

WEST PIKELAND TOWNSHIP
CHESTER SPRINGS, PENNSYLVANIA. 19425

ZONING ORDINANCE OF 1976

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WEST PIKELAND TOWNSHIP ZONING ORDINANCE OF 1976

ARTICLE I

An ordinance of the Township of West Pikeland, Chester County to amend, revise and re-enact the West Pikeland Township Zoning Ordinance and all amendments, maps and supplements thereto.

The Board of Supervisors of the Township of West Pikeland does enact and ordain:

Section 1. That the Zoning Ordinance of the Township of West Pikeland as amended, is hereby amended, revised and re-enacted to read as follows:

Section 100. Purposes - Title, Interpretation, Conflict and Severability.

This ordinance is enacted under and pursuant to the Municipalities Planning Code, Act. 247 of 1968, as amended, for the following purposes: To promote, protect and facilitate the public health, safety, and general welfare of the inhabitants of the Township of West Pikeland by coordinated and practical community development; by providing for proper density of population and assuring adequate light and air; and facilitating the adequate provision of transportation, police protection, water, sewerage, schools, parks, public grounds and to prevent overcrowding of land, blight, danger and congestion in travel, transportation, loss of health, life or property from fire, flood, panic or other danger.

The regulations and districts contained herein represent reasonable consideration as to the character of the districts and their peculiar suitability for particular uses

of land and have been made with a view to preserving the existing environment and assuring the development of a future environment that realizes the greatest possible use and enjoyment of land on individual properties, balanced against the necessary protection of the values of buildings and land and the use and enjoyment of land on adjacent properties, with the objective of promoting and protecting the public welfare through the regulation of land use and the process of land development.

Section 101. 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.

Section 102. Short Title. This ordinance shall be known and may be cited as the West Pikeland Township Zoning Ordinance of 1976.

Section 103. Severability. If any article, section, subsection, paragraph, clause or provision of this ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this ordinance as a whole or of any other part.

Section 104. Definitions. Unless otherwise expressly stated, the following words and phrases shall be construed throughout this ordinance to have the meaning herein indicated. The singular shall include the plural and the plural shall include the singular. The word "building" shall include the word "structure". The past tense shall include the future tense. The word "shall" is always mandatory.

(a) Accessory Building. A building subordinate to the main building on a lot and used for purposes customarily incidental to those of the main building.

(b) Accessory Use. A use subordinate to the main use of land or of a building on a lot and customarily incidental thereto.

(c) Agricultural Use. The planting, growing, storing and selling of plants and crops and the breeding, raising, keeping and selling of animals and the products thereof provided that such uses shall be conducted on a lot not less than five acres in size.

(d) Buffer Planting Strip. A strip of required yard space adjacent to the boundary of a property or district, not less in width than is designated in this ordinance, which is landscaped for the full width and on which is placed a screen of sufficient density not to be seen through, and of sufficient height to constitute an effective screen and give immediate visual screening to an abutting property or district. The required screen shall be permanently maintained and shall constitute a planting of dense evergreens or a compact evergreen

hedg, or, where otherwise specifically designated in the ordinance, an appropriate wall, fence, suitable planting or combination thereof. All planting shall comply with the provisions of the West Pikeland Township Subdivision Ordinance.

(e) Building. Any structure affording shelter to persons, animals or chattels.

(f) Building Area. The aggregate of the maximum horizontal cross section areas, excluding steps, cornices, eaves and gutters, of all buildings on a lot.

(g) Building Height. The vertical distance from the average grade (the average of the grades taken at twenty (20) foot intervals around the building perimeter) to the top of the highest roof beams of a flat roof, or to the mean level of a sloped roof, provided that chimneys and spires shall not be included in measuring the height. Elevator, stair and equipment penthouses, tanks and air conditioning towers shall not be included. The height shall be measured from finished grade but such measurement shall not be made from a point higher than eight (8) feet above original grade.

(h) Building Line. A line parallel to the street right-of-way line at a distance therefrom equal to the depth of the front yard or setback required for the district in which the lot is located, except in the case of an interior lot not fronting on a street or highway for its full width in which case the building line shall be a line parallel to the right-of-way at a distance from the property line nearest to the

highway or street equal to the depth of the front yard required for the district in which the lot is located. If the property or lot abuts more than one street or highway, the front of the lot shall, in the case of an existing building, be deemed to be that part or portion of the lot to which the main entrance of the building faces and, in the case of a building proposed to be constructed, the part or portion of that lot to which the main entrance of a building is proposed to face.

(i) Certificate of Occupancy. A statement signed by a duly authorized official setting forth that a building, structure, or use legally complies with the zoning code and that the same may be used for the purpose stated therein.

(j) Dwelling.

1. Single-family. A building, on a lot, designed and occupied exclusively as a residence for one family.

2. Two-family. A building, on a lot, designed and occupied exclusively as a residence for two families, living independently of one another.

3. Multiple family dwelling or apartment house.

A building on a lot, designed and used exclusively as a residence for three or more families living independently of one another.

(k) Garage - Private. A building used for storage of one or more automobiles owned and used by the owner or tenant of the lot on which it is erected for a purpose accessory to the use of the lot.

(l) Garage - Public. A building, not a private garage, used for the repair, servicing and storage of motor

vehicles but not to include marshalling yard, trucking facility, or facility for the storage and repair of earth moving or construction equipment.

An Ordinance of the Township of West Pikeland,
County of Chester, Commonwealth of Pennsylvania
Amending Ordinance 2-77 the Zoning Ordinance of 1976,
as Amended, to Conform it to Act 170 of 1988,
the Municipalities Planning Code.

The Board of Supervisors of West Pikeland Township, Chester County does hereby enact and ordain as follows: (5/21/90)

Section 1. Section 104 of Ordinance 2-77 "Definitions" is hereby amended by the deletion therefrom of subsection (m) "Lot" and the substitution therefor of the following:

(m) Lot - a designated parcel, tract or area of land established by a plot or otherwise as permitted by law and to be used, developed or built upon as a unit.

(n) Parking Space. An outdoor or garage space used for parking motor vehicles, which shall measure nine (9) feet six (6) inches by twenty (20) feet and to which there is access from a street, alley or driveway.

(o) Permit. A statement issued and signed by the Zoning Officer authorizing the construction of a building and indicating on its face that the proposed use complies with the zoning ordinance or with a decision and order of the Zoning Hearing Board or a court of competent jurisdiction rendered in connection with an application relative to use of the premises involved. No permit shall be issued for any use or construction unless the applicant shall submit written proof that the designated authorities have granted approval of sanitary sewage and water facilities.

(p) Sign. Any structure or part thereof on which lettered or pictorial matter is displayed for advertising or notice purposes.

(q) Street Line. The edge or side limit line of the legal right-of-way of a road or street.

(r) Structure. An assembly of material forming a construction for occupancy or use including among others, buildings, stadiums, tents, reviewing stands, platforms, stagings, observation towers, water tanks, trestles, piers, wharves, open sheds, coal bins, shelters, fences and display signs.

(s) Yard. The required open area around the inner periphery of each lot in which no building or structure shall be erected.

1. Front. The minimum open space extending the full width of the lot from the street right-of-way line on which the lot abuts to the nearest structure on the lot, exclusive of steps, overhanging eaves, gutters or cornices, provided that where a lot abuts more than one street, the owner thereof shall have the option of determining which side of the lot shall be designated as the front.

2. Side. The minimum open space extending the full depth of the lot required between the side line of the lot and a main building on the lot, exclusive of steps, overhanging eaves, gutters or cornices.

3. Rear. The minimum open space extending the full width of the lot required between the rear line of the lot and a main building on the lot exclusive of steps, overhanging eaves, gutters or cornices.

ARTICLE II

CLASSIFICATION OF DISTRICTS

Section 200. Classes of Districts. For the purposes of this ordinance, the Township of West Pikeland is hereby divided into the following classes of districts:

- CR - Conservation Residence
- HB - Historic Business District
- B - Business
- FH - Flood Hazard District
- HP - Historic Preservation
- PRD - Planned Residential Development
- MH - Mobile Home District.

Section 201. Zoning Map. The boundaries of districts shall be as shown on the map attached thereto and made a part of this ordinance which shall be known as the "Zoning Map of West Pikeland Township". Said map and all notations, references and data shown thereon are hereby incorporated by reference into this ordinance and shall be as much a part of this ordinance as if all were fully described herein.

Section 202. District Boundaries. The boundaries between districts are, unless otherwise indicated, either the center lines of streets or railroad rights-of-way or such lines extended or lines parallel or perpendicular thereto. Where figures are shown on the zoning map between a street and a district boundary line, they indicate that the district boundary line runs parallel to the right-of-way line at a distance therefrom equivalent to the number of feet so indicated.

Section 203. ~~Federal, State, County or Municipally Owned Property.~~ Wherever Federal, State or County owned property is included in one or more zoning districts, it shall be subject to the provisions of this ordinance only insofar as is permitted by the Constitution and laws of the United States of America and of the Commonwealth of Pennsylvania. In the case of municipally owned property, the use provisions of this ordinance shall not apply.

ARTICLE III

~~CONVERSATION-RESIDENCE DISTRICT~~

Section 300. ~~CR - Conservation-Residence Districts.~~ CR Conservation-Residence Districts are intended to facilitate agricultural, conservation, recreation and other open space purposes in recognition of the steep slopes, shallow soils and minimal drainage of these areas. Accordingly, the districts contain use and area regulations which:

(a) provide for farming, conservation and very low density use;

(b) discourage scattered isolated higher density development which would severely disturb the topography, water table and other natural features to the detriment of the natural environment and, further, which would imperil the inhabitants of such scattered isolated developments by reason of flooding, soil erosion, and lack of drainage;

(c) facilitate the conservation of creek valleys, steep slopes and woodland areas; and

(d) facilitate the conservation and proper utilization of ground water supplies and control of surface water flooding.

In CR Residence Districts the following regulations shall apply:

Section 301. Use Regulations.

- (a) Single-family detached dwelling.
- (b) Woodlands, game preserves or other conservation purpose.
- (c) Agricultural use, including tilling of the soil, nursery or greenhouse and the keeping of livestock and poultry, provided; that:
 1. Any building used for the keeping of livestock and poultry or as a greenhouse shall be located not less than 85 feet from any street line and not less than 100 feet from any other property line.
 2. No barn lot or manure storage shall be established closer than 100 feet to any property line.
- (d) The display and sale of farm products shall be permitted provided that:
 1. At least 50% of such products shall have been produced on the property on which they are offered for sale.
 2. Parking space for at least three cars shall be provided behind the highway right-of-way line.
 3. Sale of farm products shall be conducted from a portable stand which shall be dismantled at the end of the growing season.

(e) The following uses when authorized as a special exception by the Zoning Hearing Board subject to the standards provided in Article XII of this ordinance:

1. Church or similar place of worship including rectory or parish house.

2. Educational or philanthropic use.

3. Private country club, hunt club or similar club for recreational, fraternal, civic, social, cultural or educational purpose, provided that the principal activity shall not be one which is customarily carried on as a business.

4. Riding schools or academies.

5. Conversion of a single family dwelling to multi-family use, provided that the requirements of Sec 1006 are met.

(f) Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses. The term "accessory use" shall not include a business but may include:

1. Private parking or garage space.

2. Private home swimming pool.

3. Private home greenhouse.

4. Professional office, studio or home occupation

such as professional office or studio of a doctor, veterinarian, dentist, masseur, teacher, artist, architect, musician, lawyer, magistrate or practitioner of a similar character; and/or rooms for home occupations such as dressmaking, millinery or similar handicrafts provided that:

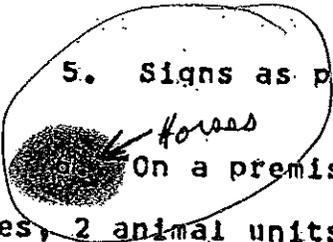
a. such office or room for home occupation shall be located in a dwelling in which the practitioner resides, or in a building accessory thereto;

b. such accessory use may not occupy more than 50% of the floor area of the basement or 50% of the floor area of the first floor of the dwelling with no such use permitted above the first floor;

c. there shall be not more than two associates or employees who are not members of the household; and

d. no goods shall be publicly displayed on the premises.

5. Signs as permitted in Article XIII.

 On a premises of three (3) but less than five (5) acres, 2 animal units as defined by the United States Department of Agriculture and one additional large animal for each acre over three acres. A premises of more than five acres used for agricultural purposes shall be considered a farm.

Section 302. Area Regulations.

(a) Lot area and width. Every lot shall have an area of not less than 2 acres and each lot shall be not less than 200 feet at the building line.

(b) Lot coverage. Not more than 15% of the area of each lot may be occupied by buildings or other impervious cover, except that any area devoted to swimming pool

construction, exclusive of surrounding paved areas, shall not be included in the 15%.

(c) Front yard. There shall be a front yard which shall be not less than 50 feet in depth.

(d) Side yard.

1. For every single-family detached dwelling and its accessory buildings there shall be two side yards which shall be not less than 80 feet in aggregate width and neither of which shall be less than 35 feet in width.

2. For every building other than a dwelling and its accessory buildings there shall be two side yards neither of which shall be less than 60 feet in width.

(e) Rear yard. There shall be a rear yard of not less than 40 feet in depth.

(f) Accessory buildings shall not be placed in any portion of a front yard; no accessory building shall be placed in any setback area. For the purposes of this subsection, a swimming pool shall be deemed to be a structure and shall not be placed in any setback area.

Section 303. Height Regulations. No building shall exceed three stories or 30 feet in height except that no accessory building other than a farm building shall exceed 20 feet in height.

Section 304. Off-Street Parking Regulations. Off-street parking spaces with proper and safe access from a street shall be provided within a structure or in the open, to serve adequately the use on each lot within the district. The number of spaces to be provided and their location shall be as provided in Section 1002.

ARTICLE IV

HISTORIC BUSINESS DISTRICT

Section 400. H_B - Historic Business Districts. It is the purpose of this Article to assist in the orderly development of the Chester Springs Historic District in which there exists a large number of older structures of historic significance, by permitting conversions or adaptive uses thereof under conditions which will protect the distinctive historic and architectural character of the neighborhood.

In a Historic Business District the following regulations shall apply:

Section 401. Use Regulations. Subject to the provisions of Article VIII of this ordinance, a building may be erected or used and a lot may be used or occupied for any of the following purposes and for no other.

(a) Retail store with a gross floor area not in excess of 1,000 square feet, provided that there shall not be more than one such use for each 1,000 feet of frontage.

(b) Single family residential dwelling unit.

(c) Conversion of an existing single family or two-family dwelling unit to multiple dwelling occupancy, provided that the requirements of Section 1006 are met.

(d) Professional office or studio.

(e) Hotel, inn, restaurant, theater, auditorium, assembly hall library or community recreation center.

(f) Accessory use which may include

1. Storage within a completely enclosed building in conjunction with a permitted use.

2. Living accommodations or sleeping quarters for the proprietor of a business establishment or for a watchman.

3. Signs as permitted in Article XIII.

Section 402. Area, Height and Special Regulations.

(a) Lot area and width. Every lot shall have an area of not less than 10,000 square feet and shall be not less than fifty feet in width at the building line.

(b) Building Area. Not more than fifty-five (55) percent of the area of each lot may be occupied by buildings.

(c) Front Yard. There shall be a setback on each street on which a lot abuts which shall be not less than thirty-five (35) feet in depth.

(d) Side Yards. Side yards shall be provided on every lot as follows:

1. For every detached building there shall be two side yards neither of which shall be less than twelve (12) feet in width.

2. For every semi-detached building there shall be one side yard which shall be not less than twelve (12) feet in width.

(e) Rear Yard. There shall be a rear yard on each lot which shall be not less than twenty-five (25) feet in depth

or not less than twenty (20) percent of the lot depth, whichever is the greater.

(f) Height. No building shall exceed three stories or thirty-five (35) feet in height.

(g) Special Regulations. In order to encourage sound and attractive business development, the following special requirements shall apply:

1. Every use other than a parking lot, shall be completely enclosed within a building.

2. No restaurant or similar use shall be conducted as a drive-in service establishment or refreshment stand (sometimes called a snack bar, dairy bar, hamburger stand or hot dog stand), where customers and patrons are served food and (or) drinks for immediate consumption outside the building in which the business is conducted. All preparation, serving and consumption of food shall be within the building in which the business is conducted except for food taken out for consumption off the premises.

3. Along each side or rear property line which directly abuts a residence district in the Township or a similar district in an adjoining municipality, there shall be a buffer planting strip not less than fifteen (15) feet in width, as defined in Section 104(d).

4. No permanent storage of merchandise, articles or equipment shall be permitted outside a building, and no goods, articles or equipment shall be stored, displayed or offered

for sale beyond the front lines of a building. No outdoor vending machine, self-service station, or similar use shall be allowed in any required yard abutting a street or on a public sidewalk.

5. The greatest dimension in length or depth of a building shall not exceed one hundred sixty (160) feet.

6. The off-street parking, off-street loading and special requirements relating to highway frontage prescribed in Sections 1002, 1003 and 1004 shall apply in Historic Business Districts.

ARTICLE V

Section 500. ~~"B" - BUSINESS DISTRICT.~~ "B" Business Districts provided for the special requirements of retail-convenience commercial establishments which serve primarily the day to day needs of the surrounding neighborhood and encourage compact, attractive retail commercial development.

In a "B" Business District, the following regulations shall apply:

Section 501. A detached or semi-detached building may be erected or used and a lot may be used or occupied for any of the following purposes and for no other.

(a) Any use permitted in an Historic Business District.

(b) Retail service shop, or custom shop, such as: bakery, candy, ice cream or similar shop; custom tailoring or

millinery shop; clock, watch, or jewelry shop; radio, television or household appliance repair shop; provided that:

1. Any processing activity; if located on the ground floor, shall be not less than fifteen (15) feet from the front of the building and shall be screened by a wall or partition from the front portion of the building used by customers.

2. Any article made on the premises shall be sold at retail from the premises.

3. The area devoted to processing shall constitute not more than forty (40) percent of the gross floor area.

(c) Personal service shop such as barber shop, beautician, dry cleaning establishment.

(d) Banking institutions.

(e) Accessory use as permitted in Section 401(e). *See Amendment*

Section 502. Area, Height, and Special Regulations.

(a) Lot Area and Width. Every lot shall have a lot area of not less than five thousand (5,000) square feet and such lot shall be not less than fifty (50) feet in width at the building line.

(b) Building Area. Not more than fifty-five (55) percent of the area of each lot may be occupied by buildings.

(c) Front Yard. There shall be a setback on each street on which a lot abuts which shall be not less than twenty (20) feet in depth.

(d) Side Yards. For each building or unified group of buildings erected on a lot there shall be two side yards, neither of which shall be less than ten (10) feet in width, except that where a lot abuts a residence district in the Township or a similar district in an adjoining municipality, a side yard shall be provided which shall not be less than twenty (20) feet in width.

(e) Rear Yard. There shall be a rear yard on each lot which shall be not less than fifteen (15) feet in depth, or not less than fifteen (15) percent of the lot depth, whichever is the greater.

(f) Height. No building shall exceed thirty-five (35) feet in height, except that such height limits may be exceeded by five (5) feet for each five (5) percent that the lot coverage is decreased below the maximum building area requirements, up to a maximum height of forty-five (45) feet.

(g) Special Regulations. In order to encourage sound and attractive business development, the following special requirements shall apply:

1. Along each side or rear property line which directly abuts a residence district in the Township, a similar district in an adjoining municipality, or the right-of-way of an existing or proposed major street or through highway (in each case as defined in the West Pikeland Township Subdivision and Land Development Ordinance) there shall be a buffer planting strip not less than fifteen (15) feet in width, as defined in Section 104(d) of this ordinance.

2. No permanent storage of merchandise, articles or equipment shall be permitted outside a building, and no goods, articles or equipment, shall be stored, displayed or offered for sale beyond the front lines of a building. No outdoor vending machine, self-service station, or similar use shall be allowed in any required yard abutting a street or on a public sidewalk.

3. The greatest dimension in length or depth of a building shall not exceed one hundred sixty (160) feet.

4. The off-street parking, off-street loading and special requirements relating to highway frontage prescribed in Sections 1002, 1003, and 1004 shall apply in "B" Business districts, except that where a development or lot abuts or contains an existing or proposed major street or highway direct access to such major street shall be prohibited and access thereto from such lots and/or parking areas thereon shall be provided only by parallel marginal streets or by minor streets perpendicular to the major street or highway.

ARTICLE VI

LOT AVERAGING

Section 600: Special Regulations for Lot and Density Averaging.

A subdivision plan which is subject to review under, and in accordance with the West Pikeland Township Subdivision and Land Development Ordinance and the regulations adopted thereunder, may be modified with respect to the requirements of this ordinance upon the following conditions:

(a) The Plan shall involve a tract of land held in single and separate ownership not less than ten acres in size.

~~(b) Development may include a mix of housing types including single family houses, town houses or other housing structures having party or common walls, provided that the total number of dwelling units shall not exceed one unit for each two (2) acres of the gross area of the tract exclusive of right-of-way.~~

See Amendment

1. Where the developer elects to develop either totally or partially in multi-dwelling structures, no multi-dwelling structure shall contain more than six (6) dwelling units and no such structure shall be closer than thirty (30) feet to any other structure.

2. Where a developer elects to develop the entire tract in single family houses, the area of the individual lots may be reduced by not more than 50% of the lot area requirements provided that the average of the area of the individual lots for the entire tract shall be not less than the minimum required for the district.

(c) The yard, lot width and other requirements of the district relating to an individual lot may be modified provided that, in no case, shall a building be located less than fifty (50) feet from a street right-of-way line, no less than fifty (50) feet from another property line and the minimum lot width at the building line shall be seventy-five (75) feet.

(d) The design and layout of buildings on the tract shall take into account the topographical features of the particular site and shall, to the maximum extent, be consistent with reasonable and sound development practices and permit the preservation of natural features which the Planning Commission

and the Board of Supervisors deem worthy of protection.

(e) In any case where a plan for development is filed in accordance with and under this Article, the application shall be filed by the owner or owners of the entire tract and it shall be agreed that the tract shall be developed within a reasonable time under single direction.

(f) Where a plan for development is approved by the Board of Supervisors in accordance with the requirements of this Article, development shall take place according, and in strict adherence, to the plan as approved.

(g) No lot of such size as to be capable of further subdivision or of development shall be included in determining the average lot area of the gross permissible density on the entire tract unless the possibility of such further subdivision or development is eliminated either by deed restriction or other agreement in a form acceptable to the Township Solicitor and duly recorded in the Office of the Recorder of Deeds.

(h) In the case of areas set aside to be reserved for open space purposes to comply with the average lot area requirements for the tract:

1. The areas designated as open space areas shall be those which will serve to preserve woodlands, stream valleys, unusual topography or other natural features of the tract or which are appropriate for park, recreation or other open space purposes.

1. The danger to life and property due to increased flood heights or velocities caused by encroachments.

(a) No application for special exception or variance shall be approved which would result in any increase in heights within the Floodway.

2. The danger that materials may be swept on to other lands or downstream to the injury of others.

3. The proposed water supply and sanitation systems and the ability of these systems to avoid causing disease, contamination, and unsanitary conditions.

4. The susceptibility of the proposed use to flood damage and the effect of such damage on the owner.

5. The importance of the proposed use to the community.

6. The requirements of the use for the waterfront location.

7. The availability of alternative locations, not subject to flooding, for the proposed use.

8. The compatibility of the proposed use with existing and foreseeable nearby use.

9. The relationship of the proposed use to the Township Comprehensive Plan and any flood plain management program for the area.

10. The safety of access to the property in times of flood for ordinary and emergency vehicles.

11. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood water expected at the site.

12. The likelihood that the proposed use will result in extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing Township ordinances or regulations.

13. The proposed activity's possible undue alteration of natural water flows or water temperatures.

14. The potential degradation or destruction of archaeological or historic sites and structures, endangered or threatened species of animals or plants, high quality wildlife habitats, or other irreplaceable land uses.

15. Such other factors which are relevant to the purposes of this ordinance.

B. Review Criteria Specific to Variance Requests

In addition to the factors cited in Section 704A above, any request for a variance shall be evaluated by the Zoning Hearing Board in terms of the following additional criteria:

1. Whether failure to grant the request would result in exceptional hardship to the applicant.

2. Whether the variance requested is the minimum necessary, considering the flood hazard, to afford relief.

Section 705. Conditions for Special Exception or Variance.

A. Construction Techniques for Flood Protection

The Zoning Hearing Board shall attach such conditions to the granting of a special exception or variance as it deems necessary to further the purposes of this Article, including without limitation because of specific enumeration, the following:

1. Any new development, construction, or substantial improvement to an existing structure, shall have the lowest floor (including basement) elevated to one and one-half feet above the surface water elevation of the Flood Hazard District at the place of construction. All proposed lowest floor and basement elevations shall be shown in relation to mean sea level, based upon the National Geodetic Vertical Datum of 1929.

(a) In areas of the Flood Hazard District where the Floodway (FW) and Flood Fringe (FF) have been delineated, the required elevation shall be based on the profiles contained in the Township's Flood Insurance Study, with the lowest floor elevated a minimum of one and one-half feet above the base flood height as shown therein.

(b) In areas of approximated flood plain where no detailed study has been done, the required elevation

shall be determined by selecting the point on the boundary of the Flood Hazard District nearest to the site in question and locating the lowest floor of the structure one and one-half feet above such elevation.

2. All such structures shall be securely anchored to prevent flotation, collapse, and lateral movement; all such structures shall employ construction materials and techniques to minimize flood damage. Adequate drainage shall be provided.

3. The provisions of all other federal and state rules and regulations are applicable to such construction.

4. Required flood-proofing measures may include, without limitation because of specific enumeration, the following:

(a) Installation of watertight doors, bulkheads, and shutters.

(b) Reinforcement of walls to resist water pressures.

(c) Use of paints, membranes or mortars to reduce seepage of water through walls.

(d) Addition of mass or weight to structures to resist flotation.

(e) Installation of pumps to lower water levels in structures.

(f) Construction of water supply and waste treatment systems so as to prevent the entrance of flood waters.

(g) Pumping facilities for subsurface external foundation wall and basement floor pressures.

(h) Construction to resist rupture or collapse caused by water pressure or floating debris.

(i) Cut-off valves on sewer lines or the elimination of gravity flow basement drains.

5. The following design and construction standards shall be followed:

(a) Any building or structure shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water. In so doing, consideration shall be given to its effect upon the flow and height of flood waters.

(b) All utilities such as gas lines, electrical and telephone systems being placed in the flood hazard area should be located, elevated (where possible), and constructed to minimize the chance of impairment during a flood.

(c) All electric water heaters, electric furnaces, electric air conditioning and ventilating systems, and other electrical equipment or apparatus shall be permitted only at elevations one and one-half (1-1/2) feet above the base flood elevation.

(d) Water heaters, furnaces, and other mechanical equipment or apparatus shall be permitted only at elevations one and one-half (1-1/2) feet above the base

flood elevation.

(e) No part of any on-site sewage disposal system shall be constructed within any part of the Flood Hazard District.

(f) No materials that are buoyant, flammable, explosive or, in time of flooding, could be injurious to human, animal, or plant life, shall be stored below the elevation of the base flood.

B. Declaration of Flood Hazard Status.

In any case where the Zoning Hearing Board shall grant a special exception or variance to permit the erection of a structure in the Flood Hazard District, or a special exception or a variance to permit a change in use of a structure already existing in the Flood Hazard District, the Board shall, for the protection of prospective purchasers and lessees, impose the following conditions:

1. Require the applicant to advise prospective purchasers and/or lessees that the lot is located either entirely or partially, as the case may be, in the Flood Hazard District.

2. Require that, before settlement or change in use, as the case may be, may take place, the purchaser or lessee shall signify in writing that he has been advised that the premises lies partially or entirely in the Flood Hazard District and a signed copy of such signification shall be delivered to the Township by the applicant.

3. A deed restriction shall be created and placed on record to run as a covenant with the land, which restriction shall contain the following provision:

"This lot is entirely (partially) within a flood hazard district as defined by Section 702 A of the West Pikeland Township Zoning Ordinance."

Section 706. Administration

A. Procedure.

Upon receiving an application for a special exception or variance, the Zoning Hearing Board shall, prior to rendering a decision thereon, require the applicant to furnish such of the following material as is deemed necessary by the Board:

1. Plans in triplicate drawn to scale showing the nature, location, dimensions and elevation of the lot and existing and proposed uses; photographs showing existing uses and vegetation; soil types and other pertinent information.

2. A series of cross-sections at 25 foot intervals along the lot shoreline, showing the stream channel or lake or pond bottom, and elevation of adjoining land areas to be occupied by the proposed uses, and high water information. Cross sections shall be field-run topography based on a known USGS benchmark.

3. Profile showing the slope of the bottom of the channel, lake, or pond.

4. Specifications for building materials and construction, flood proofing, filling, dredging, grading, storage, and water supply and sanitary facilities.

5. Computation of the increase, if any, in the height of the base flood which would be attributable to any proposed uses.

B. Consultation by the Zoning Hearing Board.

In considering any application for a special exception or variance, the Zoning Hearing Board may request at the hearing the testimony of the Board of Supervisors, the Planning Commission, the Township Engineer and other technical experts, concerning the extent to which the proposed use would (a) diminish the capacity of the Flood Hazard District to store and absorb flood waters, to moderate flood velocities, and to accommodate sediment; (b) be subject to flood damage; (c) cause erosion and impair the amenity of the Flood Hazard District; and (d) adversely affect the area contiguous to the Flood Hazard District as well as areas downstream.

C. Required Notifications and Documentation.

1. The Zoning Hearing Board shall notify the applicant in writing that (1) the issuance of a decision to allow construction or development below the base flood elevation

will result in increased premium rates for flood insurance, and (2) such construction below the base flood elevation increases risks to life and property. Such notification shall be maintained with a record of all decisions as required in Subsection 2., below.

2. The Zoning Hearing Board shall (1) maintain a record of all decisions including justification for their issuance, and (2) report such decisions issued in its annual report submitted to the Federal Insurance Administration.

3. The elevation of the proposed lowest floor of any structure approved by the Zoning Hearing Board shall be indicated on the application for a building permit.

Section 707. Specific Prohibitions.

In addition to and without limitation of the uses specifically permitted in the Flood Hazard District by the provisions of this Article, the following activities are specifically prohibited in the Flood Hazard District:

A. In any Floodway (FW) any new construction, use or development that would cause any increase in flood heights.

B. Establishment of mobile homes, mobile home parks or mobile home subdivisions or substantial improvements to the same.

C. Construction or substantial improvement of

structures for the production or storage of, or the storage of items which have been determined by the Department of Community Affairs of the Commonwealth of Pennsylvania, to be dangerous to human life, pursuant to Section 207 of the Pennsylvania Flood Plain Management Act (32 P.S. § 679.101 et seq as amended) to wit: (1) Acetone (2) Ammonia (3) Benzene (4) Calcium carbide (5) Carbon disulfide (6) Celluloid (7) Chlorine (8) Hydrochloric acid (9) Hydrocyanic acid (10) Magnesium (11) Nitric Acid and oxides of nitrogen (12) Petroleum products (gasoline, fuel oil, ect.) (13) Phosphorus (14) Potassium (15) Sodium (16) Sulphur and sulphur products (17) Pesticides (including insecticides, fungicides and rodenticides).

D. The construction, enlargement or expansion of obstructions and activities which the Department of Community Affairs of the Commonwealth of Pennsylvania have determined to be a special hazard to the health and safety of the public or occupants or may result in significant pollution, increased flood levels or flow of debris endangering life and property pursuant to Section 301 of the Pennsylvania Flood Plain Management Act (32 P.S. § 679.101 et seq as amended), to wit:

(1) hospitals - public or private, (2) nursing homes - public or private, (3) jails, (4) mobile homes (see B above).

E. The clearing of vegetation except for brush, weeds, and the removal of diseased shrubs or trees, or trees or portions thereof which might cause hazard to life or property;

and except where such clearing is necessary for construction permitted as a result of action by the Zoning Hearing Board.

F. Sod farming.

G. Storage of any material which, if inundated, would float.

H. Storage of flammable or toxic material or any other material which, if inundated, would degrade or pollute the stream, or cause damage if swept downstream.

I. Installation or maintenance of on-site sewage disposal systems and wells.

J. Junk yards.

K. Alteration or relocation of any watercourse, unless and until the applicant has notified the governing bodies of adjacent municipalities and the Pennsylvania Department of Community Affairs, with copies of such notices being sent to the Federal Insurance Administrator and has demonstrated to the satisfaction of the Township Engineer that the flood-carrying capacity of the watercourse as altered or relocated is maintained at a level equal to or better than the existing flood carrying capacity. This requirement shall be in addition to the requirements of, and issuance of a permit by, the Pennsylvania Department of Environmental Resources, Bureau of Dams and Waterway Management, pertaining to such alteration or relocation.

In addition, the person making the proposal shall assure the Township of West Pikeland, in writing, that

the flood carrying capacity within the altered or relocated portion of the Watercourse in question, shall be maintained.

SECTION 2. The effective date of this Ordinance shall be ten (10) days after publication as required by law.

Approved and adopted by the Board of Supervisors this 16th day of May, 1983.

Attest:

Mika R. Miller
Township Secretary

Oliver D. Brady
Chairman

Andrew D. McHenry

Charles M. McHenry

ARTICLE VIII

HP - HISTORIC PRESERVATION

Section 801. Statement of Purpose.

It is the purposes of this Article to protect those historic buildings and areas within West Pikeland Township which have a distinctive character recalling the rich architectural and historical heritage of the Township, of Chester County and of the Commonwealth of Pennsylvania, and to promote the general welfare, education and culture of the Township by encouraging an interest in its historical heritage.

Section 802. General Provisions.

(a) Definition of Historic District. The Chester Springs Historic District shall be shown on the West Pikeland Township Zoning Map or a map specifically designated as the "Historic Preservation Map of West Pikeland Township." The Zoning Map and the Historic Preservation Map of West Pikeland Township are hereby adopted by reference and declared to be a part of this Article. The provisions of this Article shall be applied to all land, buildings and structures, within the boundaries of the Chester Springs Historic District.

(b) Compliance. No structure shall hereafter be used and no structure shall hereafter be erected, reconstructed, altered, restored, demolished or razed, in whole or in part, without full compliance with the terms of this article and other applicable regulations.

Section 803. Board of Historical Architectural Review.

(a) Appointment. The Board of Supervisors of West Pikeland Township shall appoint a Board of Historical Architectural Review.

(b) Membership. The Board of Historical Architectural Review shall consist of not less than five (5) members, of whom one shall be a registered architect, one shall be a licensed real estate broker, one shall be a building inspector and one shall be a member of the Planning Commission of West Pikeland Township. The remaining member or members shall have a knowledge of and interest in the preservation of historic buildings and sites. Three members of the Board must be Township residents. The initial terms of the members of the Board of Historical Architectural Review shall be as follows: one member shall be appointed for one year, one member for two years, one member for three years, one member for four years, and one member for five years. Annually thereafter, a member of said Board shall be appointed for a term of five years. An appointment to fill a vacancy shall be only for the unexpired portion of the term.

(c) Compensation. The members of the Board of Historical Architectural Review shall serve without compensation, but may be reimbursed for direct expenses. The Board of Historical Architectural Review, may, pursuant to appropriations authorized by the Board of Supervisors, employ secretarial assistance and incur such other expenses as may be necessary to the enforcement of this ordinance.

(d) Conduct of Business. The Board of Historical Architectural Review shall elect its own chairman and vice-chairman and create and fill such other offices as it may determine. Officers shall serve annual terms and may succeed themselves. The Board of Historical Architectural Review may make and alter by-laws and rules and regulations to govern its procedures consistent with the ordinances of West Pikeland Township and the laws of the Commonwealth of Pennsylvania, shall keep a full record of its business and shall annually make a written report by March 1 of each year of its activities to the Board of Supervisors. Interim reports may be made as often as may be necessary, or as requested by the Board of Supervisors.

(e) Duties. The Board of Historical Architectural Review shall give counsel to the Board of Supervisors regarding the advisability of issuing any certificates which the Board of Supervisors is required to issue pursuant to this ordinance and the Act of June 13, 1961, and shall hold such hearings and render such reports as are required by Section 805 hereof. In determining the counsel to be given to the Board of Supervisors relative to the issuance of a certificate of appropriateness, the Board of Historical Architectural Review shall consider only those matters that are pertinent to the preservation of the historic aspect and nature of the buildings and structures located within the Chester Springs Historic District including

1. The effect which the proposed change will have upon the general historic and architectural character and appearance of the District; and

2. The appropriateness of exterior architectural features and the general design, arrangement, texture, material, color of the building or structure and the relation of such factors to the traditional architectural character of the District.

Board members are required to disqualify themselves from voting on any project in which their own financial interests or those of their immediate family are directly or indirectly involved.

Section 804. Certificate of Appropriateness.

(a) Permits and Certificate Required. No person shall commence any work for the erection, reconstruction, alteration, restoration, demolition or razing of any building or structure located in whole or in part within the Chester Springs Historic District, without first obtaining a certificate of appropriateness with respect thereto from the Board of Supervisors as provided hereinafter.

(b) Duties of Zoning Officer. The zoning officer of West Pikeland Township, or such other person or agency charged by the Board of Supervisors with the issuance of permits for the erection, demolition or alteration of buildings or structures subject to the provisions of this ordinance, shall issue no permit for any such buildings changes until a certificate of appropriateness with respect thereto has been received from the Board of Supervisors.

(c) Application for Permit. The application for a building permit for any building changes with respect to any buildings or structures subject to the provisions of this ordinance shall be filed with the Zoning Officer of West Pikeland Township together with the filing fee required under the schedule

of fees then in effect. The application shall include a site plan at a scale of one inch to 40 feet, schematic architectural drawings of the proposed changes at a scale of one quarter (1/4) inch to one foot, and such other material and such number of copies thereof, as may from time to time be required in accordance with the rules and regulations of the Board of Historical Architectural Review. Within three days after receiving such application for a building permit, the Zoning Officer shall forward the application, together with all plans and other documentation submitted therewith, to the office of the Board of Historical Architectural Review. Upon receipt of the application, the Board of Historical Architectural Review shall notify the Pennsylvania Historical and Museum Commission of the location of the affected site and the nature of the proposed changes.

Section 805. Hearing before Board of Historical Architectural Review.

(a) Hearing. Within thirty (30) days from the time said application for a building permit is received by the Board of Historical Architectural Review, a hearing shall be held by said Board to consider the recommendations which it will give to the Board of Supervisors. The person applying for the permit shall be given a minimum of ten (10) days notice of the time and place of the said hearing and shall be invited to appear to explain his reasons for such application.

(b) Findings after Hearing. Within thirty (30) days following the conclusion of the hearing or hearings, the Board

of Historical Architectural Review shall by official written communication to the applicant recommend either:

1. The issuance of a certificate of appropriateness authorizing a permit for the proposed changes as submitted; or 2. The issuance of a certificate of appropriateness subject to specified changes and conditions not included in the application as submitted, but which, in its opinion, would protect the distinctive historical character of the building, site or area which is proposed to be changed; or

3. The denial of a certificate of appropriateness with respect to the proposed changes as submitted, together with their reasons for such denial.

Failure of the Board of Historical Architectural Review to so act within the said period shall be deemed to constitute a recommendation for the issuance of a certificate of appropriateness with respect to the application as submitted. In the event that the recommendation for the issuance of a certificate of appropriateness is subject to conditions, the applicant may, within 10 days after receiving a copy of the official written communication from the Board of Historical Architectural Review, give notice of his refusal to accept any or all of the conditions, in which case the Board shall be deemed to have recommended against the issuance of a certificate of appropriateness. In the event that the applicant does not within the said period notify the Board of his refusal to accept any or all of said conditions, conditional approval of the application, with all conditions, shall stand as granted.

(c) Report to Board of Supervisors. Upon or before the expiration of the aforesaid forty (40) day period, the Board of Historical Architectural Review shall submit to the Board

of Supervisors, in writing, its counsel concerning the issuance or denial of a certificate of appropriateness to authorize a permit for the erection, reconstruction, alteration, restoration, demolition or razing of all or a part of any building, site or area for which an application for a building permit has been made in accordance with Section 804(c) hereof. The written report shall set out the following matters:

1. The exact location of the area in which the work is to be done.
2. The exterior changes to be made or the exterior character of the structure to be erected.
3. A list of the surrounding structures certified to have historical significance, with their general exterior characteristics.
4. The effect of the proposed change upon the general historic and architectural nature of the District.
5. The appropriateness of exterior architectural features which can be seen from a public street or way.
6. The general design, arrangement, texture, material and color of the building or site and the relation of such factors to similar features of other buildings or sites in the District, which have been certified to have historical significance.
7. The opinion of the Board, including any dissent, as to the appropriateness of the work proposed in regard to preserving or destroying the historic aspect and nature of the building, site or area.
8. The specific counsel of the Board of Historical Architectural Review regarding the issuance of or refusal to issue a certificate of appropriateness.
9. Any changes in plans and specifications recommended by the Board of Historical Architectural Review.

Section 806. Public Hearing before Board of Supervisors.

(a) Hearing. Upon receipt of the written counsel of the Board of Historical Architectural Review, the Board of

Supervisors shall consider at the next regular scheduled monthly supervisors' meeting, the question of issuing a certificate of appropriateness authorizing a permit for the work proposed by the applicant. The applicant shall be given ten (10) days notice by the Township Secretary of the time and place of the hearing at which his application will be considered and shall have the right to attend and be heard regarding his application. All interested persons may appear and be heard at the hearing held by the Board of Supervisors.

(b) Decision of Board of Supervisors. Within 15 days following the conclusion of the aforesaid public hearing or hearings, the Board of Supervisors shall by official written communication to the applicant either:

1. Issue a certificate of appropriateness authorizing a permit for the proposed changes as submitted; or

2. Issue a certificate of appropriateness subject to specified changes and conditions not included in the application as submitted, but which would protect the distinctive historical character of the building, site or area which is proposed to be changed; or

3. Deny a certificate of appropriateness with respect to the proposed changes as submitted, together with their reasons therefor.

Failure of the Board of Supervisors to so act within the said period shall be deemed to constitute a decision in favor of the applicant and a certificate of appropriateness shall thereupon be issued. In the event that approval is granted subject to conditions, the applicant may, within 10 days after receiving a copy of the official written communication from the Board of Supervisors, give notice of his refusal to accept any or all of the conditions, in which case the Board shall

be deemed to have denied a certificate of appropriateness. In the event the applicant does not within the said period notify the Board of Supervisors of his refusal to accept any or all of the said conditions, the approval, with all conditions, shall stand as granted.

(c) Resolution of Board of Supervisors. The grant or denial of a certificate of appropriateness shall be in the form of a written resolution which shall include findings of fact related to the specific proposal and shall set forth the reasons of the grant, with or without conditions, or for the denial. A copy of the written resolution shall be forwarded to the Pennsylvania Historical and Museum Commission and a copy of such resolution shall accompany the official written communication to the applicant as provided in this Section.

Section 807. Appeals.

Any decision of the Board of Supervisors under this ordinance granting or denying a certificate of appropriateness or authorizing or refusing to authorize a modification in such certificate of appropriateness shall be subject to review and appeal in the same manner and within the same time limitation as is provided for zoning appeals by the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, as amended, 53 P.S. §10101, et seq.

Section 808. Enforcement.

The building inspector (or such other person or agency charged by the Board of Supervisors with the enforcement of

the provisions of this Article) shall review the progress and status of the proposed changes and render such reports (thereon to the Board of Supervisors and the Board of Historical Architectural Review and may be necessary to assure compliance within provisions of this ordinance and the conditions of the certificate of appropriateness.

Section 809. Penalties.

For any and every violation of the provisions of this Article, the owner, general agent, or contractor of a building or structure where such violation has been committed or shall exist, and the lessee or tenant of an entire building or entire structure where such violation has been committed or shall exist, and the owner, general agent, contractor, or lessee has been committed or shall exist, and the general agent, architect, builder, contractor or any other person who knowingly commits, takes part or assists in any such violation or who maintains any building or structure in which any such violation shall exist, shall be liable on conviction thereof to a fine or penalty not exceeding three hundred dollars (\$300.00), for each and every offense. whenever such person shall have been officially notified by the building inspector (or such other person or agency charged by the Board of Supervisors with the enforcement of the provisions of this Article) or by service of a summons in a prosecution, or in any other official manner, that he is committing a violation of this ordinance, each day's continuance of such violation after such notification shall constitute a separate offense punishable by a like fine or penalty. Such fines and penalties shall be in addition to any other fines, penalties and remedies provided by law for such cases and shall

be collected in the same manner as is provided in The Second Class Township Code, Act of May 1, 1933, P.L. 103, as amended, 53 P.S. 565101, et seq.

ARTICLE IX

PLANNED RESIDENTIAL DEVELOPMENT

Section 900. Purposes.

The purposes of this Article are:

- (a) to insure that the provisions of the West Pikeland Township Zoning Ordinance which are concerned with the uniform treatment of dwelling type, bulk, density and open space within each zoning district, shall not be applied to the improvement of land by other than lot-by-lot development in a manner which would distort the objectives of that zoning ordinance;
- (b) to encourage innovations in residential development and renewal so that the growing demand for housing may be met by greater variety in type, design and layout of dwellings and by the conservation and more efficient use of open space ancillary to said dwellings;
- (c) to provide greater opportunities for better housing and recreation for all who are or will be residents of the township;
- (d) to encourage a more efficient use of land and public services and to reflect changes in the technology of land development so that the economies so secured may inure to the benefit of those who need homes;

(e) to encourage more flexible land development which will respect and conserve natural resources such as streams, lakes, flood plains, ground water, wooded areas, steeply-sloped areas, and areas of unusual beauty or importance to the natural ecosystem;

(f) and, in aid of these purposes, to provide a procedure which can relate the type, design and layout of residential development to the particular site and the particular demand for housing existing at the time of development in a manner consistent with the preservation of the property values within existing residential areas, and to assure that the increased flexibility of regulations over land development established hereby is carried out pursuant to sound, expeditious and fair administrative standards and procedures.

Section 901. Definitions.

As used in this Article the following words and phrases shall have the meaning indicated below:

(a) "Applicant" - a landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns.

(b) "Average Gross Residential Density" - the number of dwelling units per acre in a planned residential community, computed by dividing the number of dwelling units which the applicant proposes to construct by the total number of acres in the development after deducting therefrom land planned to be devoted to commercial use, 100% of land consisting of flood plains, alluvial soils, lakes, ponds and marsh lands; 50% of

the land consisting of steep slopes (16% or more) and 25% of the land consisting of woodlands. If the developer is required to dedicate land for sites for schools or other public facilities, such land shall be included in the total land area used in computing maximum permissible average gross density. If he is required to set aside land for such purposes, it shall not be included in the computation of average gross density. If such land is not acquired by the appropriate body by the date of the sale or rental of 51 percent of the dwelling units in the planned residential development, then, at the option of the developer, the land may be used for residential purposes, subject to the provisions of this Article.

(c) "Common Open Space" - a parcel or parcels of land or an area of water, or a combination of land and water within a planned residential development and designed and intended for the use and enjoyment of residents of the planned residential development, not including streets, off-street parking areas, and areas set aside for public facilities.

(d) "Comprehensive Plan" - The Comprehensive Plan for West Pikeland Township dated January 15, 1973, as adopted March 5, 1973, by the Board of Supervisors of West Pikeland Township.

(e) "Developer" - any landowner, agent of such landowner or tenant with the permission from a landowner, who makes or causes to be made an application for approval of a development plan.

(f) "Development Plan" - a proposal for the development of a planned residential development, prepared in

accordance with this ordinance, including a plat of subdivision, location of various uses, all covenants relating to use, location and bulk of building and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this Article shall mean both the verbal and graphic materials referred to in this subdivision.

(g) "Landowner" - the legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having proprietary interest in the land.

(h) "Planned Residential Development" a contiguous area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one residential district created from time to time, under the provisions of the municipal zoning ordinance.

(i) "Plat" - the map or plan of a land development, whether preliminary or final.

(j) "Section" - a geographical area or tract which is part of a proposed planned residential development which will be developed according to a timetable for development over

a period of years included by the applicant in the development plan.

(k) "Stage" - a section or sections of which applicant proposed to commence development at the same time, as part of a timetable for development of a planned residential development over a period of years.

(l) "Township" - West Pikeland Township, Pennsylvania.

Section 902. Eligibility.

No application for tentative approval of planned residential development shall be considered or approved unless the following conditions are met:

(a) The planned residential development consists of a contiguous area of at least 50 acres and is located within the Planned Residential Development District as shown on the West Pikeland Township Zoning Map.

(b) The development will be served by public water supply and public sewage disposal systems, which shall be constructed and approved at the time construction of the structures in the planned residential development begins.

(c) The proposed development is found to be generally consistent with the Comprehensive Plan for West Pikeland Township.

Section 903. Development Standards.

(a) Permitted Uses. A planned residential development may include residential uses, with dwelling units in a single family, semi-detached and attached dwellings, duplexes,

quadreplexes, townhouse townhouses (rental and fee simple), garden apartments and, to the extent they are designed and intended primarily to serve the residents of the planned residential development, recreational, commercial and institutional uses.

(b) Density.

1. The maximum allowable average gross residential density for planned residential developments shall one and one half (1.5) dwelling units per acre of land, except that higher densities may be allowed in accordance with the bonus provisions contained in this section. In no event shall the average gross residential density exceed three (3) dwelling units per acre.

2. No more commercial development shall be allowed than expert market analysis shows to the satisfaction of the official review agency will be needed to serve the resident population of the planned residential development.

3. Not less than 30 percent of the total area of the planned residential development shall be designated as and devoted to common open space.

(c) Density Bonus. For each additional 2 percentage point of land in common open space above 30 percent, the permissible average gross residential density shall be increased by 3 percent of the permissible basic average gross residential density as specified in Section 903(b) above.

(d) Design, Bulk and Location Standards.

1. Site Design.

a. All housing shall be designed with regard to the topography and natural features of the site. The effects of prevailing winds, seasonal temperatures and hours of sunlight on the physical layout and form of the proposed buildings shall be taken into account. Structures shall not be located on ridge lines of hills within the development.

b. All housing shall be sited so as to enhance privacy and insure natural light for all principal rooms.

c. Variations in setbacks shall be provided where necessary to create a more pleasing layout.

d. Housing and other facilities near the periphery of the planned residential development shall be designed so as to be harmonious with neighboring areas.

2. Conservation of Trees and Natural Features.

a. The development shall be designed and programmed so as to minimize earthmoving, erosion, tree clearance, and the destruction of natural amenities.

b. No portions of tree masses or trees with caliper of 4 inches or greater shall be removed unless clearly necessary for effectuation of the proposed development. Developers shall make all reasonable efforts to harmonize their plans with the preservation of existing trees.

c. When effectuation of a proposed planned residential development necessitates the clearing of trees or portions of tree masses, the developer shall be guided by the following criteria in selecting trees and ornamentals for retention or clearing:

i. Esthetic values. (Autumn coloration, type of flowers and fruit, bark and crown characteristics, amount of dieback present).

ii. Susceptibility of tree to insect and disease attack and to air pollution.

iii. Species longevity.

iv. Wind firmness and characteristic of soil to hold trees.

v. Wildlife values (e.g., oak, hickory, pine, walnut, and dogwood have high food value).

vi. Comfort to surroundings (e.g., hardwoods reduce summer temperatures to surroundings more effectively than pines or cedars).

vii. Existence of disease, rot, or other damage to the tree.

viii. Protection of buildings (e.g., dead and large limbs hanging over buildings should be removed).

ix. The size of the tree at maturity.

d. Developers shall exercise care to protect remaining trees from damage during construction. The following procedures shall be followed in order to protect remaining trees:

i. Where existing ground levels are raised, drainage tile shall be placed at the old soil level and open into a well built around the base of the tree. Such well may be left open or can be filled with coarse stones or gravel. Tiles may be installed in a radiating pattern or laid in parallel lines.

ii. Trees within 25 feet of a building site or bordering entrances or exits to building sites shall be protected by wiring, wooden slats, or snow fencing around such trees.

iii. No boards or other material shall be nailed to trees during construction.

iv. Heavy equipment operators shall be warned to avoid damaging existing tree trunks and roots. Feeder roots shall not be cut closer than the tree's drip line.

v. Tree trunks and exposed roots damaged during construction shall be protected from further damage by being treated immediately with "tree paint."

vi. Tree limbs damaged during construction shall be sawed flush to tree trunks and treated immediately with "tree paint."

vii. The operation of heavy equipment over root systems of such trees shall be minimized in order to prevent soil compaction.

viii. Non-dormant trees shall be given a heavy application of fertilizer to aid in their recovery from possible damage caused by construction operations.

ix. Construction debris shall not be disposed of near or around the bases of such trees, except for mulched vegetative matter used to prevent soil compaction.

e. Trees with a minimum caliper of 2 inches shall be provided by the developer where the Township Supervisors deem it advisable.

3. Area and Spacing Requirements.

a. Single-family Units. Where single-family dwelling units are to be situated on individual lots, the following minimum area and spacing requirements shall be met:

i. lot size: (29,000) sq. ft. unless density bonus shall be reduced accordingly but in no event less than 14,520 sq. ft.

ii. lot width at building line: 80 feet

iii. sideyards: 10 feet, with minimum aggregate of 25

iv. building setback (front yard):

50 feet from edge of street right-of-way

v. rear yard: 15 feet

No two single-family dwellings shall be situated less than 25 feet apart.

b. Structures other than single-family.

All residential structures other than single-family dwelling units shall meet the following minimum spacing requirements:

i. building setback (front yard): 50

feet from the edge of street right-of-way

ii. distances between residential

structures: 50 feet

iii. distance from solid waste collection

station, parking areas and access roads thereto (except driveways): 20 feet

c. Structures containing attached single-family units (townhouses) shall contain no more than 6 such units in one structure.

d. Structures containing garden apartments shall not exceed 200 feet in length or breadth and shall be situated not closer than 50 feet to any other residential structure.

e. All structures shall be situated at least 100 feet from the property line perimeter of the tract to be developed.

4. Height Regulations.

No structure shall exceed 35 feet in height, as measured from the mean finished grade, nor contain more than 3 stories, exclusive of attic and basement.

5. Streets and Walkways.

a. The street and walkway systems shall be designed so as to relate harmoniously with land uses and adjacent streets, and minimize through traffic in residential areas. All residential parking and recreational areas shall be connected by pedestrian walkways. Walkways that connect residential areas and parking areas shall be hard-surfaced.

b. All streets shall have a minimum right-of-way width of 50 feet and a minimum cartway width of 30 feet. The minimum cartway width may be reduced to 24 ft., however, where no parking is to be permitted in the cartway.

c. All cul-de-sac roads shall have a paved turning circle with a minimum radius of 50 feet to the outside curb and 60 feet to the edge of the right-of-way.

d. Separation of vehicular from pedestrian and bicycle traffic is encouraged. Where pedestrian walkways are not within a street right-of-way, a walkway easement at least 3 feet in width shall be designated. Where a walkway crosses over open space land, however, the easement shall not be subtracted from the open space land for purposes of calculating the area thereof.

e. All street cartways and off-street loading areas shall be surfaced with an asphaltic, Portland cement, or porous pavement.

6. Parking.

a. There shall be two off-street parking spaces, measuring 9 1/2 feet by 20 feet, for each dwelling unit; aisles will be at least 20 feet wide.

b. There shall be one off-street parking space 9 1/2 by 20 feet for each 200 square feet of commercial sales floor space.

c. Parking areas shall be arranged so as to prevent through traffic to other parking areas.

d. Parking areas shall be adequately screened from adjacent structures, roads, and properties by use of facilities such as hedges, dense plantings, earth berms, changes in grade, or walls. All parking areas shall be at least 20 feet from all structures, roads, and other parking areas.

e. Landscaping, in accordance with subsection 9 hereof, shall be provided for every 5 parking spaces.

f. Each parking area shall contain a maximum of 40 parking spaces.

g. All parking and off-street loading areas shall be surfaced with an asphaltic, Portland cement, or porous pavement.

7. Lighting.

a. Lighting facilities shall be designed and located so as not to shine directly into residential buildings, private yards, or pedestrian eye-level, and shall not exceed 10 feet in height.

b. All off-street parking, steps, ramps, walkways of high pedestrian use, and directional signs shall be adequately lighted.

c. The Supervisors may require lighting in other areas for reasons of public safety.

8. Runoff and Erosion Control.

All requirements contained in the West Pikeland Township Runoff and Erosion Control Ordinance shall be applicable to a planned residential development.

9. Landscaping and Buffers.

a. All parking areas shall be landscaped with trees and shrubs of varying species. At least one shade tree of minimum 2-inch caliper and 6-foot height shall be provided within the interior of each parking lot for every 5 parking spaces.

b. Shade trees of varying species shall be planted along all streets within the street right-of-way. At least one tree of minimum 2-inch caliper and 6-foot height on each side of the street shall be provided for each 25 feet of street length, or fraction thereof.

c. The entire perimeter of the tract undergoing development shall be provided with a 20-foot planting strip, based upon the following criteria:

i. All existing trees above 2 inches in caliper and/or 6 feet in height shall be preserved, except when cutting thereof is specifically approved by the Supervisors or is necessary for insuring adequate sight distance.

ii. The amount, density of planting, and types of plantings shall be based upon physiographic features, proximity to existing dwellings, compatibility of adjacent uses, and natural views. Where adjacent property has been developed in such a manner that privacy from the PRD is desirable, the planting strip adjacent thereto shall be of sufficient density and contain sufficient evergreen material to effectively screen the portions of the PRD from which privacy is desired. In other areas, particularly where the physiographic features and existing vegetation provide an attractive setting, the planting strip may be left in its natural state or enhanced with additional plant material of lesser density than a full screen.

iii. No plantings shall be placed with their center closer than 5 feet from a property line of the tract.

iv. Plantings shall be permanently maintained, and replaced in event of death, if necessary, to maintain an effective screen.

v. Planting species shall be mixed; generally, a minimum of 50 percent shall be evergreen and 10 percent flowering material.

d. In addition to perimeter planting strips, the following landscaping requirements shall be met:

1. Disturbed topsoil shall be stockpiled, protected from erosion, and replaced after construction.

ii. Planting and protection of landscape material shall be in accordance with a plan and schedule prepared by a registered landscape architect, and shall be completed within six months of initial occupancy of each stage of development. Maintenance specifications for all plant material shall be submitted with the Final Plan.

10. Signs.

The character, size, and shape of all outdoor signs shall be in conformity with the provisions of Article XIII of the West Pikeland Township Zoning Ordinance of 1976, as amended, and with Section 903(d)(11)c-11 of this ordinance.

11. ~~Supplemental Non-residential Facilities.~~

Supplemental facilities for commercial services primarily to serve the residents of the Planned Residential

Development and for recreational purposes may be provided within a Planned Residential Development, based upon the following requirements:

a. Recreational facilities may be located within required open space areas and ownership and maintenance thereof shall be in accordance with subsection 903(f) hereof.

b. No convenience commercial facilities may be provided unless the Planned Residential Development shall contain a minimum of 200 dwelling units, in which event, a total of 3,600 square feet of convenience commercial floor space may be provided. The total of such floor space may be increased by an additional 15 square feet for each dwelling unit in excess of 200 within the Planned Residential Development.

c. All convenience commercial facilities shall comply with the following standards:

i. Architectural compatibility with residential structures to be erected within the Planned Residential Development.

ii. Prohibition of free-standing or lighted signs -- all such signs shall be attached to an exterior wall (not roof) of the structure, and may be mounted either flush thereto or at right angles thereto. Total sign area, including both sides of a sign mounted at right angles to the wall, shall not exceed 20 square feet.

(e) Development in Stages. A developer may construct residential development in stages if the following criteria are met:

1. The application for tentative approval covers the entire planned residential development and shows the location and approximate time of construction for each stage, in addition to other information required by this ordinance.
2. At least 15 percent of the dwelling units in the plan given tentative approval are included in the first stage.
3. At least 33 percent of the dwelling units in any stage are rented or sold before any commercial development shown in that stage shall be completed.
4. The second and subsequent stages are completed consistent with the tentatively approved plan and are of such size and location that they constitute economically sound units of development. In no event shall such stages contain less than 15 percent of the dwelling units receiving tentative approval.
5. Gross residential density may be varied from stage to stage, provided, however, that final approval shall not be given to any stage if the gross residential density by type of dwelling of the area which includes stages already finally approved and the stage for which final approval is being sought exceeds by more than ten percent the gross residential density for each type of dwelling unit allowed for the entire

planned residential development in the tentatively approved plan. Where it is necessary to allocate open space to early stages to avoid exceeding maximum gross residential densities, the developer may be required to grant an open space easement or covenant to the township specifying the amount and, if necessary, the location of open space.

(f) Standards for Location and Management of Open Space.

1. Ownership.

Any of the following methods may be used, either individually or together, to preserve, own, and maintain open space: condominium, homeowners association, dedication in fee simple, dedication of development rights or easements, and transfer of fee simple title or development rights and easements to a private conservation organization. Such land shall not be eligible for transfer to another party except for transfer to another method of ownership permitted under this section, and then only where there is no change in the open space ratio. The following specific requirements are associated with each of the various methods:

a. Condominium. The open space may be controlled through the use of condominium agreements. Such agreement shall be in conformance with the Unit Property Act of 1963. All open space land shall be held as "common element."

b. Homeowners Association. The open space may be held in common ownership by a homeowners association.

This method shall be subject to all of the provisions for homeowners associations set forth in Article VII, Section 705-d(2) of the M.P.C.

c. Fee Simple Dedication. The Township may, but shall not be required to, accept any portion or portions of the open space, provided: (i) such land is accessible to the residents of the Township; (ii) there is no cost of acquisition (other than any costs incident to the transfer of ownership, such as title insurance); and (iii) the Township agrees to and has access to maintain such lands.

d. Dedication of Development Rights or Easements. The Township may, but shall not be required to, accept easements for public use of, and/or development rights to, any portion or portions of open space land, title of which is to remain in ownership by condominium or homeowners association, provided: (i) such land is accessible to the residents of the Township; (ii) there is no cost of acquisition (other than any costs incident to the transfer of ownership, such as title insurance); and (iii) a satisfactory maintenance agreement is reached between the developer and the Township.

e. Transfer to a Private Conservation Organization. With permission of the Township, an owner may transfer either the fee simple title, with appropriate deed restrictions running in favor of the Township, or the development rights or easements, to a private, non-profit organization, among whose purposes is to conserve open space land and/or natural resources, provided that:

(i) the organization is acceptable to the Township, and is a bona fide conservation organization with perpetual existence; (ii) the conveyance contains appropriate provision for proper reverter or re-transfer in event that the organization becomes unwilling or unable to continue carrying out its functions; and (iii) a maintenance agreement acceptable to the Township is entered into by the developer and the organization.

2. Specific Requirements for Homeowners Associations.

If a homeowners association is formed, it shall be governed according to the following regulations:

a. The developers shall provide to the township a description of the organization, including its by-laws and methods for maintaining the open space.

b. The organization shall be established by the developers and shall be operating (with financial subsidization by the developers, if necessary) before the sale of any lots within the development.

c. Membership in the organization is mandatory for all purchasers of homes therein and their successors.

d. The organization shall be responsible for maintenance of and insurance and taxes on common open space.

e. The members of the organization shall share equitably the costs of maintaining and developing

common open space, in accordance with the procedures established by them and appraised by the Township Supervisors.

f. In the event of any proposed transfer of common open space land by the homeowners association within the methods here permitted, or of the assumption of maintenance of common open space land by the Township as hereinafter provided, notice of such action shall be given to all property owners within the Planned Residential Development.

g. The organization shall have or hire adequate staff to administer common facilities and maintain the common open space.

h. The property owners' organization may lease-back open space lands to the developer, his heirs, or assigns, or to any other qualified person, or corporation, for operation and maintenance of open space lands, but such a lease agreement shall provide: (i) that the residents of the planned residential development shall at all times have access to the open space lands contained therein; (ii) that the common open space to be leased shall be maintained for the purposes set forth in this ordinance; and (iii) that the operation of open space facilities may be for the benefit of the residents only, or may be open to the residents of the Township.

The lease shall be subject to the approval of the Township and any transfer or assignment of the lease shall be further subject to the approval of the Board. Lease

agreements so entered upon shall be recorded with the Recorder of Deeds of Chester County within 30 days of their execution and a copy of the recorded lease shall be filed with the Secretary of the Township.

3. Location, Design, and Layout.

a. The open space shall be laid out in accordance with the best principles of site design, shall be consistent with the Township's open space plan, and shall be located and designed as areas easily accessible to residents and preserving natural features. At least 50 percent of the open space areas shall be located in an area not subject to flooding.

b. The tentative and final plans shall designate the use of open space, the type of maintenance to be provided, and a planting plan or schedule. In designating use and maintenance, the following classes may be used:

i. Lawn. A grass area with or without trees which may be used by the residents for a variety of purposes and which shall be mowed regularly to insure a neat and tidy appearance.

ii. Natural Area. An area of natural vegetation undisturbed during construction, or replanted; such areas may contain pathways. Meadows shall be maintained as such and not left to become weed-infested. Maintenance may be minimal but shall prevent the proliferation of weeds and undesirable plants and shall include mowing not less than 3 times

per growing season. Litter, dead trees, and brush shall be removed and streams kept in free-flowing condition.

iii. Recreation Area. An area designated for a specific recreational use including, but not limited to, tennis, swimming, shuffle board, playfields, and tot lots. Such areas shall be located and maintained in such manner as not to create a hazard or nuisance and shall perpetuate the proposed use.

iv. Designated planting and recreation facilities within the open space areas shall be provided by the developer. A performance bond or other securities may be required to cover costs of installation in accordance with this ordinance.

4. Maintenance.

a. In the event that the organization established to own and maintain a common open space or any successor organization, shall at any time after establishment of the planned residential development fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the township may serve written notice upon such organization or upon the residents and owners of the planned residential development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within 30 days thereof, and shall state the date and place

of a hearing thereon which shall be held within 14 days of the notice. At such hearing the township may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within said 30 days or any extension thereof, the township, in order to preserve the taxable values of the properties within the planned residential development and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one year. Said entry and maintenance shall not vest in the public any rights to use the common open space except when the same is voluntarily dedicated to the public by the residents and owners. Before the expiration of said year, the township shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space call a public hearing upon notice to such organization, or to the residents and owners of the planned residential development, to be held by the township, at which hearing such organization or the residents and owners of the planned residential development shall show cause why such maintenance by the township shall not, at the election of the township, continue for a succeeding year. If the township shall determine that such organization is ready and able to maintain said common open space in reasonable condition, the township shall cease to maintain said common open space at the end of said year. If the

township shall determine such organization is not ready and able to maintain said common open space in a reasonable condition, the township may, in its discretion, continue to maintain said common open space during the next succeeding year and subject to a similar hearing and determination in each year thereafter. The decision of the township in any such case shall constitute a final administrative decision subject to judicial review.

b. The cost of such maintenance by the township shall be assessed ratably against the properties within the planned residential development that have a right of enjoyment of the common open space and shall become a tax lien on said properties. Said assessments or charges shall be subordinate in lien to the lien of any mortgage or mortgages on the property which is subject to such assessments or charges regardless of when said mortgage or mortgages were created or when such assessments or charges accrued; provided that such subordination shall apply only to assessments or charges that have become payable prior to the passing of title under foreclosure of such mortgage or mortgages, and the transferee shall not be liable for payment of any assessments or charges accruing prior to said foreclosure, but nothing herein shall be held to affect the rights herein given to enforce the collection of such assessments or charges accruing after sale under foreclosure of such mortgage or mortgages; and provided, further, that such charges accruing after sale shall also be subordinate in lien to the lien of any further mortgage or mortgages which are placed on property

subject to such assessments or charges, with the intent that no such charges shall at any time be prior in lien of any mortgage or mortgages whatsoever on such property. The township, at the time of entering upon said common open space for the purpose of maintenance, shall file a notice of such lien in the office of the prothonotary of the county, upon the properties affected by such lien within the county, upon the properties affected by such lien within the planned residential development.

c. In accordance with Section 10.706 of Act 247, the provisions of the development plan relating to (i) the use, bulk and location of buildings and structures, (ii) the quantity and location of common open space, and (iii) the intensity of use or the density of residential units, shall run in favor of the municipality and shall be enforceable in law or in equity by the municipality, without limitation on any powers of regulation otherwise granted the municipality by law. The development plan shall run in favor of, and be enforceable by residents of the planned residential development, and in addition, the manner in which such residents may modify or release such rights.

(g) Sanitary Sewage Disposal.

1. The developer shall provide municipal sewage treatment where it is available. In the absence thereof, the developer shall provide the highest type sanitary sewage disposal facility consistent with existing physical, geographical, and geological conditions and in conformance with all applicable township ordinances and state, county, and federal regulations.

2. In any planned residential development in which a community sewage treatment system, will be provided, all treatment facilities must be designed to meet applicable standards at all times and must be operated at all times at that level of efficiency. Developers shall investigate the feasibility of a variety of community treatment systems, including land disposal systems.

3. Where the developer proposes to utilize a community sewage treatment system, he shall submit as part of his tentative application the feasibility report upon which he bases his sanitary sewage treatment proposals and, as part of his final application, the design, working drawings, specifications, and operating procedures to demonstrate that the proposed system will comply with all applicable standards.

4. Operation of the facility shall at all times be manned and under the supervision of an operator who has been duly licensed by the Commonwealth of Pennsylvania.

(h) Water Supply.

The development shall be served by public water supply. A distribution system shall be designed to furnish an adequate supply of water to each dwelling unit, with adequate main sizes and fire hydrant locations to meet the specifications of the Middle States Department Association of Fire Underwriters.

(AMENDED 5/21/90)

Applicant shall present with the application a signed statement that the Development is to be supplied by a certificated public utility, a bonafide cooperative association of lot owners or a municipal corporation, authority or utility.

Section 904. Contents of Applications.

(a) Application for Tentative Approval.

1. The application for tentative approval shall include documentation illustrating compliance with all of the standards for planned residential development set forth in Section 4 hereof.

2. The application for tentative approval shall include, but not necessarily be limited to, the following documents:

a. a key map drawn at a scale of 1" = 800' showing the location and size of the property and showing the relation of the property to adjoining areas and streets, and showing the nature of the landowner's interest in the land proposed to be developed;

b. plans at a scale of 1" = 100' of existing natural and man-made features of the land, including topography, vegetation, drainage, and soils. The following information shall be included on such plan:

i. contour lines at vertical intervals of not more than 5 feet and showing location and elevation of the closest established benchmark(s) from which the contour elevations are derived;

ii. total tract boundaries of the property being developed showing bearings and distances and a statement of the total acreage of the property;

iii. locations of all existing tree masses and all other trees in excess of 4 inches in diameter, rock outcroppings, watercourses, flood plain areas, and other significant natural features;

iv. slope differentials delineating all slopes less than 8%, from 9 to 15%, from 16 to 25%, and in excess of 25%;

v. delineation of existing drainage patterns on the property;

vi. existing soil classifications;

vii. any existing sewer lines, water lines, electric and telephone utility lines, pipelines, culverts, bridges, railroads, roads, and other significant man-made features.

c. A site plan at a scale of 1" = 50' showing proposed use areas, common open space, and location of buildings and improvements to be installed. The following shall be shown on the site plan:

i. the total number of residential units proposed, with sub-totals for each residential housing type;

ii. the total acreage of the tract;

iii. the average gross residential density;

iv. the approximate location of all buildings, roads, parking areas, sidewalks or pathways, descriptions of the use of all structures, dimensions (including height) of all buildings and other structures, road rights-of-way and cartway widths, and proposed structures and facilities for control of storm water runoff and for sanitary sewage disposal;

v. the location, function, size, ownership, and manner of maintenance of common open space areas, indicating the nature of the facilities or structures therein and proposed uses thereof;

vi. connections to public utilities and streets accompanied by documentation as to the impact of the proposed development on such utilities and streets;

vii. lot lines with approximate dimensions for all residential units for which individual ownership is proposed;

viii. proposed utility easement location.

d. A plan at a scale of 1" = 100' showing proposed surface drainage of the tract and proposed erosion and sedimentation plan as required by the Pennsylvania Department of Environmental Resources and by Section 903(d)8 of this ordinance, and showing proposed sanitary sewage treatment system as required by Section 903(g) of this ordinance. The plan shall be accompanied by a narrative

documenting the feasibility of the proposals for control of storm water, erosion and sedimentation, and for the sanitary sewage treatment system.

e. The substance of covenants, grants of easements, or other restrictions to be imposed upon the use of land, buildings and structures, including proposed grants and/or easements for public utilities.

f. A site plan and narrative illustrating phasing, including a time schedule for all on-site and off-site improvements which shall be made, and the proposed times within which applications for final approval of all sections of the planned residential development are intended to be filed. The schedule must be updated annually on the anniversary of its approval until the development is completed and accepted.

g. A written statement by the landowner setting forth reasons why, in his opinion, the planned residential development would be in the public interest and would be consistent with the Township's comprehensive plan.

(b) Application for Final Approval.

1. The application for final approval may be for all the land included in the tentative application or, to the extent set forth in the tentative approval, for a section thereof. The application for final approval shall include documents illustrating compliance with all of the standards for planned residential development set forth in Section 903 hereof.

2. The application for final approval shall include, but not necessarily be limited to, the following documents:

a. A key map in accordance with the requirements of Section 904(a)2a of this ordinance.

b. Plans at a scale of 1" = 100' of existing natural and man-made features of the land, including topography, vegetation, drainage, and soils, in accordance with the requirements of Section 904(a)2b of this ordinance.

c. A site plan at a scale of 1" = 50' showing proposed use areas, common open space, and location of buildings and improvements to be installed. In addition to the requirements of Section 904(a)2c, the site plan shall show the following:

i. the total tract boundary lines of the area being developed, with accurate distances to hundredths of a foot and bearings to 1/4 of a minute. Boundaries shall be determined by an accurate field survey and shall show the location of all boundary line monuments;

ii. the exact location of all buildings, roads, parking areas, sidewalks or pathways, descriptions of the use of all structures, dimensions (including height) of all buildings and other structures, road rights-of-way and cartway widths, and proposed structures and facilities for control of storm water runoff and sanitary sewage disposal;

iii. lot lines with exact dimensions for all residential units for which individual ownership is proposed, together with proposed building setback lines for each lot and the proposed placement of each building;

iv. clear sight triangles for all street intersections;

v. accurate dimensions of common open space areas and, where structures are to be situated therein, the exact location and dimensions of all such structures;

vi. proposed names of all streets.

d. A plan at a scale of 1" = 100' showing all information pertaining to surface drainage, proposed erosion and sedimentation control, and proposed sanitary sewage treatment system as required by Section 904(a)2d. In addition to such information, the plan shall also show water supply and distribution plans, including the location of all water lines and fire hydrants.

e. Profile sheets for all proposed streets, whether to be dedicated or to be privately owned, within the tract, showing at least the following information:

i. existing natural profiles along the centerline of each proposed street and, if slope within cartway area exceeds 5%, along both cartway edges;

ii. proposed finish grade of the centerline and, in any case where the road shall not conform to typical cross-section, proposed finish grade at the top of both curbs or pavement edges;

iii. the length and function of all vertical curves;

iv. location and profile of all existing and proposed sanitary sewer mains and manholes, storm sewer mains, inlets, manholes and culverts, and water mains and fire hydrants;

v. typical cross-sections of all roads, culverts, manholes, and other improvements.

f. Approvals by the Pennsylvania Department of Environmental Resources for water supply and sanitary sewage disposal systems.

g. Architectural drawings illustrating exterior and interior designs of typical residential buildings of each type and of each non-residential structure to be constructed, including statements and illustrations of materials to be used in construction.

h. Final drafts of all offers of dedication, covenants, easements, deed restrictions, and maintenance agreements to be imposed upon the use of land, buildings and structures, and pertaining to the ownership, use, and maintenance of all common open space areas and any other common facilities, as set forth in Section 903(f) hereof and including proposed grades and/or easements for such utilities.

1. Landscaping plan and schedule, prepared by a registered landscape architect, as required by subsection 903(d)9d-11.

3. Arrangements for and documents governing performance and maintenance guarantees as required by Sections 906(a) and (b) hereof.

Section 905. Submission and Review Procedures.

(a) Pre-application Procedures. A landowner proposing to develop a planned residential development is strongly encouraged to submit a sketch plan to the planning commission for informal discussion prior to the drafting of the tentative plan.

(b) Application for Tentative Approval.

1. The application for tentative approval shall be executed by, or on behalf of, the landowner and filed with the Township Secretary. An initial deposit in the amount of \$2,000.00 shall be paid upon filing of the application, to be applied against such expenses, and additional deposits shall be made from time to time as requested by the Township to be applied against the expenses of processing the application, not to exceed actual expenses incurred by the Township.

2. The developer shall submit eight copies of all required plans and information; the Township Secretary shall thereafter distribute copies of the plans to all appropriate agencies, including, but not limited to, the township planning commission, the board of supervisors, the county planning commission, the county health department, the township engineer,

the Soil Conservation Service, the township park and recreation board, and the Pennsylvania Department of Environmental Resources.

3. All pertinent reviews, including those of the township and county planning commission and the township engineer, shall be effected within forty-five days of referral or at least five days prior to the public hearing to be held by the board of supervisors on the tentative application, whichever shall first occur. The township planning commission shall forward to the governing body copies of reports received from the township engineer and all other reviewing agencies, together with its own recommendations, within the aforesaid time limitations. Copies of such reports and recommendations shall also be furnished to the landowner within the aforesaid time limitations.

(c) Public Hearings.

1. Within 60 days after the filing of an application for tentative approval of a planned residential development pursuant to this Article, a public hearing pursuant to public notice on said application shall be held by the Board of Supervisors in the manner prescribed in West Pikeland Township Zoning Ordinance for the enactment of an amendment. The chairman, or, in his absence, the acting chairman, of the Board of Supervisors or its designated agency may administer oaths and compel the attendance of witnesses. All testimony by witnesses at any hearing shall be given under oath and every party of record at a hearing shall have the right to cross-examine adverse witnesses.

2. A verbatim record of the hearing shall be caused to be made by the Board of Supervisors whenever such records are requested by any party to the proceedings; but the cost of making and transcribing such a record shall be borne by the party requesting it and the expense of copies of such record shall be borne by those who wish to obtain such copies. All exhibits accepted in evidence shall be identified and duly preserved or, if not accepted in evidence, shall be properly identified and the reason for the exclusion clearly noted in the record.

(d) The Findings.

1. The Board of Supervisors within 30 days following the conclusion of the public hearing provided for in this article, shall, by official written communication to the landowner, either:

a. Grant tentative approval of the development plan as submitted;

b. Grant tentative approval subject to specified conditions not included in the development plan as submitted; or

c. Deny tentative approval to the development plan. Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, that tentative approval is granted subject to conditions, the landowner may, within 30 days after receiving a copy of the official

written communication of the Board of Supervisors notify such Board of Supervisors of his refusal to accept all said conditions, in which case, the Board of Supervisors shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not, within said period, notify the Board of Supervisors of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.

2. The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial, and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest including but not limited to findings of fact and conclusions on the following;

a. In those respects in which the development plan is or is not consistent with the comprehensive plan for the development of the municipality;

b. The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest;

c. The purpose, location and amount of the common open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development;

d. The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment;

e. The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established; and

f. In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the planned residential development in the integrity of the development plan.

3. In the event a development plan is granted tentative approval, with or without conditions, the Board of Supervisors may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval

of each part thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and on application for final approval shall not be less than three months and, in case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than 12 months.

(e) Status of Plan after Tentative Approval.

1. The official written communication provided for in Section 906 of this ordinance shall be certified by the secretary of the Board of Supervisors and shall be filed in his office, and a certified copy shall be mailed to the landowner. Where tentative approval has been granted, the same shall be noted on the zoning map.

2. Tentative approval of a development plan shall not qualify a plat of the planned residential development for recording nor authorize development or the issuance of any building permits. A development plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the township pending an application or applications for final approval, without the consent of the landowner, provided an application for final approval is filed or, in the case of development over a period of years, provided applications are filed, within the periods of time specified in the official written communication granting tentative approval.

3. In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon said development plan and shall so notify the Board of Supervisors in writing, or in the event the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been given shall be subject to those local ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the zoning map and in the records of the secretary or clerk of the township.

(f) Application for Final Approval.

1. An application for final approval may be for all the land included in a development plan or, to the extent set forth in the tentative approval, a section thereof. Said application shall be made to the official review agency and within the time or times specified by the official written communication granting tentative approval. If the application for final approval is in compliance with the tentatively approved development plan, a public hearing need not be held.

2. In the event the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by the ordinance and the official written communication of tentative approval, the township shall, within 30 days of such filing, grant such development plan final approval.

3. In the event the development plan as submitted contains variations from the development plan given tentative approval, the Board of Supervisors may refuse to grant final approval and shall, within 30 days from the filing of the application for final approval, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. In the event of such refusal, the landowner may either:

a. Refile his application for final approval without the variations objected, or

b. File a written request with the Board of Supervisors that it hold a public hearing on his application for final approval. If the landowner wishes to take either such alternate action he may do so at any time within which he shall be entitled to apply for final approval, or within 30 additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within 30 days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner prescribed in this Article for public hearings on applications for tentative approval. Within 30 days after the conclusion of the hearing, the Board of Supervisors shall by official

written communication either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this section, be in the form and contain the findings required for an application for tentative approval set forth in this Article.

4. A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the Board of Supervisors and shall be filed of record forthwith in the office of the recorder of deeds before any development shall take place in accordance therewith. Upon the filing of record of the development plan the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. However, any West Pikeland Township Ordinances containing provisions concerning sedimentation and erosion control which are more stringent than those in this ordinance shall be applicable.

Pending completion within a reasonable time of said planned residential development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the landowner.

5. In the event that a development plan, or a section thereof, is given final approval and thereafter the landowner shall abandon such plan or the section thereof that has been finally approved, and shall so notify the Board of Supervisors in writing; or, in the event the landowner shall

fail to commence and carry out the planned residential development within such reasonable period of time as may be fixed by ordinance after final approval has been granted, no development or further development shall take place on the property included in the development plan until after the said property is resubdivided and is reclassified by enactment of an amendment to the West Pikeland Township Zoning Ordinance of 1976, as amended.

Section 906. Administration.

(a) Performance Guarantee.

1. Prior to release of the approved final plan for recording, the developer shall guarantee the installation of all required improvements by posting a performance guarantee in the amount of 125% of the cost of all improvements as estimated by the township engineer for that portion of the development for which final plan approval has been granted.

2. The performance guarantee may be either a performance bond with a corporate surety, an escrow deposit, or other security acceptable to the township. The performance guarantee shall be submitted in a form and with a surety approved by the township solicitor guaranteeing the construction and installation of all improvements within a stated period not in excess of three years from the time of final approval.

3. The amount of performance guarantee may be reduced as and when portions of the required improvements have been installed, and shall be released upon satisfactory completion of all improvements.

(b) Dedication and Maintenance Guarantee.

1. All streets, recreational facilities, surface drainage, water and sewer facilities, and other improvements shown on the final plan shall be privately owned until such time as they have been offered for dedication to the township and accepted by resolution of the township supervisors.

2. Before accepting any such offer of dedication, the township supervisors shall require the developer to file a maintenance guarantee in an amount not less than 10% of the township engineer's estimate of the cost of such improvements to be dedicated. Such maintenance guarantee shall be in a form and with a surety approved by the township solicitor, guaranteeing that the developer shall maintain all such improvements in good condition for a period of two years after completion of construction or installation of all such improvements.

3. At the end of the said two-year period, if the improvements shall be in good condition, the township shall release the maintenance bond. Prior to such release, the township may require any needed items of maintenance to be performed.

(c) Permits.

1. Issuance of permits, and all matters pertaining to administration of the plan as finally approved, shall be the responsibility of the township zoning officer or other official designated by the Township.

2. Upon application of the landowner showing compliance with the requirements of final approval, the zoning

officer shall issue permits for construction pursuant to the plan, or any section thereof.

3. The provisions of Article IX of the West Pikeland Township Zoning Ordinance of 1976, governing "Administration," shall be fully applicable to the plan as finally approved insofar as the provisions thereof are consistent with the provisions of this article and the conditions of final approval. The zoning officer shall review the progress and status of construction of the plan and render monthly reports thereon to the board in order to assure compliance with the provisions of this article and the conditions of final approval.

(d) Fees.

The township supervisors shall establish by resolution a schedule of fees to be paid by the developer at the time of filing tentative and final applications, which schedule shall be available upon request.

ARTICLE X

GENERAL REGULATIONS

Section 1000. Nonconforming Uses, Structures, and Lots.

The following regulations shall apply to existing lawful buildings, lots and uses, which do not conform to the provisions of this ordinance or to the provisions of any subsequent amendment hereto.

1. Nonconforming Uses. Except as hereinafter provided in this Article, the lawful use of a building or structure of any land or premises existing at the time of the

effective date of this ordinance or any subsequent amendment or at the time of a change in the zoning map may be continued although such use does not conform to the provisions hereof or of any subsequent amendment.

(a) A non-conforming use may be changed to another non-conforming use by grant of special exception only upon determination by the Zoning Hearing Board, after public hearing, that the proposed new use will be no more detrimental to its neighborhood and surroundings than is the use it is to replace and that such proposed new use is consistent with the Comprehensive Plan for west Pikeland Township. In determining relative detriment, the Zoning Hearing Board shall take into consideration, among other things: traffic generated, nuisance characteristics such as emission of noise, dust and smoke, fire hazards, and hours and manner of operation.

(b) The non-conforming use of a building shall not be extended or enlarged, and a non-conforming building shall not be rebuilt, replaced, extended or structurally altered, except insofar as is required by law to assure the structural safety of the building, unless the Zoning Hearing Board shall as a special exception, authorize the extension of a non-conforming use of a portion of a building throughout the building, or the limited extension of a building on a lot. The Zoning Hearing Board may grant such special exception provided that:

1. It is clear that such extension is not materially detrimental to the character of the surrounding area and is consistent with the Comprehensive Plan for West Pikeland Township;

ii. The area devoted to the non-conforming use shall in no case be increased by more than 50%;

iii. Any extension of a building shall conform to the area, height and setback regulations of the district in which it is situated; and

iv. No more than one extension to a non-conforming use or building shall be granted.

(c) Where a non-conforming use is conducted entirely on an unenclosed premises, no structure to house or enclose such use, whether or not such structure would otherwise conform to zoning regulations, shall be permitted to be erected on the premises.

(d) Whenever a non-conforming use of land, premises, building or structure or any part or portion thereof has been discontinued for a period of one year, such non-conforming use shall not thereafter be re-established and all future uses shall be in conformity with the provisions of this ordinance.

1. Non-conforming Buildings. The continuation, alteration or extension of a non-conforming building shall be in compliance with the following requirements:

(e) A non-conforming building being used or proposed to be used for a conforming purpose may continue and may be altered or enlarged if the alteration or enlargement does not increase the non-conformity of the building or structure with respect to the setback, height, land coverage and density

requirements of this ordinance or any subsequent amendment in effect at the time such alteration or enlargement is proposed to be made.

(f) A non-conforming building or structure which has been damaged or destroyed by fire or other casualty may be reconstructed in its former location and to its former dimensions and used for the same purpose for which it was used before its damage or destruction provided that such reconstruction shall be commenced within one year from the date of damage or destruction and shall be completed within one year thereafter.

1. Non-conforming Lots. A lot held in single and separate ownership at the effective date of this ordinance or of any subsequent amendment hereto which is not of 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 itself is in compliance with the use, yard, setback, density and other pertinent provisions of this ordinance.

Section 1001. Reduction of lot. No lot area shall be so reduced that the area of the lot or the dimensions of the open spaces shall be smaller than herein prescribed.

Section 1002. Off-street parking, general requirement.

1. As a general requirement each use in the township shall provide sufficient off-street parking area to serve its users.

2. Subject to the general requirement for off-street parking, off-street parking space, with proper access from a street, alley or driveway, shall be provided in all districts in the amounts indicated below. Such parking space shall be provided on any lot on which a dwelling is hereafter erected or converted, or, in the case of any other use, on or near the lot on which any main building is hereafter erected or converted. Nothing in this section shall be construed to prevent the collective provision of off-street parking facilities for two or more buildings or uses, provided that the total of such off-street parking facilities provided collectively shall be not less than the sum of the requirements for the various individual uses computed separately. In no case shall the number of parking spaces provided, or the area devoted to parking, be less than the minimum requirements of this section.

(a) Dwellings - two spaces per dwelling unit.

(b) Dormitory - one space per three residents.

(c) Tourist, rooming or boarding house - one space for each rental room plus normal requirements for the dwelling unit.

(d) Hotel, motel or inn - one space for each guest room plus one space for each three employees on shift of greatest employment. The parking requirements for other facilities such as restaurants shall be in addition.

(e) Theater, auditorium, stadium, assembly hall, gymnasium, community recreation center - one space per four fixed seats in largest assembly room or area or for each 40

square feet of net floor area available for the accommodation of movable seats in the largest assembly room or one space per 150 square feet of gross floor area, whichever is applicable to the facility.

(f) Indoor and outdoor commercial recreation - one space for each 150 square feet of gross floor, building or ground area devoted to such use, or one space per four sets of facilities available for patron use, whichever is applicable to the facility.

(g) Restaurant, diners and night clubs - one space per three seating accommodations plus one space per two employees on shift of greatest employment.

(h) Retail stores, all types - one space per 200 square feet of floor area used or designed for sales on ground floor plus one space per 300 square feet of floor area used or designed for sales on other floors, plus one space for each two employees on greatest shift.

(i) Office building or banks - one space for each 200 square feet of net floor area for the first 50,000 square feet plus one space for each 300 square feet of net floor area over 50,000 square feet. Drive-in banking facilities shall provide for the stacking of 12 automobiles.

(j) Wholesale establishment or industrial building - one space per two employees on the shift of greatest employment plus one space per 200 square feet of floor area devoted to sales.

(k) Motor vehicle service station or public garage - two spaces for each 200 square feet of floor or ground area devoted to repair, sales or service facilities.

(l) Hospital, sanitarium or nursing home - one space per three beds intended for patients (except bassinets or beds in student nurse quarters) plus one space per medical staff member, plus one space for each two employees on shift of greatest employment.

(m) Social, fraternal, social service, union and civic organization buildings - one space per 100 square feet of assembly area.

(n) Funeral home - one space for each 60 square feet of floor area available for seating or public assembly plus one per employee.

(o) Private kindergarten, child nursing or child institutional home - one space per adult attendant, plus one space per 500 square feet of net floor area.

(p) Building or use, other than specified above - at least one space for each 1,000 square feet of gross floor area, or lot area, whichever is larger, except when otherwise authorized as a special exception consistent with the standards set forth herein for comparable buildings or uses.

Section 1003. Off-street loading and unloading space. No building or structure shall be erected in any district for the uses listed below unless loading space for the accommodation of trucks is provided on the premises in accordance with the following regulations:

1. Each space shall not be less than 12 feet in width and 30 feet in length with adequate access from a street which does not block or interfere with the required parking as called for in section 1002.

2. For retail stores, markets, wholesale and jobbing establishments, and storage warehouses, the number of berths based on net floor area devoted to such use is as follows:

(a) 2,000 to 8,000 square feet of net floor area -
1 berth.

(b) 8,000 to 20,000 square feet of net floor area -
2 berths.

(c) Each additional 20,000 square feet or major fraction thereof up to a maximum of 60,000 square feet of net floor area - 1 additional berth.

3. For office buildings and hotels or motels, the number of berths based on net floor area devoted to such uses is as follows:

(d) 5,000 to 20,000 square feet of net floor area -
1 berth.

(e) each additional 50,000 square feet or major fraction thereof up to a maximum of 120,000 square feet of net floor area - 1 additional berth.

4. All other uses with a total of 5,000 square feet or more of net floor area devoted to such use shall provide loading spaces adequate, in the opinion of the Building

Inspector, to accommodate the normal demands for loading and unloading incidental to the type of use proposed on the premises.

Section 1004. Special regulations relating to access and highway frontage. In order to minimize traffic congestion and hazard, control street access in the interest of public safety, and encourage the appropriate development of street or highway frontage:

1. No parking lot or area for off-street parking or for the storage or movement of motor vehicles shall abut directly a public street or highway unless separated from the street or highway at least 5 feet by a raised curb, barrier planting strip, wall or other effective barrier against traffic, except for necessary accessways, and each parking lot shall have not more than two accessways to any one public street or highway for each 500 feet of frontage. Where practicable, access to parking areas shall be provided by a common service driveway or minor street in order to avoid direct access on a major street or highway. No such accessway shall be more than 35 feet in width.

2. All driveways, aisles, maneuvering spaces, vehicular service areas, or spaces between or about buildings, other than those relating to a dwelling, shall be adequately illuminated.

3. All driveways, aisles, maneuvering spaces, vehicular service areas, or spaces between or about buildings, other than those relating to a dwelling, shall be adequately illuminated.

4. All outside lighting, including sign lighting, shall be directed in such a way as not to create a nuisance in any residential district, and in every district all such lighting shall be arranged so as to protect the street or highway and adjoining property from direct glare or hazardous interference of any kind. Any luminary shall be equipped with some type of glare shielding device approved by the Township Engineer. The height of any luminary shall not exceed 25 feet.

5. No parking, loading or service area shall be located within front yard setbacks or unless authorized as a special exception by the Zoning Hearing Board in a Business District where the restriction against such use is clearly impracticable. In no case, however, shall the distance between the street right-of-way line and the portion of a lot used for parking be less than 20 feet.

Section 1005. Prohibited uses and performance standards.

1. No use shall be permitted which is noxious or offensive in the immediately surrounding area by reason of odor, dust, smoke, gas, vibration, illumination, or noise, or which constitutes a public hazard whether by fire, explosion or otherwise. In determining whether a proposed use is noxious, hazardous, or offensive, the following standards shall apply:

The proposed operation shall not:

(a) Constitute any nuisance whatsoever beyond the boundary of the site on which the use is located by reason of dissemination of noxious, toxic, or corrosive fumes, smoke, odor or dust. All equipment shall be operated by electric power,

oil, gas or other smokeless fuel.

(b) Result in noise or vibration exceeding the average intensity of noise or vibration occurring from other causes at the boundary line.

(c) Endanger surrounding areas by reason of fire or explosion.

(d) Produce objectionable heat, glare, or radiation beyond the property line.

(e) Result in electrical disturbance in any nearby residence, or adversely affect the operation of equipment other than on the property on which the disturbance is located.

(f) Discharge any untreated sewage, or industrial waste into any stream, or otherwise contribute to the pollution of surface or underground waters.

(g) Create any other objectionable condition in an adjoining area which will endanger public health and safety or be detrimental to the proper use of the surrounding area.

2. Where requested by the township, an applicant for a proposed use shall demonstrate as a condition of approval that adequate provisions will be made to reduce and minimize any objectionable elements to the degree necessary to insure that the proposed use will not be noxious, hazardous or offensive as defined above. If required the applicant shall submit supplemental information, plans and impartial expert judgments, and the township may require the expert advice of official agencies or private consultants and such reasonable tests as

are deemed necessary, the costs of which shall be borne by the applicant.

Section 1006. Conversion of dwelling to two-family or multiple family use. The Zoning Hearing Board may authorize as a special exception the conversion of an existing dwelling in a residential or commercial district from single family to two-family or multiple dwelling occupancy, subject to the following requirements.

1. The lot area per dwelling unit shall not be reduced below the required lot area applying to a single-family dwelling in the district in which the lot is located.
2. Each family unit shall have not less than 600 square feet of gross habitable floor area, not including stairs and corridors.
3. A separate means of access to each living unit shall be provided without passing through any other living unit.
4. There shall be no extension or structural alteration of the building exterior except as may be necessary for reasons of safety.
5. All applicable requirements of the Pennsylvania Department of Labor and Industry and the West Pikeland Township Building Code shall be complied with.
6. The Zoning Hearing Board may prescribe such further conditions with respect to the conversion and use of buildings or property as it deems appropriate.

Section 1007. Fences. No fence over six feet in height shall be erected in any of the open spaces required by this ordinance.

Section 1008. Driveways. All driveways shall be so constructed as to enable such turning motions ^{See Amendment} by vehicles as will permit them to exit the premises in forward motion and shall be constructed of such materials as will not wash down onto roads or adjoining properties.

ARTICLE XI

ADMINISTRATION

Section 1100. Enforcement.

This ordinance shall be enforced by the Zoning Officer designated by the Board of Supervisors. It shall be his duty to (1) enforce the provisions of this ordinance, (2) accept applications for permits, and (3) issue permits.

Section 1101. Requirement of Permits.

A permit shall be required prior to the erection or alteration of any building, structure, or portion thereof, prior to the use or change in use of a building or land, and prior to the change or extension of a nonconforming use.

Section 1102. Application for Permits.

Applications for permits shall be made to the Township 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.

Section 1103. Issuance of Permits.

No building or use permit shall be issued until the Zoning Officer has certified that the proposed building or alteration and the proposed use of the property complies with all the provisions of this ordinance.

Section 1104. Application of Regulations.

After the date of adoption of the Zoning Map and of this ordinance, with any changes or amendments thereto, no building or premises or any part thereof shall be used or maintained for any purpose other than a use permitted by this ordinance, with any changes or amendments thereto, and no building shall be erected, enlarged, or maintained except in conformity with the regulations prescribed by this ordinance, with any changes or amendments thereto, for the district in which the building is located. Existing nonconforming uses and nonconforming buildings are exempt from these provisions to the extent provided in Section 1000.

ARTICLE XII

ZONING HEARING BOARD

Section 1200. Appointment.

There shall be a zoning hearing board consisting of three residents of West Pikeland Township appointed by the Board of Supervisors in accordance with Article IX of the Pennsylvania Municipalities Planning Code (53 P.S. 10901 et seq), as amended, hereinafter called "Code".

Section 1201. Powers.

The Zoning Hearing Board shall function in strict accordance with and pursuant to the Code and shall have all powers set forth therein, including but not limited to the following:

1. To hear and decide appeals where it is alleged that the Township zoning officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid ordinance or map of the Township or any valid rule or regulation governing the action of the zoning officer.

2. To hear and decide requests for special exceptions authorized by this zoning ordinance in accordance with the standards or criteria set forth in Section 1207 hereof. The Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Code and this zoning ordinance.

3. To hear requests for variances where it is alleged that the provisions of this zoning ordinance inflict unnecessary hardship upon the applicant. A variance may be granted only after the zoning hearing board has made the findings required in Section 912 of the Code (53 P.S. 10912). In granting a variance the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Code and this zoning ordinance.

4. To conduct hearings and make such decisions and findings in connection with challenges to the validity of any provision of the zoning ordinance as authorized by Section 910 of the Code (53 P.S. 10910).

Section 1202. Rules.

The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure including, but not limited to, the manner of filing appeals and applications for special exceptions and variances.

Section 1203. Meetings.

Meetings of the Zoning Hearing Board shall be held at the call of the chairman, and at such other times as the Zoning Hearing Board may determine. The chairman or, in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Zoning Hearing Board shall be open to the public. The Zoning Hearing Board shall keep minutes of its proceedings, showing the vote of each member upon each question of, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Township and shall be a public record. In accordance with Section 908 of the Code, the Zoning Hearing Board shall not communicate directly or indirectly with any party, nor take notice of any material, nor inspect any site, except as provided therein.

Section 1204. Appeals and Requests to the Zoning Hearing Board.

Appeals to the Zoning Hearing Board may be filed by the landowner affected, any officer or agency of the Township, or any person aggrieved. Such appeal shall be taken within the time required by the Code or as provided by the rules of the Zoning Hearing Board, by filing with the zoning officer, and with the Zoning Hearing Board, a notice of appeal specifying

the grounds thereof. The zoning officer shall forthwith transmit to the Zoning Hearing Board all the papers constituting the record upon which the action appealed from was taken. Requests for a variance or special exception may be filed by any landowner, or any tenant with permission of the landowner. The appropriate fee, established by the Township, shall be paid in advance for each appeal or application for a special exception or variance to cover advertising costs, mailing notices, and charges of the stenographer for taking the notes of testimony; provided that if more than ten pages of testimony are taken in any case, the appellant or applicant shall reimburse the Township for the cost of such additional testimony.

Section 1205. Hearings.

Upon the filing with the Zoning Hearing Board of an appeal or an application for a special exception or variance from the terms of this ordinance, the Zoning Hearing Board shall fix a reasonable time and place for a public hearing thereon and shall give public notice thereof, as well as due notice to the parties in interest, and shall decide the same in writing within 45 days after the hearing or, if said hearing is continued, within 45 days after said continued hearing. Each written decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons thereupon in accordance with Section 908 (9) of the Code. If the Zoning Hearing Board does not make a written decision within 45 days after the hearing or continued hearing it shall be deemed that the Zoning Hearing Board has decided in favor of the applicant. Any party may appear at a public hearing in person or by agent

or attorney. The notice of public hearing shall state the location of the building or lot and the general nature of the question involved and shall be given as follows:

1. By publishing a notice thereof once a week for two successive weeks in a newspaper of general circulation in the Township.
2. By mailing a notice thereof to the applicant, the zoning officer, and any person who has made timely request for same.
3. By mailing a notice thereof to every resident or association of residents of the Township who shall have registered their names and addresses for this purpose with the Zoning Hearing Board.
4. By mailing a notice thereof to the owner, if his address is known, or to the occupant of every lot on the same street within 500 feet of the lot in question and of every lot not on the same street within 150 feet of said lot; provided that failure to mail the notice required by this section shall not invalidate any action taken by the Zoning Hearing Board. All hearings shall be conducted in accordance with Section 908 of the Code (53 P.S. 10908), as amended.

Section 1206. Expiration of Special Exceptions and Variances.

Unless otherwise specified by the Zoning Hearing Board, a special exception or variance which has been authorized by the Zoning Hearing Board shall expire if the applicant fails

to obtain a building or use permit within six months from the date of authorization thereof or fails to commence a substantial amount of work within six months from the date of issuance of the permit for such work.

Section 1207. Standards for Review of Proposed Special Exception or Variance.

In any instance where the Zoning Hearing Board is required to consider a request for a special exception or variance, the Zoning Hearing Board must determine that the following standards and criteria are met before granting the request:

1. The size, scope, extent and character of the special exception or variance requested is consistent with the Aims of the Comprehensive Plan of the Township and will promote the harmonious and orderly development of the zoning district involved.

2. The proposed change or modification constitutes an appropriate use consistent with the character and type of development in the area surrounding the location for which the request is made and will not substantially injure or detract from the use of surrounding property of the character of the neighborhood in light of the zoning classification of the area affected; the effect on other properties in the area; the number, extent and scope of nonconforming uses in the area; and the presence or the absence in the neighborhood of conditions or uses which are the same or similar in character to the condition or use for which applicant seeks approval.

3. The proposed use is suitable with respect to traffic and highways in the area and provide for adequate access and off-street parking arrangements in order to protect major streets and highways from undue congestion and hazard.

4. Major street and highway frontage will be developed so as to limit the total number of access points and encourage the frontage of building on parallel marginal roads or on roads perpendicular to the major street or highway.

5. The proposed change is reasonable in terms of the logical, efficient, and economical extension of public services and facilities, such as public water, sewers, police, fire protection, and public schools, and assure adequate arrangements for sanitation in specific instances.

6. All commercial or industrial parking, loading, access or service areas will be adequately illuminated at night while in use and arranged so as to comply with the requirements of Section 1003.

7. Conditions may be imposed on the grant of the request necessary to insure that the general purpose and intent of this zoning ordinance are complied with and that the use of the property adjacent to the area included in the proposed change or modification is adequately safeguarded with respect to harmonious design of buildings, aesthetics, planting and its maintenance as a sight or sound screen, landscaping, hours of operation, lighting, numbers of persons involved, allied activities, ventilation, noise, sanitation, safety, smoke and fume control and the minimizing of noxious, offensive or hazardous elements.

8. The proposed change protects and promotes the safety, health, morals and general welfare of the Township.

ARTICLE XIII

SIGNS

Section 1300. Signs.

Any sign hereafter erected or maintained shall conform with the provisions of this Article and any other ordinance or regulations of the Township of West Pikeland applicable thereto.

Section 1301. Signs in Residence and Similar Districts.

The following types of signs and no other shall be permitted in Residence Districts:

1. Official traffic signs.
2. Professional, accessory use, or name signs indicating the name, profession or activity of the occupant of a dwelling, provided that:
 - (a) The size of any such sign shall not exceed two hundred (200) square inches.
 - (b) Not more than one (1) such sign shall be erected for each permitted use or dwelling unit.
 - (c) No such sign shall be illuminated except by concealed or indirect lighting attached to the sign itself.
1. Identification signs for farms or estates, schools, churches, hospitals, and similar permitted uses other than dwellings, provided that:

(d) The size of any such sign shall not exceed twenty (20) square feet.

(e) Not more than two (2) such signs shall be placed on premises held in single and separate ownership, unless such premises front on more than one street, in which case two (2) such signs may be erected on each street frontage.

(f) No such sign shall be illuminated except by concealed or indirect light attached to the sign itself.

1. Real estate signs including:

(g) Signs advertising the sale or rental of premises, provided:

1. The size of any such sign shall not exceed twelve (12) square feet.

2. Not more than two (2) such signs shall be erected for any property held in single and separate ownership.

3. No such signs shall be illuminated except by concealed or indirect lighting attached to the sign itself.

(h) Signs indicating the location and direction of premises in the process of development provided:

1. The size of any such sign shall not exceed twelve (12) square feet.

2. Not more than two (2) such signs shall be erected on each one thousand (1,000) feet of street frontage.

3. No such sign shall be illuminated.

4. All such signs shall be removed on completion of when active work on the development ceases.

5. Trespassing sign or sign indicating the private nature of a driveway or premises, provided that the size of any such sign shall not exceed two (2) square feet.

6. Temporary signs of mechanic and artisans, provided that:

(i) Such signs shall be erected only on the premises where such work is being performed.

(j) The size of any such sign shall not exceed twelve (12) square feet.

(k) Such signs shall not be illuminated except by concealed or indirect lighting attached to the sign itself.

(l) Such signs shall be removed promptly upon completion of active work.

1. Nonconforming use signs, provided that:

(m) The total area of all such signs relating to a single use at the effective date of this ordinance, or at the effective date of any amendment of this ordinance by which any sign shall be made nonconforming, shall not be increased.

(n) No such sign shall be changed or replaced except when authorized as a special exception by the Zoning Hearing Board.

Section 1302. Signs in Business Districts.

The following types of signs shall be permitted in Business Districts:

1. Any sign permitted in residence district which relates to a use permitted in the district.

2. Real estate signs advertising the sale or rental of premises, provided that:

(a) The size of any such sign shall not exceed twenty-four (24) square feet.

(b) Nor more than two (2) such signs shall be erected for any property held in single and separate ownership.

1. Business or related signs as follows:

(c) In Business Districts, business or similar signs in conjunction with a permitted use, provided that:

1. The total area on one side of all signs placed on, or facing any one street frontage of any one premises shall not exceed eight (8) percent of the area of the wall surface, including window and door areas on which they are displayed, or two (2) square feet for each lineal foot of building frontage, whichever is the greater; provided further that, in the case of a lot which is vacant or on which any building is clearly incidental and accessory to the use of the lot, the total area of all signs, placed on, or facing any one street frontage of any one premises shall not exceed one (1) square foot for each two (2) lineal feet of building frontage.

2. Any sign except a directional sign shall be erected only on the premises on which the use to which the sign relates is conducted.

3. The area on one side of a directional sign shall not exceed nine (9) square feet.

4. The area on one side of any temporary movable sign shall not exceed twelve (12) square feet, and not more than two (2) such signs shall be placed on any one hundred (100) feet of street frontage.

5. The total area of any one free-standing sign shall in no case exceed fifty (50) square feet.

6. No sign shall project above the parapet or roof of a building.

Section 1303. General Sign Regulations.

The following restrictions shall apply to all permitted sign uses:

1. No sign shall be placed in such a position that it will cause danger to traffic on a street by obscuring the view.

2. No sign other than signs authorized by Section 1301 shall be erected within the lines of any public street or public sidewalk, or shall be closer to a curb than ten feet, unless specifically authorized by other ordinances and regulations of West Pikeland.

3. No stringing of light bulbs, no animated sign, nor signs that revolve, swing, or have movable parts, or have flashing lights or reflectors, shall be permitted after the effective date of this ordinance, and no advertising sign, banner, pennant, baffle, spinners or display constructed of cloth, canvas, wall board or other like materials shall be erected, suspended or hung on any property except as follows: The Zoning Officer may permit the use of any such advertising signs, banners, or displays constructed of cloth, light fabric or other like materials for a period of not more than 30 days in any one calendar year, provided that:

(a) No such sign or display shall exceed in size the area permitted for permanent signs as provided for each zoning district.

(b) No sign shall be placed in such a position that it will cause danger to traffic on a street by obscuring the view.

(c) No such sign or display shall be permitted within the lines of any public street or public sidewalk, or shall be closer to a curb than ten (10) feet unless specifically authorized by other ordinances and regulations of West Pikeland Township.

(d) No sign or display shall be permitted to be placed across a public street or highway.

1. No sign shall project over a public sidewalk,

unless authorized as a special exception by the Zoning Hearing Board.

2. wall signs shall not project over twelve (12) inches from face of building.

3. Each sign must be maintained in good condition and repair.

4. No commercial building including multiple dwellings or apartments in any residential district shall be illuminated on the exterior by flood lighting or spot lighting or similar type lighting.

5. All signs shall be made a part of the architectural design of a new commercial construction or major alterations of existing buildings. Drawings submitted for sign permits shall show size, location and illumination in detail.

6. All non-conforming signs at the effective date of this ordinance shall be altered, removed or eliminated within five (5) years from date of passage of this ordinance.

ARTICLE XIV

MH - MOBILE HOME

Section 1400. Mobile homes shall be permitted in area as shown on west Pikeland zoning map and shall be subject to the rules and regulations as set forth in the West Pikeland Township Land and Subdivision Ordinance of _____ and amendments thereto.

ARTICLE XV

AMENDMENTS

Section 1500. Power of Appointment.

The Board of Township Supervisors may from time to time amend, supplement, change, modify or repeal this ordinance including the Zoning Map by proceeding in the following manner:

Section 1501. Amendment By Board of Township Supervisors.

The Board of Township Supervisors by resolution adopted at a public meeting shall fix the time and place of a public hearing on a proposed amendment and cause notice thereof to be given as follows:

1. By publishing a notice thereof once a week for two successive weeks in one newspaper of general circulation in the Township.

2. By mailing a notice thereof to every resident or association of residents of the Township who shall have registered their names and addresses for this purpose with the Zoning Hearing Board.

3. The notices shall state the general nature of the proposed amendment.

Section 1502. Planning Commission Referral.

The Board of Township Supervisors shall refer each proposed change or amendment to the Planning Commission at least 30 days prior to the hearing on such proposed amendment to

provide the Planning Commission an opportunity to submit recommendations on the proposed amendment. The Planning Commission shall consider whether or not the proposed change or amendment would be, in the view of the Commission, consistent with the purposes and objectives set forth in Section 100 and desirable in furtherance of the plan therein referred to for future land development.

Section 1503. Residents Rights at Hearing.

At any public hearing on a proposed amendment, full opportunity to be heard shall be given to any resident of the Township and all parties in interest.

Section 1504. Curative Amendments.

Any landowner who desires to submit a curative amendment may do so pursuant to the procedures set forth in the Municipalities Planning Code, Article VI, Section 609.1 and Article XI, Section 1104 provided however that, insofar as there are costs of hearing such curative amendment, such costs, limited to the initial costs of public notice and stenographic recording and the transcription thereof shall be borne by the applicant.

ARTICLE XVI

REMEDIES, PENALTIES, VALIDITY

Section 1600. Remedies.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or

maintained, or any building, structure, or land is used, or any hedge, tree, shrub or other growth is maintained, in violation of this ordinance or any regulations made pursuant thereto, the proper Township authorities, in addition to other remedies provided by law, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the use of said building, structure, or land, or to prevent any illegal act, conduct, business or use in or about such premises.

Section 1601. Penalties. (Amended 5/21/90)

"When directed by the Board of Supervisors to initiate an enforcement proceeding, the Zoning Officer shall first send to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record, an enforcement notice stating the following:

- (1) Name of the owner of record and any other person against whom the township intends to take action.
- (2) The location of the property in violation.
- (3) The specific violation with a description of requirements which have not been met citing in each instance the applicable provisions of the ordinance.
- (4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

- (5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within 30 days in accordance with the provisions of the Zoning Ordinance.
- (6) That 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.

In the event of a violation of the provisions of this zoning ordinance, the Township shall have all the enforcement remedies set forth in Section 617 of the Municipalities Planning Code.

Section 1602. Validity.

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

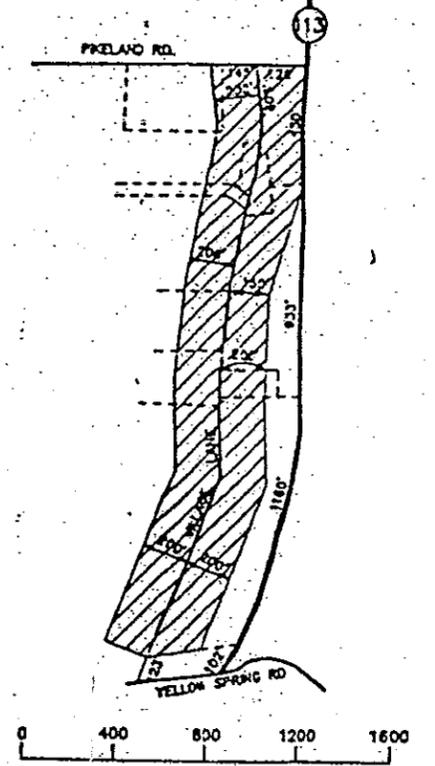
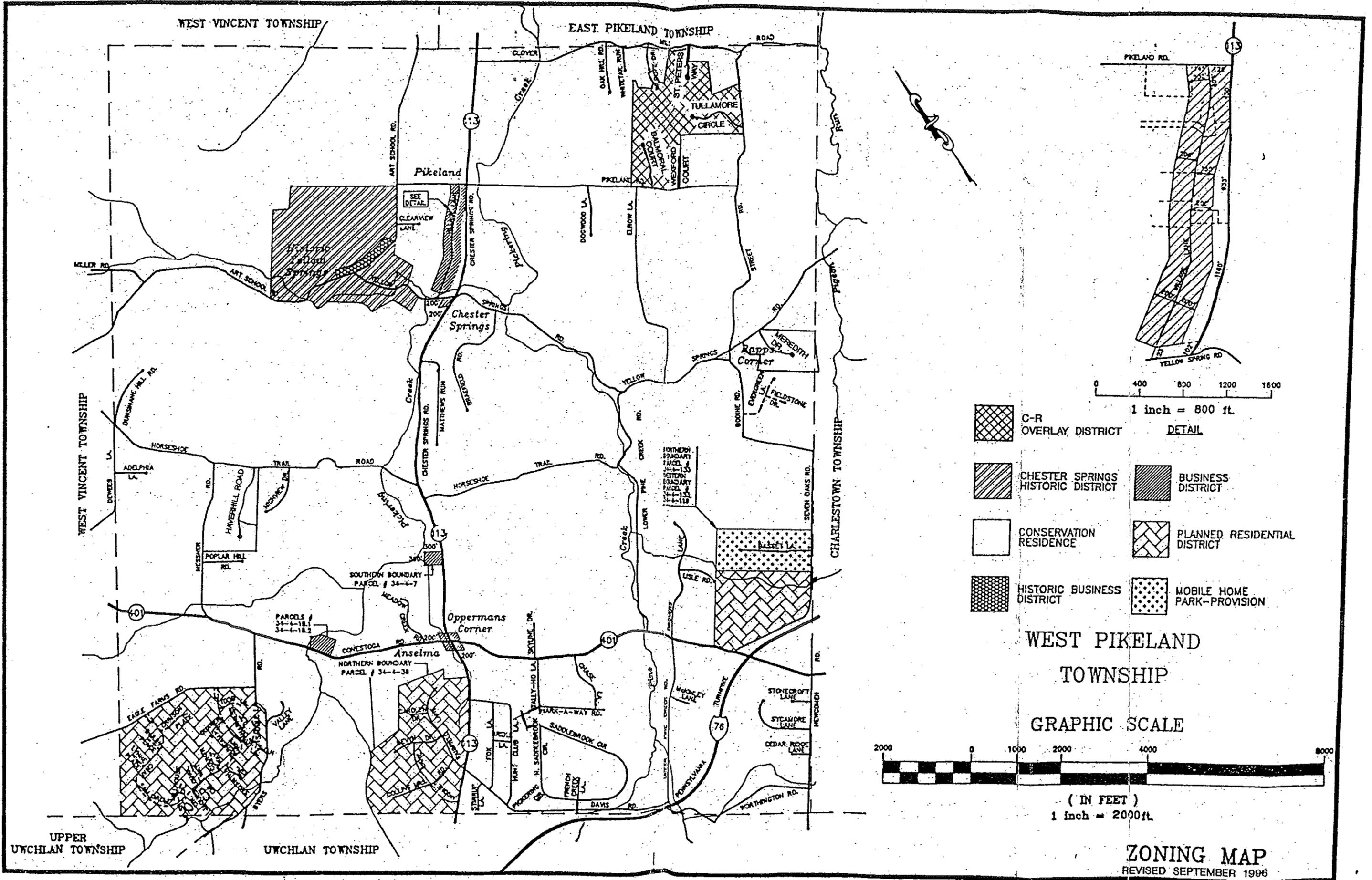
Section 1603. Repealer. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

Section 1604. Effective Date.

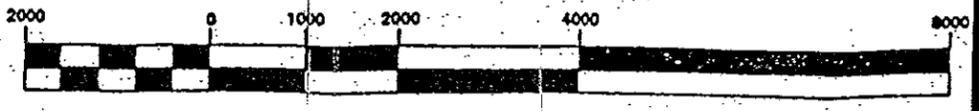
This ordinance shall become effective ten (10) days after publication as required by law.

Approved and adopted by the Board of Supervisors of West Pabland Township this 23rd day of September, 1976.

Thomas H. Liskator
Andrew V. McE...



-  C-R OVERLAY DISTRICT
-  CHESTER SPRINGS HISTORIC DISTRICT
-  CONSERVATION RESIDENCE
-  HISTORIC BUSINESS DISTRICT
-  BUSINESS DISTRICT
-  PLANNED RESIDENTIAL DISTRICT
-  MOBILE HOME PARK-PROVISION



(IN FEET)
1 inch = 2000ft.