

Article XIX: Supplemental Use Regulations

SECTION 240-1900. APPLICABILITY

A. This Article establishes supplemental controls for uses requiring special design considerations to ensure compatibility with other uses permitted within a zoning district. The following regulations shall apply to all zoning districts in which the particular use being regulated is permitted. The provisions of this Article shall be in addition to the standards established by the applicable zoning district, conditional use or special exception procedures, where applicable, and any applicable section of this Chapter or other codes or ordinances.

B. Uses specifically regulated in this article include the following:

- § 240-1901 Accessory (residential, commercial, industrial, and institutional) uses, buildings, and structures
- § 240-1902 Adult commercial use
- § 240-1903 Agricultural uses (Indoor and Outdoor)
- § 240-1904 Automotive uses (Automobile fuel station, sales, and automotive repair) and equipment or mechanical repair)
- § 240-1905 Bed-and-breakfast operation (Bed-and-breakfast inn and bed-and-breakfast home/temporary accessory residential use)
- § 240-1906 Business park
- § 240-1907 Cemetery (including residential plots)
- § 240-1908 Commercial service/retail center and Individual Commercial Uses exceeding 10,000 square feet gross floor area
- § 240-1909 (Commercial) Tower-based wireless communications facilities
- § 240-1910 Cottage brewing, distilling, and winemaking industries
- § 240-1911 Educational use
- § 240-1912 Event space, museum/art gallery, and performing arts facility
- § 240-1913 Funeral home and crematories
- § 240-1914 Health care related uses
- § 240-1915 Home occupation (No-impact home-based business and home-based business plus pick your own flowers, sale of eggs and produce, honey, etc.)
- § 240-1916 Hotel or motel
- § 240-1917 Junkyard or salvage yard
- § 240-1918 Kennel and veterinary hospital
- § 240-1919 Medical marijuana dispensary
- § 240-1920 Medical marijuana grower/processor
- § 240-1921 Mini warehouse/self-storage

- § 240-1922 Mixed use proposal in villages
- § 240-1923 Mobile home park
- § 240-1924 Multifamily dwellings (including apartments and townhouses)
- § 240-1925 Nursing home, assisted living, and similar uses
- § 240-1926 Quarrying/mining
- § 240-1927 Recreation area (outdoor) and recreation facility (indoor)
- § 240-1928 Recycling collection center, recycling, processing facility and/or trash transfer station
- § 240-1929 Renewable energy systems (primary use or accessory use)
- § 240-1930 Residential conversion
- § 240-1931 Retirement community
- § 240-1932 Sanitary landfill
- § 240-1933 Temporary structure and use
- § 240-1934 Transitional housing
- § 240-1935 Uses that are large scale non-residential of 10,000 sq. ft. or greater

SECTION 240-1901. ACCESSORY USES, BUILDINGS, AND STRUCTURES

A. General.

1. Buildings, structures, and uses in this Section are accessory and shall be incidental and subordinate to the principal use on the lot. With the exception of provisions in this Chapter such as encouraging the viable adaptive reuse of historic resources, an accessory use, building, or structure shall not be considered an additional principal use, building, or structure on the lot.
2. Accessory buildings, structures, and uses, except as otherwise provided, shall be:
 - a. On the same lot, or tract, as the principal use.
 - b. In the side or rear yard of the lot.
 - c. No further forward on the front of the lot than the building setback line.
 - d. Outside of any primary or replacement sewage system area or any water supply area by a minimum of ten (10) feet.
 - e. Outside of any eased area unless permission from the easement holder is granted.
 - f. No larger than six-hundred (600) sq ft. in floor area and/or taller than fifteen (15) feet in height, unless otherwise approved as a special exception.
3. Except where uses are specifically permitted to have such, junk or an accumulation of junk shall not be considered an allowable accessory use. Outdoor storage shall meet § 240-2012.
4. Active recreational accessory uses including swimming pools (pool structure, pool deck, pool shed, mechanical support equipment), cabanas, bathhouses, tennis courts, basketball courts, play equipment, hot tubs, saunas, and other active accessory uses.

- a. Erection and installation must meet the Township Building Code, including fencing requirements such as for swimming pools.
 - b. Fences erected around private non-commercial swimming pools shall not be located beyond a distance, to be measured from the water's edge, that is two (2) times the greatest distance measured across the surface of the pool, however the minimum distance from a property line may be no less than five (5) feet.
 - c. Private non-commercial active recreational accessory uses shall be located no less than twenty (20) feet to a lot line.
 - d. Commercial or community active recreational accessory uses, including for residential developments, shall meet the minimum yard requirement for the principal structure.
 - e. Uses shall be screened from view from adjacent residential lots per Article XX.
 - f. Lighting shall be hooded, screened, and designed to prevent glare and light impingement on adjacent residential lots and uses per Article XX.
5. Flagpole.
6. Keeping of animals and shelter including barns and stables for non-agricultural purposes per § 240-2020.
7. Patio, deck, shed, bicycle parking, or gazebo and like areas for residential uses or designed to serve the employees of a commercial industrial, or institutional use.
8. Renewable energy system per § 240-1929 for on-site energy use purposes provided it receives a building permit are installed to industry standards.
9. Signs per Article XXI.
10. Fences or walls per Article XX.
11. Electric vehicle charging.
- B. Agricultural accessory uses, buildings, and structures. The following uses, buildings, and structures shall be permitted when incidental and subordinate to a principal agricultural use.
- 1. Storage of agricultural products and farm machinery.
 - 2. Barns, stables, and silos sheltering livestock, poultry, and farm products.
 - 3. Preparation of agricultural products produced on the premises.
 - 4. Agricultural warehousing.
 - 5. Agriculture worker housing per § 240-1903.
 - 6. Display and sale of agricultural products per § 240-1903.
 - 7. Signs for the agricultural use per Article XXI.
 - 8. Mushroom composting as an accessory use to mushroom production and agricultural composting as an accessory use to any agricultural use, per § 240-1903.
 - 9. Agricultural accessory buildings and structures including outbuildings, storage of agricultural products and machinery, and other like storage on lots used principally for agriculture shall be set back from any lot line that is not part of the principal agricultural use a minimum of fifty (50) feet.
 - 10. Secondary agricultural use or business.
 - 11. Agritourism.
 - 12. Cottage brewing, distilling, or winemaking industries per § 240-1910.
 - 13. Residential accessory uses, buildings, and structures per Subsection C.
 - 14. Veterinary hospital per § 240-1918 and/or kennel.

15. Off-street parking and loading facilities, driveways, and service lanes per Article XX.
- C. Residential accessory uses, buildings, and structures. The following uses, buildings, and structures shall be permitted when incidental and subordinate to a principal residential use.
1. Private garage, driveway, or off-street parking per Article XX.
 2. Private noncommercial greenhouse.
 3. Home occupation (home-based business and no-impact home-based business) per § 240-1915 and bed-and-breakfast uses per § 260-1905.
 4. Garage or yard sale.
 - a. There shall be not more than four (4) occurrences within one (1) calendar year. There shall be at least a thirty (30) day period between such occurrences, and each occurrence shall last no more than four (4) consecutive days.
 - b. Signs for garage or yard sales shall meet Article XXI.
 5. Residential outdoor storage per § 240-2012.
 6. Private personal radio antenna, television antenna, or microwave dish antenna.
 - a. Where applicable, structures shall comply with Federal Communications Commission (FCC) regulations and the Township Building Code and other permits including zoning permits as applicable.
 - b. Freestanding antenna of any type shall be located in the side or rear yard and a building permit submitted and approved prior to the installation of the antenna. No portion of the base of a freestanding antenna shall be located any closer to a lot line than the height of the antenna or twenty-five (25) feet, whichever is greater.
 - c. The highest point of a radio or television antenna shall not exceed the peak of the roof of the principal building by more than fifteen (15) feet when mounted to the building or, if a freestanding antenna, the maximum height of the antenna shall be fifty (50) feet.
 - d. When roof- or wall-mounted, microwave dish antenna shall not project above the roofline. If freestanding, the total height of the dish antenna shall not exceed ten (10) feet. Microwave dish antenna shall not exceed three (3) feet in diameter.
 - e. No more than two (2) antenna of any kind shall be permitted per dwelling unit, nor shall more than one (1) freestanding radio or television antenna or one (1) microwave dish antenna be permitted per dwelling unit.
 - f. Antenna shall be screened from adjacent lots and public rights-of-way with staggered plantings or fencing to the extent that such screening does not substantially interfere with reception.
 7. Accessory uses of a passive nature, such as a utility or garden shed, shall be set back from the side or rear lot line a minimum of ten (10) feet except when located on an individual lot of less than twelve-thousand (12,000) square feet in which case the minimum setback shall be five (5) feet from the side or rear lot line.
 8. Accessory buildings shall occupy no more than ten percent (10%) of the side or rear yard area except when located on an individual lot of less than twelve-thousand (12,000) square feet in which case the maximum shall be twenty percent (20%).

9. Private garages and any accessory buildings with a floor area of five-hundred (500) square feet or more shall have the same minimum yard setbacks as the principal use and shall meet applicable standards of Article XX.
10. Accessory dwelling units shall be allowed when and as permitted in the underlying zoning district and as follows:
 - a. An accessory dwelling unit shall only be permitted within an existing single-family detached dwelling or accessory detached building. Owners of the accessory dwelling unit shall be required to obtain a Township permit.
 - b. The accessory dwelling unit shall clearly be subordinate to the primary dwelling in terms of size and function.
 - c. When located within a single-family detached dwelling, the accessory dwelling unit's floor area shall not exceed thirty-five percent (35%) of the habitable floor area of such single-family detached dwelling as it was prior to construction of the accessory dwelling.
 - d. The floor area of an accessory dwelling unit located within an accessory detached building shall not exceed one-thousand (1,000) square feet.
 - e. Only one (1) accessory dwelling unit shall be permitted within the primary existing single-family detached dwelling or an accessory detached building but not both, and one (1) of the two (2) dwellings shall be owner-occupied.
 - f. An accessory dwelling unit may be permitted on a nonconforming lot or within a nonconforming structure so long as doing such does not increase the nonconformity.
 - g. Where an accessory dwelling unit is added to a single-family detached dwelling, the principal dwelling shall maintain the facade and appearance of the original building prior to the creation of the accessory dwelling. Entrances to the accessory dwelling shall be located on the side or rear of the principal dwelling.
 - h. Parking shall be provided per Article XX. Off-street parking for the accessory dwelling is preferably to be located to the side or rear of the principal dwelling.
 - i. The applicant shall submit the following information with the application for the accessory dwelling unit:
 - 1) Site and architectural plans indicating both exterior and interior modifications associated with the accessory dwelling unit, including its floor plan, egress, sewage disposal, water supply systems, and proposed parking.
 - 2) A permit from the Chester County Health Department demonstrating that adequate sewage disposal and water supply systems can be provided.
 - j. The accessory detached dwelling preferably should be located on the same lot as the principal dwelling, however if a tract contains more than one (1) lot, single ownership shall be maintained of the property on which the principal dwelling and the accessory detached dwelling are located. Neither dwelling unit can be separately sold or transferred without first securing subdivision approval from the Township. Approval of an accessory dwelling unit shall not create or imply a right of the owner of the subject lot to subdivide the lot.
11. Residential compost for use in gardens, landscaping, and yards associated with typical residential uses and that shall be in the side or rear yard area.

- D. Commercial, institutional, and industrial accessory uses, buildings, and structures. The following uses, buildings, and structures shall be permitted when incidental and subordinate to a principal commercial, institutional, and industrial use.
 - 1. Off-street parking and loading facilities and driveways, thoroughfares, service lanes, or alleys, accessways, and interior circulation per with Article XX.
 - 2. Outdoor storage and display of materials outdoor storage per § 240-2012.
 - 3. Signs per Article XXI.
 - 4. A helicopter landing pad (helipad) may be permitted by conditional use as a nonresidential accessory use in the C or LI District if the following criteria are met:
 - a. The principal use shall be located on a tract size of not less than ten (10) acres.
 - b. The helipad shall only be used for trips that support the principal use.
 - c. The setback between the landing pad and all property lines shall be a minimum of three-hundred (300) feet.
 - d. The use shall meet the minimum safety standards for licensing by the Commonwealth of Pennsylvania and the applicant shall have obtained and submitted evidence to the Township of a satisfactory air space decision from the Federal Aviation Administration (FAA). Such facilities shall meet the minimum recommended design standards of the FAA.
 - e. Where the helipad is located at ground level, a twenty (20) foot-deep landscaped area meeting the planting standards of § 240-2011 shall be provided around the landing facility. Trees shall be located so as not to encroach into an eight-horizontal-to-one-vertical (8 to 1) flight path from the landing pad in all directions.
 - f. Applications for helipads shall be accompanied by the following information:
 - 1) A detailed site plan showing the layout of the aircraft landing area, fire suppression equipment and access, parking areas, fencing, landscaping, lights, walkways, adjacent streets, structures on adjacent properties, and other details necessary to show compliance with the required standards.
 - 2) An approach/departure flight path site plan showing proposed flight paths.
 - 3) Operational information such as the proposed hours of operation; the number, type, and size of aircraft to be located at or expected to use the site; maximum number of helicopter trips expected on a daily, weekly and annual basis; and the purpose of the trips.
 - 4) Evidence of required state and federal approvals for the facility.
 - 5. Private radio antenna, television antenna, or microwave dish antenna.
 - a. Any commercial communication antenna shall comply § 240-1909 and shall only be located in those districts as permitted by this Chapter.
 - b. Subsection C.6.a., b., c., and f. shall apply.
 - c. Microwave dish antenna shall meet the following additional standards:
 - 1) The total height of the antenna shall not exceed twelve (12) feet if roof- or wall- mounted and fifteen (15) feet if freestanding.

- 2) A building permit shall be submitted and approved prior to the installation of the antenna.

6. Accessory buildings and structures shall have the same minimum setbacks as the principal use.
7. Accessory buildings and structures shall occupy no more than forty percent (40%) of the side or rear yard area.
8. Drive-through service.
 - a. The principal use shall have frontage along a major street and access shall from a street with a higher functional classification.
 - b. There shall be no more than one (1) point of ingress and one (1) point of egress to each street on which the lot abuts.
 - c. Access shall meet § 240-2016 and interior circulation shall meet § 240-2015.
 - d. A drive-through service area shall not be located adjacent to or facing a residential lot or district.
 - e. A drive-through service area shall have a vehicle stacking lane that can accommodate a minimum of eight (8) vehicles for eating and drinking establishments and five (5) vehicles for other uses, as well as a lane for departing vehicles. The stacking lane shall be clearly marked and not be used for parking lot aisles or driveways, nor shall conflict in any way with circulation or parking.
 - f. When the primary use is adjacent to or on the same lot with other commercial uses, it shall use the common access with the other establishments and not have a separate access to the street.
 - g. Trash receptacles shall be provided in the stacking and/or departing lane.

9. Outdoor dining.
 - a. Outdoor dining shall meet parking requirements of § 240-2003.
 - b. The area dedicated to outdoor dining shall be included in the calculation for building coverage and location.
 - c. Outdoor dining shall meet lighting requirements of § 240-2013 applicable to a commercial use with "low activity."
 - d. The area dedicated to outdoor dining may not exceed seven-hundred and fifty (750) square feet, shall contain a maximum of thirty (30) tables or one-hundred (100) seats, whichever is less.
 - e. Any outdoor dining area must comply with this Chapter and the Township Building Code as well as other applicable requirements such as those of Chester County Health Department.
 - f. The area used for outdoor dining must be demarcated from parking areas and driveways, and screened from abutting residential lots by a fence, wall, hedgerow or other suitable barrier per Article XX.
 - g. The area used for outdoor dining shall not infringe on any public sidewalk through zone, or encroach upon required green space or open space.
 - h. Outdoor dining shall meet § 240-2014 for noise level.
 - i. Outdoor Dining service shall not be provided before 8:00 a.m. or after 11:00 p.m.

- j. The area used for outdoor dining shall contain sufficient trash receptacles, which shall be removed from the outdoor dining area at the end of each business day.

SECTION 240-1902. ADULT USE

- A. The following location standards shall be met:
 - 1. Adult uses shall be located a minimum of one-thousand (1,000) feet from another existing adult use.
 - 2. Adult uses shall be located a minimum of five-hundred (500) feet from any residential district or use, religious use, educational use, day-care use, playground, or park.
- B. Signs and visible messages based on the allowable sign area for a business within the applicable zoning district per Article XXI shall be permitted, provided:
 - 1. Sign messages shall be limited to verbal description of materials or services available on the premises and shall not include vulgar, obscene, or age-inappropriate language.
 - 2. Sign messages may not include any graphic or pictorial depiction of material or services available on the premises or off-premises.
- C. Adult uses shall require application for a conditional use approval per Article XXV. Application for such a conditional use approval shall consist of:
 - 1. Information as required by Article XXV.
 - 2. A description of the premises for which the approval is sought.
 - 3. A statement of the intended use(s).
 - 4. Hours of operation.
 - 5. Type, size, and location of proposed sign(s).
- D. Nothing in this Chapter shall be deemed to allow any uses that are "obscene," as that term has been interpreted from time to time by the courts of the United States or the Commonwealth of Pennsylvania.
- E. There shall be no alcoholic beverages in association with adult uses without proper Commonwealth licensing and approval from the Pennsylvania Liquor Control Board.

SECTION 240-1903. AGRICULTURAL USE, INDOOR AND OUTDOOR

- A. Agriculture uses may coexist on the same tract.
- B. Agricultural worker housing.
 - 1. Such use shall only be permitted as an accessory use on a tract used for agriculture.
 - 2. Such housing shall be only used for farm workers employed on agricultural tract and their immediate families.

3. Housing shall have a maximum density of five (5) dwelling units per acre. Housing shall comply with Township Building Code requirements and applicable setbacks for a principal use and coverage requirements of the district in which it is located.
4. It is preferred that this housing is individual buildings such as mobile or manufactured homes. When agricultural worker housing is provided in the form of mobile or manufactured homes or other individual dwelling units, there shall be a minimum separation distance of thirty (30) feet between units. Mobile or manufactured homes shall meet the installation requirements of § 240-1923 and the structural and parking requirements of the Subdivision and Land Development Ordinance.
5. Housing shall be served by sewer and water systems approved by Chester County Health Department and Pennsylvania Department of Environmental Protection, as applicable.
6. Housing must meeting Pennsylvania Dept. of Agriculture requirements. Proof of any required inspections, permitting, and the like indicating compliance with applicable standards shall be provided to the Township upon request.

C. Sale of agricultural products.

1. The sale of agricultural products shall only be permitted as an accessory use incidental to the principal agricultural use.
2. Parking per Article XX shall be met and parking spaces shall be located outside the street right-of-way.
3. Sign regulations per Article XXI shall be met.
4. When the sale of agricultural products is conducted from a portable stand, the following conditions shall apply:
 - a. The sales area of the portable stand shall not exceed two-hundred (200) square feet.
 - b. The portable stand shall be located a minimum of twenty-five (25) feet from the street line and from any adjacent lot line.
 - c. The portable stand shall be removed at the end of the growing season, as applicable.
5. Permanent buildings may be used for the sale of agricultural products if they comply with applicable setback requirements of the district in which they are located and the applicable requirements of this Section.

D. General Standards.

1. The applicant may be required to provide documentation to the Township demonstrating that the agricultural operation has a farm management plan including best management practices and approved by Chester County Conservation District.
2. All seed, fertilizer, and production materials related to the agriculture use shall be stored in a secured, rodent-proof container and housed within an enclosed structure.
3. Pesticide use shall be subject to applicable federal and state regulations.
4. Stockpiling of organic or other material shall be designed to prevent stormwater runoff into streams, streets, and adjacent properties. Storage shall be located at least fifty (50) feet from any lot line or Flood Hazard District boundary, at least one hundred (100) feet from any wetland or waterbody, shall not be applied to very steep slopes, and shall not be stored within a drainageway or located so as to drain onto adjacent land.

E. Greenhouse production.

1. Maximum lot coverage shall not exceed sixty percent (60%) as long as Stormwater Management Ordinance can be met.
2. Screening shall meet § 240-2011.

F. Mushroom related uses.

1. Mushroom production. The primary intent of these provisions is to encourage producers to use the best available technology as it is developed for the mushroom industry and to implement best management practices for the protection of the environment.
 - a. Minimum lot area shall be specified in the applicable zoning district.
 - b. Mushroom production operations, including composting, shall meet the "Best Practices for Environmental Protection in the Mushroom Farm Community," Pennsylvania Department of Environmental Protection. The applicant may be required to provide documentation to the Township that the operation has a mushroom farm environmental management plan that meets best management practices and is approved by the Chester County Conservation District.
 - c. Setbacks.
 - 1) Minimum front and back yard setback of enclosed structures and loading and unloading facilities: Seventy-five (75) feet.
 - 2) Minimum side yard setback of enclosed structures and loading and unloading facilities: Fifty (50) feet.
 - 3) Outdoor composting shall meet setbacks of Subsection G.2.
 - d. Maximum building coverage shall not exceed fifty percent (50%).
 - e. Maximum lot coverage shall not exceed seventy percent (70%).
 - f. A landscaped buffer with a minimum width of twenty-five (25) feet shall be located along property lines. No structures, storage, parking, or any other related activity shall be permitted within this buffer. Vegetative screening shall be provided within and shall meet § 240-2011.
 - g. Stormwater management provisions shall be met including applicable provisions of the mushroom farm environmental management plan.

G. Mushroom composting.

1. Mushroom composting shall be an accessory use on the same property used for mushroom production.
2. Setbacks.
 - a. Outdoor preparation and storage of compost shall be located at least one-hundred and fifty (150) feet from any dwelling other than that of the property owner and a minimum of one hundred (100) feet from property lines.

- b. New residential uses proposed adjacent to existing outdoor composting shall have a minimum one hundred and twenty five (125) foot setback from adjacent lot lines.
 - c. Setbacks for enclosed composting shall meet Subsection F.1.c.
- 3. Composting shall meet Subsection F.1.b. and the requirements of Chester County Conservation District and/or Pennsylvania Department of Environmental Protection for leachate and compost pad runoff.
 - 4. Stockpiling shall meet Subsection D.4 or as otherwise determined in the approved mushroom farm environmental management plan.
 - 5. Disposal and application of spent compost shall be permitted, provided the compost is used as fill, applied to fields, or transported to a facility for processing into another form and shall meet, as applicable, Subsection D.4.

SECTION 240-1904. AUTOMOBILE FUEL STATION, AUTOMOTIVE and VEHICULAR REPAIR, AUTOMOBILE SERVICE STATION, AUTOMOTIVE and VEHICULAR SALES, and CAR WASH

- A. Outdoor storage of materials and supplies shall meet § 240-2012. In addition, the following standards shall apply:
 - 1. Automotive parts, refuse, and similar articles shall be stored within a building or enclosed area.
 - 2. Vehicles or other machinery waiting for repairs shall be parked in designated parking spaces, however shall not be stored outdoors for more than ten (10) days. Scrap or parts vehicles shall be stored indoors, or directly behind the repair building in a fenced area of no more than 10% of the lot area and where they are out of public view.
 - 3. To reduce impervious surface coverage for outdoor storage, underground or garage vehicle storage is strongly encouraged for automotive and vehicular sales uses.
- B. A minimum lot width of one-hundred (100) feet shall be provided along each street frontage in which access is proposed. This requirement shall not apply to facilities solely providing repair services, in which case the required lot width of the underlying district shall apply.
- C. Fuel pumps, underground holding tanks, and service islands shall be set back from any street line a distance that meets PennDOT standards, and a minimum of: seventy-five (75) feet from any residential lot line or district; one-hundred (100) feet from any underground oil, natural gas, or like energy transmission pipeline; and five-hundred (500) feet from water supply.
- D. Except for car washes, access shall be controlled and defined by the use of concrete curbing. There shall be no more than one point of ingress and one point of egress onto each street on which the lot abuts. Points of access to public streets shall be spaced at safe intervals per this Ordinance and the Subdivision and Land Development Ordinance. The use shall have frontage along a major street and access shall from a street with a higher functional classification. When the use abuts other non-residential uses or lots, access shall be via a shared common accessway with those adjoining uses and lots so as to limit the number of street access points and potential vehicle and pedestrian movement conflicts. Adjoining uses and lots shall be

connected to one another via vehicular and pedestrian linkages for improved connection, use, and circulation purposes.

- E. Repair or service operations shall take place within an enclosed building except for minor service activities performed at the fuel pump or otherwise outdoors.
- F. There shall be barrier protection for fuel pumps and fuel tanks shall be placed underground and shall use materials and be designed in accordance with state and federal regulations.
- G. For automotive and vehicular sales uses, there shall be no commercial sale of gasoline. Gasoline on the premises shall only be for use related to the primary business of automotive, truck, and recreational vehicle sales and service.
- H. Car washes shall use public water supply and shall recycle water. Car washes shall have vehicle stacking lanes that meet § 240-1901 for drive-through service.
- I. Automotive service stations and car washes shall adhere to all applicable PA Department of Environmental Protection standards.

SECTION 240-1905. BED AND BREAKFAST OPERATION (INCLUDING BED-AND-BREAKFAST INN AND BED-AND-BREAKFAST HOME/TEMPORARY ACCESSORY RESIDENTIAL USE)

- A. A bed-and-breakfast use shall be accessory to the primary use of the property as a single-detached family dwelling. Minimum lot size shall be as specified for single family detached dwellings in the district in which the bed-and-breakfast use is located.
- B. A bed-and-breakfast use shall be permitted only within a single-family detached dwelling residence and existing accessory buildings that are historic resources.
- C. The property where the bed-and-breakfast use is located shall be the principal residence of the owner/operator/lessee and occupied by such owner/operator/lessee, whether in the bed-and-breakfast building itself or in another building on-site. The use shall be carried on by members of the family who reside on the premises, except that one (1) person not residing on the premises may be employed.
- D. The serving of meals shall be limited to breakfast and afternoon tea/snacks for overnight guests only. There shall be not separate cooking facilities in guest rooms. Eating facilities shall be open only to guests of the bed-and-breakfast.
- E. No items, services, or amenities, including swimming pools or tennis courts, shall be sold or offered for sale or use to the public as part of the bed-and-breakfast use. Such items, services, or amenities shall be for the sole use of the property residents and the bed-and-breakfast guests and with permission of the owner/operator/lessee.
- F. Parking per Article XX shall be provided on the property where the bed-and-breakfast use is located and shall be designed to be compatible with the character of the surrounding area.

- G. Signage shall meet Article XXI.
- H. The use shall comply with provisions for the district wherein it is located. Bed-and-breakfast uses shall not cause or increase nonconformities.
- I. The adequacy of the sewage system to handle increased flows shall be certified by the Chester County Health Department. Applicant shall provide proof to the Township the adequacy of water supply for the increased water usage.
- J. Proof of any required fire inspection by a fire company or recognized fire safety personnel shall be available at all times.
- K. A bed-and-breakfast use shall be required to obtain a Township home occupation permit annually that may include an annual inspection for compliance with Township ordinances.
- L. Exterior and interior alterations shall be limited to those customarily associated with residential uses unless required for safety or by the Township Building Code. Fire escapes, external stairways, or additional external doors shall be located either to the side or rear of the bed-and-breakfast building.
- M. Bed-and-breakfast uses shall provide overnight lodging accommodations, not to exceed ninety (90) consecutive nights per patron.
- N. A bed-and-breakfast inn shall also meet the following additional standards:
 - 1. Minimum lot size shall be two (2) acres.
 - 2. When located adjacent to a residential lot or district, guest facilities, including guest parking areas and amenities available for use by guests, shall be located a minimum of fifty (50) to such lot or district.

SECTION 240-1906. BUSINESS PARK

- A. Use regulations. One (1) or more of the following uses shall be permitted in a business park:
 - 1. Industrial or commercial-related uses permitted by right in the underlying district in which the business park is located or in the case of TND Infill uses permitted in TND Infill.
 - 2. Accessory uses, buildings, and structures, subject to the provisions of § 240-1901.
- B. Area and Bulk requirements. The term "individual lot" shall mean any single lot within a business park:
 - 1. Minimum tract area: Five (5) acres.
 - 2. Minimum size individual lot: Ten-thousand (10,000) square feet.
 - 3. Minimum width.

- a. Tract width: One-hundred fifty (150) feet.
- b. Individual lots.
 - 1) At building line: Sixty (60) feet.
 - 2) At street line: Sixty (60) feet.
- 4. Minimum setback of any lot line from the tract perimeter: Forty (40) feet, except when abutting a residential district or lot, it shall meet the applicable yard setbacks in the underlying district.
- 5. Minimum front yard setback depth, individual lot: Twenty (20) feet. Where parking is located within the minimum front yard, parking areas shall be separated from the public street line by a landscaped area at least ten (10) feet in width and that meets requirements in Article XX for landscaping and screening.
- 6. Minimum side yard setback, individual lot.
 - a. Each individual side yard: Fifteen (15) feet.
 - b. When abutting residential district or use: Forty (40) feet.
- 7. Minimum rear yard setback, individual lot: Forty (40) feet.
- 8. Maximum building coverage, individual lot: As specified in the underlying district.
- 9. Maximum lot coverage, individual lot: As specified in the underlying district.
- 10. Minimum green space, individual lot: As specified in the underlying district.
- 11. Maximum building height: As specified in the underlying district.
- C. The use shall be designed to be either:
 - 1. Meet § 240-1908.D; or
 - 2. Oriented to the interior of the use and visually screened from view of adjacent streets and properties to create a non-developed look. In such case, there shall be visual screening per Sections 240-2010 and 240-2011. External identification signs shall not be permitted except where sign, directories, or kiosks list all establishments within the use.
- D. Sections 1908.B, C, E, and F shall apply.

SECTION 240-1907. CEMETERY (INCLUDING RESIDENTIAL PLOTS)

- A. Minimum lot size shall be as specified in the applicable district.
- B. Individual plots shall be set back a minimum of fifty (50) feet from all tract boundaries, public rights-of-way, wetlands, water supplies, and the Flood Hazard District. A system of internal markers shall be required to convey the accurate location of individual plots.
- C. No burial vault shall be located where, at its greatest depth below grade, it may intrude upon a permanent or seasonal high-water table. No burials shall be permitted outside of a concrete vault, whether above or below ground; however, by special exception burials may be permitted outside of a concrete vault in the case of a dedicated Natural Burial Cemetery that

shall meet best practices and standards for design and maintenance as set forth by the Green Burial Council and related applicable Township and other requirements. A dedicated Natural Burial Cemetery may be its own use or a part of a traditional cemetery use.

- D. To the greatest degree feasible, the existing soil profile and its natural groundwater recharge capacity shall remain undisturbed in setback, landscape, screened, and retained natural areas.
- E. Burial vaults shall be placed such that the minimum horizontal separation between vaults is no less than two (2) feet in order to allow for infiltration of groundwater. This provision shall not apply to vaults within a mausoleum.
- F. Individual headstones greater than five (5) feet in height and other aboveground permanent structures shall require building permits prior to installation.
- G. An application for a cemetery use shall include the following:
 - 1. A master plan identifying the overall layout of plots, internal road network, buildings, stormwater management facilities, and other improvements.
 - 2. A valid permit issued from the Pennsylvania Department of Health, when applicable.
 - 3. A narrative of how the cemetery will be developed and maintained.
 - 4. The applicant shall demonstrate that recharge of groundwater is not adversely impacted by the cemetery design.
 - 5. The applicant shall provide sufficient hydrologic and other information to satisfy the Township that the potential for groundwater contamination from the burial grounds shall not be hazardous to neighboring water supply wells.
- H. Natural landscape areas shall be retained to the greatest degree possible to maintain scenic landscape qualities and mitigate impacts to water recharge capacity. Use of plant material to provide privacy, screening, and access control in lieu of fencing is encouraged.
- I. Removal or relocation of topsoil shall meet Article XX.

SECTION 1908. COMMERCIAL SERVICE/RETAIL CENTER and INDIVIDUAL COMMERCIAL USE EXCEEDING 10,000 SQUARE FEET GROSS FLOOR AREA

- A. Uses permitted within a commercial service/retail center include retail and personal service establishments, restaurants, banks or other financial institutions, offices, and other similar commercial uses permitted in the applicable district. Area and bulk regulations shall be as specified in the applicable district.
- B. Primary access shall be from a street with the highest functional classification. Site design shall enhance management of vehicular interior circulation and external access to higher functional streets, limiting the number of new access points and potential for turning movement conflict such that access is preferably by a single point of ingress or egress per street frontage; however a second point of access, having pervious paving, may be permitted for emergency use.

- C. When the use abuts other non-residential uses or lots, access shall be via a shared common accessway with those adjoining uses and lots so as to limit the number of street access points and potential vehicle and pedestrian movement conflicts. Adjoining lots shall be connected to one another via vehicular and pedestrian linkages for improved connection, use, and circulation purposes.
- D. The use frontage shall be designed to be oriented to street frontage. Parking areas shall be located to the rear or sides of the use and designed so as to appear broken in mass, in proportion to the scale of structural development and shall be landscaped per Article XX. Loading and service areas shall be located at the rear of the use or to the side of the use when not facing the street access. Access to the use from the street shall be of adequate construction to accommodate the proposed level of truck and other traffic expected to be generated by the use.
- E. When located adjacent to a residentially zoned district or residential use, the commercial service/retail center and individual commercial use exceeding ten-thousand (10,000) square feet gross floor area as well as related accessory parking, loading, structures, and service areas shall be located at least fifty (50) feet from the lot line. Vehicular ingress/egress shall be designed and located in such a manner as to minimize noise and vibration to adjacent residential uses or districts.
- F. The developed use shall result in the massing and grouping of structures to complement the character of the surrounding area. Parking lot design, pedestrian access, landscaping, screening, lighting, access and other improvements shall demonstrate a cohesive design pattern for the entire tract under application and shall meet Article XX. Further, pedestrian access shall be designed to provide convenient, safe, and direct connections between uses within a commercial service/retail center and to nearby concentrations of uses, including being provided along all street frontage. Signs shall meet Article XXI.
- G. Outdoor trash receptacles shall be provided.

SECTION 240-1909. (COMMERCIAL) TOWER-BASED WIRELESS COMMUNICATIONS FACILITIES

- A. Purpose. This Section regulates placement, construction, modification, maintenance, and removal of tower-based wireless communication facilities, and establishes uniform standards for such. While this use enables wireless communications service to Township residents and businesses, the Township has an obligation to protect public safety and minimize adverse effects of such facilities through the standards set forth herein.
- B. General regulations.
 - 1. Standard of construction and care. Tower-based WCFs shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including the most recent editions of the American National Standards Institute (ANSI) and Township Code as well

- as the accepted industry practices of the Electronic Industries Association, Telecommunication Industry Association, and National Association of Tower Erectors. Tower-based WCFs shall at all times be kept and maintained in good condition, order, and repair by licensed and qualified personnel, so as to not endanger the life of any person or property in the Township.
2. Conditional use approval required. Requirements below and in this Section and in Article XXV shall be met prior to constructing a tower-based WCF.
 - a. An applicant shall prove to the reasonable satisfaction of the Board of Supervisors that the applicant cannot adequately extend or infill its communications system by the use of equipment such as repeaters, antenna(s), and other similar equipment installed on existing structures, such as existing towers, utility poles, or other tall structures. The applicant shall further demonstrate that the proposed tower-based WCF must be located where proposed in order to serve the geographic area that a new tower is intended to serve and that no other viable alternative location exists.
 - b. The conditional use application shall be accompanied by a propagation study evidencing: the need for the proposed new tower and associated facilities and equipment; that the tower is the minimum height necessary for the service being provided; a description of the type and manufacturer of the proposed transmission/radio equipment; the frequency range (megahertz band) assigned to the tower applicant; the power in watts at which the tower applicant transmits; and any relevant related tests conducted by the tower applicant in determining the need for the proposed site and installation.
 - c. When the tower is proposed on a property with another principal use, the applicant shall present documentation to the Board of Supervisors that the owner of the property has granted an easement for or otherwise allows the proposed tower and associated facilities and equipment, and that vehicular access will be provided to such.
 - d. The conditional use application shall be accompanied by documentation demonstrating that the proposed tower complies with all state and federal laws and requirements concerning aviation safety, and all requirements of this Chapter and other applicable Township requirements.
 - e. Site plan. A site plan shall be required for all tower-based WCFs, showing all existing and proposed structures and improvements, for a minimum of five-hundred (500) feet from the tower, including the tower, antenna, equipment, facilities, support structures, fencing, landscaping, and access. All plans and drawings for the conditional use approval shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.
 - f. Retention of experts. The Township may hire any consultant and/or expert necessary to assist the Township in reviewing and evaluating the application for the tower-based WCF and, if approved, in reviewing and evaluating any potential violations of the terms and conditions of approval and this Section. The applicant and/or owner of the tower shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.

3. Applicable plans shall be submitted for land development review and approval for any application for a tower-based WCF.
4. Height. Towers shall be designed at the minimum functional height. Applicants must submit documentation to the Township justifying the total height of the tower structure. Maximum total tower height shall be one-hundred-fifty (150) feet, unless otherwise allowed by the conditional use process, as measured vertically from grade to the highest point on the tower structure, including antennas and equipment.
5. Related facilities. Either a single-story WCF building or metal box structures for receiving and transmitting equipment placed on a concrete pad area and not exceeding five hundred (500) square feet in total area may be located on the site for each unrelated company sharing commercial communications antenna(s) space on the tower.
6. Visual appearance and land use compatibility. Towers and related buildings, structures, and equipment shall employ stealth technology to be visually and as possible architecturally compatible with the surrounding context and environment and shall maximize the use of design, including landscaping, that blends with the surroundings. The Township shall approve the type of stealth technology.
7. Gap in coverage. An applicant must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable service area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in coverage. The existence or nonexistence of a gap in wireless coverage shall be a factor in the Township's decision on an application for approval of tower-based WCFs.
8. Co-location and siting. If there is suitable space available on an existing tower-based WCF within the geographic area that a new tower-based WCF is intended to serve, no new tower shall be established. An application for a new tower shall not be approved unless the Board of Supervisors finds that the wireless communications equipment planned for the proposed tower cannot be accommodated on an existing or approved structure or building or on Township property or co-located on an existing tower-based WCF. The tower applicant shall demonstrate that they contacted owners of tall structures, buildings, and towers within a one-quarter (1/4) mile radius of the site proposed, sought permission to install WCFs equipment on those structures, buildings, and towers, and was denied for at least one (1) of the following reasons:
 - a. The proposed equipment would exceed the structural capacity of the existing building, structure, or tower, and its reinforcement could not be accomplished at a reasonable cost.
 - b. The proposed equipment would cause radio frequency interference with other existing equipment for that existing building, structure, or tower and the interference could not be prevented at a reasonable cost.
 - c. Such existing buildings, structures, or towers do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.
 - d. A commercially reasonable agreement could not be reached with the owner of such building, structure, or tower.
9. Additional antenna capacity. New tower-based WCFs shall be designed with sufficient capacity for joint use, and the tower owner shall make its joint use available to other users upon such terms and conditions as are customary and usual in the industry. As a

- condition of approval for towers, the applicant shall provide the Township with a written commitment that they will allow other service providers to co-locate on towers.
10. Wind. All tower structures shall be designed to withstand the effects of wind according to the recent standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA/TIA-222, as amended) as found in the Township Code.
 11. Reception. No tower shall interfere with public safety communications or the reception of broadband, television, radio, or other communication services by occupants of nearby properties. A tower shall not, by itself or in conjunction with other towers, generate radio frequency emissions in excess of the standards and regulation of the FCC including the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended. Evidence shall be provided that the emission of radio waves emanating from the tower are in compliance with all FCC regulations concerning radio frequency emissions. Evidence shall also be provided of licensure by the FCC. If measurable radio interference does result from the installation and use of the tower-based WCF, the tower owner shall be required to cease operation immediately until the problem is corrected or, if the problem is not correctable, to abandon operation entirely and dismantle the tower as required in this Section. In addition to these standards, all other applicable performance standards in Article XX shall apply.
 12. Engineer inspection. Prior to the Township's issuance of a permit authorizing construction of a tower-based WCF, a structural engineer licensed and registered in Pennsylvania shall issue to the Township, on behalf of the applicant, a written certification of the proposed tower's ability to meet the structural standards in this Section and certify the proper construction of the foundation and the erection of the tower structure.
 13. Permit required for modifications. To the extent permissible under applicable state and federal law, modification of an existing tower, including increasing overall tower height, adding antenna, or adding facilities and equipment, shall obtain a Township permit. Routine repairs and maintenance to existing facilities shall not be considered modifications nor require a permit and shall meet Subsection C.14.
 14. Maintenance.
 - a. Tower-based WCFs shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - b. Maintenance shall be performed to ensure the upkeep of the facility to promote safety and security of Township residents and businesses, and utilize the best available technology for preventing failures and accidents in accordance with the requirements of the Electronics Industry Association and the Telecommunications Industry Association (ANSI/TIA-222-E, as amended).
 - c. A tower owner shall be required to submit annually to the Township proof of an annual inspection by a qualified inspector and the tower maintenance program. Any structural faults thus noted shall be immediately corrected by the owner. Failure to provide proof of certified inspection will result in notification to the owner to cease operation and dismantle the tower. The owner shall grant the Township permission to inspect the tower as needed.

15. Signs. Towers shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency at any time during a twenty-four (24) hour period. The only other signage permitted on the site shall be safety signage and those required by the FCC, or any other federal or state agency.
16. Lighting. No tower shall be artificially lighted, except as required by law. If lighting is required, the tower applicant shall provide a detailed plan for lighting, demonstrating as unobtrusive and inoffensive an effect upon Township residents and businesses as permissible under applicable laws requiring such lighting. The tower applicant shall promptly report any outage or malfunction of any FAA-mandated lighting to the appropriate governmental authorities and to the Township.
17. Noise. Tower-based WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and Township Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
18. Historic resources. A. historic resource impact study is required for new towers and substantial changes to towers. Tower-based WCFs are highly discouraged in being located in a historic district or historic resource.
19. Aviation safety. Tower-based WCFs shall comply with federal and state laws and regulations concerning aviation safety.
20. Nonconforming uses. Nonconforming tower-based WCFs which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their location, but must comply with terms of this Section applicable to new improvements.
21. Removal. The tower-based WCF owner shall notify the Township in writing of its intent to discontinue the operation and/or use of any facilities and equipment on the site and the date thereof. Unused or abandoned towers and/or facilities and equipment, or portions thereof, shall be removed as follows:
 - a. Any unused or abandoned tower-based WCF and/or facility or equipment shall be removed within ninety (90) days of the cessation of operations at the site and the subject property shall be restored to its original natural condition, unless a time extension is approved by the Township.
 - b. If the tower-based WCF and/or facility or equipment is not removed within ninety (90) days of the cessation of operations at a site, or within a longer period approved by the Township, the tower and/or facility or equipment may be removed by the Township and the cost of removal assessed against the owner of the tower-based WCF or the property owner upon which the tower is located.
22. Reservation of rights. Per applicable law, the Township reserves the right to deny an application for the construction or placement of any tower for numerous factors, including visual impact, design, and safety standards.
23. Insurance. Each entity that owns or operates a tower-based WCF shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the tower-based WCF. The Township shall be named as an additional insured on such policy.

- 24. Indemnification. Each entity that owns or operates a tower-based WCF shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the tower-based WCF. Each entity that owns or operates a tower-based WCF shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of tower-based WCFs. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.
 - 25. Financial security. Prior to receipt of a permit for the construction or placement of a tower-based WCF, the tower applicant shall provide to the Township financial security sufficient to guarantee dismantling and removal of the tower and/or facilities or equipment. The amount of financial security shall be mutually agreed upon by the tower applicant's engineer and the Township Engineer or consultants, and shall remain in place until the tower-based WCF is removed.
- D. Tower-based WCFs locational and design standards.
- 1. Development standards.
 - a. Sole use of lot. A tower may be permitted as a sole use on a lot, provided the lot is a minimum of six-thousand (6,000) square feet in size and meets minimum lot area of the applicable district.
 - b. Minimum distance between the tower base and any adjoining lot line or street line shall equal one-hundred and ten percent (110%) of the proposed tower height. The Board of Supervisors, at their sole discretion, may allow a reduced setback if it is demonstrated to their satisfaction that in the event of failure the tower is designed to collapse upon itself within a setback area less than the required minimum setback without endangering adjoining properties.
 - c. Combined with another use. A tower may be permitted on a property with another use, except residential, subject to the following:
 - 1) Other use of the property shall be a permitted use in the applicable district, and need not be affiliated with the tower.
 - 2) Minimum lot shall meet with requirements for the applicable district and shall be the area needed to accommodate the tower, guy wires, the equipment building, security fence, and landscaping.
 - 3) Minimum setbacks of Subsection D.1.b are met.
 - d. A security fence of at least six (6) feet and no taller than eight (8) feet in height shall surround any tower and related building housing tower equipment.

- e. For WCFs as part of municipal use, the Township may enter into separate agreements and fee arrangements with WCF applicants beyond those permit fees and reimbursement costs set forth by resolution and this Chapter.
 - f. Reimbursement for ROW use. In addition to permit fees, every WCF in the ROW is subject to the Township's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs including the costs of the administration and performance of all reviews, inspections, permitting, supervision, and other ROW management activities by the Township.
2. Design standards.
- a. All equipment, buildings, and facilities shall be the smallest and least visibly intrusive feasible. Such equipment, buildings, and facilities and installations shall be located so as not to cause physical or visual obstruction to pedestrians or motorists.
 - b. All related equipment, buildings, and structures shall meet minimum setbacks of the underlying zoning district.
 - c. Tower-based WCFs shall be equipped with anti-climbing devices, as approved by the manufacturer.
 - d. Ground-mounted equipment shall be located underground as possible; however, where it cannot be, it shall be screened to the fullest extent possible, through the use of stealth technology and landscaping or other decorative features.
 - e. An accessway, along with turnaround space and parking area, shall be provided to ensure adequate emergency and service access to the tower. Maximum use of existing streets shall be made.
 - f. Parking. For each tower there shall be two off-street parking spaces.

SECTION 240-1910. COTTAGE BREWING, DISTILLING, FERMENTING, OR WINEMAKING INDUSTRIES

- A. A brewery, distillery, cidery, or winery shall be permitted by special exception as accessory to agriculture on the same property as the primary agricultural use and on properties containing at least ten (10) acres. Certain public and retail uses shall be permitted as found herein.
- B. At least two (2) acres of the property on which the winery accessory to agriculture is located shall be planted with a vineyard.
- C. At least two (2) acres of the property on which the brewery, cidery, or distillery accessory to agriculture is located shall be planted with a crop related to such use.
- D. Maximum floor area of a building for retail sales shall be one-thousand five-hundred (1,500) square feet. Such floor area may include customer access and circulation, display of products including counters, tables, display cases, and similar purposes.
- E. Upon obtaining required zoning, health, fire safety, and building permits, and other needed permits and licenses, a brewery, distillery, and winery accessory to agriculture may conduct the following activities:

1. Wholesale and retail sales of products permitted to be offered for sale on licensed premises under the Pennsylvania Liquor Code, 47 P.S. § 1-101 et seq.
 2. Tastings of permitted products.
 3. Brewery, distillery, and winery tours.
 4. Special events, such as parties, weddings, dinners, receptions, musical performances, educational seminars, meetings, workshops and brewery, distillery, and winery promotional events.
 5. Food preparation facility for on premises functions, however such facility shall mean a eating or drinking establishment use.
 6. All activities associated with the use shall comply with all applicable regulations governing such use pursuant to the Pennsylvania Liquor Code, 47 P.S. § 1-101 et seq.
- F. Special Events. A brewery, distillery, cidery, and winery accessory to agriculture shall be permitted to hold special events under the following standards:
1. Indoor and outdoor special events are permitted.
 2. An outdoor activity/event or temporary structure shall be located at least one-hundred (100) feet from a property line.
 3. Parking shall be provided in designated areas. Parking areas may be located within fifty (50) feet of property lines if there is a vegetative screen between parking areas and adjacent residential uses and districts. Screening shall include evergreen planting with a mature height of six (6) feet and meet § 240-2011.
 4. Maximum allowed attendance for an indoor special event will meet applicable occupancy requirements for buildings.
 5. Only products produced on the property where the event is held and other products produced in Pennsylvania may be served at the special event.
 6. All special events, whether indoor or outdoor, shall end by 10:00 p.m. and breakdown and/or cleanup shall be complete by 11:00 p.m.
 7. A property must have frontage on and access to a street and the applicant shall demonstrate a clear sight triangle at the entrance and exit.
 8. Amplified music is permitted subject to applicable ordinances.
 9. Lighting may be used for the duration of the event only and may not shine or produce glare on adjacent properties and shall meet applicable standards of § 240-2013.
- G. Parking. A permanent designated parking area devoted to customers and/or visitors to any brewery, distillery, cidery, and winery accessory to agriculture shall be provided. Such parking area shall have no less than ten (10) parking spaces that shall be improved to a mud-free condition. Driveways from streets to parking areas shall have a gravel or paved apron at the entrance and exit that is at least fifty (50) feet in length from the edge of street paving,

SECTION 240-1911. EDUCATIONAL USE

- A. Minimum lot size shall meet the applicable district or a minimum of one (1) acre, whichever is greater. Setbacks and other applicable district standards shall apply.

- B. Educational uses shall meet Pennsylvania Department of Education standards.
- C. Outdoor play or recreation areas and shall be sufficiently screened by means of fences, plantings, or decorative enclosures to minimize disturbance of residential areas.
- D. Educational uses shall be served by public water and sewage facilities.
- E. The applicant shall demonstrate that all necessary approvals and permits from state and local agencies have been obtained.
- F. Fencing shall be provided at all locations where public safety is at issue.
- G. Adjoining lots shall be connected to one another via vehicular and pedestrian linkages for improved connection, use, and circulation purposes.
- H. The use shall have an accessway for dedicated vehicle movement and automobile and school bus stacking lanes for student drop-of/pick-up that is sufficient for the type of educational use being developed. Interior circulation planning shall take into account the unique situation of an educational setting including pedestrian bicycle, and vehicle movements and automobile and school bus drop-off/pick up, waiting, and stacking areas. Stacking lanes and waiting areas shall be clearly marked and shall not be shared with parking circulation aisles or traffic flow or pedestrian circulation areas.
- I. For any proposed educational use with an enrollment of fifty (50) or more students, the applicant shall provide a traffic impact study. The traffic impact study shall analyze the traffic generation from the proposed use/development and its potential impact on the surrounding road system. An assessment and plan for the circulation of pedestrians and users within and near the proposed use and lot shall be included. Enrollment, for the purposes of this Section, shall be defined as the largest number of students on the site at any one time during a seven (7) day time period.

SECTION 240- 1912. EVENT SPACE or MUSEUM/ART GALLERY or LIBRARY

- A. Event space.
 - 1. This use shall be permitted as accessory to Educational uses and Botanical garden uses.
 - 2. Events may be held in a building, structure, or temporary tent for the particular function. Where applicable, events shall comply with the Township’s Special Event Ordinance (Township Code Chapter 197) or zoning permits for a temporary use permit.
 - 3. Historic resource adaptively reused for an event space is highly encouraged as a means to preserve such resource and shall meet Article XVI.
 - 4. Lodging of overnight guests is permitted as an accessory to an event space when occurring in an adaptively reused historic resource per Article XVI. Such use shall not exceed twenty-five (25) guests, and shall not include hotel, motel, inn, or bed-and-breakfast operation.

5. Outdoor activity areas shall be setback a minimum of one-hundred (100) feet from any residential use or district.
 6. Hours of operation for the special event itself shall be between 8 AM and 11 PM the same day and not interfere with neighboring properties and uses. Such hours may not necessarily include any needed set up and break down of equipment that may occur outside of the special event hours of operation.
 7. Screening per § 240-2011, shall be maintained adjacent to any residential use or district.
 8. Use of active recreation apparatus and similar activities shall be prohibited.
 9. The event space shall be used solely for functions related to the core mission of the institution where it is located or for functions held for the benefit of such institution or another public entity, educational institution, or non-profit organization.
 10. Noise levels shall be maintained at a level which is not objectionable due to intermittence, frequency, or intensity and shall not exceed the standards of § 240-2014.
 11. Lighting requirements and design standards must adhere to § 240-2013.
 12. Parking, driveways, accessways, and interior circulation shall meet Article XX.
 13. Traffic generated by the special event in excess of typical traffic volumes for the hours and day of such events shall be mitigated to the extent possible by the applicant, and the methods of mitigation shall be stated at the time of application.
- B. Museum/art gallery or library.
1. This use shall meet minimum applicable area and bulk regulations for the applicable zoning district in which this use is permitted.
 2. The use shall not interfere with neighboring properties and uses.
 3. Screening per § 240-2011 shall be maintained adjacent to any residential use or district.
 4. Noise levels shall be maintained at a level which is not objectionable due to intermittence, frequency or intensity and shall not exceed the standards of § 240-2014.
 5. Lighting requirements and design standards must adhere to § 240-2013.
 6. Parking, driveways, accessways, and interior circulation shall meet Article XX.

SECTION 240-1913. FUNERAL HOME and CREMATORIES

- A. Minimum lot size shall be as specified in the applicable zoning district for a nonresidential use.
- B. Hours of operation and traffic shall not interfere with neighboring properties.
- C. Applicable State and other laws and requirements shall be met by this use, and any approvals and/or licenses should be secured by the operator or applicant prior to the Township approving permits for this use.
- D. Crematories must include a plan for waste products and hazardous material disposal.

SECTION 240-1914. HEALTH CARE USES

- A. The use shall have frontage along a major street and access shall from a street with a higher functional classification. Access to streets shall meet § 240-2016.
- B. For hospitals, the zoning permit application submission shall include a traffic impact analysis prepared by a professional traffic engineer and shall demonstrate:
 - 1. Number of vehicle trips expected to be generated during an average weekday and weekend during both a.m. and p.m. peak hours.
 - 2. Number and types of vehicles having an origin or destination at the use, and the street network that would be used to reach the use.
 - 3. Impact of the levels-of service at intersections within one (1) mile of the use.
 - 4. Recommended traffic control devices designed to mitigate the documented impact on adjacent streets.
- C. Except for hospitals, minimum lot area shall be twenty thousand (20,000) square feet.
- D. Public water supply and sewage disposal shall be utilized.
- E. Existing structures proposed for reuse as this use shall be brought into compliance with all current Township building codes and all other applicable Township, County, and State regulations for the use prior to occupancy. Proof of this compliance shall be furnished to the Township prior to granting of a zoning permit.
- F. Medical marijuana dispensary may be an accessory use to a health care facility, however such use shall meet § 240-1919.
- G. Ambulatory surgical centers shall only provide outpatient medical procedures and services not requiring overnight stay. When overnight stay is required for any provided medical procedure or service, the use shall be deemed a hospital and shall follow requirements for a hospital use.
- H. Hospitals.
 - 1. Minimum lot size shall be five (5) acres.
 - 2. Buildings and structures shall be set back a minimum of fifty (50) feet from any lot line. Where the use adjoins existing residential uses, emergency and service entrances shall be located where they will have the least impact on such adjoining uses.
 - 3. Individual buildings within a hospital complex may be connected by covered walkways or similar structures.
 - 4. The following accessory uses are permitted within a hospital complex when designed as an integral part of and in direct support of the principal hospital use:
 - a. Ambulatory surgery center.
 - b. Medical clinics.
 - c. Hospital administrative offices.
 - d. Maintenance facility power generation, hospital-related laundry.

- e. Pharmacy or laboratory.
 - f. Snack and restaurant facilities.
 - g. Gift shop.
5. Helicopter landing pads (helipads) may be permitted as an accessory use to a hospital when in conformance with the requirements of § 240-1901.
- I. Health care related uses shall comply with applicable Federal, State, County and local regulations and shall be licensed as required by the State. Proof of such compliance shall be furnished to the Township on an annual basis.
- J. Health care related uses shall meet off-street parking requirements in Article XX, including adequate lighting.

SECTION 240-1915. HOME OCCUPATIONS (INCLUDING NO-IMPACT HOME-BASED BUSINESS AND HOME-BASED BUSINESS PLUS PICK YOUR OWN FLOWERS, SALE OF EGGS AND PRODUCE, HONEY, ETC.)

Home occupations shall be considered accessory uses per § 240-1901 and classified and regulated as follows.

- A. Determination of classification. The Zoning Officer shall determine whether a proposed home occupation is classified as a no-impact home-based business, a home-based business, or does not qualify as a home occupation. The applicant shall be responsible for supplying such information as deemed necessary by the Township to make this determination. Applicants for home occupations shall be required to obtain a permit per this Section.
1. No-impact home-based business. Such use shall be permitted as an accessory use by-right in all residential districts. Per Act 247, in order to qualify as a no-impact home-based business, the following criteria shall be met:
- a. The use is carried on only by family members residing in the dwelling and shall employ no other persons;
 - b. The use is compatible with the residential use of the property and surrounding residential uses. There is no exterior indication of a business use, including signs or advertising beyond that permitted for residential uses in Article XXI as well as that permitted for residential parking and lighting;
 - c. There is no display or sale of retail goods and no stockpiling or inventory of a substantial nature;
 - d. The use does not involve any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
 - e. The use does not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
 - f. The use is conducted only within the dwelling and does not exceed twenty-five percent (25%) of the habitable floor area.

- g. The use does not involve any customer, client, or patient visits to the dwelling, whether pedestrian or vehicular;
 - h. Commercial delivery and pickup of goods and supplies or removal functions are not in excess of postal and parcel service normally associated with a residential use;
 - i. The use does not involve any illegal activity.
2. Home-based business. Where a proposed home occupation does not meet all the criteria in Subsection 1, it shall be classified as a home-based business. In order to qualify as a home-based business it must meet the following criteria in addition to Subsection 1.h and 1.i:
- a. The use shall be conducted only in a single-family detached dwelling that is the residence of the principal practitioner or an accessory structure thereto, and shall be carried on wholly indoors.
 - b. The residential character of the property shall not be altered nor the home occupation conducted in a manner that would cause such change by the use of materials, construction, lighting, show windows, signs, or advertising visible outside the premises to attract customers or clients, other than those signs permitted by Article XXI.
 - c. No display of goods shall be visible from the outside.
 - d. There shall be no stockpiling or inventory of a substantial nature and no outdoor storage of materials or refuse resulting from the operation of the use.
 - e. The use shall not exceed seven-hundred fifty (750) square feet or fifty percent (50%) of the floor area of the principal residential structure, whichever is less.
 - f. No more than two (2) persons, other than resident members of the immediate family, shall be employed or subcontracted at the residence.
 - g. No equipment or process shall be used that creates noise, vibration, glare, fumes, odors, dust, or electrical or electronic interference, including interference with radio or television reception, detectable to normal senses beyond the lot line in excess of levels otherwise permitted for a residential use per § 240-2014.
 - h. The use shall not use water or generate any solid waste or sewage discharge, in volume or type, which is not normally associated with a residential use.
 - i. Where employees or customer visits are anticipated, off-street parking shall be provided in sufficient capacity to prevent interference with normal residential parking in the neighborhood. Off-street parking inclusive of required principal residential use parking, shall not exceed five (5) spaces and shall be lighted as needed to provide safe passage. Off-street parking is preferably to be located to the side or rear of the principal structure.
 - k. Outdoor storage shall meet § 240-2012.B.
 - l. Beauty and barber shops may be permitted as a home-based business, provided that no more than two (2) stylist or barber chairs are provided and all other provisions of this Chapter are met.
 - m. Instructional services may be permitted as a home-based business, provided there shall be no more than four (4) students at any one time and no more than one (1) visit per hour.
 - n. Other types of home-based business may be permitted, provided there is no more than four (4) visitors at any one time and no more than one (1) visit per hour.

- o. No home-based business activity shall be conducted between the hours of nine (9) p.m. and eight (8) a.m. which involves individuals entering or leaving the premises or mechanical operations.
 - p. Family day-care home shall meet applicable Township Code and Commonwealth of Pennsylvania standards.
 - q. Bed and breakfast uses shall meet § 240-1905.
- B. Standards applicable to all home occupations. The following standards shall apply to all home occupations, whether classified as no-impact home-based business or home-based business:
- 1. There shall be no storage or use upon the premises of toxic, explosive, polluting, dangerous or other substances defined as hazardous by the Pennsylvania Department of Environmental Protection.
 - 2. A maximum of two (2) home occupations of any type shall be permitted on a single property. The combined home occupations shall not collectively exceed the standards for any single home occupation
- C. Administration. The following procedure shall apply to home occupations:
- 1. Determination of type. The Zoning Officer shall be responsible for determining whether a proposed or existing home occupation is defined as a "no-impact home-based business" or a "home-based business."
 - 2. Home-based business. Where the Zoning Officer determines that the proposed use is a home-based business not qualifying as no-impact, the use shall require review and approval as a special exception by the Zoning Hearing Board per Article XXIII. The Zoning Hearing Board may attach such reasonable conditions and safeguards as it deems necessary to implement the purposes of this Chapter.
 - 3. Any dwelling or accessory structure used for a home occupation may be subject to an annual inspection for compliance with Township requirements and ordinances.
- D. Approval limitations. Approval of a home occupation shall not be transferable to another property or to another type of home occupation. The approval shall only be valid for that use and on the property for which it originally applied.
- E. Prohibited home occupations. The following uses are prohibited as home occupations and shall only be permitted where specifically allowed as a specific use:
- 1. Boarding home.
 - 2. Funeral parlor or undertaking establishment.
 - 3. Restaurant.
 - 4. Medical or dental office.
 - 5. Equipment rental.
 - 6. Furniture stripping.
 - 7. Automotive and vehicular repair or sales.
 - 8. Junkyard or salvage yard.
 - 9. Painting of vehicles, trailers, or boats.
 - 10. Private school with organized classes of more than six (6) students.

11. Welding shop.
12. Animal hospital.
13. Kennel.
14. Other uses of similar character to those listed above.

SECTION 240-1916. HOTEL or MOTEL

- A. Minimum lot size shall be one-thousand (1,000) square feet per room. Minimum side and rear yard setbacks shall be seventy-five (75) feet from any residential lot or district. Other area and bulk requirements shall be as specified in the applicable district.
- B. Access.
 1. Principal access shall be directly from street of highest functional classification.
 2. Access points shall be limited to two (2) and meet § 240-2016.
 3. When the use abuts other nonresidential uses or lots, access shall be via a shared common accessway with such uses and lots to limit the number of street access point and potential vehicle and pedestrian movement conflicts.
 4. Adjacent lots shall be connected via vehicular and pedestrian linkages for improved linkage, use, and circulation purposes.
- C. This use shall be served by public water supply and sewer system.
- D. The following accessory uses are permitted when designed as an integral part of a principal hotel or motel use:
 1. Lodging facilities.
 2. Dining facilities.
 3. Conference and meeting facilities.
 4. Recreation facilities.
 5. Gift shops.
 6. Accessory maintenance facilities.

SECTION 240-1917. JUNKYARD or SALVAGE YARD

- A. Minimum lot size shall be as specified in the applicable district. The land area serving to meet the minimum lot size shall be undivided by streets, waterbodies, or rights-of-way. No part of the operation shall be located within a Flood Hazard District or such that contaminants from the operation can seep or flow into a waterbody.
- B. The area where junk and any other material is stored outside shall be enclosed with a wall or fence, at least eight (8) feet in height, but no greater than ten (10) feet in height and which is designed and constructed so as to be at least one-hundred percent (100%) solid or opaque. Vegetative screening shall be provided outside of the fence consistent with the requirements of § 240-2011 and § 240-2010.

- C. Storage piles shall not exceed eight (8) feet in height within fifty (50) feet of the fence or wall line. Storage piles in the remaining areas shall not exceed ten (10) feet in height.
- D. The portion of the tract serving as a junkyard shall be located on lands with less than fifteen percent (15%) slope.
- E. There shall be provided at least a fourteen (14) foot wide access way throughout the use which shall be clear and free at all times to provide for access to all parts of the premises for firefighting and other safety or emergency purposes. No more than two (2) adjoining rows of junked cars shall be stored together. There shall be accessways between storage piles which are adequate to provide safety and emergency access as well as to provide firebreaks, as determined by the Township in talking with the Fire Marshall.
- F. Waste generated by the junkyard operation shall be managed in accordance with all applicable Township ordinances and federal and state regulations, including the Solid Waste Management Act, the Clean Streams Law, and the Air Pollution Control Act of the Commonwealth of Pennsylvania.
 - 1. Automotive fluids (including gasoline, oil, antifreeze, brake transmission fluids, and similar fluids), Freon and other flammable or toxic substances shall be removed from any items stored on the premises and shall be properly containerized and stored. Such materials shall not be released into the air or deposited on or into the groundwater or surface waterbodies and shall be transported and disposed of or recycled in accordance with applicable state and federal regulations.
 - 2. Automotive batteries shall be removed from junked vehicles and properly stored until they are disposed of or recycled.
 - 3. Removal of such fluids, batteries and other hazardous materials shall take place on an impervious surface where they can be properly contained without danger of spilling or being transported into the ground.
- G. No material shall be burned on the premises. Each junkyard shall have available in proper working condition equipment that will control, contain, and suppress fires or other hazards.
- H. Tire storage piles shall not exceed two hundred (200) tires. In addition, when whole or processed tires are stored outdoors, each waste tire pile shall meet the following:
 - 1. Piles shall not cover a surface area of more than one thousand (1,000) square feet.
 - 2. Corridors of at least thirty-five (35) feet in width shall be maintained as firebreaks on all sides of tire piles. No point in the pile shall be more than twenty-five (25) feet from a firebreak. Firebreaks shall be kept free from obstructions that could limit access in the event of an emergency, and vegetation shall be maintained below six (6) inches.
 - 3. Tires stored or processed outdoors shall be covered by a carport, tarp, or similar structure or device.
- I. No garbage or other organic waste liable to give off a foul odor or to attract vermin or insects shall be kept on the premises.

- J. All junk, including tires, shall be stored or arranged to prevent accumulation of water. Outdoor storage shall be conducted to control mosquito propagation during warm weather. Controls may include use of tarps, indoor storage screens, or spraying.
- K. Prior to issuing of a Township zoning permit, the applicant shall provide sufficient information for the Township to determine that all applicable federal, state, county, and Township requirements and regulations can be met by the proposed operation. Prior to the issuance of the permit, the applicant shall also provide evidence that all applicable conditions set by the Board of Supervisors during the conditional use approval process have been met. This includes that additional standards may be required in order to assure the compatibility of the junkyard with properties in the vicinity of the junkyard.
- L. A stormwater management plan and erosion and sedimentation control plan shall be submitted as part of the land development application per the Subdivision and Land Development Ordinance.
- M. The permittee shall allow inspection of the business premises by the Township or its appointed representative at any reasonable time.

SECTION 240-1918. KENNEL and/or VETERINARY HOSPITAL

- A. Minimum lot size shall be four (4) acres for large animal veterinary hospital and/or boarding.
- B. Minimum lot size shall be twenty-thousand (20,000) sq. ft for small animal veterinary hospitals, one (1) acre for small animal kennels, and one and a half (1.5) acres for both uses together. Veterinary hospitals can include facilities for overnight care, which is not considered the same as a kennel or boarding.
- C. A use is considered a kennel when it contains (6) or more dogs, cats, or other domestic animals, or a combination thereof equaling more than ten (10) domestic animals. All kennel buildings shall be sound insulated such that no animal noise from the use will be audible beyond the lot line.
- D. Each kennel or veterinary hospital shall have outdoor exercise yards entirely fenced to prevent animals from leaving the property. Exercise yards shall be set back a minimum of one-hundred (100) feet from residential lot lines other than the owner's. Exercise yards shall be enclosed and domestic animals placed inside an enclosed building after sunset and shall remain inside until sunrise, except for outdoor bathroom walks as needed.
- E. Sale and storage of related products shall remain accessory to the veterinary hospital or kennel and shall occupy no more than twenty-five percent (25%) of the floor area of the principal building.
- F. Outdoor storage of materials shall be screened from adjoining properties and shall meet § 240-2012.

- G. All such uses shall meet all applicable Pennsylvania state licensing and codes.

SECTION 240-1919. MEDICAL MARIJUANA DISPENSARY

- A. A medical marijuana dispensary shall provide proof of registration with the Pennsylvania Department of Health or proof that registration has been sought and is pending approval, and shall maintain a valid, accurate, and up-to-date registration with such. Should registration be denied or revoked at any time, the use shall immediately become void. This includes any approvals granted by special exception or conditional use.
- B. A medical marijuana dispensary shall at all times operate in compliance with all Pennsylvania Department of Health regulations pertaining to such facilities.
- C. A medical marijuana dispensary shall not be operated or maintained on a parcel within two-hundred and fifty (250) feet, measured by a straight line in all directions, without regard to intervening structures or objects, from the nearest point of a lot line of a residentially zoned and occupied dwelling unit. A medical marijuana dispensary shall not be operated or maintained on a parcel within one-thousand (1,000) feet, measured by a straight line in all directions, without regard to intervening structures or objects, from the nearest point of a lot line of a school or day-care center unless otherwise permitted by Pennsylvania Dept of Health nor shall be either on the same site as a medical marijuana grower/processor or same office as a practitioner or other physician.
- D. A medical marijuana dispensary must operate entirely within an indoor, enclosed, and secure facility. No exterior sales, and no sidewalk displays shall be permitted. No drive-through, drop-off, or pick-up services shall be permitted.
- E. A medical marijuana facility shall be limited to hours of operation not earlier than 9:00 a.m. and not later than 9:00 p.m.
- F. A medical marijuana dispensary shall submit a disposal plan to, and obtain approval from the Township Code Enforcement Officer. Medical marijuana remnants and bi-products shall be disposed of according to an approved plan.
- H. There shall be no emission of dust, fumes, vapors, or odors which can be seen, smelled, or otherwise perceived from beyond the lot line for the property where the medical marijuana dispensary is operating.
- I. No one under the age of eighteen (18) years shall be permitted in a medical marijuana dispensary, unless accompanied by a caregiver as required under Section 506 of the Pennsylvania Medical Marijuana Act.
- J. No use of medical marijuana shall be permitted on premises of a medical marijuana dispensary.

- K. A medical marijuana dispensary shall submit a security plan to, and obtain approval from, the Township Engineer, Township Code Enforcement Officer, and Township Chief of Police. The use shall demonstrate how it will maintain effective security and control. The security plan shall specify the type and manner of twenty-four (24) hour security, tracking, recordkeeping, record retention, and surveillance system to be utilized in the facility as required by Section 1102 of the Pennsylvania Medical Marijuana Act and as supplemented by regulations of the Pennsylvania Department of Health pursuant to the Pennsylvania Medical Marijuana Act. Security service shall be provided by a licensed third-party security firm.
- L. A medical marijuana dispensary shall submit a floor plan with internal security measures for approval by the Township Chief of Police. All medical marijuana product, byproduct, and waste shall be stored in an interior secure vault or receptacle in such a manner as to protect against improper dissemination.

SECTION 240-1920. MEDICAL MARIJUANA GROWER/PROCESSOR

- A. A medical marijuana grower/processor shall provide proof of registration with the Pennsylvania Department of Health or proof that registration has been sought and is pending approval, and shall at all times maintain a valid, accurate, and up-to-date registration with the Department of Health. Should registration be denied or revoked at any time, any conditional use or special exception shall immediately become void.
- B. A medical marijuana grower/processor shall at all times operate in compliance with all Department of Health regulations pertaining to such facilities.
- C. Location of a medical marijuana grower/processor shall meet § 240-1919.
- D. A medical marijuana grower/processor must operate entirely within an indoor, enclosed, and secure facility.
- E. A medical marijuana grower/processor may not operate on the same site as a medical marijuana dispensary.
- F. A medical marijuana grower/processor shall submit a disposal plan to, and obtain approval from the Township Code Enforcement Officer or his or her designee. Medical marijuana remnants and bi-products shall be disposed of according to an approved plan.
- G. There shall be no emission of dust, fumes, vapors, or odors which can be seen, smelled, or otherwise perceived from beyond the lot line for the property where the medical marijuana grower/processor is operating.
- H. No retail sales of medical marijuana shall be permitted on the premises of a medical marijuana grower/processor.
- I. No use of medical marijuana shall be permitted on the premises of a medical marijuana grower/processor.

- J. A medical marijuana grower/processor shall submit a security plan to, and obtain approval from, the Township Engineer, Township Code Enforcement Officer, and Township Chief of Police. The use shall demonstrate how it will maintain effective security and control. The security plan shall specify the type and manner of twenty-four (24) hour security, tracking, recordkeeping, record retention, and surveillance system to be utilized in the facility as required by Section 1102 of the Pennsylvania Medical Marijuana Act and as supplemented by regulations of the Pennsylvania Department of Health pursuant to the Pennsylvania Medical Marijuana Act. Security service shall be provided by a licensed third-party security firm.
- K. A medical marijuana grower/processor shall submit a floor plan with internal security measures for approval by the Township Chief of Police. All medical marijuana product, byproduct, and waste shall be stored in an interior secure vault or receptacle in such a manner as to protect against improper dissemination.

SECTION 240-1921. MINI-WAREHOUSE/SELF-STORAGE

- A. The minimum tract area shall be as specified in the applicable district.
- B. Access shall be from a street of higher functional classification.
- C. The minimum aisle width between buildings shall be twenty (20) feet.
- D. Storage of explosive, radioactive, toxic, highly flammable, or otherwise hazardous materials shall be prohibited, with the exception of Subsection G.1.
- E. No business activity other than leasing of storage units and the sale of packing materials incidental to the principal use shall be conducted on the premises.
- F. Except as allowed in Subsection G., all storage shall be within enclosed buildings built of durable materials on a permanent foundation. Trailers, box cars, or similar impermanent or movable structures shall not be used for storage under this use.
- G. Outdoor storage areas for this use shall comply with § 240-2012 and the following requirements:
 - 1. Outdoor storage of motor vehicles, boats and recreation vehicles is permitted, provided they are screened so as not to be visible from adjacent streets, residential uses, or residential districts, are located in designated areas, and stored having no more than one-eighth (1/8) tank of fuel.
 - 2. A maximum of twenty percent (20%) of the total complex site area may be used for such outdoor storage.
 - 3. Stored vehicles shall not interfere with traffic movement through the complex.
- H. The complex shall be surrounded by a security fence and landscaped and screened per § 240-2010 and § 240-2011.

- I. This use shall not be located within a Flood Hazard District.

SECTION 240-1922. MIXED-USE (INDIVIDUAL AND DEVELOPMENT)

- A. Only uses permitted in the applicable district shall be permitted in a mixed-use.
- B. Minimum lot size shall be calculated for each use within a mixed-use, and the cumulative total shall be the lot size for the mixed-use, unless the applicant can prove that up to a ten percent (10%) reduction in total lot size can otherwise meet the intent of mixed-use as a use, this Chapter's requirements, and other applicable requirements.
- C. A minimum of twenty-five percent (25%) of the total floor area of a mixed use shall be devoted to non-residential uses.
- D. Area and bulk requirements.
 - 1. Minimum building setbacks unless otherwise permitted in the underlying district.
 - a. From streets: twenty (20) feet.
 - b. From refuse collection centers: twenty-five (25) feet.
 - c. From parking facilities: twenty (20) feet.
 - 2. Minimum total lot coverage: Sixty percent (60%) of total lot area unless greater lot coverage is permitted in the underlying district.
 - 3. Minimum total building coverage: Thirty (30%) unless greater building coverage is permitted in the underlying district.
- E. Parking requirements shall be calculated for each use, and the cumulative total spaces provided unless otherwise permitted in Article XX and spaces may be provided in a common parking area.
- F. Other uses that allow for multiple uses, such as a business park or commercial service/retail center, shall meet requirements for that specific use rather for a mixed use.
- G. Such use shall be served by public sewage disposal and water supply systems, as applicable.
- H. Parking areas within the Mixed Use Development shall be designed and landscaped so as to appear broken in mass, in proportion to the scale of structural development.

SECTION 240-1923. MOBILE or MANUFACTURED HOME PARK

Such uses shall meet this Section and applicable provisions the Township Subdivision and Land Development Ordinance and any other applicable Township, County, or State requirements.

A. Use provisions. Where such use is permitted under a particular zoning district, the following uses shall be permitted by right within said use:

- 1. Mobile or manufactured home units.
- 2. Mobile or manufactured home park office.
- 3. Mobile or manufactured home park service buildings.
- 4. Accessory uses, when located within and customarily incidental to the use:
 - a. Recreational facilities.
 - b. Signs per Article XXI.
 - c. Mobile or manufactured home sales facility.

B. Area and bulk regulations.

- 1. Minimum adjusted tract area for a mobile or manufactured home park: Twenty (20) contiguous acres.
- 2. Maximum gross density: Four (4) units per acre, provided there is adequate community or public sewer and water systems.
- 3. Minimum common green space: Thirty percent (30%) of total tract area, however:
 - a. Common green space shall not include any required buffer area;
 - b. At least twenty-five percent (25%) of common green space shall usable for active recreation and shall not be located on land subject to flooding,
 - c. Active recreation areas shall not be less than one-quarter (1/4) acre in size, and
 - d. Common green space shall meet § 240-2017.
- 4. Minimum perimeter setback: Fifty (50) from all tract boundaries and street lines. Buildings, building structures, and individual mobile home lots shall not be located within such setback. Landscaping and screening shall meet § 240-2010 and § 240-2011.
- 5. Minimum building setbacks: Fifteen (15) feet from an interior park street line, paved edge of a common parking area, common walkway, or other building or home.
- 6. Minimum building separation.
 - a. Minimum of thirty (30) feet between mobile or manufactured homes.
 - b. Minimum of fifty (50) feet between a mobile or manufactured home and any service building.
- 7. Minimum lot area for individual lots within a mobile or manufactured home park:

Mobile or manufactured home types	Minimum Lot Dimensions (feet)	Minimum Lot Area (square feet)
Single-wide home	60 × 100	6,000
Double-wide home	75 × 100	7,500

8. Maximum tract coverage: Forty percent (40%).

C. Design standards.

1. Installation. Homes shall be placed on and secured to a level foundation. The foundation and anchoring of the home to the pad shall meet the requirements of the specific type of home and the Pennsylvania Manufactured Housing Improvement Act of 2004. Homes shall not be supported by jacks, loose blocks, or other temporary materials.
 2. Skirting, structure, walkways, parking, interior streets, and other requirements shall be provided and designed to meet mobile home park standards of the Subdivision and Land Development Ordinance.
 3. Utility connections. Each home shall have connections for sewer, water supply, fuel supply and storage, and electrical service, which shall meet applicable mobile home park standards of the Subdivision and Land Development Ordinance.
 4. Lighting. Lighting for all streets and parking areas shall meet § 240-2013.
 5. Extensions, additions, and accessory buildings and structures. Individual home owners may install accessory or storage sheds, extensions, and additions to homes, and exterior patio or deck areas, which must meet Township requirements.
- D. Application and filing information.
1. Application and information requirements of Article XXV shall be met.
 2. Prior to zoning application or subdivision/land development plan submission, an applicant is strongly encouraged to submit an informal sketch plan.
- E. Mobile or manufactured home park management.
1. Registration. Every mobile or manufactured home park shall include an office for the person(s) in charge of such park. A copy of the operating permit, along with the register, shall at all times be available for inspection by any Township official. The register shall include but not be limited to the following information:
 - a. A number assigned to each mobile or manufactured home lot or site.
 - b. Names and addresses of all residents of the park.
 - c. The arrival date of each mobile or manufactured home to the park.
 - d. The departure date of each mobile or manufactured home from the park.
 2. Management responsibilities. The following responsibilities shall apply to all mobile or manufactured home park managers:
 - a. Maintenance of the park in a clean and sanitary condition.
 - b. Report all violations of this Chapter to the Township Zoning Officer.
 - c. Prohibit open fires upon the premises.
 - d. Notify the Township Zoning Officer a minimum of twenty-four (24) hours in advance of any entry or departure of a mobile or manufactured home unit.
 3. Change of ownership. Whenever the ownership or management of an established park is changed, the new owner or manager shall notify the Township Zoning Officer. Upon notification, the permit shall be amended accordingly.
- F. Individual mobile or manufactured homes outside of a mobile or manufactured home park.

1. Use. Such a home shall be considered as a single-family detached dwelling and shall meet applicable requirements of the district where it is located.
2. Installation. Placement or installation of a home on a single-family detached dwelling lot shall be on a permanent foundation compatible to that provided for a single-family detached dwelling per the Township Building Code.
3. Utilities. Each home on a single-family detached dwelling lot shall have a water supply and sewage system approved by Chester County Health Department and meeting other applicable requirements.
4. Structural requirements. Installation of homes on a single-family detached dwelling lot shall meet applicable structural requirements for anchoring, skirts, and hitches under the Township Subdivision and Land Development Ordinance and Building Code.

SECTION 240-1924. MULTIFAMILY DWELLINGS (INCLUDING APARTMENTS and TOWNHOUSES)

The following standards shall apply to all multifamily dwellings, except as noted in Subsection E.

- A. Multifamily dwellings shall be designed in clusters to create a traditional neighborhood character with common greens, access to sidewalks, parking areas, and other facilities and amenities, and efficient use of infrastructure. Buildings shall be designed to provide individual dwelling units with views and direct access to required open space areas and situated to preserve scenic views onto the tract as viewed from the public right-of-way. Multifamily dwellings and associated yard areas shall be designated to provide maximum privacy while affording optimum natural illumination. TND Infill Design Guidelines shall be considered for multifamily dwelling development design and particularly human scale, connectivity, walkability, and mixed-use elements.
- B. The maximum length of a multifamily building shall be one-hundred and sixty (160) feet. However, when apartment building façade variations of at least two (2) feet in depth for every fifty (50) feet to one-hundred (100) feet in length are incorporated into the design, then the maximum apartment building length may be extended to three-hundred (300) feet. Townhouse buildings shall have staggered front setbacks of at least four (4) feet in depth for dwelling units accompanied by a variation in facade design so buildings offer visual variety and provide individualized yard areas, and in no case shall more than two (2) adjacent units shall have the front setback within a single building.
- C. Dwelling unit setbacks, separation distances, and other applicable requirements shall meet the district where the use is located.
- D. Walkways shall connect other destinations, such as common areas and between buildings as well as to areas outside the multifamily use. Walkways or sidewalks shall be provided from parking and refuse collection areas to dwelling unit entrances.
- E. Where multifamily dwelling units are proposed under the open space design option of Article XVII, the open space design standards shall take precedence in the event of a conflict with the standards of this Section.

SECTION 240-1925. NURSING HOME, PERSONAL CARE FACILITY, CONGREGATE CARE COMMUNITY, and SIMILAR USES

- A. Nursing Home. Where a nursing home is proposed in conjunction with a congregate care campus, the regulations in this Subsection shall apply to the nursing home except to the extent they are in conflict with the regulations for a congregate care campus in which event the regulations for a congregate care campus shall apply.
 - 1. Minimum total common floor area and square footage of habitable floor area for each bed shall meet applicable federal and state requirements.
 - 2. Nursing home facilities shall be set back a minimum of seventy five (75) feet from any lot line or street right-of-way line.
 - 3. Nursing home facilities shall be licensed and operated to meet Pennsylvania Department of Health requirements. Licenses shall be clearly displayed and made available for inspection at all times. A license shall be obtained from the Pennsylvania Department of Health as a condition of issuing an occupancy permit by the Township.
 - 4. Minimum gross tract area: Five (5) acres.

- B. Personal Care Facility.
 - 1. Minimum total common floor area and square footage of habitable floor area for each bed shall meet applicable federal and state requirements.
 - 2. In a single-building development, the building structure shall not exceed three (3) stories or forty (40) feet in height whichever is less.
 - 3. In a multiple-building development, the building structures shall not exceed three (3) stories and thirty-five (35) feet in height whichever is less. No accessory building or structure shall exceed twenty (20) feet in height.
 - 4. Minimum gross tract area: Five (5) acres.

- C. Congregate care campus. Such use shall be permitted as provided in this Subsection.
 - 1. Minimum gross tract area: twenty (20) contiguous acres in single and separate ownership.
 - 2. The use shall have frontage along a major street and access shall from a street with a higher functional classification.
 - 3. Residents of a congregate care campus shall be limited by deed, and by lease where applicable, to households that include at least one (1) permanent resident. A personal care facility or nursing home, as part of a congregate care campus, shall house and care for persons in conformity with this Chapter’s requirements for such uses.
 - 4. The use and its accessory facilities shall be planned, developed, and operated under the direction of a single owner or agent for the owner. The use and its accessory facilities shall be designed to serve its residents and their guests only.
 - 5. If the congregate care campus includes a retirement community, the regulations relating to those uses, as contained in this Article shall apply except to the extent they are in

- conflict with the regulations set forth in this Subsection, in which case the regulations contained in this Subsection shall control.
6. Public or community sewer and water shall be provided.
 7. Area and bulk regulations.
 - a. Minimum tract width.
 - 1) at building line: Five hundred (500) feet.
 - 2) at street line: Five hundred (500) feet.
 - b. Minimum setback from tract boundaries and external streets: fifty (50) foot. Screening provisions in § 240-2011 shall be incorporated within setback areas.
 - c. Minimum separation distances between principal buildings shall be not less than fifty (50) feet between any point on a wall of any principal structure and any point on any other building.
 - d. Where parking is located within the front yard setback, parking areas shall be separated from the street line by a landscaped area at least ten (10) feet in width and that meets § 240-2010 and § 240-2011.
 - e. Maximum building coverage: Thirty-five percent (35%)
 - f. Maximum total impervious coverage: Fifty percent (50%)
 - g. Minimum green space: Thirty-five percent (35%). A portion of the green space shall be for a park-like area for the enjoyment of the residents of the facility and connected to the main building(s) with walkways. Other recreational facilities, such as paved walking paths, shall be provided for residents. An outdoor landscaped sitting area shall be provided on land having no more than a one percent (1%) slope and not adjacent to parking lots, detention basins, or major streets unless adequate screening per § 240-2011 is provided.
 - h. Maximum building height: Forty (40) feet
 - i. Maximum dwelling unit density: tract area multiplied by seven and a half (7.5). For purposes of calculating allowed density under this Subsection, where a congregate care campus includes a personal care facility or nursing home, four (4) beds for patient, resident, and/or staff person use provided within the congregate care campus use shall be deemed the equivalent of one (1) dwelling unit.

SECTION 240-1926. QUARRYING/MINING

- A. Minimum lot width and setbacks from lot lines for all primary building(s) and operational portions of the quarry or mine shall be:
 1. Lot width at street line: Three-hundred (300) feet.
 2. Front yard setback depth: Two-hundred and fifty (250) feet.
 3. Side yard setback width: Two-hundred and fifty (250) feet.
 4. Rear yard setback depth: Two-hundred and fifty (250) feet.
- B. Conditional use applications shall require following information in addition to that required by Article XXV.

1. General site area. Plan of general site area within a one (1) mile radius of the centroid of the proposed site, at a scale of no greater than one thousand (1,000) feet to the inch, with a twenty (20) foot or less contour interval. The general site area plan shall include:
 - a. Location of proposed site.
 - b. Roads, including widths, weight loads, types of surfaces, and traffic data.
 - c. Existing land use pattern, including building locations and historic resources.
 - d. Proposed uses or facilities, including any development, parks, preserves or natural areas, schools, churches, highways, and other uses potentially affecting or affected by the proposed operation.

2. Proposed site area. Plan of proposed site at a scale of not greater than one-hundred (100) feet to the inch with a five (5) foot or less contour interval. The proposed site area plan shall include:
 - a. Soils and geology.
 - b. Groundwater data and watercourses.
 - c. Vegetation and dominant species.
 - d. Cultural and historic resources, including specimen or heritage trees.
 - e. Wind data with directions and percentage of time.
 - f. Proposed usage and operation, including:
 - 1) Final grading by contours.
 - 2) Interior road pattern, its relation to operation yard and points of ingress and egress to state and Township roads.
 - 3) Estimated amount and description of aggregate and overburden to be removed.
 - 4) Ultimate use and ownership of site after completion of operation.
 - 5) Source and amount of water to be used.
 - 6) Proposed tree screen locations.
 - 7) Soil embankments for noise, dust, and visual barriers and heights of spoil mounds.
 - 8) Machinery type and noise levels.
 - 9) Safety measures and plan for monitoring of complaints.

C. Performance standards.

1. No excavation, quarry wall, storage or area in which processing is conducted shall be located within the required setbacks.
2. All excavations, except stone quarries over twenty five (25) feet in depth, shall be graded in such a way as to provide an area harmonious with the surrounding terrain and which does not pose a safety hazard. Grading and backfilling shall be accomplished continually and as soon as practicable after excavation.
3. Drainage, either natural or artificial, shall be provided so that disturbed areas shall not collect water or permit stagnant water to remain.
4. Principal access shall be from a road of higher functional classification. Access shall be so arranged as to minimize danger to traffic and avoid nuisance to surrounding properties.

5. When vegetative cover is the final use to which the tract is to be put, all that is not covered by water shall be covered with a sufficient amount of arable soil to support vegetation. A planting plan shall be prepared for the entire finished tract using various types of plant material for the prevention of erosion.
6. Blasting shall not occur between the hours of 6:00 p.m. and 7:00 a.m.
7. Quarries and mines whose ultimate depth is more than twenty five (25) feet in depth shall be provided with the following protection and screening:
 - a. A chain link fence, at least ten (10) feet high with a slanted barbed wire top section, completely surrounding the area.
 - b. If adjacent to a residential or commercial district, a screen planting around the perimeter of the fence per § 240-2011.
 - c. Warning signs placed on the fence at intervals of no greater than one-hundred (100) feet.
 - d. Access to the site shall be limited to those posted times when an attendant is on duty. The site shall be protected by closed and locked barricades, gates or other means, including monitored cameras, designed to deny access to the area at unauthorized times or locations.

SECTION 240-1927. RECREATION (OUTDOOR/RECREATION AREA and INDOOR/RECREATION FACILITY)

- A. The minimum total lot area for a recreation area or facility shall be two (2) acres.
- B. Impervious coverage for the proposed use, including paved recreational courts and swimming pools, shall not exceed the maximum lot coverage standard of the applicable zoning district.
- C. Active outdoor recreational areas whether the primary recreational use or an accessory use to a nonresidential use, shall be set back a minimum of one-hundred (100) feet from the lot line of any residential district or use, a minimum setback of fifty (50) feet from the lot line of any nonresidential district or use, and shall be screened per § 240-2011.
- D. Any recreational use that includes gun clubs, paintball, or other loud recreational activities shall only be permitted indoors and shall be soundproofed to the extent that no noise can be heard at the lot line.
- E. Square footage necessary for the recreational facilities themselves shall be based on the National Park and Recreation Association guidelines.
- F. Outdoor lighting shall meet § 240-2013.
- G. Seasonal or permanent rest rooms shall be provided for outdoor recreational areas.
- H. A master plan for the entire tract of land shall be prepared as part of the application for a use under this Section. The master plan shall provide sufficient data to ascertain the impact the

facility will pose on the Township and surrounding uses when it is complete and shall include the information required by Article XXV.

I. Campgrounds.

1. Campgrounds shall be developed under a master plan for the entire tract indicating driveways, solid waste disposal facilities, and evidence of sewage disposal facilities by the authority having jurisdiction, and type and method of water supply.
2. Campgrounds may be a permanent, year-round installation provided that no campground user shall be permitted to remain for a period exceeding thirty (30) days. The campground operator shall provide the Township with written management procedures to assure compliance which shall be made a condition of the zoning permit.
3. No amplified music, speaker, or public address system shall cause sounds to emanate beyond the property line.
4. At least one (1) attendant shall be on duty at all times.

J. Golf Courses.

1. The minimum gross lot area for a golf course shall be as follows:
 - a. Regulation eighteen (18) hole – one-hundred thirty (130) acres
 - b. Nine (9) hole – fifty (50) acres
 - c. Par three (3), eighteen (18) hole – forty-five (45) acres
 - d. Par three (3), nine (9) hole – twenty-five (25) acres
2. Minimum yard setbacks for buildings shall be one-hundred (100) feet and for structures/accessory uses shall be fifty (50) feet. All equipment shall be stored indoors.
3. Buildings and structures shall be clearly accessory and incidental to the principal use of the property as a golf course and, as applicable, associated club house. The following accessory uses are permitted when designed as an integral part of the primary use:
 - a. Clubhouse that may consist of a dining facility, snack bar, lounge, banquet facility, locker room, rest rooms, pro shop, and offices related to the golf course.
 - b. Accessory maintenance facilities.
 - c. Recreational facilities.
 - d. Fairways and greens.
 - e. Golf cart paths.
 - 1) To prevent dust, erosion, and excessive water flow across street rights-of-way and adjacent properties, golf cart paths shall be graded for proper drainage and improved with a durable and dustless surface, per the Township Subdivision and Land Development Ordinance.
 - 2) Golf course design shall minimize golf cart path crossings of street rights-of-way and accessways/access drives. Golf cart paths must be easily identifiable at crossings with street rights-of-way and accessways/access drives.

4. This use shall be by conditional use approval. Hours of operation may be specified as a condition of approval.
5. Protective mesh fencing shall be installed where necessary to provide protection to adjacent properties and streets, however the golf course shall be designed to prohibit the driving or hitting of across any building, parking area, or public street right-of-way.
6. The applicant shall provide a traffic impact study, which shall analyze traffic generation from the proposed use/development and its potential impact on the surrounding road system. An assessment and plan for the circulation of pedestrians and users within and near the proposed use and lot shall be included.
7. The golf course shall be designed to mitigate environmental impacts, including to minimize: stormwater runoff, the use of/need for fertilizers, pesticides and herbicides and related run-off, and site grading. The use shall utilize primarily native vegetation.
8. Water needs and supply.
 - a. A conditional use application shall include an analysis of the quantity of raw water needs (ground water or surface water) from any proposed private and/or public sources. For any proposed public source, the applicant shall submit documentation that the public authority will supply the water needed.
 - b. Conditional use approval shall not be granted where it is determined that the proposed water supply will not adequately provide water supply or meet water needs of the golf course, taking into account both water quantity and quality.
 - c. The applicant shall submit a water supply impact study to enable the Township to evaluate the impact of the golf course use on the groundwater supply and existing wells.
9. A conditional use application shall include a description of the proposed sewage system. The proposed system shall be consistent with the preferred treatment and disposal methods of the Township Act 537 Sewage Facilities Plan, Township Subdivision and Land Development Ordinance, Chester County Health Department, and Pennsylvania Department of Environmental Protection.
10. Any outdoor lighting shall not be directed toward or intrusive upon adjacent properties and public street rights-of-way.

SECTION 240-1928. RECYCLING COLLECTION CENTER, RECYCLING PROCESSING FACILITY, and TRASH TRANSFER STATION

- A. A recycling collection center shall only be permitted as a municipal accessory use or an accessory use in conjunction with an approved trash transfer station, recycling processing facility, or sanitary landfill.
- B. Recycling collection centers and recycling processing facilities.
 1. Storage of materials shall be within containers that prevent materials from being carried from the work area or site by wind or water and prevent inhabitation of vermin.
 2. Stored materials shall be set back a minimum of one-hundred (100) feet from a residential lot line or district. A minimum setback of fifty (50) feet or the setback

- required by the underlying district, whichever is greater, shall be maintained from any other lot line or street line.
3. Materials stored outdoors shall be properly screened so as not to be visible from adjacent streets or properties and shall meet § 240-2012.
 4. Except where special provision has been made for household hazardous waste disposal, hazardous waste as defined by the Pennsylvania Department of Environmental Protection (PADEP) shall not be disposed of at a recycling collection center or recycling processing facility.
 5. Principal access to the site shall be from the higher level functional classified street.
 6. When either of these uses are combined with a trash transfer station use, the separation of material shall be done so that the recycling portion does not interfere with the prompt disposal of the solid waste trash transfer station portion of the facility.
 7. The following standards shall in addition apply to recycling processing facilities.
 - a. Design and operation of a recycling processing facility shall meet this Chapter and State requirements and regulations including PADEP rules, whereby the more restrictive shall supersede and control.
 - b. Access to the site shall be limited to posted times when an attendant is on duty.
 - c. To protect against indiscriminate and unauthorized dumping, recycling processing centers shall be designed to deny access at unauthorized times or locations by locked barricades, fences, gates, walls, monitored cameras, or other means. Such barriers shall be a minimum of six (6) feet and a maximum of ten (10) feet in height, with access only through locking gates, and shall be kept in good repair and maintained in a uniform color.
 - e. A working plan for cleanup and control of litter shall be submitted to the Township. Blowing litter shall be confined to the on-site work area and controlled through the provision of a fence with a minimum height of six (6) feet and a maximum height of ten (10) feet, having openings not more than three inches by three inches (3"x3"), along all use boundaries.
 - d. Screening consistent with § 240-2011, shall be required between the fence and any street and lot line.
 - e. Unloading of materials shall be continuously supervised by authorized and qualified facility personnel.
 - f. Scrubbers shall be provided on driveways.
- C. Trash transfer stations.
1. Environmental controls.
 - a. Leachate from the solid waste and water used to wash vehicles or any part of the operation shall be disposed of in a manner in compliance with PADEP requirements. If the leachate is to be discharged to a municipal sewage treatment plant, appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall the leachate be disposed of in a stormwater system, into the ground, or in any other manner inconsistent with PADEP requirements.
 - b. Open burning of any materials shall be prohibited.

2. The entire transfer process, which includes unloading, compaction and loading onto the transfer trucks, shall occur inside a building.
3. Storage of solid waste on site.
 - a. Solid waste shall not remain on the site for more than seventy-two (72) hours.
 - b. At the end of each workday, all solid waste shall be compacted into a transfer container. Oversized items and items that cannot be compacted because of their size or construction shall be stored inside a building but shall remain on the site for no more than fifteen (15) days.
4. A contingency plan for disposal of solid waste during a plant shutdown must be submitted to the Township and approved by the Board of Supervisors.
5. A trash transfer station may include a recycling collection center and recycling processing facility if the standards herein for those uses are met.

SECTION 240-1929. RENEWABLE ENERGY SYSTEM (AS A PRIMARY USE OR ACCESSORY USE)

It is the purpose of these regulations to promote the safe, effective and efficient use of renewable energy systems to reduce the consumption of utility-supplied energy, heat, hot water, or any combination of the above, while protecting the health, safety and welfare of the residents of the Township, and while protecting adjacent land uses through appropriate zoning and land-use controls. Renewable energy systems include, but are not limited to geothermal, solar, and wind energy systems; as well as manure digesters and outdoor wood-fired boilers (OWBs). Other non-utility-supplied energy systems not specified herein may be permitted subject to conditional use approval. Where, in the course of reviewing a permit application for any renewable energy system, it is deemed advisable for the Township to retain the services of the Township Engineer or any other consultant, all reasonable costs therefor shall be borne by the applicant.

- A. Geothermal energy systems shall be permitted in all zoning districts, subject to the following regulations:
 1. Accessory use. A closed-loop geothermal energy system shall be permitted in all zoning districts as an accessory use, where the energy supplied is solely for the use of principal and accessory uses permitted on the subject property. Similarly, an open-loop geothermal energy system shall be permitted by conditional use in all zoning districts as an accessory use.
 2. Design and permitting. The design and installation of geothermal systems and related boreholes for geothermal heat pump systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), the International Ground Source Heat Pump Association (IGSHPA), the American Society for Testing and Materials (ASTM), the Air Conditioning and Refrigeration Institute (ARI), or other similar certifying organizations, and shall comply with the Township Building Code and with all other applicable Township requirements including permits. Applicable manufacturer specifications shall be submitted as part of the application for any permit.
 3. Permitted types. Only the following types of geothermal energy systems shall be permitted:

- a. Closed horizontal loop;
 - b. Closed vertical loop; and
 - c. Open horizontal loop systems relying upon injection wells.
4. Karst geology and sinkholes. Recognizing that certain portions of Kennett Township are underlain by karst or carbonate geology and are prone to the potential formation of sinkholes, all applicants for geothermal energy systems located in such areas shall acknowledge, and by virtue of the application for permit for installation of a geothermal energy system, shall agree to the following:
- a. In all situations when boreholes or trenches are (or have been) excavated, or natural conditions have otherwise been disturbed (such as through the withdrawal of groundwater in an open-loop system), the likelihood of sinkhole formation increases;
 - b. The applicant (or subsequent owner) accepts all responsibility and liability for any sinkholes that do form in association with the applicant's geothermal energy system; and
 - c. The applicant (or subsequent owner) agrees to repair any and all sinkholes that form in association with the geothermal energy system.
5. Appurtenances. All or any mechanical equipment (appurtenances) associated with and necessary for the operation of the geothermal energy system shall comply with all accessory setbacks for the zoning district in which the system is installed.
6. Setback requirements:
- a. Unless otherwise specified, geothermal energy systems shall be set back a minimum distance of twenty-five (25) feet from any property line.
 - b. Geothermal boreholes or trenches (in the case of horizontal-loop systems) shall be set back a minimum of one-hundred (100) feet from on-lot sewage disposal systems.
7. Closed-loop geothermal systems. Closed-loop geothermal systems shall utilize fluids conforming to all standards set by the Pennsylvania Department of Environmental Protection (DEP). A permanent sign must be attached to the heat pump specifying that only approved heat- transfer fluids must be used.
8. Open-loop geothermal energy systems. The following regulations shall apply to all open-loop geothermal energy systems:
- a. Water extraction.
 - 1) Watercourses. Extraction of water from surface waters shall be prohibited.
 - 2) Groundwater. All open-loop geothermal energy systems which extract water from groundwater sources shall comply with extraction limitations set for potable water wells under Federal, State, County and Township laws, requirements, and regulations.
 - 3) Installation requirements for extraction wells shall be the same as those for potable water wells, with respect to those regulations designed to prevent

aquifer contamination (grouting, etc.), or in conformance with IGSHPA standards, as determined by the Township Engineer.

- 4) Prior to the issuance of any permit for the installation of an open-loop geothermal energy system, the Township shall receive a report of the yield of the supply and recharge of the groundwater system which is an integral part of such installation. It shall be satisfactorily demonstrated that the groundwater yield will be adequate to meet the demands of the manufacturer's specifications for the equipment and shall not negatively impact the domestic water supply.

b. Aboveground discharge of water.

- 1) Discharge of water from open-loop systems into sewer systems shall be prohibited.
- 2) Discharge of water from open-loop systems into stormwater systems, and onto roads, shall be prohibited.
- 3) Discharge of water from open-loop systems into a waterbody shall be prohibited.

c. Underground injection of water. Underground injection of water from an open-loop geothermal energy system shall be subject to the following conditions:

- 1) Returned water shall contain no treatment additives or other introduced chemicals.
- 2) The return well shall be located a minimum distance of two-hundred (200) feet from wells on adjacent properties.
- 3) The return well shall be located a minimum distance of one-hundred (100) feet from the on-site well.
- 4) The return well shall recharge the groundwater from which supply water is extracted.
- 5) Because such return wells are included as Class V underground injection wells, the applicant shall submit an inventory of injection wells form, available from the United States Environmental Protection Agency, and shall comply with all federal, state, county and Township laws and regulations.

9. Abandonment or disrepair. If the geothermal energy system is ever abandoned or enters into a state of disrepair, it shall be the responsibility of the property owner to remove, permanently seal, or properly maintain the geothermal energy system within six months from the date the system enters such a state.

10. Decommissioning. Any earth disturbance as a result of the removal or permanent sealing of the geothermal energy system shall be graded and reseeded.

B. Outdoor wood-fired boilers or outdoor hydronic heaters, known generally as OWBs, shall be permitted on properties of ten (10) acres or greater, subject to the following regulations:

1. Accessory use. OWBs shall be permitted as accessory uses and accessory structures, where the energy supplied is solely for the use of principal and accessory uses permitted on the subject property.
 2. Design and permitting. The design and installation of OWBs shall conform to applicable industry standards, including those of the United States Environmental Protection Agency (EPA), American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the Township Building Code and with all other applicable fire and life safety requirements. Township permits shall be required. Applicable manufacturer specifications shall be submitted as part of the application for any permit.
 3. Compliance with other regulations. The owner of the OWB shall provide evidence indicating that the maintenance and operation of the OWB will be in compliance with applicable operations and performance standards set forth by DEP as well as in compliance with all air emissions quality standards promulgated by the United States Environmental Protection Agency (EPA), Pennsylvania DEP, or other relevant state or federal agency, including emissions of dust and particulates.
 4. Setback requirements. All OWBs shall be located a minimum distance of one-hundred fifty (150) feet from any property line, street right-of-way, or any inhabited dwelling not located on the lot on which the OWB is proposed.
 5. Historic resources. If an OWB is proposed to be mounted on or located within 100 feet of any historic structure or historic resource as may be designated by the Township or determined to be eligible for listing on the National Register of Historic Places by the Pennsylvania Historical and Museum Commission or the National Park Service, such OWB shall be subject to conditional use approval at the sole discretion of the Township following review and recommendation from the Township Historical Commission and upon a finding that the proposed system will not adversely impact the historical significance or landscape context of the subject historic structure or historic resource.
 6. Stack. All OWBs shall have a permanent attached stack. The minimum height of all stacks shall be twenty (20) feet above the ground and otherwise installed according to the manufacturer's specifications.
 7. Abandonment or disrepair. If the OWB is ever abandoned or enters into a state of disrepair, it shall be the responsibility of the property owner to remove or properly maintain the OWB within six months from the date the system enters such a state.
- C. Solar energy systems shall be permitted, subject to the following regulations and with the understanding that when a provision herein does not specifically refer to either accessory or principal uses, it shall apply to both:
1. Accessory uses. A solar energy system shall be permitted in all zoning districts as a permitted accessory use, subject to the provisions set forth herein. A system is considered an accessory solar energy system only if it supplies electrical or thermal power primarily for on-site use, with a system design capacity no greater than one-hundred and twenty-five percent (125%) of normal peak on-site energy demand.
 - a. Individual net metering. When a property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power

- generated and not presently needed for on-site use may be used by the utility company, as long as the electrical power generated is used primarily for on-site use. The owner of the accessory solar energy system shall provide written confirmation that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator and also approves of such connection. Systems not connected to the public utility grid shall be exempt from this requirement.
- b. Community net metering. Community net metering is similar to individual net metering, but permits the net metering credits from a solar energy system to be distributed among two or more electric meters, for example, where several homeowners cooperatively install a solar energy system. Such systems shall be permitted where all standards set forth herein are met and, in such cases, the one-hundred and twenty-five percent (125%) design capacity limitation shall apply to the collective energy demand of the participating parties.
 - c. Virtual net metering. Virtual net metering may be permitted where a solar energy system is installed in a different location from the meter or meters being credited with the solar energy that is produced, subject to conformance with all standards set forth herein. Instead of a direct connection to the solar energy system, the consumer of electricity is credited with the amount of electricity that the system offsets through connection into the grid at its location. Virtual net metering may apply to individual or community solar energy system(s). The one-hundred twenty-five percent (125%) design capacity limitation shall apply to the collective energy demand of the participating parties.
 - d. Roof mount whenever practical. Whenever practical, all accessory solar energy systems shall be attached to a building, or located on an existing impervious surface. If not designed to be attached to the building, the applicant shall demonstrate to the Zoning Officer, by credible evidence, that such systems cannot feasibly be attached to a building due to structural or other limitations of the building, orientation of the building toward the sun, or adjacent topography or vegetation impeding solar access.
- 2. Principal uses. A solar energy system shall be permitted as a principal use subject to conditional use approval in the LI District only.
 - 3. Design and permitting. The design and installation of the solar energy system shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories, the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the Township Building Code and with all other applicable fire and life safety requirements. Township permits shall be required. Applicable manufacturer specifications shall be submitted as part of the application for any permit.
 - 4. Grid interconnection. A solar energy system connected to the utility grid shall provide written authorization from the local utility company acknowledging and approving such connection.
 - 5. Transmission lines. All power transmission lines from the solar energy system to any building or other structure shall be located underground, unless it can be demonstrated, to the satisfaction of the Zoning Officer, in consultation with the Township Engineer, that this is infeasible.

6. Appurtenances. All or any mechanical equipment (appurtenances) associated with and necessary for the operation of the solar energy system shall comply with all accessory setbacks for the zoning district in which the system is installed.
7. Glare. Solar collectors shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways. Any glare produced visible beyond the property lines of the property upon which the solar energy system is located may be subject to the nuisance provisions of Article II of Chapter 168 of the Kennett Township Code.
8. Mounting location. A solar energy system may be roof- or ground-mounted (freestanding) subject to all limitations set forth herein.
9. Historic resources. If a solar energy system is proposed to be mounted on or located within one-hundred (100) feet of any historic structure or historic resource as may be designated by the Township or determined to be eligible for listing on the National Register of Historic Places by the Pennsylvania Historical and Museum Commission or the National Park Service, such system shall be subject to conditional use approval at the sole discretion of the Township following review and recommendation from the Historical Commission and upon a finding that the proposed system will not adversely impact the historical significance or landscape context of the subject historic structure or historic resource.
10. Solar access easements. A solar energy system shall be located to ensure solar access without reliance on adjacent properties. Where necessary to ensure that solar access to a solar energy system shall not be obstructed over time by permissible uses or activities on any adjacent property (e.g., by planting or growth of vegetation, new construction, etc.), it shall be the responsibility of the owner of the solar energy system to obtain appropriate solar access easement(s) from neighboring property owner(s) and to notify the Township upon the recording of any such easement(s). All solar access easements shall be recorded in the office of the Chester County Recorder of Deeds.
11. Setback requirements.
 - a. Accessory solar energy systems. No part of any accessory solar energy system shall be located within any required front yard setback, along any street frontage, or within any required setback or easement of any property, except as other provided for in this Article.
 - b. Principal solar energy systems. Principal solar energy systems shall meet the setback requirements of the underlying zoning district in which they are located.
12. Roof-mounted systems.
 - a. Under no circumstance shall the solar energy system extend beyond the edge of the roof.
 - b. A roof-mounted solar energy system may exceed, by no more than four (4) feet, the applicable building height or accessory building height limitation.
13. Ground-mounted (freestanding) systems. Accessory ground-mounted solar energy systems shall be permitted subject to conditional use approval in the C, RS, RMHD, VH, and VM zoning districts. They shall be permitted by right in all other zoning districts, subject to the following regulations:

- a. Setback requirements. Accessory ground-mounted solar energy systems must meet all setback requirements for an accessory structure for the zoning district in which installed, shall not be installed within the required front yard setback, and shall not be located along any street frontage (e.g., in a side yard abutting a street).
 - b. Exceptions requiring conditional use approval. Accessory ground-mounted solar energy systems shall be permitted subject to conditional use approval, only in the following situations:
 - 1.) Where located in the area between the front yard setback and the principal structure on the lot;
 - 2.) Where larger than five-hundred (500) square feet in surface area;
 - 3.) Where greater than fifteen (15) feet in height.
 - c. Conditional use qualifying conditions. All ground-mounted solar energy systems subject to conditional use approval shall comply with the following qualifying conditions:
 - 1.) Ground-mounted solar energy systems subject to conditional use approval shall be set back a minimum of one-hundred (100) feet from property lines and road rights-of-way unless the Board of Supervisors determines that the existing topography and/or landscaping provide an adequate barrier from the roadway.
 - 2.) Where a ground-mounted solar energy system is located less than one hundred and fifty (150) feet from a property line and/or road right-of-way, a landscaped setback shall be provided along such property line(s) and/or road right(s)-of-way per § 240-2011, unless the Board of Supervisors determines that the existing topography and/or landscaping provide an adequate setback.
 - d. Height limitation. No ground-mounted solar energy system shall exceed fifteen (15) feet in height except where approved subject to conditional use approval.
 - e. Impervious coverage. For the purposes of this Section, all at-grade or above grade features and facilities relating to ground-mounted solar energy systems, including appurtenances, shall be considered impervious surface and subject to the maximum impervious coverage requirements of the underlying zoning district, unless the applicant can demonstrate to the Township Engineer, by evidence, that stormwater will infiltrate into the ground beneath the solar collection system at a rate equal to that of the infiltration prior to placement of the system.
 - f. Lot coverage. The footprint of a ground-mounted solar energy system shall be calculated as part of the overall lot coverage, regardless of whether it is determined to be impervious.
14. Safety and security of principal solar energy systems.
- a. Safety warnings. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fences, pursuant to applicable state and federal safety warning standards.
 - b. Security. All access doors to electrical equipment for principal solar energy systems shall be locked or fenced, as appropriate, to prevent entry by unauthorized personnel.

15. Abandonment or disrepair. If the solar energy system is ever abandoned or enters into a state of disrepair, it shall be the responsibility of the property owner to remove or properly maintain the solar energy system within six (6) months from the date the system enters such a state.
 16. Decommissioning. If a ground-mounted solar energy system is ever removed, any earth disturbance as a result of the removal of the ground-mounted solar energy system shall be graded and reseeded to the satisfaction of the Township.
- D. Wind energy systems shall be permitted in all zoning districts, subject to the following regulations:
1. Accessory uses. Accessory wind energy systems shall be permitted in all zoning districts as a permitted accessory use, subject to the provisions set forth herein. A system is considered an accessory wind energy system only if it supplies electrical power primarily for on-site use, with a system design capacity no greater than one-hundred and twenty-five percent (125%) of normal peak on-site electrical demand.
 2. Utility grid interconnection. When a property upon which an accessory wind energy system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company, as long as the electrical power generated is used primarily for on-site use. The owner of the accessory wind energy system shall provide written confirmation that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator and also approves of such connection. Systems not connected to the public utility grid shall be exempt from this requirement.
 3. Historic resources. If a wind energy system is proposed to be mounted on or located within one-hundred (100) feet of any historic structure or historic resource as may be designated by the Township or determined to be eligible for listing on the National Register of Historic Places by the Pennsylvania Historical and Museum Commission or the National Park Service, such system shall be subject to conditional use approval at the sole discretion of the Township following review and recommendation from the Historical Commission and upon a finding that the proposed system will not adversely impact the historical significance or landscape context of the subject historic structure or historic resource.
 4. Design and permitting. The design and installation of the wind energy system shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the Township Building Code and with all other applicable fire and life safety requirements. Township permits shall be required. Applicable manufacturer specifications shall be submitted as part of the application for any permit.
 5. Transmission lines. All power transmission lines from the wind energy system to any building or other structure shall be located underground.
 6. Appurtenances. All or any mechanical equipment associated with and necessary for the operation of the wind energy system shall comply with all accessory setbacks for the zoning district in which the system is installed.

7. Height limitations.
 - a. Maximum. The maximum height for a wind energy system shall not exceed thirty-five (35) feet.
 - b. Minimum. The minimum height of the lowest position of the wind turbine blade shall be fifteen (15) feet above the ground. If the wind turbine proposed is a vertical axis wind turbine (also referred to as a "helix-type turbine" or "VAT"), the height between the lowest point of the turbine and the ground may be reduced to ten (10) feet.
8. Setback requirements. Minimally, all wind energy systems must meet the setback requirements for accessory structures for the underlying zoning district. Wind energy systems shall be set back a horizontal distance equal to their height from any property line or residential dwelling, excluding any dwelling on the lot on which the wind energy system is located. No wind energy systems shall be installed within the required front yard setback and shall not be located along any street frontage (e.g., in a side yard abutting a street). Additionally, all wind energy systems must be set back sufficiently from any aboveground utility lines, radio, television, or telecommunications towers so as to present no danger to those lines or structures, as certified by the applicant's engineer. No portion of any accessory wind energy system shall extend over parking areas, access drives, driveways or sidewalks.
9. Noise limitations. Wind energy systems shall not generate noise which exceeds fifty-five (55) decibels, or ten (10) decibels above ambient noise, in any hour, whichever is higher. Noise is measured from the property line of the closest neighboring inhabited structure or nearest habitable structure setback line on any abutting property. The ambient sound measurement, known as "A-weighted sound level," is taken where the noise from the wind turbine cannot be heard, or with the wind turbine shut down. The ambient sound level shall be considered the level that is exceeded ninety percent (90%) of the time when the noise measurements are taken. Any noise exceeding this level may be subject to the nuisance provisions of Article II of Chapter 168 of the Kennett Township Code. Notwithstanding the above, the fifty-five (55) decibels or ten (10) decibels over ambient level may be exceeded during short-term events such as utility outages and/or severe wind storms.
10. Lot coverage. The footprint of a wind energy system shall be calculated as part of the overall lot coverage.
11. Structural integrity. For any roof-mounted wind energy systems, such as microturbine systems or horizontal- or vertical-axis turbines, the applicant must demonstrate to the Building Code Inspector, by evidence that the structural integrity of the structure is such that it can adequately support the system being considered.
12. Storage structures. When an accessory building is necessary for storage cells or related mechanical equipment, the accessory building shall not have a floor area exceeding two-hundred (200) square feet and shall comply with the accessory structure requirements specified within the underlying zoning district.
13. One turbine per lot. No more than one (1) wind energy system (wind turbine) shall be permitted per lot, except on lots of ten (10) acres or more. A wind energy system made up of a number of adjacent microturbine panels is considered one (1) system for the purposes of this Subsection.

14. Braking. All wind energy systems shall be equipped with an adequate braking system to prevent excessive speed. Such system may include aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and/or mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode.
 15. Lighting. Wind energy systems shall not be artificially lighted, except to the extent required by the Federal Aviation Administration (FAA).
 16. Colors. Wind energy systems shall be a nonobtrusive color such as white, off-white, sky blue, or gray.
 17. Shadow flicker. All wind energy systems shall, to the extent feasible, be sited to prevent shadow flicker on any occupied building on adjacent properties.
 18. Climbing. Wind energy systems shall be equipped with an appropriate anticlimbing device, or otherwise made unclimbable, to prevent unauthorized access to the system.
 19. Advertising and signage. Wind energy systems shall not be used to display advertising, signage, banners or similar materials, with the exception of any manufacturer's labels or warning placards. Any such sign shall have an area not to exceed four (4) square feet.
 20. Safety and security for principal wind energy systems.
 - a. Safety warnings. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fences.
 - b. Security. All access doors to wind turbines and electrical equipment for principal wind energy systems shall be locked or fenced, as appropriate, to prevent entry by unauthorized personnel.
 21. Abandonment or disrepair. If the wind energy system is ever abandoned or enters into a state of disrepair, it shall be the responsibility of the property owner to remove or properly maintain the wind energy system within six months from the date the system enters such a state.
 22. Decommissioning. If a wind energy system is ever removed, any earth disturbance as a result of the removal of the system shall be graded and reseeded to the satisfaction of the Township.
- E. Manure digesters (also known as anaerobic digesters) shall be permitted on properties of ten (10) acres or more, subject to the following regulations:
1. Accessory use. A manure digester shall be permitted as an accessory use only if it supplies electrical or thermal power primarily for on-site use, with a system design capacity no greater than one-hundred and twenty-five percent (125%) of normal peak on-site energy demand. A manure digester shall not be permitted as a principal use.
 2. Utility grid interconnection. When a property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company, as long as the electrical power generated is used primarily for on-site use. The owner of the manure digester shall provide written confirmation that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator and also approves of such connection. Systems not connected to the public utility grid shall be exempt from this requirement.
 3. Design and installation.

- a. The design and installation of any manure digester shall conform to applicable industry standards and shall comply with the Township Building Code and with all other applicable fire and life safety requirements. Township permits shall be required. Applicable manufacturer specifications shall be submitted as part of the application for any permit. The applicant shall further address and document performance standards for siting to minimize impacts on neighboring properties which shall include: considerations of odor, prevailing wind patterns, proximity to nonagricultural properties, operational noise, and specific hours of operation.
 - b. Manure digesters shall be designed and constructed in compliance with the applicable guidelines outlined in the Pennsylvania Department of Environmental Protection's Bureau of Water Quality Management publication(s), and any revisions, supplements and replacements thereto by the Pennsylvania DEP.
 - c. Manure digesters shall also be designed and constructed in compliance with applicable Federal, State, County and Township laws and regulations. Evidence of all regulatory agencies' approvals shall be included with the application.
 - d. A certified professional, qualified to do such, shall furnish and demonstrate compliance with all details of construction, operation, maintenance and necessary controls related to the manure digester.
 - e. Chester County Conservation District. The applicant shall:
 - 1) Provide a letter from the Chester County Conservation District (CCCD) stating that the applicant's manure digester design has been reviewed and approved by the CCCD and that all regulations and requirements of the state manure management program have been satisfied; or
 - 2) Submit a letter from the CCCD stating that it will not review the plan or that no review is required under applicable laws and regulations; or
 - 3) Submit evidence that such a CCCD review letter has been requested and that the CCCD has failed to respond within sixty (60) days.
- 4. Minimum lot size. The minimum lot size shall be ten (10) acres.
 - 5. Operation and performance standards. The proposed use shall be subject to any applicable operation and performance standards set forth by the DEP.
 - 6. Setback requirements. Manure digesters shall not be located within fifty (50) feet of any side property line, within seventy-five (75) feet of any rear property line, within one-hundred and fifty (150) feet from any dwelling other than that of the property owner, or within one-hundred (100) feet of any public street.
 - 7. Lot coverage. The footprint of a manure digester shall be calculated as part of the overall lot coverage.
 - 8. Abandonment or disrepair. If the manure digester is ever abandoned or enters into a state of disrepair, it shall be the responsibility of the property owner to remove or properly maintain the manure digester within six months from the date the system enters such a state.
 - 9. Decommissioning. If a manure digester is ever removed, any earth disturbance as a result of the removal of the manure digester shall be graded and reseeded to the satisfaction of the Township.

SECTION 240-1930. RESIDENTIAL CONVERSION

The following provisions shall apply to the conversion of a single-family detached dwelling to consist of a greater number of dwelling units. This section shall not apply to accessory apartments which meet the provisions of § 240-1901.

- A. This use shall apply to historic resources.
- B. Area and bulk regulations applicable to a single-family detached structure in the district where the use is proposed shall be met by the residential conversion.
- C. Residential conversions in RMHD, VH, and VM Districts shall only be permitted if served by community or public sewer and water system, where applicable.
- D. The converted single-family detached dwelling shall maintain the facade and appearance of a detached dwelling with the original entranceway. The resulting dwelling units may share a single front entrance.
- E. Additional entrances, when required, shall be placed on the side or rear of the building. Exterior stairways and fire escapes shall be located on the rear wall in preference to either side wall and shall in no case be located on a front or side wall facing a street.
- F. With the exception of improvements relating to safety and access as identified in Subsections E. and F., there shall be no structural change to the exterior of the building in connection with the conversion. Historic character of the building shall be preserved and Article XVI met.
- G. The applicant shall submit the following information with the permit application:
 - 1. Site, floor, and architectural plans indicating both exterior and interior modifications associated with the conversion.
 - 2. A copy of the site plan indicating the location of entrances, including any stairways or fire escapes, and off-street parking.
 - 3. A permit from the Chester County Health Department that adequate sewage and water facilities are available or can be provided.
- H. Each dwelling unit shall be provided separate cooking and sanitary facilities in accordance with Township Building Code and Chester County Health Department requirements. Approval by all applicable agencies is required prior to the issuance of a Township permits.
- I. Parking requirements.
 - 1. Off-street parking spaces shall meet § 240-2002 and other applicable parking requirements.
 - 2. Off-street parking lots with five (5) or more spaces shall be landscaped or screened from abutting lots with dwellings per § 240-2010 and § 240-2011.
 - 3. Off-street parking is preferably to be located to the side or rear of the converted structure.
 - 4. Unrestricted egress and ingress between parking areas and the street shall be provided.

SECTION 240-1931. RETIREMENT COMMUNITY

- A. Where a retirement community is proposed in conjunction with a congregate care campus, the regulations in this Section shall apply to the retirement community except to the extent they are in conflict with the regulations of § 240-1925, in which event the regulations of § 240-1925 shall supersede.

- B. Area and bulk standards.
 - 1. Minimum tract area: twenty (20) contiguous gross acres and fifteen (15) contiguous net acres in single and separate ownership.
 - 2. Maximum gross density: four (4) dwelling units per acre.
 - 3. Minimum tract width.
 - a. Building line: Two hundred (200) feet.
 - b. Street line: One hundred (100) feet.
 - 4. Minimum setback from tract boundaries and external streets: fifty (50) foot. Screening provisions in § 240-2011 shall be incorporated within setback areas.
 - 5. Minimum building setbacks.
 - a. From internal streets: twenty-five (25) feet.
 - b. From refuse collection centers: twenty-five (25) feet.
 - c. From parking facilities: twenty (20) feet.
 - 6. Minimum separation distances between principal buildings on the same tract.
 - a. Facing front or rear walls (long wall): Fifty (50) feet.
 - b. Facing end walls (short wall): Thirty-five (35) feet.
 - 7. Maximum building coverage: Thirty percent (30%).
 - 8. Maximum lot coverage: Forty percent (40%).

- C. The retirement community and accessory facilities shall be designed to serve its residents and their guests only.

- D. The retirement community and accessory facilities shall be planned, developed, and operated under the direction of a single owner or agent for the owner.

- E. Retirement communities shall be served by community or public sewer and water system.

- F. The retirement community shall provide individual dwelling units in any combination of single-family detached, two-family, or multifamily dwellings and may include a community center where any of the following accessory uses may be permitted for the convenience of residents and their guests:

1. Dining facilities.
 2. Recreational facilities, including activity rooms, auditoriums, lounges, and libraries, community gardens, gazebos, shuffleboard courts, and tennis courts.
 3. Office, retail, and personal service facilities, including gift shop, coffee shop, beautician, barber or beauty shop, bank, and pharmacy.
- G. Wheelchair access to all dwelling units and community facilities, in accordance with the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.), shall be provided in the design of structures, pedestrian walkways, and parking areas. Where practical and desirable, buildings shall be interconnected by means of covered or enclosed walkways.
- H. A minimum of forty percent (40%) of the total tract area shall be designated as and used exclusively for common open space. Ownership, maintenance, location, design, and layout of common open space shall meet the applicable provisions of Article XVII. Common open space shall be used solely for recreational purposes or shall remain in its natural state.
- I. Where parking is located within the front yard setback, parking areas shall be separated from the street line by a landscaped area at least ten (10) feet in width and that meets § 240-2010 and § 240-2011.
- J. Retirement communities that incorporate affordable units as described below shall meet:
1. At least ten percent (10%) of the units should be reserved for those with a documented combined household income at or below sixty percent (60%) of the area median income (AMI) for the Philadelphia Metropolitan Statistical Area; or income that is determined to be "Very Low Income" or "Extremely Low Income" "as adjusted", as defined by the United States Department of Housing and Urban Development.
 2. Maximum gross density: Twelve (12) dwelling units per acre.
 3. A pedestrian oriented setting shall be built and maintained to enhance linkages including taking into account natural features. Walkways shall connect other destinations, such as common areas and between buildings as well as to areas outside the use. Walkways shall be provided from parking and refuse collection areas to dwelling unit entrances.
 4. The applicant shall demonstrate to the Township that § 240-2017.C is met.
 5. Applicable design standards of Article XX shall apply, except that parking may be provided on a ratio of one and one-quarter (1.25) parking spaces per dwelling unit.

SECTION 240-1932. SANITARY LANDFILL

- A. Minimum tract size shall be twenty (20) contiguous acres, undivided by water bodies, streets, or other rights-of-way. All landfill operations, including buildings, structures, materials, and grading, shall be set back a minimum of two-hundred (200) feet from any lot line not affiliated with the use, flood hazard district boundary, waterbody, wetland, surface water and groundwater supplies, or water system.
- B. Sanitary landfills shall be municipally or public authority owned and operated facilities.

- C. Design and operation of a sanitary landfills shall meet this Chapter and State regulations and requirements including Pennsylvania Department of Environmental Protection (PADEP) rules, whereby the more restrictive shall supersede and control. A permit shall be obtained from PADEP as a condition of issuing Township permits. The PADEP permit shall be clearly displayed and made available for inspection.
- D. Fencing and screening.
 - 1. Sanitary landfills shall be designed to deny access at unauthorized times or locations by locked barricades, fences, gates, walls, monitored cameras, or other means.
 - 2. Sanitary landfills shall be completely enclosed by a fence or wall to deter trespassing and indiscriminate dumping or other issues and to prevent debris from blowing off premises. Such fence or wall shall be a minimum of eight (8) feet and a maximum of ten (10) feet in height, with no openings greater than three inches by three inches (3"x3"), access only via solid locking gates.
 - 3. The fence or wall shall be setback a minimum of fifty (50) feet from any street line and lot line.
 - 4. Screening consistent with § 240-2011, shall be required between the fence or wall and any street line and lot line.
 - 5. The fence or wall shall be kept in good repair and maintained in a uniform color.
- E. Access to a sanitary landfill shall be from a higher level functional classification street in order to address traffic congestion, incompatible traffic flow, and excessive wear on lower classified street types.
- F. All trucks entering and leaving the landfill shall be covered. Roads used for access within and adjacent to the landfill shall be patrolled daily by the landfill operator to pick up and dispose of scattered and blowing refuse. Tire scrubbers shall be installed at all points of truck egress/ingress.
- G. The landfill shall be properly maintained to ensure no nuisance or danger exists to nearby properties and property owners, flood hazard district, waterbody, wetland, surface water and groundwater supplies, or water system. The landfill property shall be continuously stabilized and ground cover established to avoid erosion and sedimentation problems. When at capacity, the landfill shall be closed in accordance with PADEP requirements.
- H. A sanitary landfill operation shall be under the direction at all times of a responsible party who is qualified by experience or training to operate a landfill. Unloading and loading of waste materials shall be continuously supervised by authorized and qualified facility personnel.
- I. Access to the site shall be limited to posted times when an attendant is on duty.
- J. Hazardous materials, such as highly flammable materials, explosives, pathological wastes, radioactive materials, medical waste, and sewage liquids and solids shall not be disposed of in a sanitary landfill.

- K. A performance bond shall be posted by the applicant in an amount sufficient to cover the cost, as estimated by the Township Engineer, of meeting applicable requirements of this Chapter. The amount and form of the bond shall be approved by the Board of Supervisors.

SECTION 240-1933. TEMPORARY USE

A. Permitted temporary uses or structures:

- 1. Offices for contractors on the site and during the period of construction only.
- 2. Sales offices for new residential development to be removed upon the conclusion of the final sales in the development.
- 3. Temporary housing for residents displaced from the principal residence due to damage which has made the structure uninhabitable while the principal dwelling is being repaired.
- 4. Temporary shelter for business operations that have been displaced from the principal building due to damage which has made the principal structure unusable while the principal structure is being repaired.
- 5. Bloodmobile, mobile medical testing facility, mobile food banks, and similar activities related to the promotion of public health.
- 6. Mobile office of the Armed Forces of the United States for public education or recruitment.
- 7. Mobile headquarters for political campaigns for a period not to exceed three (3) months.
- 8. Other temporary uses or structures of a similar nature to those listed above, as determined by the Zoning Officer.

B. Permits for temporary uses and structures.

- 1. A temporary use permit shall not be required for uses listed in Subsection A that are in place for three (3) or less consecutive days.
- 2. Length of permit.
 - a. Unless otherwise limited in Subsection A, temporary uses and temporary structures shall exist for a period not longer than six (6) months. Temporary use permit may be renewed once for an additional six (6) month period. Further extensions will be at the discretion of the Township Zoning Officer.
 - b. At the end the approved issuance of a temporary use permit, the use shall cease. In the case of a temporary structure associated with the temporary use, the structure shall be fully removed within five (5) days of the expiration date of the permit. If such structure is not removed, it shall be deemed a permanent structure and be required to meet applicable requirements.
- 3. Where necessary, as determined by the Zoning Officer, the applicant shall provide plans or information to ensure adequate parking, emergency access, road access, sanitary facilities, refuse collection, and cleanup after the event.

SECTION 240-1934. TRANSITIONAL HOUSING

- A. Transitional housing shall not be permitted within a one thousand (1,000) foot radius of another transitional housing facility in order to avoid concentration of such facilities. A transitional housing facility is considered to be an institutional use.
- B. Transitional housing occupancy shall not exceed a maximum of six (6) individuals, plus resident staff.
- C. Transitional housing shall be permitted in detached buildings and shall comply with the applicable provisions of the Township Building Code. This use shall meet minimum area and bulk regulations for the residential dwelling, or other building type if the use is not within a dwelling, in the district in which the use is located.
- D. When proposed within an existing residential dwelling, the transitional housing facility shall have no external alterations except as may be necessary for reasons of safety, including fire escapes and which shall be located to the rear of the building where practical. The applicant shall submit plans indicating exterior changes. All changes shall be easily converted to a typical residential use.
- E. Transitional housing shall be provided with twenty-four (24) hour live- resident staff.
- F. Transitional housing must be sponsored and operated by a group, organization, or corporation licensed by either the County or State. Proof of licensing shall be submitted with any application for this uses. Proof of compliance with all applicable County, State, or Federal regulations shall be furnished to the Township prior to conditional use approval or the granting of a zoning permit or subdivision or land development approval.

SECTION 240-1935 USES THAT ARE LARGE SCALE NON-RESIDENTIAL OF 10,000 SQ. FT. OR GREATER

Special development requirements.

- A. The lot or tract on which this use is located shall in its entirety be owned and operated as a single or common management and maintenance unit including parking, utility, maintenance, and service facilities.
- B. The existing street system shall be able to accommodate peak traffic generated by the use in a safe and efficient manner. Adjacent streets shall not be impacted by a peak-hour traffic increase of more than five percent (5%), or an average daily traffic increase exceeding ten percent (10), due to operation of this use or any expansion thereof.
- C. A system of efficient ingress, egress, and internal vehicular circulation resulting in minimal interference with surrounding traffic flow shall be provided. A system of safe and effective pedestrian circulation shall be developed.

- D. A defined location for collection and a plan for periodic disposal of solid waste materials shall be required. All waste shall be stored in covered containers, or in permanent structures designated principally for such use. Solid waste shall be clearly distinguished from medical waste which shall be treated separately per County and State regulations.
- E. Loading, maintenance, storage, tank, and waste facilities shall be located internally on the site such that they are not visible from adjoining streets or other public view.
- F. For any proposed facility expansion, a Master Facilities Plan shall be provided as part of the permit application submission. Any expansion shall maintain the existing character of the buildings on-site and character of surrounding areas and developable land within the center of the complex shall be used for expansion before land close to the perimeter so as to minimize the impact on existing neighboring character.
- G. Staggered setbacks of buildings facades accompanied by a variation in facade design shall be required so buildings offer visual variety and provide individualized areas. Building facades shall not be longer than one-hundred fifty (150) feet without a minimum ten (10) foot deep building offset. No building shall be longer than three hundred (300) feet in length, regardless of the number of building offsets.
- H. Screening and landscaping requirements shall be as provided in Article XX.