shall be prepared to comply with the following design standards and illumination specifications:
- (1) Lighting facilities located within off-street parking areas and loading areas for all uses and developments requiring exterior lighting, or in connection with signs and recreational and institutional activities, shall provide an illumination level utilizing the current recommended standards of the Illuminating Engineering Society of North America (IESNA) except as otherwise required by the provisions of this Code.
  - (2) For all applications, the Board of Commissioners may impose a more stringent lighting standard requiring less illumination as a condition of any such approval when it determines the same to be necessary to protect adjoining properties or streets from light pollution and/or glare.
  - (3) Where exterior illumination is required to comply with this Code, the most current intensities and uniformity ratios, as established in the Lighting Handbook of the Illuminating Engineering Society of North America (IESNA), shall apply.
  - (4) In no case shall illumination exceed 0.5 footcandle measured at the property lines, except at driveway entrances, provided the illumination at the cartway center line of the contiguous street shall not exceed 1.0 footcandle, unless a more stringent standard is ordered by the Board under the circumstances of each application.
  - (5) The lighting standards within off-street parking areas shall be located no more than 100 feet apart.
- E. The following general design standards, illumination specifications, installation provisions and maintenance requirements shall apply for exterior lighting for residential and/or nonresidential uses:
- (1) Lamp types and colors shall be in harmony within the adjacent community, any special circumstances existing on the site and with surrounding lighting facilities. Lamp types and colors shall be consistent and shall not create a mix of colors.
  - (2) Canopy lighting shall be located on the undersurface (ceiling) of the canopy and shall be limited to flush lens fixtures mounted on the canopy ceiling. Drop-lens fixtures are prohibited. In no event shall any other lighting fixtures be located on or otherwise attached to or used to light a canopy or any area of the property adjacent to the canopy. Outdoor canopies include, but are not limited to, the following applications: fuel island canopies associated with service stations and convenience stores; exterior canopies above storefronts in shopping centers and malls; exterior canopies above driveways and building entrances; pavilions; and gazebos.
  - (3) With the exception of all security lighting, all exterior lighting for any commercial, industrial, institutional and recreational use shall be reduced by 50% between the hours of 10:00 p.m. and 6:00 a.m.
  - (4) All lighting fixtures shall meet IESNA cutoff criteria. No lighting shall be permitted which shines directly into residential units or results in glare beyond an angle of 30° from a vertical plane, measured from the light source.
  - (5) Light fixtures, including mounting base, shall not exceed 25 feet in height above finished grade.
  - (6) All lighting sources shall be effectively shielded and shall be installed and/or aimed so as to shield nearby public or private streets and neighboring properties from direct-glare light radiation or light pollution which may create a safety hazard or a nuisance.
  - (7) Illuminated signs shall have an indirect lighting source or shielded source.

- (8) Where glare control devices are considered ineffective, the use of vegetation, fences and similar screening methods shall be considered.
  - (9) Fixtures used for architectural lighting, such as facade, feature and landscape lighting, shall be directed so as to preclude light projection beyond the immediate objects which are intended to be illuminated.
  - (10) In all residential zoning districts or for all residential uses, floodlighting, spotlighting and other high-intensity lighting over 100 watts shall be located in a manner so that glare or reflection is not greater than 0.2 footcandle at the lot line of any adjacent property line. All such lighting fixtures shall be installed and/or aimed so that they do not project their output into windows of neighboring residences, adjacent uses, skyward or public street. All such lighting shall be reduced by 50% between the hours of 10:00 p.m. and 6:00 a.m. except in case of emergency use.
  - (11) With the exception of all-night operations, lighting for commercial, industrial, municipal, recreational and institutional uses shall be controlled by automatic switching devices, such as time clocks or combination motion detectors and photocells, to permit the reduction of exterior lighting by 50% between the hours of 10:00 p.m. and 6:00 a.m. in order to mitigate nuisance glare and sky lighting consequences.
  - (12) Electrical feeds to all lighting standards shall be installed underground, not overhead.
  - (13) The applicant or property owner shall install all required lighting fixtures and facilities at his expense. Light fixtures and poles shall be in accordance with a lighting plan approved by the Caln Township as part of the application for subdivision, land development conditional use, special exception and/or building permit.
  - (14) The applicant or property owner shall be responsible for all costs involved in the maintenance, upkeep and operation of all required lighting facilities.
- F. Caln Township reserves the right to conduct a postinstallation nighttime inspection to verify compliance with the requirements of § **155-119** of the Code. If it is determined that any lighting source or installation creates a safety or personal security hazard due to insufficient illumination levels or produces unacceptable levels of nuisance glare, light pollution or skyward light, the property owner shall be so notified and required to take timely remedial action at his expense to resolve the problem. If the appropriate remedial or corrective action has not been completed within 30 days of notification, the property owner shall be issued an enforcement notice and shall be subject to the penalty provisions specified by the Caln Township Code.

## § 155-125. Swimming pools and therapeutic spas.

- A. Private noncommercial swimming pools which are designed to contain a water depth of 24 inches or more that are utilized for the purpose of swimming and bathing shall comply with the following standards and specifications:
- (1) The pool shall not occupy more than 50% of the side yard area or rear yard area in which it is located.
  - (2) The pool, filters, pumps and other mechanical or structural equipment shall only be permitted within the side yard or rear yard of a lot and shall have a minimum setback of 15 feet from all property lines.
  - (3) Any floodlighting or other illumination used in conjunction with the pool shall be shielded and directed away from adjacent property owners.

- (4) The pool shall be completely enclosed by a permitted fence, barrier or wall in accordance with the Caln Township Code.
  - (5) The pool shall be used or intended to be used in connection with a single-family residence and available only to the family of the householder and their private guests.
- B. Public, community or commercial swimming pools which are designed to contain a water depth of 24 inches or more shall comply with the provisions of § 155-90 (Recreational uses) of this chapter of the Code.
- C. Therapeutic spas or hot tubs which are designed to contain a water depth of 24 inches or more shall comply with the following shall comply with the following standards and specifications:
- (1) The therapeutic spa or hot tub, including the filters, pumps and other mechanical or structural equipment, shall only be permitted within the side yard or rear yard of a lot and shall have a minimum setback of 15 feet from all property lines.
  - (2) Any floodlighting or other illumination used in conjunction with the pool shall be shielded and directed away from adjacent property owners.
  - (3) The therapeutic spa or hot tub shall be completely enclosed by a cover in accordance with the manufacturers specifications and the Caln Township Code.
  - (4) The therapeutic spa or hot tub shall be used in connection with a permitted residential use and shall be available only to the family of the householder and their private guests.
- D. In addition to these provisions, the requirements for permits, construction, plumbing, sanitation, inspection, operation and maintenance, which are further defined and outlined within the Caln Township building codes, shall apply.

## § 155-126. Solar photovoltaic systems as accessory uses.

[Amended 9-12-2013 by Ord. No. 2013-06]

- A. Purpose. The regulations in this section are intended to accomplish the following objectives:
- (1) Promote the safe, effective and efficient use of solar energy systems that reduce on-site consumption of utility-supplied energy.
  - (2) Provide property owners and business owners with flexibility in satisfying their on-site energy needs.
  - (3) Reduce overall energy demands within the Township and promote energy efficiency.
- B. Applicability.
- (1) This section applies to building-mounted and ground-mounted solar photovoltaic systems which are installed and constructed after the effective date of this section.
  - (2) Building-mounted or ground-mounted solar photovoltaic systems that were constructed prior to the effective date of this section and which were lawful when constructed are not required to meet the requirements of this section.
  - (3) Any upgrade, modification or structural change that materially alters the size or placement of an existing solar photovoltaic system shall comply with the provisions of this section.

- C. Building-mounted systems shall be permitted in all zoning districts in the Township as an accessory use to any lawfully permitted principal use on the same lot subject to compliance with all requirements of this section. Ground-mounted systems shall be permitted in the R-1, R-2, C-1, C-2, TV-1 and I-1 Districts as an accessory use to any lawfully permitted principal use on the same lot subject to compliance with all requirements of this section.
- D. Building-integrated systems are not considered an accessory use and are not subject to the requirements of this section.
- E. Building-mounted systems.
- (1) Building-mounted systems shall be permitted to face any rear, side and front yard or any unregulated yard area as defined in § **155-12**. Building-mounted systems may only be mounted on lawfully permitted principal or accessory structures.
  - (2) For a building-mounted system installed on a sloped roof that faces the front yard of a lot, the system must be installed at the same angle as the roof on which it is installed with a maximum distance, measured perpendicular to the roof, of 18 inches between the roof and the highest edge or surface of the system.
  - (3) For a building-mounted system installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.
  - (4) Building-mounted systems on a sloped roof shall not be required to be screened.
  - (5) Building-mounted systems mounted on a flat roof shall not be installed more than four feet above the height of the roof.
  - (6) If a building-mounted system is to be installed on any building or structure that is nonconforming because its height violates the height restrictions of the zoning district in which it is located, the building-mounted system shall be permitted so long as the building-mounted system does not extend above the peak or highest point of the roof to which it is mounted and so long as it complies with the provisions of this section.
- F. Ground-mounted systems.
- (1) Ground-mounted systems shall be permitted as an accessory use in the R-1, R-2, C-1, C-2, TV-1 and I-1 Districts. Notwithstanding the provisions in § **155-107A(1)**, ground-mounted systems shall not be located in the front yard.
  - (2) Notwithstanding the provisions in § **155-107A(1)**, ground-mounted systems shall comply with the building setback lines for the zoning district where they are located. No part of the ground-mounted system shall extend into the required setbacks due to a tracking system or other solar PV related equipment.
  - (3) Ground-mounted systems may not exceed a height of 15 feet.
  - (4) The surface area of any ground-mounted system, regardless of the mounted angle of any portion of the system, shall be considered impervious surface and shall be included in the calculation for maximum lot coverage. If the ground-mounted system is mounted above an existing impervious surface, it shall not be included in the calculation for maximum lot coverage.
  - (5) All exterior electrical lines must be buried below the surface of the ground where possible or be placed in conduit.

- (6) Ground-mounted systems shall be screened from view from adjacent street(s) upon which the property has frontage and from adjacent properties. Such screening shall screen the supporting infrastructure for the panels and control equipment; the screening shall not be required to screen the solar panels as reception of sunlight is essential for proper operation thereof.
- (7) The solar photovoltaic system must be constructed to comply with the Pennsylvania Uniform Construction Code (UCC) Act 45 of 1999, as amended, and any applicable regulations to such Act.
- (8) The design and installation of solar energy systems shall conform to all applicable industry standards, including those of ANSI, Underwriters Laboratories (UL) International Standards Organization (ISO) and ASTM, as applicable, and shall conform to all applicable fire and safety codes. The applicant shall submit manufacturer's specifications as part of the zoning permit application.
- (9) All wiring for the solar photovoltaic system must comply with the most recent edition of the National Electrical Code, as amended and adopted by the Commonwealth of Pennsylvania.
- (10) The solar photovoltaic system shall comply with the most recent edition of the Fire Code as amended and adopted by the Commonwealth of Pennsylvania.
- (11) No signage or graphic content may be displayed on the solar photovoltaic system except the manufacturer's badge, safety information and equipment specification information. Said information shall be depicted within an area no more than 36 square inches.
- (12) Before construction or installation on any solar photovoltaic system shall commence, the property owner must obtain a zoning permit.
- (13) The applicant shall demonstrate that the solar photovoltaic system shall be designed and located in order to prevent reflective glare from reaching adjacent properties or streets.

## § 155-127. (Reserved)

[1]: *Editor's Note: Former § 155-127, Filling, excavating and grading, was repealed 12-19-2013 by Ord. No. 2013-11.*

## § 155-128. Blasting and detonation requirements.

- A. All general blasting and/or detonation operations shall conform with the regulations enforced by the applicable agencies of the Commonwealth of Pennsylvania and the federal government.
- B. Blasting and/or detonation operations for any purposes shall comply with all local, state and federal laws.<sup>[1]</sup>

[1]: *Editor's Note: Former Subsection C, regarding the conducting of operations by a qualified licensed contractor, which immediately followed this subsection, was repealed 12-19-2013 by Ord. No. 2013-11.*

## § 155-129. Airport hazard area.

[Added 9-12-2013 by Ord. No. 2013-06]

- A. Purpose. This section is enacted pursuant to the authority in Act 1984-164, known as "Pennsylvania's Airport

Hazard Zoning Law,<sup>[1]</sup> in order to avoid airport hazards which would reduce the size of the area available for landing, takeoff and maneuvering of aircraft and to restrict the height of structures and objects of natural growth on certain properties which are identified as being in the Transitional Surface Area on the Chester County **Airport Surface Area Map** which is attached to this section as Exhibit A<sup>[2]</sup> and which shall be incorporated as part of the appendix of this chapter.

[1]: *Editor's Note: See 74 Pa.C.S.A. § 5915 et seq.*

[2]: *Editor's Note: Said exhibit is included as an attachment to this chapter.*

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

**AIRPORT**

Chester County Airport.

**AIRPORT HAZARD**

Any structure or object, natural or man-made, or use of land which obstructs the airspace required for flight or aircraft and landing or taking off at an airport or is otherwise hazardous as defined in 14 CFR 77 and 74 Pa.C.S.A. § 5102.

**AIRPORT HAZARD AREA**

Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this section and Act 1984-164.

**TRANSITIONAL SURFACE ZONE**

An imaginary surface that extends outward and upward from the edge of the primary surface to the horizontal surface at a slope of seven feet horizontally to one foot vertically (7:1). The Transitional Surface Zone is depicted on the Chester County Airport Surface Map which is attached hereto and shall be found in the appendix to this chapter.

- C. Permit applications. Any person who plans to erect a new structure, to add to an existing structure or to erect or maintain any object in the Transitional Surface Zone which would be 200 feet or greater in height shall first notify the Pennsylvania Department of Transportation's Bureau of Aviation by submitting PennDOT Form AV-57 to obtain an obstruction review of the proposal at least 30 days prior to commencement thereof. The Department's BOA response must be included with a building permit application. If the Department's BOA returns a determination of no penetration of air space, the building permit shall be considered to be in compliance with this section of the chapter and may be issued. If the Department's BOA returns a determination of a penetration of air space, the Building Official shall deny the building permit until the necessary approval is granted by the BOA.
- D. Notwithstanding any other provisions of this section, no use shall be made of land or water within the Transitional Surface Zone in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft utilizing the airport.

§ 155-130. (Reserved)

§ 155-131. (Reserved)

## § 155-132. (Reserved)

## § 155-133. (Reserved)

## § 155-134. (Reserved)

## § 155-135. (Reserved)

# Article X. Off-Street Loading and Parking

## § 155-136. Statement of intent.

- A. The purpose and objective of the provisions established under Article **X** of this chapter is to establish specific regulations pertaining to off-street loading, parking and access management.
- B. The provisions contained in Article **X** of this chapter are intended to serve as minimum requirements to promote the public health, safety and the general welfare of the residents and property owners of Caln Township. The regulations shall supplement and not replace the land use provisions established within this chapter of the Code. Where these regulations impose greater restrictions than those of any other statute, ordinance or regulation, the provisions established under this article shall be upheld.

## § 155-137. General provisions for off-street loading and off-street parking.

- A. Off-street loading and parking spaces shall be provided and maintained in accordance with the provisions of this Code, whereas, the number, type, size, orientation and location of the off-street loading and parking spaces shall be satisfactorily designed to accommodate the use.
- B. The provisions for off-street loading shall apply to nonresidential uses when a new nonresidential use is established, changed or modified and/or when a building is constructed, enlarged or altered to accommodate the nonresidential use. Unless otherwise specified by this Code, the off-street loading spaces shall comply with the design standards specified under § **155-138** of this chapter.
- C. The provisions for off-street parking shall apply to residential and nonresidential uses when a new use is established, changed or modified and/or when a building is constructed, enlarged or altered to accommodate the use. Unless otherwise specified by this Code, the off-street parking spaces shall comply with the design standards specified under § **155-139** of this chapter.
- D. Where the lot area cannot accommodate the required number of off-street loading spaces or off-street

parking spaces for the intended use, either the minimum lot area shall be enlarged or the intensity of the use shall be reduced.

- E. Where an existing building or use preexists the effective date of this chapter, the provisions for off-street loading and off-street parking, as specified within this article, shall not specifically apply unless the building or use is enlarged or altered in a manner that increases the demand for off-street loading or off-street parking.
- F. Where an existing building or use is enlarged by floor area, number of employees, number of residential units, seating capacity, bed spaces, service bays or other provisions specified by this Code, the required number of off-street loading spaces and/or off-street parking spaces shall be proportionately or incrementally increased based upon the enlargement of the building or use.
- G. Where the computations for off-street loading spaces or off-street parking spaces results in a fractional number greater than  $\frac{1}{4}$  or 0.25, the fractional number shall be rounded up to the next whole number. The Caln Township Zoning Officer shall determine or verify the number of off-street loading and parking spaces that are required for a specific use.
- H. No off-street loading space or off-street parking space shall be utilized for any other use that interferes with its purpose, availability or function.
- I. All designated off-street loading spaces or off-street parking spaces shall be continued and maintained so long as the use in which the spaces were originally designed for are still in operation or existence. Unless otherwise approved by Caln Township, the designated off-street loading spaces or off-street parking spaces shall not be reduced in size or modified in any manner.
- J. Common or joint off-street parking spaces may be permitted for residential or nonresidential uses, subject to the following provisions:
  - (1) The total number of off-street parking spaces required for each permitted use shall be accounted for in the cumulative total for the common or joint off-street parking area.
  - (2) The residential or nonresidential uses shall share common characteristics and will not have any adverse conflicts. As part of this requirement, the applicant or developer shall demonstrate that the uses will not generate additional off-street parking demands from employees and patrons during peak hours of operation.
  - (3) The common or joint off-street parking spaces shall be located within 400 feet of the principal use(s).
  - (4) The individual property owners and/or tenants for each use shall secure a written agreement with the owner(s) of the property in which the common or joint off-street parking facilities are located. The agreement shall clearly define the specific areas, conditions for use, maintenance, fees and other terms that may be required by the Caln Township Solicitor.
- K. Common or joint off-street loading spaces shall not be permitted. Each use requiring an off-street loading space shall designate an area meeting the requirements for off-street loading, as specified under **§ 155-138** of this chapter.
- L. No tractor-trailer truck or trailer from a tractor-trailer truck shall be stored or parked for more than 48 hours within the R-1, R-2, R-3, R-4, R-5 and TV-1 Zoning Districts unless it is stored within a completely enclosed building or is located at least 100 feet from the property line.
- M. No commercial vehicle or part thereof having a gross weight of more than 20,000 pounds or in excess of 18 feet in length shall be stored or parked on a parcel of land within the R-1, R-2, R-3, R-4 and R-5 Zoning

Districts for more than 48 hours within any seven-consecutive-day period unless it is stored within a completely enclosed building or is located at least 100 feet from the property line.

- N. Major recreational equipment, including but not limited to boats and boat trailers, travel trailers, pickup campers or coaches, motorized dwellings, tent trailers or similar equipment, shall not be parked or stored on any public street within Caln Township. All such major recreation equipment may be parked or stored on an approved lot, provided it is located as follows: within a carport; within a completely enclosed building; within the side or rear of a lot, but no closer than 20 feet to a property line; or on a nonresidential lot which has been previously approved for storing major recreational equipment.
- O. Unless otherwise permitted as part of the normal functions of a commercial campground or similar use, no major recreational equipment shall be utilized for living, sleeping, housekeeping or similar activities when parked or stored on any lot within Caln Township.
- P. The deposit or storage of two or more unlicensed, noninspected, abandoned, wrecked or disabled vehicles shall not be permitted on any lot within Caln Township for a period of time exceeding 48 hours unless it is part of a permitted automobile repair establishment, junkyard or similar use determined appropriate by the Zoning Officer. The storage of unlicensed, noninspected, abandoned, wrecked or disabled vehicles on any public streets within Caln Township shall be subject to the appropriate provisions of the Caln Township Code.

### § 155-138. Off-street loading areas.

- A. Where required to accommodate a residential or nonresidential use, paved off-street loading and unloading space(s) shall be provided with proper access from a public street, common driveway or alley. All such areas for the loading and unloading of vehicles and for the servicing of establishments or shops by refuse collection, fuel and other service vehicles shall be of such size, design and arrangement that they may be used without blocking or otherwise interfering with the use of automobile accessways, parking facilities or pedestrianways.
- B. All loading areas and access drives shall be paved to accommodate the type of vehicles entering and exiting the site. The paving composition shall comply with the Caln Township Code.
- C. The loading areas shall not be located within required front yards and shall not be located within 10 feet of any side or rear lot line. All such spaces shall have dimensions not less than 12 feet by 45 feet with a clearance of not less than 14 feet in height.
- D. The total number of off-street loading spaces shall be determined by the requirements specified within **Matrix Chart 10**. The required off-street loading spaces shall be located exclusive of any public right-of-way or required parking area.

**Off-Street Loading Space Requirements  
(Supplemental Matrix Chart 10)**

Land Use Category	Gross Floor Area or Units	Required Spaces
Residential developments containing townhouse or apartment units	Less than 100 residential units <sup>(1)</sup>	1
	100 to 300 residential units <sup>(2)</sup>	2
	More than 300 residential units <sup>(2)</sup>	3
Office buildings, banks and financial institutions	Less than 10,000 square feet <sup>(1)</sup>	1

	10,000 to 20,000 square feet <sup>(2)</sup>	2
	Over 20,000 square feet <sup>(2)</sup>	3
Retail sales, professional service establishments, restaurants, shopping centers, mini malls and other commercial uses	Less than 5,000 square feet <sup>(1)</sup>	1
	5,000 to 25,000 square feet <sup>(2)</sup>	2
	25,000 to 50,000 square feet <sup>(2)</sup>	3
	Over 50,000 square feet <sup>(2)</sup>	4
Institutional and recreational uses	Less than 20,000 square feet <sup>(1)</sup>	1
	20,000 to 50,000 square feet <sup>(2)</sup>	2
	Over 50,000 square feet <sup>(2)</sup>	3
Manufacturing, mini-warehousing, self-storage units, warehousing, wholesaling establishments and other industrial uses	Less than 10,000 square feet <sup>(1)</sup>	1
	10,000 to 50,000 square feet <sup>(2)</sup>	2
	50,000 to 100,000 square feet <sup>(2)</sup>	3
	Over 100,000 square feet <sup>(2)</sup>	4

(1) Denotes that the off-street loading requirement may be reduced or eliminated if the applicant or developer provides documentation to the Board of Commissioners that the use will not need or utilize the off-street loading space.

(2) Denotes that the off-street loading requirement may be reduced or increased by the Board of Commissioners depending upon the needs and intensity of the use.

E. Where **Matrix Chart 10**, as specified under § **155-138D** of this chapter, does not specify a requirement for the land use activity, or the site conditions do not warrant the specified requirement list within the table, the Caln Township Board of Commissioners may consider and require an alternative provision.

## § 155-139. Off-street parking areas.

- A. Off-street parking facilities shall be provided whenever: a building is constructed or new use established; the use of an existing building is changed to a use requiring more parking facilities; an existing building is altered so as to increase the amount of parking spaces required; and/or a residential or nonresidential use requires off-street parking as specified by the provisions of this Code.
- B. Each parking space shall have a minimum area of 200 square feet with the minimum dimensions of 10 feet by 20 feet. In addition, appropriate driveways, aisles and maneuvering space shall be provided to permit safe and convenient access to and use of the area provided for parking purposes. Proper access from a street, alley or driveway shall be provided.
- C. Off-street parking spaces for residential uses shall be located on the same lot as the use served. Off-street parking spaces for other uses shall be provided for on the same lot as the use being served, or in parking facilities within 400 feet of the principal uses, except in the case of a shopping center or similar grouping of buildings on a lot, in which case all parking areas shall be provided entirely within the lot lines of the property.
- D. All parking spaces designated for single-family residential units shall be located behind the street right-of-way line.

- E. Joint parking facilities for two or more uses may be established, provided that the number of spaces provided is not less than the sum of the spaces required for each individual use.
- F. All parking spaces and means of access, other than those relating to a dwelling, shall be adequately illuminated during night hours of use. The illumination must be designed and located so that the light sources are shielded from adjoining residences and public and private streets. The illumination shall not be of excessive brightness and shall not produce a glare noxious at or beyond the boundaries of the parking area.
- G. All off-street parking areas and access drives shall be paved and contain marked parking spaces. The off-street parking areas shall be properly graded to provide convenient vehicular access and proper drainage and shall be maintained in usable condition. The minimum grade of areas used for parking shall be at least 1% and the maximum grade shall not exceed 5%. The maximum grade of access drives shall not exceed 10%. Surface water shall not be concentrated onto public sidewalks and other premises.
- H. The areas designated to comply with the provisions for off-street parking shall not be used for the sale, dead-storage, repair, dismantling or servicing of vehicles.
- I. Off-street parking facilities existing at the effective date of this Zoning Chapter shall not be subsequently reduced to an amount less than that required under this chapter for a similar new building or use.
- J. The width of aisles within the off-street parking areas shall comply with the following minimum design requirements:
  - (1) Where the angle of the parking spaces are at ninety-degree angles, the width of the aisle shall be 24 feet in width and may accommodate two-way travel.
  - (2) Where the angle of the parking spaces are at sixty-degree angles, the width of the aisle shall be 18 feet in width and shall be restricted to one-way travel.
  - (3) Where the angle of the parking spaces are at forty-five-degree angles, the width of the aisle shall be 16 feet in width and shall be restricted to one-way travel.
  - (4) Where the angle of the parking spaces are at thirty-degree angles, the width of the aisle shall be 14 feet in width and shall be restricted to one-way travel.
  - (5) Unless otherwise permitted by the Planning Commission, the parking spaces shall not be designed with angles of less than 30°.
- K. The parking areas shall be arranged and marked to provide safe and orderly movement without disrupting traffic or moving other vehicles. The design of off-street parking areas for all uses shall be such to prevent the backup of vehicles on a public street.
- L. Where parking requirements are determined by the number of seats and no permanent seats are provided, the number of parking spaces to be provided shall be based upon the capacity for temporary seats in normal usage.
- M. Parking areas shall be arranged so that no portion of any vehicle parked within a designated parking space can extend over any property line of the lot on which it is parked.
- N. Parking areas for nonresidential uses which are designed to contain more than five vehicles shall be screened from the view of persons on any land areas zoned as R-1, R-2, R-3, R-4 and R-5 which are adjacent to the land on which the nonresidential parking area is located. The screening shall be comprised of a fence, wall and/or landscaping materials of at least four feet in height which shall be designed to obstruct

headlight glare of the parked cars.

- O. Parking areas and access drives for nonresidential uses shall be located a minimum of 15 feet from a lot line and street right-of-way line. In the Lincoln Highway Overlay District, parking areas and access drives for nonresidential uses shall be located a minimum of five feet from a lot line and street right-of-way line. The area between the parking area and the lot line or street right-of-way line shall be landscaped in accordance with the standards specified under § **155-119** of this chapter.  
[Amended 10-10-2013 by Ord. No. 2013-07]
- P. Parking areas and access drives for multifamily residential development shall be located a minimum of 20 feet from an exterior property line and street right-of-way line. The area between the parking area and the lot line or street right-of-way line shall be landscaped in accordance with the standards specified under § **155-119** of this chapter.
- Q. Unless otherwise specified by this Code, the parking areas and access drives for all other residential uses shall be located to comply with the following minimum setback requirements from any property line: five feet for single-family detached units; zero feet for the common property line of single-family semidetached units and five feet for all other property lines; zero feet for the internal common off-street parking area of multifamily units within the development and 20 feet from all exterior property lines and existing street right-of-way lines.
- R. The number of off-street parking spaces to be provided for each use shall be sufficient to accommodate all occupants, employees, visitors and customer parking. The off-street parking spaces required shall be further specified by Matrix Chart 11 and shall be located exclusive of any public right-of-way or other specified use.  
[Amended 10-30-2008 by Ord. No. 2008-9]

**Categorical Off-Street Parking Requirements  
(Supplemental MATRIX Chart 11)**

<b>Use</b>	<b>Land Use Category</b>	<b>Off-Street Parking Requirement</b>
Residential	Single-family detached units	2 parking spaces per unit
	Single-family semidetached units	2 parking spaces per unit
	Two-family detached nit	2 parking spaces per unit
	Multifamily townhouse unit development	2 parking spaces per unit, plus 0.5 spaces per unit for overflow parking within the development
	Multifamily apartment unit development	2 parking spaces per unit, plus 0.5 spaces per unit for overflow parking within the development
	Cluster developments	2 parking spaces per unit, plus 0.5 spaces per unit for overflow parking within the development
	Group homes	1 parking space for each employee, plus 1 space for each 2 beds
	Convalescent and nursing homes	1 parking space for each employee, plus 1 space for each 3 beds
	Age qualified retirement communities	2 parking spaces per unit, plus 0.5 spaces per unit for overflow parking within the development
	Mobile home parks	2 parking spaces per unit, plus 0.5 spaces per unit for overflow parking within the

		development
Commercial	Other residential uses	As determined appropriate by the Zoning Officer
	Retail business establishment	1 parking space per 200 square feet of gross floor area
	Business and professional office	1 parking space per 250 square feet of gross floor area
	Personal care or service establishment	1 parking space per 250 square feet of gross floor area
	Medical, dental and paramedical office	6 parking spaces per practitioner engaged with the principal services
	Banks and financial institutions	1 parking space per 150 square feet of gross floor area
	Funeral homes	1 parking space per 50 square feet of gross floor area
	Convenience store or mini market	1 parking space per 150 square feet of gross floor area
	Family day-care facility	2 parking spaces for the residential use, plus 2 stacking spaces for loading/unloading
	Child day-care center	1 parking space per 6 students, plus 4 stacking spaces for loading/unloading
	Adult day-care center	1 parking space per 6 students, plus 3 stacking spaces for loading/unloading
	Restaurants	1 parking space per 3 seats, plus tavern or taproom requirements
	Club, lodge, taverns, taprooms and nightclubs	1 parking space per 100 square feet of gross floor area
	Hotel or motels	1 parking space per room, plus accessory uses
	Mini malls	1 parking space per 200 square feet of gross floor area
	Shopping centers	1 parking space per 200 square feet of gross floor area
	Veterinary hospital or animal clinic	4 parking spaces per practitioner engaged with the principal services
	Theater or family entertainment complex	1 parking space per 3 seats, plus 1 space per 200 gross square feet of accessory or subordinate retail space
	Equipment rental business	1 parking space per 250 square feet of gross floor area
	Automobile service stations	1 parking space per 250 square feet of office/retail space, plus 2 spaces per service bay
Automobile sales	1 parking space per 500 square feet of office/retail space, plus 1 space per vehicle	
Adult business and entertainment use	1 parking space per 100 square feet of gross floor area	
Commercial campground	1 parking space per 250 square feet of office/retail space, plus 1 space per campsite	
Wagering or gambling establishment	1 parking space per 100 square feet of gross	

		floor
Industrial	Kennels	1 parking space per 10 animals kept or housed
	Other commercial uses	As determined appropriate by the Zoning Officer
	Manufacturing	1 parking space per 2 employees on the 2 largest shifts combined, plus 1 space for each vehicle stored on site
	Wholesaling and warehousing	1 parking space per 2 employees on the 2 largest shifts combined, plus 1 space for each vehicle stored on site
	Fabrication and finishing	1 parking space per 2 employees on the 2 largest shifts combined, plus 1 space for each vehicle stored on site
	Quarrying and mining	1 parking space per 2 employees on the 2 largest shifts combined, plus 1 space for each vehicle stored on-site
	Solid waste disposal and reduction	1 parking space per 2 employees on the 2 largest shifts combined, plus 1 space for each vehicle stored on site
	Junkyards and salvage yards	1 parking space per 2 employees on the 2 largest shifts combined, plus 1 space for each vehicle stored on site
Agricultural	Trucking or motor freight terminals	1 parking space per 2 employees on the 2 largest shifts combined, plus 1 space for each vehicle stored on-site
	Other industrial uses	As determine appropriate by the Zoning Officer
	General agricultural uses	As determine appropriate by the Zoning Officer
	Intensive agricultural uses	1 parking space per 2 employees on the 2 largest shifts combined, plus 1 space for each vehicle stored on site
	Commercial composting	1 parking space per 2 employees on the 2 largest shifts combined, plus 1 space for each vehicle stored on site
Recreational	Special agricultural uses	1 parking space per 2 employees on the 2 largest shifts combined, plus 1 space for each vehicle stored on site
	Bowling alleys	4 parking spaces per bowling alley, plus accessory uses
	Golf courses, driving ranges and miniature golf courses	4 parking spaces per tee, plus accessory uses
	Public or commercial swimming pools	1 parking space per 4 persons of total membership capacity
	Community recreation center	1 parking space per 3 seats (auditorium), plus 1 space per 500 square feet (non-auditorium) plus accessory uses
	Health and fitness club	1 parking space per 250 square feet of gross floor area
	Other recreational use	As determined appropriate by the Zoning Officer

Institutional	Auditorium, conference center, and public meeting/assemblage facilities	1 parking space per 3 seats, which may be available on chairs, seats, pews, benches or bleachers
	Education use: nursery school through the 9 <sup>th</sup> grade	1 parking space per 10 students, plus auditorium requirements
	Education use: 10 <sup>th</sup> through 12 <sup>th</sup> grade; vocational; trade school; automotive trade school or higher learning institution	1 parking space per 4 students, plus auditorium requirements
	Hospital and medical centers	1 parking space per 3 beds, plus 1 space per visiting medical staff on the maximum shift
	Assisted living care facilities, nursing homes and convalescent homes	1 parking space per 4 beds, plus 1 space per visiting medical staff
	Churches and religious facilities	1 parking space per 3 seats, which may be available on chairs, seats, pews, benches or bleachers
	Utility, governmental or municipal uses	As determined appropriate by the Zoning Officer
	Other institutional uses	As determined appropriate by the Zoning Officer

- S. Where Matrix Chart 11, as specified under § **155-139R** of this chapter, does not specify a requirement for the land use activity, or the site conditions do not warrant the specified requirement list within the table, the Board of Commissioners may consider and require an alternative requirement. Where a reduction in the number of off-street parking spaces is considered, the applicant shall provide documentation to support that the use does not warrant the spaces required by the Code and the Board of Commissioners may recommend a reduction, which shall not exceed 10% of the required total.
- T. In addition the required off-street parking spaces specified under § **155-139R**, handicapped parking spaces shall be located, designed and constructed in accordance with the standards and provisions of all local, state and federal laws. Unless otherwise permitted by Caln Township, the total number of handicapped parking spaces shall be determined by Matrix Chart 12 and shall be located exclusive of any public right-of-way or other specified use:

**Handicapped Parking Space Requirements  
(Supplemental Matrix Chart 12)**

<b>Off-Street Parking Spaces Required</b>	<b>Total Number of Handicapped Spaces Required</b>
Less than 5	As required by local, state or federal laws
5 to 25	1 additional
26 to 50	2 additional
51 to 75	3 additional
76 to 100	4 additional
101 to 125	5 additional
126 to 150	6 additional
151 to 200	7 additional
201 to 300	8 additional
301 to 400	9 additional
401 to 500	10 additional
501 to 1,000	2% of the total number of off-street parking spaces
1,000 or more	20, plus 1% of the total number of off-street parking spaces

- U. In addition to the requirements of Matrix Chart 12, as specified under § **155-139T**, the required handicapped spaces shall be designed in accordance with the following specifications:
- (1) Handicapped parking spaces shall be located within a safe and convenient area which would result in the shortest reasonable distance from the handicapped parking space to the building or intended use as well as other provisions, such as, elevators, ramps, walkways and entrances.
  - (2) Above-grade signs and suitable pavement markings shall be provided at each required handicapped parking space. The sign and pavement markings shall be subject to the approval of the Zoning Officer.
  - (3) Where a curb exists between a parking lot surface and a sidewalk surface, an inclined curb approach or a curb cut shall be provided to accommodate handicapped individuals, as specified by all locals, state and federal laws. If a curb ramp is located where pedestrians must walk across the ramp, then the ramp shall be designed with flared sides, as specified by the Caln Township Engineer or Zoning Officer.
  - (4) All handicap parking shall comply with the provisions of the Americans with Disabilities Act. When there is a conflict between the parking requirements listed under this section of the Code and those of the Americans with Disabilities Act, then the most stringent requirement shall govern.
- V. Off street parking areas shall be suitably designed to control stormwater and minimize erosion. The minimum grade of areas used for parking shall be at least 1% and the maximum grade shall not exceed 5%. The maximum grade of access drives shall not exceed 10%. The surface water shall be directed to stormwater management facilities which are designed in accordance with the Caln Township Code.
- W. Off-street parking areas shall be suitably landscaped in order to enhance or buffer the surrounding area. The following landscaping requirements shall be provided for all off-street parking areas containing 10 off-street parking spaces:
- (1) A landscaping plan shall be prepared and submitted with the subdivision plan or land development plan. The landscaping plan shall meet the criteria specified under § **155-119** of this chapter.
  - (2) Raised planter islands shall be placed at each end of a row of parking spaces which begins or terminates at an internal circulation drive and within each row of parking spaces. The raised planter islands shall be placed so that there are not more than 15 off-street parking spaces in a continuous row without an intervening landscaped planter island. Raised continuous concrete curbing shall be required around each planting island. Each such island shall be at least 180 square feet in size and planted with suitable landscaping materials.
  - (3) The perimeter of the off-street parking area shall be suitably landscaped to provide a visual buffer or to enhance the aesthetics of the area adjacent to the off-street parking area. The landscaping materials shall be selected from the list contained within § **155-119** of this chapter.
  - (4) Parking areas required to accommodate nonresidential uses shall be screened from the view of residential uses located with the R-1, R-2, R-3, R-4 and R-5 Districts. The screening shall be comprised of a fence, wall and/or landscaping materials of at least four feet in height which shall be designed to obstruct headlight glare and screen the view of the parked cars.
  - (5) Where possible, the use of existing trees shall be incorporated into the design of the off-street parking area or to establish a buffer yard.

## § 155-140. Driveways, access lanes and fire apparatus access

## roads.

- A. Driveways or access lanes shall be required to permit accessibility between a public or private street and the existing or proposed use on the lot to which it provides service. Unless otherwise specified by this Code, the driveway or access lane shall be designed in accordance with the following provisions:
- (1) No driveways or access lanes shall be located, designed and constructed so as to create a drainage or sedimentation problem on an adjacent property or street.
  - (2) All driveways or access lanes shall be so constructed and maintained with materials which will not wash nor be deposited upon public roads.
  - (3) Unless otherwise specifically referenced by this chapter of the Code, all driveways serving residential or nonresidential uses shall be located, designed, constructed and maintained in accordance with the provisions specified under the Caln Township Code.
  - (4) All driveways and access lanes shall be located, designed and constructed as to provide optimum sight distance and visibility at the intersection with the existing or proposed street.
  - (5) Unless otherwise specified by Chapter **74** of the Code, where a lot within an approved subdivision or land development plan fronts on either the arc of the curve of a public road or on a cul-de-sac bulb, the required driveway or part thereof, including any turnaround area, shall be located not less than three feet from a property boundary line.
  - (6) A permit issued by Caln Township shall be required for all proposed driveways entering onto a road which is currently owned by Caln Township or proposed to be owned by Caln Township.
  - (7) A permit issued by the Pennsylvania Department of Transportation shall be required for all proposed driveways entering onto a road which is currently owned by the state or proposed to be owned by the state.
- B. Where required by the Caln Township Fire Chief, Police Chief, Emergency Management Coordinator or Zoning Officer, a fire apparatus access road shall be located, designed and constructed in accordance with the provisions of Chapters **82** and **137** of the Caln Township Code.

## § 155-141. Highway frontage development and access management requirements.

- A. Subdivision and land development activity along the frontage of collector streets and arterial streets shall comply with the following provisions:
- (1) All areas for off-street parking, off-street loading and unloading and the storage or movement of motor vehicles shall be physically separated from the public street or highway by a raised curb, planting strip or other suitable barrier against unchanneled motor vehicle entrance or exit except for the necessary accessways or access roads which supply ingress and egress from such parking, loading or storage area.
  - (2) Each use with less than 125 feet of frontage along a public street shall have not more than one point of ingress and egress to each such street. No use with 125 feet or more frontage along a public street

shall have more than two points of ingress and egress to any one street for each 300 feet of frontage. Where feasible, movement into and out of parking areas shall avoid direct access to or from an arterial street or major collector.

- (3) Unless otherwise permitted by Caln Township or the Pennsylvania Department of Transportation, where there is more than one driveway to an off-street parking facility, consideration should be given to limit the driveways to one-way travel either as a point of ingress or a point of egress to the off-street parking facility. The width of such entrances and exits, as measured at the right-of-way line, shall conform to the following schedule:
  - (a) For one-way travel providing a point of ingress or egress, the minimum width shall be 12 feet and the maximum width shall be 24 feet.
  - (b) For two-way travel providing a point of ingress and egress, the minimum width shall be 24 feet and the maximum width shall be 36 feet
- (4) Unless otherwise required by the Caln Township Code or the Pennsylvania Department of Transportation, the radius of the edge of the driveway apron shall be as designed at a minimum radius of 10 feet and a maximum radius of 30 feet.
- (5) The location and width of the point of ingress and/or egress for all driveways and access lanes shall be planned so as not to interfere with the use of adjacent property and with pedestrian and vehicular traffic on the collector or arterial street.

B. In order to enhance mobility and limit accessibility along collector and arterial streets, the following access management strategies shall be considered as part of the subdivision and land development process:

- (1) Driveway cuts along collector and arterial routes should be minimized or consolidated. Where appropriate, common driveways for certain land uses or developments may be considered.
- (2) The lot width, type of land use and the anticipated traffic volumes should determine how many driveway cuts should be permitted along a collector or arterial road. Where required, the traffic impact study should consider the impacts that could adversely reduce mobility along the collector or arterial route.
- (3) Where appropriate to enhance safety conditions, traffic improvements shall be considered as part of the subdivision and land development plan application, which may include the installation of traffic signals; the construction of separate right turn lanes and/or left turn lanes; the installation of median barriers to efficiently separate and direct vehicular traffic to its intended destination; and to require the installation of sidewalks, handicapped ramps and crosswalks.
- (4) Prohibit inappropriate turning movements along collector or arterial streets.
- (5) Maintaining lines of sight and enhancing visibility at all driveways and access lanes by establishing effective setback requirements, limiting the size of signs, minimizing distractions and establishing a horizontal profile that will provide sufficient right-of-way to accommodate future transportation improvements.

C. Where in the best interest of the community, the Board of Commissioner may consider alternative methods of highway frontage development and/or access management strategies, provided that the alternative provides consideration for public safety, enhancing mobility and limiting accessibility along collector and arterial streets.

## § 155-142. (Reserved)

## § 155-143. (Reserved)

## § 155-144. (Reserved)

# Article XI. Signs

## § 155-145. Statement of intent.

- A. The purpose of the provisions established under Article **XI** of this chapter is to establish specific regulations pertaining to signs for all land uses, zoning districts and conditions within Caln Township. The objectives of these provisions are as follows: to promote and maintain overall community beautification; establish reasonable time, place and manner regulations on the exercise of free speech; promote traffic safety; and promote appropriate and efficient use of land.
- B. The regulations concerning signs, as established under Article **XI** of this chapter, shall be subject to the interpretation of the Caln Township Zoning Officer. Should a dispute arise concerning the interpretation of these regulations, the person aggrieved by the interpretation may file an appeal with the Zoning Hearing Board.

## § 155-146. General standards and requirements for all signs.

- A. Permits. Unless otherwise specified by this chapter of the Code, a permit shall be required for all signs within Caln Township in accordance with the following procedures:
  - (1) Two complete permit applications shall be submitted to erect, install, replace, remove and alter signs, as required by the provisions of this article. The application shall include the required permit fee.
  - (2) The permit application shall contain all information necessary for the Zoning Officer to determine whether the proposed sign conforms with the requirements of this chapter. At a minimum, the following information shall be included:
    - (a) Two copies of the plans and diagrams drawn accurately to scale depicting the dimensions of the lot, cartway, right-of-way and location of the sign.
    - (b) The exact size, dimensions and location of the sign to be placed on the lot or building, together with its type, construction, materials to be used and the manner of installation.
    - (c) Any other useful information which may be required of the applicant by the Zoning Officer.
  - (3) The permit application shall be granted or refused within 30 days from the date of completed application.

- (4) No sign permit shall be issued except in conformity with the regulations of this article except upon order of the Zoning Hearing Board granted pursuant to the procedures established for the issuance of a variance.
- B. Construction. All signs, except temporary signs, shall be constructed of durable material and kept in good condition and repair. Any sign which is allowed to become dilapidated or in a state of disrepair may, after 30 days of notification, be removed by the Caln Township at the expense of the owner or lessee of the property on which it is located.
- C. Location and placement. All signs shall be located and placed in compliance with the provisions of this article. The following requirements shall apply:
- (1) No sign shall be posted, stapled or otherwise permanently attached to public utility poles or trees within a street right-of-way.
  - (2) Unless otherwise specified, no portion of any freestanding sign shall be located within five feet of the street right-of-way line or within 20 feet of a property line.
  - (3) All traffic control signs, directional signs, traffic signals or other similar signs which are located within a street right-of-way shall be permitted by Caln Township and/or the Pennsylvania Department of Transportation.
  - (4) No sign shall be located, placed or arranged in any manner that interferes with vehicular traffic, including the obstruction of sight distance.
- D. Area. The area of all signs which are permitted within Caln Township are specified under § **155-147** of the Code. The following specific provisions shall apply to the area of a sign:
- (1) The area of a sign shall be construed to include all lettering, wording, border trim or framing and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.
  - (2) Where the sign consists of individual letters or symbols attached to a surface, building, wall or window, the area shall be determined by calculating the smallest rectangle which encompasses all of the letters and symbols used for the sign, regardless of the actual shape created by the letters and symbols.
  - (3) The area of a sign painted upon or applied to a building shall be considered to include all lettering, wording and accompanying designs or symbols, together with any backing associated with the sign.
  - (4) In computing the square foot area of a double-faced sign, only one side of the sign shall be considered, provided that both faces are identical inside the frame of the sign. In cases where the signs are not parallel or if an interior angle is created to provide visibility, both sides of such sign shall be considered in calculating the sign area. Where double-faced signs are permitted to be separated by more than 16 inches, the area of both sides of the sign shall be calculated as part of the total area.
- E. Height. The height of all signs which are permitted within Caln Township are specified under § **155-147** of the Code. The following specific provisions shall apply to the height of a sign.
- (1) The height of a sign shall be measured from the average elevation of the ground or finished grade to the highest point of the sign.
  - (2) Unless otherwise permitted by this chapter of the Code, no sign that is a part of or is supported by a building shall be erected upon the roof of such building, nor shall such sign extend above the height of

the building. A wall sign that partially extends above the roofline by no more than 20% of the sign height, as measured at the point where such sign is attached to the building, shall be permitted.

- (3) Where the provisions for sign height specified under this article do not apply, the Zoning Officer, in conjunction with the Zoning Hearing Board, may consider a reasonable resolution or remedy.
- F. Clearance, visibility and sight distance. The following minimum requirements shall apply to the ground clearance, visibility and sight distance for all permitted signs within Caln Township.
- (1) Unless otherwise specified by this Code, all freestanding signs which are located within 20 feet of a street right-of-way line shall have at least seven feet of clear space between such sign and the average ground elevation. However, the necessary support structures may extend through such open space.
  - (2) Ground signs shall be located at least 10 feet from the street right-of-way line.
  - (3) No ground or freestanding sign shall be located within the clear sight triangle of a street intersection. The provisions for establishing the clear sight triangle are specified under § **155-113** of this chapter.
  - (4) The minimum sight distance requirements for pedestrians and vehicles shall be considered and applied.
- G. Projection. An on-premises projecting sign which is mounted upon a building so that its principal face is a right angle or perpendicular to the wall of the building may be permitted, subject to the following provisions:
- (1) All such projecting signs shall extend at least one foot from the building but no more than 12 feet from the building.
  - (2) No sign shall project outward or perpendicular from the face of a building, whereas there is an open area between the ground and the sky.
  - (3) The minimum height of a projecting sign shall be at least eight feet from the average ground elevation and no higher than 20 feet above the average ground elevation.
  - (4) The maximum area of all projecting signs shall be 20 square feet, as measured on a single side of the projecting sign. Double-faced projecting signs may be permitted for the same use.
- H. Maximum number of signs. The maximum number of on-premises signs for a use on a single lot is specified under § **155-147** of this chapter. Where multiple uses are contained on a single property, a freestanding sign may be permitted, provided it conforms with the provisions of this chapter of the Code.
- I. Illumination. The following provisions shall apply to the illumination of signs within Caln Township:
- (1) Unless otherwise specified within this article of this chapter of the Code, signs may be illuminated by direct and nonglaring lighting, provided that such lighting is shielded so no direct light will shine on abutting properties or obstruct the vision of motorists or pedestrians within a street right-of-way.
  - (2) The use of red, green or amber lights on any sign within 200 feet of a street intersection shall be prohibited.
  - (3) The use of intermittent, flashing or animated lighting within 50 feet of a street right-of-way line and 200 feet from the R-1, R-2, R-3, R-4 and R-5 Zoning Districts shall be prohibited.
  - (4) The use of illuminated signs within the R-1, R-2, R-3, R-4 and R-5 Zoning Districts shall be prohibited unless the illuminated sign is specifically related to emergency management uses, medical facilities,

municipal uses, institutional uses and other similar uses considered appropriate by the Zoning Officer.

- J. Double-faced signs. Any permitted sign may be constructed and installed as a double-faced sign, provided that it has two parallel surfaces that are opposite and matching in size and shape and are not over 16 inches apart. All such signs shall be considered as one sign, and only one face shall be used to calculate the total size of the sign. Should the two surfaces deviate from being parallel or should they differ in size or shape, the sign shall be considered as two signs.
- K. Supplementary sign regulations for all zoning districts. The following supplementary sign regulations shall apply to all zoning districts within Caln Township:
- (1) Real estate signs for the selling, renting or leasing of residential properties shall be permitted subject to the following conditions: the area of the sign shall not exceed six square feet; the spacing of such signs shall be at least 200 feet apart on the same lot or property; the sign shall be located at least five feet from the street right-of-way line and all other property lines; no more than two signs shall be permitted for each property being sold; and the sign shall be removed within seven days after the final transaction is completed.
  - (2) Real estate signs for the selling, renting or leasing of nonresidential properties shall be permitted subject to the following conditions: the area of the sign shall not exceed 32 square feet; the spacing of such signs shall be at least 200 feet apart on the same lot or property; the sign shall be located at least five feet from the street right-of-way line and 20 feet from all other property lines; and the sign shall be removed within seven days after the final transaction is completed.
  - (3) Property control or restriction signs shall be permitted subject to the following conditions; the area of the sign shall not exceed two square feet; the spacing of such signs shall be at least 100 feet apart on the same lot or property; and the sign does not contain any personal message which is considered irrelevant to controlling or restricting the use of a property or lot.
  - (4) Temporary signs may be permitted, provided they are not considered permanent and they comply with the provisions established under this chapter of the Code.
  - (5) Special event or promotional signs may be permitted, provided they are not considered permanent and they comply with the provisions established under this chapter of the Code.
  - (6) Special use signs may be permitted, provided they are not considered permanent and they comply with the provisions established under this chapter of the Code
- L. Traffic control and directional signs. Unless otherwise permitted by Caln Township or the Pennsylvania Department of Transportation, all traffic control signs and directional signs shall conform with the following requirements:
- (1) Traffic control and directional signs located within the street right-of-way shall be subject to the review and approval of Caln Township and/or the Pennsylvania Department of Transportation. The location, size, type, height, spacing and quantity of the sign (s) shall be stipulated on the permit, as issued by Caln Township and/or the Pennsylvania Department of Transportation.
  - (2) Traffic control and directional signs located outside the street right-of-way within a lot or on private property shall be subject to the review and approval of Caln Township. All such signs shall be located at least two feet from the street right-of-way and 10 feet from all other property lines. The maximum number of signs as well as the maximum height and size of each sign are specified under § **155-147** of this chapter.

- M. Political signs. Political signs, being signs erected in conjunction with a political election, naming a candidate or slate of candidates for a primary or general election or referencing a position in support of or opposition to an issue placed in referendum, shall be installed so as to comply with the following requirements:
- (1) The area of political signs may not exceed six square feet.
  - (2) Political signs shall not be placed in the right-of-way of any road and shall be placed only on properties with the property owner's permission.
  - (3) Political signs may be posted 30 calendar days prior to the date of the election.
  - (4) Political signs must be removed within 120 hours following the election.
- N. Removal of signs. On-premises signs and off-premises signs that are no longer utilized for the original intent or use shall be removed from the site or changed to accommodate a new sign for the new use within 30 days of occupancy by the new use. All replacement signs shall conform with the provisions specified under this chapter of the Code. Upon the removal of any sign, whether temporary or permanent, such removal shall include all associated support, including the posts, poles, brackets, arms, trailers and other support mechanisms.

## § 155-147. Summarization chart for categorical sign requirements.

- A. **Matrix Chart 13**<sup>[1]</sup> summarizes the categorical sign requirements by type, quantity, height, area, location and permit procedures for each use within Caln Township. Where a discrepancy should exist between the provisions contained within the text and the provisions contained within **Matrix Chart 13**, the provisions contained within the text shall prevail.
- [1]: *Editor's Note: Matrix Chart 13 is included at the end of this chapter.*
- B. The provisions specified within this matrix chart shall be subject to the interpretation of the Caln Township Zoning Officer.
- C. Should a dispute arise concerning the interpretation of these regulations, the person aggrieved by the interpretation may file an appeal with the Zoning Hearing Board.

## § 155-148. Sign requirements for residential uses.

- A. An individual nameplate or street address sign may be posted on any residential lot, provided it does not exceed four square feet in area. All such signs shall be located at least two feet from the street right-of-way and five feet from all other property lines.
- B. Property control and restrictions signs including "no trespassing," "no hunting," "no solicitation" and other similar signs may be permitted subject to the following conditions: the area of the sign shall not exceed two square feet; the spacing of such signs shall be at least 100 feet apart on the same lot or property; and the sign does not contain any personal message which is considered irrelevant to controlling or restricting the use of a property or lot.
- C. Home occupation signs displaying the name and address of the occupant or the profession or activity of

the occupant of a dwelling subject to the following conditions: only one such sign shall be erected for each permitted use or dwelling; the area of such sign shall not exceed four square feet; and provided that such sign shall be fixed flat on the main wall of such building or may be erected in the front yard, but not within two feet of the right-of-way or five feet from any other property line.

- D. Residential development containing a total of 20 or more residential units may provide a sign for the purposes of identifying the name of the development subject to the following criteria:
- (1) The signs shall be limited to two freestanding or ground signs per entrance to the development.
  - (2) The maximum size of the sign shall be 32 square feet per sign.
  - (3) The maximum height of a freestanding sign shall be 10 feet and shall be constructed of weather-resistant wood, vinyl or decorative masonry.
  - (4) Any wall or fence structure which supports such signs may not exceed eight feet in height or a maximum of 100 square feet in area.
  - (5) The sign shall be located at least five feet from the street right-of-way line, 20 feet from all other property lines and shall not be located within the clear sight triangle, as established under § **155-113** of this chapter. The final location of such signs shall be approved by the Zoning Officer prior to the issuance of a sign permit.
  - (6) Prior to the issuance of a sign permit, the applicant shall provide sufficient evidence to the Zoning Officer that adequate measures have been taken to ensure proper maintenance of the sign and any accompanying landscaping and that the sign will be durably constructed as to require minimal maintenance.
  - (7) The illumination of such signs may be permitted, provided that low-intensity lighting is utilized which is less than 100 watts and is located in a manner so that glare or reflection is not greater than 0.1 footcandle at the street right-of-way line.
- E. Directional signs may be permitted, provided they are utilized within the interior of a residential development, are limited to one directional sign per street and do not exceed four square feet in size.

## § 155-149. Sign requirements for nonresidential uses.

- A. The maximum number of on-premises signs for a nonresidential use shall be limited to the following: one ground or freestanding sign; six wall or parallel signs, which shall not exceed 20% of the area of the building face to which the sign will be affixed or exceed 100 cumulative square feet along one designated side of the building, whichever is lesser, and 50 cumulative square feet along all other sides of the building; one projecting sign; four directional signs per acre; and two accessory signs. The matrix chart provided under § **155-147** of this chapter of the Code summarizes the categorical sign requirements by type, quantity, height, area, location and permit procedures for each use within Caln Township.  
[Amended 10-30-2008 by Ord. No. 2008-9]
- B. A freestanding or ground sign may be permitted for all nonresidential uses and developments, subject to the provisions specified under § **155-147** of this chapter of the Code. In addition to those requirements, the following provisions shall apply:
- (1) An office park, business park, medical research park and industrial park may have one freestanding or

ground sign for each street the development has more than 300 feet of frontage. The area of each sign shall not exceed 100 cumulative square feet and shall meet the following criteria:

- (a) A freestanding sign shall be located at least five feet from the street right-of-way line and 30 feet from all other property lines. The maximum height of a freestanding sign shall be no less than seven feet and no more than 18 feet, as measured from the average ground elevation.
  - (b) A ground sign shall be located at least 10 feet from the street right-of-way line and 30 feet from all other property lines. The maximum height of a ground sign shall be no more than eight feet, as measured from the average ground elevation. Any wall or fence structure which supports such signs may not exceed eight feet in height or a maximum of 150 square feet and shall be constructed of weather-resistant wood, vinyl or decorative masonry.
  - (c) The freestanding or ground sign may identify the name of the development as well as any individual permitted uses contained within the development, provided it is constructed as a single component with the ability to be changed at any time.
  - (d) Where permitted, projecting signs shall be limited to one sign per use.
- (2) A mini mall containing multiple nonresidential uses with less than 30,000 square feet of cumulative floor area may contain one freestanding sign for the development which shall not exceed 60 cumulative square feet and shall meet the following criteria:
- (a) The freestanding sign shall be located at least five feet from the street right-of-way line and 20 feet from all other property lines. The height of all such freestanding signs shall be no less than seven feet and no more than 18 feet, as measured from the average ground elevation.
  - (b) The area of the sign shall not exceed 60 cumulative square feet for all uses. The total number of individual advertisements on any such freestanding sign shall be limited to eight per side.
  - (c) Where permitted, projecting signs shall be limited to one sign per use.
- (3) A shopping center or shopping mall containing multiple nonresidential uses with more than 30,000 square feet of cumulative floor area may contain one freestanding or ground sign for each street the development has more than 300 feet of frontage. The area of each sign shall not exceed 100 cumulative square feet and shall meet the following criteria:
- (a) A freestanding sign shall be located at least five feet from the street right-of-way line and 30 feet from all other property lines. The height of a freestanding sign shall be no less than seven feet and no more than 25 feet, as measured from the average ground elevation.
  - (b) A ground sign shall be located at least 10 feet from the street right-of-way line and 30 feet from all other property lines. The maximum height of a ground sign shall be no more than eight feet, as measured from the average ground elevation. Any wall or fence structure which supports such signs may not exceed eight feet in height or a maximum of 150 square feet and shall be constructed of weather-resistant wood, vinyl or decorative masonry.
  - (c) The freestanding or ground sign may identify the name of the development as well as any individual permitted uses contained within the development, provided it is constructed as a single component with the abilities to be changed at any time. The total number of individual advertisements on any such freestanding sign shall be limited to eight per side.
  - (d) Where permitted, projecting signs shall be limited to one sign per use.

- (4) All other individual nonresidential uses may have one freestanding or ground sign, subject to the provisions specified under § **155-147** of this chapter of the Code.
- C. A municipal, governmental, recreational or institutional use may have one freestanding or ground sign for the purposes of displaying the name of the use and its activities or services, provided that the area of any such sign shall not exceed 60 square feet and not more than one sign for each street that the use has more than 300 feet of frontage. All other pertinent sign requirements for municipal, governmental, recreational or institutional uses, as defined and specified under this chapter of the Code, shall apply.
- D. An agricultural use, as further defined and outlined under § **155-89** of this chapter of the Code, may have one freestanding or ground sign for the purposes of displaying the name of the use and its activities or services, provided that the area of any such sign shall not exceed 30 square feet. All other pertinent sign requirements for agricultural uses, as specified under § **155-147** of this chapter of the Code, shall apply.
- E. Retail business establishments with greater than 7,500 square feet of floor area but less than 15,000 square feet of floor area which are located on corner lots within the Route 30 Overlay District shall be permitted to have a maximum of four wall or parallel signs per face of the building; provided, however, that the total sign area for each face of the building shall not exceed 10% of the building face to which said signs are affixed. Should such use of a building be designed with a commercial drive-through feature, additional wall or parallel signage totaling 30 square feet shall be permitted on a face of the building upon which the points of ingress and egress exist for the purpose of identifying the location of the commercial drive-through feature. All other types of on-premises signage (freestanding, ground or directional) shall be subject to Article **XI** of this chapter.
- [Added 5-14-2009 by Ord. No. 2009-02]

## § 155-150. Off-premises advertising signs or billboards.

- A. Off-premises advertising signs or billboards, as defined by this chapter of the Code, are permitted by conditional use within the C-2 and I-1 Zoning Districts.
- B. All off-premises advertising signs or billboards shall not exceed 250 square feet and may be placed along the Route 30 Bypass within the C-2 and I-1 Zoning Districts. The spacing of such signs shall be at least 1,000 linear feet apart from another off-premises advertising sign or billboard on the same side of the road.
- C. All off-premises advertising signs or billboards shall be located to comply with the following requirements for setback, separation distance, height and arrangement:
- (1) All such off-premises advertising signs or billboards shall be located at least 10 feet from the street right-of-way line and no further than 100 feet from the street right-of-way line, as measured on the same side of the street to which the off-premises advertising sign or billboard is located.
  - (2) All such off-premises advertising signs or billboards shall be located at least 30 feet from all property lines.
  - (3) All such off-premises advertising signs or billboards shall be located at least 300 feet from the center of the nearest street intersection or interchange.
  - (4) The maximum height of all such off-premises advertising signs or billboards shall be no less than 20 feet to the bottom edge of the sign and no more than 40 feet to the top edge of the sign, as measured from the average ground elevation.

- (5) When two off-premises advertising signs or billboards are orientated in a back-to-back arrangement, they shall be parallel and directly opposite from each other and shall not be spaced by more than 15 feet. The size and shape of the signs should not deviate from each other, and they shall utilize the same support structure.
  - (6) When two off-premises advertising signs or billboards are orientated in a V-type arrangement, they shall be at least 15 feet apart at the closest point nor shall the interior angles be greater than 45°. The size and shape of the signs should not deviate from each other and they shall utilize the same support structure.
  - (7) No off-premises advertising sign or billboard shall be located in any manner that disrupts or distracts the operator of a motor vehicle.
- D. All off-premises advertising signs or billboards shall be located to comply with the following design requirements:
- (1) All off-premises advertising sign or billboard shall be designed, located and constructed in accordance with all local and state codes. As part of this requirement, all permit applications shall include signed and sealed plans from a licensed engineer within the Commonwealth of Pennsylvania.
  - (2) All off-premises advertising signs or billboards shall be constructed and erected on a steel unipole or steel I-beams meeting the minimum standards established by the Outdoor Advertising Association of America and the Institute of Outdoor Advertising.
  - (3) The support structures for all off-premises advertising signs or billboards shall be constructed and erected on permanent footings, as determined by the licensed engineer responsible for the permit application.
  - (4) No off-premises advertising sign or billboard shall be constructed and erected which resembles any official marker, logo and/or insignia of any governmental entity or other organization without written consent.
  - (5) The off-premises advertising sign or billboard shall not contain vulgar messages or depict any lewd, pornographic, lascivious or other offensive acts.
  - (6) The off-premises advertising sign or billboard shall be maintained and inspected by the applicant of the permit on a regular basis, but shall not exceed a period of time of more than 30 days. As part of this requirement, the applicant shall inspect the following: the support structure to determine if it is sound and in good repair; the lighting to determine if it is operating sufficiently; the display area to determine if it is in good condition and free of graffiti; the area within the lease area to determine if it is clear of overgrown vegetation, debris, trash and other unsightly materials; and all other items that should be inspected periodically, as determined appropriate by the Zoning Officer.
- E. All off-premises advertising signs or billboards shall be located to comply with the following lighting, display and illumination requirements:
- (1) All off-premises advertising signs or billboards may be illuminated, provided that such illumination is directed towards the sign and shielded so as to prevent the illumination from being directed towards the street or adjacent properties.
  - (2) Off-premises advertising signs or billboards containing intermittent flashing, color changes made by electrical energy or electronically manufactured sources and not by wind-actuated elements, a sign with action or animation or motion, scintillating, reflective and/or moving lighting features or scrolling

information shall be prohibited.

[Amended 12-17-2007 by Ord. No. 2007-15]

- (3) Off-premises advertising signs or billboards may incorporate features to provide electronic message displays such as the time, date, temperature, weather or similar information, provided it does not disrupt or distract the operator of a motor vehicle and further provided it is consistent with the provisions of § **155-150E(2)** above.

[Amended 12-17-2007 by Ord. No. 2007-15]

- (4) Off-premises advertising signs or billboards may incorporate a timed or electronic display change, whereas the display of the sign may change to another sign within a specified period of time. All such signs may be considered, provided the message does not change more than six times per minute and it does not disrupt or distract the operator of a motor vehicle and further provided it is consistent with the provisions of § **155-150E(2)** above.

[Amended 12-17-2007 by Ord. No. 2007-15]

- F. If a conditional use is granted by the Board of Commissioners, all off-premises advertising signs or billboards shall be located to comply with the following permit requirements:

- (1) The applicant shall submit a written agreement with the permit application indicating that the owner of the property has agreed to lease the property to the commercial sign or advertising company and has approved the proposed display or message contained on the off-premises advertising sign or billboard.
- (2) Three complete permit applications shall be submitted to Caln Township, as required by the provisions of this Code. The permit application shall include the required permit fee.
- (3) The permit application shall contain the following information: three copies of the plans and diagrams drawn accurately to scale depicting the dimensions of the lot, cartway, right-of-way and location of the sign; the exact size, dimensions and location of the off-premises sign or billboard to be placed on the lot or building, together with its type, construction, materials to be used, support structures and the manner of installation; and any other useful information which may be required of the applicant by the Caln Township Engineer or Zoning Officer.
- (4) The completed permit application, plans and support diagrams shall be signed and sealed by a licensed engineer within the Commonwealth of Pennsylvania.
- (5) The permit application shall be granted or refused within 30 days from the date of completed application.

- G. In addition to the provisions established herewith, the applicant and property owner for all off-premises advertising signs or billboards shall comply with all other pertinent provisions, as established within the Caln Township Code.

## § 155-151. Special use signs, temporary signs and promotional signs.

- A. The following provisions shall apply to special use and temporary signs within Caln Township:

- (1) Temporary signs announcing a campaign, drive or event of a civic, municipal, philanthropic,

educational, institutional, religious or similar organization, provided the following criteria apply: the sign shall not exceed 20 square feet in area; no more than four signs shall be permitted; the signs may be erected for a period not to exceed 30 days in any calendar year; the sign shall be removed within seven days after the commencement of the campaign, drive or event.

- (2) Temporary signs for a yard sale or garage sale, provided the following conditions shall apply: the sign shall not exceed four square feet in area; no more than four signs shall be permitted; the signs may be erected for a period not to exceed 30 days in any calendar year; the sign shall be removed within two days after the commencement of the yard sale or garage sale.
- (3) Temporary signs for contractors, developers, architects, engineers, builders, financiers and artisans may be permitted on the premises where the work is being performed, provided that the following criteria apply: the sign shall not exceed 20 square feet; the sign shall not be illuminated; no more than one sign shall be permitted for each street the project area or development has more than 300 feet of frontage; the sign shall not exceed 20 feet in height; and provided that all such signs shall be removed within seven days upon completion of the work.
- (4) Real estate signs for the selling, renting or leasing of residential properties shall be permitted subject to the following conditions: the area of the sign shall not exceed six square feet; the spacing of such signs shall be at least 200 feet apart on the same lot or property; the sign shall be located at least five feet from the street right-of-way line; and the sign shall be removed within seven days after the final transaction.
- (5) Political signs, being signs erected in conjunction with a political election, naming a candidate or slate of candidates for a primary or general election or referencing a position in support of or opposition to an issue placed in referendum, shall be installed so as to comply with all other terms of the Caln Township Code.
- (6) Business and advertising signs located within a sports facility or venue subject to the following criteria: the signs shall be located within the permitted sports facility or venue such as a football stadium, little league baseball field or similar playing field owned or operated by a not-for-profit organization or entity organized to promote youth sports teams; the nonprofit organization or entity is recognized and authorized in writing as such by the appropriate state and federal agencies; no more than one sign measuring a maximum of 12 square feet in area shall be permitted for each 500 square feet of playing field or ground floor stadium area; all such signs shall be made of wood, plastic or metal; and all such signs may be located only on walls, fences and scoreboards, but shall not be mounted on light poles, roofs or other freestanding surfaces.
- (7) Multifamily apartment complexes with more than 75 units in a residentially zoned district may display temporary signs, flags, balloons and banners which advertise vacancies or special rate periods, provided the signs comply with the 11 enumerated requirements in § **155-151B** below. No floodlights shall be permitted to illuminate these temporary signs, flags, balloons or banners.

[Added 8-10-2006 by Ord. No. 2006-9]

- B. The following provisions shall apply to special event or seasonal signs for an existing nonresidential use located within a nonresidential district, including signs, banners, flags, balloons, floodlights and other similar promotional features:
- (1) The maximum size of a special event sign shall be 24 square feet. In the case of more than one sign, the combined area of all signs shall be no more than 24 square feet.
  - (2) No portion of a ground-mounted sign used to advertise a special event shall exceed the height of 32 inches. Any banner or wall sign used to advertise a special event shall not extend above the roofline of

the building upon which the sign is displayed.

- (3) A special event sign shall be fastened securely. Ground signs shall be anchored with a metal pipe or other secure support. Hanging signs shall be secured and not allowed to flap or sag.
  - (4) All seasonal signs must be maintained in accordance with the provisions of this Code.
  - (5) The sign shall not obstruct the vision or sight distance of the operator of any vehicle or interfere with normal pedestrian movements. In no case shall the sign be located closer than two feet from the street right-of-way line. A plot plan showing the location of any special event sign must accompany each permit application.
  - (6) The special event sign may be two-sided with different advertisement displays on either side.
  - (7) The special event sign shall not contain flashing messages as part of the display.
  - (8) No such sign shall remain in place or otherwise be displayed for more than 30 days per event or season, and no person shall exhibit any such sign for more than a total of 75 days during any calendar year.
  - (9) The use of banners, flags, floodlights and other similar promotional features may be utilized, provided they comply with the following provisions: they shall not be utilized on the property for more than 30 consecutive days or more than 75 cumulative days in any calendar year; they shall be located at least 20 feet from the street right-of-way line and 30 feet from the property line; they shall be well maintained; and they shall not disrupt vehicular or pedestrian traffic along any public street right-of-way.
  - (10) The use of balloons and similar promotional features may be utilized, provided they comply with the following provisions: they shall not be utilized on the property for more than 30 consecutive days or more than 75 cumulative days in any calendar year; they shall not be located more than 60 feet in the air, as measured for the average ground elevation where the balloons are permitted; the minimum setback or fall zone to any street right-of-way line or property line shall be one horizontal foot to one vertical foot considering the height of the balloon; they shall be well maintained; and they shall not disrupt vehicular or pedestrian traffic along any public street right-of-way.
  - (11) A special event sign permit shall be required for each sign used to advertise any special event during any calendar year. The property owner, or lessee with the owner's permission, may make one permit application establishing all dates, times and the duration of each separate special event sign proposed to be displayed during a calendar year, or may make separate applications for each such event, providing the total does not exceed the maximum seventy-five-day limit. The permit applicant shall pay the fee established by resolution of the Board of Commissioners. The special event sign permit shall be subject to the review and approval of the Caln Township Zoning Officer.
- C. The following provisions shall apply to grand opening and promotional signs for a new nonresidential use located within a nonresidential zoning district, including signs, banners, flags, balloons, floodlights and other similar promotional features:
- (1) The use of promotional signs and features shall be limited to the first 60 days after the initial occupancy permit is issued for the nonresidential use.
  - (2) The maximum area of a promotional sign shall be limited to two signs which shall not exceed 24 square feet per sign. The promotional signs shall be located at least 10 feet from the street right-of-way line and 20 feet from all other property lines.
  - (3) All promotional banners, flags, balloons, floodlights and other permitted promotional features shall be

located at least five feet from the street right-of-way line and 20 feet from the property line.

- (4) No other promotional features other than the balloons shall exceed the height of the roofline.
  - (5) The promotional signs banners, flags, balloons, floodlights and other similar promotional features shall not disrupt vehicular or pedestrian traffic along any public street right-of-way.
- D. The following provisions shall apply to banners which are hung and displayed across public street rights-of-way to promote community events, including civic, municipal, charitable, philanthropic, educational, institutional, religious or similar organizations:
- (1) The applicant must complete and submit a banner permit to the office of the Caln Township Manager or Zoning Officer at least 45 days prior to the desired date of hanging a banner over a public street or way. Upon approval by the Board of Commissioners, the banner(s) may be hung and displayed as set forth by the provisions established within this section of the Code.
  - (2) The hanging of banners must be in complete conformance with the application as submitted to Caln Township and as finally approved by the Board of Commissioners.
  - (3) The hanging of banners is the sole responsibility of the applicant.
  - (4) No banner may hang lower than 18 feet over the street or public way.
  - (5) Unless otherwise approved by the Board of Commissioners, no more than eight banners may be displayed over any particular street or public way.
  - (6) Banners may not be hung more than 25 days prior to the date of the event being advertised and must be removed no later than five days after the conclusion of the event being advertised.
  - (7) Banners which are not removed within five days after the advertised event has concluded shall be removed by Caln Township, and the applicant shall be liable for the actual cost of removal.
  - (8) Banners hung across streets and other rights-of-way without proper approval or authorization shall be removed by Caln Township, and the responsible person(s) shall be liable for the cost of removal.
  - (9) The applicant shall secure liability and/or property insurance for the display of the banners.

## § 155-152. Nonconforming signs and abandoned signs.

- A. Signs existing at the date of enactment of this chapter of the Code which do not conform to the requirements of this chapter shall be considered nonconforming signs and subject to the following provisions:
- (1) Any sign which is considered nonconforming based upon its location, height, clearance, visibility, projection, quantity and illumination shall only be replaced with a conforming sign.
  - (2) Any sign which is considered nonconforming based upon its surface area shall only be replaced by a conforming sign or a sign that is 25% less than the surface area of the original nonconforming sign.
  - (3) Nonconforming signs may be repaired and/or repainted, provided that the modifications do not exceed the dimensions of the existing sign or create any further nonconformities.
- B. A sign shall be considered to be abandoned if the following conditions apply: a sign erected on a property

for a specific use, which becomes vacant and unoccupied for a period of one year or more; any sign which was previously erected for a prior occupant or business; or any sign which relates to a time, event or purpose which is considered a past event. The following provisions shall apply to signs, which are considered "abandoned signs" within Caln Township:

- (1) No person shall maintain or permit to be maintained on any premises owned or controlled by that person a sign which has been abandoned.
  - (2) An abandoned sign shall be removed by the landowner or person controlling the property within 10 days of the abandonment as described by this section of the Code.
- C. Upon the removal of any nonconforming sign or abandoned sign, whether temporary or permanent, such removal shall include all associated structures associated with the sign, including, but not limited to, posts, poles, brackets, arms, trailers and supports.

## § 155-153. Prohibited signs.

- A. The following signs shall be considered as prohibited signs which shall not be permitted within Caln Township:
- (1) Spinning, animated, twirling or any other moving objects used for commercial advertising purposes with or without a message, whereas the spinning, animation and/or twirling occurs in intervals of less than 30 seconds or one complete rotation within a thirty-second interval during any given time of the day.
  - (2) Flashing, blinking, twinkling, animated or other message-changing devices used for commercial advertising purposes, whereas the flashing, blinking, twinkling, animation and/or message changing occurs in intervals of less than 30 seconds during any given time of the day. Signs indicating the time and temperature may be permitted, provided that the message or display does not change in intervals of less than 30 seconds during any given time of the day.
  - (3) Signs placed, inscribed or supported upon the highest roofline or upon any structure which extends above the highest roofline of any building.
  - (4) Wall signs that partially extend above the roofline by more than 20% of the sign height, as measured at the point where such sign are attached to the building.
  - (5) Roof signs which are erected on top of a principal or accessory building. A sign attached to the side of any part of a building facing an active commercial railroad line or spur may be permitted, provided that such sign does not exceed the highest elevation of the roof and/or is not visible from an existing residential use or an existing street right-of-way.
  - (6) Artistic murals depicting scenic, historical, cultural, educational or other similar visual scenes may be painted on the side of a building, provided they are aesthetic, socially acceptable and that the content has been reviewed and approved by the Caln Township Board of Commissioners.
  - (7) Balloons, streamers, banner and promotion signs exceeding the provisions of § **155-151** of this chapter of the Code.
  - (8) Portable signs.
  - (9) Signs located on parked vehicles within 50 feet of the street right-of-way.

- (10) Signs containing vulgar messages or depicting any lewd, pornographic, lascivious or other offensive acts.
- (11) Any sign exceeding the provisions for location, placement, type, area, height, clearance, visibility, sight distance, projection, quantity and illumination, as specified within the Caln Township Code.
- (12) Caution tape or crime scene tape that is not utilized for emergency management purposes.

## § 155-154. (Reserved)

## Article XII. Nonconformities

### § 155-155. Statement of intent.

- A. The purpose and objective of the provisions established under Article **XII** of this chapter is to establish specific regulations pertaining to nonconforming uses, lots, land areas, building and/or structures.
- B. As part of the establishment of zoning districts by this chapter of the Code, there exists or will exist certain nonconformities which, if lawful before this chapter of the Code was passed or amended, may be continued, subject to certain limitations, although such nonconformities would be prohibited, regulated or restricted under the terms of this chapter or future amendments thereto.
- C. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption and on which actual building construction has been diligently conducted upon.

### § 155-156. Nonconforming lots of record.

- A. Any lot shown on a recorded subdivision or land development plan on the effective date of this chapter which does not meet the minimum size or width requirements of the zoning district to which it is located may be used for a use permitted by regulations of that zoning district, provided that all yard, height, coverage and open space requirements of the zoning district shall be met. However, when a developer or applicant has had an application for approval of a preliminary or final subdivision plan which has been approved prior to the effective date of this chapter, no provision and/or regulation in this chapter shall be applied to affect adversely the right of the developer or applicant to commence and complete any aspect of the approved preliminary or final plan within such time periods as are established within the Pennsylvania Municipalities Planning Code.
- B. Any lot held in single and separate ownership on the effective date of this chapter which does not meet the minimum size or width requirements of the zoning district to which it is located may be used for any use permitted in that zoning district, provided that all yard, height, coverage and open space requirements of the district are met. However, if two or more lots, combination of lots or portions of lots with continuous frontage held under single ownership are of record at the time of passage or amendment of this chapter, and if all or part of the lots do not meet the requirements established for lot width and/or area, the land involved shall be considered to be an undivided parcel for the purpose of this chapter, and no portion of

said parcel shall be used or sold in a manner which diminishes compliance with lot width and/or area requirements established by this chapter, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this chapter.

## § 155-157. Nonconforming uses of land.

- A. Lawful uses of land, which at the effective date of this chapter or subsequent amendment thereto become nonconforming, such nonconforming use or uses may be continued by the present or any subsequent owner so long as it remains otherwise lawful, subject to the provision listed within this article of this chapter of the Code.
- B. A nonconforming land use shall not be enlarged, increased and/or extended in order to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.
- C. Whenever a nonconforming use has been discontinued for a period of 12 consecutive months, such use shall not thereafter be reestablished, except if the owner of such property files within 30 days of the date of discontinuance a certificate of intention to maintain such use. If such certificate is filed the time period for which a nonconforming use may be discontinued and still be reestablished, such nonconforming use shall be extended by a twelve-month period.
- D. A nonconforming use, if changed to a conforming use, shall not thereafter be changed back to any nonconforming use. A nonconforming use may be changed to a conforming use or to a nonconforming use of a less offensive nature. A nonconforming use shall not be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such at the effective date of adoption or amendment of this chapter.
- E. No additional structures which do not conform to the requirements of this chapter shall be erected in connection with such nonconforming use of land.

## § 155-158. Nonconforming buildings and structures.

- A. Lawful nonconforming structures or buildings, which at the effective date of this chapter becomes nonconforming by reason of restrictions on area, lot coverage, height, yards, its location on the lot or other requirements concerning the building or structures, may be continued as long as they remain otherwise lawful, subject to the provisions listed in the following subsections.
- B. A nonconforming use, building or structure shall not be enlarged or increased upon land not owned, leased or under option to purchase at the time of the enactment of this chapter.
- C. A nonconforming building or structure shall not be enlarged, increased, repaired, maintained or modified in any manner which will further violate any applicable dimensional requirements imposed by this chapter, except that a principal building which existed at the effective date of this chapter which is nonconforming as to a yard requirement may have repairs, improvements, modifications and/or additions made to those portions of the building located within the required yard. All such repairs, improvements, modifications and/or additions shall not further increase or extend into the required yard.
- D. Except as provided in § **155-159B**, total future expansion of a nonconforming use shall not exceed 25% of the gross floor area or ground area occupied by the use at the time of the effective date of this chapter. Unless otherwise permitted by Caln Township, the expansion shall be limited to a single occurrence.

[Amended 10-26-2006 by Ord. No. 2006-13]

- E. Any lawful nonconforming building or other structure which has been involuntarily damaged or destroyed by fire, explosion, windstorm or other similar active cause may be reconstructed in the same location, provided that:
  - (1) The reconstructed building or structure shall not exceed the height, area or volume of the damaged or destroyed building or structure.
  - (2) Reconstruction shall begin within one year from the date of damage or destruction and shall be carried on without interruption
- F. A nonconforming building or structure which has been damaged by fire, explosion, accident and/or calamity may be reconstructed and used for the same nonconforming use, provided that the reconstructed building or structure does not exceed the area, volume and height of the destroyed buildings or structure. The reconstruction shall be started within one year from the date the building or structure was destroyed and shall be carried through without interruption.
- G. No nonconforming structure or building shall be, for any reason, moved for any distance unless it shall thereafter conform to the regulations for the district in which it is located after it is moved.

## § 155-159. Nonconforming use of structures or buildings.

- A. Lawful nonconforming structures or buildings, or structures or buildings and land in combination, which exist at the effective date of this chapter that would not be allowed in the district under the terms of this chapter, may be continued so long as it remains otherwise lawful, subject to the provisions contained within this article of this chapter of the Code.
- B. An existing structure devoted to a use not permitted by this chapter within the zoning district where it is located may be enlarged, extended, constructed, reconstructed or structurally altered up to but not more than 25% of its gross floor and/or use area as it existed at the time of the passage of this chapter or subsequent amendment, provided that the lot or lots upon which the nonconforming structure is situated were held under single ownership or long-term lease (10 years or more) and purchased or leased prior to the enactment of this chapter. Unless otherwise permitted by Caln Township, the expansion shall be limited to a single occurrence. Notwithstanding the preceding, the provisions set forth in this subsection and in § 155-157 shall not be applicable to an expansion of a nonconforming automobile sales facility; provided, however, that any expansion of such a facility shall be governed by the area and bulk regulations applicable to such facility as set forth in **Matrix Chart 7**<sup>[1]</sup> as if said facility were in a C-1 District. Further, such expansion of any automobile sales facility shall comply with the objective design criteria set forth in § 155-73.

[Amended 10-26-2006 by Ord. No. 2006-13]

[1]: *Editor's Note: C-1 Zoning District: Utility and Dimensional Requirements (Supplemental Matrix Chart 7) is included at the end of this chapter.*

- C. Any enlargement, extension, construction, reconstruction or structural alteration must conform to all other regulations of the zoning district to which it is located. This provision may be used only once for each nonconforming structure.
- D. Except as provided in § 155-159B, any nonconforming use may be extended throughout the building which was in use for the nonconforming use at the time of adoption of this chapter, but no such use shall be

extended to occupy any land outside such building unless provided for under this article of this chapter of the Code.

[Amended 10-26-2006 by Ord. No. 2006-13]

- E. A nonconforming use of a structure, or premises and structure, may be changed to another nonconforming use, provided that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. Such determination shall be made by a special exception granted by the Zoning Hearing Board, which shall take into consideration the following issues: the intent of the provisions for the zoning district; the ability to change the use to a conforming use; traffic generation and congestion; noise, smoke, dust, fumes, vapors, gases, heat, odor, glare, vibration or other nuisances; external storage; solid waste disposal; sewer and water facilities; and the general impact of the use compared to the uses within 500 feet of the property lines.
- F. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for 12 consecutive months, the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- G. Where a building or structure occupying a nonconforming use is damaged or destroyed, the status of the nonconforming use shall be eliminated at that point in time. For the purpose of this subsection, "damage" or "destruction" shall be defined as a loss of more than 75% of the market value at the time of the damage or destruction.

## § 155-160. Registration of nonconformities.

The burden of proof that the use, lot, structure or building is a nonconformity shall be the responsibility of the property owner. All known nonconformities shall be a matter of public record and shall constitute sufficient notice and the limitations therein express and implied to any transferee acquiring any right to use or own such property.

## § 155-161. (Reserved)

## § 155-162. (Reserved)

## § 155-163. (Reserved)

## § 155-164. (Reserved)

# Article XIII. Administration and Enforcement

## § 155-165. Statement of intent.

- A. The purpose and objective of the provisions established under Article **XIII** of this chapter is to establish specific regulations and guidelines for the administration and enforcement of this chapter of the Code.
- B. Where a conflict or discrepancy should arise concerning the procedural requirements specified within the chapter of the Code and the Pennsylvania Municipalities Planning Code, the Caln Township Solicitor shall review the conflict or discrepancy and advise the Board of Commissioners, Planning Commission, Zoning Officer, Engineer and/or Zoning Hearing Board of the procedural requirements that should be followed.
- C. The provisions established for administration and enforcement, as established under Article **XIII** of this chapter, shall be subject to the interpretation of the Caln Township Zoning Officer. Should a dispute arise concerning the interpretation of these regulations, the person aggrieved by the interpretation may file an appeal with the Zoning Hearing Board.

## § 155-166. Building permits, zoning permits, certificates of use and occupancy and other permits.

- A. The following general requirements shall apply to zoning permits, building permits and certificates of occupancy as reviewed and issued by the Zoning Officer:
  - (1) Persons desiring to undertake any new construction, structural or site alteration or changes in the use of a building or lot shall apply to the Caln Township Zoning Officer for a permit by filling out the appropriate application form and by submitting the required fee.
  - (2) The Zoning Officer shall either issue the appropriate permit or shall refuse the permit, indicating in writing the reason for refusal. Certain construction activities, alterations or land use activities may require approval of the Board of Commissioners, Planning Commission and/or Zoning Hearing Board.
  - (3) If the permit is refused by the Zoning Officer, the applicant may appeal to the Zoning Hearing Board for further consideration.
  - (4) After the permit has been received by the applicant, he may undertake the action that is specifically referenced on the approved permit application.
  - (5) Upon completion of such action, the applicant may apply to the Zoning Officer for an occupancy permit (where such a permit is required).
  - (6) If the Zoning Officer finds that the action of the applicant is in accordance with the zoning permit, building permit and any other required permit approvals, the Zoning Officer shall issue an occupancy permit allowing the premises to be occupied.
- B. The following specific provision shall apply to an application for a zoning permit and/or building permit within Caln Township:
  - (1) No person shall erect, alter, convert, move or add to any building, structure or sign, or alter the use of any land or structure, until the Zoning Officer issues a zoning permit and/or building permit to the person or applicant for said change or construction.

- (2) Unless otherwise specified by the Code, a zoning permit and/or building permit is not required for normal maintenance and repairs.
- (3) The following provisions shall apply to the types of procedural requirements for a use permitted by right, special exception or conditional use:
  - (a) A zoning permit and/or building permit may be issued by the Zoning Officer for all uses permitted by right, subject to the provisions and requirements of the Code.
  - (b) A zoning permit and/or building permit may be issued by the Zoning Officer for all uses permitted as part of a zoning variance application which has been approved by the Zoning Hearing Board and subject to the provisions and requirements of the Code.
  - (c) A zoning permit and/or building permit may be issued by the Zoning Officer for all uses permitted as part of a special exception application which has been approved by the Zoning Hearing Board and subject to the provisions and requirements of the Code.
  - (d) A zoning permit and/or building permit may be issued by the Zoning Officer for all uses permitted as part of a conditional use application which has been approved by the Board of Commissioners and subject to the provisions and requirements of the Code.
- (4) All applications for a zoning permit and/or building permit shall be made in writing to the Zoning Officer and shall be accompanied by three complete sets of plans accurately drawn to scale indicating or illustrating the following information if applicable:
  - (a) The actual dimensions and shape of the lot to be built upon, as prepared by a licensed surveyor or engineer.
  - (b) The exact size and location on the lot of buildings, structures or signs existing and/or proposed extensions thereto prepared by a licensed surveyor or engineer.
  - (c) The number of lots or dwelling units.
  - (d) Off-street parking spaces provided and/or loading facilities.
  - (e) Statement indicating the existing or proposed use.
  - (f) The detailed scale drawing of the structure, building, sign or other improvement, including the precise dimensions.
  - (g) A written agreement that the applicant is the owner of the premises on which the improvement will be conducted or that the applicant has obtained the consent of the owner or lessee of such premises to improve the property in accordance with the permit application.
  - (h) All other information necessary for such Zoning Officer to determine conformance with and provide for enforcement of this chapter.
- (5) Upon approval or disapproval of the zoning permit and/or building permit, the Zoning Officer shall return one copy of the permit application and plans to the applicant. The Zoning Officer shall indicate that the permit has been approved or disapproved by signing the application. Where appropriate, condition of approval should be specified on the zoning permit and/or building permit application. One copy of such plans shall be retained by the Zoning Officer for his permanent records and one copy shall be retained by Caln Township.
- (6) Approval or denial of the requested zoning permit application or building permit application shall be

made within 30 days from the date the application was considered complete by the Zoning Officer. In denying a zoning permit application or building permit application, the Zoning Officer shall inform the applicant of the reasons for denial and specify the provision(s) of the Code which has not been satisfied. Applicants shall be informed of their rights of appeal and provided with all necessary information to pursue such appeals.

- (7) Zoning permits and/or building permits shall expire within one year from date of issuance if the work described in any permit has not begun. If the work described in any zoning permit and/or building permit has begun, said permit shall expire after one year, exclusive of any time required for administration and permitting, from date of issuance thereof, within which time said work shall be completed.

C. The following specific provision shall apply to an application for a certificate of use and occupancy within Caln Township:

- (1) A certificate of use and occupancy shall be required upon the completion of the work and improvements authorized as part of the zoning permit and/or building permit. It shall be unlawful to use and/or occupy any structure, building and/or portions thereof in any manner until a certificate of use and occupancy has been issued by the Zoning Officer.
- (2) The application for certificate of use and occupancy shall be submitted on such form as the Zoning Officer may prescribe.
- (3) The Zoning Officer shall inspect any structure, building, sign, improvements and/or land or portions thereof to determine compliance with the Code and permit requirements. If satisfied that the completed work is in conformity with the Code and permit requirements, a certificate of use and occupancy shall be issued.
- (4) Upon inspection, the Zoning Officer shall either grant or deny the certificate of use and occupancy, in writing, within 15 from the date of application or last inspection.
- (5) In situations in which performance standards are imposed, no certificate of occupancy shall become permanent until 30 days after the use or facility is fully operating and only after, upon inspection by the Zoning Officer, it is determined that the facility is in compliance with the performance standards. After said inspection, the Zoning Officer shall notify the applicant that the facility is in full compliance with all performance standards and that the certificate of use and occupancy is permanent or that the facility does not comply and that the certificate of use and occupancy is still temporary. In no case shall a temporary certificate of use and occupancy extend 90 days past the date of first inspection.
- (6) The certificate of use and occupancy shall be kept on the premises and shall be publicly displayed in a manner required by the Caln Township Code.

D. The following specific provisions shall apply to an application for a special use permit, seasonal permits and/or temporary permit within Caln Township:

- (1) Where a special use, seasonal use or a temporary use are permitted by the Code, the Zoning Officer may issue a special use permit or a temporary use permit to the applicant.
- (2) A special use permit may be issued by the Zoning Officer for a use having a periodic, intermittent or short duration of time, not exceeding the time frames established below. Such uses shall include the following events: carnivals; circuses; bazaars; fairs; municipal and civic events; sale of Christmas trees, holiday flowers, and pumpkins; car sales; car shows; and car washes. Such use must be conducted on a property capable of meeting the requirements of § **155-166D(4)** below, and a portion of the proceeds

raised from the event must be contributed towards a nonprofit entity or a charitable organization or cause.

[Amended 3-8-2007 by Ord. No. 2007-3]

- (a) The approved list of special uses shall be permitted in the TV-1, C-1, C-2 and I-1 Zoning Districts for the time frames established below regardless of the uses allowed by the specific zoning district. The sale of fireworks and furniture/household-related items such as carpets and oriental rugs shall be prohibited.

<b>Use</b>	<b>Number of Days</b>
Carnivals, circuses, bazaars, fairs, municipal and civic events	14
Christmas tree, holiday flowers and pumpkin sales	30
Car sales	10
Car shows and car washes	2

- (b) The Board of Commissioners may approve a special use permit for an event which is conducted in a residentially zoned district upon such terms and conditions as the Board determines are appropriate.

- (3) A seasonal or temporary use permit may be issued for a use having a short time period which shall not exceed 90 consecutive or cumulative days within a calendar year. The seasonal or temporary use shall be a permitted use specified by the Code or within the zoning district to which the use is located.

- (4) Prior to the issuance of a special use permit, the applicant shall submit a sketch plan of the property where the event is proposed to be held which identifies the following:  
[Added 8-10-2006 by Ord. No. 2006-9]

- (a) The location of all means of ingress and egress to the property;
- (b) The number and location of parking spaces on the property that the property owner reasonably anticipates will be blocked off or used for parking by participants at the event; and
- (c) The size, location and number of temporary signs which shall be erected for the special event.

- (5) The Zoning Officer shall not issue a special use permit if he finds that as a result of the event any of the following conditions will occur:  
[Added 8-10-2006 by Ord. No. 2006-9]

- (a) Any means of access to the property will be blocked so as to prevent safe ingress and egress to the property;
- (b) The event would limit safe and efficient traffic circulation throughout the property;
- (c) Emergency vehicles would not have the ability to safely enter and maneuver on the property;
- (d) The minimum number of off-street parking spaces needed to serve the principal use on the property, as specified in this chapter, are not available during the event; and
- (e) Vehicles parked at the event block the minimum clear site triangle which is required.

E. The owner of the premises occupied by a lawful nonconforming use or structure may secure a certificate of nonconforming use or structure from the Zoning Officer. Such certificate shall be authorized by the Zoning Officer and shall certify to the owner his right to continue such nonconforming use or structure.

F. Pursuant to the provisions of the Caln Township Code, additional permits may be required by local, regional,

county, state and federal agencies which shall be issued prior to the commencement of any improvement or site activities.

## § 155-167. Zoning Officer.

- A. The provisions of this chapter of the Code shall be enforced by an agent, to be appointed by the Board of Commissioners, who shall be known as the "Zoning Officer." The Zoning Officer shall not hold any elective office and shall continue to serve Caln Township until such time as the Board of Commissioners declares otherwise.
- B. The Zoning Officer is responsible to enforce the provisions of this chapter of the Code and shall have such duties and powers as are referenced by this chapter. The Zoning Officer's duties shall include, but are not limited to the following:
- (1) Receive, examine and process permit applications for zoning, land use, buildings and signs.
  - (2) To issue permits for the construction, alteration, repair, extension, replacement, occupancy and uses of land which are in accordance with the regulations of this chapter of the Code.
  - (3) To record and file all applications for permits and accompanying plans and documents and keep them for public record.
  - (4) To inspect nonconforming uses, buildings and lots of records by examining them periodically, with the view of eliminating the nonconforming uses under the existing laws and regulations and to issue certificates of occupancy for them.
  - (5) Upon the request of the Board of Commissioners, Planning Commission or the Zoning Hearing Board, present to such bodies facts, records and any similar information on specific requests to assist such bodies in reaching their decisions.
  - (6) To be responsible for periodic updates to this chapter and the Zoning Map, which is filed with the Caln Township Manager or Secretary, and to include any amendments thereto.
  - (7) To keep an official record of all business and activities, including complaints of a violation of any of the provisions of this chapter and of the action taken consequent to each such complaint.
  - (8) Issue permits for uses permitted by right, variance, special exception or conditional use, as specified within this chapter of the Code.
  - (9) Perform all other duties as may be required for the administration of this chapter of the Code.
- C. Any person, partnership or corporation who or which shall violate the provisions of this chapter shall be held accountable for their actions in accordance with the provisions specified by the Caln Township Code.
- D. Should a dispute arise concerning the interpretation of this Code by the Zoning Officer, the person aggrieved by the interpretation may file an appeal with the Zoning Hearing Board.

## § 155-168. Zoning Hearing Board.

- A. The Caln Township Board of Commissioners shall appoint three residents to serve as members of the

Zoning Hearing Board in accordance with the provisions of the Caln Township Code and Pennsylvania Municipalities Planning Code.

- B. The following provisions shall apply to the establishment of the Caln Township Zoning Hearing Board:
- (1) The members of the Zoning Hearing Board shall serve three-year terms and shall be so fixed that the term of office of one member shall expire each year.
  - (2) The Zoning Hearing Board shall promptly notify the Board of Commissioners of any vacancies which may occur. Appointments to fill vacancies shall be only for the unexpired portion of the term.
  - (3) The members of the Zoning Hearing Board shall hold no other office within Caln Township.
  - (4) Any member of the Zoning Hearing Board may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Commissioners taken after the member has received 15 days of 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.
  - (5) The Board of Commissioners may appoint one resident to serve as an alternate member of the Zoning Hearing Board.
- C. The following provisions shall apply to the organization of the Caln Township Zoning Hearing Board:
- (1) The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves.
  - (2) For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Board, but where two members are disqualified to act in a particular matter, the remaining member may act for the Zoning Hearing Board.
  - (3) The Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Zoning Hearing Board, as provided within the Caln Township Code.
  - (4) The Zoning Hearing Board may appoint a solicitor or attorney to oversee the procedures of the hearing in accordance with the provisions of the Caln Township Code.
  - (5) The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure consistent with the Caln Township Code and laws of the Commonwealth of Pennsylvania.
  - (6) If requested by the Board of Commissioners, the Zoning Hearing Board shall submit an annual report of its activities to the Board of Commissioners.
- D. The following provisions shall apply to expenditures and fees for the Caln Township Zoning Hearing Board:
- (1) The members of the Zoning Hearing Board may receive compensation for the performance of their duties and services, which shall be established by the Board of Commissioners.
  - (2) Within the limits of funds appropriated by the Board of Commissioners, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.
  - (3) The applicant before the Zoning Hearing Board shall deposit with the designated secretary or treasurer of Caln Township such a sum of money as shall be deemed sufficient by the Zoning Hearing Board and established in a resolution to pay the cost of the expenses for the hearing. These costs may

include compensation for the members of the Zoning Hearing Board, the secretary, clerk, legal counsel, consultants, the notice and advertising costs and all other necessary administrative overhead associated with conducting the hearing.

- (4) Funds deposited in excess of the actual cost of the requested hearing shall be returned to the applicant upon completion of the proceedings, and, in the event that the cost of the hearing exceeded the funds deposited, the applicant shall pay to the designated secretary or treasurer of Caln Township the appropriate funds equal to such excess cost.
- E. The following provision shall apply to the general functions of the Caln Township Zoning Hearing Board:
- (1) The Zoning Hearing Board shall act in strict accordance with the procedures specified within the Caln Township Code and the Pennsylvania Municipalities Planning Code.
  - (2) The Zoning Hearing Board shall consider applications for variances, special exceptions, appeals concerning the interpretation of this Code by the Zoning Officer and other duties that are specified by the Caln Township Code.
  - (3) All appeals and applications made to the Zoning Hearing Board shall be in writing, on forms prescribed by the Board of Commissioners or Zoning Hearing Board.
  - (4) Every appeal or application shall refer to the specific provision of this chapter involved and shall exactly set forth the interpretation that is claimed, the grounds for any challenges to validity of this chapter, the use for which a special exception is sought or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.
- F. In all cases before the Zoning Hearing Board, the Board of Commissioners, Planning Commission and Zoning Officer may review and comment on the application prior to rendering a decision.

## § 155-169. Public hearings and procedures.

- A. The first hearing shall be commenced within 60 days from the date of the applicant's request, unless the applicant has agreed, in writing, to an extension of time. Each subsequent hearing before the Zoning Hearing Board shall be held within 45 days of the prior hearing unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case in chief (the part of the hearing in which the applicant presents evidence to support his or her claim or defense) within 100 days of the first hearing. Upon the request of the applicant, the Zoning Hearing Board shall assure that the applicant receives at least seven hours of hearings within the 100 days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing, held after the completion of the applicant's case in chief. An applicant may, upon request, be granted additional hearings to complete his case in chief, provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent, on the record by the applicant and Caln Township, be granted additional hearings to complete their opposition to the application, provided the applicant is granted an equal number of hearings for rebuttal.
- B. The Caln Township Zoning Hearing Board shall give notice of the public hearing in accordance with as follows:
- (1) By publishing a notice once each week for two successive weeks in a newspaper of general circulation within Caln Township. Such notice shall state the time and place of the public hearing and the

particular nature of the matter to be considered at the hearing. The first publication shall be not more than 30 days and the second publication shall be not less than seven days from the date of the hearing.

- (2) By mailing a notice thereof to the parties of interest at least 14 days prior to the public hearing.
  - (3) By mailing or issuing a notice to the Caln Township Manager, Zoning Officer, Secretary, Board of Commissioners, Planning Commission, Chester County Planning Commission (if requested) and to every person or organization who or which shall have registered with the Zoning Hearing Board for the purpose of receiving such notices.
  - (4) The Zoning Hearing Board or Zoning Officer may mail notice of the hearing to the owner of every lot on the same within 500 feet of the lot or building in question, provided that failure to give notice, either in part or in full, as stated by this subsection shall not invalidate any action by the Zoning Hearing Board.
  - (5) The required notices by this section shall state the location of the lot or building that is the subject of the application, as well as the general nature of the request(s) being made by the applicant(s).
  - (6) The Board of Commissioners may establish reasonable fees to be paid by the applicant in accordance with the provisions of the Caln Township Code.
- C. The Zoning Hearing Board shall conduct the hearings or the Zoning Hearing Board may appoint any member as a hearing officer. The decision or, where no decision is called for, the findings shall be made by the Board, but the parties may waive decision of findings by the Board and accept the decision or findings of the hearing officer as final.
- D. The parties to the hearing shall be Caln Township, any person affected by the application who has made timely appearance or record before the Zoning Hearing Board and any other person, including civic or community organizations permitted to appear by the Zoning Hearing Board. The Zoning Hearing 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.
- E. The Chairman or acting Chairman of the Zoning Hearing Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and documents requested by the parties.
- F. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- G. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- H. The Zoning Hearing Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings, and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.
- I. The Zoning Hearing Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communications, reports, staff memoranda or other 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.
- J. The Zoning Hearing Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing

before the Zoning Hearing Board or hearing officer. Each decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefore. Conclusions based on any provisions of this chapter or of any act, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer and there has been no stipulation that his decision or findings are final, the Zoning Hearing Board shall make his report and recommendations available to the parties, and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than 45 days after the decision of the hearing officer. Where the Zoning Hearing Board has power to render a decision and the Zoning Hearing Board or the hearing officer, as the case may be, fails to commence, conduct or complete the required hearing as required by this chapter of the Code, 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. Nothing in this subsection shall prejudice the right of any party opposing the application to urge that such decision is erroneous.

- K. 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 by certified mail not later than the day following its date. To all other persons who have filed their names and addresses with the Board no later than the last day of the hearing, the Zoning Hearing 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.

## § 155-170. Zoning variances.

- A. The Zoning Hearing Board shall hear requests for zoning variance applications, whereas it is alleged that the provisions of this chapter inflict unnecessary hardship upon the applicant. The zoning variance application shall be considered by the Zoning Hearing Board in accordance with the provisions specified by this chapter of the Code.
- B. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter and the Pennsylvania Municipalities Planning Code. The Zoning Hearing Board may, by rule, prescribe the form of application and may require a preliminary application to be issued and reviewed by the Zoning Officer.
- C. In all cases before the Zoning Hearing Board, the Board of Commissioners, Planning Commission and Zoning Officer may review and comment on the zoning variance application prior to rendering a decision.
- D. The Zoning Hearing Board may grant a variance provided that all the following findings are made where relevant in a given case:
  - (1) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such condition, and not circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located.
  - (2) 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.
  - (3) That such unnecessary hardship has not been created by the appellant.

- (4) 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.
  - (5) That the variance as granted by the Zoning Hearing Board is the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- E. Where the Zoning Hearing Board has jurisdiction over other zoning matters described under this chapter of the Code, the Zoning Hearing Board shall also hear all appeals which an applicant may elect to bring before it with respect to any municipal ordinance or requirement pertaining to the same lot, parcel, property or development. In any such case, the Zoning Hearing Board shall have no power to pass upon the nonzoning related issues but shall take evidence and make a record in accordance with the procedures established by this chapter of the Code. At the conclusion of the hearing, the Zoning Hearing Board shall make findings on all relevant issues of fact, which shall become part of the record on appeal to the court.
  - F. The approval of a variance, if authorized by the Zoning Hearing Board, which anticipates construction or modification of a structure, creation of new or revised lot lines or dimensional standards for a property or structure situated thereon, shall be valid and remain in effect for a term of one year from the date of said approval and shall thereafter expire and be void unless said construction, modification, new or revised lot lines or dimensional standards or change of use or occupancy be initiated within said one-year term or said term is expressly extended as part of the initial approval. In the event that the activity anticipated by the variance should not be initiated within one year of the approval or such additional term as may be expressed in the approval, or should the activity which is the subject of the variance be discontinued, the premises or structure or structure situated thereon shall not thereafter be used except in conformity with the regulations of the district in which it is located.
  - G. For zoning variance applications where compliance with the minimum dimensional requirements and/or maximum coverage requirements of this chapter of the Code are considered to be "de minimis" in terms of their impact, the Zoning Hearing Board may consider such application in accordance with state law.

## § 155-171. Special exceptions.

- A. The Zoning Hearing Board shall hear requests for special exception applications, as permitted under the provisions of this chapter of the Code. By so providing, the Zoning Hearing Board recognizes that certain uses may or may not be appropriate at every location within any specific district and, where it appears that a use permitted by special exception fails to comply with all of the definitional aspects thereof or would be contrary to the public health, safety, morals and/or welfare of the community at specific locations within a district, that the use would not be permitted there.
- B. In granting any special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter and the Pennsylvania Municipalities Planning Code, as amended. The Zoning Hearing Board may, by rule, prescribe the form of application and may require a preliminary application to be issued and reviewed by the Zoning Officer.
- C. As part of the submission requirements for a special exception application, a preliminary subdivision plan or preliminary land development plan shall be prepared and submitted to Caln Township for review and consideration in accordance with the procedures and requirements specified by Chapters **137** and **155** of the Caln Township Code.
- D. The Zoning Hearing Board shall consider the comments issued by the Caln Township Board of

Commissioners, Planning Commission, Engineer, Zoning Officer and/or other agencies that could assist the Zoning Hearing Board with the special exception application. All such comments shall be made either in writing and presented as evidence during the hearing or as part of sworn testimony at the public hearing.

- E. The Zoning Hearing Board shall consider the following issues prior to rendering its decision on a special exception application:
- (1) That such use is consistent with the Caln Township Comprehensive Plan.
  - (2) That such use shall be one which is specifically authorized as a special exception use within the zoning district wherein the applicant seeks a special exception.
  - (3) That the property is suitable for the use desired and that the proposed request is consistent with the goals, objectives and policies established within this chapter of the Code.
  - (4) That such special exception shall only be granted subject to any applicable condition and safeguards as required by this chapter of the Code.
  - (5) That such use shall not adversely affect the general character of the neighborhood and/or property values of the adjacent uses.
  - (6) That such use shall not adversely affect the health, safety and/or welfare of residents or property owners within the general neighborhood.
  - (7) That there will be no adverse effect of the proposed special exception upon the logical, efficient and economical extension of public facilities and services, including public water, sanitary sewers, streets, police and fire protection, public schools and all other similar facilities and services that are considered appropriate by the Zoning Hearing Board.
  - (8) That any unique circumstances for which the special exception is sought were neither created by the owner of the property nor were due to, or the result of, general conditions within the zoning district in which the property is located.
  - (9) That the proposed location of any residential or nonresidential use is suitable with respect to probable effects upon highway traffic and assures adequate access arrangements in order to protect major streets and highways from undue congestion and hazard.
  - (10) The adequacy of sanitation and public safety provisions, where applicable, and he shall provide a certificate of adequacy of sewage and water facilities from a governmental health agency in such case required herein or deemed advisable.
  - (11) The Board may impose such conditions, in addition to those required, as are necessary to assure that the intent of the Zoning Chapter is complied with, which conditions may include, but are not limited to, harmonious design of buildings, planting and its maintenance as a sight or sound screen, the minimizing of noxious, offensive or hazardous elements and adequate standards of parking and sanitation.
- F. The approval of a special exception, if authorized by the Zoning Hearing Board, which anticipates construction or modification of a structure, creation of new or revised lot lines or dimensional standards for a property or structure situated thereon, shall be valid and remain in effect for a term of one year from the date of said approval and shall thereafter expire and be void unless said construction, modification, new or revised lot lines or dimensional standards or change of use or occupancy be initiated within said one-year term or said term is expressly extended as part of the initial approval. In the event that the activity anticipated by the special exception should not be initiated within one year of the approval or such

additional term as may be expressed in the approval or should the activity which is the subject of the special exception be discontinued, the premises or structure or structure situated thereon shall not thereafter be used except in conformity with the regulations of the district in which it is located.

## § 155-172. Conditional uses.

- A. The Board of Commissioners shall hear requests for conditional use applications, as permitted under the provisions of this chapter of the Code. By so providing, the Board of Commissioners recognize that certain uses may or may not be appropriate at every location within any specific district and, where it appears that a conditional use fails to comply with all of the definitional aspects thereof or would be contrary to the public health, safety, morals and/or welfare of the community at specific locations within a district, that the use would not be permitted there.
- B. In granting any conditional use, the Board of Commissioners may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter and the Pennsylvania Municipalities Planning Code.
- C. As part of the submission requirements for a conditional use application, a preliminary subdivision plan or preliminary land development plan shall be prepared and submitted to Caln Township for review and consideration in accordance with the procedures and requirements specified by Chapters **137** and **155** of the Caln Township Code.
- D. Prior to the commencement of the conditional use hearing or during the proceedings of the conditional use hearing, the Board of Commissioners shall consider the comments of the Caln Township Planning Commission, Zoning Officer, Engineer, the appointed professional consultants and/or other agencies that could assist the Board of Commissioners with the merits of the conditional use application. All such comments shall be made either in writing and presented as evidence during the hearing or as part of sworn testimony at the conditional use hearing.
- E. All of the standards for conditional uses hereinafter set forth shall, where relevant, apply to all conditional uses within Caln Township and are deemed definitional in character so that the failure to comply with any standards shall be deemed a failure to bring the applicant within that definitional aspect for which a conditional use may be granted; or, in the discretion of the Board of Commissioners, such failure to comply with the standards may be deemed a basis for the impositions of appropriate conditions to such grant. It is further the intention of the Board of Commissioners that the standards hereinafter described shall be deemed additional standards and shall in no way impair any other applicable standard described elsewhere in this chapter. Where there is a conflict between the standards set forth in this article and other standards elsewhere established by this chapter or other applicable ordinances, it is intended that the more stringent thereof shall apply, and it is not the intent of this article to abrogate or impair any other such standards or requirements.
- F. The Board of Commissioners shall consider the following general issues and site requirements prior to rendering its decision on a conditional use application:
  - (1) That such use is consistent with the Caln Township Comprehensive Plan.
  - (2) That the property is suitable for the use desired and that the proposed request is consistent with the goals, objectives and policies established within this chapter of the Code.
  - (3) The minimum and maximum dimensional requirements for the proposed use within the appropriate zoning district shall be held in compliance by the applicant.

- (4) 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, safety, morals and/or public welfare.
- (5) The applicant shall provide evidence with supporting documentation that the capacity of the road system providing access to the property or lot in question has sufficient capacity to accommodate the use and that when the incremental increase in traffic attributable to the proposed use is superimposed upon the existing use of the road shall not lower the level of service of the roads or any portions thereof or any street intersections below a level of service "C."
- (6) The applicant shall provide evidence with supporting documentation that the interior traffic circulation for the proposed use at the proposed location, including but not limited to acceleration and 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.
- (7) The applicant shall provide evidence with supporting documentation the facility or use 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.
- (8) The applicant shall provide evidence with supporting documentation that adequate screening and buffering is provided between the lands in question and surrounding residential uses and residentially zoned districts to screen the facility from view and preclude any glare from lighting or noise from being ascertainable beyond the boundaries of the property.
- (9) The applicant shall provide evidence with supporting documentation that the local fire departments have the abilities to provide adequate fire protection and emergency management services for the proposed use.
- (10) The applicant shall provide evidence with supporting documentation that adequate water storage is available within the region for fire-fighting purposes, which shall include but not be limited to pumping at all hours, at a minimum of 25 pounds per square inch (psi) pressure, without impairing the uses of the water supply for ordinary purposes on the premises and shall be in compliance with all applicable governmental regulations.
- (11) Where, in the opinion of the Board of Commissioners, the use or facility may require supervision and protection, the applicant shall provide evidence with supporting documentation that additional security measures will be accounted for by the owner or site manager so the facility or use does not create a continuous burden on the emergency management services and providers.
- (12) The applicant shall provide evidence with supporting documentation that the existing or proposed sanitary sewage disposal facilities have sufficient capacity for the proposed use. Where on-lot sewage disposal methods are permitted, the applicant shall consult with the Caln Township Sewage Enforcement Officer to determine if on-lot sewage disposal is a viable option considering the proposed use, wastewater flow and site characteristics.
- (13) The applicant shall provide evidence with supporting documentation that the existing or proposed municipal water supply facilities have sufficient capacity for the proposed use. Where water supply methods are permitted, the applicant shall consult with a qualified hydrogeologist to determine if on-lot water supply is a viable option considering the proposed use, groundwater supply and site characteristics.
- (14) The applicant shall provide evidence with supporting documentation that there will be no increase in surface water runoff and erosion within the property or at the boundaries of the facility as a result of

the site improvements, as specified under Chapter **128** of the Code.

- G. The following provisions shall apply for the public hearing procedures and administrative requirements for all conditional use applications within Caln Township:
- (1) The Board of Commissioners shall schedule and hold a public hearing on the application pursuant to public notice within 60 days from the date of the applicant's request for a hearing. The request for a hearing shall be accompanied by a completed application on required form. The date for the scheduling of the first hearing may be extended by the applicant on the record or in writing addressed to the Board of Commissioners, in which event the date agreed upon by the applicant shall be considered timely for purposes of this subsection.
  - (2) The applicant shall provide written notification of the filing of an application for conditional use to all property owners within 500 feet of the subject property as follows:
    - (a) The 500 feet shall be measured at a right angle from all points on every property line.
    - (b) The names and addresses of the adjacent property owners shall be obtained from records of the Chester County Tax Assessment Office.
    - (c) The notification shall be sent by regular first-class mail, postage prepaid, a minimum of 14 days prior to the first scheduled public hearing of the Township Board of Commissioners. At the hearing, the applicant shall provide a copy of the actual notice mailed and a list of those names and addresses to which the notice was sent.
    - (d) At a minimum, the written notice shall contain the street address of the parcel, a general description of what is proposed by the applicant, the time, date and location of the hearing where the application will be considered, and shall inform the property owner that only one notice will be provided and that he or she is not required to attend but may attend if interested.
  - (3) As part of the conditional use hearing, the Board of Commissioners shall consider those comments issued by the Caln Township Planning Commission, Zoning Officer, Engineer, the appointed professional consultants and all other agencies providing comments, as may be authorized by the Caln Township Code and the Pennsylvania Municipalities Planning Code.
  - (4) The Board of Commissioners shall conduct the hearing or the Board of Commissioners may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board of Commissioners. However, the appellant or the applicant, as the case may be, in addition to Caln Township, may, prior to the decision of the hearing, waive decision or findings by the Board of Commissioners and accept the decision or findings of the hearing officer as final. All hearings must be completed no later than 100 days after the completion of the applicant's case in chief, unless extended for good cause upon application to the Court of Common Pleas.
  - (5) Any substantial revisions to the application or plan made by the applicant subsequent to filing of the application or plan or its review by the Planning Commission shall be subject to review and recommendation by the Planning Commission as specified within this chapter of the Code. In such event, the Zoning Officer shall secure from the applicant a written extension of the date within which the Board of Commissioners must hold a public hearing pursuant to the provisions of this chapter of the Code. If the applicant fails to execute the extension, the Board of Commissioners shall decide the conditional use application on the basis of the plan and application as originally filed.
  - (6) A stenographic record of the hearing shall be made by a certified court reporter, whose appearance

fee shall be reimbursed through the application fee paid to Caln Township as part of the initial application. The cost of the original transcript shall be paid by Caln Township or by any party requesting an original transcript. In either case, the cost of additional copies shall be paid by the party or person requesting such copies.

- (7) The Board of Commissioners shall render a written decision or, when no decision is called for, make written findings on the conditional use application within 45 days after the last hearing before the Board of Commissioners. The date of the decision may be extended by the applicant either on the record or in writing addressed to the Board of Commissioners. Where the application is contested or denied, each decision shall be accompanied by findings of fact, reasons or conclusions based thereon. Any conclusions based upon this chapter of the Code, the Pennsylvania Municipalities Planning Code or any 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. A copy of the decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.
  - (8) If, after the conclusion of the public hearing(s), the application is amended or revised, the Board of Commissioners shall hold one or more public hearings thereon as may be necessary and shall issue a new decision thereon in conformance with the procedure established in this section. In the event that the Board of Commissioners fail to commence the public hearing within 60 days from the date of the applicant's request for a hearing or fail to complete the hearing no later than 100 days after the completion of the applicant's case in chief, unless extended for good cause upon application to the Court of Common Pleas, 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 the Board of Commissioners failed to commence the hearings, complete the hearings or render a decision as required by this section, the Board of Commissioners shall give public notice of the decision within 10 days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this section. If the Board of Commissioners shall fail to provide such notice, the applicant may do so. Nothing in this section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.
- H. Nothing in this section shall be construed to relieve the applicant for a conditional use approval from obtaining all other required approvals mandated by the Caln Township Code as well as other pertinent laws, ordinances and regulations that have been adopted by local, state and federal agencies. This may include the submission of a subdivision plan and/or land development plan to be prepared by the applicant and submitted to Caln Township for review and consideration.
- I. Unless otherwise specified by the Board of Commissioners in its decision and order, a conditional use approval shall expire if the applicant does not secure a building permit or, if no building permit is required, then a use and occupancy permit, within 12 months from the date of the Board's written approval of the conditional use application, unless, the applicant makes written application to the Board of Commissioners for an extension of time, which shall be based upon reasonable cause shown. No formal hearing shall be required by the Board of Commissioners in the consideration of such application. An extension of time may be granted by the Board of Commissioners for a period of time considered appropriate by the Board of Commissioners.

## § 155-173. Amendments.

- A. The Board of Commissioners may from time to time amend, supplement, change, modify or repeal the contents of this chapter of the Code, including the Zoning Map. Any amendment, supplement, reclassification or change may be initiated by the Board of Commissioners, Planning Commission or by a petition to the Board of Commissioners from a property owner within Caln Township. The Board of Commissioners, by resolution adopted at a stated or special meeting, shall fix the time and place of a public hearing on the proposed change, amendment or repeal and cause notice thereof to be given as follows:
- (1) By publishing a notice once each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than 30 days or less than seven days from the date of the hearing.
  - (2) The notice shall also set forth the principal provisions of the proposed change, amendment or repeal in reasonable detail and a reference to a place in Caln Township where copies of the proposed change, amendment or repeal may be examined or purchased at a charge not exceeding the cost thereof. Full opportunity to be heard will be given to any citizen and all parties in interest attending such hearing.
  - (3) If the proposed amendment involves a Zoning Map change, notice of said public hearing shall be conspicuously posted by the authorized representatives of Caln Township at points deemed sufficient along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing. In addition to the requirement that notice be posted along the property, if the proposed amendment involves a Zoning Map change, notice of the public hearing shall be mailed by Caln Township at least 30 days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned as evidenced by tax records within the possession of Caln Township. The notice shall include the location, date and time of the public hearing.
- B. The Board of Commissioners shall refer each petition or proposal for change or amendment, whether under this article or under another article, to the Planning Commission, who shall consider whether or not such proposed change or amendment would be, in the view of the Planning Commission, consistent with and desirable in furtherance of the Comprehensive Plan upon which this chapter is based, as the same may be modified from time to time. The Planning Commission shall transmit its recommendations and conclusions to the Board of Commissioners within 30 days. The Board of Commissioners shall take such recommendations and conclusions into consideration in reaching its decision, but shall not be bound thereby.
- C. The Board of Commissioners shall submit the proposed zoning amendment to the Chester County Planning Commission at least 30 days prior to the hearing for its review and comments. The Board of Commissioners shall take such comments into consideration in reaching its decision, but shall not be bound thereby.
- D. The public hearing shall be conducted in accordance with the appropriate provisions that are established within the Caln Township Code and the Pennsylvania Municipalities Planning Code.
- E. If the zoning amendment is enacted by the Board of Commissioners, an endorsed copy of the zoning amendment shall be forwarded to the Chester County Planning Commission within 30 day of enactment.

## § 155-174. Curative amendments.

- A. A landowner who desires to challenge on substantive grounds the validity of this chapter of the Code which

prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of Commissioners with a written request that his challenge and proposed amendment be heard. All such landowner curative amendments shall be decided as provided in accordance with the appropriate provisions that are established within the Caln Township Code and the Pennsylvania Municipalities Planning Code.

- B. Caln Township, by formal action, may declare this chapter of the Code or portions thereof substantively invalid and propose the preparation of a municipal curative amendment to overcome such invalidity. All such municipal curative amendments shall be decided as provided in accordance with the appropriate provisions that are established within the Caln Township Code and the Pennsylvania Municipalities Planning Code.
- C. All landowner curative amendments and/or municipal curative amendments shall be referred to the Caln Township Planning Commission and the Chester County Planning Commission at least 30 days prior to the initial hearing date to provide both agencies with an opportunity to submit recommendations.
- D. The advertisement, posting and scheduling of the public hearing shall be conducted in accordance with the appropriate provisions that are established within the Caln Township Code and the Pennsylvania Municipalities Planning Code.
- E. If the landowner curative amendment and/or the municipal curative amendment is enacted by the Board of Commissioners, an endorsed copy of the amendment shall be forwarded to the Chester County Planning Commission within 30 day of enactment.

## **§ 155-175. Appeals.**

- A. All appeals concerning the review, application, interpretation and decisions authorized by this chapter of the Code shall be in accordance with the appropriate provisions that are established within the Caln Township Code and the Pennsylvania Municipalities Planning Code.
- B. All appeals concerning an alleged error in the processing or enactment of any components of this chapter of the Code shall be raised by appeal taken directly from the action of the Board of Commissioners to the appropriate court, which shall not be filed later than 30 days from the effective date of this chapter of the Code.

## **§ 155-176. Filing fees and costs.**

- A. The Board of Commissioners shall establish by resolution a schedule of fees, charges and expenses as well as the collection procedures for zoning permits, certificates of occupancy, special exceptions, variances and appeals and other matters pertaining to this chapter of the Code. The resolution or schedule of the fees shall be available for inspection in the office of the Caln Township Zoning Officer.
- B. The Board of Commissioners may alter or change the schedule of the fees by resolution in accordance the appropriate provisions established within the Caln Township Code and the Pennsylvania Municipalities Planning Code.

## **§ 155-177. Violations, penalties and remedies.**

- A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this chapter of the Code shall, upon being found liable in a civil enforcement proceeding commenced by Caln Township, pay a judgment of not more than \$500, plus all court costs, including reasonable attorney fees incurred by Caln 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 District Justice. If the defendant neither pays nor timely appeals the judgment, Caln Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation unless the District Justice determines otherwise as prescribed by the Pennsylvania Municipalities Planning Code.
- B. 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 and judgment.
- C. Nothing contained in this chapter of the Code shall be construed or interpreted to grant to any person or entity other than Caln Township the right to commence any action for enforcement pursuant to this chapter of the Code.
- D. In the event any building, structure or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of this chapter of the Code, or in case any land, building or structure for which a use and occupancy permit is required is conveyed or possession otherwise transferred to a bona fide purchaser or lessee without obtaining such certificate of occupancy and delivering the same to such bona fide purchaser or lessee at or prior to conveyance or transfer of possession, whichever first occurs, the Board of Commissioner, in addition to other remedies, may institute in the name of Caln Township any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land or the conveyance thereof, or to prevent in or about such premises any act, conduct, business or use constituting a violation.

## § 155-178. (Reserved)

## § 155-179. (Reserved)

# Article XIV. Municipal Enactment

## § 155-180. Municipal adoption by the Board of Commissioners.

Chapter **155** of the Caln Township Code has been hereby comprehensively revised in order to implement the Caln Township Comprehensive Plan of 2003. Chapter **155** is hereby enacted by the Board of Commissioners of Caln Township, Chester County, Pennsylvania, on this 10<sup>th</sup> day of March, 2005.

## § 155-181. Effective date.

Chapter **155** of the Caln Township Code, as comprehensively revised, shall become effective upon its enactment by the Caln Township Board of Commissioners.

# Article XV. Noise Controls

[Added 9-30-2010 by Ord. No. 2010-04]

## § 155-182. Scope.

This article shall apply to the control of all sound originating within the limits of Caln Township.

## § 155-183. Definitions.

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

### **CONSTRUCTION**

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

### **CONTIGUOUS LAND USE**

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

### **CONTINUOUS SOUND**

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

### **DECIBEL (DB)**

A numerical expression of the relative loudness of a sound.

### **DEMOLITION**

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

### **EMERGENCY**

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

### **IMPULSIVE SOUND**

Sound of short duration with an abrupt onset and rapid decay and an occurrence of not more than one time in any fifteen-second interval.

### **LAND USE**

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

### **MOTOR VEHICLE**

A vehicle which is self-propelled except for one which is propelled solely by human power or by electric power obtained from overhead trolley wires.

### **NOISE**

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

**PLAINLY AUDIBLE SOUND**

Any sound that can be detected by a person using his or her unaided hearing facilities.

**PURE TONE**

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

**RECEIVING LAND USE**

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

**SOUND**

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

**SOUND DISSIPATIVE DEVICE**

A noise control device intended to abate or lessen the noise made by vehicles, equipment or machinery.

**SOUND LEVEL**

The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B or C as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4-1971, or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

**SOUND LEVEL METER**

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

## § 155-184. Administration and enforcement.

The Caln Township Zoning Officer shall have the power to administer the terms of this article, to investigate complaints and prosecute violations of this article in accordance with Article **XIII** of this Chapter. When enforcing the terms of this article, the Zoning Officer may retain consultants and engineers with experience in measuring sound levels with the use of sound level meters.

## § 155-185. Noise standards.

- A. Specific prohibited acts. The following actions are specifically prohibited regardless of the sound level which is emitted, unless otherwise exempted in this article:

- (1) No person shall operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, cassette player, sound amplifier or similar device which produces, reproduces or amplifies sound between the hours of 10:00 p.m. of one day and 7:00 a.m. of the following day in such a manner as to be plainly audible across a property line.
- (2) No person shall operate or permit the outdoor operation of any tools, equipment or machinery used for construction operations, drilling or demolition, or in the sweeping of parking lots between the hours of 10:00 p.m. of one day and 7:00 a.m. of the following day in such a manner as to be plainly audible across a property line.
- (3) No person shall operate or permit the outdoor operation of any powered tool, equipment or machinery (including but not limited to electrically powered saw, drill, sander, grinder, lawn or garden tool) between the hours of 10:00 p.m. of one day and 7:00 a.m. of the following day in such a manner as to be plainly audible across a property line.
- (4) No person shall load or unload trucks or other motor vehicles or open, close or otherwise handle boxes, crates, containers, building materials, garbage cans or other objects between the hours of 10:00 p.m. of one day and 7:00 a.m. of the following day in such a manner as to be plainly audible across a property line.
- (5) No person shall own, possess, harbor or control any animal or bird which howls, barks, meows, squawks or makes other sounds continuously and/or incessantly for a period of 10 minutes or makes such noise intermittently for 1/2 hour or more to the disturbance of any person at any time of the day or night, regardless of whether the animal or bird is situated in or upon private property; provided, however, that at the time the animal or bird is making such noise, no person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated or for any other cause which teased or provoked the animal or bird.
- (6) No person shall remove or render inoperative a sound dissipative device from motor vehicles, equipment or machinery, other than for purposes of maintenance, repair or replacement when such motor vehicle, equipment or machinery is not in use; intentionally move or render inaccurate or inoperative any sound-monitoring instrument or other device positioned by or for the Township or other governmental entity or agent thereof; or use any motor vehicle, equipment or machinery which has had a sound-dissipative device or any part thereof removed or rendered inoperative.
- (7) No person shall repair, rebuild or test or otherwise work on any motorcycle, motor vehicle, motorboat or aircraft outdoors between the hours of 10:00 p.m. of one day and 7:00 a.m. of the following day in such a manner as to be plainly audible across a property line.
- (8) Except for emergencies, no person shall intentionally sound or permit the sounding outdoors of any fire, burglar or civil defense alarm or any similar stationary emergency signaling device intended for public notification.

B. General performance standards/noise levels.

- (1) In those cases not specifically controlled by § **155-185A** above, no person shall operate or cause to be operated on private or public property any source of continuous sound (any sound which is static, fluctuating or intermittent with a recurrence greater than one time in any fifteen-second interval) in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in the following table when measured at or within the property boundary of the receiving land use. All measurements shall be made with a sound level meter which is in conformance with American Standards Association specifications.

- (2) Continuous sound levels by receiving land use.

<b>Receiving Land Use Category</b>	<b>Time</b>	<b>Sound Level Limit (dBA)</b>
Residential, public space, open space, agricultural or institutional	7:00 a.m. to 10:00 p.m.	60 dBA
	10:00 p.m. to 7:00 a.m. plus Sundays and legal holidays	50 dBA
Commercial or business	7:00 a.m. to 10:00 p.m.	65 dBA
	10:00 p.m. to 7:00 a.m. plus Sundays and legal holidays	60 dBA
Industrial	At all times	70 dBA

- (3) Correction for character of sound. For any source of sound which emits a pure tone, the maximum sound-level limits set forth in the above table shall be reduced by five dBA. For any source of sound which emits an impulsive sound (a sound of short duration, with an abrupt onset and rapid decay and an occurrence of not more than one time in any fifteen-second interval), the excursions of sound pressure level shall not exceed 20 dBA over the ambient sound pressure level, regardless of the time of day or night or receiving land use, using the "fast" meter characteristic of a Type II meter, meeting ANSI Specification S1.4-1971.

## § 155-186. Exceptions.

The following noises are exempted from the provisions set forth in § 155-185 of this article:

- A. Blasting, only if performed in accordance with a permit issued by the Pennsylvania Department of Environmental Protection. Such blasting may occur only between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, unless specifically authorized at different times by the DEP permit.
- B. Alarms or other devices used for the purpose of alerting people to the existence of an actual emergency or devices such as a horn or siren installed in a motor vehicle and used to warn persons of an imminent danger.
- C. Emergency work to provide electricity, water or other public utilities or restore essential public services, including construction activities directly related to the abatement of an emergency.
- D. Authorized emergency vehicles responding to an emergency.
- E. A snow plow, snow blower or other similar device used to remove snow or ice in operation.
- F. Work or activities performed or sponsored by schools and governmental agencies or their contractors in the performance of public service.
- G. Noises made by bells, chimes, carillons used for religious purposes or in conjunction with national celebrations or public holidays; existing bells, chimes and carillons and clock strike mechanisms that are currently in use for any purpose.
- H. Motor vehicle operations shall not exceed the noise levels established in Chapter 157 of Title 67 of the Pennsylvania Code of Regulations, Subchapter B, Established Sound Levels.

# Article XVI. Planned Residential Development Overlay District

[Added 2-17-2011 by Ord. No. 2011-02]

## § 155-187. Purpose.

This article is adopted to implement the purposes and intent of planned residential development as defined and authorized by the Pennsylvania Municipalities Planning Code ("MPC") and to establish qualifications, procedures and standards for such development. 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** of the MPC, adopts this article for the purposes of:

- A. Providing increased flexibility in the laws governing the development of those areas in the Township which are now substantially open land in close proximity to existing expressway interchanges and major arterial highways and encouraging such development in directions that will recognize both the changes in design and technology in the building industry and the demands in the housing market;
- B. Insuring that the uniform regulations appropriate to previously developed residential neighborhoods do not operate to discourage efficient and imaginative development of said substantially open areas consistent with the reasonable enjoyment of neighboring properties;
- C. Encouraging the more efficient use of land;
- D. Extending opportunities for housing;
- E. Allowing for compact, integrated, and sustainable development;
- F. Encouraging the efficient allocation and maintenance by private initiative of common open space ancillary to new residential areas;
- G. Minimizing traffic congestion; and
- H. Fostering a sense of place and community.

## § 155-188. Statement of legislative findings.

The Township hereby elects to adopt the provisions of and exercise the powers granted by Article **VII** of the MPC. In support thereof, the Board makes the following findings:

- A. Planned residential development is a way of designing residential neighborhoods which can provide a better environment for the people who live there. Its provisions encourage more productive use of open space, the preservation of salient existing natural features of the landscape, more varied and better design, increased pedestrian and vehicular safety, and greater design and planning flexibility than in conventional subdivisions and land developments.
- B. The Board finds that it is in the best interest of the Township to take full advantage of modern design,

construction, technology and planning methods and thus seeks to permit planned residential development, under certain conditions meeting certain design standards of the Township. The objectives to be accomplished by this article (the "PRD objectives") shall include, but are not limited to, the following:

- (1) To encourage innovative and flexible development plans that will contribute to the quality of life in the community through well-planned land uses and amenities.
- (2) To provide an optional approach to community development with provisions to permit more efficient use of land on other than a lot-by-lot basis and to recognize changes in design and technology in the building industry, new demands in the housing market, and the continuing evolution of community form.
- (3) To encourage the efficient allocation and maintenance of common open space ancillary to new residential areas.
- (4) To provide for the future housing needs of the Township while minimizing traffic impact by encouraging higher intensity residential development on substantially open land in proximity to existing expressway interchanges and adjacent to major arterial highways.
- (5) To encourage innovations in residential development so that the growing demand for housing and other development may be met by greater variety in type, density, design and layout of dwellings and other buildings and structures and by the conservation and more efficient use of open space ancillary to said dwellings and uses.
- (6) To assure that the flexibility of regulations herein is carried out pursuant to sound, expeditious and fair administrative standards and procedures.

## § 155-189. Definitions.

For the purpose of this article, certain terms, phrases and words are defined as follows:

### **DEVELOPMENT SCHEDULE**

A schedule approved with the tentative PRD plan showing proposed time frames within which the applicant shall submit final plans for each development section.

### **DEVELOPMENT SECTIONS**

Areas delineated in a PRD tentative plan for which separate applications for final plan approval may be filed. Development sections shall have no minimum or maximum acreage and may include one or more permitted uses.

### **GREEN**

A plaza, square, courtyard, pocket park, tot lot, playground, walkway, promenade, lawn area, or other outdoor space in which features such as pavers, benches, gazebos, pergolas, trellises, planters, plantings, lighting, sculpture, and the like, are installed and maintained, and in which public seating, gathering, outdoor dining, and other forms of passive and active recreation takes place.

### **LOT COVERAGE**

The percentage of the PRD gross tract area which can be covered by impervious surfaces.

### **PLANNED RESIDENTIAL DEVELOPMENT (PRD)**

An area of land within the Planned Residential Development (PRD) District to be developed pursuant to this

article as a single entity for a number of dwelling units, or a combination of residential 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 district created, from time to time, under the provisions of the Caln Township Zoning Ordinance. Planned residential development occurring within the Planned Residential Development District must comply with the regulations of the Planned Residential Development District and need not comply with the regulations applicable to the base zoning district in which the tract is located.

#### **PRD COMMON OPEN SPACE**

A parcel or parcels of land or an area of water, or a combination of land and water within a tract and designed and intended for the use or enjoyment of residents of a PRD. Common open spaces shall include greens, green courts, plazas, outdoor recreation areas such as pools and tennis courts and their associated parking areas, structures such as garden pavilions and pergolas intended to be part of and enhance common open spaces, stormwater management areas, utility easement areas, and other areas greater than 20 feet in width. Common open space shall not be within five feet of a residential or nonresidential structure and shall not include private lots, dwelling units and accessory buildings, streets, driveways, rear lanes and residential and nonresidential parking areas.

#### **PRD GROSS TRACT ACRE**

An acre included in the calculation of PRD gross tract area.

#### **PRD GROSS TRACT AREA**

The total area within the title lines of a PRD tract. With respect to a PRD tentative plan, the calculation of gross tract area shall not include any deductions of any kind and shall include but not be limited to rights-of-way, open space, waters, constrained lands and uses of all kinds. The gross tract area of an approved PRD tentative plan shall not be reduced or changed as portions of the PRD are conveyed by the applicant to other parties.

#### **REAR LANE**

An all-weather surfaced minor road or alley that provides access to the rear or side of a property. A rear lane shall be privately owned. Rear lanes may be contained within an on-lot easement or private right-of-way. There shall be no limitation on the number of units that may be served by a single rear lane provided that all such units may be accessed by fire and emergency vehicles.

## **§ 155-190. Application for tentative plan approval.**

The application for tentative approval shall be submitted to the Township Engineer and shall comply with and be subject to the requirements and procedures of Section 707 of the MPC.

## **§ 155-191. Public hearing.**

After the filing of an application for tentative plan approval pursuant to § 155-190 of this article, a public hearing on the application shall be held by the Board in accordance with the requirements and procedures of Section 708 of the MPC.

## **§ 155-192. Findings.**

The Board, in accordance with and subject to the requirements and procedures of Section 709 of the MPC, shall, within 60 days following the conclusion of the public hearing, by official written communication to the applicant, 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 to the development plan.

### **§ 155-193. Status of plan after tentative approval.**

Where tentative approval has been granted, the same shall be noted on the Township Zoning Map and the tentative plan shall have the status established by and be subject to the provisions of Section 710 of the MPC.

### **§ 155-194. Application for final approval.**

An application for final approval, or any section thereof, shall be submitted to the Township Engineer and shall comply with and be subject to the requirements and procedures of Section 711 of the MPC.

### **§ 155-195. Administration and review.**

The provisions of Article **XIII** of this chapter, as amended, titled "Administration and Enforcement," shall be fully applicable to the PRD application and development plan submitted therewith as finally approved insofar as the provisions thereof are consistent with the provisions of this article and the conditions of final approval.

### **§ 155-196. Conditions of eligibility.**

- A. The provisions of this article may be applied only to a planned residential development of at least 50 acres of land which is within the PRD Overlay District, under single ownership and which has a minimum of 500 feet of frontage on a major arterial street, and which is proposed to be developed pursuant to the standards and criteria for planned residential development herein provided, and subject to the approval of the Board.
- B. The Planned Residential Development Overlay District (PRD Overlay District) shall be defined as all properties within the R-1 Zoning District wherein all or a portion of the tract lies within a concentric zone as measured by a three-thousand-foot radius extending outward from the middle of the interchange at Route 322 and Route 30. The limits of the PRD Overlay District shall be determined by the Zoning Officer and shall be added to the Official Zoning Map of Caln Township which is adopted pursuant to § **155-15** of this Chapter.

### **§ 155-197. Use regulations.**

The following residential uses are permitted within a PRD: single-family detached, multifamily townhouse, multifamily apartments, accessory residential uses, or any combination thereof.

## § 155-198. Permitted density.

- A. The overall residential density of a PRD shall not exceed eight dwelling units per PRD gross tract acre.
- B. Each development section of the PRD shall be permitted to vary from the residential density established for the entire PRD provided the entire PRD tract does not exceed the maximum density of eight dwelling units per PRD gross tract acre.

## § 155-199. Waivers.

The "Residential Land Use and Development Requirements" contained in Article **VII** and the "Nonresidential Land Use and Development Requirements" contained in Article **VIII** of this chapter, and the "Design Standards" contained in Article **IV** of the Caln Township Subdivision and Land Development Ordinance ("SALDO") shall apply to all uses, buildings and structures within a PRD except where superseded by the requirements of this article or if the Board approves a waiver or modification of such provisions as part of the tentative or final plan approval. At the time of tentative or final plan approval, the Board shall have the discretion to waive or modify the specifications otherwise applicable where the applicant has demonstrated that a waiver or modification of the otherwise applicable regulation is appropriate. Applicant shall submit with the application for tentative plan approval a list of all sections of this chapter and the SALDO for which applicant requests a waiver or modification as part of its tentative plan approval.

## § 155-200. Recreation facilities and open space.

- A. A minimum of 40% of the PRD gross tract area shall be set aside as common open space. The location of common open space shall be consistent with the declared function of the common open space as set forth in the application for a PRD.
- B. The tentative and final PRD plan shall differentiate between active and passive open space uses and provide developed active recreation facilities as part of the open space plan. Provisions for the perpetual ownership and maintenance of the common open space in accordance with the requirements of Section 705(f) of the MPC shall be provided and properly documented as required by the Township Solicitor.
- C. Recreation facilities and open space uses shall be incorporated into each phase or stage of development in the manner prescribed by the tentative and final PRD plan. The recreation facilities and open space requirements that are approved or required for each development section shall be constructed and available for use prior to commencement of any of the next development sections.

## § 155-201. Covenants and easements.

The plan shall contain such proposed covenants, easements, and other provisions relating to the bulk, location, and density of such residential units, public and community facilities as are necessary for the welfare of the

residents of the planned residential development. Said covenants, easements, and other provisions, if part of the tentative and final PRD plan as finally approved, may be modified, enforced, removed or released only in accordance with the provisions of the MPC.

### § 155-202. Development schedule.

The applicant shall designate divisible geographic sections of the development plan as well as the number and type of dwellings contained therein and shall, in such case, specify in the development schedule the time periods within which development of each such section is to commence. The construction commencement date for each section thereof may be modified from time to time by the Board upon the showing of good cause by the applicant. Prior to recordation of the final PRD plan or any segment thereof, the applicant shall execute such easements, covenants and other arrangements and furnish such escrow funds as may be required by Section 711(d) of the MPC.

### § 155-203. Green building methods.

The applicant shall incorporate green building methods, materials, and technology in the design and construction of buildings within a PRD and shall demonstrate to the Board which methods of green building it intends to use which would qualify the buildings for "green" certification from a qualified organization such as U.S. Green Building Council (USGBC), National Association of Home Builders (NAHB), or any other approved agency in which a percentage of efficiency rating is achieved with respect to lighting, heating, cooling, and other utilities used in the development. The Board may require as a condition of tentative plan approval that the applicant incorporate specific green building methods, materials and technology in the design and construction of the buildings within the PRD.

### § 155-204. Design standards.

- A. Residential lots shall be designed to promote compact, integrated and sustainable neighborhoods, consistent with the PRD objectives of this article.
- B. A PRD shall contain at least two different types of permitted residential uses. No single residential dwelling type may exceed 70% of the total number of residential units unless specifically approved by the Board.
- C. The maximum impervious coverage for the PRD gross tract area shall be 40%.
- D. Individual units or buildings within an approved PRD may be subdivided, leased, purchased, sold and developed as individual zero lot line units (no minimum lot size or required yard area).
- E. Minimum building separations, setbacks and maximum building height:

	<b>Front to Front (feet)</b>	<b>Side to Side (feet)</b>	<b>Side to Rear (feet)</b>	<b>Rear to Rear (feet)</b>	<b>Front to Rear (feet)</b>	<b>Minimum Rear Building Setback to Alley if Applicable</b>	<b>Maximum Building Height</b>
Multifamily townhouse	50	20	40	32	35	20 feet/18 feet with 1-car	2.5 stories/35 feet

Multifamily apartments	75	30	35	50	35	garage, 8 feet with 2-car garage 20 feet/18 feet with 1-car garage, 8 feet with 2-car garage	3 stories/45 feet
Single-family detached	50	20	40	32	35	20 feet/18 feet with 1-car garage, 8 feet with 2-car garage	3 stories/45 feet
Accessory residential buildings, pursuant to § 155-210A	20	20	20	20	20	N/A	3 stories/45 feet

- F. All buildings and dwelling units shall be set back a minimum of 50 feet from the tract boundary. There shall be a twenty-five-foot wide buffer yard and planting screen along the property lines at the perimeter of the PRD tract boundary when abutting existing residential development to enhance the privacy of adjacent property owners. The design of the landscape and planting screen shall be subject to approval by the Board of Commissioners as part of the tentative plan approval. The use of existing mature trees is encouraged and may be utilized as part of the required buffer yard.
- G. Maximum building length.
  - (1) Multifamily townhouses shall be a maximum of 160 feet.
  - (2) Multifamily apartments shall be a maximum of 200 feet.
- H. Accessory structures and buildings.
  - (1) Decks and patios are permitted to extend a maximum of 10 feet as measured from the rear building wall. Porches may extend a maximum of 10 feet as measured from the front building wall.

## § 155-205. Streets and driveways.

- A. Innovative street engineering techniques such as roundabouts, planted medians, curb extensions, bulb outs, and other traffic calming techniques described in the Pennsylvania’s Traffic Calming Handbook (2001) are encouraged provided that the requirements for fire and emergency access as specified in the Caln Code are met.
- B. A PRD accessed by a boulevard roadway shall be considered to have two means of access for safety and emergency vehicles provided that the boulevard roadway contains two independent cartways with a minimum width of 20 feet each, separated by a landscaped median.
- C. When a cul-de-sac street is used in residential development, it must be provided with a paved turning circle of sufficient width to facilitate snow removal and to permit easy access for fire-fighting equipment and

general truck delivery. The minimum paving radius shall be 100 feet to the outside curb.

D. The following table describes minimum standards for local streets and rear lanes in a PRD:

Type	On-Street Parallel Parking	Minimum Right-Of-Way Width	Minimum Cartway Width
Local street	None	50 feet	22 feet
Local street	1 side	50 feet	28 feet
Local street	2 sides	50 feet	34 feet
Rear lane, one-way	None	N.A.	12 feet, paved
Rear lane, two-way	None	N.A.	16 feet, paved

E. In multifamily apartment areas where off-street parking is accessed from privately owned cartways, the cartways shall have a minimum width of 26 feet including, as applicable, integral slant and concrete roll curbing.

F. A clear site triangle of 65 feet shall be maintained at the intersection of minor streets.

G. The center line grade of any street shall not exceed 10%. If the center line grade of any street exceeds 7% then the Township shall have no obligation to accept dedication of said streets, and, if accepted for dedication, a condition of dedication of said streets to Caln Township shall be that the homeowners association and multifamily apartment owner, as may be applicable, agree that all snow and ice removal from streets within the PRD development shall be the responsibility of the homeowners’ association and multifamily apartment community.

H. The minimum radius for a curb shall be 15 feet at the intersection of minor roads provided that curbing details adequately provide for emergency vehicle turning movements through the use of depressed and/or roll-over curb designs.

### § 155-206. Landscaping.

- A. Street trees may be planted within landscaped medians and islands on common open space and within public and private rights of way at locations approved by the Board as part of tentative plan approval. The species of street trees selected shall be approved by the Board as part of tentative plan approval and shall be demonstrated to minimize heaving of sidewalks.
- B. A minimum of two selected canopy, flowering or evergreen trees must be provided for every dwelling unit in a PRD, which may include street trees. These trees are not required to be located on individual lots but can be located in common open space areas and along streets, rear lanes, sidewalks and other pathways throughout the PRD in accordance with a landscape plan prepared and certified by a professional landscape architect. This tree planting requirement shall also satisfy all Caln Township woodland replacement requirements as set forth in § 155-37 of the Zoning Ordinance.
- C. A landscaping plan which is prepared in accordance with § 155-119 of the Zoning Ordinance shall be submitted with the tentative plan and approved by the Board of Commissioners as part of tentative plan approval.

### § 155-207. Sidewalks.

- A. Sidewalks, hiking trails, promenades, boardwalks, and other pedestrian facilities shall be designed and built to form a continuous pedestrian network throughout all developed areas within the PRD.
- B. There shall be a sidewalk in front of all residential units in a PRD.
- C. There shall be a sidewalk or other pedestrian facility leading to all common area amenities.

## § 155-208. Parking and loading.

- A. There shall be two parking spaces for each multifamily apartment unit. There shall be 2.5 parking spaces for all other residential dwelling units. Required parking spaces may include garage, off-street and on-street parking. Driveway parking may not be included in the calculation of required parking.
- B. Parking shall not be required to be located on the same lot as the proposed building or use.
- C. Required parking may be located on-street as long as the on-street space is located within 300 feet of the dwelling unit.
- D. On-street parking.
  - (1) On-street parallel and perpendicular parking is permitted in a PRD provided that adequate emergency and fire access is maintained in accordance with the Fire Code.
  - (2) On-street parking spaces shall not be assigned or owned by any particular building or use.
  - (3) On-street perpendicular parking spaces shall be a minimum of nine feet by 18 feet. On-street parallel parking spaces shall be a minimum of seven feet by 22 feet.
- E. Off-street parking.
  - (1) Off-street perpendicular parking spaces shall be a minimum of nine feet by 18 feet.

## § 155-209. Utilities.

- A. The PRD shall be serviced by public water and public sewer.
- B. Utilities may be located within the street or rear lane. Easements or rights-of-way of sufficient width for installation and maintenance shall be provided.
- C. Easements for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains, and/or other utility lines intended to serve adjacent lots or buildings shall be of sufficient width for access and maintenance and shall be no less than 20 feet in width.
- D. All utilities shall be provided underground.

## § 155-210. Accessory residential uses and buildings.

- A. Accessory residential uses in a PRD shall include but not be limited to leasing and management offices, sales offices, clubhouses, maintenance buildings, pools and recreation facilities and other similar facilities

provided that the accessory uses are intended solely for the use and benefit of the residents of the PRD and have been approved as part of the tentative plan.

- B. Sheds and pools shall be prohibited for multifamily townhouses. Decorative or ornamental fencing may be permitted provided the same is shown on the approved final PRD plan. Open decks and patios constructed of an impervious surface may be permitted for multifamily townhomes provided the total area of the patio does not exceed 80 square feet per townhouse.

## **§ 155-211. Revision and amendment of final approved PRD plan.**

The landowner or applicant may amend an approved final plan, in accordance with and subject to the requirements and procedures of Section 706 of the MPC by submitting the amended plan to the Board. The Board shall review the amended final plan in the same manner as an initial final plan submission as described in § **155-193** of this article.