

ZONING ORDINANCE

LOWER CHICHESTER TOWNSHIP
Delaware County, Pennsylvania

2017

ZONING ORDINANCE
FOR
LOWER CHICHESTER TOWNSHIP

Adopted August 21, 2017

Prepared by the Delaware County Planning Department

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**TOWNSHIP OF LOWER CHICHESTER
DELAWARE COUNTY**

ORDINANCE 2017-02

AN ORDINANCE OF THE TOWNSHIP OF LOWER CHICHESTER, DELAWARE COUNTY, PA, ADOPTING A NEW COMPREHENSIVE ZONING ORDINANCE AND REZONING OF 2017, WHICH SHALL BE A PART OF THE CODIFIED ORDINANCES OF LOWER CHICHESTER TOWNSHIP, PART TWELVE, TITLE SIX, ZONING CHAPTERS 1-20, AND REPEALING ANY PRIOR ORDINANCES OR AMENDMENTS THERETO OF 1968, CHAPTERS 1260-1290, WHICH ARE INCONSISTENT WITH THE ZONING ORDINANCE OF 2017, AND AMENDS THE ZONING MAP OF THE TOWNSHIP OF LOWER CHICHESTER AND CHANGES THE ZONING CLASSIFICATION OF CERTAIN PROPERTIES, EVIDENCED BY THE APPROPRIATE ZONING SECTIONS AND ZONING MAP

WHEREAS, the Commissioners of Lower Chichester Township desire to adopt a new Comprehensive Zoning Ordinance and Rezoning, that is designed to preserve and build upon the Township of Lower Chichester's traditional and historic character; and,

WHEREAS, properly advertised public hearings were held on Monday, July 17, 2017, and Monday, August 21, 2017; and,

NOW THEREFORE, IT IS HEREBY ORDAINED AND ENACTED, by the Commissioners of the Township of Lower Chichester as follows:

Section 1. Amendment to Part Twelve, Title Six, Chapters 1260 to 1290, of the Code of Lower Chichester Township, entitled "Zoning" is hereby amended by deleting the existing text of such chapters in their entirety and substituting in lieu thereof the text of "Township of Lower Chichester Comprehensive Zoning Code of 2017", Chapters 1 – 20, and which changes the zoning classification of certain properties as evidenced by the appropriate sections and Zoning Map", a copy of which is attached hereto as Exhibit "A", and incorporated herein.

Section 2. The **Zoning Map of Lower Chichester** is hereby amended.

Section 3. Repealer. All ordinances or parts of ordinances inconsistent herewith are

hereby repealed to the extent of any inconsistency.


Section 4. Severability. If any clause, sentence, paragraph or part of this Ordinance, or the supplication thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance nor the application of such clause, sentence, paragraph or part to other persons or circumstances, directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such provisions not been included or such persons or circumstances been expressly excluded from their coverage.

Section 5. Enforcement and Penalties for violations are provided as set forth in the Codified Ordinance of Lower Chichester Township, Section 202.99.

Section 6. Effective Date. This Ordinance shall be effective immediately.

ENACTED AND ORDAINED, by the Township of Lower Chichester, Delaware County, Pennsylvania, this 21st day of August, 2017.

TOWNSHIP OF LOWER CHICHESTER



ROCCO GASPARI,
PRESIDENT,
BOARD OF COMMISSIONERS.

Attest:

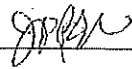


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ZONING MAP

FIGURE 1: AIRPORT HAZARD OVERLAY

CHAPTER 1

PURPOSE, DISTRICTS, AND ZONING MAP

101. Title

This ordinance shall be known and may be cited as the Township of Lower Chichester Zoning Ordinance of 2017.

102. Purposes

The zoning regulations and districts set forth in this Ordinance are designed to achieve the following purposes as stated in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

1. To promote, protect and facilitate any or all of the following: the public health, safety and general welfare; coordinated and practical community development and growth and proper population density; guidance, protection and improvement of amenity, convenience, future governmental, economic, social and cultural facilities as well as governmental processes and functions; guidance of uses of land and structures, types and location of streets, roadways, public grounds and facilities; promotion of energy conservation through planning practices and promotion of the effective utilization of renewable energy sources; the provision of adequate light, water and air, access to incident solar energy, police and fire protection, transportation, sewerage and schools; and preservation of the natural, scenic and historic values in the environment as well as the preservation of forests, wetlands, aquifers and floodplains.
2. To prevent one or more of the following: overcrowding of land; blight; danger and congestion in travel and transportation; or loss of health, life or property from fire, flood, panic or other danger.
3. To provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings and a reasonable range of multi-family dwellings in various arrangements, mobile homes and mobile home parks.
4. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and on residential uses.

103. Community Development Objectives

The zoning regulations and districts set forth in this Ordinance are based on the goals and objectives stated in the currently adopted comprehensive plan for the Township. This Ordinance is intended to implement the principles, policies and objectives of the comprehensive plan and guide and regulate the orderly growth and development of Lower Chichester Township.

The provisions of this ordinance are also based on achieving the following stated objectives:

1. **Land Use - Residential.**

Goal - Accommodation of the anticipated and projected population growth.

Objective 1 - Maintenance of the older housing stock so as to prevent physical deterioration of structures, prevent overcrowding of dwelling units and prevent overall neighborhood decline.

Objective 2 - Provision of a variety of housing types in terms of prices, location, structure, type and tenure in suitable locations to meet the varying needs of all individuals and families.

Objective 3 - Provision of adequate living space, especially in terms of open space.

Objective 4 - Protection of living areas from smoke, noise, air pollution and other nuisances.

2. **Land Use - Commercial.**

Goal - Encouragement and strengthening of a viable amount of well-located, well-designed, commercial establishments with primary emphasis on safety, convenience and attractiveness.

Objective 1 - Provision for growth in more clustered centers of high intensity use so as to reduce traffic hazards and enhance convenience.

Objective 2 - Encouragement of the separation of commercial traffic from through traffic and residential traffic by controlling ingress and egress points and by requiring sufficient off-street parking and loading facilities.

3. **Land Use - Industrial.**

Goal - Establishment of modern type industrial development in areas contiguous to present industrial development.

Objective 1 - Protection of residential and commercial areas from smoke, noise, air pollution and other nuisances by development of modern type industry.

Objective 2 - Encouragement of modern type industrial structures for industry consonant with comfortable living by residents in nearby areas.

4. **Municipal Services.**

Goal - Provision of adequate services at reasonable and predictable costs to the taxpayer through an efficient, economical system capable of providing expanded services as necessary.

Objective 1 - Provision of adequate recreation facilities for all age groups and interests through cooperative efforts of the Township and the school system.

Objective 2 - Provision of professional law enforcement within the financial capability of the Township.

Objective 3 - Provision of adequate fire-fighting personnel and facilities so that all areas of the Township can be efficiently and effectively served.

Objective 4 - Provision of efficient, economical refuse collection and street maintenance services.

5. **Transportation.**

Goal - Provision of safe, convenient and economical movement of goods among places of residence, shopping and recreation.

Objective 1 - Elimination of existing hazardous traffic areas and traffic congestion by establishing priorities in street improvements and in signalization of intersections.

Objective 2 - Encouragement of mass transit routes to serve high intensity development.

104. Establishment of Districts

For the purpose of this Ordinance, Lower Chichester is hereby divided into the following zoning districts:

R-1 Residential District

R-2 Residential District

R-3 Residential District

R-4 Residential District

NC-Neighborhood Commercial District

GC-General Commercial District

I-Institutional District

BP-Business Park District

LI-Limited Industrial District

Airport Hazard Overlay District

105. Establishment of Controls

1. Minimum and Uniform Regulations

Unless specifically indicated otherwise, the regulations set forth in this Ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structures or land.

2. Proposed Uses and Structures

In all zoning districts, after the effective date of this Ordinance, any new building, or other structure or any tract of land shall be constructed, developed, and used only in accordance with the regulations specified herein, except where a variance has been authorized by the Zoning Hearing Board in accordance with Chapter 19.

3. Existing Uses and Structures

In all districts, after the effective date of this Ordinance, any unlawful, existing building or other structure or any tract of land which is not in conformity with the regulation of the district in which it is located shall be deemed to be nonconforming and subject to Chapter 20.

106. Zoning Map, District Boundary Lines and Tolerances

1. The zoning district locations and boundaries are those that exist on the legally adopted official zoning map, a copy of which is attached hereto and made a part of this Ordinance. The original zone in the boundaries or other matter included on the said zoning map, such changes in the map shall be made by the Township Engineer within five (5) days after the amendment has been approved by the Township Board of Commissioners.

2. Where possible, the boundaries between districts shall follow natural or man-made boundaries centerline of a street, alley, or highway; railroad rights-of-way; streams or other natural or manmade features which can form logical and lines. Unless otherwise indicated, boundaries shall be the centerline or extension of the boundaries to districts.

3. Where a district boundary line divides a lot held in single and separate ownership at the effective date of this Ordinance, the regulations of the less restricted district

shall extend over the portion of the lot in the more restricted district a distance of not more than 50 feet from the district.

4. Boundaries indicated as appearing to follow platted lot lines shall be construed as following such lot lines. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map. In any other circumstances not covered above or in the event of any uncertainty as to the boundary of any district, the Zoning Hearing Board shall interpret the district boundaries.

107. Interpretation

In the interpretation and application of the provisions of this Ordinance, the said provisions shall be held to be the minimum requirements for the promotion and protection of the public health, welfare, and safety. Where the provisions of this Ordinance impose greater restrictions than those of any other ordinance or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, ordinance, or regulation shall be controlling.

108. Severability

If any Chapter, section, subsection, paragraph, clause, or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or of any other part.

109. Repealer

The existing zoning ordinance, as amended, is hereby repealed.

110. Effective Date

This Ordinance shall become effective immediately upon formal adoption.

CHAPTER 2

DEFINITIONS

201. Interpretation of Language

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Ordinance to have the meaning indicated herein. Words used in the present tense include the future. The singular shall include the plural, and the plural shall include the singular. The word "building" includes the word "structure." The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" or "occupied for." The word "person" includes an individual, corporation, partnership, incorporated association or any other similar entity. The words "includes" or "including" shall not limit the term to the specified examples but are intended to extend their meaning to all other instances of like kind and character. The words "shall" and "will" are mandatory and not discretionary, and the word "may" is permissive. Terms not defined herein shall have the meaning customarily assigned to them.

202. Definition of Terms

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

ABANDONMENT

The discontinuance of the use of a building or land for a period or six (6) consecutive months whereby no clear signs or indications of an attempt to reuse such building or land are evident or can be documented. An abandoned building may be required to be removed by the Township due to reasons related to the health, safety and public welfare of the Township. In the case of abandonment of a nonconforming use, structure or lot the provisions of Chapter 20, Nonconforming Uses, Structure and Lots shall apply.

ACCESSORY BUILDING

Any building or structure subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal building.

ACCESSORY USE

A use of land or a building, or portion thereof customarily incidental and subordinate to the principal use and located on the same lot of such principal use.

ALLEY

A narrow access to the rear of a property and building that provides parking access, service areas, and utility easements.

ALTERATION

A change or rearrangement in the structural members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress and egress, or any enlargement to or diminution of a building or structure, including the moving of a building from one location to another.

ANTENNA

Any device or mechanism used in the collection, transmission, routing, or receiving of telecommunications transmissions, radio signals, or radio frequency energy, including, but not limited to, use by or provisions of wireless communications devices and facilities, satellite communications, and personal communications services.

BASEMENT

An enclosed area located partly or completely below grade. A basement shall be considered a story for the purpose of height measurement if the basement ceiling is five (5) feet or more above the average grade level around the building.

BODY ART

The practice of tattooing and body piercing.

BODY ART ESTABLISHMENT OR FACILITY

Any space where tattooing or body piercing is conducted.

BUFFER

A strip of land on which no parking areas, driveways, or structures are permitted adjacent to the existing lot line to establish a separation between uses.

BUILDING

Any structure, either permanent or temporary, having a roof or other covering and designed or used for shelter or enclosure of any person, animal, property, equipment or use of any kind. A building shall include a cement, macadamized, concrete base or pad upon which vehicles shall stop, park or stand for the purpose of receiving gasoline or oil at an automotive station, erected, placed upon or attached to real estate.

BUILDING AREA

The aggregate of the maximum horizontal cross section area of the main building on a lot, excluding cornices, eaves, gutters, or chimneys projecting not more than eighteen (18) inches, steps, one-story porches, bay windows not extending through more than one story and not projecting more than three (3) feet, balconies and terraces.

BUILDING CODE OFFICIAL/ZONING OFFICER

A duly appointed Township official empowered to administer and enforce this Zoning Ordinance and other codes, ordinances and regulations of the Township.

BUILDING COVERAGE

The ratio obtained by dividing the ground floor area of all principal and accessory buildings on a lot by the total area of the lot upon which the buildings are located.

BUILDING HEIGHT

The vertical distance measured from the average level of the ground surrounding the structure to the highest point of the roof for flat roofs and to the ridge for gable, hip and gambrel roofs, provided that chimneys, spires, towers, mechanical equipment, penthouses, tanks, antennas and similar projections of the building not intended for human occupancy shall not be included in calculating the height, unless specifically stated otherwise in this Ordinance.

BUILDING LINE

A line parallel to the street right-of-way line touching that part of a building closest to the street.

BUILDING PERMIT

Written permission issued by a proper municipal authority for the construction, repair, alteration or addition to a structure.

BUILDING SETBACK LINE

A line parallel to the street right-of-way line at a distance that is equal to the depth of the front yard required for the district in which the lot is located.

CERTIFICATE OF OCCUPANCY

A document issued by the duly authorized local authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all applicable local codes and ordinances.

CHARITABLE OR NONPROFIT ORGANIZATION

A group organized for lawful purposes, other than generating a profit, such as charitable, educational, political, social, trade, cultural, scientific, professional, or any similar organization.

CHILD CARE FACILITY

An establishment providing for the care, supervision and protection of children.

CLUB, PRIVATE

A group of people organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings and a constitution and bylaws.

CONDITIONAL USE

A use specifically listed within this ordinance pursuant to Article VI of the MPC and the provisions of Chapter 16 of this Ordinance.

CONVENIENCE STORE

A retail store containing a maximum of five thousand (5,000) square feet of gross floor area and that is open fifteen (15) to twenty-four (24) hours per day. It is designed to attract and depends upon a large volume of stop-and-go traffic. Examples of convenience stores are those operated by the "Wawa" and "7-11" chains.

CONVERSION

Change in the use of a building, such as the change of a single-family dwelling into a two-family family or a residential or retail use to and offices. Such change may be accomplished without subdivision or the introduction of a new owner. Where the use and dimensional regulations of this Ordinance permit, such conversion may be accomplished by appropriate alteration upon the issuance of the necessary permits.

DAY CARE CENTER

A facility which is licensed to provide care for seven (7) or more children unrelated to the operator, where the child care areas are not being used as a family residence.

DAY CARE HOME, FAMILY

A home, other than the child's own home, operated for profit or not for profit, in which child care is provided at one time to up to a maximum of three (3) children unrelated to the operator. All required state certifications and other state and local requirements must be met before operation begins.

DENSITY

Unless otherwise stipulated in this Ordinance, the term "density" shall mean gross density as defined in this ordinance.

DENSITY, GROSS

The number of dwelling units per gross acre permitted by the Zoning Ordinance whereby gross acre refers to all of the land within the boundaries of a particular area, including streets, rights-of-way, easements, etc.

DENSITY, NET

The number of dwelling units per acre within the boundaries of a defined site, that excludes streets, rights-of-way, easements, areas containing floodplains and steep slopes, and above ground stormwater management facilities and infrastructure.

DEVELOPER

Any landowner, agent of such landowner or tenant with the permission of such landowner who makes or causes to be made a subdivision, land development or any other development.

DEVELOPMENT

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

DRIVE THROUGH ESTABLISHMENT

Establishments that offer exclusively or optionally, goods and services for pick-up and processing at a drive through station or window where the customer remains in the car throughout the purchase. Included in this definition are banks and other financial institutions, fast restaurants and food and beverage shops, and pharmacies and drug stores but not drive-in theaters.

DRIVEWAY

A private way used exclusively for circulation and ingress and egress to a street by the landowner or visitors of a lot.

DWELLING

A building or unit designed and constructed for residential use.

DWELLING, APARTMENT UNIT

One (1) or more rooms with individual access, private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building.

DWELLING, MULTI-FAMILY

A building on a lot, containing three (3) or more individual, self-contained dwelling units that may or may not share a common entrance, hallways and other features. For purposes of this ordinance a multi-family dwelling shall also include apartment units.

DWELLING, SINGLE-FAMILY

A building designed and occupied exclusively as a residence for one (1) family, but not including mobile homes.

DWELLING, SINGLE-FAMILY ATTACHED

A single-family dwelling attached to at least three (3) and not more than (6) other single-family dwellings in which each unit is attached only by a party wall or walls to one (1) or two (2) other units. Also known as a townhouse or rowhome.

DWELLING, SINGLE-FAMILY DETACHED

A building designed for and occupied exclusively as a residence for only one (1) family with no party wall in common with an adjacent dwelling.

DWELLING, SINGLE-FAMILY SEMI-DETACHED

A single-family dwelling attached side by side to one other single-family dwelling unit by means of a common, unpierced party wall from floor to ceiling, including basements and attics.

DWELLING, TWO-FAMILY

A building designed and occupied exclusively as a residence for two (2) families living independently of each other. Commonly known as a duplex.

DWELLING UNIT

One (1) or living or sleeping more rooms together with cooking and sanitary facilities which are accessible either directly or through an entrance hall shared with other dwellings units.

ENFORCEMENT NOTICE

A notice by an applicable Township official concerning a violation of existing law.

FAMILY

Any number of individuals living together as a single housekeeping unit when said individuals are related by blood, marriage or adoption, including foster children; or no more than three (3) unrelated individuals living together as a single housekeeping unit with single kitchen facilities.

FENCE, ARTIFICIAL

Any artificial structure, regardless of composition, that is erected for the purpose of enclosing a piece of land or dividing a piece of land into distinct portions.

FENCE, LIVING

Hedges, shrubs or other plantings that are used for the purpose of enclosing a piece of land or dividing a piece of land into distinct portions.

FREESTANDING BUILDING

Any building located within a development site which is separate from any group or cluster development on such site and which shall comply with the regulations of the district in which it is located.

GARAGE, PRIVATE

A structure that is accessory to a residential building or dwelling unit, whether attached or unattached to said building or unit, which is used for the parking and storage of not more than three (3) motor vehicles, except in the case of multi-family dwellings where up to four (4) motor vehicles may be stored. Private garages shall only store motor vehicles and other personal property owned and used by the residents thereof is not a separate commercial enterprise available to the general public. Human habitation is not permitted in a private garage.

GARAGE, PUBLIC

A building or structure available to the general public in which motor vehicles are temporarily stored but which is not used for the repair or maintenance those vehicles.

GASOLINE SERVICE STATION

Any area of land, including structures thereon, or any building or part thereof that is used for the sale of gasoline or other motor vehicle fuels or accessories and which may or may not include facilities for lubricating, washing or otherwise servicing motor vehicles, but which shall not include painting or body and fender repairs.

GLARE

The effect produced by light from a luminaire with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

HAZARDOUS MATERIALS

Those chemicals or substances that are defined as “physical hazards” or “health hazards” in the most recently adopted version of the Uniform Construction Code.

HEALTH CARE FACILITY

A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human pain, injury, physical conditions, disease or deformity, including, but not limited to a general hospital, special hospital, psychiatric hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, maternity hospital, or outpatient clinic.

HEALTH HAZARD

A classification of a chemical for which there is statistically significant evidence that acute or chronic health effects are capable of occurring in exposed persons. The term “health hazard” includes chemicals that are carcinogens, toxic or highly toxic agents, reproductive toxins, neurotoxins, agents that are capable of acting the hematopoietic system and agents that damage the lungs, skin, eyes, or mucous membranes.

HOME OCCUPATION

Any lawful occupation or profession conducted in a dwelling where not more than two (2) persons other than a member of the resident family may be employed and where the occupation may require off-street parking in addition to that for the resident family. There shall be no deliveries by trucks heavier than one (1) ton. Home occupations shall not include barber shops, beauty shops, funeral homes or any activity involving the repair, servicing or cleaning of motor vehicles.

HOSPITAL

A building or part thereof used for medical, surgical, obstetrical or psychiatric care on a twenty-four-hour basis. The term “hospital” shall include facilities used for medical research and training for health-care professions, general hospitals, mental hospitals,

tuberculosis hospitals, children's hospitals, and any such other facilities which provide inpatient care. The term "hospital" shall not include any facility in which is conducted the housing of the criminally insane or provides treatment for persons actively charged with or serving a sentence after being convicted of a felony. A hospital shall be licensed as such by the Commonwealth of Pennsylvania.

HOTEL

A building or group of buildings in which a minimum of ten (10) guest rooms are designed, used or intended to be used or let or hired for temporary lodging accommodations to the general public on a day to day bases not to exceed thirty consecutive calendar days. Entrance shall be through a main lobby or foyer and cooking shall not be allowed in individual rooms or suites without prior approval of the zoning hearing board. Such facility may also provide additional services such as restaurants, meeting rooms and entertainment and recreational facilities.

IMPERVIOUS SURFACE

The coverage of the lot or tract area by materials that prevent the percolation of water into the soil and generate stormwater runoff, such as buildings, streets, parking areas, driveways and any other similar surfaces.

LABORATORY

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

LANDSCAPED PLANTING AREA

An area landscaped with grass, ground cover, shrubs or similar plantings placed where required by this Ordinance and permanently maintained.

LOADING SPACE

An off-street space or berth for the loading or unloading of commercial vehicles. Such spaces shall comply with the applicable provisions of Chapter 13.

LOT

A parcel of land that is or may be occupied by a building and/or accessory structure or use, including open spaces and setbacks.

LOT AREA

The total horizontal area within the lot lines of a parcel.

LOT, CORNER

A lot bounded by intersecting streets on at least two (2) sides. Both yards adjacent to streets shall be considered front yards. The lot opposite the shorter street frontage shall be the rear yard, and the yard opposite the longer frontage shall the side yard.

LOT COVERAGE

That percentage of a lot that is covered by all combined structures, paving, or any impervious surfaces.

LOT DEPTH

The distance along a straight line measured from the midpoint of the front lot line to the midpoint of the rear lot line.

LOT LINE

A line of public record bounding a lot that divides one (1) lot from another lot or from a public or private street or any other public space.

LOT LINE, FRONT

The line separating a lot from the street right-of-way.

LOT LINE, REAR

Any lot line, except the front lot line, which is parallel to or within forty-five (45) degrees of being parallel to, and does not intersect any street line, except in the case of corner lots.

LOT LINE, SIDE

Any lot line that is not a front or rear lot line.

LOT, MINIMUM AREA OF

The smallest allowable lot area as established by this Ordinance on which a use or structure may be located in a particular district.

LOT WIDTH

The horizontal distance between the side lot lines measured at right angles to the lot depth at the building line.

MIXED USE DEVELOPMENT

A single building containing more than one type of land use or a single development of more than one building and use, where different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated by shared vehicular and pedestrian access, parking areas, landscaping, and other features.

MOTEL

A building or a group of two (2) or more detached or semi-detached buildings containing rooms having entrances provided directly or closely in connection with automobile parking serving such rooms, which building or group of buildings is designed, intended or used principally for the provision of sleeping accommodations for automobile travelers and is suitable for occupancy at all seasons of the year, including meeting and dining rooms as accessory uses.

MULTI-TENANT BUILDING

A building that is designed or converted to accommodate three (3) or more commercial tenants. Each tenant shall operate a use that is permitted in the district where the building is located.

MUNICIPAL USE

Any use, facility or property owned and/or operated by the Lower Chichester Township municipal corporation.

MUNICIPALITIES PLANNING CODE (MPC)

Pennsylvania Act 247 of 1968 (P.L. 805) as amended, also cited as 53 P.S. 10101 et seq. or any subsequent act of the Commonwealth of Pennsylvania that replaces, supplements or repeals any or all of the provisions of Act 247.

NEW CONSTRUCTION

Structures for which construction was started after the effective date of this Ordinance and includes any subsequent improvements to such structures.

NO IMPACT HOME BASED BUSINESS

A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery, or removal functions to or from the premises in excess of those normally associated with a residential use. See Section 1512 for additional requirements for no impact home based businesses.

NONCONFORMING BUILDING OR STRUCTURE

A building or structure that does not comply with the provisions of this Ordinance, as amended, where such building or structure lawfully existed prior to the effective date of this Ordinance or amendments thereafter.

NONCONFORMING LOT

Any lawful lot which does not conform to one or more of the applicable provisions of the district in which it is located either on the effective date of this Ordinance or amendments thereafter.

NONCONFORMING USE

A use, whether of land or of a structure, which does not comply with the applicable provisions of this Ordinance, where such use was lawfully in existence prior to the effective date of this Ordinance or amendments thereafter.

OCCUPANCY PERMIT

A required permit allowing the use of a building or structure after it has been determined that all of the requirements applicable ordinances have been met.

OFFICE, OFFICE BUILDING

Buildings, structures or parts thereof used to conduct the business of administrative, professional, business or governmental or other non-profit operations. Incidental uses, such as medical or dental testing or diagnostic services, are permitted in conjunction with medical and dental offices.

PARKING LOT

An off-street, ground level open area that provides temporary storage for motor vehicles.

PARKING SPACE

A reasonably level space, having a surface slope not exceeding six (6) percent, used for parking a motor vehicle. Such space shall have an area as listed in Chapter 13, which shall be exclusive of passageways, driveways or other means of circulation or access.

PEDESTRIAN SCALE

A subjective standard that suggests that the relationship between the person and the built environment is comfortable and contributes to the individual's sense of accessibility. Frequently contrasted with vehicular (or monumental) scale.

PEDESTRIAN-ORIENTED USE

A retail or commercial use that promotes and encourages walking, window-shopping and general pedestrian activity. Examples of these uses are restaurants, general retail stores, service establishments and similar businesses. These pedestrian-oriented establishments are generally located in centralized areas and rely primarily on customers from nearby neighborhoods who can walk to them.

PERMIT

Written municipal permission issued by the appropriate local official empowering the holder thereof to do some act not forbidden by law, but not permitted without such authorization.

PERSONAL SERVICE SHOP OR ESTABLISHMENT

A business engaged in providing services involving the care or appearance of a person or his or her clothing or similar personal needs. Included in this definition are barbershops, beauticians and styling salons, shoe repair shops, fitness clubs, laundry or dry cleaning establishments and similar businesses but not including a tattoo parlor, body piercing establishment or massage parlor.

PHYSICAL HAZARD

A chemical that is a combustible liquid, compressed gas, cryogenic, explosive, flammable gas, flammable liquid, flammable solid, organic peroxide, oxidizer, or unstable or water reactive material.

PLACE OF AMUSEMENT

A use of which the primary purpose is leisure activities or games such as a bowling alley, laser tag facility, gaming arcade, family fun center or other similar indoor uses.

PLANNING COMMISSION

The Planning Commission of Lower Chichester Township.

PLANTED VISUAL SCREEN

A strip of trees, hedges, or other plantings adjacent to the boundary of a property which, at time of planting, shall be not less than six (6) feet high and of sufficient density to constitute an effective visual screen and thereby give visual protection to abutting properties. Such screen shall consist primarily of dense evergreens that shall be planted not farther than seven (7) feet from one another and shall be permanently maintained. Deciduous trees may be added to create interest and variety.

PLAZA

An open space that may be improved and landscaped, usually surrounded by streets, buildings and/or one (1) or more walls.

PRINCIPAL BUILDING OR USE

A building or use which is the primary building or use on a lot as distinguished from a building or buildings relating to an accessory, incidental or subordinate use. The primary purpose for which land, a building or a structure or the use thereof is designed, arranged or intended.

PUBLIC HEARING

A formal meeting held pursuant to public notice by Lower Chichester Township Commissioners or zoning hearing board in accordance with the MPC, intended to inform and obtain public comment prior to taking action.

PUBLIC IMPROVEMENTS

All roads, streets, walkways, sidewalks, gutters, curbs, sewers, waterlines, stormwater management facilities, landscaping, street lighting, traffic control devices and other facilities dedicated or maintained by the Township.

PUBLIC UTILITY FACILITIES

Buildings, structures, and facilities relating to the furnishing of utility services such as electric, gas, telephone, water, sewer and public transit. Included in this definition are generating, and switching stations, poles, lines, pipes, pumping stations, repeaters, valves, antennas, and transmitters and receivers.

RECREATION, ACTIVE

Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites or fields.

RECREATION, PASSIVE

Leisure-time activities that that are relatively less energetic or physically competitive such as walking, sitting, picnicking, or board and table games.

RECREATION AREA

A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.

RECREATIONAL VEHICLE

A vehicular type portable structure without permanent foundation which can be towed, hauled or driven and is primarily designed as a temporary living accommodation for recreational, camping and travel use, including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.

REFUSE CONTAINER

A utilized solely for the collection of refuse, not to exceed fifty (5) cubic feet.

REFUSE DUMPSTER

A refuse container that exceeds fifty (50) cubic feet in volume. All permanent refuse dumpsters shall employ a planted visual screen.

RELIGIOUS USE

A structure or place in which worship, ceremonies, rituals, and education pertaining to a particular system of beliefs are held. A religious use may include schools, day care centers, auditoriums, residences for persons serving the particular facility, and recreational facilities.

RESTAURANT, DRIVE-THROUGH

Any premises used for the sale of food, refreshments and non-alcoholic beverages, the design or method of operation of which includes the serving of food and beverages in disposable containers that are picked up and paid for by the customer while remaining in their vehicle and not consumed in the restaurant or at an outside eating area of the establishment.

RESTAURANT, STANDARD OR SIT-DOWN

Any premises used for the sale, dispensing and/or serving of food, refreshments or beverages where the customer is normally involved with an individual menu and is served by a restaurant employee at the table, booth or counter at which said items are consumed. Can also include a cafeteria-style operation where food and beverages are ordered at a central location or counter and eaten on the premises.

RIGHT-OF-WAY (ROW)

Land acquired by reservation, dedication, prescription, condemnation or other legal manner and occupied or intended to be occupied by a street, crosswalk, electric transmission line, oil or gas pipeline, water line, watercourse or similar uses.

RIGHT-OF-WAY LINE

The line that forms the boundary of a right-of-way.

ROOF LINE

The line that marks the lowest point of a roof.

ROOF RIDGE LINE

The line that marks the highest point of a roof. The term is applicable to most roofs other than flat roofs.

SATELLITE ANTENNA

An antenna together with all attachments and parts, the purpose of which is to receive communication from orbiting satellites.

SCHOOL, ELEMENTARY

Any school that is licensed by the State and meets the state requirements for elementary education.

SCHOOL, PAROCHIAL

A school supported, controlled and operated by a religious organization.

SCHOOL, PRIVATE

Any building or group of buildings, the use of which meets state requirements for elementary, secondary or higher education and which does not secure the major part of its funding from any government agency.

SCHOOL, SECONDARY

Any school that is licensed by the State and authorized to award diplomas for secondary education.

SCHOOL, VOCATIONAL

A secondary or higher education facility primarily teaching usable skills that prepares students for jobs in a trade and meeting state requirements as a vocational facility.

SCREEN

Any barrier intended and designed to shield properties and uses from other uses or activities having a different sound and other impacts (e.g. screening of industrial uses or activities from nearby residential structures).

SETBACK

The distance between the street right-of-way line or a lot line and the principal building on a lot or tract.

SETBACK, REQUIRED

The minimum distance from the street right-of-way line or any other lot line that establishes the area, commonly known as the "building envelope," within which the principal structure must be erected or placed.

SHOPPING CENTER

A group of commercial establishments planned, constructed and managed as a total entity, including both attached buildings and freestanding buildings with customer and employee parking provided on site.

SIGHT TRIANGLE

A portion of land established at the intersection of two or more streets, extending twenty (20) feet in either direction along said intersecting streets, or ten (10) feet in the case of an alley intersecting a street, in which nothing shall be erected, installed, placed, stored, planted or otherwise screen or obstruct the view of traffic, that shall exceed a height of two (2) feet.

SIGN

Any object, device, display or structure or part thereof situated outdoors or indoors that is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, numbers, symbols, figures, colors, design, fixtures, illumination or projected images.

SIGN, ANIMATED

A sign with action or motion, flashing, or color changes requiring electrical energy, but not including wind-actuated elements such as flags, banners or specialty items.

SIGN, AWNING

Any sign painted on or applied to a structure made of cloth, canvas, metal or similar material which is affixed to a building and projects from it.

SIGN, BILLBOARD/OFF-PREMISE

A sign that directs attention to a business, commodity, service, entertainment or attraction, sold, offered, or existing elsewhere than upon the same lot where such sign is displayed. The term "off-premises sign" shall include an outdoor advertising sign (billboard) on which space is leased or rented by the owner thereof to others for the purpose of conveying a commercial or noncommercial message.

SIGN, CANOPY

A rigid, multi-sided structure covered with fabric, metal or material and supported by columns or post embedded in the ground and possibly illuminated by means of internal or external sources.

SIGN, FLASHING

A sign whose illumination is not kept constant in intensity at all times when in use and which exhibits changes in light, color, direction or animation. Illuminates signs that indicate the date, time, and temperature are not considered flashing signs.

SIGN, FREESTANDING

A sign and supporting structure that is secured in the ground and independent of any building, fence or other support. For the purpose of this definition, "freestanding signs" may consist of the following:

1. **Ground Sign** - A sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole or attached to any part of a building.
2. **Pole Sign** - A freestanding sign that is permanently supported in a fixed location by a structure of one or more poles, post, uprights, or braces from the ground and not supported by a building or a base structure. The lowest edge of any pole sign shall be either less than four (4) feet or greater than seven (7) feet above the ground.

SIGN, ILLUMINATED

A non-flashing sign or non-twinkling sign which has letters, figures, designs or outlines illuminated by internal or external lighting sources as part of the sign.

SIGN, PORTABLE

Any sign not permanently attached to the ground or other permanent structure of sign designed to be transported.

SIGN, PROJECTING

A sign that is wholly or partly dependent upon a building for support and that projects more than twelve (12) inches.

SIGN, ROOF

A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top edge or roofline of a building with a flat roof, the eave line of building with a gambrel gable or hip roof, or the deck line of a building with mansard roof.

SIGN, TEMPORARY

A sign that is used in connection with an event, situation or circumstance that is designed or intended to take place or be completed within thirty (30) days after the permit for the sign was issued or is intended to remain on the location where it was placed or erected for not more than thirty (30) days.

SIGN, WALL

Any sign erected against the wall of a building or displayed on doors that does not protrude more than twelve (12) inches from the wall or door. A wall sign may not extend beyond the eave or parapet of the roof line.

SOBER LIVING HOME

An alcohol and drug-free living environment that is designed to provide a stable, residence for individuals attempting to maintain and sustain recovery from drug and/or alcohol addiction. No treatment services are offered on site although attendance at self-help meetings is strongly encouraged and mutual support provided among residents. Residents are responsible for paying rent, as well as home maintenance and upkeep, and complying with a set of house rules. Sober living/recovery homes are typically occupied on a temporary basis, until a resident is able to transition to fully independent, drug and alcohol-free living.

SPECIAL EXCEPTION

A use permitted in a particular district(s) pursuant to review by the Zoning Hearing Board, in accordance with Articles VI and IX of the Planning Code and Chapter 19 of this Ordinance.

STEEP SLOPES

Changes in the elevation of the land from fifteen (15) to twenty-five (25) percent over a specified distance or contour interval.

STEEP SLOPES, VERY

Changes in elevation of the land greater than or equal to twenty-five (25) percent over a specified distance or contour interval.

STORAGE SHED, NONRESIDENTIAL

A freestanding accessory structure in a nonresidential district whose primary purpose is storage, which shall not exceed seven (7) feet in height and one hundred sixty (160) square feet in area.

STORAGE SHED, RESIDENTIAL

A freestanding accessory structure in a residential district with its primary purpose being storage, which shall not exceed seven feet (7) feet in height and eighty (80) square feet in area.

STREET

A public or private way used or intended to be used as a means of vehicular and pedestrian travel and access to abutting properties and space for public utilities that is improved in compliance with all Township requirements for public and private streets.

STREET FRONTAGE

The length of a property line bordering a public right-of-way.

STREET LINE

A line dividing a street and a property abutting it. The street line shall be the same as the right-of-way line.

STRUCTURE

Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground.

SUPERMARKET

A large retail establishment primarily selling food as well as other convenience and household goods. A supermarket shall have not less than twenty thousand (20,000) square feet of gross floor area and may contain branch banking facilities, video rentals, pharmacy, eating areas, and similar accessory establishments.

SWIMMING POOL, PRIVATE

Any body of water, tank or receptacle of water having a depth at any point greater than two (2) feet used or intended to be used for swimming or bathing solely by the owner, his family and guests of the household and constructed, installed, established or maintained outside any building in or above the ground upon any premises as an accessory use to the residence.

TRACT

An area, lot, parcel, site or property that is the subject of a subdivision and/or land development.

TRACT AREA

The total acreage of a subdivision or land development. Tract area shall be measured to the ultimate right-of-way line of public streets.

TRAILER, CONSTRUCTION/OFFICE

A moveable structure located at or near a work or construction site used for storage or other purpose related to or supporting construction or office activity on a temporary basis.

VARIANCE

Relief granted pursuant to Articles VI and IX of the Planning Code and Chapter 19 of this Ordinance.

YARD

An unobstructed open space on the same lot with a principal building which extends from a street line or lot line inward to the principal building.

YARD, FRONT

A yard extending the full width of the lot, the depth of which extends from the front lot line to the nearest point of the principal building.

YARD, REAR

A yard extending the full width of the lot, the depth of which extends from the rear lot line to the nearest point of the principal building.

YARD, REQUIRED

The open space between a lot line and the buildable area or “building envelope” within which the principal structure must be erected or placed.

YARD, SIDE

A yard extending between the inside lines of the front and rear yards and extending in width from the side lot line to the nearest point of the principal building.

ZONING DISTRICT

An area in Lower Chichester Township in which regulations under this Ordinance uniformly apply including overlay districts.

ZONING ORDINANCE

An ordinance that divides the Township into areas or zones that specify allowable uses for real property, size, and locational restrictions for buildings and uses within these areas.

ZONING PERMIT

Written permission issued by the Building Code Official/Zoning Officer or other appropriate municipal official empowering the holder thereof to erect or alter a building or structure, including signs and fences, to change the use of a building or land, and to change or extend a nonconforming use.

CHAPTER 3

R-1 RESIDENTIAL DISTRICT

301. District Purposes

The purposes of this district are to provide for and maintain areas of low-density single-family detached residential development, selected low-impact non-residential uses by conditional use permit, and to retain the remaining natural and open-space character of the areas in the Township to which the district applies.

302. Permitted Uses

A building may be erected, altered or used, and a lot or premises may be used, for any of the following purposes and no other:

1. Single-family detached dwelling.
2. Municipal park or recreation area.
3. Cemetery.

303. Conditional Uses

The following uses may be permitted as conditional uses only, subject to the all applicable provisions of Chapter 16.

1. Religious use, including accessory dwellings, subject to Section 1607.
2. Family day care home, subject to Section 1609.

304. Accessory Uses

1. Off-street parking, subject to the provisions of Chapter 13.
2. Private garage, for residential use, subject to Section 1505.
3. Storage shed, residential, subject to Section 1505.
4. Private swimming pool, subject to section 1508 and Chapter 1476 of the Township Building and Housing Code.
5. No impact home-based business, subject to Section 1512.

- 6. Home Occupation, as defined in Chapter 2.
- 7. Satellite antenna, subject to Section 1509.
- 8. Signs, subject to the provisions of Chapter 14.
- 9. Other accessory uses on the same lot with and customarily incidental to any permitted uses, subject to Section 1505.

305. Area and Bulk Regulations

Unless specifically stated otherwise, the following shall be minimum requirements:

- 1. Single-family detached dwelling

Standard	Size
Lot Size	Five thousand (5,000) square feet, minimum
Lot Width	Fifty (50) feet, minimum
Front Yard	Twenty-five (25) feet and not less than the average setback of other dwellings on the block face
Side Yards	Twenty-four (24) feet aggregate, eight (8) feet, minimum
Rear Yard	Thirty (30) feet, minimum
Building Coverage	Thirty (30) percent, maximum
Impervious Coverage	Fifty (50) percent, maximum
Building Height	Thirty-five (35) feet, maximum
Building Size	Five hundred (500) square feet of floor area under main roof on first floor of any two-story building; and minimum of six-hundred and fifty (650) square feet of floor space under main roof on first floor of any one or one-and-one half story building.

CHAPTER 4

R-2 RESIDENTIAL DISTRICT

401. District Purposes

The purposes of this district are to provide for and maintain areas of low-to-medium density single-family development in the form of detached and semi-detached dwellings, to preserve existing residential development and open space and to provide for and regulate certain nonresidential uses permitted by conditional use.

402. Permitted Uses

A building may be erected, altered or used, and a lot or premises may be used, for any of the following purposes and no other:

1. Single family detached dwelling.
2. Single-family semi-detached dwelling.
3. Municipal park or recreation area.

403. Conditional Uses

The following uses shall be permitted by conditional use only, subject to all applicable provisions of Chapter 16.

1. Religious use, including accessory dwellings, subject to Section 1607.
2. Family day care home, subject to Section 1609.

404. Accessory Uses

Accessory uses, as permitted, in the R-1 Residential district.

405. Area and Bulk Regulations

Unless specifically stated otherwise, the following shall be minimum requirements:

1. Single-family detached

Standard	Size
Lot Size	Four thousand five hundred (4,500) square feet
Lot Width	Thirty-five (35) feet
Front Yard	Twenty-five (25) feet
Side Yards	Five (5) feet
Rear Yard	Twenty-five (25) feet
Building Coverage	Forty (40) percent, maximum
Impervious Coverage	Forty-five (45) percent, maximum
Building Height	Thirty-five (35) feet, maximum

2. Single-family semi-detached dwelling

Standard	Size
Lot Size	Three thousand five hundred (3,500) square feet, minimum
Lot Width	Thirty (30) feet, minimum
Front Yard	Twenty-five (25) feet
Side Yard	Five (5) feet, one side for semi-detached dwellings and five (5) each yard for two-family dwellings.
Rear Yard	Twenty (20) feet, minimum
Building Coverage	Forty (40) percent, maximum
Impervious Coverage	Sixty (60) percent, maximum
Building Height	Thirty-five (35) feet, maximum

CHAPTER 5

R-3 RESIDENTIAL DISTRICT

501. District Purposes

The purposes of this district is to provide for areas of medium-to-high density residential housing types in the form of semi-detached dwellings and townhouses and to protect and preserve existing areas of higher density housing.

502. Permitted Uses

A building may be erected, altered or used, and a lot or premises may be used, for any of the following purposes and no other:

1. Single-family semi-detached dwellings.
2. Single-family attached dwellings.
3. Municipal park or recreation area.

503. Accessory Uses

1. Off-street parking, subject to the provisions of Chapter 13.
2. Private garage, for residential use, subject to Section 1505.
3. Storage shed, residential, subject to Section 1505.
4. Private swimming pool, subject to Section 1508 and Chapter 1476 of the Township Building and Housing Code.
5. No impact home-based business, subject to Section 1512.
6. Home Occupation, as defined in Chapter 2.
7. Satellite Antenna, subject to Section 1509.
8. Signs, subject to Section 14.
9. Other accessory uses on the same lot with and customarily incidental to any permitted uses, subject to Section 1505.

504. Area and Bulk Regulations

Unless specifically stated otherwise, the following shall be minimum requirements:

1. Single-family semi-detached dwellings

Standard	Size
Lot Size	Three thousand (3,000) square feet
Lot Width	Twenty-five (25) feet
Front Yard	Twenty-five (25) feet
Side Yards	Eight (8) feet, one side
Rear Yard	Thirty (30) feet
Building Coverage	Forty-five (45) percent
Impervious Coverage	Sixty-five (65) percent
Building Height	Thirty-five (35) feet, maximum

2. Single-family attached dwellings

Standard	Size
Lot Size	Two thousand (2,000) square feet
Lot Width	Twenty-five (25) feet
Units in Row	Six (6), maximum
Front Yard	Twenty-five (25) feet
Side Yards	Fifteen (15) at the end of a row
Rear Yard	Twenty-five (25) feet
Building Coverage	Fifty-five (55) percent, maximum
Impervious Coverage	Seventy (70) percent, maximum
Building Height	Thirty-five (35) feet, maximum

CHAPTER 6

R-4 RESIDENTIAL DISTRICT

601. District Purposes

The purposes of this district are to provide a suitable location(s) for higher density, multi-family dwellings located in proximity to transportation corridors and transit facilities enabling access to local and regional commercial uses and employment centers outside of the Township.

602. Permitted Uses

A building may be erected, altered or used, and a lot or premises may be used, for any of the following purposes and no other:

1. Single-family attached dwellings.
2. Multi-family dwellings, eight (8) dwelling units per building maximum.

603. Conditional Uses

1. Sober living home, subject to Section **1608**.
2. Hospital, health care facility, medical office or clinic, subject to Section **1604**.

604. Accessory Uses

1. Off-street parking, subject to the provisions of Chapter **13**.
2. Private garage, for residential use, subject to Section **1505**.
3. Storage shed, residential, subject to Section **1505**.
4. Private swimming pool, subject to Section **1508** and Chapter **1476** of the Township Building and Housing Code.
5. No impact home-based business, subject to Section **1512**.
6. Home Occupation, as defined in Chapter **2**.
7. Satellite Antenna, subject to Section **1509**.
8. Signs, subject to Section **14**.

9. Other accessory uses on the same lot with and customarily incidental to any permitted uses, subject to Section 1505.

605. Area and Bulk Regulations

Unless specifically stated otherwise, the following shall be minimum requirements:

1. Single-family attached dwellings.

Standard	Size
Lot Size	Two thousand (2,000) square feet
Lot Width	Twenty-five (25) feet
Units in Row	Six (6), maximum
Front Yard	Twenty-five (25) feet
Side Yards	Fifteen (15) at the end of a row
Rear Yard	Twenty-five (25) feet
Building Coverage	Fifty-five (55) percent, maximum
Impervious Coverage	Seventy (70) percent, maximum
Building Height	Thirty-five (35) feet, maximum

2. Multi-family dwellings

Standard	Size
Lot Size	Ten thousand eight hundred and ninety (10,890) square feet per dwelling unit
Lot Width	One hundred (100) feet
Front Setback	Twenty-five (25) feet for front street and long side of corner lot
Side Setback	Twenty (20) feet
Rear Setback	Twenty-five (25) feet
Building Coverage	Forty-five (45) percent, maximum
Impervious Coverage	Sixty-five (65) percent, maximum
Building Height	Thirty-five (35) feet, maximum

CHAPTER 7

NC – NEIGHBORHOOD COMMERCIAL DISTRICT

701. District Purposes

The purposes of this district are to provide for and preserve a variety of pedestrian-oriented retail and service uses in compact shopping areas in centralized locations near public transportation. The district and its uses are designed to serve primarily the residents of the Township and neighboring municipalities and secondarily the employees and visitors to businesses and institutions operating in the Township and surrounding area. Additional uses allowed in the district are apartments located on the second floor above commercial uses.

Certain uses are inappropriate for the NC Neighborhood Commercial District. Among these are any type of industrial use; wholesale, warehousing and storage uses; construction and related trades contracting businesses and suppliers; auto repair or other vehicle or equipment servicing or supply establishments and other heavier commercial uses whose noise, odor or visual impacts would detract from a pedestrian oriented shopping atmosphere.

702. Permitted Uses

A building may be erected, altered or used, and a lot or premises may be used, for any of the following purposes and no other:

1. Retail stores, including general merchandise, hardware or variety stores, electronics stores, gift shops, flower shops, pharmacies or similar establishments, excluding drive-through facilities.
2. Food stores including small grocery markets, bakeries, confectionaries or similar establishments where goods are sold at retail.
3. Personal services shops, including barbers, beauticians, shoe repair, tailors, dry cleaning establishments, fitness and weight control spas, and other similar service establishments.
4. Eating or drinking establishments, including standard restaurants and taverns, pizza shops, delicatessens and similar businesses, provided that no drive-through establishments shall be permitted.
5. General service and repair shops for items such as jewelry and watches, radios, television and other small electronics, small home appliances, and bicycles, excluding the service, repair or storage of heavy items and

equipment such as large home appliances, business equipment, cars and other motor vehicles, and similar items.

6. Offices.
7. Banks or other financial institutions provided no drive-through or drive-up facilities or services are provided.
8. Apartment units, above street level, first floor retail, commercial or office uses.
9. Park, plaza, square or other outdoor public gathering space.

703. Conditional Uses

Drive-through facilities for retail stores, eating and drinking establishments and or banks or other financial institutions, subject to the provisions of Section **1606** and other applicable provisions of Chapter **16**

704. Accessory Uses

1. Storage shed, nonresidential subject to Section **706.2**.
2. Off-street parking and loading, subject to the provisions of **Chapter 13**.
3. Signs, subject to the applicable provisions of Chapter **14**.
4. Satellite antenna, subject to the provisions of Section **1509**.
5. Other accessory uses on the same lot with and customarily incidental to any of the uses permitted above, subject to Section **1505**.

705. Area and Bulk Regulations

Buildings may be constructed in an attached or detached style.

Unless specifically stated otherwise, the following shall be minimum requirements:

1. Attached commercial and office buildings

Standard	Size
Lot Size	Three thousand (3,000) square feet
Lot Width	Twenty-five (25) feet
Front Yard	Five (5) feet
Side Yard	Zero (0)
Rear Yard	Twenty (20) feet, minimum
Building Height	Thirty-five (35) feet or (2) stories, maximum
Lot Coverage	Ninety (90) percent, maximum

2. Detached commercial and office buildings

Standard	Size
Lot Size	Three thousand five hundred (3,500) square feet
Lot Width	Thirty (30) feet
Front Yard	Five (5) feet
Side Yard	Eight (8) feet total, minimum
Rear Yard	Twenty (20) feet, minimum
Building Height	Thirty-five (35) feet or (2) stories, maximum
Lot Coverage	Ninety (90) percent, maximum

706. Special Development and Design Regulations

1. All uses except parking lots shall be completely enclosed within a building.
2. Nonresidential storage sheds shall be permitted rear and side yards only, provided that such storage area is completely screened from the street and sidewalk by a planted visual screen or opaque fence and is in compliance with Section 1513 and other the applicable provisions of Chapter 15 relating to screening. Only materials, items or products generated by or directly related to the business conducted on the property shall be allowed.

3. The storage of refuse shall comply with the provisions of Section **1510**.
4. Any off-street parking provided shall be located to the rear of a building or row of buildings or if not feasible, to the side.
5. Where feasible, deliveries shall be made to the rear of each building or row of buildings.
6. Screening and landscaping shall be provided in accordance with the applicable provisions of Sections **1513** and **1514**.
7. Any new construction or addition to the facade of a building should be generally compatible with the architectural character of nearby buildings in terms of style, size, proportion and materials.
8. Entrances shall be along the front side of a building or row of buildings with a direct link between the building and the pedestrian walkway network.
9. Unscreened, flat, blank walls shall be avoided to provide a pleasant pedestrian experience by connecting activities within a structure to the adjacent sidewalk.
10. The applicable provisions of Chapter **13**, Parking and Chapter **14**, Signs shall apply to all uses and developments in the district.
11. No outside display of merchandise shall be permitted.

CHAPTER 8

GC – GENERAL COMMERCIAL DISTRICT

801. District Purposes

The purposes of this district are to provide for a range of general retail, service, and automobile-oriented commercial uses which typically locate on arterial roads or turnpikes with higher traffic volumes than smaller, local roads and which serve transient and regional customers as well as local community residents. The district allows for uses that provide off-street parking and require space for auto-oriented merchandising and signage.

802. Permitted Uses

A building may be erected, altered or used, and a lot or premises may be used, for any of the following purposes and no other:

1. Uses permitted in the NC Neighborhood Commercial district.
2. Grocery store or supermarket.
3. Beverage distributor.
4. Entertainment or indoor amusement use such as a bowling alley, movie theater, game arcade, laser tag facility or other similar indoor entertainment/recreational use.
5. Veterinarian, animal hospital, or animal grooming establishment, but not an animal boarding house or hotel where animals remain overnight.
6. Funeral home or mortuary.
7. Construction and related trades businesses such as those for electricians, carpenters, plumbers, cabinetry makers or similar establishments that contain both a retail outlet or showroom and a workshop, provided that the workshop is located at the rear of the establishment.

803. Conditional Uses

The following uses shall be permitted by conditional use only, subject to the applicable provisions of Chapter 16.

1. Wholesale and distribution establishments, warehouses, storage facilities.

2. Gasoline service station, subject to Section **1610**.
3. Car wash, subject to Section **1611**
4. Drive-thru establishments, such as restaurant, bank, pharmacy or similar uses.
5. Automobile repair and servicing shops excluding auto body repair and painting businesses, subject to Section **1613**.
6. Day care center, subject to Section **1609**

804. Accessory Uses

1. Off-street parking, subject to Chapter **13**.
2. Signs, subject to Chapter **14**.
3. Storage shed, nonresidential, subject to Section **706.2**. Unhitched trailers shall not be permitted as a form of outdoor storage.
4. Satellite antenna, subject to Section **1509**.
5. Other accessory uses on the same lot with and customarily incidental to any of the uses permitted above, subject to Section **1505**.

805. Area and Bulk Regulations

Unless specifically stated otherwise, the following shall be minimum requirements:

Standard	Size
Lot Size	Five thousand (5,000) square feet
Lot Width	Forty (40) feet
Front Yard	Thirty (30) feet
Side Yard	Ten (10) feet
Rear Yard	Twenty (20) feet
Impervious Coverage	Eighty (80) percent, maximum
Building Height	Three (3) stories or forty (40) feet maximum

806. Special Development Regulations

1. All parking areas, driveways and loading areas shall be provided with a lighting system to adequately provide for the safety of customers, delivery vehicles and other users. All lighting shall be shielded from traffic on any public right-of-way and from any residential district.
2. Non-residential storage sheds shall be in the rear and side yards only, provided that such storage area is completely screened from the street and sidewalk by a planted visual screen or opaque fence and is in compliance with the Section **1513** and other applicable provisions of Chapter **15** relating to screening. Only materials, items or products generated by or directly related to the business conducted on the property shall be allowed.
3. Screening and landscaping shall be provided in accordance with all the applicable provisions of Sections **1513** and **1514**.
4. Permitted uses shall comply with all the applicable standards and provisions of Chapter **13**, Parking and Chapter **14**, Signs.

CHAPTER 9

I – INSTITUTIONAL DISTRICT

901. District Purposes

The purposes of this district are to provide for a variety of public and private institutional uses, including municipal and other governmental facilities, and to preserve other existing institutional uses located in the Township. The district includes public parks and recreational facilities and encourages a pedestrian oriented environment, and the provision of public amenities such as small squares, courtyards or other spaces in association with permitted uses. District regulations are also intended to promote connections between institutional and other uses and ensure compatibility between local institutional uses and the surrounding community.

902. Permitted Uses

A building may be erected, altered or used, and a lot or premises may be used, for any of the following purposes and no other:

1. Municipal or other governmental offices and facilities.
2. Fire station and associated facilities for local fire company.
3. Civic uses such as a community center, gymnasium, public library, senior citizens center, or other similar uses.
4. Parks, sports fields, playgrounds and other recreational uses and public gathering spaces, such as outdoor plazas or squares.
5. Elementary, or secondary education schools or other private or parochial schools, but excluding vocational schools, and commercial educational or instructional facilities such as dance studios, martial arts schools or other similar establishments.
6. Religious use, including accessory use and dwelling.
7. Communications facilities, subject to Section 1517.

903. Conditional Uses

1. Day Care Center, subject to Section 1609

904 Accessory Uses

1. Playfield, recreational facility or open space in conjunction with a permitted use.
2. Restaurant or cafeteria for use of employees, students or visitors of a permitted use.
3. Offices associated with the management or operations of permitted a use.
4. Off-street parking and loading, subject to Chapter **13**.
5. Signs, subject to Chapter **14**.
6. Satellite antennas, subject to Section **1509**.
7. Any accessory use on the same lot with and customarily incidental to a permitted main use and not detrimental to the surrounding community.

905. Area and Bulk Regulations

Unless specifically stated otherwise, the following shall be minimum requirements:

Standard	Size
Lot Size	One quarter (1/4) acre
Lot Width	Fifty (50) feet
Front Setback	Twenty-five (25) feet
Side Setback	Fifteen (15) feet
Rear Setback	Fifteen (15) feet
Building Coverage	Sixty (60) percent
Impervious Coverage	Seventy-five (75) percent

906. Development Requirements

1. Development may be on individual lots or by the addition of a new building on a lot or parcel with one (1) or more existing buildings.
2. More than one (1) building is permitted on a single lot, provided that the setback requirements in Section **905** are met.
3. The lot area and street frontage requirements shall not apply in cases where a building or buildings are added to existing buildings on a lot, provided that the parking requirements in Chapter **13**, Parking are met.

4. Where new buildings are constructed on the same lot or parcel as existing institutional buildings, consideration shall be given to connecting the interior driveways of such new buildings with the driveways serving existing buildings in order to limit the number of access points onto public roads.
5. All applicable provisions of Sections **1513** and **1514** concerning screening and landscaping respectively shall be apply.
6. All parking facilities and signs shall comply with the applicable provisions of Chapters **13** and **14** respectively.

CHAPTER 10

BP – BUSINESS PARK DISTRICT

1001. Purpose

The BP Business Park District is designated primarily to provide for selected modern, non-nuisance, commercial and light industrial establishments with a view to encourage attractive development in areas which are particularly well suited for such uses. In promoting the general purposes of this Zoning Code, the intent of the BP District is to encourage only those types of commercial and light industrial uses which would not constitute a hazard or a nuisance to the population of the adjacent areas and which would contribute to the continuation of appropriate development within and adjacent to the District and to discourage the use of land for residences in order to preserve the area for its appropriate use and also to prevent the location of residences in an area inappropriate for residential use.

1002. Permitted Uses

A building or group of buildings may be erected, altered or used, and a lot may be used or occupied, for any of the following purposes and no other:

1. Retail sales and wholesale sales, including factory outlets.
2. Offices and office building
3. Personal service establishment.
4. Eating and/or drinking establishments providing inside and/or outside seating and service, including drive-through windows.
5. Assembly of high technology and electronic equipment.
6. Bank, travel agency and other like service establishments.
7. Accessory use with and customarily incidental to any of the foregoing permitted uses.

1003. Conditional Uses

The following may be permitted as conditional uses subject to the applicable provisions of Chapter 16, including sections 1604 and 1605, restated in this chapter as sections 1004 and 1005.

1. Manufacture, assembly, compounding, processing, packaging or treatment of products.
2. Printing, publishing, lithographing, binding and similar process.
3. Office and shops or service areas for service business or contractors.
4. Warehouse, storage house, or distribution center, express or trucking establishment.
5. Motor vehicle dealer or auto rental agency.
6. Scientific research laboratory or other experimental, testing or research establishment devoted to research, development, design, experimentation or production.

1004. Standards for Review of Conditional Uses

The following general standards and criteria for approval of all conditional uses by the Board of Commissioners must be met by a landowner/applicant. In evaluating an application to the Board of Commissioners for a conditional use, the respective boards shall require the applicant to provide any necessary information to insure that:

1. The proposed use is consistent with the purpose of the zoning district whereby it is permitted, the overall purposes of this Zoning Code, as contained in Section 102 and all applicable provisions of this chapter.
2. The proposed use will satisfy all of the relevant provisions and requirements of this Zoning Code and any other applicable ordinance, code and/or regulation.
3. The proposed use will not adversely affect the health, safety, morals and general welfare of the Township.
4. The proposed land use is consistent with the nature of the land uses existing on any immediately adjacent properties and it will not detract from or cause harm to neighboring properties and will be maintained in a manner in keeping with the character of the neighborhood.

5. The proposed use is consistent in concept and design with other conditional uses for which approval may have been previously granted, and/or it is located in an area or areas for which the site is suited.
6. The proposed use is consistent with the logical extension of public services and utilities, such as a public water and public sewer, and will not have a negative effect on the public services and utilities of the surrounding properties.
7. Proposed construction will be consistent with good design principles and sound engineering and land development practices, and is in keeping with the character of any existing quality construction within the neighborhood.
8. The proposed use will provide safe and adequate access to roads and public services (existing or proposed) and will not result in excessive traffic volumes, or will make any improvements needed to guarantee compatibility with adjacent roads and public services.
9. The proposed use will provide for effective sanitation.
10. The proposed use will create the required screening and landscaping as required in this Zoning Code and any other ordinances or regulations of the Township.
11. The proposed use, as depicted in the plans for subdivision and/or land development, includes proposals for landscaping, in addition to that required as stated above, in areas such as the entrance, along property boundaries, in areas which are highly visible, such as along roads, walks or trails, and in other places where the use of trees, shrubs and ground cover would be functional and appropriate.
12. The proposed use will be properly sited and not be disruptive to existing topography, streams and ponds, vegetation and other natural resources.
13. The proposed use will provide for adequate off-street parking and loading.
14. The proposed use will provide for adequate signage.
15. The proposed use will provide for adequate environmental controls.
16. The proposed use can be adequately serviced by the type of water supply and sewage disposal system which is proposed.
17. The proposed use will be developed using effective stormwater management techniques, and soil erosion and sedimentation control techniques.

1005. Imposition of Conditions

The Board may impose such conditions as are necessary to insure any or all of the above amenities, as well as compliance with any other relevant ordinances, regulations and codes.

1. In the case of an application for a conditional use, the Planning Commission may, at the request of the Board of Commissioners, perform a review and provide counsel to the Board of Commissioners concerning the grant of approval or disapproval of the proposed use. Such review shall be conducted and a written report submitted to the Board of Commissioners within forty-five (45) days of the date of the first Planning Commission meeting following the date the plan has been filed. The Planning Commission shall discuss the application at least at one of its regularly scheduled public meetings during the review period. The applicant may request the Board of Commissioners to waive a review by the Planning Commission by setting forth reasons in its application why such review is not necessary.
2. The Board of Commissioners may, in the case of an application for conditional use, schedule a hearing for public review and comment. Such hearing shall commence during the ninety (90) day review period unless the Board of Commissioners and the applicant mutually agree otherwise. Within ninety (90) days, the Board of Commissioners, at a regularly scheduled meeting or special meeting, shall take action to either approve or disapprove the use.
3. The Planning Commission and the Board of Commissioners shall be responsible for providing notification to the applicant, no less than twenty (20) days prior to the occurrence of any hearing at which testimony will be heard and/or action taken upon approval or disapproval, in order that the applicant may present his or her case at such hearing. Subsequent to the receipt of such notification, the applicant shall be responsible for notifying, no less than ten (10) days prior to such hearing, all abutting property owners.
4. Proof of proper notification shall be required as a precondition before any formal action on the application.
5. Notification of the action taken by the Board of Commissioners shall be made in writing to the applicant. In the event of disapproval, it shall be accompanied by a statement of the reasons therefore. In the event of disapproval, the applicant may file a new application for conditional use or subdivision and/or land development for another use of the subject property.
6. In the event of approval, should the applicant fail to obtain the necessary Township approvals and permits within twelve (12) months of notification, or, having obtained the necessary approvals and permits, fail to commence work

thereunder within six (6) additional months, it shall be conclusively presumed that the applicant has waived, withdrawn or abandoned his or her appeal or application, and all provisions, conditional use(s) and permits granted to him or her shall be deemed automatically rescinded by the Board of Commissioners. If the Board of Commissioners finds that a good reason exists for the failure to comply with the time periods specified above, an extension may be granted.

7. The grant of approval by the Board of Commissioners for a conditional use shall in no way release the applicant from his or her obligation to comply with the applicable provisions of this Zoning Code and any other applicable Township, State and Federal regulations.
8. All notices, hearings and orders shall be made or shall occur in conformance with the provisions of this Zoning Code and the Pennsylvania Municipalities Planning Code.

1006. Area and Bulk Requirements

The following area and bulk regulations shall apply:

1. Lot size, thirty-thousand (30,000) square feet for all commercial uses; forty-thousand (40,000) square feet for all industrial uses.
2. Lot width at building setback line, one-hundred and twenty-five (125) feet minimum.
3. Lot width at street right-of-way line, fifty (50) feet minimum.
4. Building coverage, forty (40) percent.
5. Lot coverage, impervious surface (building and parking area), seventy-five (75) percent.
6. Front yard setback line, fifty (50) feet minimum.
7. Side yards, twenty-five (25) feet minimum for each side yard.
8. Green area, twenty-five (25) percent minimum.
9. Rear yard, twenty-five (25) feet minimum.
10. Building height, sixty (60) feet maximum.
11. Tower and chimney location, eighty (80) feet minimum from any lot line.

12. Minimum setback of the main building of any yard contiguous to a Residence District shall be one hundred (100) feet, provided, however, that any other structures shall have a minimum setback of fifty (50) feet.
13. Parking and driveway area setback from property lines.
 - a. Side or rear yard, ten (10) feet minimum.
 - b. Front yard, twenty-five feet (25) minimum.
 - c. If abutting a residential zone, then the parking and driveway setback shall be a minimum of twenty feet (25) from the property line and shall be properly landscaped except if any provisions from Section **1009** are applicable.
14. The front, side and rear yard setbacks shall be increased to seventy (70) feet minimum if a driveway is located in the yard, or one hundred (100) feet minimum if a parking area is located in the yard.

1007. Design Standards

The following standards shall apply to all uses in the BP District:

1. No obnoxious, toxic or corrosive fumes or gases shall be emitted as a result of the use.
2. No use shall emit offensive odors which are perceptible at lot lines.
3. No use shall emit smoke from plant operations.
4. No use shall produce any heat or glare perceptible at or beyond the lot boundaries.
5. No use shall utilize lighting in a manner which produces glare perceptible at or beyond the District boundaries; neon lighting is not permitted within the District boundaries.
6. No use shall permit physical (low frequency) vibrations perceptible at or beyond the District boundaries.
7. No use shall emit potentially harmful radiation.
8. No use shall engage in the production or storage of any material designed for use as an explosive.

9. No use shall engage in the storage of waste materials, trash, products and/or any other refuse, debris, materials or the like on the lot for any period beyond thirty (30) days. Such waste material storage shall be located behind the front building line of the primary building and no closer than fifty (50) feet to any rear lot line or thirty feet (30) to any side lot line, and shall be completely screened from the view of any street or adjoining property.
10. No use shall discharge any objectionable and/or potentially dangerous effluent from plant operations.
11. No industrial lagoons for chemicals or other liquid waste shall be permitted.
12. Loading facilities shall not be constructed within an area bounded by a triangle fifty (50) feet on each side measured from the nearest point of intersecting street lines.
13. Applicant shall show satisfactory intent to maximize aesthetic quality consistent with the use proposed (i.e. landscaping, screening, signs, etc.).
14. All uses shall be conducted in compliance with the applicable governmental regulations.

1008. Parking

Adequate parking appropriate to the use shall be at a minimum rate of:

1. Retail or shop - at least two (2) parking spaces for every one-thousand (1,000) square feet of gross floor area or fraction thereof.
2. Factory outlets - at least four (4) parking spaces for every one thousand (1,000) square feet of sales area or fraction thereof.
3. Office building, bank or financial institution or other public utility office -four (4) parking spaces for every one thousand (1,000) square feet of leasable area or fraction thereof.
4. Warehouse, storage house or distribution center - one (1) parking space for every one thousand (1,000) square feet of gross floor area or fraction thereof.
5. Restaurant - at least one (1) parking space for each two hundred (200) square feet of gross floor area, plus one for each employee.
6. Shopping center or group of retail stores or other commercial establishments - four (4) parking spaces for each one thousand (1,000) square feet of sales area or fraction thereof.

7. Medical or dental offices and clinics - four (4) parking spaces for each practitioner.
8. Other buildings or uses - any building or open area used for a purpose not covered above shall demonstrate that it will provide a sufficient number of parking spaces for the intensity of the use and must be approved as a conditional use.

1009. Special Development Regulations

In order to encourage a sound and attractive pattern of development, each use shall comply with the following additional requirements.

1. To maintain a high standard of appearance and construction and to provide interesting and tasteful exteriors, the exterior walls of each building within the development are to be constructed of durable, permanent materials.
2. Vertical roof projections, such as towers, vents, stacks or other roof-mounted equipment, should be avoided, or should be integrated into the design of the structure or otherwise screened from view.
3. Windows or semi-opaque glazing will be required on all exterior walls of buildings which are visible from existing or proposed public street rights-of-way.
4. All exterior service, loading and utility areas (including transformers, cooling towers, etc.) shall be adequately screened or sheltered from existing and proposed street rights-of-way.
5. Along each property line which directly abuts an existing residential use, a landscaped buffer area not less than forty (40) feet in width shall be provided subject to the provisions herein.
6. Each use shall comply with the performance standards contained herein and shall provide and utilize such noise and other control devices which are necessary to insure that the use will not be objectionable as defined in this section.

1010. Fees

The Board of Commissioners may, by resolution, adopt a fee schedule for the payment of filing fees, costs of hearings and engineer's and attorney's fees to be paid by the applicant in processing any application under this chapter.

CHAPTER 11

LI – LIMITED INDUSTRIAL DISTRICT

1101. District Purposes

The purpose of this district is to provide for a variety of limited manufacturing, wholesale distribution, and warehousing uses appropriately located for access to highways, and rail freight and port facilities. Commercial and office uses are permitted, but not residential or institutional uses.

Performance standards and regulations regarding screening, buffering, landscaping and access are designed to minimize any adverse impacts of limited industrial operations on nearby districts, particularly residential areas.

1102. Permitted Uses

A building may be erected, altered or used, and a lot or premises may be used, for any of the following purposes and no other:

1. Manufacturing, assembly, compounding, processing, packaging or treatment of materials, goods, food stuffs and other products, subject to the restrictions imposed by Section **1106**.
2. Research, engineering, design and/or testing laboratories.
3. Wholesale, distribution, and warehouse facilities.
4. Construction and related trades contractors and craftsmen, building materials suppliers, lumberyards, and other similar businesses provided that all materials and storage are completely enclosed in a building or other structure.
5. Offices, office buildings, and other administrative facilities.
6. Motor vehicle repair, including auto body and collision.
7. Printing, publishing, lithographic, binding and other similar processes.
8. Utility and communications operating facilities and infrastructure such as electrical generation, transmission and distribution facilities, natural gas service buildings and yards, telecommunications and data transfer stations, and radio and television broadcasting stations.
9. Cell Site as defined in Section **1517.2**

1103 Conditional Uses

The following uses shall be permitted as conditional uses only, subject to the applicable provisions of Chapter 16, Standards and Procedures for Conditional Uses.

1. Above ground tanks, pumps stations, pipelines and facilities thereto necessary for the storage, distribution and transport of natural gas and petroleum related derivatives and/or byproducts, such as butane, propane, hydrocarbons, ethane, and methane. Underground storage of combustible or explosive materials, either gaseous or liquid, in caverns or by other means shall not be permitted.
2. Body Art establishment, subject to the provisions of Section 1612.
3. Uses of the same general character as any of the permitted uses of Section 1102, subject to the compatibility standards in Section 1518.

1104 Accessory Uses and Structures

1. Accessory uses as permitted in the GC General Commercial district.
2. Trailer, construction/office, subject to section 1515.

1105 Area and Bulk Regulations

Unless stated otherwise, the following shall be minimum requirements.

Standard	Size
a. Lot Size	Two (2) acres, minimum
b. Lot Width	Two Hundred (200) feet, minimum
c. Front Yard	Fifty (50) feet, minimum
d. Side Yards	Thirty-five (35) feet, minimum for each side yard
e. Rear Yard	Thirty-five (35) feet, minimum
f. Building Coverage	Forty (40) percent, maximum
g. Impervious Coverage	Seventy (70) percent, maximum
h. Building Height	Thirty-five (35) feet, maximum

1106 Performance Standards

1. All uses shall be conducted in fully enclosed buildings except those specified in subsections **1102.8**, and **1102.9** of this chapter.
2. No use shall be conducted in such a way that it shall constitute a hazard to the surrounding community.
3. No use shall emit an odor which is perceptible at the lot lines.
4. No use shall emit any smoke or flames.
5. No glare shall be perceptible at any lot line.
6. No electromagnetic interference shall be perceptible beyond the lot lines.
7. No physical vibrations from operations shall be perceptible beyond the lot lines.

CHAPTER 12

AIRPORT HAZARD OVERLAY DISTRICT

1201. Purpose

The purpose of this district is to create an airport overlay that considers safety issues around Philadelphia International Airport, regulates and restricts the heights of constructed structures and objects of natural growth, creates appropriate zones, establishing boundaries thereof and providing for changes in the restrictions and boundaries of such zones, creates the permitting process for uses within said zones and provides for enforcement, assessment of violation penalties, an appeals process and judicial review.

1202. Relation to Other Zoning Districts

The Airport District Overlay shall not modify the boundaries of any underlying zoning district. Where identified, the Airport District Overlay shall impose certain requirements on land use and construction in addition to those contained in the underlying zoning district.

1203. Definitions

The following words and phrases when used in this district shall the meaning given to them in this section unless the context clearly indicates otherwise.

Airport Elevations

The highest point of an airport's useable landing area measured in feet above sea level. The elevation of Philadelphia International Airport is thirty-six and one-tenth (36.1) feet.

Airport Hazard

Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight of an aircraft in landing or taking off at an airport or is otherwise hazardous as defined in 14 CFR Part 77 and 74 Pa. Cons. Stat. 5102.

Airport Hazard Area

Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this overlay district and the Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).

Approach Surface (Zone)

An imaginary surface, longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of the runway based on the planned

approach. The inner edge of the approach surface is the same width as the primary surface and expands uniformly depending on the planned approach. The approach surface zone, as shown in Figure 1, is derived from the approach surface.

Conical Surface (Zone)

An imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) feet horizontally to one (1) foot vertically for horizontal distance of four-thousand (4,000) feet. The conical surface zone as shown on Figure 1 is based on the conical surface.

Department

Pennsylvania Department of Transportation.

FAA

Federal Aviation Administration of the United States Department of Transportation.

Height

For the purpose of determining the height limits in all zones set forth in this district and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

Horizontal Surface (Zone)

An imaginary plane one-hundred and fifty (150) feet above the established airport elevation that is constructed by swinging arcs of various radii from the center of the end of the primary surface and then connecting the adjacent arc by tangent lines. The radius of each arc is based on the planned approach. The horizontal surface zone, as shown on Figure 1, is derived from the horizontal surface.

Larger Than Utility Runway

A runway that is constructed for and intended to be used by propeller driven aircraft of greater than twelve-thousand five-hundred (12,500) pounds maximum gross weight and jet powered aircraft.

Nonconforming Use

Any pre-existing structure, object of natural growth, or use of land which is inconsistent with provisions of the District or an amendment thereto.

Non-Precision Instrument Runway

A runway having an existing instrument approach procedure utilizing air navigation facilities, with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

Obstruction

Any structure, growth, or other object, including a mobile object which exceeds a limiting height set forth by this district.

Precision Instrument Runway

A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any planning document.

Primary Surface (Zone)

An imaginary surface longitudinally centered on the runway extending two-hundred (200) feet beyond the end of paved runways or ending at each end of turf runways. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The primary surface zone, as shown on Figure 1, is derived from the primary surface.

Runway

A defined area of an airport prepared for landing and takeoff of aircraft along its length.

Structure

An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.

Transitional Surface (Zone)

An imaginary surface that extends outward and upward from the edge of the primary surface to the horizontal surface at a slope of seven (7) feet horizontally to one (1) foot vertically (7:1). The transitional surface zone, as shown in Figure 1, is derived from the transitional surface.

Tree

Any object of natural growth.

Utility Runway

A runway that is constructed for and intended to be used by propeller driven aircraft of twelve-thousand five-hundred (12,500) pounds maximum gross weight or less.

Visual Runway

A runway intended solely for the operation of aircraft using visual approach procedures.

1204. Establishment of Airport Zones

There are hereby created and established certain zones within the Airport District Overlay, defined in Section 1303 and depicted in Figure 1, Airport Hazard Area Map, hereby adopted as part of this ordinance, which include:

1. Approach Surface Zone
2. Conical Surface Zone
3. Horizontal Surface Zone
4. Primary Surface Zone
5. Transitional Surface Zone

1205. Permit Applications

As regulated by Act 164 and defined by 14 Code of Federal Regulations Part 77.13(a) (as amended or replaced), any person who plans to erect a new structure, to add to an existing structure, or to erect and maintain any object (natural or manmade), in the vicinity of the airport, shall first notify the Department's Bureau of Aviation (BOA) by submitting PENNDOT Form AV-57 to obtain an obstruction review of the proposal at least thirty (30) days prior to commencement thereof. Any new structure with a proposed height of two hundred (200) feet or less shall be exempt from the foregoing. The Department's BOA response must be included with this permit application for it to be considered complete. If the Department's BOA returns a determination of no penetration of airspace, the permit request should be considered in compliance with the intent of this Overlay district. If the Department's BOA returns a determination of a penetration of airspace, the permit shall be denied, and the project sponsor may seek a variance from such regulations as outlined in Section **1206**.

No permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure.

1206. Variances

Any request for a variance shall include documentation in compliance with Code 14 of Federal Regulations Part 77 subpart B (FAA Form 7460-1 as amended or replaced). Determinations of whether to grant a variance will depend on the determinations made by the FAA and the Department's BOA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. In particular, the request for a variance shall consider which of the following categories the FAA has placed the proposed construction in:

1. No Objection – The subject construction is determined not to exceed obstruction standards and marking/lighting is not required to mitigate potential hazard. Under this determination a variance shall be granted.

2. Conditional Determination – The proposed construction/alteration is determined to create some level of encroachment into an airport hazard area which can be effectively mitigated. Under this determination, a variance shall be granted contingent upon implementation of mitigating measures as described in Section 9 – Obstruction Marking and Lighting.
3. Objectionable – The proposed construction/alteration is determined to be a hazard and is thus objectionable. A variance shall be denied and the reasons for this determination shall be outlined to the applicant.

Such requests for variances shall be granted where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and that relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with intent of this district.

1207. Use Restrictions

Notwithstanding any other provisions of this district, no use shall be made of land or water within the Airport District Overlay in such a manner to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise endanger or interfere with the take-off, landing, or maneuvering of aircraft utilizing the Airport.

1208. Pre-Existing Non-Conforming Uses

The regulations prescribed by this district shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of a non-conforming use. No non-conforming use shall be structurally altered or permitted to grow higher, so as to increase the degree of non-conformity, and a non-conforming use, once substantially abated (subject to the underlying zoning ordinance) may only be reestablished consistent with the provisions herein.

1209. Obstruction and Marking Lighting

Any permit or variance granted pursuant to the provisions of this district may be conditioned according to the process described in Section 1307 to require the owner of the structure or object of natural growth in question to permit the municipality, at its own expense, or require the person requesting the permit or variance, to install, operate and maintain such marking or lighting as deemed necessary to assure both ground and air safety.

1210. Conflicting Regulations

Where there exists, a conflict between any of the regulations or limitations prescribed in this district and any other regulation applicable to the same area, the more stringent limitation or requirement shall govern and prevail.

1211. Severability

If any provisions of this district overlay or the application thereof to any person or circumstance are held invalid, such invalidity shall not affect other provisions of this district overlay of the zoning ordinance overall which can be given effect without the invalid provision or application, and to this end, the provisions of this district are declared severable.

CHAPTER 13

PARKING REGULATIONS

1301. Purposes

The purposes of this chapter are to adequately provide for the parking needs of the various land uses in the Township and to prevent overly congested public streets while balancing this with the small overall land area of the Township and the desire to prevent the overbuilding of unused parking capacity. Additional purposes include allowing for adequate emergency access, providing for special parking needs of handicapped drivers and providing flexibility in meeting the Township's parking needs through methods such as common parking arrangements.

1302. Applicability

1. Basic Requirements

- a. As a general requirement, each use in the Township shall provide sufficient off-street parking and loading areas to ensure safe and efficient operation. These facilities shall be in accordance with the requirements in Section **1304**, except as modified by this section.
- b. Off street parking and loading facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve and they shall not be reduced in total extent except when such reduction is in conformity with this Chapter.
- c. In instances where it is physically impossible to provide adequate off-street in the NC Neighborhood Commercial and R-3 Residential district, as determined by the Zoning Officer, the regulations in Section **1304** shall not apply. This exception is only valid where it is physically impossible to provide adequate off-street parking. Where it is possible to provide adequate off-street parking, the regulations in Section **1304** shall apply.

2. Existing Structures and Uses

No building or use of land lawfully in existence prior to the effective date of this Ordinance shall be subject to the following requirements so long as the kind or extent of use is not changed so as to require additional parking.

3. A Change of Use
 - a. In the event of a change of an existing use in an existing building, no additional off-street parking shall be required if the total floor space does not increase **or** if the new use does not require any more spaces under this Chapter than the use it replaces.
 - b. On-street parking spaces immediately adjacent to the property line of existing buildings may be used to count toward the requirements of this Chapter.

4. New construction

New Construction or an expansion of an existing use must provide the off-street parking spaces required in Section **1304**. However, in the GC –General Commercial district, the required spaces may be provided in any one or any combination of the following types of facilities or arrangements:

- a. Off-street, on the site.
- b. Off-site area per the requirements of Section **1306**.
- c. Common parking area per the requirements of Section **1306**.
- d. Municipal parking lot or structure.

Proposals for uses that would utilize parking in any arrangement other than the off street, on the site arrangement must be accompanied by a written agreement between the applicant and the owner of the parking facility indicating that such parking spaces will be provided to serve the proposed use or expansion of an existing use. Prior to the approval of any proposed use or expansion necessitating other than the off-street, on the site parking, the Zoning Officer (ZO) must certify in writing that such parking arrangements have been executed and that all required spaces have thereby been provided.

1303. General Regulations for Off-Street Parking

1. All off street parking, loading and driveway areas shall conform to the provisions of the latest adopted Delaware County Land Development and Subdivision Ordinance.
2. Where a use is not specifically listed in this Ordinance, the Zoning Officer shall apply the required ratio of the most similar use listed in Section **1304** to determine the number of parking spaces required.

3. If the computation of a required parking ratio listed in Section **1304** results in a fraction, an additional parking space shall be required.
4. All parking areas of three (3) spaces or more, loading areas, and driveways shall be paved with an asphalt or similar bituminous surface and graded to properly dispose of all surface water accumulation within the parking area in conformance with Township standards so as to not to allow drainage onto any adjoining property.
5. All paved off street parking areas shall be clearly line striped and maintained.
6. All parking areas for more than ten (10) vehicles serving businesses uses and collective residential parking shall be adequately illuminated during the hours between sunset and sunrise when the use is in operation. Any lighting used to illuminate any off-street parking area, whether required or not, shall be so arranged or shielded to protect any adjacent residential premises from the glare of the illumination.
7. Not more than one (1) commercial motor vehicle with a single rear axle may be stored on a lot in a residential district.
8. Not more than one (1) commercial vehicle with two (2) or more rear axles (double-axle) may be stored on a lot in a residential district, and such commercial vehicle with two or more rear axles shall be stored in a garage at all times.
9. Not more than one (1) vehicle with commercial lettering or signage shall be parked in a driveway or on-street in a residential district.
10. Parking or storage of non-licensed, non-registered, non-inspected, disabled, partially dismantled or junk cars, trucks, boats or other vehicles shall be permitted on a property for a continuous period of no more than fifteen (15) days.

1304. Required Parking Ratios

The ratio indicated below shall be the minimum number of required parking spaces per use, unless a different ratio may be provided for a particular use within a specific zoning district:

RESIDENTIAL USES	Minimum number of spaces required
Single-family dwelling, detached or semi detached	Two (2) spaces
Single-family dwelling, townhouse	One (1) space
Single-family dwelling, townhouse – more than one bedroom	Two (2) spaces
Multi-family dwelling unit, studio apartment or 1 bedroom	One (1) space per dwelling unit
Multi-family dwelling unit, 2 or more bedrooms	Two (2) spaces per dwelling unit
Multi-family dwelling units for ages 55 and older	One (1) space per dwelling unit
Sober Living Home	One half (1/2) space per bed, plus one (1) per non-resident employee

INSTITUTIONAL, EDUCATIONAL OR GOVERNMENTAL, USES	Minimum number of spaces required
Churches, auditoriums and other spaces of public assembly	One (1) for every five (5) seats
Community center, library, post office, or similar use	One (1) for every four hundred (400) sq. ft. of gross floor area
Primary and secondary schools	One for every three (3) students plus one (1) per faculty member/teacher
Day care center	One (1) for every five hundred (500) sq. ft. of gross floor area plus one (1) for each adult attendant. These requirements shall be in addition to those of the primary use such as a church or school, if applicable

INDUSTRIAL AND OTHER RELATED USES	Minimum number of spaces required
Manufacturing, light industrial, research and development, wholesale and distribution facilities	One (1) for every five hundred (500) square feet of gross floor area
Warehouse, storage facilities	1 space per two thousand (2,000) square feet of gross floor area

RETAIL, COMMERCIAL OR OTHER BUSINESS USES	Minimum number of spaces required
Retail sales and personal service (not otherwise specified below)	One (1) for every three hundred (300) square feet of gross floor area
Eating and drinking establishments: <ul style="list-style-type: none"> ➤ Sit-down ➤ With drive through service 	One (1) for every two hundred (200) square feet of gross floor area One (1) for every seventy-five (75) square feet of floor area
General service and repair shops	One (1) for every four hundred (400) square feet of gross floor area
Professional and general business office	One (1) for every two hundred and fifty (250) square feet of gross floor area
Supermarket	One (1) for every one hundred and twenty-five (125) feet
Funeral home	One (1) for every five hundred (500) square feet of gross floor area
Automobile service and repair	Three (3) spaces per service bay
Gas station	One (1) stacking space per fueling aisle, plus one space per accessory use (air pump, vacuum...etc). Spaces for convenience stores/mini marts, repair shops and car wash facilities shall comply with those specific requirements in this section
Car wash <ul style="list-style-type: none"> ➤ Standard car wash ➤ Self-service car wash 	Two (2) per bay for stacking, plus two (2) between the exit of the facility and the street Two (2) per bay for stacking plus one (1) for each employee on the greatest shift
Construction related tradesman’s shops and facilities	One (1) space for every four hundred (400) square feet of gross floor area
Cemetery	One (1) space per four (4) visitors
Veterinary	One (1) space per three hundred (300) square feet of gross floor area
Entertainment or amusement use	One (1) per four (4) persons who may be legally admitted therein under state fire prevention laws

1305. Design Regulations

1. The size of a standard parking space shall be nine a minimum of (9) feet wide and twenty (20) feet long, an area of one hundred and eighty (180) square feet. Parallel parking spaces may be eight (8) feet wide.
2. Parking lots with five (5) or more spaces may designate up to twenty (20) percent of the spaces as compact spaces with minimum dimensions of eight (8) feet by eighteen (18) feet.
3. Parking spaces for the handicapped shall be twelve (12) feet wide by eighteen (18) feet long, an area of two hundred sixteen (216) square feet. Parking spaces for the handicapped must be located as close as possible to public entrances and ramps to buildings. Each space must be clearly marked with proper signage.
4. Handicapped spaces shall be provided in the amounts required below:

<u>Total Parking Spaces</u>	<u>Number of Required Handicapped Spaces</u>
10- 25	1
26- 50	2
51- 75	3
76-100	4

5. Every required parking space shall have direct access from or to a public street or alley without first requiring movement of another motor vehicle.
6. All off-street parking areas for non-residential uses shall be designed so that vehicles need not back directly into a public street but can enter and leave the parking area in a forward motion, unless the parking area exits onto an alley or a street that is twenty-four (24) feet or less in width.
7. Every parking lot or area with five (5) or more off-street spaces shall be separated from the street or highway by a raised curb, planting strip, wall or other suitable barrier against unchannelized motor vehicle entrance or exit, except for necessary ingress and egress points.
8. Drive-through establishments such as fast food, automatic bank teller and similar uses shall provide no fewer than five (5) waiting spaces for each drive-through lane. This is in addition to the space for the car being serviced.
9. Driveway widths shall be a minimum of twelve (12) feet wide for one-way traffic and a minimum of twenty-four (24) feet wide for two-way non-residential driveways.

1306. Common Parking and Off-Site Parking

1. Nothing in this Chapter shall be construed to prevent collective provision of off-site parking facilities for two (2) or more nonresidential buildings or uses, provided that the total of such off-site parking facilities provided collectively shall be not less than the sum of requirements for the various uses compiled separately. Such off-site parking area shall be adjacent to one of the buildings or uses and not farther than six hundred (600) feet from either building or use as measured from the edge of the parking facility to the building line of said structures or uses.
2. The number of spaces required in such a common parking area may be reduced below the sum of the total requirements if it can be demonstrated to the Zoning Officer that the hours or days of peak parking demand for the uses are so different that a lower overall total of parking spaces will adequately provide for the uses to be served. In such case sufficient parking shall be provided to meet the minimum needs of the use that requires the greater parking area.
3. Uses in the NC Neighborhood Commercial districts may provide the required parking spaces (as per Section **1304**) in off-site parking facilities. Such facilities shall be located not more than five hundred (500) feet from the principal entrance of the use. This distance shall be measured along the shortest sidewalk route between the use and the off-site parking facility.

1307. Design of Off-Street Loading Facilities

1. In addition to the off-street parking spaces required in this Chapter, any building erected and/or enlarged for any nonresidential use that is over five thousand (5,000) square feet shall provide off-street areas for loading and unloading of commercial vehicles.
2. The minimum size loading space shall be twelve (12) by thirty-five (35) feet for retail businesses and service establishments of twelve thousand five hundred (12,500) square feet or less and fourteen (14) by sixty-five (65) feet for all other uses greater than twelve thousand five hundred (12,500) square feet.
3. The minimum number of loading spaces provided shall be as follows:

<u>Total Gross Floor Area (square feet)</u>	<u>Number of Loading Spaces</u>
Between 5,000 to 15,000	1 Space
15,000 to 50,000	2 Spaces
50,000 to 100,000	3 Spaces
Each additional 100,000	1 additional space

4. All loading spaces shall have adequate access from a street or public right of way which does not block or interfere with the required parking as specified in Section **1304**. This required space shall be provided in addition to established requirements for patron and employee parking.
5. In no case shall public rights-of-way be used for loading or unloading of products and other freight. Furthermore, no loading dock or space shall be located or arranged in such a way that it is necessary to back any vehicle into or off any public right-of-way or require the use of any public right-of-way for maneuvering space.
6. All accessory driveways and entranceways providing access to loading areas shall be graded, paved and drained to comply with Township standards.
7. All off-street loading berths shall be provided on either the side or rear of the lot. In no case shall off-street loading berths be provided in the front of the lot.
8. Such facilities shall be designed and used so as to at no time constitute a nuisance, a hazard or an impediment to traffic.

1308. Screening and Landscaping Requirements

1. Screening
 - a. All off-street parking areas that provide more than five (5) parking spaces shall be screened from any abutting property in a residential or other more restrictive district.
 - b. Screening may be accomplished through the use of plant materials, fencing or walls and/or mounding using an earthen berm to form a continuous visual buffer.
 - c. Such screens shall not be less than four (4) feet in height.
 - d. The area for planting and fencing, walls or earthen berms shall not extend beyond the side or rear property lines.

2. Landscaping

Landscaping shall be required for any parking area which provides ten (10) or more parking spaces and shall be subject to the following provisions:

- a. At least five (5) percent of the interior of the parking area, not including perimeter plantings for screening purposes, shall be landscaped.

- b. Each planting area shall be at least twenty-five (25) square feet in area and have no dimension less than five (5) feet.
- c. Each planting shall contain at least one (1) tree, and the facility as a whole shall contain at one (1) for every ten (10) parking spaces.
- d. Trees used to satisfy the parking lot landscaping requirement shall be a minimum of three (3) inch caliper at planting and shall be suitable for location in parking lots.
- e. Existing trees should be preserved wherever possible and may counted towards meeting the tree planting requirement if they are a minimum of three inches in caliper.
- f. Landscaped islands between every twenty (20) parking spaces or at the end of each parking row, whichever is less, shall be provided and shall be the length and width of the parking spaces.

CHAPTER 14

SIGNS

1401. Purposes

The purposes of this chapter are to regulate the type and dimensions of signs allowed in Lower Chichester Township, while recognizing the commercial communication requirements of businesses, institutions and other advertisers. The regulations are designed to protect the public from potential damage or injury caused by improperly designed or located signs, or from those that cause distractions to drivers or other vehicular travelers. The regulations are also designed to safeguard property values by encouraging the use of signs that are consistent and harmonious in relation to the buildings and areas where they are placed.

1402. Scope and Applicability

1. Any sign hereafter erected shall conform to the provisions of this Chapter and any other applicable ordinances or regulations of the Township. Any sign not specifically authorized by the provisions of this Chapter shall not be erected in the Township.
2. It shall be unlawful for any person, firm or corporation to erect, alter, rebuild, enlarge, extend or relocate signs listed in Section **1406** – Signs Requiring a Permit, without first obtaining a permit from the Township.
3. Application for signs requiring permits shall be made in writing to the Township in accordance with Section **1406**.
4. The Building Code Official/Zoning Officer is hereby authorized and empowered to revoke any sign permit issued by the Township for failure of the holder thereof to comply with any provision of this Chapter.
5. The provisions of this Chapter shall not apply where signage is erected and maintained by the Township for municipal purposes, provided that the Township obtains all other required governmental permits prior to their erection and use.

1403. Determination of Size of Signs

1. The size of any sign shall be determined in accordance with the provisions of this Chapter and the following:
 - a. When a sign consists of letters, numbers and/or logos and not a

lettered board the size of such sign shall be measured by the geometric shape formed by the farthest outside edge of the largest letters, numbers or logos contained in the sign.

- b. When a sign consists of a lettered board the size of such sign shall be determined by calculating the area of the lettered board.
- c. The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one (1) of the faces.

1404. Sign Restrictions and Standards

1. Prohibited Signs.

The following sign types shall be specifically prohibited:

- a. Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device or obstruct or interfere with a driver's view of the approaching, merging or intersecting traffic.
- b. Signs attached to any trees, utility poles, light standards or any other public facility located within the public right-of-way.
- c. Mechanical movement signs or moving objects on signs including spinning, twirling, rotating or any other moving signs or objects on signs used for advertising purposes, whether containing a message or not.
- d. Animated signs, flashing, blinking, or twinkling signs, or signs that scroll or flash text or graphics.
- e. Signs that emit smoke, visible vapors, particulate matter, sound, odor or contain open flames.
- f. Inflatable, aerial, and crane mounted or supported signs.
- g. Pennant strings and streamers.
- h. Reflective signs or signs containing mirrors.

- i. Portable signs such as curb or sidewalk signs or those attached or suspended from any outdoor bench, chair, table, or similar structure, except as allowed for temporary signs.
 - j. Signs or bulletins painted directly on the facade of a building or other structure or any outdoor bench, chair, table or other similar structure.
 - k. Advertising cloth or banner or signs of any similar character suspended or hung on property, except those used for civic events or other municipal purposes.
 - l. Signs placed on property without the permission of the owner or their agent.
 - m. Any sign attached to or placed on a vehicle or trailer parked on a public or private property, except for vehicles or trailers whose primary purpose is not the display of signs; the signs are magnetic, decals or painted upon an integral part of the vehicle; and the vehicle is in operating condition, is currently registered and licensed, and is actively used or available for use in the daily function of a business to which such sign(s) relates.
 - n. Projecting Signs.
 - o. Roof Signs.
2. General Standards and Restrictions
- a. Where not inconsistent with this chapter, all signs constructed or erected under the provisions of this chapter shall comply with the standards set forth in the latest applicable version of the Pennsylvania Uniform Construction Code (UCC).
 - b. Where applicable, the requirements of the Pennsylvania Department of Transportation in relation to signs shall be followed.
 - c. Signs shall be constructed of durable materials and shall be solidly and firmly attached, supported and/or anchored to the supports or framework.
 - d. Signs must be kept in good condition and repair. Signs that become dilapidated shall be removed at the expense of the landowner or lessee of the property upon which they are located.

- e. No sign shall be located, arranged or placed in a position where it could be a distraction to vehicular operators and potentially cause hazardous conditions; block the required sight lines for streets, sidewalks or driveways; or cause confusion with a traffic control device by reason of color, location, shape or any other characteristics or means.
 - f. No sign other than an official traffic sign shall be erected within the right-of-way lines of any public street nor shall any sign be closer than six (6) feet to any street line or within any public right-of-way, unless specifically authorized by other ordinances and regulations of Lower Chichester Township or other governmental bodies or agencies having jurisdiction or regulatory authority in the matter.
 - g. All permanent signs shall be located on the property to which their text or message applies, except as specifically permitted in Section **1407** relating to billboards/off-premise signs or if they are traffic and street signs, public notices, informational, warning or directional signs of a local, state or federal government, or other public body and local municipal identification or seasonal decorative signs.
 - h. All signs shall be required to identify a use currently conducted on the property on which said sign is erected or be subject to provisions of Section **1407**. Where an establishment moves from or vacates a particular address or premises, the owner of such building or premises shall within 45 days remove or cause to be removed any such sign which was displayed by the establishment at that address or location.
 - i. No illuminated sign shall be lighted on the days when a business or permitted use is not open.
3. Pole Signs
- a. The lowest edge of any pole sign shall be either less than four (4) feet or greater than seven (7) feet above the ground.
 - b. No more than two (2) feet above the ground level can be devoted to and maintained for flowers, ground covers and low spreading shrubs. If such plantings are installed, they shall be a maximum of two (2) feet in height and remain free of weeds, debris or other undesirable materials.
 - c. All pole signs shall be of metal construction except those used in residential districts which may be made of pressure treated lumber. All such posts shall be embedded in the ground at least three and one half (3½) feet unless otherwise directed by the Building Code Official/Zoning Officer.

- d. Pole signs in residential districts shall be permitted when set back a minimum distance of six (6) feet from the front property line.
- e. Pole signs shall only be illuminated by concealed, indirect lighting.
- f. The maximum height of freestanding signs shall be thirty (30) feet measured from grade level.
- g. There shall be a distance of fifty (50) feet between freestanding signs along the same road frontage.

4. Ground Signs

- a. The bottom edge of a ground sign shall be a maximum of three (3) feet above ground level.
- b. Ground signs shall be supported and permanently placed by embedding, anchoring or connecting the sign in such a manner as to incorporate it into the landscaping or architectural design of a site.
- c. Ground signs shall be setback a minimum of five (5) feet from the right-of-way, except traffic signs and government/regulatory signs.
- d. Illumination shall be only by concealed, indirect lighting.

5. Canopy and Awning Signs

- a. All awning and canopy signs shall have a minimum clearance of seven (7) feet from the sidewalk to the lowest part of the metal framework of any awning.
- b. Retractable or fixed awnings are permitted to project up to four (4) feet into a public right-of-way, provided that they meet clearance requirements and are no closer than one (1) foot to a curb line.
- c. No portion of any canopy sign is permitted within a public right-of-way.
- d. The permanently-affixed copy area of a canopy or awning sign marquee sign shall not exceed an area equal to fifty (50) percent of the background area of the canopy, awning, or similar architectural feature to which the sign is affixed or applied.

6. Window Signs

- a. A maximum of fifteen (15) percent of the total window area may be used for permanent signs that are etched, painted or permanently affixed to a window. A maximum of twenty-five (25) percent of the total window area may be occupied by permanent and temporary window signs.
- b. Neon signs in a window shall not exceed ten (10) percent of the area of the window or eight (8) square feet, whichever is less.

7. Temporary Signs

- a. The use of Temporary signs, except for political signs and any exempt signs as noted in Section **1405**, shall require a permit which shall be effective for not more than thirty (30) days. Price or sales change signs shall be subject to the provisions of Section **1405.10**.
- b. Temporary signs shall be removed immediately upon expiration of the permit.
- c. After the expiration of the thirty (30) day period of temporary sign permit, the applicant may apply for another such permit, however not more than four (4) such permits shall be issued to the same applicant within any twelve (12) month period.
- d. Temporary signs shall be placed as not to obstruct vehicular or pedestrian traffic or create a safety hazard or dangerous condition.
- e. Temporary signs shall not obstruct access to or from any door, window, fire escape or ventilating equipment, nor be attached to any standpipe or fire escape. Temporary commercial signs shall not be attached to fences.
- f. The size of temporary signs shall not exceed one-third (1/3) square feet of sign area for each linear foot of building width.

1405. Signs Not Requiring a Permit (Exempt Signs)

The following signs are exempt from the need to secure a permit but are subject to all other applicable provisions of this chapter.

1. Public notice, warning or traffic or other official sign required or authorized by a federal, state or local law, regulation or ordinance.

2. Any sign inside a building not attached to a window or door that is not legible from a distance or more than three (3) feet beyond the lot line of the property upon which the sign is located.
3. Building markers or identification signs that include only building names, date of construction, or historical data on an historic site provided there is only one (1) per building with a maximum area of six (6) square feet.
4. Flags of the United States, the Commonwealth of Pennsylvania, foreign nations having diplomatic relations with the United States, or any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction provided such flag does not exceed sixty (60) square feet in area and shall be flown not more than forty (40) feet in height.
5. Decorations for officially designated holidays within the appropriate season provided however, they do not create a traffic or fire hazard.
6. Address signs stating number and/or name of occupants of premises that do not exceed two hundred (200) square inches.
7. Limited duration signs indicating the sale or rental of premises provided that there are no more than two (2) such signs for any such property and they shall not each exceed six (6) square feet and limited duration signs indicating the development of properties, which shall not exceed twenty (20) square feet or exceed more than one sign per five hundred (500) feet of street frontage. Such signs shall not be illuminated and shall be removed on or before the settlement or lease date or completion of the development.
8. Yard sale or garage sale signs provided that they do not exceed two (2) square feet and are removed within twenty-four (24) hours after such sales.
9. Temporary window signs advertising the sale or price change of goods, provided that such signs do not exceed twenty-five (25) percent of total window area.

1406. Signs Requiring a Permit

The following signs, as described under each zoning district or group of zoning districts are permitted, provided that they meet the restrictions and standards stated therein and a permit has been obtained.

1. Residential districts
 - a. Identification signs for apartment building or complexes, or residential developments with more than four (4) units provided that:

- 1) Such signs shall be pole, ground or wall signs only.
 - 2) Not more than one (1) such sign shall be erected for each building or groups of buildings unless such building or group of buildings front on two (2) streets, then no more than two (2) signs, one (1) on each street shall be permitted.
 - 3) The size of such signs shall not exceed sixteen (16) square feet.
 - 4) No such sign shall be illuminated except by concealed or indirect lighting attached to the sign itself.
- b. Permanent signs for public or private schools, religious uses, and other nonresidential uses, provided that:
- 1) The signs shall be wall or ground signs; however changeable copy shall be permitted for schools, religious uses and other similar uses.
 - 2) The size of such sign shall not exceed twenty-four (24) square feet.
 - 3) Not more than two (2) signs shall be allowed for each permitted use unless such premises fronts on two (2) streets, in which case no more than two (2) signs shall be permitted on each street frontage.
- c. Signs identifying nonresidential nonconforming uses, provided that they meet the same requirements as subsection 1.b above.
- d. Signs identifying home occupation or professional home offices, provided that they are either ground or wall signs, only one (1) sign is displayed per home occupation, professional office or dwelling unit and the sign shall not exceed two hundred (200) square inches.
2. Institutional district

The types of signs permitted shall be wall signs, pole signs and ground signs.

- a. Not more than one (1) wall sign and one (1) pole sign or one (1) ground sign shall be permitted for each frontage.
- b. The size of wall signs shall not exceed one (1) square foot of sign area for every two (2) feet of building width.

- c. The size of pole or ground signs shall not exceed sixteen (16) square feet.

3. Neighborhood Commercial district

Wall, pole, ground, awning and canopy and window signs only shall be permitted.

- a. There shall not be more than one (1) wall sign for each frontage. However, for buildings that have a front width of one hundred (100) feet or more, two (2) wall signs shall be permitted by special exception at each such frontage.
- b. The size of wall signs shall not exceed one (1) square foot of sign area for each linear foot of building width with a maximum size of thirty (30) square feet.
- c. Where there is a business located on a second floor, one (1) additional wall sign shall be permitted, not greater in size than eight (8) square feet. Such signs shall be located on the second story of said building.
- d. The size of pole and ground signs shall be exceed sixteen (16) square feet.
- e. Canopy or awning signs shall be subject to the requirements and provisions of subsection **1404.5** above. The canopy or awning upon which a sign is depicted shall extend more than five (5) feet from the front wall of a building.
- f. In cases where multiple tenants or uses are in one (1) building, a wall sign shall be permitted for each use provided the area of such signs does not exceed ten (10) square feet.

4. General Commercial district

Wall, pole, ground, and canopy and awning signs shall be allowed.

- a. There shall be not more than one (1) wall sign for each frontage. However, for buildings that have a front width of one hundred (100) feet or more, two (2) wall signs shall be permitted by special exception at each such frontage.
- b. The size of wall signs shall not exceed one (1) square foot of sign area for each linear foot of building with a maximum size of fifty (50) square feet.

- c. Where there is a business located on a second floor, one (1) additional wall sign shall be permitted, not greater in size than eight (8) square feet. Such signs shall be located on the second story of said building.
 - d. Pole and ground signs shall not exceed a maximum of twenty-four (24) square feet in size.
 - e. Not more than one (1) pole sign or ground sign shall be permitted per use.
 - f. Canopy or awning signs shall be subject to the requirements and provisions of subsections **1404.5** above. The canopy or awning upon which a sign is depicted shall extend no more than five (5) feet from the front wall of a building.
5. Business Park district
- Wall, pole, ground, and awning signs shall be allowed.
- a. Wall and awning signs
 - 1) Not more than one (1) wall sign shall be permitted.
 - 2) The size of wall signs shall not exceed one-half (1/2) square foot of sign area for each linear foot of frontage of the establishment.
 - 3) Awning signs may be substituted for wall signs with the same requirements as noted in subsection **a(2)** directly above.
 - b. Pole and ground signs
 - 1) Not more than one (1) pole sign or ground sign identifying the development shall be erected on a given principal exterior road.
 - 2) Individual establishment may be identified on the same sign structure as that listing the name of the development.
 - 3) The size of signs identifying the development shall not exceed sixty (60) square feet along a principal exterior road.
 - 4) The size of signs identifying individual establishments within the development shall not exceed ten (10) square feet.

- 5) Not more than one (1) pole sign or ground sign identifying the development may be placed on an interior road. Names of individual establishments may be placed on the same sign structure.
 - (a) Signs identifying the development shall not exceed fifty (50) square feet.
 - (b) The size of signs identifying individual establishments shall not exceed six (6) square feet.
6. Limited Industrial District.

Wall signs, pole signs and ground signs shall be permitted.

- a. Wall signs shall not exceed one (1) square foot of sign area for each foot of building width with a maximum of fifty (50) square feet.
- b. For buildings that have front width of one hundred (100) feet or more, two (2) wall signs shall be permitted on the frontage. In this case, a special exception shall be required and the maximum allowable sign area shall not exceed seventy-five (75) feet.
- c. Pole and ground signs shall not exceed fifty (50) square feet.
- d. Not more than two (2) types of signs shall be permitted on any one premises provided that the combined area of these signs shall not exceed one hundred and twenty-five (125) square feet.

1407. Billboards

1. Intent and Purpose

The regulation of the location, size, placement and certain features of signs is necessary to enable the public to locate goods, services and facilities in the Township area without difficulty and confusion, to encourage the general attractiveness of the community and to promote property values therein.

2. Minimum Requirements

The provisions of this section shall be held to be the minimum requirements necessary for the promotion and protection of the public health, safety, comfort, morals and convenience.

3. Prevailing Provisions

If any provision or requirement of this section is found to be in conflict with any other provisions or requirement or of any other governmental regulation of any kind, the provisions of this chapter shall prevail.

4. Definitions

In the construction of this section and any subsequent amendment, the definitions contained in this section shall be observed and applied:

- a. "Billboards" and "off-premises signs" means a sign directs attention to a business, commodity, service, entertainment or attraction, sold, offered, or existing elsewhere than upon the same lot where such sign is displayed. The term "off-premises sign" shall include an outdoor advertising sign (billboard) on which space is leased or rented by the owner thereof to others for the purpose of conveying a commercial or noncommercial message.

5. Conformance with Regulations

All permanent signs permitted by this section shall be constructed in accordance with the applicable provisions of the Uniform Construction Code (UCC) and the National Electrical Code, latest adopted edition. All signs erected after the date of this section shall have affixed in a conspicuous place thereon, the following information:

- a. The date of erection;
- b. The sign permit number;
- c. The sign permit expiration date; and
- d. The voltage of any electrical apparatus used in connection therewith.

6. Billboards along I-95

One off-premises sign or billboard may be erected, constructed or maintained only on property bordering I-95.

7. Size Restrictions

An off-premises sign or billboard shall not exceed six hundred (600) square feet per sign face and have no more than two (2) sign faces per sign structure.

Also, any extensions to the six hundred (600) square foot sign face will be limited to five and one-half (5 ½) feet above the sign face, two (2) feet on either side and one and one-half feet (1 ½) below the basic sign face area.

8. Location of Signs

- a. An off-premises sign or billboard shall not be closer than two-thousand (2,000) feet to another off-premises sign or billboard along the same side of any street or highway, unless approved by special exception.
- b. An off-premises sign or billboard shall not be located within one hundred and fifty (150) feet of the centerline of any intersection at grade, with the exception of billboards that are principally showing to limited access highways and are constructed within six-hundred and sixty (660) feet of the right-of-way in accordance with State regulations.
- c. An off-premises sign or billboard shall only be permitted in those areas designated in Section **1407.6**

9. Height Projection

An off-premises sign or billboard shall not project higher than thirty (30) feet as measured from the grade of the principal adjacent roadway intended for viewing to the bottom of said sign.

10. Site Plan Required

An application for an off-premises sign or billboard shall be accompanied by a site plan and contain all of the applicable requirements of this chapter.

11. Certification of Safety of Billboard

Any applications for an off-premises sign or billboard shall be accompanied by a certification under seal of a professional engineer that the existence of the off-premises sign or billboard, as proposed, shall not present a safety hazard.

12. Permit Required

No person may erect, alter, or relocate within Lower Chichester Township, any off-premises sign or billboard without first obtaining a sign permit from the Building Code Official/Zoning Officer and paying the required fee.

1408. Permits and Inspections for Signs

1. A permit must be obtained from the Building Code Official/Zoning Officer (BCO/ZO) for the erection, repair, maintenance, alteration or relocation of all signs in the Township and in accordance with this and other relevant Township ordinances, unless specifically exempted as per Section **1405** above relating to exempt signs.
2. Permit fees for the erection, repair, maintenance, alteration or relocation of signs shall be in accordance with a fee schedule adopted by the Township.
3. Before a permit is granted for the erection of a sign or sign structure an application in writing, filed on forms provided by the Township shall be made to the BCO/ZO. The permit application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected.
4. The application submitted shall give the full particulars regarding the size, shape, material and supports of the sign as well as blueprints or ink drawings showing the location of the sign on the building or lot, the distance from the curb line and the height of the sign. The application shall be sufficiently specific to enable the BCO/ZO to determine if the sign complies with the requirements of this and other applicable ordinances.
5. The BCO/ZO is hereby designated as the enforcement officer for the erection, repair, maintenance, alteration or relocation of all signs in the Township including the following duties and powers:
 - a. Review all applications for sign permits issuing permits for those signs found to be in compliance with the provisions of this chapter.
 - b. Conduct an annual or more frequent inspection of all signs displayed in the Township to insure compliance with the provisions of this chapter.
 - c. Issue notices of violation to owner, agent, or person having the beneficial interest in the premises on which a sign which is found to be in non-conformance with this chapter.
 - d. After due notice, cause the removal of signs found to be in non-conformance with one or more of the provisions of this chapter.
 - e. Render, when called to do so, administrative interpretations regarding the provisions of this chapter and their effect on the display of any sign located or to be located in the Township.

- f. Maintain all records necessary to the appropriate administration and enforcement of this chapter.
6. The changing of copy, business names, lettering, sign faces, colors, display or graphic matter or the content of a sign shall not be deemed a structural alteration.
7. Every sign permitted by this ordinance shall be kept in good condition and repair and the BCO/ZO shall cause the routine inspection of all signs in the Township to be made as he/she deems necessary. When any sign becomes insecure, in danger of falling or collapsing, or is otherwise deemed unsafe by the BCO/ZO, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this ordinance, the owner thereof or the person or firm using the same shall, upon written notice by the BCO/ZO forthwith in the case of immediate danger, and in any case within not more than ten (10) days, make such sign conform to the provisions of this ordinance or shall remove it. If, within ten (10) days the order is not complied with the BCO/ZO shall be permitted to remove or cause such sign to be removed at the expense of the owner and/or user of the sign.
8. Any sign copy that no longer advertises or identifies a use conducted on the property on which said sign is erected must have the sign copy covered or removed within sixty (60) days after written notification from the BCO/ZO; and upon failure to comply with such notice, the BCO/ZO is hereby authorized to cause removal of such sign copy, and any expense incident thereto shall be paid by the owner of the building, structure or ground on which the sign is located.

1409. Permits and Inspections for Signs, Billboards or Off-Premise Signs

Permits and inspections for billboards or off-premises signs shall be subject to the requirements of Section **1408** as well as the following:

1. Application for a sign permit for an off-premises sign or billboard.

Applications for sign permits for off-premises signs or billboards sign shall be submitted to the BCO/ZO and shall contain or have attached thereto the following information:

- a. The names, addresses, and telephone numbers of the applicant, the owner of the property on which the billboard or off-premise sign is to be erected or affixed, the owner of the off-premises sign or billboard, and the person to be erecting or affixing the said sign.
- b. A sketch plan of the property involved, showing accurate placement thereon of the proposed off-premises sign or billboard.

- c. Two blueprints or ink drawings of the plans and specification of the off-premises sign or billboard to be erected or affixed and the method of construction. Such plans and specifications shall include details of dimensions, color, materials and weight.
- d. A copy of stress sheets and calculations prepared by or approved by the Township Engineer.
- e. The written consent of the owner of the property and the Pennsylvania Department of Transportation, on which the off premises sign or billboard is to be erected, and such other information as the BCO/ZO Officer may require to determine full compliance with this and other applicable ordinances of the Township.

2. Issuance of Permit

Upon the filing of an application for a sign permit for an off-premises sign or billboard, the BCO/ZO shall examine the plans, specifications, and other submitted data, and the premises upon which the off-premises sign or billboard is proposed to be erected or affixed. If it appears that the proposed off-premises sign or billboard is in compliance with all of the requirements of this chapter and in conformance with the other applicable ordinances of the Township and if the appropriate permit fee has been paid, the BCO/ZO shall issue a permit for the proposed off-premises sign or billboard. If the work authorized under a sign permit has not been completed within ninety (90) days after the date of issuance, the permit shall become null and void unless otherwise extended by the BCO/ZO.

3. Sign Permit Application Fee

A permit application fee of fifty dollars (\$50.00) shall be charged for the filing of an application for an off-premises sign or billboard. In addition thereto, all other building permits shall be obtained and applicable fees paid.

4. Annual License Fee

An annual license fee of one thousand dollars (\$1,000) shall be paid for each off-premises sign or billboard constructed. An annual license fee schedule shall be adopted by the Township Board of Commissioners.

5. Revocation of Licenses

All rights and privileges acquired under the provisions of this chapter are mere licenses and, as such, are at any time revocable for just cause by the Township. All permits issued pursuant to this chapter are hereby subject to this provision.

6. Administration and Enforcement

The BCO/ZO is hereby designated as the enforcement officer for the erection, repair, maintenance, alteration or relocation of an off-premises sign or billboard in the Township. The said BCO/ZO shall have the following duties and powers:

- a. Review all applications for sign permits for off-premises signs or billboards, issuing permits for those signs found to be in compliance with the provisions of this chapter.
- b. Conduct an annual or more frequent inspection of all off-premises signs or billboards displayed in the Township to insure compliance with the provisions of this chapter.
- c. Issue notices of violation to owner, agent, or person having the beneficial interest in the premises on which an off-premises sign or billboard is located which is found to be in non-conformance with this chapter.
- d. After due notice, cause the removal of off-premises signs or billboards found to be in non-conformance with one or more of the provisions of this chapter.
- e. Render, when called to do so, administrative interpretations regarding the provisions of this chapter and their effect on the display of any sign located or to be located in the Township.
- f. Maintain all records necessary to the appropriate administration and enforcement of this chapter.

7. Enforcement Remedies

Any person, partnership, or corporation, who or which has violated the provisions of this chapter, shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than one thousand dollars (\$1000.00) plus all court costs, including reasonable attorney's fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither paid nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless a district justice determines that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the

date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

1410. Nonconforming Signs

Signs that are nonconforming or identify nonconforming uses shall be governed by the following requirements.

1. Any sign existing and lawful at the time this chapter becomes effective that does not conform to use, location, height or size regulations of this chapter shall be considered a nonconforming sign and may continue in its present location except as modified by this section.
2. Whenever a nonconforming sign has been changed to a more restricted nonconforming sign, such sign shall not thereafter be changed to a less restricted nonconforming sign.
3. A nonconforming sign which has been damaged to more than 50% of its value shall be removed and not reconstructed except in conformity with the provisions of this chapter.
4. When the name of an establishment is changed, any nonconforming sign at such establishment must be removed, and any new sign must conform to the provisions of this Ordinance.
5. If a nonconforming use of a building ceases or is discontinued for a continuous period of six (6) months or more and such nonconforming use is deemed to be abandoned as defined in Chapter 2, Definitions of this Ordinance, any nonconforming sign on the premises shall also be considered abandoned, and any subsequent signs erected or maintained on the premises shall be in conformity with the provisions of this Ordinance.

CHAPTER 15

GENERAL REGULATIONS

1501. Purpose

The purpose of this chapter is to identify certain regulations and standards that are either common to all zoning districts or applicable to more than one district.

1502. Overall Requirements

1. No building, structure, or part thereof, shall hereafter be erected, constructed or altered, and no new use or change of use shall be made or maintained of any building, structure, land, or part thereof, except in accordance with this Ordinance.
2. Every principal building shall hereafter be built on a lot with frontage on a public or private street.
3. No lot or premises shall hereafter be subdivided or reduced in area or size in any manner so as to violate the provisions of this Ordinance.
4. Only one principal use shall be placed, erected or operated on a lot or parcel of land.
5. No building shall exceed thirty-five (35) feet in height, unless specifically allowed for by the provisions within a particular zoning district.

1503. Projections into Required Yards

No principal building or part thereof, shall be erected within or shall project into any required yard in any district, except for unenclosed porches, decks, one (1) story bay windows, eaves, chimneys, balconies, fire escapes, buttresses, cornices or steps. None of these, except unenclosed decks or similar projects, shall encroach more than three (3) feet into any required yard. In residential districts, such unenclosed decks may extend not more than seven (7) feet into required rear yards.

1504. Visibility at Corner Lots

On any corner lot, no wall, fence or other structure shall be erected or maintained, and no hedge, tree, shrub or other growth shall be planted, grown or maintained which may cause danger to vehicular traffic by obscuring the view or in any other way which may pose a danger to vehicular and pedestrian traffic.

1. Where a lot is located at the intersection of two (2) or more streets, no obstruction of any kind of a height greater than twenty-four (24) inches from

the grade level of the adjacent street shall be maintained or permitted within a sight triangle, the legs of which shall be twenty (20) feet measured from the intersection of the street lines. Where a private alley meets an intersection, the legs of such sight triangle shall be ten (10) feet.

2. The Township shall have the right to declare any obstruction to vision within the line of the sight triangle a safety hazard and shall direct the owner of the property to have it removed. If the owner fails to do so within thirty (30) days after written notice, the Township shall remove the obstruction and bill the owner and lien the property for the expense involved.

1505. Accessory Uses and Structures Generally

1. No accessory uses or structures may be placed in front of the principal building.
2. On corner lots, accessory uses or structures shall be placed no closer to the side street than the principal building.
3. Except for decks and fences, there shall be a distance of not less than three (3) feet between an accessory use or structure and a side or rear lot line.
4. Accessory uses or structures under two-hundred (200) square feet shall not exceed seven (7) feet in height, while those between two-hundred (200) and one-thousand (1,000) square feet shall not exceed fifteen (15) feet in height.
5. In residential districts, not more than one (1) storage shed shall be placed on a lot and shall not exceed one hundred (100) square feet, with a maximum of seven (7) feet in height.
6. Storage sheds, residential or non-residential shall not be allowed in front yards.
7. Garages in residential districts may be attached to or detached from a dwelling unit, but all garages must be behind the front building line.
8. Detached garages shall be at least twenty (20) feet from the rear of the dwelling and not less than three (3) feet from a party-wall line, provided that where joint driveways existing between two adjoining property owners, joint garages may be built along the party-wall line.
9. If a storage shed or garage is served by electricity, it shall be subject to the Uniform Construction Code of the most recently adopted Electrical Code.
10. Accessory structures shall not be used for permanent or temporary human habitation.

1506. Decks and Porches

Decks and porches shall require the issuance of a zoning permit from the Building Codes Official/Zoning Officer prior to construction

1. Decks or porches shall be placed not less than one (1) foot from the party wall of a twin or row dwelling or building for access and maintenance purposes.
2. Decks or porches located at the rear or side of a dwelling shall be placed not less than seven (7) feet from the lot line or from the edge line of a common driveway or alley at the side or rear of the dwelling.
3. Decks or porches more than three (3) feet above ground level shall adhere to the following requirements:
 - (a) Must have a hand railing not less than thirty-six (36) inches high around the entire deck or porch with spindles not more than four (4) inches apart.
 - (b) Must have a hand railing on any stairway.
4. In an area where motor vehicles may park or drive, decks or porches shall have support designed by a licensed, professional engineer.
5. After a zoning permit is issued for a deck or porch, no change in plans regarding setbacks, dimensions or heights is permissible without first receiving written permission from the Code Enforcement Officer.
6. All materials used in the construction of a deck or porch shall comply with those specified in the most recently adopted Uniform Construction Code.
7. Decks and porches shall not be converted to living quarters.

1507. Fences and Walls

1. Artificial Fences
 - (a) No artificial fence or wall shall be erected in the front yard setback and at any point forward of the front wall of the structure in the R-1, R-2, R-3, R-4, NC–Neighborhood Commercial, GC–General Commercial districts and no artificial fence in such district shall exceed four (4) feet in height.

- (b) No artificial fence or wall in the I-Institutional, BP-Business Park and LI-Limited Industrial districts or one required to enclose a public utility installation shall exceed six (6) feet in height.
 - (c) Artificial Fences or walls shall be installed so that the finished side faces toward the outside of the property. The finished side shall be considered the side without the structural supporting members.
 - (d) Artificial fences or walls shall not be permitted to have barbed wire, glass, barbs or any other dangerous material on the top of the fence, wall or any new fence or wall.
 - (e) Before any work is commenced, any person intending to erect an artificial fence or wall must make application to the BCO/ZO for a permit therefore, on a form supplied by the BCO/ZO. Such application shall be accompanied with a plan or sketch showing the proposed location of the artificial fence or wall and the materials proposed to be used therein. Upon approval of the BCO/ZO, a permit shall be provided effective for six (6) months from the date of issuance. The Board of Commissioners may, by resolution, establish a fee for fence permits which may be changed from time to time by resolution.
2. Living Fences
- (a) No living fence, bush or similar planting in Residence or Commercial Districts shall be more than four (4) feet in height in the front yard of a property, nor more than six (6) feet in height in the rear or side yard of a property.
 - (b) Living fences and all other bushes, hedges and similar plants shall be so trimmed that they shall not grow out over sidewalks, streets and adjoining properties and shall not be allowed to grow to a point closer than one (1) foot from any such sidewalk, street and adjoining property.
3. Compliance.

All artificial and living fences and walls in conflict with this chapter on the date of the adoption of this Zoning Code (Ordinance 404, passed March 25, 1968) are permitted to remain. If such fence or wall is removed, torn down or becomes in a state of disrepair, the nonconformity will cease and any new fence must comply with this Zoning Code. When any property is sold or transferred, all artificial and living fences in conflict herewith shall be made to conform with this Zoning Code.

1508. Swimming Pools, Private

1. Private swimming pools shall not be permitted in front yards, and no pool on a corner lot shall be placed closer to the side street than the principal building.
2. All swimming pools shall be located not less than three (3) feet from any property line and at least six (6) feet from the principal building, including a basement or partially below ground floor level.
3. For safety purposes, a fence must surround all swimming pools. Such fences shall be erected around the entire perimeter of the pool, however the house or other building may serve as a safety barrier on one or more sides of the pool.
4. All fences surrounding pools shall have a self-locking gate and shall be of a design and quality to adequately prevent unauthorized children or animals from entering the pool area.
5. The drainage of a pool shall comply with the discharge provisions in the Stormwater Management Ordinance adopted by the Township.
6. Pool lighting fixtures shall be placed, directed, or shielded to protect neighboring properties from light or glare.
7. An applicant for a pool shall apply for and obtain building and zoning permits prior to the commencement of construction.

1509. Satellite Antennas

1. Satellite antennas shall be permitted as an accessory use in all zoning districts.
2. The installation and use of satellite antennas shall meet the requirements of all applicable Township, state, and federal laws, codes and ordinances.
3. No more than one (1) satellite antenna shall be permitted on any lot.
4. Satellite antennas may be attached to or placed on top of a building or may be placed in a side or rear yard.
5. Where possible, roof-mounted antennas shall be located on a portion of the roof sloping away from the front of the lot and no part thereof shall project above the ridge line.

6. The diameter of a satellite antenna shall not exceed three (3) feet in a residential district and nine (9) feet in a non-residential district.
7. A satellite antenna shall not be located closer than eight (8) feet to the property line.
8. All wiring for ground-based antennas shall be underground.
9. All satellite antennas shall be adequately grounded for protection against a direct strike of lightning.

1510. Refuse

1. Unless specifically stated otherwise for a particular district, all refuse shall be placed in closed, vermin-proof containers.
2. In the case of townhouses, multi-family and non-residential buildings all refuse containers shall be effectively screened from the view of residents and from public streets and sidewalks by means of a fence, wall or plantings. All such receptacles shall be placed on the property responsible for the refuse.
3. Temporary dumpsters shall be permitted in all districts for a period not to exceed two (2) days, provided that a permit is obtained from the Township as per Section **1803.1(e)** prior to its placement on a lot where it shall remain. A maximum of two (2) temporary permits may be obtained per calendar year for a given property or lot.

1511. Lighting

Multi-family dwellings and nonresidential buildings shall be properly lighted to assure safe driving conditions at night as well as security and safety of residents and patrons. All lighting shall be designed to protect neighboring properties from glare.

1512. No-Impact Home Based Business

No-impact home-based businesses shall be permitted as an accessory use in all residential districts subject to the following provisions.

1. The business activity shall be compatible with the residential use of the property.
2. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five (25) percent of the habitable floor area
3. The business shall have no employees other than family members residing in the dwelling.

4. There shall be no display or sale of retail goods and no stockpiling of inventory.
5. The business may not use any process or equipment that creates noise, vibration, glare, fumes, odors, or electrical or electronic interference with radio or television reception.
6. The business may not discharge any solid waste or sewage discharge that is not normally associated with residential use.
7. There shall be no outside appearance of a business within the residence.
8. No parking of commercially identifiable vehicles shall be permitted.

1513. Planted Visual Screens

1. A planted visual screen, as defined in Chapter 2, shall be provided and maintained under the following listed below. In case of conflict between a regulation in this chapter and that in any individual district, the regulation in the individual district shall prevail.
 - a. When a commercial or industrial structure is constructed or extended adjacent to an existing residential use or district.
 - b. When a multi-family or townhouse building or addition thereto is proposed to abut an existing single-family detached dwelling.
 - c. Where any proposed institutional use or an expansion of an existing industrial use abuts an existing residential use or residential district.
 - d. Where the LI – Light Industrial - abut any other zoning district.
 - e. Any other instance where screening is required by this Ordinance, the Township, or the Zoning Hearing Board.
2. Screening shall comply with the following requirements:
 - a. The planted visual screen shall consist of species indigenous to the area so as to provide a year-round visual barrier.
 - b. Such screens shall incorporate earthen mounds or berms, where possible, to improve sound as well as visual buffering.
 - c. Plants shall be at least six (6) feet high when planted, and no plantings shall be placed closer than five (5) feet to the property line.

- d. Placement of screening material shall not obscure sight lines at intersections.
 - e. All mechanical equipment not enclosed in a structure shall be fully and completely screened and landscaped in a manner compatible with the style of the buildings on the site.
3. Upon a recommendation of the Planning Commission, an opaque privacy fence or wall may be substituted for the planted screen required above. Such alternate screening must be constructed and placed so as to clearly provide an effective visual barrier.

1514. Landscaping

1. General Requirements

- a. Any part or portion of a site that is not used for buildings, other structures, loading, parking spaces and aisles, sidewalks and designated storage areas shall be planted and maintained with landscaping. Maximum advantage shall be taken of existing trees and shrubs in landscaping.
- b. All landscaped planting areas shall be planted with grass seed, sod, or other ground cover and shall be maintained and kept clean of all debris, rubbish, weeds, and tall grass, provided, however, that if such land is naturally wooded, it may continue in its natural state.
- c. Unless otherwise specified, landscaped planting areas may be part of the required front, side, and rear yards.
- d. Except for single-family and two-family dwellings, any part or portion of a site which is not used for loading and parking spaces, aisles, sidewalks, and designated storage areas shall be landscaped according to an overall plan prepared and approved as part of the development plan, or shall be left in its natural state. A replacement program for non-surviving plant material should be included.

2. Landscaping Plans

- a. Landscaping shall be installed and maintained in accordance with a landscape plan approved by the Township Board. The landscape plan shall depict all proposed plantings which relate to, complement, screen or accentuate buildings, roads, parking areas, sidewalks walkways, sitting areas, service or maintenance structures, courtyards and other site features.

- b. The landscaping plan shall be coordinated with the development plan and shall show the location, type, size, height and other characteristics of the proposed landscaping.
 - c. The plan shall be accompanied or shall include information regarding the continued maintenance of plantings indicating that all plantings will be replaced, if damaged, diseased or dead, in locations shown on the approved plan.
3. Specific Requirements
- a. In addition to complying with Sections **1514.1** and **2** above, every new building or alteration or expansion erected after the effective date of this Ordinance, shall provide specific landscaping components as noted below.

Unless specifically stated otherwise in the specific zoning district, landscaping shall be provided as required below:

Zoning District or Use	Minimum Landscaping Requirements
Neighborhood Commercial	One (1) tree or two (2) shrubs which may be placed in the ground or in planters in front of the principal building
General Commercial	Three (3) foot wide planting strip along principal road frontage or adjacent to front of principal building
Institutional	One (1) tree or two (2) shrubs placed in ground or planters every fifteen (15) feet in front and at one side Landscaped strip with grass or other ground cover, not less than six (6) feet wide at front and at one side of building
Limited Industrial	One (1) tree or two (2) shrubs placed in ground or planters every fifteen (15) feet in front and at one side Landscaped strip with grass or other ground cover, not less than six (6) feet wide at front and at one side of building

1515. Trailers

1. Construction/office trailers, as defined in Chapter 2, shall be temporarily placed at or near a work or construction site, only after acquiring a permit from the Township that shall be effective for not more than ninety (90) days. The applicant may then apply for another permit.
2. Construction/office trailers shall be prohibited in residential and commercial districts except for those used at new construction sites.
3. Trailers shall be removed from a site within five (5) days after completion of the construction or work activity that was the basis for permitting the placement of the trailer.
4. In the Limited Industrial district office/storage trailers, as defined in Chapter 2 shall require a permit from the Township only if they are placed or intended to be placed within two hundred (200) feet of the right-of-way line of a public street. Such permits shall be effective for one (1) year.
5. Nothing in this section shall be construed to prohibit the parking of recreational trailers or similar vehicles in private garages or driveways, as long as they are behind the front building line.

1516. Condominiums

In the event that multi-family dwellings are converted or developed as condominiums, such condominiums shall be owned and operated in accordance with the Pennsylvania "Uniform Condominium Act" of 1980 as amended.

1517. Communications Facilities

1. Purpose

The purpose of this section and the standards established hereunder is to govern the use, construction and facilities siting of towers, cellular and wireless towers, facilities and equipment, so as:

- a. To accommodate the need for wireless communications, cellular communications and personal communications service towers, cellular and wireless towers, facilities and equipment while regulating their location and number in Lower Chichester Township;
- b. To minimize adverse visual effects of towers, cellular and wireless towers, facilities and equipment through careful design, siting and vegetative screening;

- c. To avoid potential damage to adjacent properties from antenna support structure failure and falling ice and debris through engineering and careful siting of antenna support structures; and
- d. To maximize the use of any new or existing antenna support structures or other tall structure(s) so as to reduce the number of antenna support structures needed in the future.

2. Definitions

The following terms, used in this section, shall be interpreted as follows:

- a. "Antenna" means any device or mechanism used in the collection, transmitting, routing or receiving of telecommunications transmissions, radio signals or radio frequency energy, including, but not limited to, use by or in the provision of wireless communications, cellular communications and personal communications services.
- b. "Antenna height" means the vertical distance measured from the base of an antenna support structure at grade to the highest point of the antenna support structure, including any antenna affixed thereto. If the antenna support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.
- c. "Antenna support structure" means any pole, telescoping mast, monopole, tower, tripod or any other structure which supports or has attached to it, an antenna or antennae.
- d. "Cell site" means a tract or parcel of land that contains the wireless, cellular or personal communications service antenna, its antenna support structure, accessory building(s), and parking, and may include other uses associated with and ancillary to providing wireless communications, cellular communications or personal communications services.
- e. "Tower" means any pole, telescoping mast, monopole, tower, tripod, or any other like structure to be erected within the Township.
- f. "Towers, cellular and wireless towers, facilities and equipment" includes but is not limited to antenna, antenna support structures and cell sites.

3. Permitted Uses

A cell site is a permitted use, by right, in the following zoning districts or in conjunction with the following uses and no other:

- a. LI, Limited Industrial District; and
- b. Any parcel used exclusively as a Municipal use.

4. Use, Area and Weight Regulations

- a. A cell site with antenna that is attached to an existing wireless communications, cellular communications or personal communications services tower, smoke stack, water tower, or other similar tall structure, together with any antenna support structure shall not exceed the height of the existing structure by more than fifteen (15) feet.
- b. A cell site with antenna that is not mounted on an existing antenna support structure shall not have an antenna height or tower height in excess of one hundred and fifty (150) feet.
- c. All other uses ancillary to the towers, cellular and wireless tower, facilities and equipment (including but not limited to a maintenance depot, etc.) are prohibited from the cell site unless otherwise permitted in the zoning district in which the cell site is located. Such other ancillary uses shall not be considered accessory uses.
- d. Setbacks from the base of any new antenna support structure to be constructed (as opposed to mounting the antenna on an existing structure), shall be a minimum distance of three hundred (300) feet from the base of the support structure or any guy wire anchors and any property line or right-of-way.
- e. Any provisions of the zoning ordinance or any other Township ordinance which are not addressed hereunder, shall remain in effect and shall not be considered altered or modified by this section, and shall apply to the proposed tower, cellular and wireless tower, facilities and equipment.

5. Standards of Approval

The following standards of approval shall apply to all towers, cellular and wireless towers, facilities and equipment.

- a. The applicant shall demonstrate, using accepted technological evidence, that the antenna and antenna support structure must be located where proposed in order to satisfy its function in the applicant's grid system.
- b. If the applicant proposes to build an antenna support structure, applicant shall provide written evidence that it first contacted the owners of tall structures within a one-quarter (1/4) mile radius from the proposed cell site, requested permission to install the antenna on those structures, and was denied for reason other than economic ones. Tall structures shall include, but not be limited to, smoke stacks, water towers, buildings in excess of six (6) stories, antenna support structures of other wireless communications, cellular communications and personal communications service providers, other communications towers (fire, police, etc.), and other similar tall structures.
- c. The applicant shall demonstrate that the antenna height is the minimum required to function satisfactorily. No antenna height taller than this minimum height shall be approved, unless the applicant provides proof that another provider of wireless, cellular or personal communications services has already agreed to co-locate on the applicant's antenna support structure at a greater height than is required by the applicant.
- d. The applicant shall demonstrate that the proposed antenna and antenna support structure are safe and the surrounding properties will not be negatively affected by antenna support structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. All antenna support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.
- e. In order to reduce the number of antenna support structures needed in the Township in the future, the proposed antenna support structure shall be required to accommodate, where possible, other users, including other wireless communication cellular communications and personal communication service-providers companies, and local police, fire and ambulance companies. Applicants shall provide evidence that all other authorized users have been contacted by the applicant with an offer of co-location on the applicant's proposed antenna support structure.
- f. The applicants must demonstrate that it is licensed by the Federal Communication Commission, to provide wireless communications, cellular communications and or personal communications services.

6. Landscaping

- a. Existing vegetation shall be preserved to the maximum extent possible.
- b. Landscaping shall be required to screen and buffer as much of the towers, cellular and wireless towers, facilities and equipment as possible, the fence surrounding the towers, cellular and wireless towers, facilities and equipment, and any other ground level features of the cell site, from the abutting properties.
- c. Where the cell site abuts residentially developed land, residential zoning districts, public land or streets, the cell site perimeter shall be landscaped with at least one row of deciduous trees, not less than three and one-half (3 ½) inches in caliper, spaced not more than thirty (30) feet apart, on center, and within twenty-five (25) feet of the cell site boundary, as well as at least one (1) row of evergreen trees or shrubs, at least fourteen (14) feet high when planted and spaced not more than fifteen (15) feet apart and within forty (40) feet of the cell site boundary. Alternatives such as walls or solid fences constructed of wood or stone, of at least eight feet (8) in height may be permitted by the Board of Commissioners based on security or other reasons.
- d. Antenna support structures shall be painted gray or have a galvanized finish retained, in order to reduce the visual impact. Notwithstanding the foregoing, all antenna support structures shall meet all Federal Aviation Administration (FAA) regulations. No antenna support structures may be lighted except when required by the FAA.

7. Fencing

A security fence shall be required around the cell site, unless the antenna is mounted on an existing structure. The security fence shall be a minimum of eight (8) feet in height and shall otherwise comply with the regulations set forth in Section **1507** of this chapter.

8. Parking

If the cell site is fully automated, adequate parking shall be required for maintenance workers, with a minimum of two (2) parking spaces provided. If the cell site is not automated, the number of required parking spaces shall equal the number of people present at the cell site on the largest shift.

9. Site Plan

A site plan at a scale of one (1) inch equals fifty (50) inches shall be required for all cell sites, showing the antenna, antenna support structures, building, fencing, buffering and ingress and egress. The site plan shall comply with the Township Subdivision and Land Development Ordinance, as amended.

10. Maintenance Requirements

The cell site shall be maintained and kept in good repair as required by Federal Law H.R. 6180/s. 2882, the Telecommunications Authorization Act of 1992 including amendments to Sections 303(q) and 503(b)(5) of the Communications Act of 1934, and all Township ordinances not inconsistent therewith.

11. Abandonment

It being the finding of the Township Board of Commissioners that antenna and antenna support structures which have been abandoned present a danger to the health, safety and welfare of the general public, all abandoned structures shall be removed from any cell site not more than one (1) year after abandonment. The cell site owner shall be responsible for any demolition costs related to the antenna and antenna support structures.

1518. Compatibility Standards for Uses of Same General Character

In determining if a proposed use is of the same general character as permitted uses within a zoning district, the Township Board and Planning Commission shall consider the compatibility standards listed below:

1. Type and volume of sales, retail, or wholesale activity, size and type of items sold, and nature of inventory on the premises.
2. Extent of processing, assembly, warehousing, shipping, and distribution done on the premises of any dangerous, hazardous, toxic, or explosive materials.
3. The nature and location of storage and outdoor display of merchandise and the types of items stored.
4. The type, size, and nature of buildings and structures supporting the use.
5. The number of employees and customers in relation to business hours and employment shifts.

6. The business hours the use would be in operation or open for business.
7. The transportation requirements for people and freight, by volume, type and characteristics of traffic generation to and from the site, trip purposes, and whether trip purposes can be shared with other uses on the site.
8. Parking characteristics, turnover and generation, ratio of the number of spaces required per unit area or activity, and potential for shared parking with other uses.
9. The tendency for attracting or repelling criminal activities to and from or on the premises.
10. The amount and nature of nuisances generated on the premises, such as noise, smoke, odor, glare, vibration, radiation, and fumes.
11. Any special public utility requirements for serving the use, such as water supply, wastewater output, pre-treatment of wastes, and emissions recommended or required, and significant power structures and communication towers or facilities.

1519. Design Guidelines

This section shall apply to all structures constructed after this Ordinance is adopted and to new additions to existing buildings of four hundred (400) square feet or more:

1. Unless stated otherwise, the following advisory provisions apply to design considerations in the I – Institutional district, NC Neighborhood Commercial district, and the GB - General Business district.
 - a. Unscreened, flat, blank walls should be avoided to provide a pleasant pedestrian experience by connecting activities within a structure to the adjacent sidewalk and/or a transit stop.
 - b. At the street level of commercial, institutional, and mixed-use buildings, not less than fifty (50) percent of the length and (25) percent of the wall surface should be in public entranceways, windows, or retail/service display windows.
 - c. Where practicable, façades over fifty (50) feet long should be divided into shorter segments by repeating window patterns, change in materials, canopies, varying roof lines, or other architectural detailing.

- d. Buildings should have at least a five (5) foot offset in all facades for every fifty (50) feet of continuous facade. Such offsets may be met through the use of bay windows, porches, porticos, building extensions, towers, and other architectural treatments.
- e. The street façade of principal structures should have at least one street-oriented entrance and contain the principal windows of the structure.
- f. Pitched roofs should provide overhanging eaves that extend a minimum of one (1) foot beyond the building wall.
- g. Buildings should contain materials, windows, doors, and architectural details that are generally compatible with those features in nearby and adjoining buildings.
- h. Where practicable, utilities shall be placed underground in new developments.
- i. Automobile entrances to the site should be placed in such a way as to maximize safety and efficient traffic circulation, and minimize impact on the surrounding area.
- j. Sidewalks or walkways, not less than five (5) feet wide, should be provided in front of and/or adjacent to, commercial, institutional, and mixed-use buildings.
- k. Sidewalks should be constructed along the frontage of all public streets and within and along the frontage of all new development and redevelopment.
- l. In the INS Institutional district, walkways that cross parking, loading, or driveway areas should be clearly identifiable through the use of elevation changes, different paving materials, or other similar method.
- m. Lighting should be provided for parking areas and pedestrian paths to ensure safety and convenience.
- n. Where feasible, plazas should be provided in developments greater than two (2) acres in area. Not less than one (1) seating space for each two-hundred and fifty 250 square feet of plaza area should be provided.

- o. Parking garages should be served by pedestrian walkways and connection to the sidewalk/pedestrian system. These walkways should be clearly marked and continuous in design.
 - p. Pedestrian amenities such as benches, public art, picnic areas, seating areas, fountains, planters etc., should be located in landscaped areas, open spaces, plazas, or along public streets.
2. Unless stated otherwise, the following provisions apply to design considerations in the R-1, R-2, and R-3 – Residential districts.
- a. New residential dwellings shall be generally consistent with the design of existing neighboring dwellings.
 - b. Where practicable, utilities should be placed underground in new developments.
 - c. Stairs and ramps consistent with ADA standards should be provided where necessary to provide a safe route between the dwelling and the street and sidewalk.
 - d. The street façade of principal structures should have at least one street-oriented entrance and contain the principal windows of the structure.

1520. Steep Slopes

1. Intent

The steep slope regulations of this section are designed to encourage the sensitive treatment of hillsides and their related soil and vegetation resources in an effort to minimize adverse environmental impacts. Further, the following objectives serve to complement this specific purpose:

- a. To conserve and protect steep and very steep slopes from inappropriate development and disturbance such as excessive grading, land form alteration, and extensive vegetation removal.
- b. To avoid potential hazards to property and the disruption of ecological balance, which may be caused by increased runoff, flooding, soil erosion and sedimentation, blasting and ripping rock, landslide, and soil failure.
- c. To encourage the use of steep and very steep slopes for open space and other uses which are compatible with the preservation of natural areas and protection of areas of environmental concern.

2. Applicability

This section shall apply to all land, buildings, and uses and all grading of land in preparation for building in all zoning districts.

3. Submission

- a. Any application for subdivision and land development or any application for a zoning or building permit for a principal building or principal use or any proposal to extensively alter the preexisting contour of land shall include the submission of a detailed topographic map if the existing lot involved includes any areas of fifteen (15) percent or greater slope that total greater than one thousand (1,000) square feet.
- b. The topographic map shall be at a scale of one (1) inch equals fifty (50) feet and shall show the preexisting contours of all lands proposed for any subdivision, land development, building, or use. Such contours shall be at intervals of five (5) feet of vertical change. Contours shall be based on an actual field survey supervised and certified by a registered land surveyor.
- c. The topographic map shall clearly identify areas that have preexisting areas of steep slope of between fifteen (15) percent and twenty-five (25) percent slope and areas of very steep slope of greater than twenty-five (25) percent slope.
- d. The applicant shall clearly designate the proposed building site, including an area twenty-five (25) feet around the proposed building location, for each lot that includes or is proposed to include any areas of fifteen (15) percent or greater slopes. Such building location shall become binding once approved, unless a subsequent submission and approval occurs under this section.

4. Permitted Uses.

The following uses and no others shall be permitted in areas of steep slope (fifteen (15) to twenty-five (25) percent) and very steep slope (twenty-five (25) percent or greater):

- a. Agricultural uses not requiring cultivation or structures.
- b. Conservation and recreational uses not requiring any structures.
- c. Front, side, or rear yards of any lot or tract.

- d. Public recreational uses owned by a governmental agency.
 - e. Uses that are clearly customarily and incidentally accessory to a use permitted by this section.
 - f. Nature preserve, sanctuary, or arboretum not involving any structure or commercial use.
 - g. Structures existing prior to the effective date of this Ordinance.
5. Conditional Uses

The following uses are permitted only as conditional uses, subject to Chapter 16:

- a. Conservation and recreational uses requiring structures.
 - b. Proposed utilities, easements, and rights-of-way.
 - c. Roads and driveways only when no viable alternative alignment or location is feasible, provided that such roads and driveways are aligned predominantly parallel to the contours.
6. Standards for Approval of Conditional Uses
- a. In addition to the standards described in Chapter 16, the Board of Commissioners shall consider the following:
 - (1) The degree of modification to the topographic, soil, and vegetation resources and the techniques proposed to mitigate potential environmental impacts.
 - (2) The effect the development would have on adjacent properties.
 - (3) The relationship of the proposed uses to the intent described in Section 1522.1.
 - b. Any use(s) or structure(s) approved as a conditional use shall provide evidence that:
 - (1) The steep slope area is being proposed for development since no other alternative location is feasible or practical.
 - (2) Earthmoving activities and vegetation removal will be conducted only to the extent necessary to accommodate

proposed uses and structures and in a manner that will not cause excessive surface water runoff, erosion, sedimentation, and unstable soil conditions. Further, it shall be demonstrated that any and all reasonable mitigation techniques and procedures will be utilized or have been considered in the preparation of the subdivision and/or land development plan.

- (3) Proposed buildings and structures are of sound engineering design and footings are designed in response to the site's slope, soil, and bedrock characteristics and, where applicable, shall extend to stable soil and/or bedrock.

7. Prohibited Uses

The following uses and activities are specifically prohibited:

- a. Cut and fill, other than in association with any uses related to subsection 4 above.
- b. Soil, rock, and mineral extraction and/or removal, other than in association with any uses related to subsection 4 above.
- c. Removal of topsoil, other than in association with any uses related to subsection 4 above.
- d. Stormwater management facilities, other than in association with any uses related to subsection 4 above.
- e. Solid waste disposal, recycling uses, junk yards, or other outdoor storage.

8. Slopes of Roads and Driveways

- a. No portion of any street proposed to be dedicated to the Township shall have a finished slope in excess of ten (10) percent.
- b. No portion of any private street, accessway, or driveway shall have a finished slope in excess of twelve (12) percent.
- c. If road or driveway slope standards that are more restrictive are required under another applicable ordinance, those more restrictive standards shall apply.

9. Grading

The requirements of this section shall apply to the contours of land that existed at the time of the adoption of this Ordinance. The contours of land regulated by this section shall not be changed prior to submission and regulation under this section.

1521 Prohibited Uses

No buildings may be erected, altered or used, and no lot or premises may be used, for any of the following trades, industries or businesses:

1. Abattoir or slaughterhouse
2. Acetylene gas manufacture
3. Acid manufacture
4. Air fields
5. Ammonia, bleaching powder or chlorine manufacture
6. Amusement park of any character
7. Arsenal
8. Asphalt manufacture or refining
9. Automobile court
10. Automobile graveyard, junkyard, scrap metal, rags or rubber storage
11. Breweries
12. Candle manufacture
13. Cemeteries and extensions thereof
14. Cereal products manufacture
15. Coke oven
16. Commercial hennery
17. Creosote treatment or manufacture
18. Dog kennels
19. Disinfectants manufacture
20. Distillation of bones, coal or wood
21. Dyestuff manufacture
22. Emery cloth and sandpaper manufacture
23. Extermination and insect poison manufacture
24. Fat rendering
25. Fertilizer manufacture
26. Fireworks or explosive manufacture or storage
27. Fish smoking and curing
28. Glue, size or gelatine manufacture
29. Goat farms
30. Lampblack manufacture
31. Match manufacture
32. Mushroom houses
33. Oil cloth or linoleum manufacture
34. Oiled or rubber goods manufacture

35. Ore reduction
36. Paint, oil shellac, turpentine or varnish manufacture
37. Piggeries
38. Plating works
39. Potash works
40. Printing ink manufacture
41. Public dumping grounds
42. Pyroxylin manufacture
43. Rubber caoutchouc or gutta percha manufacture or treatment
44. Saltworks
45. Sauerkraut manufacture
46. Shoe blacking manufacture
47. Smelter
48. Soap manufacture
49. Soda and compound manufacture
50. Stockyard
51. Stove polish manufacture
52. Sulphuric, nitric or hydrochloric acid manufacture
53. Tallow, grease or lard manufacture or refining
54. Tanning, curing, or storage of leather, rawhides or skins
55. Tar distillation or manufacture
56. Tar roofing or waterproofing manufacture
57. Tents erected for amusement or commercial purpose
58. Tourist cabin
59. Trailer camps and trailers for living purposes
60. Vinegar manufacture
61. Wool pulling or scouring
62. Yeast plant
63. Any other use of a property which the Board of Commissioners shall at any time by ordinance deem to be a nuisance.

CHAPTER 16

PROCEDURES AND STANDARDS FOR CONDITIONAL USES

1601. Purpose

The purpose of this chapter is to provide procedures and standards for conditional uses. In these cases, the Township Board of Commissioners may attach reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may deem necessary to implement the purposes of this Ordinance and those of the MPC, Act 247, as amended.

1602. General Requirements

In any instance where the Board is required to consider a request for a conditional use permit the Commissioners shall consider the provisions of this chapter.

1603. Procedures for Conditional Uses

1. An application for a conditional use permit shall be made to the Township Building Code Official/Zoning Officer, who after review shall forward such application to the Township Board. Such application shall be accompanied by a plan of the property showing the details of the proposed use, along with such other written and graphic materials as may be required by the Township and the most recently adopted Delaware County Subdivision and Land Development Ordinance where applicable.
2. The application shall be accompanied by such fees as established by the Commissioners for the administrative filing and review of conditional use permits.

1604. Standards for Review of Conditional Uses

The following standards and criteria for approval of conditional uses by the Board of Commissioners must be met by a landowner/applicant. In evaluating an application for a conditional use, the Board shall require the applicant to provide any necessary information to insure that:

1. The proposed use is consistent with the purpose of the zoning district whereby it is permitted; the overall purposes of this Zoning Code as contained in Section **102**; and the applicable provisions of this chapter.
2. The proposed use will satisfy all of the relevant provisions and requirements of this Zoning Code and any other applicable ordinance, code and/or regulation.

3. The proposed use will not adversely affect the health, safety, morals and general welfare of the Township.
4. The proposed land use is consistent with the nature of the land uses existing on any immediately adjacent properties and it will not detract from or cause harm to neighboring properties and will be maintained in a manner in keeping with the character of the neighborhood.
5. The proposed use is consistent in concept and design with other conditional uses for which approval may have been previously granted, and/or it is located in an area or areas for which the site is suited.
6. The proposed use is consistent with the logical extension of public services and utilities, such as a public water and public sewer, and will not have a negative effect on the public services and utilities of the surrounding properties.
7. Proposed construction will be consistent with good design principles and sound engineering and land development practices, and is in keeping with the character of any existing quality construction within the neighborhood.
8. The proposed use will provide safe and adequate access to roads and public services (existing or proposed) and will not result in excessive traffic volumes, or will make any improvements needed to guarantee compatibility with adjacent roads and public services.
9. The proposed use will provide for effective sanitation.
10. The proposed use will create the required screening and landscaping as required in this Zoning Code and any other ordinances or regulations of the Township.
11. The proposed use, as depicted in the plans for subdivision and/or land development, includes proposals for landscaping, in addition to that required as stated above, in areas such as the entrance, along property boundaries, in areas which are highly visible, such as along roads, walks or trails, and in other places where the use of trees, shrubs and ground cover would be functional and appropriate.
12. The proposed use will be properly sited and not be disruptive to existing topography, streams and ponds, vegetation and other natural resources.
13. The proposed use will provide for adequate off-street parking and loading.
14. The proposed use will provide for adequate signage.

15. The proposed use will provide for adequate environmental controls.
16. The proposed use can be adequately serviced by the type of water supply and sewage disposal system which is proposed.
17. The proposed use will be developed using effective stormwater management techniques, and soil erosion and sedimentation control techniques.

1605. Imposition of Conditions

The Board may impose such conditions as are necessary to insure any or all of the above amenities, as well as compliance with any other relevant ordinances, regulations and codes.

1. In the case of an application for a conditional use, the Planning Commission may, at the request of the Board of Commissioners, perform a review and provide counsel to the Board of Commissioners concerning the grant of approval or disapproval of the proposed use. Such review shall be conducted and a written report submitted to the Board of Commissioners within forty-five (45) days of the date of the first Planning Commission meeting following the date the plan has been filed. The Planning Commission shall discuss the application at least at one of its regularly scheduled public meetings during the review period. The applicant may request the Board of Commissioners to waive a review by the Planning Commission by setting forth reasons in its application why such review is not necessary.
2. The Board of Commissioners may, in the case of an application for conditional use, schedule a hearing for public review and comment. Such hearing shall commence during the ninety (90) day review period unless the Board of Commissioners and the applicant mutually agree otherwise. Within ninety days, the Board of Commissioners, at a regularly scheduled meeting or special meeting, shall take action to either approve or disapprove the use.
3. The Planning Commission and the Board of Commissioners shall be responsible for providing notification to the applicant, no less than twenty (20) days prior to the occurrence of any hearing at which testimony will be heard and/or action taken upon approval or disapproval, in order that the applicant may present his or her case at such hearing. Subsequent to the receipt of such notification, the applicant shall be responsible for notifying, no less than ten (10) days prior to such hearing, all abutting property owners.

4. Proof of proper notification shall be required as a precondition before any formal action on the application.
5. Notification of the action taken by the Board of Commissioners shall be made in writing to the applicant. In the event of a disapproval it shall be accompanied by a statement of the reasons therefore. In the event of a disapproval the applicant may file a new application for conditional use or subdivision and/or land development for another use of the subject property.
6. In the event of approval, should the applicant fail to obtain the necessary Township approvals and permits within twelve (12) months of notification, or, having obtained the necessary approvals and permits, fail to commence work thereunder within six (6) additional months, it shall be conclusively presumed that the applicant has waived, withdrawn or abandoned his or her appeal or application, and all provisions, conditional use(s) and permits granted to him or her shall be deemed automatically rescinded by the Board of Commissioners. If the Board of Commissioners finds that a good reason exists for the failure to comply with the time periods specified above, an extension may be granted.
7. The grant of approval by the Board of Commissioners for a conditional use shall in no way release the applicant from his or her obligation to comply with the applicable provisions of this Zoning Code and any other applicable Township, State and Federal regulations.
8. All notices, hearings and orders shall be made or shall occur in conformance with the provisions of this Zoning Code and the Pennsylvania Municipalities Planning Code.

1606. Requirements for Review where Standards are not provided

In cases where this Chapter does not provide specific standards for conditional uses the following dimensional requirements will be applied by the Township Board:

1. In residential districts, the area, bulk, and any other applicable requirements shall be no less stringent than those for single-family dwellings in the district where the use is proposed.
2. In nonresidential districts, the area, bulk, and any other applicable requirements shall be no less stringent than those for the use that requires the greatest dimensions in the applicable nonresidential district.
3. The Township Board may impose additional reasonable requirements in addition to those in subsections 1 or 2 above, provided that the Board makes one or more of the following determinations:

That the requirements of subsections 1 and 2 above are clearly:

- a. Insufficient to accommodate the proposed building, facility, or use.
- b. Insufficient to provide adequate area for parking and loading, as required by chapter 13.
- c. Insufficient to provide for lot areas and dimensions necessary to protect the adjacent area from the potential adverse impacts of the proposed use, such as noise, vibration, air pollution, and similar impacts.

1607. Religious Uses

Religious uses, including rectories or similar facilities and classrooms for religious instruction or similar customary religious activities shall be permitted by right in the I- Institutional district and as a conditional use in the R-1 and R-2 Residential districts and subject to the dimensional requirements listed below:

Standard	Size
a. Minimum Lot Area	10,890 square feet (1/4 acre)
b. Building Coverage	Seventy (70) percent, maximum
c. Front Yard	Fifteen (15) feet
d. Rear Yard	Fifteen (15) feet
e. Side Yard	Fifteen (15) feet

1608. Sober Living Home

Sober Living Homes shall be permitted as a conditional use in the R-4 residential district in accordance with the requirements below:

- 1. Each facility must receive any applicable licenses or certifications that may be required from appropriate State agencies prior to the approval of any Township permit applications.
- 2. All applicable requirements of the Township zoning ordinance, building, fire, and other relevant codes shall be met.
- 3. There must be a 24 hour-a-day on-duty supervisor at the facility that possesses the proper qualifications for the position.
- 4. Any alterations or additions to the exterior of a sober living home shall be compatible with the existing structure and in keeping with the neighborhood character, excluding safety modifications.

5. The operator of the facility must register the facility annually with the Township Building Code Official/Zoning Officer and provide the following information:
 - a. Name of operator.
 - b. Profit or non-profit status of the facility.
 - c. License or certificate issued by any relevant State agency.
 - d. The name of each resident currently residing on the premises.
 - e. Other information as may be reasonably requested by the Township.

1609. Child Day Care Facilities

Child day care facilities include family day care homes and child day care centers, as defined in Chapter 2.

1. Family day care homes

Family day care homes shall be permitted by Conditional Use in the R-1 and R-2 districts subject to the following conditions:

- a. Family day care homes facilities must hold an approved and valid license and certificate as required by the Pennsylvania Department of Public Welfare (DPW) that shall be prominently displayed in the main entrance of the home. Family day care shall meet all current DPW regulations and any applicable Federal, State, or local laws, ordinances, and regulations, including building and fire safety codes.
- b. A municipal permit for the occupancy and operation of child day care facility shall be obtained from the Township Code Enforcement/Zoning Officer prior to the opening of the facility.
- c. No portion of a family day care home shall be within two hundred (200) feet of a potentially hazardous land use or activity which could pose a threat to the safety and welfare of the children, staff and other occupants of the day care home. Hazardous land uses or activities include, but shall not be limited to gasoline service stations, industrial operations, storage or transmission of flammable or high pressure liquids or other materials, truck or rail loading areas or other hazardous uses or activities as defined in Chapter 2.

- d. The appearance and exterior design of the facility shall be compatible with the surrounding dwellings.
- e. There shall be screening and planting consistent with the character of the surrounding uses.
- f. The facility shall display no sign that is inconsistent with the residential character of the neighborhood.
- g. All outdoor play areas must be enclosed with a fence that shall be not less than four (4) feet high and shall extend to the ground to prevent children from crawling underneath.
- h. Outdoor play activities shall be limited to the hours between 8:00 a.m. and 6:00 p.m.
- i. Outdoor play areas shall not be permitted in the front yard or adjacent to an arterial road.
- j. One (1) on-site drop-off space for clients shall be provided which may be an existing driveway or common parking lot space if it can demonstrate that sufficient space exists to safely accommodate a parked vehicle. The drop-off area shall conform to municipal dimensional standards for residential parking spaces.
- k. If a driveway is used for the drop-off area and the proposed use fronts an arterial or major collector road an on-site turnaround shall be provided so that vehicles can exit the site driving forward.
- l. In cases where the drop-off area cannot be accommodated on site, the applicant shall demonstrate that there is on-street parking of other available area located within two hundred and fifty (250) feet of the property line of the proposed facility.
- m. The requirement for a drop-off area may be waived by the Township if the applicant can demonstrate that the clients of the facility can safely walk to the day care home thereby eliminating the need for an additional parking space.

2. Day Care Centers

Child day care centers as defined in chapter 2 shall be a permitted by conditional use in the I-Institutional district and the GC-General Commercial districts, subject to the following conditions:

- a. Day care centers must hold an approved and valid license and certificate as required by the Pennsylvania Department of Public Welfare (DPW) that shall be prominently displayed in the main entrance of the home. Day care centers care shall meet all current DPW regulations and any applicable Federal, State, or local laws, ordinances, and regulations, including building and fire safety codes.
- b. A municipal permit for the occupancy and operation of a day care center shall be obtained from the Township Code Enforcement/Zoning Officer prior to the opening of the facility.
- c. No portion of a day care center shall be within two hundred (200) feet of a potentially hazardous land use or activity which could pose a threat to the safety and welfare of the children, staff and other occupants of the day care home. Hazardous land uses or activities include, but shall not be limited to gasoline service stations, industrial operations, storage or transmission of flammable or high pressure liquids or other materials, truck or rail loading areas or other hazardous uses or activities as defined in Chapter 2.
- d. Day care centers shall be permitted as a part of a church, school, or other similar institution or as an independent use.
- e. Each facility shall provide for the drop-off and pick-up of children on a driveway, approved parking area, or directly in front of the facility. This area must be free from traffic hazards to children. The drop-off area shall be located immediately adjacent to the facility.
- f. A planted visual screen shall be provided to protect the day care center from an adjacent use or to protect a less intense adjacent use from the activity of the day care center. Planted visual screens, where required and as defined in chapter 2, shall comply with regulations in Section **1513**. Opaque fences or walls may be used in place of planted visual screens.
- g. When streets of different classifications are involved, access shall be provided to the street of lesser functional classification, if possible.
- h. Parking for day care centers shall be in accordance with the applicable provisions of Chapter **13**.
- i. Signs for day centers shall be in accordance with applicable provisions of Chapter **14**.

1610. Gasoline Service Station

Gasoline service stations shall be permitted as a conditional use in the GC - General Commercial district.

1. All pumps and principal buildings shall be located not less than thirty (30) feet from all property lines.
2. All pumps shall be located outside of buildings.
3. All fuel containers and tanks in excess of one-hundred (100) gallons shall be located underground.
4. No service station shall be located within two-hundred (200) feet of a school, church, day care center, or place of public assembly having a capacity of more than fifty (50) persons. The required two hundred (200) feet shall be measured in the shortest distance between the service station property and any of the above-noted uses.
5. Hydraulic lifts, pits, and all lubrication, greasing, washing, and repair equipment shall be entirely enclosed within a building.
6. Exterior lighting shall be shielded so that it is deflected from adjacent or nearby properties and from motorists on public streets.
7. Gasoline service stations shall also comply with all applicable regulations of the Fire Marshal Division of the Pennsylvania State Police and with those of any other applicable State or Federal agency.
8. Gasoline service stations shall provide sufficient servicing, stopping and waiting space to accommodate at least five (5) vehicles in each line entirely on the service station property so that none of such vehicles shall stop, extend or encroach onto a public sidewalk or highway.

1611. Car Wash

Car wash establishments shall be permitted only as a conditional use in the GC - General Commercial district.

1. The facility shall be designed to accommodate not less than six (6) waiting vehicles on the property.
2. Where applicable, the facility shall be designed and/or screened so that the headlights of automobiles approaching, waiting or exiting the facility do not shine directly on adjacent properties.

3. Exterior lighting shall be shielded or deflected from adjacent or nearby properties and public sidewalks and streets.
4. There shall be a planted visual screen as defined in Chapter 2 and provided in accordance with Section 1513.

1612 Body Art Establishment

Body art establishments shall be permitted by conditional use in the LI-Limited Industrial district only, subject to the requirements listed below:

1. No person, organization, or corporation may operate a body art establishment unless it has obtained a License from Lower Chichester Township.
 - a. Such License shall be renewed annually and shall not be transferable.
 - b. The current License shall be posted in a prominent and conspicuous area where patrons may readily see it.
 - c. The failure to observe any of the provisions of this chapter shall be grounds for the revocation of a license or denial of a renewal of a license. The revocation or denial may be temporary or permanent.
2. All body art establishments must have:
 - a. An entrance leading directly into the establishment;
 - b. No direct opening between the establishment and any building or portion of a building used as a living or sleeping quarters or as a food, liquor or tobacco establishment shall be permitted;
 - c. Notwithstanding the foregoing, a body art establishment or facility located in a nail salon or cosmetology salon may share an entrance into the establishment, however the body art establishment or facilities must be separated by a wall extending from floor to ceiling.
3. The holder of a body art establishment license must ensure that the establishment is well lighted, well ventilated and kept in a clean, orderly and sanitary condition at all times.
4. The establishment shall take all measures necessary to ensure against the presence or breeding of insects, vermin, and rodents and pest control records are to be available during normal business hours.

5. No domestic or wild animals of any kind shall be present in a body art establishment, except service animals used by persons with disabilities. Fish aquariums may be allowed in non-procedural areas.
6. All walls, floors and all procedure surfaces in rooms or areas where body art procedures are performed must be smooth, nonporous, washable and in good repair
7. The room in which body art procedures are conducted shall have an area of not less than one hundred (100) square feet.
8. Each establishment shall have an area that will be screened from public view for customers requesting privacy, and dividers, curtains or partitions at a minimum shall separate multiple body art procedure stations.
9. The establishment shall have proper facilities for the disposal of infectious and other wastes resulting from the tattooing or piercing process in accordance with any applicable state and federal regulations, as well as the following:
 - a. Infectious waste shall be handled and stored so that human exposure is prevented.
 - b. Infectious wastes shall be discarded in double-lined plastic bags in a covered red bag marked with the international biohazard symbol until transported by a licensed infectious waste hauler.
10. The establishment shall have a cleaning area which shall contain an autoclave unit that has received clearance by the U.S. Food and Drug Administration for conformance with the section 510 (k) of the Federal Food, Drug and Cosmetic Act or alternate sterilizing equipment when approved in writing by the Township. The Autoclave or other approved sterilization unit shall be located or positioned a minimum of thirty-six (36) inches from a required ultrasonic cleaning unit.
11. Before working on each patron, a body art practitioner must wash his/her hands thoroughly with liquid antibacterial soap and water and dry them with individual single use towels. The practitioner shall wear a clean, new pair of sterile latex gloves for each customer.
12. No body art shall be conducted on any skin that has a rash, pimples, boils, and infections or manifests any evidence of unhealthy conditions.
13. Body art establishments shall be required to have a complete first aid kit.

14. The holder of a body art establishment license must ensure that storage within the establishment complies with the following requirements:
 - a. Flammable and combustible chemicals shall be stored away from potential sources of ignition such as open flames and electrical devices;
 - b. All chemicals shall be stored in closed bottles or containers and clearly labeled.
15. No person may perform a body art procedure on any person under 18 years of age without prior written consent of a parent or guardian of such person. The person giving consent must be present during the procedure. A body art establishment has the right to refuse to perform a procedure on person less than 18 years of age.

1613 Automobile Repair and Servicing Shops

Automobile repair and servicing shops shall be allowed by conditional use in the GC-General Commercial district subject to the following requirements:

1. All repair work and related activities shall be performed in a fully enclosed building.
2. No building space used for repairs shall have an opening in roof or walls within fifteen (15) feet of a residential lot line.
3. No automobile repair or servicing shop shall be within two hundred (200) feet of a primary or secondary school or within fifty (50) feet of a residential use.
4. The entire area of an automobile repair and servicing shop traversed by motor vehicles shall be hard-surfaced and paved.
5. All parked vehicles awaiting repair on a lot shall have active work orders and be properly licensed, registered and inspected.
6. Individual vehicles awaiting repair shall not be stored outdoors for more than ten (10) consecutive days.
7. Individual vehicles awaiting repair shall be screened from view according to Section **1513**.
8. All vehicle parts, inoperative or dismantled vehicles, and repair equipment shall be stored in a fully enclosed building.

9. Individual, inoperative, dismantled or junk vehicles, or non-registered, non-licensed or non-inspected vehicles shall not be parked on an automobile and servicing shop property for a period of more than fifteen (15) days.

CHAPTER 17

PERFORMANCE STANDARDS

1701. Purpose

The purpose of this chapter is to ensure adequate protection for the residents of the Township against the possible negative impacts of uses, activities or processes applicable to all districts, but particularly to commercial and industrial districts.

1702. Administration

1. The interpretation and Application of Standards
 - a. The performance standards contained herein shall be the minimum standards to be met and maintained by all uses established after the effective date of this Ordinance, unless more restrictive standards are specified elsewhere in this Ordinance. Standards established by the Pennsylvania Department of Environmental Protection, the United States Environmental Protection Agency, other applicable county, state, or federal agencies, or other applicable Township codes, shall apply where those standards are more restrictive than the standards set forth below or elsewhere in this Ordinance.
 - b. If any existing use or building or other structure is extended, enlarged, or reconstructed, the performance standards herein shall only apply to such extended, enlarged, or reconstructed portion or portions of such use, building, or other structure.
2. Application Submittal
 - a. Applications for industrial uses, and commercial uses as determined by the Township Engineer, shall be accompanied by a certification from a professional engineer registered in the Commonwealth of Pennsylvania that the proposed use can meet the performance standards set forth in this Chapter and elsewhere as may exist in this Ordinance. All applications shall include, but shall not be limited to, the following informational items:
 - (1) Plans of existing and proposed industrial or commercial operations, machinery, processes and products;
 - (2) A description and technical specifications of existing or proposed operations, machinery, processes and products;

- (3) Specifications for the mechanisms and techniques used or proposed to be used in restricting possible dangerous or objectionable conditions as set forth in this Chapter and elsewhere as may exist in this Ordinance; and
- (4) Measurement or estimate of the amount or rate of emission of any hazardous or objectionable elements as set forth in this Chapter.

3. Application Review

All applications for industrial uses and commercial uses as determined by the Township Engineer shall be reviewed by said municipal Engineer for compliance with the performance standards listed in Section **1703**. No application for an industrial or specified commercial use shall be approved until it is certified in writing by the Township Engineer that the proposed use can meet these performance standards.

4. Enforcement and Costs

- a. The Building Code Official/Zoning Officer shall investigate any purported violation of the performance standards noted below. Enforcement procedures shall be in accordance with Chapter **18**, Administration and Enforcement.
- b. If violations as alleged are found, costs of such determinations shall be charged against those responsible for the violations in addition to such other penalties as may be specified by the Township. If, however, it is determined that no violation exists, the Township shall pay for the costs of the determination.

1703. Performance Standards

1. Air Quality

There shall be no emission of smoke, ash, dust, fumes, vapors, gases, or other matter toxic or noxious to air, which violates the Pennsylvania Air Pollution Control Act of 1959, as amended, including the standards set forth in Chapter 123 (Standards for Contaminants) and Chapter 131 (Ambient Air Quality Standards), of Chapter III (Air Resources), Title 25, Pennsylvania Environmental Protection Code.

2. Fire and Explosive Hazards

All activities and all storage of flammable and explosive material at any point shall be provided with adequate safety devices against the hazard of

fire and explosion, adequate fire-fighting and fire suppression equipment, and devices as detailed and specified by the laws of the Commonwealth of Pennsylvania. All buildings, structures, and activities within such facilities shall conform to the most recently adopted Pennsylvania Uniform Construction Code, the National Fire Code, and any applicable Township ordinances. Any explosive materials shall conform to the requirements of Chapter 211 (Storage, Handling, and Use of Explosives), Chapter IV (Occupational Health and Safety) Title 25, Pennsylvania Environmental Protection Code, for storing, handling, and use of explosives.

3. Glare and Heat

No direct or reflected glare, whether from floodlights or high temperature processes such as combustion, welding, or otherwise, visible at the lot line shall be permitted, except for emergency industrial operations and safety purposes. These regulations shall not apply to signs or lighting of parking areas. There shall be no emission or transmission of heat or heated air discernible at or beyond the lot line.

4. Liquid and Solid Waste

There shall be no discharge of materials at any point into any public or private sewage system, watercourse, or into the ground in such a way or nature as will contaminate or otherwise cause the emission of hazardous materials in violation of the ordinances of Lower Chichester Township and the laws of the Commonwealth of Pennsylvania, specifically of Chapters 73 (Standards for On-Lot Sewage Treatment Facilities), 95 (Wastewater Treatment Requirements), and Chapter VII (Hazardous Waste Management), Title 25, Pennsylvania Environmental Protection Code.

5. Noise

No person shall operate or cause to be operated on private or public property any source of continuous sound - any sound which is static, fluctuating, or intermittent - with a recurrence greater than one (1) time in any fifteen (15) second interval in such a manner as to create a sound level which exceeds the limits set forth in the following table, when measured at or within the property boundary of the receiving land use.

Receiving Land Use Category	Time	Maximum Sound Level
Residential, public space or open space	(1) 7:00 am – 10:00 pm	60 dBA
	(2) 10:00pm – 7:00am (Including Sundays and legal holidays)	50 dBA
Commercial or business	(1) 7:00 am – 10:00 pm	65 dBA
	(2) 10:00 pm – 7:00 am (Including Sundays and legal holidays)	60 dBA
Industrial	At all times	70 dBA

- a. For any source of sound that emits a pure tone, the maximum sound level limits set forth in the above table shall be reduced by five (5) dBA. For any source of sound which emits an impulsive sound (a sound of short duration, with an abrupt onset and rapid decay and an occurrence of not more than one (1) time in any fifteen (15) second interval), the sound pressure level shall not exceed twenty (20) dBA over the ambient sound level, regardless of time of day or night, of receiving land use, using the “fast” meter characteristics of a Type II Meter, meeting the ANSI specifications S1.4-1971.
- b. The maximum permissible sound levels as listed in the above table shall not apply to any of the following noise sources:
 - (1) The emission of sound for the purpose of alerting persons to the existence of an emergency or associated practice drills.
 - (2) Emergency work to provide electricity, water, or other public utilities when public health or safety is involved.
 - (3) Public celebrations specifically authorized by the Township.
- c. Motor vehicle operations shall not exceed the noise levels established in Chapter 157 (Established Sound Levels), Chapter VII (Vehicle Characteristics), Title 67, Pennsylvania Transportation Code.

6. Odors

No uses shall emit odorous gases or other odorous matter in such quantities so as to be offensive at any point on or beyond its lot lines. The guide for determining such quantities of offensive odors shall be the fifty (50) percent response level of Table 1 (Odor Thresholds in Air), “Research of Chemical Odors: Part I - Odor Thresholds for 53 Commercial Chemicals,” October, 1986, Manufacturing Chemists Association, Inc., Washington, D.C.

7. Vibration

No vibration shall be produced that is transmitted through the ground and is discernible without the aid of instruments at or at any point beyond the lot line except for repair and construction work.

8. Radioactivity or Electrical Disturbances

There shall be no activities that emit dangerous radioactivity at any point. There shall be no radio or electrical disturbances adversely affecting the operation of equipment belonging to someone other than the creator of the disturbance. If any use is proposed which incorporates any radioactive material, equipment, or supplies, such use shall be in strict conformity with Chapters 221 (X-rays in the Healing Arts), 225 (Radiation Safety Requirements for Industrial Radiographic Operations), and 227 (Radiation Safety Requirements for Analytical X-ray Equipment, X-ray Gauging Equipment, Electron Microscopes, and X-ray Calibration Systems), Chapter V (Radiological Health), Title 25, Pennsylvania Environmental Protection Code.

9. Public Health and Safety

No use shall create any other objectionable condition in an adjoining area that will endanger public health and safety or be detrimental to the public use of the surrounding area.

CHAPTER 18

ADMINISTRATION AND ENFORCEMENT

1801. Purpose

The purpose of this chapter is to set forth procedures for the administration and enforcement of this Ordinance in accordance with the *Pennsylvania Municipalities Planning Code*, Act 247, as amended.

1802. Administration

1. The administration, enforcement and amendment of this Ordinance shall be in accordance with the provisions of Chapter VI and any other applicable sections of the *Pennsylvania Municipalities Planning Code*, Act 247, as amended, hereinafter referred to as the Planning Code.
2. There shall be a Building Code Official/Zoning Officer (BCO/ZO) who shall be appointed by the Board of Commissioners and shall be responsible for the administration and enforcement of this Ordinance. The Building Code Official/Zoning Officer shall not hold any elected office in the Township.
3. The BCO/ZO shall administer this Ordinance in accordance with its literal terms and shall not have the power to permit any construction, use or change of use which does not conform to this Ordinance.
4. The BCO/ZO may be authorized to institute civil enforcement proceedings as a means of enforcing this Ordinance.
5. The duties of the BCO/ZO shall include but not be limited to the following:
 - a. The enforcement of all provisions of this Ordinance and of all amendments thereto.
 - b. The receiving, examination, recording and filing of all applications and fees for zoning permits and the issuance of zoning permits only for any structure or use which conforms to this Ordinance.
 - c. The issuance of permits for uses and construction by special exception or variance, only after such uses or buildings are approved by the Zoning Hearing Board, in accordance with the provisions of this Ordinance. Permits requiring approval by the

- Board of Commissioners shall be issued only after receipt of an authorization from the Board.
- d. Regular inspection all areas of the Township to determine if there are any violations of this Ordinance and to review the validity of any reported zoning violations.
 - e. Issuance of all necessary stop orders, and orders in writing for the correction of all conditions found to be in violation of this Ordinance. It shall be unlawful for any person to violate any such order lawfully issued by the BCO/ZO and any person violating such order shall be guilty of a violation of this Ordinance.
 - f. The maintenance of a map or maps showing the current zoning classifications of all land in the Township.
 - h. The identification and registration of all nonconforming uses, lots, structures and signs and the recording of such nonconformities as a public record.
 - i. Upon request of the Board of Commissioners, Planning Commission or Zoning Hearing Board, the presentation of facts, records, and any similar information to such body to assist these bodies in reaching their decisions.
6. An appeal from a decision or action of the BCO/ZO shall be made directly by a party of interest to the Zoning Hearing Board, and such appeal shall be made within thirty (30) days after notice of the decision is made, or if no decision is made, thirty (30) days after the date when a decision is deemed to have been made, in accordance with the Planning Code, as amended.
 7. Whenever a violation of this ordinance is alleged to have occurred, any person may file a written and signed complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the BCO/ZO, and in the case of an owner of a landowner or tenant to the governing body, who shall record such complaint promptly and immediately investigate and take action thereon as provided in the Ordinance.
 8. There shall be a Building Inspector (BI) who has enforcement rights under this Ordinance in certain situations where construction, alterations, repairs or other physical work on a lot has commenced and a zoning permit has not been obtained per this Ordinance. The Building Inspector shall have the right to issue a stop work order and require all necessary permits be obtained if they have not been so.

1803. Permits

1. Zoning Permits
 - a. A zoning permit shall be required prior to the erection or alteration of any building, structure or portion thereof, including signs; prior to the use or change in use of a building or land; and prior to the change or extension of a nonconforming use or structure.
 - b. Applications for zoning permits shall be made to the BCO/ZO on such forms as may be furnished by the Township. Each application shall contain all information necessary to ascertain whether the proposed erection, alteration, use or change in use complies with the provisions of this Ordinance.
 - c. No zoning permit shall be issued until the BCO/ZO has certified that the proposed building or alteration and the proposed use of the property comply with the provisions of this Ordinance.
 - d. Zoning permits shall be granted or refused within forty-five (45) days after the date of application. In case of refusal the applicant shall be informed of his right to appeal to the Zoning Hearing Board.
 - e. Prior to the placement or location of a trailer or other temporary structure, including PODS (Portable On-demand Storage containers) on a site, a permit shall be obtained from the BCO/ZO as noted in this section. Such temporary permit shall be effective for not more than thirty (30) days, unless specified otherwise elsewhere in this Ordinance, and may be renewed. However, the total continuous time for which temporary permits may be issued shall not exceed three (3) months.
 - f. Zoning permits shall be valid or effective for a period of not more than six (6) months from the date of issuance thereof and shall thereafter be void, unless the work authorized by such permit shall have been substantially commenced within that period and continues with due diligence from that time forward. In no event shall a zoning permit be construed to authorize the development activities for more than a one (1) year period of time, after which time a new permit must be sought. If, however, the applicant has been delayed in proceeding with the work for which the permit was granted for reasons beyond his or her control and demonstrably not due to his or her own negligence, at the discretion of the BCO/ZO the permit may be renewed without additional cost.

2. Occupancy Permits

- a. An occupancy permit shall be deemed to authorize and is required for both initial and continued occupancy and use of the building or land to which it applies. Such permit shall certify that the premises have been inspected and comply with all previously approved plans and all conditions or safeguards attached to the issuance of a zoning permit. It shall also certify that the premises comply with all other applicable requirements of the Township of Lower Chichester and all applicable requirements of Delaware County, the state of Pennsylvania and the federal government. The following shall be unlawful until an occupancy permit shall have been applied for and issued by the BCO/ZO:
 - (1) Occupancy and use of a building erected, reconstructed, restored, altered, moved, or any change in use of an existing building.
 - (2) Any change in ownership in a residential or non-residential structure.
- b. Application for an occupancy permit shall be made on forms furnished by the Township after the building or part thereof has been erected, a change in use has been completed, or the land placed in use. In the case of a change in ownership of an existing residential or non-residential building, an occupancy permit shall be applied for by the owner of such building upon sale.
- c. The BCO/ZO shall within fifteen (15) days of the filing of an application, inspect the premises and either certify its compliance with the previously approved plans and all conditions and safeguards stated upon issuance of a zoning permit or deny such certification. If the certification of the occupancy permit application is denied, the BCO/ZO shall state in writing the reasons for such denial.

3. Fees

- a. The Board of Commissioners shall establish, by resolution, a schedule of fees, charges, expenses and collection procedures for zoning and occupancy permits, building and sign permits, conditional use permits, variance fees, and appeals, amendments and other matters pertaining to this Ordinance.

- b. A schedule of fees shall be posted in the office of the BCO/ZO and may be altered or amended by resolution of the Board of Commissioners only.
- c. No action shall be taken on any application for a zoning or occupancy permit, building or sign permit, conditional use permit, variance request, appeal, amendment or other similar matter pertaining to this Ordinance until all application fees, charges and expenses have been paid in full.

1804. Causes of Action and Enforcement

1. Causes of Action

In case any building, structure, land or landscaping is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any portion of this Ordinance or any other ordinance enacted under the Planning Code or prior enabling laws, the governing body or, with the approval of the governing body, an officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the governing body of the Township. No such action may be maintained until such notice has been given.

2. Enforcement

If it appears to the Township that a violation of this Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive an enforcement notice regarding that parcel and to any other person requested in writing by the owner of record. An enforcement notice shall state at least the following:

- a. The name of the owner of record and any other person against whom the municipality intends to take action.
- b. The location of the property in violation.

- c. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.
 - d. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - e. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.
 - f. The failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
3. Penalties and Remedy
- a. Magisterial District Justices shall have initial jurisdiction over proceedings brought under this section.
 - b. Any person or corporation who has violated or permitted a violation of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than one-thousand dollars (\$1000.00) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof, unless a different penalty is provided elsewhere in this Ordinance. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to the Township.

- c. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

1805. Amendments

1. Power to Amend

The regulations, restrictions, boundaries and requirements set forth in this Ordinance may be amended, supplemented, changed or repealed by the Board of Commissioners by amending this Ordinance in accordance with the provisions of Article VI of the Planning Code, as amended, and the terms of this chapter.

2. Procedure for Amendment

- a. An ordinance amending, supplementing or changing the district boundaries as shown on the Zoning Map or other regulations established herein may be initiated:
 - (1) By the Board of Commissioners, upon its own initiative or upon recommendation of the Planning Commission.
 - (2) Upon a petition to the Board of Commissioners signed by the owners of fifty (50) percent or more of the frontage of any area, which shall be not less than the area contained between two (2) streets, wherein a change of zoning regulations is being sought.
 - (3) By a landowner requesting an amendment or repeal. In the case of a curative amendment, the special requirements of Section 609.1 of the Planning Code shall apply.
- b. Before voting on the enactment of an amendment, the Board of Commissioners shall hold a public hearing thereon, pursuant to public notice. If the proposed amendment involves a map change, notice of said public hearing shall be conspicuously posted along the perimeter of the tract at least one (1) week prior to the hearing.
- c. The Board of Commissioners shall submit each proposed zoning amendment, other than one prepared by the Township Planning Commission, to the Planning Commission at least thirty (30) days prior to any hearing which is to be held on the proposed amendment to provide the Planning Commission with an opportunity to submit its recommendations prior to final action.

- d. If, after any public hearing held upon an amendment, the proposed amendment is revised, or further revised, to include land previously not affected by it, the Board of Commissioners shall hold another public hearing as required by law pursuant to public notice, before proceeding to vote on the amendment.
- e. As required by the Planning Code, a copy of any proposed zoning amendment shall also be sent to the County Planning Commission at least thirty (30) days prior to any hearing on the proposed amendment, in order to provide the County Planning Commission an opportunity to submit its recommendations prior to final action on the amendment.
- f. The Township may offer a mediation option as an aid in completing proceedings authorized in this section. In exercising such an option, the Township and mediating parties shall meet the stipulations of Section 908.1 of the Planning Code, as amended relating to the mediation option.
- g. Within thirty (30) days after enactment, a copy of the amendment to this Ordinance shall be forwarded to the Delaware County Planning Commission.

CHAPTER 19

ZONING HEARING BOARD

1901. Purpose

The purpose of this chapter is to list and describe the powers and duties, and procedures and standards for the Zoning Hearing Board, as required by the *Pennsylvania Municipalities Planning Code*, Act 247 as amended.

1902. Establishment and Procedures

1. Creation of the Zoning Hearing Board.

A Zoning Hearing Board for the Township of Lower Chichester shall be appointed by the Board of Commissioners and shall be authorized to administer all procedures charged to such boards in accordance with the provisions of Article IX of the *Pennsylvania Municipalities Code*, as amended. Hereinafter, as used in this chapter, the term “Board” shall refer to the Zoning Hearing Board, and the term “Planning Code” shall refer to the *Pennsylvania Municipalities Planning Code*, Act 247, as amended.

2. Membership of the Board.

The Board shall consist of three (3) residents of the Township. Their terms of office shall be five (5) years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Township Commissioners of any vacancies. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other elected or appointed office in the Township.

3. Removal of Members.

Any member of the Board may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of Township Commissioners taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member requests it in writing.

4. Organization of the Board.

a. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than the majority of all members of the Board, but

where a majority of members are disqualified to act in a particular matter, the remaining members may act as the Board. As provided for in the Planning Code, the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Board, as provide in section 908 of the Planning Code.

- b. The Board shall adopt rules and forms for its procedures in accordance with the provisions of this Ordinance. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman or, in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.
- c. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicate such fact and shall keep records of its examination and other official actions which shall immediately be filed in the Office of the Township Secretary and shall be public record.
- d. The Board shall submit a report of its activities to the Township Commissioners as requested.
- e. Within the limits of funds appropriated by the Township Commissioners, the Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Township Commissioners, but in no case shall it exceed the rate of compensation authorized to be paid to members of the Board of Commissioners.

1903. Powers and Duties

1. Appeals from the Building Code Official/Zoning Officer (BCO/ZO).

The Board shall hear and decide appeals where it is alleged that the BCO/ZO has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of this Ordinance or the Zoning Map, or any valid rule or regulation governing the action of the Code Enforcement Officer.

2. Variances.

The Board shall hear requests for variances where it is alleged that the provisions of this Code inflict unnecessary hardship on the applicant. In granting a variance the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Planning Code and the Township Zoning Code.

3 Special Exceptions.

The Board shall hear and decide requests for special exceptions authorized by this Code in accordance with the standards and criteria set forth in Section 1908.2. The Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Planning Code and the Township Zoning Code.

4. Challenge to the Validity of Ordinance or Map.

The Board shall conduct hearings and make decisions and findings in connection with challenges to the validity of any provision of this Zoning Code as authorized by Section **909.1** of the Planning Code.

1904. Applications

Applications for variances or special exceptions shall include as a minimum the following information:

1. A sketch plan, at scale, showing the layout of the property, the proposed improvements and alterations thereto, and the relationship of the tract to adjacent properties.
2. A reference to the section(s) of this Ordinance under which the variance or special exception is requested.

1905. Hearings

The Board shall conduct hearings and make decisions in accordance with the following requirements:

1. Upon the filing with the Board of an appeal, an application for a variance or special exception or a challenge, the Board shall fix a time and place for a public hearing thereon.
2. The Board may establish reasonable fees, based on cost, to be paid by the applicant and by persons requesting any notice not required by the Planning Code and this Ordinance.

3. The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
4. The parties to the hearing shall be the Township and any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board.
5. The Chairman or acting Chairman of the Board, or the hearing officer presiding, shall have power to administer oaths and issue subpoenas, and to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
6. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and to cross-examine adverse witnesses on all relevant issues. At the hearings, any party may appear in person, or by agent, or by attorney.
7. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or their representatives in connection with any issue involved except upon notice and opportunity for all parties to participate; shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings with any party or their representatives unless all parties are given an opportunity to be present.

1906. Notice of Hearings

In any case where the Board shall hold a public hearing, the Board shall, at the minimum, give notice of such hearing as follows, which notice shall state the time and the place of the hearing and the particular nature of the matter to be considered at the hearing:

1. By publishing a notice thereof once each week for two (2) successive weeks in a newspaper of general circulation in the Township, provided that the first publication shall be not more than thirty (30) or less than seven (7) days from the date of the hearing.
2. By mailing or delivering due notice thereof to the applicant and other parties in interest, who shall be at least those persons whose properties adjoin the property in question, or be within a two-hundred (200) foot radius of the property in question.

3. By mailing or delivering notice thereof to the Township Commissioners, the Township Secretary, and the BCO/ZO.
4. By conspicuously posting notice of said hearing on the affected tract of land at least one (1) week prior to the hearing.

1907. Notice and Elements of Decisions

1. The following requirements shall be observed in the reporting of decisions of the Board:
 - a. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer, subject to the requirements of the Planning Code. Where the Board has power to render a decision and the Board or the hearing officer, as the case may be, fails to render the same within the period required by the Planning Code or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing to an extension of time.
 - b. A copy of the final decision, where such decision is called for, shall be delivered to the applicant personally or mailed to him not later than the day following its decision date. To all other persons who have filed their names and addresses with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, a brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.
2. The decision of the Board shall include the following elements:
 - a. Findings of fact, including a brief summary of relevant testimony and information entered during the proceedings of the Board.
 - b. Citation by quotation or by reference to the specific sections of the local ordinances and/or this Ordinance, which are relevant to the case in question.
 - c. Conclusions of the Board, enumerating the reasons why such conclusions are deemed appropriate in light of the facts found.

- d. Ruling of the Board, indicating in writing any stipulations or conditions attached to the ruling.

1908. Standards for Zoning Hearing Board Action

In any instance where the Zoning Hearing Board is required to consider a variance or special exception, the Board shall, among other things, consider the following standards:

1. Variances.
 - a. The Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship on the applicant.
 - b. A variance from the terms of this Ordinance shall not be granted by the Board unless and until a written application for a variance is submitted by the applicant who shall have the burden of establishing the presence of all the following conditions where relevant in a given case:
 - (1) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located.
 - (2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of the variance is therefore necessary to enable the reasonable use of the property.
 - (3) That such unnecessary hardship has not been created by the applicant.
 - (4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

- (5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
 - c. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Planning Code and this Ordinance.
2. Special Exceptions.
- a. In any instance where the Board is required to consider a request for a special exception, the Board shall consider the following factors where appropriate:
 - (1) That the proposed use is appropriate for the site in question in terms of size, topography, natural features, drainage, sewage disposal, water supply, accessibility, and availability of public services, and that adequate provisions will be made to protect sensitive environmental features such as streams, lakes, wetlands, slopes, and mature trees.
 - (2) That the proposed use is compatible with the character of the surrounding neighborhood and will not interfere with or detract from legitimate uses and adjacent properties, and that adequate measures will be provided through building design, site layout, landscaping, planting, and operational controls to minimize any adverse impacts caused by noise, lights, glare, odors, smoke, fumes, traffic, parking, loading and signage.
 - (3) That the proposed special exception will serve the best interest of the Township, and convenience of the community, and the public health, safety and welfare.
 - (4) That the proposed use is consistent with the most recently adopted Lower Chichester Comprehensive Plan.
 - (5) That the proposed use promotes orderly development, proper population density, and the provision of adequate community facilities and services, including police and fire protection.
 - (6) That the proposed use is suitable in terms of its effect on highway safety and traffic circulation, and that access, on-site circulation, and parking are adequate in view of anticipated traffic.

- (7) That the proposed use will provide for adequate off street parking, as required in Chapter 13.
- b. Financial hardship shall not be construed as a basis for granting special exceptions.
- c. In granting any special exception, the Board may attach reasonable conditions and safeguards in addition to those expressed in this Ordinance as it may deem necessary to implement the purposes of this Ordinance, which conditions and safeguards may relate to, but not be limited to, screening, lighting, noise, safety, aesthetics and the minimization of noxious, offensive or hazardous elements. Such special exception shall be clearly authorized by a provision in this Ordinance and shall comply with the more specific standards relating to such special exception contained in sections of this Ordinance relating to uses by special exception.

1909. Standards of Proof

1. Variances

An applicant for a variance shall have the burden of establishing both:

- a. That a literal enforcement of the provisions of this Zoning Code will result in unnecessary hardship, as that term is defined by law, including court decisions; and
- b. That the allowance of the variance will not be contrary to the public interest.

2. Special Exceptions.

An applicant for a special exception shall have the burden of establishing both:

- a. That his application falls within the provisions of the Zoning Code which affords to the applicant the right to seek a special exception, and;
- b. That the allowance of a special exception will not be contrary to the public interest.

3. Evaluation of the Impact of an Application on the Public Interest.

In determining whether the allowance of a special exception or variance is contrary to the public interest, the Board shall consider whether the application, if granted, will:

- a. Adversely affect the public health, safety and welfare due to changes in traffic conditions, drainage, air quality, noise levels, neighborhood property values, natural features, and neighborhood aesthetic characteristics;
- b. Be in accordance with the most recently adopted Lower Chichester Township Comprehensive Plan;
- c. Provide required parking in accordance with Chapter **1304**;
- d. Adversely affect the logical, efficient and economical extension or provision of public services and facilities such as public water, sewers, refuse collection, police, fire protection and public schools.
- e. Otherwise adversely affect the public health, safety or welfare.

1910. Expirations of Variances and Special Exceptions

Unless otherwise specified by the Board, a special exception or variance shall expire if the applicant fails to obtain a building permit within six (6) months from the date of authorization thereof.

1911. Appeals

See Article X-A of the Pennsylvania Municipalities Planning Code.

CHAPTER 20

NONCONFORMING USES

2001. Purpose

Within the districts established by this Ordinance and subsequent amendments there may exist certain uses, structures and lots which were lawful before this Ordinance was enacted or amended, but which do not conform to the provisions of this Ordinance or amendments thereafter. These uses, structures or lots are referred to as nonconformities.

The regulations governing existing nonconforming uses, structures and lots are set forth in this chapter and are intended to provide a gradual remedy for the undesirable conditions resulting from such nonconformities. While such nonconformities are generally permitted to continue, these regulations are intended to limit further investment in such nonconformities and to bring about their gradual reduction.

2002. Continuation

All structures, lots, uses of structures and uses of land that do not conform to the regulations of the district in which they are located after the effective date of this Ordinance or amendments thereto, shall be regarded as nonconforming and may be continued so long as they remain otherwise lawful, including the subsequent sale of such uses, structures or lots. Such uses, structures or lots must comply with all building and safety related codes and any other applicable regulations.

2003. Enlargement

A nonconforming use or structure may be extended, enlarged or altered when so authorized as a conditional use provided that the following conditions are met:

1. It is clear that such enlargement or extension is not materially detrimental to the health, safety and welfare of the surrounding area and Township as a whole and a zoning permit is obtained per the requirements of Chapter 18 of this Ordinance.
2. The proposed enlargement or extension only occurs on the tract where the nonconformity is currently located.

3. The nonconforming structure or lot or the area devoted to the nonconforming use, shall be increased by not more than twenty-five (25) percent of its cubic content or area respectively.
4. Any extension or enlargement of a building shall conform to the area, height and setback regulations of the district in which it is located.
5. No more than one (1) extension or enlargement to a nonconforming use or structure shall be granted.

2004. Change of Use

Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to another equally restrictive or more restrictive nonconforming by conditional use subject to the following conditions:

1. The applicant shall show that the nonconforming use cannot be reasonably changed to a conforming use.
2. No structural alteration or addition shall be made that will extend or enlarge a nonconforming building or use, unless authorized as a conditional use, provided that any extension or enlargement shall conform to the area and height regulations of the district in which it is situated.
3. The applicant shall show that the proposed change will be no more objectionable in its external effects than the existing nonconforming use, or will be more appropriate than the existing nonconforming use with regard to:
 - a. Traffic generation and congestion.
 - b. Parking.
 - c. Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare, or vibration.
 - d. Outdoor storage.
 - e. Sanitary sewage disposal.
4. A zoning permit has been obtained.

2005. Enclosure

Where a nonconforming use is conducted entirely on unenclosed premises, no structure to house or enclose such use, whether or not such structure would otherwise conform to zoning regulations, shall be permitted to be erected on the premises.

2006. Abandonment

If a nonconforming use of a building or land is abandoned, as defined in Chapter 2 for six (6) consecutive months or more, whereby the owner discontinues the use, the subsequent use of such a building or land shall conform to the regulations of the district in which it is located.

2007. Reconstruction

1. Except for residential structures, a nonconforming structure or a conforming structure devoted to a nonconforming use which has been destroyed by fire or other casualty or natural act to an extent of not more than fifty (50) percent of the value of the structure, may be reconstructed and used for the same nonconforming use provided that:
 - a. The reconstructed structure shall not exceed the height, area and volume of the building destroyed or condemned.
 - b. Reconstruction of the structure shall commence within one (1) year from the date the structure was destroyed or condemned, unless the Township Commissioners shall authorize a conditional use permit for an extension of this time limit.

2008. Repairs and Maintenance

1. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of six (6) consecutive months on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased.
2. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by the Codes Official to be unsafe or unlawful by reason of physical condition, it

shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.

3. Nothing in this Ordinance shall be construed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by the Building Codes Official/Zoning Officer (BCO/ZO) or other official charged with protecting the public safety.

2009. Displacement

No nonconforming use shall displace a conforming use.

2010. Nonconforming Lots

A lot held in single and separate ownership on the effective date of this Ordinance which does not contain the required minimum area or width, may be used for the construction, alteration or reconstruction of a building, or may be otherwise used if the construction, alteration, reconstruction or other use is in compliance with the use, yard, setback, and other pertinent provisions of this Ordinance, when permitted by conditional use.

2011. Reduction of Lot Area

No lot area shall be so reduced that the area of the lot or the dimensions of the open space shall be smaller than herein prescribed.

2012. Nonconforming Signs

Regulations governing nonconforming signs can be found in Chapter 14, Signs.

2013. Registration of Nonconforming Uses

The BCO/ZO may prepare, or cause to be prepared, every three (3) years after the effective date of this Ordinance, a complete list of all nonconforming uses, structures, lots and signs in the Township.

2014. Ownership

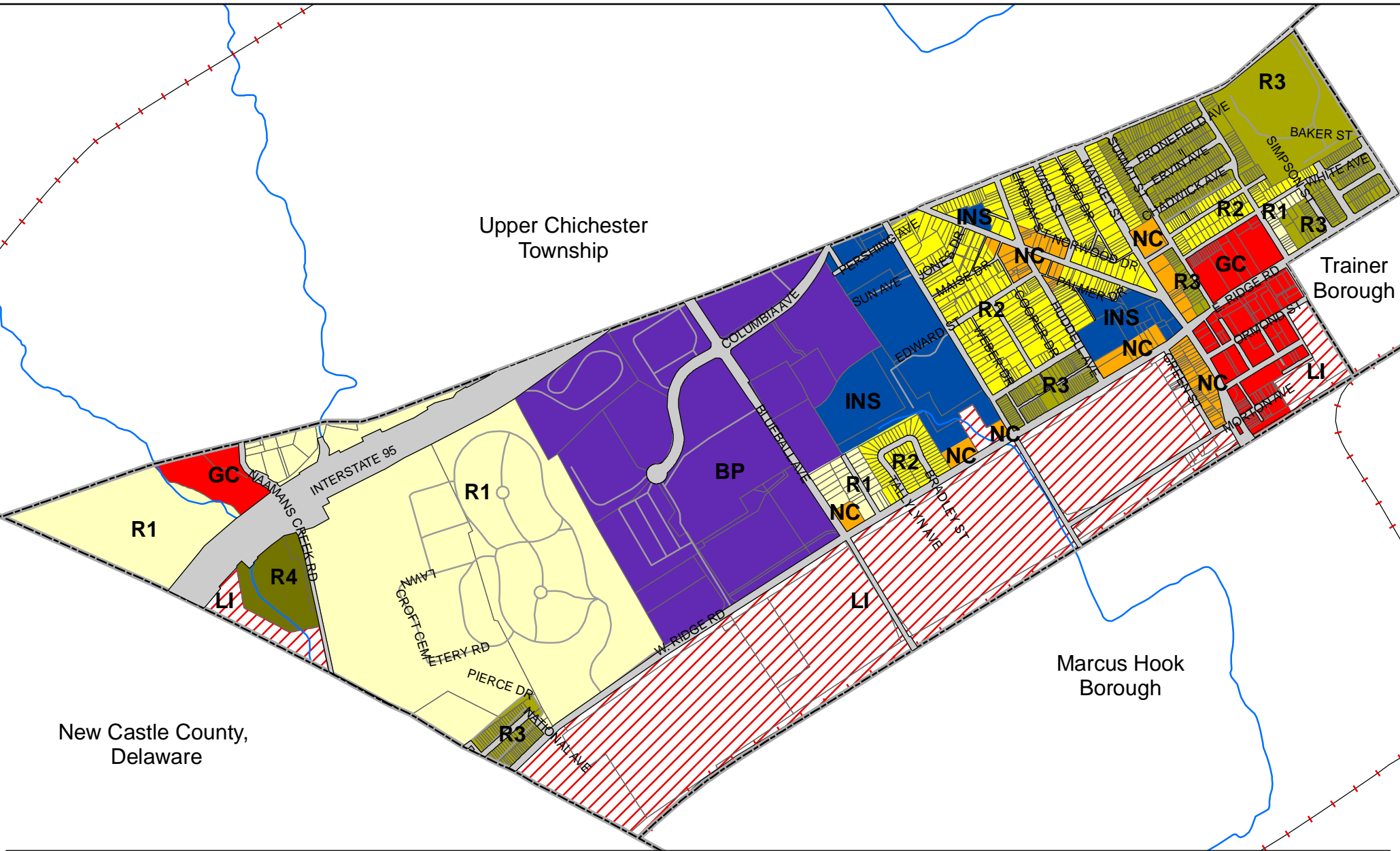
Whenever a lot is sold to a new owner, a previously lawful nonconforming use may be continued by the new owner.

2015. Violations

A nonconforming structure altered or a nonconforming use created in violation of any previous provisions in this chapter shall be regarded as continuing in such violation and shall not enjoy the privilege of legal continuance conferred by Section **2001** upon other nonconforming structures and uses.

Lower Chichester Township Zoning

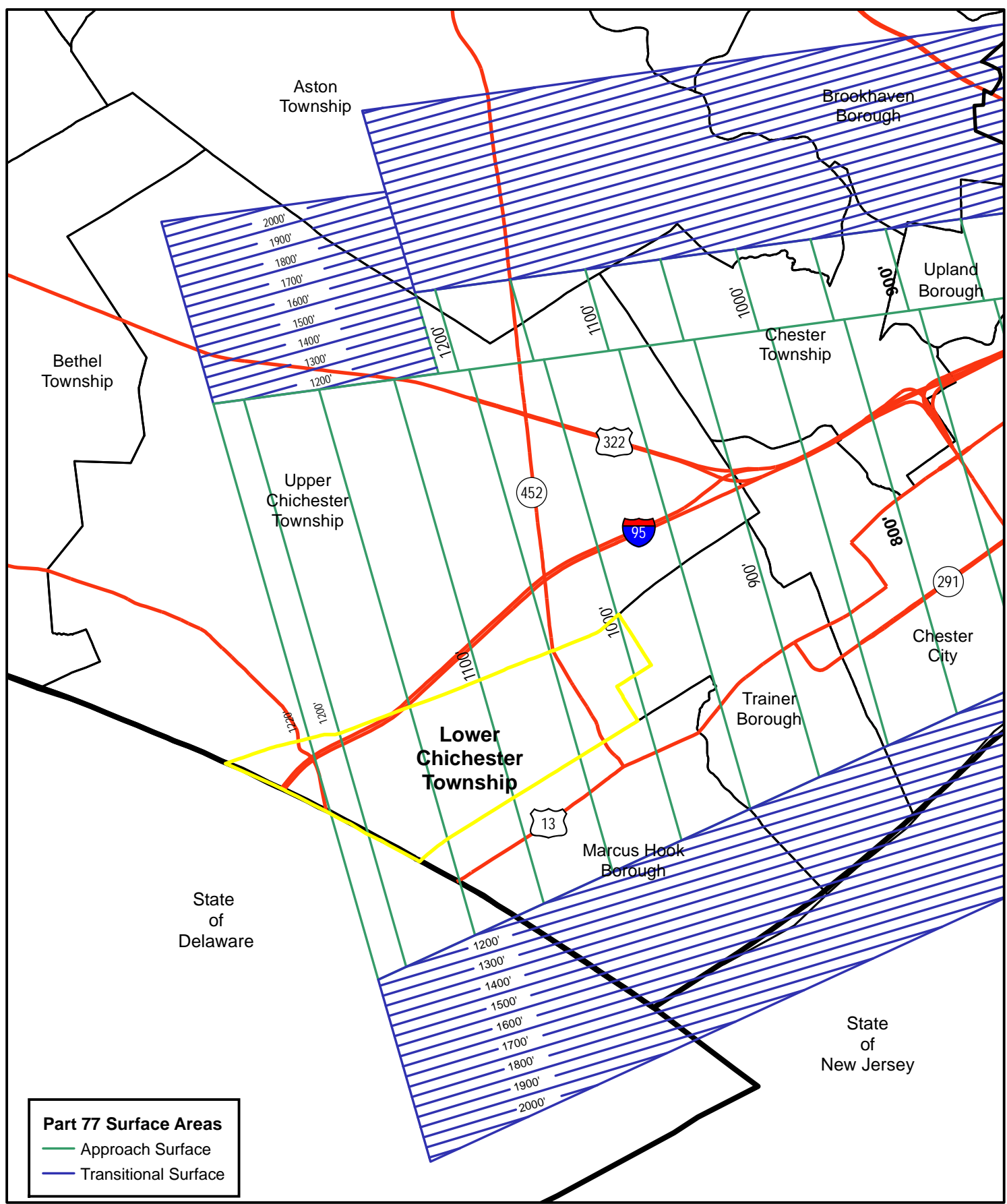
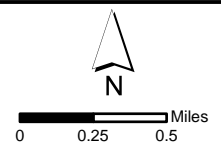
0 500 1,000 2,000 Feet
 Adopted: August 21, 2017



Zoning		Parcel
Low Density Residential	Medium-High Density Residential	Parcels
Medium Density Residential	High Density Residential	Municipal Boundaries
Neighborhood Commercial	General Commercial	Rail Lines
Business Park	Institutional	Streams
Limited Industrial		

Figure 1
Philadelphia International Airport Surface Areas
Lower Chichester - Airport Hazard Area

Data: PennDOT Bureau of Aviation, Philadelphia Office of Aviation and Technology, Philadelphia International Airport



Part 77 Surface Areas

- Approach Surface
- Transitional Surface