

CHADDS FORD TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA
ORDINANCE No. 176

**AN ORDINANCE OF CHADDS FORD TOWNSHIP,
DELAWARE COUNTY, PENNSYLVANIA REPEALING
AND RESTATING CHAPTER 135 OF THE CODE OF
CHADDS FORD TOWNSHIP ENTITLED ZONING.**

WHEREAS, the Chadds Ford Township Board of Supervisors desires to modernize its land use ordinances to ensure smart and measured development of land within the Township; and

WHEREAS, the restated Chadds Ford Township Zoning Ordinance (the “Zoning Code”) set forth below has received favorable recommendations from the Chadds Ford Township Planning Commission and the Delaware County Planning Department; and

WHEREAS, the Chadds Ford Township Board of Supervisors (the “Board”) conducted a public hearing on the Zoning Code on June 4, 2024; and

WHEREAS, after consideration of the aforementioned recommendations and the commentary during the public hearing, the Board believes it to be in the best interest of the Township and the health, safety and welfare of its residents, land owners and businesses to repeal the existing Chapter 135 of the Code of Chadds Ford Township (the “Code”), to be replaced with the Zoning Code attached hereto.

NOW, THEREFORE, IT BE ORDAINED by the Chadds Ford Township Board of Supervisors that:

- 1. Repeal of the Existing Chapter 135 of the Code.** Chapter 135 of the Code is hereby repealed.
- 2. Adoption of Zoning Code.** The Amended and restated Zoning Code, attached hereto as Exhibit “A,” is hereby adopted as the Chadds Ford Township Zoning Ordinance, to replace Chapter 135 of the Code.
- 3. Effective Date.** This Ordinance shall become effective, and the Zoning Code shall become the Chadds Ford Township Zoning Ordinance on the fifth (5th) day after its enactment by the Board.

[EXECUTION TO FOLLOW]

ENACTED and **ORDAINED** on this 4th day of June 2024, by the Board of Supervisors of Chadds Ford Township, Delaware County, Pennsylvania.


CHADDS FORD TOWNSHIP BOARD OF SUPERVISORS



Samantha Reiner, Chair



Timotha Trigg, Vice-Chair



Kathleen Goodier, Supervisor

Attest:


Lacey Faber, Township Manager/Secretary

EXHIBIT “A”

Zoning Code



CHADDS FORD TOWNSHIP ZONING ORDINANCE

ORDINANCE NO. 176

**PUBLIC HEARING: JUNE 4, 2024
ADOPTED: JUNE 4, 2024**

ACKNOWLEDGEMENTS

Thank you to the following individuals for their assistance in the preparation of this document:

CHADDS FORD SUPERVISORS

Samantha Reiner, Chair
Timotha Trigg, Vice Chair
Kathleen Goodier, Supervisor

FORMER CHADDS FORD SUPERVISORS

Frank Murphy
Noelle Barbone
George Thorpe

TOWNSHIP PROFESSIONALS

Michael P. Maddren, Esq., Township & Planning Commission Solicitor
Michael Schneider, PE, Township Engineer
Thomas Comitta, AICP, CNU-A, RLA, Township Land Planner
Erin Gross, AICP, RLA, Township Land Planner
Fran McArdle, Code Enforcement Official & Zoning Officer

PLANNING COMMISSION

Craig Huffman, Chair
Valerie Hoxter, Co-Chair
Thomas Bradley, Member
Carolyn Daniels, Member

FORMER PLANNING COMMISSION MEMBERS:

Micheal Ashmore
Tom Kerwin
Tom Singer
Bill Mock

Dennis Quinn
Jay Patel
Timotha Tigg
Kathleen Goodier

ZONING HEARING BOARD

Robert Reardon
Paul Koch
Bill Mock

FORMER ZONING HEARING BOARD MEMBERS

Joseph Vaites
Lisa Chismire
Jon Trigg

ZONING ORDINANCE UPDATE TASK FORCE

Bob Reardon
Paul Koch
Craig Huffman
Micheal Ashmore

Samantha Reiner
Dean Camp
Lois Saunders
Gary Sharp

TOWNSHIP ADMINISTRATION

Lacey Faber, Township Manager
Emily Pisano, Assistant Township Manager
Maureen Czachorowski, Administrative Assistant & Assistant BCO
Laura Lim, Finance & HR Director

FORMER TOWNSHIP ADMINISTRATION & PROFESSIONALS

Judy Lizza
Amanda Serock
Matthew Di Fillipo
Matthew Baumann

Maryann Furlong
Johnathan Sharp
Patrick McKenna, Esq.
Stephen Durham, Esq.

DELAWARE COUNTY PLANNING DEPARTMENT

Linda Hill, Director
Sam Haber, Project Manager
Dan Whaland, GIS Specialist
Michelle Signora, Office Administrator

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ARTICLE I. GENERAL PROVISIONS.

§ 135-1. Short title.

- A. This chapter shall be known and may be cited as the "Chadds Ford Township Zoning Ordinance," as amended.

§ 135-2. Purpose.

- A. The zoning regulations and districts set forth in this chapter are designed to advance the following purposes of Chadds Ford Township:
- (1) To promote, protect and facilitate one (1) or more of the following: the public health, safety, morals, general welfare, coordinated and practical community Development, proper density of population, emergency management preparedness and operations, provision of adequate light and air, solar energy and public requirements such as vehicle parking and loading space, transportation, Sewage, water, recreational facilities, and public grounds; the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, Wetlands, aquifers and floodplains.
 - (2) To prevent one (1) or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, Flood, panic or other dangers.
 - (3) To preserve prime agricultural farmland, considering topography, soil type and classification, and present use.
 - (4) To provide for residential housing of various Dwelling types encompassing all basic forms of housing.
 - (5) To accommodate reasonable overall community growth, including population and employment growth, and opportunities for Development of a variety of residential Dwelling types and nonresidential uses.

§ 135-3. Community Development objectives.

- A. The community Development objectives of Chadds Ford Township are set forth fully in the Comprehensive Plan Update 2017, which are summarized below to include:
- (1) To protect community character;
 - (2) To balance "where to build" and "where not to build," and limit the sprawling effects of Development;
 - (3) To expand protected and designated Open Spaces;
 - (4) To conserve heritage landscapes;
 - (5) To protect historic, cultural, and scenic resources;
 - (6) To protect natural resources;
 - (7) To maintain Chadds Ford Village as a distinctive place;
 - (8) To minimize the disruption of scenic resources;

- (9) To expand and improve opportunities for parks and recreation, and to promote interconnected pedestrian circulation systems;
- (10) To promote placemaking in the form of Context-Sensitive Development;
- (11) To calm vehicular traffic;
- (12) To mitigate adverse effects of incongruous Development, and
- (13) To advocate compatible Development along our borders with adjoining municipalities.

§ 135-4. (Reserved)

§ 135-5. (Reserved)

§ 135-6. (Reserved)

§ 135-7. Severability.

- A. If a court of competent jurisdiction shall declare any article, section, subsection, paragraph, clause, or provision of this chapter invalid, such decision shall not affect the validity of this chapter as a whole or the validity of any other part.

§ 135-8. Repealer.

- A. All previous provisions of the existing Chapter 135 Chadds Ford Township Zoning Code as amended, are hereby repealed.

ARTICLE II. DEFINITIONS.

§ 135-9. Definitions and word usage.

- A. Words not defined below have the meaning given in the Municipalities Planning Code; Chapter 110, Subdivision and Land Development, of the Code of the Township of Chadds Ford; or other Township Codes and ordinances; and, if not defined in the aforementioned documents, Merriam-Webster, New Edition, 2016, or the most recent edition thereof.
- B. Words used in the singular number include the plural, and vice versa. Words in the present tense may imply the future tense.
- C. The words "Building" and "Structure" shall be construed as if followed by the words "or parts thereof."
- D. The word *shall* is mandatory; the word *may* is permissive; the term *shall not* is prohibitive.
- E. When capitalized in this chapter, the terms defined below have the meanings given them in this section. When not capitalized, the same terms have their common meaning.

ACCESSORY BUILDING OR ACCESSORY STRUCTURE – A Building or other Structure subordinate to and located on the same Lot as the principal Building. The use of the Accessory Building or Accessory Structure is incidental and subordinate to the principal use.

ACCESSORY EQUIPMENT – Any equipment serving or being used in conjunction with a Wireless Communications Facility or Wireless Support Structure, including but not limited to utility or transmission equipment, power supplies, generators, batteries, cables, equipment Buildings, cabinets and storage Sheds, shelters or similar Structures.

ACCESSORY USE – A use customarily incidental and subordinate to the principal use of the same Lot.

AGENT – A Person who acts on behalf of another Person.

AGRICULTURAL STRUCTURE – Any Accessory Building used for an Agricultural Operation, such as for storing agricultural equipment, farm produce or products, or housing Livestock or poultry. Barns and silos are considered to be Agricultural Structures, but Dwellings are not.

AGRICULTURE OR AGRICULTURAL OPERATION – An enterprise that is actively engaged in the commercial production and preparation for market of crops, Livestock and Livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, Livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

AGRITAINMENT – Farm-based entertainment including activities such as hayrides, pony rides wine tasting, cornfield maze contests, and harvest festivals.

AGRITOURISM – Agricultural uses such as farms and vineyards that through promotion and advertising, facilities, and activities, seek to attract visitors and guests.

AGRONOMY – The science of cultivation of land, soil management, and crop production.

ALLEY – A Right-of-Way providing secondary vehicular access to the side or rear of two or more

Lots.

ALTERATION – Any change in the exterior or structural components of a Building; any change to or in a Building that would alter its use classification; or any change that would substantially alter the type, method, or scope of Sewage disposal system, or traffic condition.

ANCHORED – Secured in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.

ANTENNA – An apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to Federal Communications Commission authorization, for the provision of wireless service and any commingled information services, including any device or mechanism used in the collection, transmitting, routing or receiving of radio signals or radio frequency energy.

ANTENNA SUPPORT STRUCTURE — Any pole, telescoping mast, monopole, tower, tripod, or any other Structure that supports or has attached to it an Antenna or Antennas.

APARTMENT BUILDING – A Building containing three (3) or more Dwelling Units separated by party walls, and that may have more than one (1) Dwelling Unit from ground to roof, common outside accesses and hallways.

APPLICANT — An Owner or Tenant who has filed an application pursuant to this chapter, including his or her heirs, successors, and assigns.

APPROVED – Approved by an authorized Township official or board.

AQUACULTURE – The rearing of aquatic animals or the cultivation of aquatic plants for food.

ARTERIAL HIGHWAY – A Highway classification by the Pennsylvania Department of Transportation to designate high volume vehicular thoroughfares, such as Baltimore Pike (Route 1) and Wilmington-West Chester Pike (Route 202).

ARTIST STUDIO – The workroom of an artist involving activities such as acting, painting, pottery, sculpture, woodworking, photography, graphic design, industrial design, architectural design, or the making of music.

ASSISTED LIVING FACILITY – Any Premises in which food, shelter, assisted living services, assistance or supervision and supplemental health care services are provided for a period exceeding 24-hours for four or more adults who are not relatives of the Operator, who require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation from the residence in the event of an emergency or medication prescribed for self-administration. This use does not include a Premises that provides drug or alcohol rehabilitation or medical nursing care of current court adjudicated felons or misdemeanants.

AUDITORIUMS, CONCERT HALLS AND PERFORMING ARTS CENTERS – Facilities providing indoor or outdoor seating for meetings or live performances, including any community use of same, whether for use by a principal Cultural Facility or for rent or by donation. Movie theaters, adult cabarets or taverns shall be prohibited.

BANKFULL FLOW – The channel at the Top of Bank or point from where water begins to overflow onto a floodplain.

BANQUET AND/OR CONFERENCE FACILITIES – Facilities used for conferences, seminars, and banquets that may include accommodations for food preparation and eating, recreation, entertainment, resource facilities, meeting rooms, and services primarily for guests of the facilities,

including use by a principal Cultural Facility or use for rent or by donation.

BASE FLOOD – A Flood that has a one-percent chance of being equaled or exceeded in any given year (also called the "One-Hundred-Year Flood" or "one-percent (1%) annual chance Flood").

BASE FLOOD DISCHARGE – The volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).

BASE FLOOD ELEVATION (BFE) – The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, and A1-30 that indicates the water surface elevation resulting from a Flood that has a one-percent (1%) or greater chance of being equaled or exceeded in any given year.

BASEMENT – Any area of the Building having its floor subgrade (below ground level) on all sides.

BED-AND-BREAKFAST INN – A Building or group of Buildings containing fewer than 10 guest rooms, converted or designed for the temporary lodging of transient guests. Such establishments typically provide accessory eating and drinking facilities for serving morning breakfast and/or afternoon tea and are typically converted from single-family residences, schools, churches and the like, and are occupied by resident innkeepers.

BEDROOM – A room or space designed to be used for sleeping purposes with two means of egress (one of which may be a window acceptable under the building code) and in close proximity to a bathroom. Spaces used for eating, cooking, bathrooms, toilet rooms, closets, halls, storage or utility rooms and similar uses are not considered Bedrooms. Space used or intended for general and informal everyday use such as a living room, den, and sitting room or similar is not to be considered a Bedroom.

BERM – An earthen embankment that serves purposes such as retaining/detaining the flow of surface water runoff, preventing soil erosion, or is used to aid in visual screening between land uses, often by supporting plant materials.

BEST MANAGEMENT PRACTICES – A practice or combination of practices that is an effective means of reducing the amount of pollution generated by nonpoint sources to a compatible level with water quality goals.

BLUE LIGHT STATIONS – Emergency telephone facilities in public spaces providing direct communication to emergency services, the location of which is usually indicated by a blue light.

BOARD – Unless specifically designated to the contrary, the Board of Supervisors of the Township of Chadds Ford, Delaware County, Pennsylvania.

BUFFER AREA – An area adjacent to a neighboring Lot or Tract; designed and intended to lessen the proposed uses impact on the adjacent property.

BUFFER PLANTING STRIP – A strip of land located within the required Buffer Area that shall be landscaped and maintained for a width as required in certain districts of this chapter, and in a manner as required in Article XXV.

BUILDING – Any roofed Structure supported by walls or columns that is intended or used for the shelter, housing or enclosure of any individual(s), animal, process, equipment, goods, or materials of any kind.

BUILDING COVERAGE – The relation of the total ground Floor Area of all Buildings on a Lot to the total area of the Lot on which they are located.

BUILDING ENVELOPE – The area bounded by the Building Lines.

BUILDING LINE – A line that is parallel to a Lot Line at a distance equal to the required Setback. The Rear Building Line is parallel to the Rear Lot Line. A Side Building Line is parallel to a Side Lot Line. A Front Building Line is parallel to a Street Line.

CALIPER – The diameter of a new tree measured six (6) inches above the top of the root ball.

CARETAKER RESIDENCE – A residential Dwelling Unit typically not exceeding 1,200 square feet of Gross Floor Area, an Accessory Use to the principal use of the Premises, occupied by a watchman, guard, or custodian who is responsible for the security and upkeep of the Premises.

CELL SITE – A Tract or Parcel of land that contains the wireless, cellular or personal communications service Antenna, its Antenna Support Structure, Accessory Building(s), and parking, and may include other uses associated with and ancillary to providing wireless communications, cellular communications or personal communications services.

CERTIFICATE OF OCCUPANCY – A statement signed by the Code Enforcement Officer setting forth that a use, Building, or other Structure legally complies with this chapter and other applicable Codes and regulations and may be used for the purposes stated therein.

CERTIFIED HISTORIC STRUCTURE – A Building or other Structure identified by Chadds Ford Township and listed in the National Register of Historic Places or located within a Registered Historic District and certified by the Secretary of the U.S. Department of the Interior as being of historical significance to the district.

CLUB/LODGE – A group of people and associated facilities organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular or semi-regular meetings, and a set of laws, rules or guidelines.

CODE – The Code of Chadds Ford Township

CODE ENFORCEMENT OFFICER or CODE OFFICIAL - The Township's Code Enforcement Officer (CEO) or any duly authorized representative who is charged with the administration and enforcement of this Code.

COLLECTOR STREET – A Highway classification by the Pennsylvania Department of Transportation to designate a high-volume vehicular thoroughfare that connects directly or eventually to an Arterial Highway.

COLLOCATION – The mounting of one or more WCFs, including Antennas, on a pre-existing Structure, or modifying a Structure for the purpose of mounting or installing a WCF on that Structure.

COMMERCIAL GREENHOUSE – A Building or other Structure whose roof and sides are made largely of glass or other transparent or translucent materials and in which temperature and humidity can be regulated for cultivation of plants and flowers for subsequent sale.

COMMERCIAL VEHICLE – A vehicle that is registered by the state for commercial use or ostensibly displays a commercial related identity by virtue of lettering, Signs, ladder racks, tool racks, and the like.

COMMON OPEN SPACE – Area or areas of land or an area of water, or a combination of land or water within a Planned Residential Development Tract, designed and intended for the use or enjoyment of residents of the PRD not including Streets, off-street parking areas, and areas set

aside for public facilities.

COMMON OWNERSHIP – As applied to more than one Lot, ownership by the same party(ies) and/or subject to unified control and management with binding documentation of agreement by all ownership parties.

COMMUNITY CENTER – A Building that houses various community activities through meeting rooms, assembly rooms, and areas for dining, recreation, fitness and the like.

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

COMMUNITY SEWER – A community Sewage disposal system consisting of approved sanitary Sewage disposal Structures that serve more than one Lot or one Building, which along with its appurtenant facilities is administered and maintained by an organization or other entity having the right and obligation to administer and maintain such system in accordance with federal, state, county and Township regulations.

COMMUNITY WATER – A community water supply system consisting of a well or series thereof with facilities serving more than one Lot or one Building, which along with its appurtenant facilities is administered and maintained by an organization or other entity having the right and obligation to administer and maintain such system in accordance with federal, state, county and Township regulations.

COMPLETELY DRY SPACE – A space that will remain totally dry during flooding; the Structure is designed and constructed to prevent the passage of water and water vapor.

COMPREHENSIVE PLAN – The Comprehensive Plan Update 2017 for Chadds Ford Township, or the most recent update thereto.

CONDEMN – To adjudge unfit for Occupancy.

CONDITIONAL USE – A use that is not appropriate to a particular zoning district as a whole, but which may be suitable in certain locations within the district only when specific standards, criteria, and conditions are met in accordance with **Article XXVIII**. Conditional Uses, and applications for permits therefor, are allowed or denied by the Board of Supervisors after recommendations are provided by the Planning Commission.

CONDOMINIUM BUILDING – A Building or group of Buildings in which units are owned individually, and the Structure, common areas and facilities are owned by all of the Owners on a proportional, undivided basis, all of which shall be owned and operated under the Pennsylvania Unit Property Act of 1963, as amended.

CONSTRUCTION – The erection, reconstruction, renovation, repair, extension, expansion, Alteration, or relocation of a Building or other Structure, including the placement of Manufactured Homes.

CONTEXT-SENSITIVE DEVELOPMENT – The improvement of land with Buildings and other Structures that enhance the character of Chadds Ford Township due to the effective use of materials and the effective arrangement of Buildings that reflects the traditional history, heritage and culture of the community.

CONTIGUOUS LOTS – Contiguous Lots shall have a common Lot Line of 100% of one side of

the smaller Lot, which common Lot Line shall not be less than 50 feet. Contiguous Lots shall not be separated by a Public Street or Right-of-Way.

CONTINUOUS VISUAL BUFFER – A visually impenetrable screen created through the effective use of plant materials, fencing, walls and/or earthen Berms.

CONTRIBUTING RESOURCE(S) – A resource in a Registered Historic District that is on file with the National Register as supporting the district's historical significance through location, design, setting, workmanship, feeling and association.

CORRECTIONAL INSTITUTION – any penal or correctional facility, such as a jail, reformatory, detention center, or halfway house.

CULTURAL FACILITIES – Indoor and outdoor facilities that promote presentation and interpretation of the arts, drama, music, dance, science and history.

DAYCARE –

- A. **ADULT DAYCARE** – A nonresidential facility that supports the health, nutritional, social, and daily living needs of adults in a professionally staffed, group setting.
- B. **FAMILY CHILD CARE HOME** – any residence in which a caregiver routinely provides care for six (6) or fewer children unrelated to the caregiver.
- C. **GROUP CHILD CARE HOME** – any residence in which a caregiver or caregivers routinely provide care for more than six (6) children unrelated to the caregiver.

DETACHED – When a structural element is physically disconnected from another structural element.

DETERIORATION – Disintegration, corrosion, rust, decay, weakening, and loss of effectiveness.

DEVELOPER – Any Landowner, equitable Owner, or authorized Agent of such Landowner who makes or causes to be made a Subdivision of land or a Land Development.

DEVELOPMENT – Any man-made change to improved or unimproved real estate, including but not limited to Buildings or other Structures, the placement of Manufactured Homes, Streets, and other Construction, paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations and the Subdivision of land.

DIAMETER AT BREAST HEIGHT (DBH) – The diameter of a tree trunk measured at a point four and one-half (4½) feet from the ground surface at the center of the base of the tree.

DISABILITY – A mental or physical impairment(s) that substantially limits one or more major life activities.

- A. **INDIVIDUAL WITH A DISABILITY** – Any Person who has a physical or mental impairment that substantially limits one or more major life activities; anyone who is regarded as having such impairment; or anyone who has a record of such impairment. This chapter does not protect an individual's current unlawful use of or addiction to controlled substances or other drugs, unless that individual has a separate Disability.

DWELLING OR DWELLING UNIT – A Building or entirely self-contained portion thereof containing complete housekeeping facilities for Occupancy by only one (1) Family (including any domestic Employees living or employed on the Premises), with no enclosed space (other than vestibules, entrance or other hallways or porches) in common with any other Dwelling Unit.

Dwellings or Dwelling Units may be classified, but not limited to the following defined types: **MANUFACTURED HOME, MOBILE HOME, MODULAR SINGLE-FAMILY DETACHED DWELLING, MULTI-FAMILY DWELLING, SINGLE-FAMILY ATTACHED DWELLING (TOWNHOUSE), RETIREMENT RESIDENCE, SINGLE-FAMILY DETACHED DWELLING, SINGLE-FAMILY SEMI-DETACHED DWELLING (TWIN), TWO-FAMILY DETACHED DWELLING. See also APARTMENT BUILDING and CONDOMINIUM BUILDING**

EASEMENT – That portion of land or property reserved for present or future use by a Person or agency other than the legal fee Owner(s) of the property. The Easement shall be permitted to be for use under, on or above a Lot or Lots.

ECONOMIC HARDSHIP – The denial of all reasonable beneficial uses or reasonable return on a property as a result of the Township's denial of a Certificate of Appropriateness.

EDUCATIONAL USE – Buildings and land for kindergarten/pre-school, elementary, and secondary schools, either public or private.

EMPLOYEE – A Person employed for wages or salary.

ENLARGEMENT – An addition to the Floor Area of any existing Building, an increase in size of another existing Structure, or an increase in that portion of the Tract of land occupied by an existing use.

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

EQUIPMENT COMPOUND – An area surrounding or adjacent to a Wireless Support Structure within which base stations, power supplies, or Accessory Equipment are located.

FAMILY –

- A. One or more individuals living together in a Dwelling Unit as a single housekeeping unit and doing their cooking on the Premises when said individuals are related by blood, marriage, foster relationship, or adoption; or
- B. Not more than three (3) unrelated individuals living together in a Dwelling Unit as a single nonprofit housekeeping unit and doing their cooking on the Premises; or
- C. A group of Individuals with Disabilities (as defined by applicable law) living together as the functional equivalent of a Family and entitled to a reasonable accommodation to allow the equal opportunity to use or occupy a Dwelling under applicable law.
- D. This definition does not include or apply to the residents or Employees of a Club, fraternity house, Lodge, or lodging, boarding or rooming house or other facility in which lodging is provided for compensation.

FCC – Federal Communications Commission.

FIRE-PROTECTED DISTRICT – The Service Area within which a Fire Department or multiple Fire Departments provide fire protection services.

FLOOD – A temporary inundation of normally dry land areas.

FLOOD INSURANCE RATE MAP (FIRM) – The official map on which the Federal Emergency Management Agency has delineated both the Special Flood Hazard Areas and the risk premium

zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) – The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the Base Flood.

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

FLOODPLAIN MANAGEMENT VIOLATION – The failure of a Structure or other Development to be fully compliant with the community's floodplain management regulations. A Structure or other Development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), (e)(5) is presumed to be in violation until such time as that documentation is provided

FLOODPROOFING – Any combination of structural and nonstructural additions, changes, or adjustments to Structures that reduce or eliminate Flood damage to real estate or improved real property, water and sanitary facilities, Structures and their contents.

FLOODWAY OR FLOODWAY AREA – The channel of a river or other Watercourse and the adjacent land areas that shall be reserved in order to discharge the Base Flood without cumulatively increasing the water surface elevation more than one (1) foot.

FLOOR AREA – The sum of the several floors of a Building or Buildings measured from the face of the exterior walls or from center lines of walls separating two Buildings. In particular, Floor Area includes, but is not limited to, the following:

- A. Basement space, if it meets the requirement of a building Story.
- B. Elevator shafts, stairwell, and attic space (but only where a floor has been laid in the attic) providing structural headroom of eight feet or more.
- C. Roofed terraces, exterior balconies, breezeways, or porches, provided that over 50% of the perimeter of these is enclosed.
- D. Any other floor space used for Dwelling purposes, no matter where located within the Building.

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

FORMAL FILING – The filing of an application for tentative or Final Plan approval, along with the required number of copies and amount of fees, at least 10 days prior to the regularly scheduled monthly public meeting of the Board of Supervisors.

FRONTAGE – The portion of a Lot that fronts upon a Street or Road.

FRONTAGE, REVERSE – The condition when a Lot has Frontage on two (2) Streets or Roads opposite from one another.

FRONT STREET – The Street that the front of the Dwelling faces.

FUNERAL HOME – A Building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

GARAGE –

- A. **PRIVATE GARAGE** – 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.
- B. **PUBLIC GARAGE** – A Building other than a Private Garage, one or more stories in height, used for the storage of automobiles.

GARBAGE – The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food, but not including compost or Recyclable Materials.

GREEN AREA – The area of a Lot that is not covered by Impervious Surfaces, and which is preserved in its natural vegetated state and/or is landscaped with plant materials and other natural materials; those areas on a Lot including building Setbacks, private yards, and Buffer Areas; and those areas with Active and/or Passive Recreation.

GROSS FLOOR AREA (GFA) – The sum of the gross horizontal areas of the several floors of a Building, measured from the exterior face of exterior walls, or from the center line of a wall separating two Buildings, but not including interior Parking Spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

GROUP HOME – A licensed community-based living arrangement functioning as a single household, providing rehabilitative services as well as residential services to Persons who, due to age, Disability or handicap as defined by the Federal Fair Housing Act, as amended (42 U.S.C. §§ 3601, et seq.), are not able to live without professional care or supervision. Group Homes do not include disciplinary facilities confining adjudicated delinquents or convicted criminals, parolees, or supervised probationers under the custody of the courts or county, state, or federal correctional agencies.

HARB – Historical and Architectural Review Board; The board that conducts reviews of proposed building Construction and/or Alteration work within the Historic Districts, and performs other duties as set forth in this chapter.

HEIGHT OF BUILDING – A vertical distance measured from the average elevation of the finished grade along the exterior walls of the Structure to the highest point of the roof.

HIGHWAY – See **STREET**.

HISTORICAL INTERPRETATION CENTER – A facility, such as a museum, that houses artifacts available for display to the general public.

HISTORIC DISTRICT – An area that possesses a sufficient concentration, linkage, or continuity of Buildings, Structures, sites, objects, or Open Spaces united historically by Plan or physical Development. Such a district may include both distinctive features and features that lack individual distinction. A district may contain Buildings, Structures, sites, objects or Open Spaces that do not necessarily contribute to the significance of the district. A district may include areas that act as a visual buffer to protect the character and significance of the Historic District.¹

HISTORIC RESOURCE(S) – All certified sites, Buildings, and other Structures within the boundaries of the Historic Overlay District; or sites, areas, Buildings, Structures, Trails and/or routes that are valued due to their significance as locations of events, customs, skills and/or arts of the past.

HISTORIC STRUCTURE(S) – Any Structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a Registered Historic District or a district preliminarily determined by the Secretary to qualify as a Registered Historic District;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

HOME OCCUPATION – A business or commercial or professional services activity conducted on a residential property that may require additional review and regulation beyond that of a No-Impact Home-Based Business because of the potential impact on the area in which it is located. A Home Occupation is also defined as a residential business, commercial or professional services activity that does not meet one (1) or more of the requirements for a No-Impact Home- Based Business as regulated in Article XXVI.

HORSE STABLE – A Building in which horses are kept in individual stalls.

HORTICULTURE – The science and art of growing fruits, vegetables, flowers, or ornamental plants.

HOTEL or MOTEL – A Building or group of Buildings containing 10 or more guest rooms, or a group of such Buildings especially designed for the temporary lodging of transient guests.

IDENTIFIED FLOODPLAIN AREA – Any area within which the community has selected to enforce floodplain regulations. It will always include the area identified as the Special Flood Hazard Area on the Flood Insurance Rate Maps and Flood Insurance Study and may include additional areas identified by the community. See § 135-130.A and B for the specifics of areas included in the Identified Floodplain Area.

IMPERVIOUS SURFACE – A surface that does not normally absorb rainfall, such as Buildings, Streets, parking areas, walks, decks, pools, Sheds and similar surfaces and Structures.

INFESTATION – The persistent presence, within or contiguous to, a Structure or Premises of insects, rats, vermin, feral animals, or other pests, so as to cause an issue to the health, safety or welfare of adjoining properties.

INTERNAL STREET – As applied in the Mobile Home Park provisions, a Street privately owned, constructed and maintained, which functions only to provide direct access to individual Mobile Home Lots.

LAND DEVELOPMENT – Any of the following activities:

- A. The improvement of one (1) Lot or two (2) or more Contiguous Lots or Tracts of land for any purpose involving
 - (1) A group of two (2) or more residential or nonresidential Buildings whether proposed

initially or cumulatively, or a single nonresidential Building on a Lot or Lots regardless of the number of Occupants or tenure;

- (2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective Occupants by means of, or for the purpose of, Streets, common areas, leaseholds, condominiums, Building groups or other features.

B. A Subdivision of land.

LANDOWNER – The record holder of legal title to land; the rightful holder of an option or contract to purchase (whether or not such option or contract is subject to any condition); a lessee if he or she is authorized expressly under the lease to exercise the rights of the Owner, of the land which is the subject of an application for Subdivision and/or Land Development.

LANDSCAPED AREA – That portion of a Tract or Lot in which plantings have been installed in accordance with the special provisions for landscaping in **Article XXV** The Landscaped Area includes the Buffer Planting Strip, as well as plantings that serve a functional and/or aesthetic purpose when located around and between Buildings, Roads, parking areas, sidewalks, walkways, sitting areas, service or maintenance Structures, courtyards, and the like.

LIVESTOCK – Domesticated animals raised in an agricultural setting to produce commodities such as milk, meat, and wool.

LIVESTOCK SHELTER – A Shed or other like-type enclosure used to contain Livestock and provide protection from the weather.

LOT – A designated Parcel, Tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

LOT AREA – The area of land contained within the Property Lines of a Lot, excluding the following features (NOTE: This definition applies equally to all Zoning Districts):

<u>Feature:</u>	<u>Percent of feature to be excluded:</u>
Area within any utility easements and utility Rights-of-Way	100%
Area within Road Rights-of-Way or Easements for public or private access	100%
Area within one-hundred-year floodplains	85%
Area of Watercourses and surface water bodies	85%
Area within Wetlands	85%
Area of Very Steep Slopes 25% and greater	70%
Area within Wetland/Watercourse Margins	50%

LOT, CORNER – A Lot that abuts two Streets (or a Street and a Shared Driveway) at their intersection if the interior angle of intersection does not exceed 135°. Both Yards abutting said accessways are deemed Front Yards; the Yard opposite one Front Yard is designated a Side Yard, and the Yard opposite the other Front Yard is designated the Rear Yard.

LOT LINE – A title line or, in the case of a title line located within a Right-of-Way, the Street Line.

- A. **FRONT LOT LINE** – The Lot Line abutting a Street, or, in the case of an Interior Lot, a Shared Driveway. In the case of a Corner Lot, whichever Street or Shared Driveway abutting Lot Line is elected by the Landowner or Developer when filing any application for Subdivision

and/or Land Development subject to the approval of the Township Engineer and the Planning Commission may be deemed the Front Lot Line.

B. SIDE LOT LINE Any Lot Line that is neither a Front Lot Line nor a Rear Lot Line.

C. REAR LOT LINE – The Lot Line opposite and most distant from the Front Lot Line. If the Rear Lot Line is less than 10 feet in length, or if the lot forms a point at the rear, the Rear Lot Line shall be deemed to be a line 10 feet in length within the lot, between the Side Lot Lines, parallel to and at the maximum distance from the Front Lot Line.

LOWEST FLOOR – The Lowest Floor of the lowest enclosed area (including the Basement). An unfinished or Flood-resistant enclosure usable solely for parking of vehicles, building access or storage in an area other than a Basement area is not considered a Building's Lowest Floor, provided that such enclosure is not built so as to render the Structure in violation of applicable nonelevation design requirements of this chapter.

MANUFACTURED HOME – A transportable, single-family Dwelling intended for permanent Occupancy, office, or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a Lot complete and ready for Occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term includes park trailers, travel trailers, Recreational Vehicles and other similar vehicles that are placed on a Lot for more than 180 consecutive days.

MANUFACTURED HOME PARK – A Lot under single ownership that has been planned and improved for the placement of two or more Manufactured Homes for non-transient use.

MARIJUANA DISPENSARY FACILITY – A facility permitted by the Pennsylvania Department of Health under the Medical Marijuana Act (MMA) or any future legislation governing the dispensing of cannabis products.

MARIJUANA GROWER/PROCESSOR FACILITY – A facility permitted by the Pennsylvania Department of Health under the Medical Marijuana Act (MMA) or any future legislation governing the growing and/or processing of cannabis products.

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

MIXED USE – A combination of commercial and residential uses on a Lot, or combination of two (2) uses in a Building.

MOBILE HOME – A transportable, Single-Family Detached Dwelling intended for permanent Occupancy contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, that arrives at a Lot complete and ready for Occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used without a permanent foundation.

MOBILE HOME LOT – An area of land in a Mobile Home Park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single Mobile Home, which is leased by the Mobile Home Park Owner to the Occupants of the Mobile Home erected on the Lot.

MOBILE HOME PARK – A Lot or Tract that contains two or more Mobile Home Lots for the placement of Mobile Homes.

MOBILE HOME STAND – That part of an individual Lot that has been reserved for the placement of the Mobile Home, appurtenant Structures or additions.

MODIFICATION or MODIFY – The improvement, upgrade or expansion of existing Wireless Communications Facilities or base stations on an existing Wireless Support Structure or the improvement, upgrade, or expansion of the Wireless Communications Facilities located within an existing Equipment Compound, if the improvement, upgrade, expansion or replacement does not Substantially Change the physical dimensions of the Wireless Support Structure.

MODULAR SINGLE-FAMILY DETACHED DWELLING – A Dwelling that is Detached and intended for Occupancy by one Family and is constructed using prefabricated parts or modules that are assembled to form the Dwelling Unit.

MOTOR VEHICLE SERVICE STATION – A business which as its principal use services or repairs motor vehicles.

MOVIE THEATER – A Building or part of a Building used for the showing of motion picture films as a principal use.

MULTI-FAMILY DWELLING – A Dwelling Unit in a Building containing three (3) or more Dwelling Units in single ownership including apartments.

MUNICIPALITIES PLANNING CODE (MPC) – The Pennsylvania Municipalities Planning Code Act of 1968, P.L. 805, No. 247 as amended.

MUNICIPAL USE – Any Building, other Structure, facility, complex, area or use specifically provided, constructed, or maintained by the municipal government of Chadds Ford Township or a municipal authority created or organized in whole or in part by Chadds Ford Township.

NATIONAL REGISTER – The National Register of Historic Places, a list maintained by the Secretary of the Interior composed of Buildings, sites, other Structures, objects and districts of national, state or local significance in American history, architecture, archaeology, engineering and culture.

NATURAL FEATURES – Any naturally occurring tree, plant life, habitat or geological site, not including man-made improvements.

NATURE CENTER – A facility where people are educated about the environment, with particular emphasis on flora and fauna.

NEW CONSTRUCTION – *New Construction* means, for the purposes of determining insurance rates, Structures for which the “start of Construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such Structures. For floodplain management purposes, *New Construction* means Structures for which the start of Construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such Structures.²

NO-IMPACT HOME-BASED BUSINESS – A business or commercial activity administered or conducted as an Accessory Use that is clearly secondary to the use as a residential Dwelling and that involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the Premises, in excess of those normally associated with a residential use.

NOISE – Any sound that annoys or disturbs humans or animals or that causes or tends to cause

an adverse psychological or physiological effect on humans or animals.

NONCONFORMING LOT – A Lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE – A Structure or part of a Structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such Structure lawfully existed prior to the enactment of such ordinance or amendment to its location by reason of annexation. Such Nonconforming Structures include, but are not limited to, Nonconforming Signs and Buildings.

NONCONFORMING USE – A use, whether of land or of Structure, that does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

NON-TOWER WIRELESS COMMUNICATIONS FACILITY (NON-TOWER WCT) – Wireless Communications Facilities that are Collocated on existing Structures, such as, but not limited to Buildings, water towers, electrical transmission towers, utility poles, light poles, traffic signal poles, flag poles and other similar Structures that do not require the installation of a new tower.

OCCUPANCY – The purpose for which a Building or portion thereof is utilized or occupied.

OCCUPANT – Any individual occupying, living or sleeping in a Building or having possession of a space within a Building.

OFFICE BUILDING – A Building designated or used primarily for office purposes, no part of which is used for manufacturing or Dwelling purposes.

ONE-HUNDRED-YEAR FLOOD – A Flood that, on the average, is likely to occur once every 100 years (i.e., that has a one-percent chance of occurring each year, although the Flood may occur in any year).

ON-SITE SEWAGE DISPOSAL – A single system of piping, a septic tank or other Approved facility serving a single Lot and collecting and disposing of Sewage in whole or in part into the soil through a septic tank filter field.

OPEN SPACE –

- A. Designated areas that fulfill the requirement for either Common Open Space in a PRD, or other Open Space required under the Open Space Conservation Option; or
- B. Land owned and/or maintained by Chadds Ford Township that has been designated for open space protection, and lands designated in the Open Space Plan as Open Space Protection Focus Areas.

OPEN SPACE PLAN – The Chadds Ford Township Open Space Plan of 2007 and 2018, and any updates thereto.

OPERATOR – Any Person who has charge, care or control of a Structure or Premises.

OUTDOOR DINING – Restaurant service on a terrace, courtyard, sidewalk, deck, or like-type space that adjoins the Restaurant. **OUTDOOR DINING AREA** – Any outdoor space adjoining a Restaurant without drive-through service where waitressed food service is provided.

OWNER – Any Person, Agent, Operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such Person, and the executor or administrator of the estate of such Person if ordered to take possession of real property by a court.

PARCEL – See **LOT**.

PARKING SPACE – A place to park one motor vehicle, car, truck, etc.

PASTURE – Land covered with grass or other Vegetation suitable for grazing animals, especially cattle or sheep.

PENAL FACILITY – A facility occupied by Persons that have been sentenced by Court to serve time for correctional behavior.

PERSON – An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

PERSONAL SERVICE SHOP – An establishment primarily engaged in providing services involving the care of a Person of his or her goods or apparel. Examples of such uses include hair and beauty salons, barber shops, laundry and dry-cleaning establishments, shoe repair shops, tailors and other similar establishments.

PHILANTHROPIC USE – A use that provides or plans for the provision of essential foods and services such as food, housing, clothing, counseling, aid or assistance to those in need, for no fee or compensation or at a fee recognized as being significantly less than the cost of the goods and services,

PLAN – A drawing or set thereof depicting the current and proposed physical features of and improvement to land, and the proposed Development thereof.

- A. **ARCHITECTURAL PLAN** – A drawing or set thereof depicting the proposed form, composition, and materials of a Building.
- B. **AS-BUILT PLAN** – A Plan prepared by a surveyor or engineer showing dimensions and locations of all improvements as actually constructed.
- C. **FINAL PLAN** – A Subdivision plan and/or Land Development Plan prepared for official recording purposes depicting all features required in this chapter, and Chapter 110, Subdivision and Land Development.
- D. **LAND DEVELOPMENT PLAN** – A sketch, preliminary or Final Plan including written and graphic documentation showing the provision for Development of a subject Tract when Plans of Subdivision would not be applicable.
- E. **LANDSCAPE PLAN** – A Plan depicting the design intent for the form, composition, species, sizes, quantities, installation and maintenance of plantings, prepared in accordance with this chapter and Chapter 110, Subdivision and Land Development.
- F. **PRELIMINARY PLAN** – A Subdivision and/or Land Development Plan filed as a basis for consideration and approval prior to preparation of a Final Plan depicting all features required in Chapter 110, Subdivision and Land Development, including an improvements Construction Plan, conservation Plan and all other Plans, documents and submissions required therein.

G. **SKETCH PLAN** – A schematic Plan, not necessarily to exact scale, indicating topographic, vegetative and other salient existing features of a Tract and its surroundings and the general layout of the proposed Subdivision and/or Land Development in sufficient detail to provide disclosure of all significant review matters prior to the filing of a Preliminary Plan for a proposed Subdivision and/or Land Development.

H. **TENTATIVE PLAN** – The initial Plan submission prior to Final Plan submission for a Planned Residential Development (PRD).

PLANNED RESIDENTIAL DEVELOPMENT – An area of land, controlled by a Landowner, to be developed as a single entity for a number of Dwelling Units, or combination of residential and nonresidential uses, the Land Development Plan for which does not correspond in lot size, bulk, type of Dwelling, or use, density, or intensity, lot coverage and required Open Space to the regulations established in any one district created, from time to time, under the provisions of this chapter.

PLANNING COMMISSION – The Chadds Ford Township Planning Commission.

PLASMA – A video display technology that relies upon the electric excitation of phosphors to emit light.

POST-FIRM STRUCTURE – A Structure for which Construction or Substantial Improvement occurred after December 31, 1974, or on or after the community's initial Flood Insurance Rate Map (FIRM), dated September 5, 1979, whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.

PRACTITIONER – A Person engaged in a professional endeavor such as a Doctor, Lawyer, Architect, or like-type profession.

PRE-FIRM STRUCTURE – A Structure for which Construction or Substantial Improvement occurred on or before December 31, 1974, or before the community's initial Flood Insurance Rate Map (FIRM), dated September 5, 1979, whichever is later, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.

PREMISES – The property including any Structures thereon.

PRINCIPAL PERMITTED USE – The primary Building, use or other Structure permitted and intended for a Lot or Parcel.

PRIVATE STREET – A Street or Road not offered or required to be offered for dedication or duly accepted by the Board of Supervisors as a Public Street.

PROFESSIONAL OFFICE – The office of a member of a recognized profession maintained for the conduct of that profession.

PROJECTED AREA – The two-dimensional area measurement of a three-dimensional object created by projecting its shape onto a plane.

PROPERTY LINE – A title line of a Lot or Tract.

PUBLIC GARDEN: An outdoor passive recreation facility open to the public for the enjoyment and interpretation of various plantings and potential outdoor installations of art and sculpture.

PUBLIC HEARING – A formal meeting held pursuant to Public Notice by the Board of Supervisors or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this chapter.

PUBLIC MARKET – An indoor or outdoor market consisting of two or more vendors, typically operating on a seasonal basis and selling regionally produced items.

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

PUBLIC SEWER – See Sewer System.

PUBLIC STREET – A paved accessway that is manifest in one or more of the following: all state Roads and Highways; all dedicated Roads maintained by the Township; all Roads for which the offer of a deed of dedication has been made; and all Private Streets over which the general public has the right of access.

PUBLIC WATER (PUBLIC WATER SYSTEM) – See Water System.

RECREATION –

- A. **ACTIVE RECREATION** – Recreational activities that involve athletic and/or rigorous physical exertion. Such activities include but are not limited to individual or team sports, running, biking, boating/canoeing, swimming and horseback riding.
- B. **ACTIVE RECREATION FACILITY** – A recreational area and supporting infrastructure designed specifically for Active Recreation that can have a significant impact on the surrounding environment. Such facilities generally require Development and Alteration of an area, including the Construction of supporting infrastructure. Active Recreation Facilities include, but are not limited to football fields, baseball fields, basketball courts, soccer fields, swimming pools, golf courses, playgrounds, tennis courts, skating and roller rinks. Active Recreation Facilities do not include Community Centers or Commercial Recreation Facilities.
- C. **COMMERCIAL RECREATION FACILITY** – A facility operated as a business and open to the public for a fee for the purposes of health and fitness, exercise, racquetball, swimming and like sports and activities.
- D. **PASSIVE RECREATION** – Recreational activities that are low impact, usually quiet and not rigorously athletic. Such activities may include, but are not limited to walking, hiking, picnicking, bird watching and wildlife observation, and fishing.
- E. **PASSIVE RECREATION FACILITY** – An Open Space area supporting Passive Recreation activities that generally requires little or no Development or Alteration of the site. Passive Recreation Facilities include but are not limited to Trails for walking/jogging, nature Trails, wildlife observation areas, public gardens, memorial parks and picnic areas.
- F. **PRIVATE RECREATION** – A recreational enterprise or activity conducted by a Club or organization that charges dues for membership.
- G. **PUBLIC RECREATION** – A recreational enterprise or activity conducted by a Federal, State, County, or Municipal agency, and offered to the general public.

RECREATIONAL USE – Any Active Recreation or Passive Recreation use.

RECREATIONAL VEHICLE – A vehicle that is built on a single chassis; not more than 400 square feet, measured at the largest horizontal projections; designed to be self-propelled or permanently towable by a light-duty truck; not designed for use as a permanent Dwelling but as

temporary living quarters for recreation, camping, travel, or seasonal use.

RECYCLABLE MATERIALS – Materials that would become municipal solid waste if not collected, separated or processed and returned to the economic mainstream in the form of raw materials or products. Such materials are identified by the stamps thereon and accepted by recycling haulers.

REGISTERED HISTORIC DISTRICT – A Historic District listed in the National Register of Historic Places, or a state or local Historic District whose status has been certified by the Secretary of the Interior substantially meeting all the requirements for National Register listing.

REGULATORY FLOOD ELEVATION – The Base Flood Elevation (BFE) or estimated Flood height as determined using simplified methods plus a freeboard safety factor of one and one half (1½) feet.

RELIGIOUS USE – A Structure and grounds in which worship, ceremonies, rituals and education pertaining to a particular religion are held.

REMOTE PARKING – Parking intended to meet required parking or overflow parking on a Property remote from the use(s) served, either owned by the same party(ies) as the use(s) served or secured by documented agreement from another Owner.

REPETITIVE LOSS – Flood-related damages sustained by a Structure on two (2) separate occasions during a ten-year period for which the cost of repairs at the time of each such Flood event, on average, equals or exceeds 25% of the market value of the Structure before the damages occurred.

REPLACEMENT OF A SMALL WIRELESS COMMUNICATIONS FACILITY (REPLACEMENT OF SMALL WCT) – the replacement of existing Wireless Communications Facilities on an existing Wireless Support Structure or within an existing Equipment Compound due to maintenance, repair or technological advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight and height as the Wireless Communications Facilities initially installed and that does not substantially change the physical dimensions of the existing Wireless Support Structure.

RESERVE PARKING – Parking Spaces that are planned for but not actually built unless and until necessary.

RESTAURANT – A business devoted to the sale and preparation of food and beverages that are primarily consumed on the Premises.

RETIREMENT RESIDENCE – A Dwelling Unit in a Retirement Community.

RETIREMENT COMMUNITY – A planned community operating under one of the Housing for Older Persons exemptions from the federal Fair Housing Act.

RIGHT-OF-WAY – A strip of land granted or reserved for public or private use.

ROAD – See **STREET**.

RUBBISH – Combustible and noncombustible waste materials, except Garbage, Recyclable Materials and Compost; the term shall include the residue from the burning of wood, coal, coke and other combustible materials; paper rags; cartons; boxes, wood; building materials; rubber; leather; tree branches; tin cans; metals; mineral matter; glass; crockery; dust and other similar materials.

SERVICE BUILDING – A Structure housing operational, office, recreational, maintenance, and other facilities in a Mobile Home Park built to conform to local standards.

SETBACK – 1) The required distance from a Lot Line to a Structure; 2) The required distance between two Structures, e.g., “the Setback between Buildings.”

SEWAGE – The total of organic waste and wastewater generated by residential, commercial, institutional, industrial, recreational or other establishments.

SEWER CONNECTION – The Sewer Connection of a Mobile Home consists of all pipes, fittings, and appurtenances from the drain outlet of the Mobile Home to the inlet of the corresponding Sewer Riser Pipe.

SEWER RISER PIPE – The Sewer Riser Pipe of a Mobile Home is that portion of the sewer lateral which extends vertically to the ground elevation and terminates at each Mobile Home space.

SEWER SYSTEM – An off-site system in which Sewage is collected, conveyed, treated or disposed by means approved by the Pennsylvania Department of Environmental Protection; in accordance with a sewage facilities Plan Approved by the Township.

SHARED DRIVEWAY – A driveway used for shared vehicular access by two (2) or more uses or Lots.

SHARED PARKING – Designated vehicle Parking Spaces that are used by the Occupants of two (2) or more uses, or two (2) or more Buildings, either in a common parking lot or in adjoining parking lots.

SHED – A permanent Accessory Structure, not occupied by Person or animal, used for the storage of materials and equipment, but not for the storage of motor vehicles.

SHOPPING CENTER – A group of commercial establishments that are attached, Detached, or a combination of attached and detached that are planned, constructed and managed as a total entity, with customer and employee parking provided.

SIGHT DISTANCE – The required length of unobstructed visibility along a Street for a motorist.

SIGN – Any Structure, device, light or natural object, including the ground itself, or any part thereof, or any device attached thereto or painted or represented thereon that is used to attract attention and is intended to be seen from off the Premises or from a parking lot. The word *Sign* includes, but is not limited to, Signs that are inside Buildings and are intended to be seen from roadways or parking lots through windows and/or glass doors. No other indoor Sign is deemed a “Sign” within Article XXIII.

A. **ATTRACTION BOARD/READERBOARD/ CHANNEL LETTER SIGN** – Any Sign or portion of a Sign that uses manually changed text to form a message or messages; or, a fixed or Portable Sign with changeable lettering.

B. **BILLBOARD SIGN** – A freestanding large panel Sign with an area in excess of 60 square feet, including any associated supporting Structure whether permanent, temporary or moveable. Each face of a billboard constitutes a separate billboard.

C. **CANOPY SIGN OR AWNING SIGN** – Any Sign that hangs from or is part of, attached to, painted on or affixed to a Structure made of cloth, canvas, metal, wood, plastic, or similar material, over a door, entrance, window or outdoor service area other than a Marquee Sign. Such Signs may or may not be fixed or equipped with a mechanism for raising and holding

an awning in a retracted position against the Building. Awnings and canopies having advertising are considered Projecting Signs when extending more than 15 inches from the face of the supporting Structure.

- D. **FREESTANDING SIGN** – A Sign not attached to a Building. This category includes Signs with any support Structure independent of a Building, including but not limited to columns, poles, posts or masonry Structures.
- E. **GROUND SIGN** – Any Sign, other than a Pole Sign, placed upon or supported by the ground independent of any Structure, where the face of the Sign is less than six (6) feet from the ground and is of a permanent nature.
- F. **ILLUMINATED SIGN** – A Sign that either emits artificial light through any transparent or translucent material or a Sign illuminated by a light focused upon or chiefly directed at the surface of the Sign.
- G. **MARQUEE SIGN** – Any Sign attached to a Building directly above an entrance thereto that projects over a sidewalk or other area.
- H. **MEDIA DISPLAY SIGN (MDS)** – a Media Display Sign includes the following:
 - (1) **Electronic Display Screen (EDS)** – A Sign, or portion of a Sign, that displays an electronic image or video, which may or may not contain text. This definition includes television screens, Plasma screens, digital screens, flat screens, LED (Light Emitting Diode) screens, video boards, and holographic displays, or any display of similar nature which uses LCD (Liquid Crystal Display), CRT (Cathode Ray Tube) or similar technology.
 - (2) **Electronic Message Center (EMC)** – Any Sign, or portion of a Sign, that uses changing lights to form a message or messages in text or pictures, whereby the sequence of messages and the rate of change are electronically programmed and can be modified by electronic processes or similar technology.
- I. **NONCONFORMING SIGN** – Any existing Sign that was permitted when **Article XVIII, "Signs"** was enacted that no longer conforms in area, size, height, location and/or use because of changes to regulations.
- J. **ON-PREMISES SIGN** – A Sign relating in its subject matter to the Premises on which it is located, or to products, accommodations, services, or activities on the Premises. On-Premises Signs do not include Signs erected by outdoor advertising industry in the conduct of the outdoor advertising business.
- K. **PARALLEL SIGN** – A Sign that is mounted parallel to a wall or other vertical building surface, not extending beyond the edge of any wall or other surface to which it is mounted and not projecting more than 15 inches from the wall surface.
- L. **POLE SIGN** – A Sign that is mounted on a freestanding pole.
- M. **PORTABLE SIGN** – a Sign that is not permanent, affixed to a Building Structure or to the ground, including but not limited to "A-Frame" Signs, "Roll-Out" Signs, "Wheeled- Signs" or "Mobile-Stand" Signs.
- N. **PROJECTING SIGN** – A Sign which is attached directly to the Structure wall and which extends more than 15 inches from the face of such wall.
- O. **REAL ESTATE SIGN** – A Sign located on a Lot which is for sale or lease, that includes the sale or lease of improvements thereon.

- P. **TEMPORARY SIGN** – A Sign that can be removed without special handling and/or is made of any temporary material such as paper, cardboard, vinyl or plastic.
- Q. **THREE-DIMENSIONAL SIGN** – A Sign wherein the lettering, logos, or design projects more than three (3) inches from the face of the Sign or a Sign with a sign box more than 12 inches in depth.
- R. **WALL SIGN** – A Sign that is attached directly to or painted upon a Building or wall, also known as a façade Sign.

SILVICULTURE – The maintenance of a forest or Woodland to promote the health and longevity of trees.

SINGLE AND SEPARATE OWNERSHIP – The ownership of property by any Person, which ownership is separate and distinct from that of any adjoining property.

SINGLE-FAMILY ATTACHED DWELLING (TOWNHOUSE) – A Building containing at least three (3) separately owned Dwelling Units, each of which is separated by party wall on opposite sides, and each of which has only one (1) Dwelling Unit from ground to roof, independent outside access, not more than two (2) walls in common with adjoining units and open areas to the front and rear (internal units) or front, rear and one (1) side (end units). Each unit shall be referred to as a single-family attached unit.

SINGLE-FAMILY DETACHED DWELLING – A Building having only one (1) Dwelling Unit from ground to roof, independent outside access and open spaces on all sides.

SINGLE-FAMILY SEMI-DETACHED DWELLING (TWIN) – Each Dwelling within a Building containing two (2) Dwellings, separated by a party wall, each having independent outside access and open space on three (3) sides.

SLOPE, STEEP – Those areas of land characterized by a change in elevation of 15% up to 25% based on three consecutive two-foot contours, which is six cumulative vertical feet of grade change.

SLOPE, VERY STEEP – Those areas of land characterized by a change in elevation in excess of 25% based on three consecutive two-foot contours, which is six cumulative vertical feet of grade change.

SMALL WIRELESS COMMUNICATIONS FACILITY – A Wireless Communications Facility that meets the following criteria:

- A. The Wireless Support Structure on which Antenna facilities are mounted—
 - (1) is 50 feet or less in height, or
 - (2) is no more than 10 taller than other adjacent Structures, or
 - (3) is not extended to a height of more than 50 feet or by more than 10 percent above its height prior to the Collocation of any WCF as a result of the Collocation of new Antenna facilities; and
- B. Each Antenna associated with the deployment (excluding the Accessory Equipment) is no more than three cubic feet in volume; and
- C. All Accessory Equipment associated with the Wireless Support Structure including the wireless equipment associated with the Antenna and any pre-existing associated equipment

on the Wireless Support Structure, is cumulatively no more than 28 cubic feet in volume; and

- D. The Wireless Communications Facility does not require Antenna Structure registration under 47 CFR Part 17; and
- E. The Wireless Communications Facility is not located on Tribal lands, as defined under 36 CFR 800.16(x); and
- F. The Wireless Communications Facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR 1.1307(b).

SPECIAL EVENTS CENTER – A venue for performances, receptions or parties, sporting events, and civic events.

SPECIAL EXCEPTION – A use that is not permitted by right or as a Conditional Use but which may be authorized by the Zoning Hearing Board after Public Hearing, provided that the proposed use is in accordance with the express standards and criteria specified in this chapter and is in conformity with other applicable general standards.

SPECIAL FLOOD HAZARD AREA (SFHA) – A Floodplain Area subject to a one-percent (1%) or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1- A30, AE, A99, or AH.

STALL DEPTH – The length of a Parking Space in a parking lot.

START OF CONSTRUCTION – (for other than New Construction or Substantial Improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes Substantial Improvement, and means the date the building permit was issued, provided the actual start of Construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent Construction of a Structure on a site, such as the pouring of slab or footings, the installation of piles, the Construction of columns, or any work beyond the stage of excavation; or the placement of a Manufactured Home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of Streets and/or walkways; nor does it include excavation for a Basement, footings, piers, or

foundations or the erection of temporary forms; nor does it include the installation on the property of Accessory Buildings, such as garages or Sheds not occupied as Dwelling Units or not part of the main Structure. For a Substantial Improvement, the actual start of Construction means the first Alteration of any wall, ceiling, floor, or other structural part of a Building, whether or not that Alteration affects the external dimensions of the Building.³

STEALTH TECHNOLOGY – Camouflaging methods applied to Wireless Communications Facilities and Accessory Equipment which render them more visually appealing or blend the proposed facility into the existing Structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted Antennas, building-mounted Antennas painted to match the existing Structure and facilities constructed to resemble trees, shrubs, and light poles.

STORY – That part of a Structure included between any floor and the floor or roof next above. When applied to the permissible Height of Buildings, the term "Story" shall not include a Basement if the Basement is not designated for living quarters and if the floor thereof is more than five feet below the average ground level.

STREET – A Street, avenue, pike, boulevard, Road, Highway, freeway, parkway, lane, Alley,

viaduct and any other way used or intended to be used by vehicular traffic or pedestrians whether public or private.

STREET LINE – The edge of a Street Right-of-Way.

STRUCTURE – Any manmade object or improvement having an ascertainable stationary location on land or in the water, whether or not affixed to the land.

SUBDIVISION – The division or redivision of a Lot or Tract of land by any means into two (2) or more Lots, Tracts, or other divisions of land including changes in existing Lot Lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, conveyance or other transfer of ownership or Building or lot Development; excluding, however, the Subdivision by lease of land for agricultural purposes into Lots of more than 10 acres, not involving any new Street or Easement of access of any residential Dwelling.

SUBSTANTIAL CHANGE – Any Alteration that substantially changes the physical dimensions of a support Structure if it meets the criteria established by 47 CFR §1.6100.

SUBSTANTIAL IMPROVEMENT –

- A. Any repair, reconstruction, or improvement of a Structure, the cost of which equals or exceeds 50% of the market value of the Structure either:
 - (1) Before the improvement or repair is started; or
 - (2) If the Structure has been damaged, and is being restored, before the damage occurred.
- B. The term does not, however, include either:
 - (1) Any project for improvement of a Structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the Code Enforcement and Zoning Officer and that are the minimum necessary to assure safe living conditions; or
 - (2) Any Alteration of an Historic Structure, provided that the Alteration will not preclude the Structure's continued designation as an Historic Structure.

TENANT – A Person, corporation, partnership or group, whether or not the legal Owner of record, occupying a Building or portion thereof as a unit.

TOP OF BANK – The point along either side of a stream at which the slope change in the natural topography defines a channel capable of containing the flow in a natural Watercourse during normal flow conditions.

TOWER-BASED WIRELESS COMMUNICATIONS FACILITY (TOWER-BASED WCF) – Any Structure that is used for the primary purpose of supporting one or more Antennas, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, and the accompanying Antenna and Accessory Equipment.

TOWERS, CELLULAR AND WIRELESS TOWERS, FACILITIES AND EQUIPMENT – Includes but is not limited to Antenna, Antenna support Structures, and Cell Sites.

TOWNSHIP – The Township of Chadds Ford, Delaware County, Pennsylvania

TOWNSHIP ENGINEER – A professional engineer (P.E.) licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the Township; or a firm of such engineers

employed by the Township or retained as a consultant thereto.

TOWNSHIP SECRETARY – The Secretary of Chadds Ford Township, Delaware County, Pennsylvania.

TRACT –

- A. In the context of a Planned Residential Development or any application in the CC District, a Lot of land intended for Development that may consist of one or more Contiguous Lots held in Single and Separate Ownership at the time of application and developed pursuant to a common Plan by agreement of the Owners. The holder of an option or contract to purchase, a lessee who is authorized by the terms of the lease to develop the Tract with a lease for a remaining term of not less than 40 years, or other Persons having an enforceable proprietary interest in such land shall be deemed Owners for the purposes of this chapter.
- B. In the context of all other Development, an area, Parcel, site, Lot, or Property which is or previously was the subject of a Subdivision and/or Land Development Plan application.

TRAIL – A route or path developed primarily for outdoor recreational purposes.

TREE MASS – A contiguous grouping of five (5) or more trees.

TWO-FAMILY DETACHED DWELLING – Each Dwelling within a Building containing two (2) Dwellings from ground to roof, each of which has independent outside access and open space on all sides.

UNIFORM CONSTRUCTION CODE (UCC) – The statewide building code, contained in 34 Pa. Code, Chapters 401 through 405, as amended from time to time, and incorporated herein by reference as the municipal building code of this municipality, adopted by Chadds Ford Township to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§ 7210.101 through 7210.1103, as amended from time to time, and its regulations.

VALET PARKING – A service in which professional drivers, known as valets, park and retrieve customers' vehicles.

VAPE SHOP – A commercial enterprise that primarily sells vaping products, electronic cigarettes products and related products.

VARIANCE – Relief from the strict terms of this chapter, by order of the Zoning Hearing Board, after Public Hearing, when authorized by law.

VEGETATION – All the plants or plant life of a place, taken as a whole.

VISITORS CENTER – A Building that provides tourist information and services to visitors.

WATER SYSTEM – An off-site system in which water is distributed and supplied by means Approved by the state and the Township, and administered, operated and maintained by an organization that is regulated by a governmental agency, authority or commission.

WATERCOURSE – A stream with year-round or substantially year-round flow, such as a creek, run, river, or like moving water channel.

WETLAND – An area with hydric soils that are inundated or saturated by surface water and/or groundwater that supports hydrophytic Vegetation such as swamps, bogs, marshes and the like, such areas being regulated by the U.S. Army Corps of Engineers and/or the PA DEP.

WETLAND MARGIN OR WATERCOURSE MARGIN – Any area located within 25 feet of any Wetland or any Watercourse, measured horizontally on a line perpendicular to the edge of the Wetland or, in the case of a Watercourse, to the edge of the water at Bankfull Flow.

WIRELESS COMMUNICATIONS FACILITY (WCF) – An Antenna facility or a Wireless Support Structure that is used for the provision of wireless service, whether such service is provided on a stand-alone basis or commingled with other wireless communications services.

WIRELESS SUPPORT STRUCTURE – A pole, tower, base station, or other Building, whether or not it has an existing Antenna facility, that is used or to be used for the provision of wireless service (whether on its own or commingled with other types of services).

WOODLAND – A Tree Mass or plant community of 10,000 square feet or more, in which either:

- A. Tree species are dominant or co-dominant and in which the branches of trees form a complete, or nearly complete, aerial canopy; or
- B. Trees are growing in close proximity to each other with the average Caliper of such trees being not less than four 4 inches DBH; or
- C. It is an area where timber has been harvested or trees damaged in the recent past that is being rejuvenated.

YARD – An area of each Lot, extending along the pertinent Lot Line and inward to a principal Structure. The depth of the Yard is the shortest distance between the principal Structure and the pertinent Lot Line.

- A. **FRONT YARD** – A Yard between a principal Structure and a Street Line, extending the entire length of the Street Line.
 - (1) For a Corner Lot, the Yards extending along all Streets or Shared Driveways are Front Yards.
 - (2) For a Reverse Frontage Lot, the Yard extending along the Street to which access is provided is the Front Yard.
- B. **REAR YARD** – A Yard between a principal Structure and a Rear Lot Line, extending the entire length of the Rear Lot Line. For a Corner Lot, the Yard opposite the Front Street is the Rear Yard.
- C. **SIDE YARD** – A Yard between a principal Structure, not including a fence or wall under four feet in height, and a Side Lot Line, extending the entire length of the Side Lot Line. For a Corner Lot, all Yards that are neither Front Yards nor Rear Yards are Side Yards.

ZHB – The Chadds Ford Township Zoning Hearing Board.

ZONING OFFICER – The administrative officer designated by the Board of Supervisors to administer this chapter.

¹The Pennsylvania Historical & Museum Commission

²<https://www.law.cornell.edu/cfr/text/44/59.1>

³<https://www.law.cornell.edu/cfr/text/44/59.1>

ARTICLE III. ESTABLISHMENT OF ZONING DISTRICTS.

§ 135-10. Enumeration of districts.

A. For the purposes of this chapter, Chadds Ford Township is hereby divided into the following districts:

Article IV	R-1 District	Residence
Article V	R-2 District	Residence
Article VI	R-MA District	Residence-Multi-Family/Apartment Building
Article VII	PRD Overlay District	Planned Residential Development Overlay
Article VIII	B District	Business
Article IX	B-1 District	Business -1
Article X	PBC District	Planned Business Center
Article XI	PBC-1 District	Planned Business Center – 1
Article XII	POC District	Planned Office Center
Article XIII	LI District	Light Industrial
Article XIV	LI-1 District	Light Industrial – 1
Article XV	Reserved	
Article XVI	MC District	Municipal Conservation
Article XVII	CC District	Cultural Campus
Article XVIII	Wireless Communications Facilities Overlay District	
Article XIX	Floodplain Conservation Overlay District	
Article XX	Historic Overlay District	
Article XXI	BP Overlay District	Baltimore Pike
Article XXII	Steep Slope Conservation Overlay District	

§ 135-11. District boundaries.

- A. The boundary of said districts shall be shown upon the map which shall be designated the "Zoning Map." The said map and all notations, references and other things shown thereon shall be part of this chapter.
- B. 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 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 center line of the Street at a distance therefrom equivalent to the number of feet so indicated.
- C. When a district boundary line divides a Lot held in a Single and Separate Ownership at the time of the adoption of this chapter, the following shall apply.
- (1) The regulation as to the use in the less restricted district shall extend over the portion of the Lot in the more restricted district a distance of not more than 50 feet beyond the district boundary line.
 - (2) The regulation as to the use in the more restricted district may extend over the portion of the Lot in the less restricted district, a distance of not more than 50 feet beyond the district boundary line.

- (3) For the purposes of this chapter, the districts shall be considered to be restrictive in the following order, listed from most restrictive to least restrictive: MC, R-1, R-2, PRD, CC, R-MA, POC, PBC, PBC-1, LI, LI-1, B, and B-1.

§ 135-12. Order of overlay precedence.

If a Lot lies in more than one overlay district, any conflicts shall be interpreted in the following order of precedence: Floodplain, Steep Slope, Historic, Wireless Communications Facilities, Baltimore Pike.

ARTICLE IV. R-1 DISTRICT (RESIDENCE).

§ 135-13. Purpose.

The purpose of the R-1 District is to preserve and maintain natural features, Open Space, and the rural character of significant portions of the Township by providing areas for low-density single-family residential Development. This district preserves existing environmental features such as Woodland, Green Areas, Open Space, streams and stream valleys, soils and agricultural uses, and mitigates the impact of Development upon the Township through minimizing Impervious Surface coverage and Development intensity.

§ 135-14. Uses Permitted by Right.

A Building may be erected, altered or used and a Lot or Premises may be used for any of the following purposes and for no other:

- A. Single-Family Detached Dwelling.
- B. Agriculture or Agricultural Operation as defined in Article II, and subject to **Article XXVI**.
- C. The sale of agricultural products, subject to **Article XXVI**. The erection of a roadside stand
- D. Municipal Uses.
- E. Family Child Care Home

§ 135-15. Uses Permitted by Special Exception.

- A. Cemeteries and Educational and Religious Uses, excluding correctional and Penal Facilities except as may be preempted by state law, when authorized by the Zoning Hearing Board.

§ 135-16. Conditional Uses.

- A. Passive Recreation and Passive Recreation Facilities, as defined in **Article II** and subject to requirements and criteria for the approval of Conditional Uses of **Article XXVI**.
- B. The Open Space Conservation Option, subject to **Article XXVI, § 135-195**.
- C. Group Homes, as defined in **Article II** and subject to requirements and criteria for the approval of Conditional Uses of **Article XXVI**.
- D. Group Child Care Home
- E. Bed-and-Breakfast Inn, subject to **Article XXVI**.
- F. Home Occupation, as an Accessory Use **subject to Article XXVI**.

§ 135-17. Accessory Uses.

- A. Agriculture or Agricultural Operations when Principal Permitted Use is Single-Family Dwelling.
- B. Off-street parking, subject to Article XXIV.
- C. Private Garage, subject to Article XXVI.
- D. Shed, subject to Article XXVI.

- E. No-Impact Home-Based Business, subject to Article XXVI.
- F. Signs, subject to Article XXIII.
- G. Swimming pools, subject to Article XXVI.
- H. Accessory Uses on the same Lot and customarily incidental to any of the above Principal Permitted Uses, subject to Article XXVI.

§ 135-18. Area and Bulk Regulations.

A. Area and bulk regulations. The following area and bulk regulations shall apply:

(1) R-1 • Single-Family Detached Dwellings	
Standard	Size
(a) Lot Area	Two (2) acres , minimum.
(b) Lot Width – Building Line	200 feet at the Front Building Line, which minimum shall extend toward the Front Street for the required depth of the Front Yard.
(c) Lot Width – Street Line	50 feet , minimum.
(d) Front Yard	75 feet , minimum, from Front Lot Line to the nearest point of the main Building. For Corner Lots, the Yards fronting on each Street shall have a minimum depth of 75 feet.
(e) Side Yards	50 feet , minimum, between nearest point of the main Building to Side Lot Line. There shall be two (2) Side Yards except for Corner Lots, where there shall be at least one (1) Side Yard with a minimum depth of 50 feet.
(f) Rear Yard	50 feet , minimum, between nearest point of the main Building to Rear Lot Line.
(g) Driveway	No driveway, Private Street or fire lane shall be located within 10 feet of any Side or Rear Lot Line.
(h) Building Coverage	15 percent , maximum, inclusive of principal and Accessory Structures.
(i) Impervious Coverage	20 percent , maximum.
(j) Building Height	40 feet , maximum, subject to § 135-192 and § 135-193 .
(k) Green Area	60 percent , minimum.

(2) Open Space Conservation Option

Single-Family Detached Dwellings

Standard	Size
(a) Lot Area	One (1) acre, minimum.
(b) Lot Width – Building Line	150 feet at the Front Building Line, which minimum shall extend toward the Front Street for the required depth of the Front Yard.
(c) Lot Width – Street Line	50 feet, minimum.
(d) Front Yard	75 feet, minimum, from Front Lot Line to the nearest point of the main Building. For Corner Lots, the Yards fronting on each Street shall have a minimum depth of 75 feet.
(e) Side Yards	30 feet, minimum, between nearest point of the main Building to Side Lot Line. There shall be two (2) Side Yards that shall not total less than 65 feet in aggregate width, except for Corner Lots, where there shall be at least one (1) Side Yard with a minimum depth of 50 feet.
(f) Rear Yard	50 feet, minimum, between nearest point of the main Building to Rear Lot Line.
(g) Driveway	No driveway, Private Street or fire lane shall be located within 10 feet of any side or Rear Lot Line.
(h) Building Coverage	15 percent, maximum, inclusive of principal and Accessory Structures.
(i) Impervious Coverage	20 percent, maximum.
(j) Building Height	40 feet, maximum, subject to § 135-192 and § 135-193.
(k) Open Space	40 percent, in accordance with § 135-195.C. and F.

ARTICLE V. R-2 DISTRICT (RESIDENCE).

§ 135-19. Purpose.

- A. The purpose of the R-2 District is to accommodate low-density residential Development in proximity to state Highways and existing areas of medium density residential and medium intensity commercial Development.

§ 135-20. Uses Permitted by Right.

- A. A Building may be erected, altered or used and a Lot may be used for any of the following purposes and for no other:

- (1) Any of the uses permitted in the R-1 District, subject to the same dimensional requirements unless otherwise specified in this article.

§ 135-21. Uses Permitted by Special Exception.

- A. Cemeteries and Educational, Municipal, and Religious Uses, excluding correctional and Penal Facilities, except as preempted by state law, when authorized by the Zoning Hearing Board.

§ 135-22. Conditional Uses.

- A. Passive Recreation and Passive Recreation Facilities, as defined in Article II and subject to the requirements and criteria for the approval of Conditional Uses of **Article XXVI**.
- B. The Open Space Conservation Option, subject to **Article XXVI, § 135-195**.
- C. Group Homes, as defined in Article II and subject to requirements and criteria for the approval of Conditional Uses of **Article XXVI**.
- D. Bed-and-Breakfast Inn, subject to **Article XXVI**.
- E. Home Professional Office, as an Accessory Use, subject to **Article XXVI**.
- F. Group Child Care Home.

§ 135-23. Accessory Uses.

- A. Off-street parking, subject to **Article XXIV**.
- B. Private Garage, subject to **Article XXVI**
- C. Shed, subject to **Article XXVI**.
- D. No-Impact Home Based Business, subject to **Article XXVI**
- E. Signs, subject to **Article XXIII**.
- F. Swimming pools, subject to **Article XXVI**.
- G. Accessory Uses on the same Lot with and customarily incidental to any of the above Principal Permitted Uses, subject to **Article XXVI**.

§ 135-24. Area and bulk regulations.

- A. Area and bulk regulations. The following area and bulk regulations shall apply:

(1) R-2 • Single-Family Detached Dwellings

Standard	Size
(a) Lot Area	One (1) acre , minimum.
(b) Lot Width – Building Line	150 feet at the Front Building Line, which shall extend toward the Front Street for the required depth of the Front Yard.
(c) Lot Width – Street Line	50 feet , minimum.
(d) Front Yard	65 feet , minimum, from Front Lot Line to the nearest point of the main Building. For Corner Lots, the Yards fronting on each Street shall have a minimum depth of 65 feet .
(e) Side Yards	40 feet , minimum, between nearest point of the main Building to Side Lot Line. There shall be at least two (2) Side Yards except for Corner Lots, where there shall be at least one (1) Side Yard with a minimum depth of 40 feet .
(f) Rear Yard	50 feet , minimum, between nearest point of the main Building to Rear Lot Line.
(g) Parking/Driveway	No driveway, Private Street or fire lane shall be located within 10 feet of any side or Rear Lot Line.
(h) Building Coverage	15 percent , maximum, inclusive of principal and Accessory Structures.
(i) Impervious Coverage	25 percent , maximum.
(j) Building Height	40 feet , maximum, subject to § 135-192. and § 135-193.
(k) Green Area	55 percent , minimum.

(2) Open Space Conservation Option

Single-Family Detached Dwellings

Standard	Size
(a) Lot Area	One-half (1/2) acre, minimum.
(b) Lot Width – Building Line	100 feet at the Front Building Line, which minimum shall extend toward the Front Street for the required depth of the Front Yard.
(c) Lot Width – Street Line	50 feet, minimum.
(d) Front Yard	50 feet, minimum, from Front Lot Line to the nearest point of the main Building. For Corner Lots, the Yards fronting on each Street shall have a minimum depth of 50 feet.
(e) Side Yards	25 feet, minimum, between nearest point of the main Building to Side Lot Line. There shall be two (2) Side Yards that shall not total less than 55 feet in aggregate width, except for Corner Lots, where there shall be at least one (1) Side Yard with a minimum depth of 50 feet.
(f) Rear Yard	40 feet, minimum, between nearest point of the main Building to Rear Lot Line.
(g) Driveway	No driveway, Private Street or fire lane shall be located within 10 feet of any side or Rear Lot Line.
(h) Building Coverage	25 percent, maximum, inclusive of principal and Accessory Structures.
(i) Impervious Coverage	50 percent, maximum.
(j) Building Height	40 feet, maximum, subject to § 135-192 and § 135-193.
(k) Open Space	40 percent in accordance with § 135-195.C. and F.

ARTICLE VI. R-MA (RESIDENCE-MULTI-FAMILY/APARTMENT DISTRICT).

§ 135-25. Purpose.

The purpose of the R-MA District is to provide areas for medium and high-density residential Development with proximity and access to major roadways and the Township's commercial corridors. The district permits Single-Family and Multi-Family Dwellings, providing for a range of housing options, while preserving Green Areas through clustering of housing units.

§ 135-26. Uses Permitted by Right.

A Building may be erected, altered or used and a Lot may be used, for any of the following purposes or combination thereof, and no other:

- A. Single-Family Detached Dwelling.
- B. Single-Family Semi-Detached Dwelling (twin) and Two-Family Detached Dwellings.
- C. Single-Family Attached Dwelling (townhouse).
- D. Apartment Building.
- E. Condominium Buildings.

§ 135-27. Uses Permitted by Special Exception.

- A. **(Reserved)**

§ 135-28. Conditional Use.

- A. Passive Recreation and Passive Recreation Facilities, as defined in Article II and subject to the requirements and criteria for the approval of Conditional Uses of **Article XXVI**.

§ 135-29. Accessory Uses.

- A. Off-street parking, subject to **Article XXIV**.
- B. Private Garages, subject to **Article XXIV**
- C. Laundry facility for the exclusive use of residents of the site.
- D. Recreation Building or dining facility, provided it is for the exclusive use of residents of the site and their guests.
- E. Swimming pool, provided it is for the exclusive use of residents of the site, subject to **Article XXVI**.
- F. Refuse collection centers accessible to the Street system, provided that they are screened from adjoining property and public view by a wall, fence or hedge. No on-site incineration shall be permitted.
- G. Signs, subject to **Article XXIII**.
- H. No-Impact Home-Based Business, subject to **Article XXVI**.
- I. Accessory Uses on the same Lot with and customarily incidental to any of the above Principal Permitted Uses, subject to **Article XXVI**.

§ 135-30. Area and bulk regulations.

A. R-MA • Single-Family Detached Dwellings

As per the requirements for Single-Family Detached Dwellings in the R-2 district.

B. R-MA • Semi-Detached, Two-Family, and Attached (Townhouse) Dwellings

Standard	Size
(1) Lot Area	Two (2) Acres , minimum.
(2) Lot Width	280 feet , minimum.
(3) Front Yard	75 feet , minimum, from Front Lot Line to the nearest point of the main Building. For Corner Lots, the Yards fronting on each Street shall have a minimum depth of 75 feet.
(4) Side and Rear Yards	50 feet , minimum, or twice the height of the subject Dwelling Unit (whichever is greater) between nearest point of the main Building to adjacent Lot Line.
(5) Parking/Driveway	Driveways shall be set back a minimum of 5 feet from the Side Lot Line, except for Shared Driveways, where the Setback shall be 10 feet .
(6) Building Coverage	20 percent , maximum.
	50 percent , maximum.
(7) Impervious Coverage	At least 50 percent of the Green Area of the Lot shall be suitable for recreation purposes such as tot lot, sitting area, walking area, and suitable games and similar activity.

C. R-MA • Apartment Buildings

Standard	Size
(1) Lot Area	Two (2) Acres, minimum.
(2) Lot Width	280 feet, minimum.
(3) Front Yard	75 feet, minimum, from Front Lot Line to the nearest point of the main Building.
(4) Side and Rear Yards	50 feet, minimum, or twice the height of the subject Dwelling Unit (whichever is greater) between nearest point of the main Building to Side Lot Line.
(5) Driveway	Driveways shall be set back a minimum of five (5) feet from the Lot Line, except for Shared Driveways.
(6) Building Coverage	20 percent, maximum.
	50 percent, maximum.
(7) Impervious Coverage	At least 50 percent of the Green Area of the Lot shall be suitable for recreation purposes such as tot Lot, sitting area, walking area, and suitable games and similar activity.
(8) Density	Average of 12 units per acre over Lot Area of Apartment Building site.
	The Lot Areas to be used for Single-Family Dwelling or Professional Offices shall not be included in the Lot Area to be used for calculating the allowable number of units for the Apartment Building site.
(9) Density Calculations	The density calculation shall use the Lot Area as defined in Article II.
(10) Setbacks	25 feet, minimum Front Yard and 15 feet, minimum Side Yard from Internal Streets and common drives.
	12 feet, minimum from the paved surface(s) of parking areas.
	Building Separation Minimums (measured Building face to Building face): 35 feet, side to side and side to front or side to back 50 feet, back to back.
(11) Building Height	40 feet, maximum, subject to § 135-192. and § 135-193.
(12) Minimum Dwelling Unit Size	700 square feet, minimum; 850 square feet, minimum, for two (2) and Bedroom apartments, and 1,000 square feet, minimum, for three (3) Bedroom apartments, excluding areas of joint use with other Occupants.
(13) Green Area	30 percent, minimum.

D. R-MA • Office

As per **B District (Business)**, except where the subject Lot abuts an R-1 District (Residence) or R-2 District (residence), in which case the Side Yards shall be a **minimum of 40 feet** in width each.

§ 135-31. Landscaping.

- A. All of the property shall be suitably landscaped as approved by the Board of Supervisors and shall be suitably maintained. If the subject property is not suitably maintained, such maintenance may be performed by the Township and the cost thereof charged against the Owner of said property and a lien entered against the property as a municipal lien if such charge is not paid. Prior approval by the Township is required before any existing deciduous or evergreen tree 12 inches or more in DBH is removed.

§ 135-32. Buffering.

- A. Buffer Areas and Buffer Planting Strips shall be in accordance with **Article XXV**.

§ 135-33. Street requirements.

- A. Each Dwelling Unit site, semi-detached or attached housing site shall meet the following Street and parking requirements:
- (1) When the site is in an approved Fire-Protected District (which shall have an adequate water supply and storage facility to assure sufficient volume and pressure of water to combat possible fires), the submitted Plan shall show existing mains and water supplies in the immediate area, together with proposed mains and fireplugs to provide adequate fire protection to the proposed units.
- B. When the sites are not in a Fire-Protected District, the following conditions shall apply:
- (1) Fire lane.
 - (a) No unit shall be located more than 150 feet from a duly improved and accessible fire lane. A "fire lane" shall mean and include any driveway, roadway, area, Lot, or strip of land which provides vehicular access to any Building or Buildings.
 - (b) Fire lanes shall have a minimum unobstructed Right-of-Way width of 40 feet, and there shall be constructed within this Right-of-Way an all-weather and well-drained surface cartway with a minimum width of 20 feet. The extension of fire lanes shall begin from one (1) or more existing and improved Public Streets.
 - (c) Fire lanes that curve, turn or change directions shall have a minimum radius of 55 feet at the edge of pavement. Fire lanes containing reverse curves shall have a minimum center line tangent length of 50 feet between curves.
 - (d) Dead-end fire lanes shall be terminated with an unobstructed vehicular turnaround or cul-de-sac with a minimum Right-of-Way radius of 45 feet and shall have a minimum surfaced radius of 35 feet. Dead-end fire lanes shall have a maximum length of 400 feet.

- (e) The location of fire lanes shall conform to Plans for the extension of Streets, sanitary sewers, water mains, storm sewers and other drainage facilities and public utilities as contained in this and other ordinances of Chadds Ford Township and shall provide adequate access to Buildings by fire fighters and other emergency services.

§ 135-34. Utilities and drainage facilities.

The following utilities and drainage facilities are required for each unit:

A. Utilities.

- (1) All utility connections, cable television lines and servicing lines are to be installed underground unless special conditions require otherwise, subject to the approval of the Board of Supervisors.
- (2) Where required, Easements across Lots centered on Rear or Side Lot Lines shall be provided for such utilities and shall be at least 20 feet wide.
- (3) Water supply and Sewage disposal shall be furnished in accordance with the requirements specified by the appropriate state, county and Township officials. Off-site water and Sewage facilities may be required where deemed necessary by the Board of Supervisors. A Sewage treatment plant may be installed on a site when approved by the Board of Supervisors and the appropriate state and county officials. Such a Plan shall meet the Setback, Side and Rear Yard requirements provided herein, including Buffer Area where required.

B. Drainage.

- (1) All areas on the site should be properly graded to provide adequate drainage.
- (2) Where the site is traversed by a Watercourse, drainageway, channel, or stream, there shall be provided a drainage Easement conforming substantially with the lines of such Watercourse, but not less than 10 feet wide, and of ample width to carry anticipated flows. Those areas occupied by required Easements that are now within a stream channel and are suitable for recreational purposes may qualify as usable Open Space subject to the approval of the Board of Supervisors. No storm sewers, drainage facilities or surface water shall be connected to or be permitted to flow into a sanitary Sewer System. Surface flow from a site shall be controlled by retention basins and systems to prevent runoff from exceeding that which would be normal for the site prior to Development or disturbance of virgin soil.

§ 135-35. Administrative requirements.

- A. Each application submitted pursuant to this article shall be subject to the provisions of Chapter 110, Subdivision and Land Development, as amended, and the procedures as set forth therein shall be complied with and approval required thereunder. In addition, each such application shall be accompanied by the following information:
 - (1) A site Plan or Plans that describe the integrated or overall Development of the site of land or district for which an application is made; said site Plan or Plans shall be drawn at appropriate scales, and shall show:
 - (a) The location, orientation, boundaries, dimensions, and ownership of the land to be included in the district or area for which the application is made.
 - (b) The location, use, dimensions, and arrangement of all Buildings and other Structures, Streets, sidewalks, and Open Spaces, including the height of all Buildings; the number

of Bedrooms contained in each unit; the location, area in square feet and capacity of all areas to be used for off-street parking; the location and dimensions of all driveways, fire lanes, and Private and Public Streets; the location of all areas devoted to planting, landscaping or similar purposes; and the location and height of all walls, fences or hedges required as visual screens.

- (c) The floor plans and areas in square feet of all Dwelling Units and Accessory Buildings and the location of all windows and external doors.
- (d) The physical features of the property, including contours at two (2) foot intervals; a regrading Plan or proposed final contours and elevations.
- (e) The provisions and proposed facilities made for, and the location of, all Sewage, water supply, surface and stormwater drainage, exterior lighting, and similar facilities and the dimensions of all existing or proposed utility Easements.

B. In all instances, sufficient data shall be provided to enable the Board of Supervisors to determine that the requirement of this and other ordinances of the Township relevant to the proposed Plan have been fulfilled.

§ 135-36. Fees.

- A. The Owner shall reimburse the Township for all reasonable engineering and legal expenses incurred by the Township for services rendered by the Township Engineer and the Township Solicitor pursuant to the provisions of this article.
- B. The Owner shall deposit with the Township Secretary, prior to filing the Preliminary Plan (or, if no Preliminary Plan is filed, prior to filing his/her Final Plan), a sum as set from time to time by resolution of the Board of Supervisors to secure payment of the fees and expenses required by this article. As the fund is expended, the Owner shall make further deposits upon notice from the Township Secretary.
- C. The Owner shall pay to Chadds Ford Township a Plan review fee as set from time to time by resolution of the Board of Supervisors. This fee shall accompany the submission of the Final Plan for review.
- D. After payment of the plan review fee and other expenses under this article and after approval of the Final Plan, the Owner shall request in writing to the Township Secretary a refund of any deposit remaining with an accounting of disbursements.
- E. The amount of all fees and security may be changed from time to time by Resolution of the Board of Supervisors.

ARTICLE VII. PRD OVERLAY DISTRICT (PLANNED RESIDENTIAL DEVELOPMENT).

§ 135-37. Purpose.

The provisions of this article are enacted in order that the purposes of this chapter are furthered in an era of increasing urbanization, development pressures and growing demand for housing of all types and design. These provisions are also intended:

- A. To create opportunities for the Development of a variety of housing types, and styles, including Single-Family Detached Dwellings; Single-Family Semi-Detached Dwellings; Two-Family Detached Dwellings; Single-Family Attached Dwellings; Multi-Family Dwellings in the form of a Retirement Residence; and Mobile Home Park Development, so that the demand for such housing may be met by greater variety in type, design and layout of Dwellings.
- B. To encourage more efficient allocation, use and maintenance of Common Open Space for conservation and Active and Passive Recreation.
- C. To encourage a more efficient use of land and public services and to reflect changes in the practice and technology of Land Development so that economies of scale may be so secured.
- D. To encourage sensitive Land Development that will respect and conserve such natural features and resources of the land as Flood hazard and Flood-prone areas, Steep and Very Steep Slopes, Watercourses and water bodies, groundwater recharge areas, forested areas, historic and cultural sites, visual resources, and other features of importance to the vitality of natural and cultural resources.
- E. To provide a procedure that can relate the type, design and layout of residential Development to the particular Tract and to the particular demand for housing existing at the time of Development in a manner consistent with the preservation of the property values, 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.
- F. To implement the Recommendations of the Chadds Ford Township Comprehensive Plan.

§ 135-38. Referral of Plans for review.

- A. The Board of Supervisors shall administer Planned Residential Development (PRD) as set forth in this article. The Board shall, however, refer all Tentative Plans for such Development to the Chadds Ford Township Planning Commission for its review and comment. All applications for tentative and final approval of PRD shall also be referred by the Board to the Delaware County Planning Commission for study and recommendation.
- B. Applicants are invited to submit Sketch Plans for informal review, subject to application procedures, including a reimbursement agreement, to the Chadds Ford Township Planning Commission and any such submission of Plans shall not constitute a Formal Filing as hereinafter described.

§ 135-39. Required conditions.

The following conditions are required for PRD:

- A. The Tract of land so developed shall be in single ownership or, in the case of multiple ownership of the Tract, the application filed jointly by all of the Owners of the Tract and, in any case, it shall be agreed that the Tract will be developed as specified in **§ 135-51** under a

single direction and in the manner approved.

- B. The holder or holders of any outstanding mortgage shall agree in writing that said mortgage or mortgages shall be subject to all of the terms and conditions imposed upon the Tract by reason of the PRD.
- C. The Tract shall consist of Contiguous Lots of a minimum of 100 acres; except that the minimum Tract size for a Mobile Home Park or a Retirement Community shall be a minimum of 50 acres.
- D. The Tract shall be located only in an R-1 or R-2 District, and no portion of the PRD shall be located in the Historic Overlay District.
- E. The Development shall be served by public or community sanitary sewer and public or Community Water Systems having the assured capacity to serve the Development at the time Occupancy of the Structures in the Development begins; and the feasibility for such Construction and operation shall be demonstrated to the satisfaction of the Board of Supervisors at the time of the application for Tentative Plan approval. However, where public off-site or Community Sewer and/or public off-site or Community Water is not available or reasonably accessible, the Development may be served by alternative sewer and Water Systems subject to the approval of the Pennsylvania Department of Environmental Protection and the Board of Supervisors, provided that:
 - (1) In the case of a Mobile Home Park, the gross density shall not exceed 2.0 Dwelling Units per acre of net Tract area as further described in **§ 135-42.B(1)(a)**.
 - (2) In the case of a Retirement Community, the gross density shall not exceed two and one-half (2.5) Dwelling Units per gross acre as further described in **§ 135-42**.
- F. The Tract of land shall be developed so that existing site conditions and possible physical or natural constraints shall be taken into consideration.
- G. The Development shall preserve and incorporate into the final landscaping so far as possible natural features such as lakes, streams, rock outcrops, topsoil, Woodlands, trees and shrubs.
- H. The topography of the Tract of land and its drainage shall be suitable for the proposed Development and the Plan shall be designed to prevent soil erosion and sedimentation.
- I. Soil and subsoil conditions shall be suitable for excavation and site preparation.

§ 135-40. Uses Permitted by Right.

A Building may be erected, altered or used, and land may be used or occupied, for any of the following uses and no other:

- A. Planned Residential Development-1 (PRD-1) Overlay District.
 - (1) Dwelling Units in Single-Family Detached Dwellings, Single-Family Semi-Detached Dwellings, Two-Family Detached Dwellings, Single-Family Attached Dwellings, or any combination thereof;
 - (2) Those nonresidential uses deemed by the Board of Supervisors appropriate for incorporation in the design of the PRD, including a Community Center, a day-care center for children, or other related Community Facilities;
 - (3) Open space for Active and/or Passive Recreation, Active and/or Passive Recreation

Facilities and conservation purposes; and

(4) No-Impact Home-Based Business, subject to **Article XXVI**.

(5) Accessory Uses customarily incidental to the foregoing uses, and subject to **Article XXVI**.

B. Planned Residential Development-2 (PRD-2) Overlay District.

(1) Any uses permitted in the PRD-1 Overlay District;

(2) Retirement Community, composed of any of the Dwelling types allowed in the PRD-1

(3) Single-Family Detached Dwellings in conjunction with a Mobile Home Park;

(4) Modular Single-Family Detached Dwellings, Single-Family Attached Dwellings and/or Multi-Family Dwellings in conjunction with a Retirement Community;

(5) Open space for active and/or Passive Recreation, Active and/or Passive Recreation Facilities and conservation purposes; and

(6) No-Impact Home-Based Business, subject to **Article XXVI**.

(7) Accessory Uses customarily incidental to the foregoing uses, and subject to **Article XXVI**.

§ 135-41. Height regulations.

A. The maximum height of all Buildings and other Structures erected, enlarged or used shall conform to **Article XXVI** of this chapter.

§ 135-42. Density, Open Space and Dwelling Unit composition.

A. Planned Residential Development-1 (PRD-1) Overlay District.

(1) The maximum number of allowable Dwelling Units shall be based on a Sketch Plan developed by the Applicant in accordance with the underlying zoning district. The Plan shall be prepared in accordance with § 110-18 of the Subdivision and Land Development Ordinance, with each Tract meeting the bulk and area requirements of the underlying Zoning District.

(2) If an existing Dwelling Unit is located on the Tract proposed for the PRD, the said unit will be counted to determine the density of units and be subject to all other provisions of this chapter.

(3) Not less than 50 percent of the total area of the Tract shall be designated as and devoted to Common Open Space.

B. Planned Residential Development-2 (PRD-2) Overlay District.

All Development in the PRD-2 District shall conform to the density, Open Space and Dwelling Unit composition regulations as set forth for the PRD-1 District above, except for Mobile Home Park and Retirement Community Development that shall conform to the regulations below:

(1) Mobile Home Parks.

(a) Mobile Home Park density. There shall be no more than two (2) Mobile Homes per acre of net Tract area. The net Tract area shall include the following net outs:

[1] 85 percent of the acreage located in the floodplain.

- [2] 85 percent of the acreage located within Wetlands.
- [3] 70 percent of the acreage located on Steep or Very Steep Slopes.
- [4] 85 percent of the areas of the Watercourses and surface water bodies.
- [5] 50 percent of the areas within Wetlands/Watercourse Margins.

(b) Mobile Home Park Open Space. At least 50 percent of the remaining gross area of each Mobile Home Park, after subtraction of required Buffer Areas, shall be set aside as Common Open Space for the use and enjoyment of the residents of the Mobile Home Park. Accessory, Service and utility Buildings and areas shall not be counted as Open Space.

(2) Retirement Communities.

(a) Retirement Community density. There shall be no more than two and one-half (2.5) Dwelling Units per acre of net Tract area. The net Tract area shall include the following net outs:

- [1] 85 percent of the acreage located in the floodplain.
- [2] 85 percent of the acreage located within Wetlands.
- [3] 70 percent of the acreage located on Steep or Very Steep Slopes.
- [4] 85 percent of the areas of the Watercourses and surface water bodies.
- [5] 50 percent of the areas within Wetlands/Watercourse Margins.

(b) Retirement Community Open Space. At least 50 percent of the Tract shall be set aside as Common Open Space.

§ 135-43. Area and bulk regulations.

In addition to the Setback requirements and other design standards in § 135-44, the following shall apply:

A. PRD-1 and PRD-2 General Requirements	
Standard	Parameter
(1) Tract Area	PRD 1: 100 acres , minimum. PRD 2: 100 acres , minimum, except Mobile Home Parks and Retirement Communities which shall be 50 acres , minimum.
(2) Density	See § 135-42. Density, Common Open Space and Dwelling Unit composition
(3) Exclusions from Density Calculations	See § 135-42. Density, Common Open Space and Dwelling Unit composition. 100 feet , minimum from the perimeter Property Line for Buildings.
(4) Perimeter Tract Setback	50 feet, minimum from the perimeter Property Line for Accessory Structures, except for Signs, Structures associated with ingress and egress, light standards, benches, and landscaping.

(5) Minimum Setbacks	<p>50 feet, minimum from Internal Street Line for Buildings.</p> <p>30 feet, minimum for Structures, except Signs, street trees, ingress and egress Structures, lighting standards, sidewalks, benches and other like Structures may be set back less than 30 feet.</p> <p>25 feet, minimum from parking areas for Buildings.</p> <p>15 feet, minimum from parking areas for Structures, except Signs, street trees, ingress and egress Structures, lighting standards, sidewalks, benches and other like Structures.</p> <p>60 feet, minimum from another principal Building.</p>
(6) Common Open Space Requirement	<p>PRD-1: 50 percent minimum.</p> <p>PRD-2: 50 percent minimum, 50 percent minimum in Mobile Home Parks and Retirement Communities.</p>
(7) Building Height	40 feet , maximum, subject to § 135-192 and § 135-193 .
(8) Parking/Driveway	See Article XXIV .

B. PRD-1 • Single-Family Detached Dwelling
 As per the dimensional regulations for Single-Family Detached Dwellings in the **R-2** district.

C. PRD-1 & PRD-2 • Single-Family Attached Dwelling
 Building Length maximum: **150 feet** and six **(6) Dwelling Units**.

D. PRD-2 • Additional Requirements

Standard	Size
(1) Mobile Homes	<p>Lot Size: 6,500 square feet, minimum. Double-unit Mobile Homes shall be sited on a minimum of 11,000 square feet. Plans that make provisions for an assortment of unit sizes shall have the express approval of the Chadds Ford Township Planning Commission for the layout.</p> <p>Setbacks between Buildings No Mobile Home shall be located within 60 feet of the exterior wall of any other Mobile Home. No Mobile Home shall be located within 20 feet of a Mobile Home Service Building.</p> <p>Setbacks from Streets No Mobile Home, Office or Service Building shall be located closer to a Public Street Right-of-Way line than 60 feet, or closer to the edge of an interior Street than 35 feet.</p> <p>Parking/Driveway See Article XXIV.</p>
(2) Retirement Communities	<p>Building Length: 150 feet and 6 Dwelling Units, maximum.</p>

§ 135-44. Design standards.

In addition to the design standards contained in Chapter 110, Subdivision and Land

Development, Article V. Design Standards of the Code of Chadds Ford Township, the standards below shall govern the design of PRDs. Further, any Mobile Home Park Development shall comply with supplementary design standards in **§ 135-53**. Adequate precautions to protect the health, safety and welfare of citizens shall be implemented at all times.

A. Tract considerations.

- (1) The finished topography of the Tract shall adequately facilitate the proposed Development without excessive earth moving, tree clearance and destruction of natural amenities. Natural features such as lakes, streams and wooded slopes shall be preserved and incorporated into the final landscaping of the Development wherever possible and desirable per the Township Engineer. The Applicant shall specify the means whereby trees and other natural features shall be protected during Construction. The location of such trees and other natural features shall be considered when planning the Common Open Space, locations of Buildings, underground services, walks, paved areas and finished grade levels.
- (2) Where adequate surface drainage is not possible by grading alone, a supplementary drainage system approved by the Township Engineer shall be required.

B. Housing sites. Except as may be otherwise provided for Mobile Homes, the following shall apply:

- (1) All housing areas shall be planned, designed and constructed to be harmonious with the topography and natural features of the Tract. The effects of prevailing winds and solar orientation on the physical layout and form of the proposed Buildings and other Structures shall be reflected in the Development Plan.
- (2) Variations in location of Buildings and other Structures shall be provided where necessary to create architectural interest and/or preserve areas of environmental concern and to further amenities of light and air, recreation and visual enjoyment.
- (3) All housing should be sited so as to provide privacy and to ensure natural light in all principal rooms.
- (4) Every Building and other Structure shall be located and situated to promote pedestrian and visual access to Common Open Space to the extent possible in accordance with the provisions of **§ 135-46**.
- (5) The physical design of the Development Plan shall make adequate provisions for emergency and public services, and provide safe accommodation for pedestrian and vehicular traffic.
- (6) Routes for vehicular and pedestrian access and parking areas shall be convenient without creating nuisances or adversely impacting privacy.
- (7) Development near the perimeter of the Tract shall be designed to be harmonious with neighboring areas and shall be screened from such areas with landscaping approved by the Board of Supervisors in accordance with Subsection **D(3)** of this section and **§ 135-53.P**, unless already screened by an existing buffer.
- (8) This article is intended to encourage high quality Development by taking into consideration the appearance of all elevations and layouts of Buildings and external spaces and materials used therein.

- C. Design standards. Single-Family Attached Dwellings and Retirement Residence Dwellings shall be designed and arranged in staggered groups and not in long rows parallel to Street Lines. The arrangement of such units shall create a physical and visual distinction in the lines of the facades and the roofs. Such distinction shall be achieved through the use of varied floor plans for adjoining units, the projections and angles of exterior walls and roofs, exterior fencing, and other diversified space articulating techniques.
- D. Landscaping and tree conservation. Landscaping shall be regarded as an essential feature of every PRD. In addition to the preservation of natural features, trees and slopes of the Tract; careful attention shall be given to landscaping of parking areas and provisions for street trees as required by this chapter and Chapter 110-36 and Chapter 135 **Article XXIV** and **Article XXV**.
- (1) Existing trees shall be preserved wherever possible. The protection of trees 12 inches or more in DBH (measured at a height four and one-half (4½) feet above the original grade) shall be a factor in determining the location of Common Open Space, Structures, underground utilities, walks and paved areas. Areas in which trees are to be preserved shall remain at original grade level and in an undisturbed condition.
 - (2) Where extensive tree cover and Vegetation does not exist or cannot be preserved on the PRD Tract, landscaping shall be regarded as an essential feature of the PRD. In these cases extensive landscaping shall be undertaken in order to enhance the appearance of the PRD, aid in erosion control, provide protection from wind and sun, screen Streets and parking areas, and enhance the privacy of Dwelling Units. Such landscaping shall be pursuant to a Landscape Plan approved by the Board of Supervisors in accordance with Subsection D(3) of this section and **§ 135-53.P**.
 - (3) A landscaped Buffer Planting Strip of 25 feet in width shall be provided along all perimeter Tract lines, except at points of vehicular ingress and egress and for pedestrian accessways, as follows:
 - a. The Buffer Planting Strip shall create a visual screen, containing two (2) alternating rows of evergreen material (such as spruce, pine or hemlock) spaced on ten-foot centers. At the time of planting, the evergreen material shall be at least eight (8) feet in height (after planting) to visually screen the property.
 - b. The intent is to preserve existing trees wherever possible. Areas in which trees are to be preserved shall remain at original grade level and in an undisturbed condition.
 - (4) All plantings shown on the approved PRD Landscape Plan as Common Open Space shall be maintained as set forth in the Declaration or by-laws of the Homeowners Association. Replacement plantings shall be replaced with new plantings of the same type within six (6) months. Shrubs shall be placed a minimum of three (3) feet from any Lot Line/or Tract line. Trees shall not be closer than three (3) feet from the Right-of-Way and shall not be placed closer than six (6) feet from a Side or Rear Lot Line or Tract line.
 - (5) Tree protection and tree replacement shall be in accordance with Chapter 110, Subdivision and Land Development Ordinance.
- E. Streets and pathways.
- (1) The Street system of the PRD shall be designed so as to relate harmoniously with land uses within and adjacent to the Development through the establishment of a hierarchy of roadway functions that includes internal collector and local Streets, to create a separation

of automobile and pedestrian traffic through the coordinated design of Streets, Dwelling Units, Common Open Space areas and pedestrian walkways, to create efficient and safe connections with the existing road system of the Township in order to ensure proper ingress and egress to and from the PRD, emergency access, and internal traffic separation.

- (2) In order to separate automobile and pedestrian circulation and to increase accessibility to Common Open Space areas, pedestrian walkways shall be provided.
- (3) Curbs and sidewalks shall be required along Streets in PRDs and designed in accordance with the provisions set forth in § 110-30 of the Code of Chadds Ford Township.
- (4) The design and Construction of Streets shall conform to the standards set forth in § 110-26 and § 110-27 of the Code of Chadds Ford Township.

F. Community Facilities & Amenities.

- (1) Swimming pools, skating rinks and other recreational areas shall be located so as not to interfere with the residential character of adjacent Dwelling Units and where necessary shall be screened and/or fenced.
- (2) Refuse stations shall be designed with suitable screening and in locations convenient for collection and removal, and not offensive to the Occupants of adjacent Dwelling Units.
- (3) Adequate lighting shall be provided in the outdoor areas used by residents after dark. Appropriate lighting fixtures shall be provided for walkways and to identify Streets, steps, ramps, directional changes and Signs. Lighting shall be located to avoid shining directly into habitable room windows or into private yard areas associated with Dwelling Units. The requirements for lighting may be waived by the Board where density of Development may not justify its use. Box-style fixtures that direct light only downward may be required by the Board of Supervisors. No lighting shall be located so as to illuminate areas beyond the property or Tract line on which such lighting is located. All lighting shall be in accordance with the standards of the Illumination Engineering Society (IES). No lighting standard shall exceed 15 feet in height unless approved otherwise by the Board of Supervisors.
- (4) All utilities and cable television lines shall be underground within a PRD.
- (5) An on-site Sewage treatment plant may be required, where deemed necessary by the Board of Supervisors.
- (6) Adequate off-street parking facilities shall be provided in every such Development Plan. There shall be at least two (2) off-street Parking Spaces per Dwelling Unit.
- (7) Other than storage of private automobiles, all storage shall be structurally enclosed or otherwise permanently screened from view, including boats, trailers, etc.

G. Stormwater control.

- (1) The storm drainage system for a PRD shall be designed and constructed so as to minimize runoff, erosion and flooding using measures such as drainage Easements, swales, catchment basins, silt traps, and the like.
- (2) All stormwater management design standards shall be in accordance with the design standards for same as set forth in Chapter 105 of the Code of Chadds Ford Township and

shall be subject to the approval of the Township Engineer.

- (3) Storm Sewer Systems for the Development shall be designed, constructed and shall operate and be readily capable of being maintained to prevent concentration of stormwater runoff on adjacent developed or undeveloped properties and Streets and other areas of Impervious Surface.
 - (4) The design and Construction of all storm drainage facilities and storm Sewer Systems shall be subject to the approval of the Township Engineer.
- H. Soil erosion and sedimentation control. Plans submitted for any PRD shall conform to the guidelines for minimizing erosion and sedimentation as set forth in the Soil Erosion and Sedimentation Control Manual of the Pennsylvania Department of Environmental Protection prepared by the State Conservation Commission and Bureau of Water Quality Management and the USDA Soil Conservation Service, as amended. In developing a Plan for the control of erosion and sedimentation, the Developer shall meet as a minimum the standards and specifications outlined in the aforementioned manual, as well as the standards set forth in Appendix C of the Erosion and Sediment Control Handbook of the Delaware County Soil and Water Conservation District, and those in Chapter 105 of the Code of Chadds Ford Township. Soil erosion and sedimentation control Plans shall be submitted to the Delaware County Conservation District for review and comment during both the Tentative and Final Plan approval process.

§ 135-45. Development in Phases.

An Applicant may propose to develop the PRD District project in phases and the Board of Supervisors may approve same if the following criteria are met:

- A. The application for tentative approval shall encompass the entire PRD and show the location and time of Construction for each phase, in addition to other information required by this chapter.
- B. At least 35 percent of the Dwelling Units in the Plan given tentative approval are included in the first phase.
- C. The second and subsequent phases 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 any such phase contain less than 25% of the Dwelling Units receiving tentative approval.
- D. In no case shall work on the current phase area include stripping or disturbance of Woodland and forest or soils of any area set aside for later phases.
- E. All improvements within the particular phase shall be completed prior to the commencement of any subsequent phase. All Active and Passive Recreation areas and/or Facilities and other community amenities and facilities shall be shown on the phased Plans, and shall be completed contemporaneously with the completion of Construction of the Dwellings of the phase.
- F. Any Plans and other documents required by the Board of Supervisors to depict all of the foregoing and the limits thereof shall be submitted to, and approved by, the Board of Supervisors.
- G. The application shall contain a schedule showing the proposed times within which applications for final approval of all sections of the PRD are intended to be filed. The

schedule shall be updated annually on the anniversary of its tentative approval until the Development is completed and accepted.

§ 135-46. Common Open Space.

- A. Careful consideration shall be given to the conservation, arrangement and location of Common Open Spaces to take advantage of physical characteristics of the Tract and to place Common Open Spaces within easy access and view of Dwelling Units.
- B. The following performance standards shall apply to all Common Open Space for PRD-1 and PRD-2:
 - (1) Minimum area. Any land area designated as Common Open Space shall have an area of not less than one-half ($\frac{1}{2}$) acre.
 - (2) Minimum Lot width.
 - (a) The configuration of any area of Common Open Space shall provide for a minimum width of 150 feet.
 - (b) The configuration of any Trail Right-of-Way shall provide for a minimum width of 10 feet.
 - (3) Maximum Impervious Surface coverage. Not more than three (3) percent of the total area of designated Common Open Space shall be covered by Impervious Surfaces; and not more than one-half ($\frac{1}{2}$) of any individual area of Common Open Space shall be covered by Impervious Surfaces, including Buildings.
 - (4) Minimum Setback. Any Buildings within the designated Common Open Space shall be located no less than 100 feet from the perimeter Tract lines; and no less than 50 feet from any new Lot Line created within a Tract.
 - (5) Any Structure within the designated Common Open Space shall be located no less than 50 feet from the perimeter Tract lines, and no less than 25 feet from any new Lot Line created within a Tract, except for Signs, boundary fences, walls, benches, light standards and landscaping.
 - (6) Area configuration. The Common Open Space designated within a Development area shall not be merely leftover or unusable land. It shall be laid out to the satisfaction of the Board of Supervisors according to sound site design principles providing a maximum of a Development.
 - (7) At least 35 percent of the required Common Open Space shall be designed, constructed and maintained for Active and/or Passive Recreation areas and Facilities.
 - (8) Whenever possible and practical, the Common Open Space designated within a Development shall be arranged so as to encompass a single land area or minimum number of areas, linked by a common means of circulation and access; and it shall be contiguous to the developed area and not separated from it by existing roads unless safe pedestrian access can be demonstrated.
 - (9) Whenever possible and practical, the designated Common Open Space shall be arranged to maintain contiguity with other designated Common Open Space areas or similar areas on adjacent lands, either by direct contact such as a Trail or walkway, or some common means of circulation and access.

- C. None of the following shall constitute Common Open Space area: roads; parking areas; proposed utility Easements and Rights-of-Way; permanent erosion and sedimentation control facilities and areas; stormwater management facilities and areas; areas or facilities for Sewage disposal or water supply; and any on-ground or aboveground utilities.
- D. Ownership and maintenance of Common Open Space. There shall be provisions that ensure that the Common Open Space shall continue as such and be properly maintained. Any of the following methods and no other may be used, either individually or together, to preserve, own and maintain Common Open Space:
- (1) Dedication in fee simple.
 - (2) Homeowners' association.
 - (3) Condominium agreement.
 - (4) Dedication of Easement.
 - (5) Transfer of fee simple title or Development rights and Easements to a private conservation organization.
- E. The following specific requirements are associated with each of the above mentioned various methods:
- (1) Fee simple dedication. The Township may, but shall not be required to, accept an offer of a deed of dedication, provided that:
 - (a) Such land is accessible to the residents of the Township.
 - (b) There is no cost of acquisition, other than any costs incidental to the transfer of ownership, such as title insurance.
 - (c) The Township agrees to and has access to maintain such lands.
 - (2) Homeowners' association. The establishment of a nonprofit homeowners' association, pursuant to the Uniform Planned Community Act, 68 Pa. CSA §5101 et seq., which may dedicate an Easement for public use of the Common Open Space land. The Board of Supervisors may, but shall not be required to, accept such Easement, unless a satisfactory agreement is reached concerning the scope of public use and the future maintenance of the Easement.
 - (3) Condominium agreement. The Common Open Space may be controlled through the use of Condominium agreements. Such agreements shall be in conformance with the Uniform Condominium Act, 68 Pa.C.S.A. § 3101 et seq. All Common Open Space land shall be held as "common element."
 - (4) Dedication of Easements. The Township may, but shall not be required to, accept Easement for public use of any portion of Common Open Space land, the title of which is to remain in the ownership of the Condominium or homeowners' association, provided that:
 - (a) Such land is accessible to the residents of the Township.
 - (b) There is no cost of acquisition other than any costs incidental to the transfer of ownership, such as title insurance.
 - (c) A satisfactory maintenance agreement is reached between the Developer and the

Township.

- (5) Transfer to a private conservation organization. With permission of the Board of Supervisors, the Landowner or Developer may transfer either the fee simple title with appropriate deed restrictions running in favor of the Township, or the Development rights or Easements, to a private, nonprofit organization among whose purposes is to conserve Common Open Space land, provided that:
 - (a) The organization is acceptable to the Board of Supervisors and is a bona fide conservation organization with perpetual existence.
 - (b) The organization is chartered under the laws of the Commonwealth of Pennsylvania to administer deed restrictions limiting eventual disposition of such property for the purposes stated in their Articles of Incorporation.
 - (c) The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue to function.
 - (d) A maintenance agreement acceptable to the Board of Supervisors is entered into by the Landowner or Developer and the organization.
 - (6) In the event of any proposed transfer of Common Open Space within the methods permitted in this section, 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 affected property Owners.
- F. If a Homeowners' Association is formed, it shall be governed according to the following regulations:
- (1) The Landowner or Developer shall provide the Board of Supervisors with a description of the organization, including its bylaws and methods for maintaining Common Open Space, which shall be acceptable to the Township Solicitor.
 - (2) The organization is to be organized by the Landowner or Developer and operating with financial subsidization by the Landowner or Developer, if necessary, before the sale of any Lot within the Development.
 - (3) Membership in the organization is mandatory for all purchasers of Dwelling Units therein and their successors.
 - (4) The members of the organization shall share equitably the costs of maintaining and developing Common Open Space, in accordance with procedures established by them.

If a member fails to pay his/her pro-rata share, then a lien against an individual property may be made in accordance with the provisions for same in the bylaws of the organization.
 - (5) The organization shall be responsible for maintenance of and insurance and taxes on Common Open Space.
 - (6) The organization shall have or hire adequate staff to administer common facilities and maintain the Common Open Space to the satisfaction of the Board of Supervisors.
- G. In the event that the organization established to own and maintain Open Space, or any successor organization, shall at any time after designation fail to maintain the Common Open Space in reasonable order and condition in accordance with any and all approved Plans, the

Township may serve written notice upon such organization, or upon the residents and Owners, setting forth the manner in which the organization has failed to maintain the Common Open Space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within 30 days thereof.

- (1) If the deficiencies set forth in the original notice or in the modifications thereof are not cured within said 30 days or any extension thereof, the Township, in order to preserve the taxable values of the properties and to prevent the Common Open Space from becoming a public nuisance, may enter upon said Common Open Space and maintain the same for a period of one (1) year, at the expense of the organization. The cost of any such maintenance shall be borne by the Owners of Lots within the Development from which the Common Open Space was derived. Said entry and maintenance shall not vest in the public any rights to use the Open Space except when the same is voluntarily dedicated to the public by the residents and Owners.
 - (2) Before the expiration of said year, the Board of Supervisors 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 project, to show cause why such maintenance by the Township shall not, at the election of the Township, continue for a succeeding year. If the Township shall determine 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 full administrative decision subject to judicial review at the expense of the homeowners' association.
 - (3) The cost of such maintenance by the Township shall be assessed ratably against the properties within the project that have a right of enjoyment of the Common Open Space and shall become a municipal lien on said properties. 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 Judicial Support of Delaware County upon the properties affected.
- H. The Developer and Landowner of every PRD shall prepare and present at the time of submission of the final Development Plan for the approval of the Board of Supervisors of Chadds Ford Township documents regarding the proposed ownership and maintenance of Common Open Space containing the declarations of covenants, restrictions, Easements, charges and liens deemed necessary to own and maintain the Common Open Space and recreation areas within the PRD.
- I. Documentation shall contain the following minimum essential provisions with respect to any proposed organization:
- (1) Powers and duties in maintaining and administering Common Open Space and Recreation Facilities, administering and enforcing all covenants and restrictions, and in the levying, collecting and disbursing of assessments and charges.
 - (2) Membership and voting rights.
 - (3) Rights and duties of Chadds Ford Township, members of the organization and residents of the PRD in the event of a breach of the covenants and restrictions.

§ 135-47. Application for tentative approval.

- A. An application for tentative approval of a Development Plan of a PRD shall be filed by or on behalf of the Owner or Owners of the Tract. If an application form is made available by the Board, any such application shall be made upon such form. An application for tentative approval shall be accompanied by the requisite number of copies of all Plans and fees as set forth by resolution by the Township from time to time. An application shall be filed with a Township official.
- B. The following fees shall be payable by the Landowners:
- (1) The Owner shall reimburse the Township for all reasonable expenses incurred by the Township for services rendered by the Township consultants, including but not limited to the Township Engineer, Traffic Engineer, Planning Consultant, Fire Marshal, Sewage Enforcement Officer, Township Solicitors or other consultants as the Township deems necessary pursuant to the provisions of this article.
 - (2) The Owner shall deposit with the Township Secretary, at the time of filing the application for tentative approval, a reimbursement agreement and all applicable fees as set from time to time by resolution of the Board of Supervisors. As the fund is expended, the Owner shall make further deposits upon notice from the Township Secretary.
 - (3) The fee to the Township for review of Tentative and/or Final Plans shall be as set from time to time by resolution of the Board of Supervisors.
 - (4) After payment of the plan review fee and other expenses under this article and after action upon the Final Plan, the Township Secretary shall refund to the Owner any deposit remaining with an accounting of disbursements.
 - (5) The amount of all fees and security may be changed from time to time by resolution of the Board of Supervisors.
- C. Application for tentative approval shall include, but not be limited to, the following documents:
- (1) A statement indicating the nature of the Applicant's and the Landowner's interest in the project.
 - (2) A written statement by the Applicant setting forth the reasons why the project would be in the public interest and would be specifically consistent with the Comprehensive Plan's goals and objectives, and its recommendations for land use, Community Facilities and utilities, circulation and other matters therein recommended.
 - (3) A map indicating the location and size of the Tract and its relationship to surrounding properties, such map to be drawn at a scale of one (1) inch equals 800 feet and showing all Streets, roads, municipal boundaries, Subdivisions, adjoining properties and designated Common Open Space within 500 feet of any part of the Tract. In the case of Development of a section of the entire Tract, the key map shall show the relationship of the section to the entire Tract.
 - (4) A Plan delineating the topography of the Tract. Such Plan shall contain contours with intervals of two (2) feet or less, and shall accurately and conspicuously depict slopes from 0 percent to 15 percent, 15 to 25 percent, and greater than 25 percent.
 - (5) A Plan accurately and conspicuously delineating, depicting and otherwise noting in graphic fashion the Vegetation of the Tract. Such Plan shall depict the location of all trees 12 inches and greater in DBH.

- (6) A Plan delineating the drainage characteristics of the Tract. Such Plan shall accurately and conspicuously depict, delineate and otherwise note in graphic fashion all perennial and intermittent streams and Watercourses and their watersheds, as well as Flood prone and Flood hazard areas.
- (7) A Plan accurately and conspicuously delineating, depicting and otherwise noting in graphic fashion the proposed use areas by type, size, location, and gross density.
- (8) A site Plan accurately and conspicuously delineating, depicting and otherwise noting in graphic fashion the location, use, height, bulk and location of Buildings and other Structures; and the location of Streets, Rights-of-Way, cartways, parking areas and other improvements.
- (9) A Plan accurately and conspicuously delineating, depicting and otherwise noting in graphic fashion Common Open Space. Such Plan shall depict the location, function and size of Common Open Space areas, and any existing natural and cultural features within the Common Open Space. In addition, the Plan shall include any facilities or Structures indicating the proposed means for ownership and maintenance of the Common Open Space.
- (10) A detailed report indicating the feasibility and capability for operation and maintenance of water supply systems, sanitary Sewage systems, stormwater systems and other utility systems. Such a report shall indicate the following:
 - (a) With regard to water supply, there shall be a clear description of the Plan to establish a safe and efficient water supply system. The description shall indicate the demand by type of use for water from the proposed Development and its related uses and users.
 - (b) With regard to sanitary Sewage disposal, there shall be a clear description of the Plan to establish a safe and efficient system for Sewage disposal. The description shall indicate all proposed measures and methods for conveying and treating the Sewage and the sizes of all pipes, and direction and quantities of flow anticipated from the Development, as well as all connections that will be required to tie into existing sanitary sewers.
 - (c) Assurance of the availability of safe and efficient public or Community Water and public or Community Sewer facilities shall also be reported. Such assurance shall include letters signed by an officer of the company or authority concerned, indicating its ability and willingness to provide such service within the timetable proposed for the Development, including a statement of maintenance responsibilities and rates and charges for service. If water is to be provided by means other than by private wells owned and maintained by the individual Owners of Lots within the PRD, Applicants shall present evidence to the Board of Supervisors that the Planned Residential Development is to be supplied by a certificated public utility, a bona fide cooperative association of Lot Owners, or by a municipal corporation, authority or utility. A copy of a certificate of public convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement, or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.
 - (d) In the event that on-site systems are utilized for water supply and Sewage disposal, a full report of how such systems will operate shall be submitted.
 - (e) With regard to stormwater systems, there shall be an objective description of the ability

of achieving a safe and efficient stormwater management system.

- (11) A detailed Plan illustrating all connections to existing public utilities, Streets and Rights-of-Way, accompanied by documentation as to the impact of the proposed Development on said public utilities, Streets and Rights-of-Way.
 - (12) A site Plan illustrating phasing, including a time schedule for all on-site and off-site improvements to be offered for dedication for public use, which may be modified from time to time with approval of the Board of Supervisors.
 - (13) A fully detailed soil erosion and sedimentation control Plan.
 - (14) A fully detailed grading Plan accurately and conspicuously delineating proposed contours at intervals of two (2) feet or less.
 - (15) A fully detailed Landscape Plan wherein existing and proposed plant materials are accurately and conspicuously differentiated, delineated, depicted or otherwise noted in a graphic fashion and a plant list with botanical and common names as well as notations for the quantities and sizes of all proposed plant materials.
 - (16) A written report indicating the proposed methods and measures to be undertaken for energy conservation and the effective utilization of renewable energy resources.
 - (17) The documents containing covenants, grants of Easements, or other restrictions to be imposed upon the use of land, Buildings and other Structures, including proposed grants and/or Easements for utilities and the like.
 - (18) A report accompanying the application shall, insofar as possible, indicate compliance with the provisions set forth for documentation herein.
 - (19) All other requirements for a Preliminary Plan as set forth in § 110-10 and § 110-19 of the Code of Chadds Ford Township.
- D. Copies of every application for tentative approval received by the Township Secretary shall be promptly forwarded to the Township Planning Commission and to the Delaware County Planning Commission for review and recommendation. The Township Planning Commission and the Delaware County Planning Commission shall review and report upon the application to the Board of Supervisors. A copy of the reports of the respective planning commissions shall be furnished to the Applicant upon receipt by the Board of Supervisors. In addition, a copy of the soil erosion and sedimentation control Plan shall be submitted to the Delaware County Conservation District for review and comment.
- E. The Applicant, the Board of Supervisors, the Township Planning Commission, and the Delaware County Planning Commission may consult informally concerning the project prior to the filing of an application for tentative approval, provided that no statement or representation by a member of the official review agency or of the planning agencies be binding upon the Township.

§ 135-48. Public Hearings.

- A. Within 60 days after the Formal Filing of an application for tentative approval of a PRD pursuant to this article, a Public Hearing pursuant to Public Notice on said application shall be held by the Board, in the manner prescribed in Article IX of the Pennsylvania Municipalities Planning Code for ordinance zoning hearing. The Chairperson or, in his/her absence, the Acting Chairperson of the Board 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.

- B. A verbatim record of the hearing shall be caused to be made by the Board 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.
- C. The Board may continue the hearing from time to time and may refer the matter back to the Planning Commission for a further report; provided, however, that, in any event, the Public Hearing or hearings shall be concluded within 60 days after the date of the first Public Hearing.

§ 135-49. Findings after Public Hearing.

- A. Grant or denial of approval.
 - (1) The Board, within 60 days following the conclusion of the Public Hearing provided for in this article or within 180 days after the date of filing of the application, whichever occurs first, 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.
 - (2) 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, notify the Board of his/her refusal to accept all said conditions, in which case the Board 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 his/her refusal to accept all said conditions, tentative approval of the Development Plan, with all said conditions, shall stand as granted.
- B. 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:
 - (1) Whether and to what extent the Development Plan is consistent with the Comprehensive Plan for the Development of the Township;
 - (2) 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;
 - (3) The purposes, location and amount of the Common Open Space in the PRD, 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;

- (4) The physical design of the Development Plan and the extent to 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;
 - (5) The relationship, beneficial or adverse, of the proposed PRD to the neighborhood in which it is proposed to be established; and
 - (6) In the case of a Development Plan that 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 PRD in the integrity of the Development Plan.
- C. In the event a Development Plan is granted tentative approval, with or without conditions, the Board may set forth in the official written communication the time within which an application for final approval of the Development Plan shall be filed or, in the case of Development Plan that 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 with the consent of the Landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than three (3) months and, in the 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.

§ 135-50. Status of Plan after tentative approval.

- A. The official written communication provided for in this article shall be certified by the Secretary of the Township and shall be filed in his/her office, and a certified copy shall be mailed to the Landowner. Where tentative approval has been granted, it shall be deemed an amendment to the Zoning Map, effective upon final approval, and the same shall be noted on the Zoning Map.
- B. Tentative approval of a Development Plan shall not qualify a Plan of the PRD for recording nor authorize Development or the issuance of any Building permits. A Development Plan that has been given tentative approval as submitted, or that has been given tentative approval with conditions that have been accepted by the Landowner (and provided that the Landowner has not defaulted or 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 that an application for final approval is filed or, in the case of Development over a period of years, provided that applications are filed, within the periods of time specified in the official written communication granting tentative approval.
- C. 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 Township 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 ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the Zoning Map and in the records of the Secretary of the Township.

§ 135-51. Application for final approval.

- A. An application for final approval of a Planned Residential Development may be:
 - (1) For all of the land included in the Land Development Plan; or
 - (2) To the extent set forth in the tentative approval, for a section thereof.
- B. Applications for final approval shall be made to the Board of Supervisors and within the time or times specified by the official written communication granting tentative approval.
- C. Applications for final approval shall include any drawings, specifications, covenants, Easements, performance bonds and such other requirements as may be specified by this chapter or by § 110-11 and § 110-22 of the Code of Chadds Ford Township, as amended as well as any conditions set forth in the official written communication at the time of tentative approval.
- D. A Public Hearing on an application for final approval of the Land Development Plan, or part thereof, shall not be required, provided that the Land Development Plan submitted for final approval is in compliance with the Land Development Plan theretofore given tentative approval, and with any specified conditions attached thereto.
- E. Plans submitted for final approval of all or a portion of a PRD shall be prepared in accordance with the following requirements:
 - (1) Each application for approval of any Final Plan shall be accompanied by a requisite number of copies of such Plan as set forth via resolution by the Township Board of Supervisors, which shall be clear and legible prints.
 - (2) All Plans shall be drawn at a scale of one (1) inch being equal to 50 feet or less and shall be submitted on paper prints no smaller than 17 inches by 22 inches and no larger than 24 inches by 36 inches. If two (2) or more sheets are required, a key shall be shown on each sheet, and an overall index sheet shall be submitted. The Final Plan shall reflect the following:
 - (a) Development name or identifying title.
 - (b) Municipality in which the Development is located.
 - (c) North arrow, scale and date.
 - (d) Name of record Owner of the Tract and Developer.
 - (e) Name and seal of the registered professional engineer, landscape architect, land planner, architect or surveyor responsible for the Plan.
 - (f) Boundaries of the Tract determined by accurate survey in the field which shall be balanced and closed with an error of closure not to exceed one (1) foot in 10,000.
 - (g) Property Lines within the Development.
 - (h) Lot Areas to 1/1,000 of an acre.
 - (i) Street Lines, Lot Lines, Rights-of-Way, Easements and areas dedicated to or proposed to be dedicated to public use. Profiles for all Streets and for proposed sanitary and storm sewer mains, inlets and manholes, and the location of all utilities.

- (j) The length of all straight lines, radii, lengths of curves and tangent bearings for each Street.
- (k) All dimensions and angles or bearings of the lines of each Lot and of each area proposed to be dedicated to public use.
- (l) The designation of Common Open Space including the area contained therein.
- (m) Location, grades, length and width of all private driveways and all parking facilities and type of paving and other surface to be used therefor.
- (n) Names of all Streets as designated by the Board of Supervisors.
- (o) Location of all Structures.
- (p) Number of Lots.
- (q) Number of Dwelling Units by type and, where applicable, the number, location, and square footage of areas to be devoted to nonresidential use.
- (r) Architectural drawings, floor plans and elevations to scale of all Buildings; said drawings shall bear the seal of the architect who has prepared same.
- (s) Total area of the entire Development Tract and, in the case of Development in sections, the size of the sections for which Plans are submitted.
- (t) All permanent monuments.
- (u) A Final Grading Plan, including existing and proposed contours at vertical intervals of two (2) feet or less, with conspicuously distinguishable lines.
- (v) All existing Watercourses, Tree Masses and other significant natural features, including all trees 12 inches in DBH or greater to be retained and/or to be removed.
- (w) A final soil erosion and sedimentation control Plan.
- (x) A Final Landscape Plan, wherein existing and proposed plant materials are differentiated, a final plant list indicating the types, quantities and sizes of the proposed plant materials, and typical planting details for tree planting and staking, shrub planting, and the like.

F. The application for final approval shall also be accompanied by copies of the following:

- (1) Copies of deed restrictions and/or Easements, if any, and other documents relating to title, use or Occupancy.
- (2) Copies of permits obtained under authority of statutes of the Commonwealth of Pennsylvania and/or the County of Delaware regarding the provision for Construction, operation and maintenance of the proposed sanitary Sewer System, water supply system, soil erosion and sedimentation control system and highway occupancy system.
- (3) An affidavit that the Applicant is the Owner of the land proposed to be developed, or has been authorized by the Landowner to be the Applicant, supported by a copy of the written authority therefor.
- (4) Offers of dedication and covenants and other documents governing the reservation and maintenance of undedicated Common Open Space, provided that all such offers of dedication and covenants shall bear the certificate of approval of the Township Solicitor as

to their legal sufficiency and compliance herewith.

- (5) Copies of the agreements for Common Open Space not to be offered for dedication to the Township.
 - (6) A statement duly acknowledged before an officer authorized to take acknowledgment of deeds and signed by the Owner or Owners of the property stating that the Development as shown on the application for final approval is made with his, her, or their free consent and that it is desired to record the application and accompanying documents upon their approval.
 - (7) Whenever a Developer proposes to establish a Street that is not offered for dedication and not required to be offered for dedication, he/she shall submit a copy of statements cosigned by the Township Solicitor that he/she has made an agreement on behalf of his/her heirs and assigns with the Township. Said agreement shall be subject to the Township Solicitor's approval and shall be recorded with the Plan. Said agreement shall establish the condition under which the Streets may later be offered for dedication and stipulate among other things:
 - (a) That the Street shall be in a good state of repair as certified by the Township Engineer, or that the Owner or Owners of the Lots along it agree to include with the offer of dedication sufficient money, as estimated by the Township Engineer, to restore the Street to conform with Chadds Ford Township design standards.
 - (b) That an offer to dedicate the Street shall be made only for the Street as a whole.
 - (c) That the method of assessing repair costs shall be as stipulated.
 - (d) That, where applicable, agreement to offer the Street for dedication by the Owners of 60% of the Lots shall be binding on Owners of the remaining Lots.
 - (8) The specifications governing the Construction of Streets, storm drainage, sidewalks, and all public improvements shall be in strict accordance with the specifications and general standards of Chadds Ford Township and Commonwealth of Pennsylvania covering similar types of Construction.
 - (9) Where any public improvements are to be constructed within a Planned Residential Development, Article VI of Chapter 110 of the Code of Chadds Ford Township, as amended, shall govern the Construction and acceptance of such public improvements including the provisions for requirement of performance and maintenance bonds.
- G. In the event the application for final approval has been filed:
- (1) Together with all drawings, specifications and other documents in support thereof; and
 - (2) As required by this chapter and the official written communication of tentative approval, the Board shall, within 45 days from the date of the regular meeting of the Board next following the date the application is filed, grant such Development Plan final approval; provided, however, that should the next regular meeting occur more than 30 days following the filing of the application, the 45-day period shall be measured from the 30th day following the day the application has been filed.
- H. In the event the Development Plan as submitted contains variations from the Development Plan given tentative approval, the Board may refuse to grant final approval and shall, within 45 days from the date of the regular meeting of the Board next following the date the application

is filed, so advise the Landowner in writing of said refusal, setting forth in said notice the reasons why one (1) or more of said variations are not in the public interest; provided, however, that should the next regular meeting occur more than 30 days following

the filing of the application, the 45-day period shall be measured from the 30th day following the day the application has been filed.

- (1) In the event of such refusal, the Applicant may either:
 - (a) Refile the application for final approval after remedying the disallowed variations; or
 - (b) File a written request with the governing body or its designated agency for a Public Hearing on his/her application for final approval.
 - (2) If the Landowner wishes to take either such alternate action, s/he may do so at any time within which s/he is entitled to apply for final approval or within 30 additional days if the time for applying for final approval has already passed when the Landowner is advised that the Land Development Plan is not in substantial compliance. If the Landowner fails to take either of these alternative actions within said time, the Land Development Plan will be deemed to have been abandoned.
 - (3) Any Public Hearing pursuant to subsection H.(1)(b) of this Section 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.
 - (4) Within 30 days after the conclusion of the hearing, the Board shall by official written communication either grant or deny final approval of the Land Development Plan. The grant or denial of final approval of the Land 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.
- I. Failure of the Board to render a decision on an application for final approval and communicate it to the applicant within the time and in the manner required by this section shall be deemed an approval of that application, as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall be deemed an approval of the application.
 - J. A Development Plan, or any part thereof, which has been given final approval shall be so certified without delay by the Board and shall be filed of record within 90 days of approval in the office of the Recorder of Deeds before any Development shall take place in accordance therewith. The Township shall not release a Development Plan for recording until all preconditions to such release set forth in either the tentative or final approval are complete.
 - (1) 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 except as herein noted.
 - (2) Pending completion in accordance with the time provisions stated in Section 508 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10508, of said PRD 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.

- K. Upon approval of the Final Plan, the applicant shall post financial security in accordance with § 110-40 of the Township Code.
- L. In the event that a Development Plan, or a section thereof, is given final approval and thereafter the Applicant shall abandon such Plan or the section thereof that has been finally approved, and shall so notify the Board in writing; or, in the event the Landowner shall fail to commence and carry out the PRD in accordance with the time provisions stated in Section 508 of the Pennsylvania Municipalities Planning Code (MPC), after final approval has been granted, no Development or further Development shall take place on the Tract included in the Final Plan until after the said property is reclassified by enactment of an amendment to this chapter in the manner prescribed for such amendments in Article VI of the Municipalities Planning Code.

§ 135-52. Enforcement and modification of plan provisions.

To further the mutual interest of the residents of the PRD and of the public in the preservation of the integrity of the Development Plan, as finally approved, and to ensure that modifications, if any, in the Development Plan shall not impair the reasonable reliance of the said residents upon the provisions of the Development Plan, nor result in changes that would adversely affect the public interest, the enforcement and modifications of the provisions of the Development Plan as finally approved, whether those are recorded by Plan, covenant, Easement or otherwise, shall be subject to the following provisions:

- A. The provisions of the Development Plan relating to:
 - (1) The use, bulk and location of Buildings and other Structures;
 - (2) The quantity and location of Common Open Space, except as otherwise provided in this article; and
 - (3) The intensity of use or the density of residential units shall run in favor of the Township and shall be enforceable in law or in equity by the Township without limitation on any powers of regulations otherwise granted the Township by law.
- B. All provisions of the Development Plan shall run in favor of the residents of the PRD but only to the extent expressly provided in the Development Plan and in accordance with the terms of the Development Plan, and to that extent said provisions, whether recorded by plat, covenant, Easement or otherwise, may be enforced at law or equity by said residents acting individually, jointly, or through an organization designated in the Development Plan to act on their behalf; provided, however, that no provisions of the Development Plan shall be implied to exist in favor of residents of the PRD except as to those portions of the Development Plan that have been finally approved and have been recorded.
- C. All those provisions of the Development Plan authorized to be enforced by the Township under this section may be modified, removed, or released by the Township except grants or Easements relating to the service or equipment of a public utility, subject to the following conditions:
 - (1) No such modification, removal or release of the provisions of the Development Plan by the municipality shall affect the rights of the residents of the Planned Residential Development to maintain and enforce those provisions, at law or equity, as provided in this section.

- (2) No modification, removal or release of the provisions of the Development Plan by the municipality shall be permitted except upon a finding by the Board, following a Public Hearing thereon pursuant to Public Notice called and held in accordance with the provisions of this article, that the same is consistent with the efficient Development and preservation of the entire PRD, does not adversely affect either the enjoyment of land abutting upon or across the Street from the Planned Residential Development or the public interest, and is not granted solely to confer a special benefit upon any Person.
- D. Residents of the PRD may, to the extent and in the manner expressly authorized by the provisions of the Development Plan, modify, remove or release their rights to enforce the provisions of the Development Plan but no such action shall affect the right of the Township to enforce the provisions of the Development Plan in accordance with the provisions of this section.

§ 135-53. Supplementary Mobile Home Park regulations.

- A. License required. It shall be unlawful for any Person to construct, maintain, operate, or alter any Mobile Home Park or to extend any of the facilities thereof within the limits of Chadds Ford Township unless a valid license required by this chapter has been issued to the responsible party for such purpose or purposes by Chadds Ford Township.
- B. Application for License. All applications for a Mobile Home Park license shall be acted upon by the Board of Supervisors, which shall render its decision and communicate it to the Applicant not later than 90 days after the application has been duly filed and the appropriate fees paid.
- C. Issuance of license. Upon approval of such application, and upon payment of all fees required, Chadds Ford Township Board of Supervisors shall authorize the Code Enforcement Officer to issue a Mobile Home Park license which shall be valid for a period of one (1) year from the date of issuance.
- D. Renewal of license. Application for renewal of a Mobile Home Park license shall be made to the Mobile Home Park Inspector at least 30 days prior to the expiration date of the license. Renewal of a Mobile Home Park license shall be issued by the Mobile Home Park Inspector upon certification by the Applicant that the park continues to meet the standards and requirements hereunder for the issuance of an original license.
- E. Fees. The annual fee for renewal of a Mobile Home Park license shall be payable on the first day of January of each year according to the schedule of fees adopted by the Board of Supervisors of Chadds Ford Township. The fee shall be paid with the submission of the application.
- F. Nontransferability of license; change of ownership. A license issued hereunder shall not be transferable. If ownership of the Mobile Home Park is transferred by sale, deed, will, transfer of the majority interest of the stock of the corporation, or in any other way, the new Owner shall, before commencing operation of the Mobile Home Park, apply for a license to the Mobile Home Park Inspector and certify that the park continues to meet the standards and the requirements hereunder for the issuance of the original license. The fee paid shall be as established by the Board of Supervisors of Chadds Ford Township under its schedule of fees.
- G. Inspection of Mobile Home Parks.
- (1) Appointment of the Mobile Home Park Inspector. The Township Code Enforcement Officer shall perform all inspections as outlined in this article and shall serve as the Mobile

Home Park Inspector. Duties of the Mobile Home Park Inspector are outlined in this Article.

H. On-lot storage. Each Mobile Home Lot may have an on-lot storage Building not to exceed 120 square feet.

I. Internal Streets.

(1) Construction and design. All Internal Streets and roadways shall be constructed of concrete or macadam of sufficient bearing strength and design to accommodate Mobile Home units and of sufficient width to accommodate anticipated traffic and parking. In no case shall any Internal Street or roadway have less than 20 feet of paved width. Dead-end Streets shall be provided, at the closed end, with a turnaround having an outside radius of not less than 40 feet.

(2) Dedicated Internal Streets. If Internal Streets of the Mobile Home Park are to be dedicated to the Township, they shall be constructed to conform with requirements as set forth in § 110-26, Article V of Chapter 110 of the Code of Chadds Ford Township.

J. Off-street parking, walks and driveways.

(1) Off-street parking. Off-street parking for a least two (2) motor vehicles shall be provided at each Mobile Home site. Each Parking Space shall be a least 10 feet by 20 feet and shall be of permanent pervious paving or macadam Construction, which shall be specified in the Plan. Off-site common parking areas may be provided in lieu of Parking Spaces at each Mobile Home site; but, in such case, parking slots shall be provided at

the ratio of two (2) spaces for each Mobile Home site not equipped with on-site parking. The express approval of the Township Board of Supervisors and Planning Commission is required for off-site common parking designs.

(2) Nonresident parking. Additional Parking Spaces for vehicles of nonresidents shall be provided at the rate of five (5) spaces for each 10 units. Such parking may be provided either by providing sufficient additional off-street Parking Spaces within an individual Mobile Home Lot or in overflow parking areas situated outside the cartway.

(3) Walks and driveways. All Mobile Home Parks shall provide safe, convenient, all-season pedestrian walkways of adequate width for their intended use that are durable and convenient to maintain. Such pedestrian walkways shall connect the park Streets to all Community Facilities provided for park residents.

(a) Where pedestrian traffic is concentrated, each walk shall have a minimum width of four (4) feet.

(b) All Mobile Home sites shall be connected to common walks and to Streets or to driveways connecting to a paved Street. Each such walk shall have a minimum width of two (2) feet.

(c) All Mobile Home sites shall be connected to a paved Street by a driveway, a portion of which may be covered by a carport.

K. Sewage disposal.

(1) General requirements. The sanitary Sewage system for the Mobile Home Park shall comply with Act 537 of the Sewage Facilities Act of January 24, 1966, as amended.

- (2) Individual Sewer Connections. Each Mobile Home shall be provided with a Sewer Riser Pipe.
 - (3) Provisions shall be made for plugging the Sewer Riser Pipe when a Mobile Home does not occupy the site. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least one-half (1/2) inch above ground elevation and shall be capped.
 - (4) An application for a plumbing permit for each installation is required.
- L. Water supply.
- (1) Public Water supply. Wherever an existing Public Water System is geographically and economically accessible to the proposed Mobile Home Park, a distribution system connecting thereto shall be designed to furnish an adequate supply of water to each Mobile Home and all Service Buildings with adequate main sizes and fire hydrant locations to meet the specifications of the Middle States Department Association of Fire Underwriters.
 - (2) Community Water supply. Where a satisfactory Public Water supply system is not available, a Mobile Home Park may be served by a Community Water supply system that shall meet all applicable requirements and regulations of state, county and municipal agencies having jurisdiction.
- M. Mobile Home foundations. A pad or set of footings shall be provided for each Mobile Home unit.
- (1) Pad. A concrete pad shall be at least six (6) inches in thickness at all points and shall be reinforced with at least one (1) layer of welded steel wire mesh approved by the Building Inspector. At least six (6) tiedown rings of one-half (1/2) inch minimum diameter round cross-section shall be provided, to which the Mobile Home may be secured. The tiedown rings shall be Anchored according to current engineering practice and shall meet with the approval of the Township Engineer and the Building Inspector. If a pad is located on "fill" soil, the bearing capacity of the soil shall be determined by test. The soil shall be required to meet a minimum load bearing capacity specified by the Township Engineer. The Mobile Home shall be supported by solid concrete block pillars on five-foot centers along the Mobile Home frame.
 - (2) Footings. Footings shall be brick, masonry, poured reinforced concrete, or solid concrete building blocks at least eight (8) inches thick. The bottom of footings shall be at least two feet six inches (2' 6") below final grade and not less than six (6) inches below natural grade. The minimum dimensions shall be eight (8) inches by 20 inches. The maximum spacing shall be five (5) feet between centers in an area equal to at least 80% of the overall area of the particular Mobile Home supported by the footings. Tiedown rings and support pillars shall be the same as specified in Subsection M(1) above.
- N. Lighting requirements. In addition to all other requirements for electrical distribution systems and lighting, each Mobile Home Park shall maintain adequate lighting at all times by means of the installation of electric eye post lights at each site. The post lights shall be maintained in good working order at all times by the Mobile Home Park Operator. All exterior lighting shall be controlled so that the source of the light shall not be visible beyond the boundaries of the Mobile Home Park.
- O. Utility distribution system. All utilities shall be installed and maintained in accordance with

utility company specifications regulating such systems and shall be underground.

P. Landscaping and buffering. In addition to the requirements of **Article XXV**, the following shall apply:

- (1) Landscaping. The intent is to preserve existing trees wherever possible. Areas in which trees are to be preserved shall remain at original grade level and in an undisturbed condition. Applicants shall make all reasonable efforts to harmonize their Plans with the preservation of existing trees and the natural contours of the land.
- (2) In addition to planting for buffered Setbacks, a Mobile Home Park shall comply with the following landscaping requirements:
 - (a) Disturbed topsoil shall be stockpiled and replaced after Construction.
 - (b) Deciduous trees of varying species commonly designated as shade trees that are three-inch (3") minimum Caliper shall be planted within the Mobile Home Park at the ratio of two (2) per Mobile Home. In the event that a substantial portion of the Tract is wooded and a substantial number of trees remain after Development, the Board of Supervisors may modify this requirement.
 - (c) Ornamental, deciduous and/or evergreen shrubs of varying species shall also be planted within the Mobile Home Park at a ratio of at least four (4) per Mobile Home, and distributed throughout the Mobile Home Park.
 - (d) Planting of landscape material shall be in accordance with the Landscape Plan and shall be completed within six (6) months of approval of the Final Plan; failure to fully implement the Landscape Plan within such time shall warrant denial of the park's annual license.
- (3) Buffers. A Buffer Area shall be provided, running the full length of the Lot Line between the Mobile Home Park and all adjoining properties, to serve as a visual screen.
 - (a) Buffer Areas shall consist of a visual screen, at least 25 feet in depth containing two
 - (2) alternating rows of evergreen material (such as spruce, pine or hemlock) spaced on 10-foot centers. At the time of planting, the evergreen material shall be at least eight (8) feet in height (after planting) to visually screen the property.
 - (b) The plantings shall be maintained and replaced within six (6) months in the event of death of any plant materials. Plantings shall not be placed closer than six (6) feet from any Property Line.
 - (c) The intent is to preserve existing trees wherever possible, except where clearance is required to ensure needed Sight Distance. Areas in which trees are to be preserved shall remain at original grade level and in an undisturbed condition.
 - (d) A minimum of 70 percent of plant material shall be evergreen unless a greater amount is determined to be necessary.

Q. Refuse handling. The storage, collection and disposal of refuse or waste in the Mobile Home Park shall be conducted so as to create no health hazard, rodent harborage, insect breeding areas, accident or fire hazards or air pollution. If refuse collection centers are provided, they shall be screened from adjoining properties and public view by a wall, fence or hedge. No on-site incineration shall be permitted.

- R. Insect and rodent control. Grounds, Buildings and other Structures shall be maintained free of insect and rodent harborage and Infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the Pennsylvania Department of Environmental Protection.
- S. Fuel supply and storage.
- (1) Natural gas systems.
- (a) Natural gas piping systems when installed in Mobile Home Parks shall conform to the rules and regulations of the Natural Fuel Gas Code, An American National Standard, Second Edition 1980, NFPA 54, or any revised edition.
 - (b) Each Mobile Home Lot provided with piped gas shall have an approved shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with a cap to prevent accidental discharge of gas when the outlet is not in use.
- (2) Liquefied petroleum gas systems.
- (a) Liquefied petroleum gas systems provided for Mobile Homes, Service Buildings or other Structures when installed shall be maintained in conformity with the rules and regulations of the National Fire Protection Association Standards No. 58 entitled "Storage and Handling, Liquefied Petroleum Gases," latest edition.
 - (b) Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.
 - (c) The system shall have at least one (1) accessible means for shutting off gas. Such means shall be located outside the Mobile Home and shall be maintained in effective operating condition.
 - (d) All liquefied gas piping outside of the Mobile Home shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in Mobile Homes.
 - (e) Vessels of more than 12 and less than 60 U.S. gallons gross capacity may be installed on a Mobile Home Lot and shall be securely but not permanently fastened to prevent accidental overturning.
 - (f) No liquefied petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, Mobile Home or other Structure.
- (3) Fuel oil supply systems.
- (a) All fuel oil supply systems for Mobile Homes, Service Buildings and other Structures shall be installed and maintained in conformity with the rules and regulations of the National Fire Protection Association Standards No. 31, entitled "Installation of Oil Burning Equipment," latest edition.
 - (b) All piping from outside fuel storage tanks or cylinders to Mobile Homes shall be securely, but not permanently, fastened in place.
 - (c) All fuel oil supply systems provided for Mobile Homes, Service Buildings and other Structures shall have shutoff valves located within five (5) inches of storage tanks.
 - (d) All fuel storage tanks or cylinders shall be securely placed and shall be not less than

five (5) feet from any Mobile Home exit.

- (e) Storage tanks located in areas subject to traffic shall be protected against physical damage.

T. Fire protection.

- (1) Garbage and Rubbish control. Mobile Home Park areas shall be kept free of Garbage and Rubbish.
- (2) Fire extinguishers and smoke detectors.
 - (a) Portable fire extinguishers meeting legal requirements shall be kept in public Service Buildings under park control of the Mobile Home Park.
 - (b) Portable fire extinguishers and smoke detectors shall be kept and maintained in each Mobile Home.

U. Miscellaneous requirements.

- (1) Mobile Home hitch and decorative skirt. After a Mobile Home has been Anchored to the Mobile Home Stand, the hitch that is employed for the usual and normal movement of the unit shall be removed, and a decorative skirt shall be placed around the base of the unit. If the hitch is non-removable, it shall be enclosed in the decorative skirt.
- (2) Township permits required. In addition to any license and/or plumbing permit requirements, permits shall be obtained as follows:
 - (a) A Mobile Home installation permit for the installation of any Mobile Home on any site, including the replacement of a Mobile Home on any existing site, shall be obtained from the Township. The application for the permit shall be on a form provided by the Township.
 - (b) A building permit is required for any Construction or addition to a Mobile Home. A building permit is also required for the Construction of any new sites in existing Mobile Home Parks and for each new site in a proposed Mobile Home Park. The permits required by this section may be obtained either by the Mobile Home Park Operator or the Occupants of the site, but failure of either to obtain a permit shall not excuse the other. If the application for a permit is filed by the Occupants of the site, notice of the filing of the application shall be given by the Occupant or Occupants to the Operator of the Mobile Home Park.
- (3) Management responsibilities.
 - (a) The Person to whom a license for a Mobile Home Park is issued shall operate in compliance with this chapter and all other Township ordinances pertaining thereto and shall provide adequate supervision and maintenance of its facilities and equipment and keep same in good repair and in a clean, sanitary condition.
 - (b) The park management shall supervise the placement of each Mobile Home on its Mobile Home Stand, which includes ensuring its stability and installing all utility connections.
 - (c) The management shall give the Board of Supervisors and the Mobile Home Park Inspector, as well as the plumbing and building inspectors and all other authorized Agents of the Township, free access to all Mobile Home Lots, Service Buildings and

other community service facilities for the purpose of inspection.

- (d) The manager shall maintain a register stating the number of occupied Mobile Home pads and the names of all park Occupants. Such register shall be available to any authorized Person inspecting the park. In accordance with state and local taxation laws, the manager shall notify the appropriate offices of the arrival, within 10 days of such arrival, and the departure, no less than 30 days prior to departure, of each Mobile Home. The register shall be submitted to the Township as part of the application for renewal of the Mobile Home Park's annual license.
- (4) When manager is other than Mobile Home Park Owner. The Township shall be notified, in writing, if the Mobile Home Park manager is other than the Owner of the Mobile Home Park.
- (5) Removal of Mobile Home.
 - (a) No Mobile Home shall be removed from the Township without first obtaining a removal permit from the Chadds Ford Township Tax Collector as required by Act No. 54, 1969, of the Pennsylvania General Assembly. Such permit shall be issued upon payment of a fee as set from time to time by resolution of the Board of Supervisors and real estate taxes assessed against the home and unpaid at the time the permit is requested.
 - (b) Any Person who removes a Mobile Home from Chadds Ford Township without first having obtained a removal permit shall, upon summary conviction thereof, be sentenced to pay a fine of \$300 and costs of prosecution or undergo imprisonment for not more than 30 days, or both.

V. Administration.

- (1) Administration of provisions. The provisions of this section shall be administered by the duly authorized Township Mobile Home Park Inspector, Plumbing Inspector and the Building Inspector.
- (2) Duties of the Mobile Home Park Inspector.
 - (a) To review and process applications for Mobile Home Park permits, licenses and renewal permits, and to collect fees for said application.
 - (b) To issue Mobile Home Park permits and renewal permits and to collect fees for said permits.
 - (c) To keep records of the findings, discussions, recommendations and actions taken upon or in respect to all Mobile Home Parks.
 - (d) To examine and inspect all Mobile Home Parks every six (6) months to determine compliance with this chapter and other applicable ordinances of Chadds Ford Township.
- (3) Violation and penalties. In the event that the Mobile Home Park Inspector shall find any violation of the provisions of this section, or any regulation adopted pursuant thereto, or any Township ordinance pertaining to Mobile Home Parks, he/she shall give notice to the Person to whom the permit or certificate was issued, or, if none was issued, to the Person to whom such permit or certificate should have been issued, as hereinafter provided. Such notice shall:
 - (a) Be in writing.

- (b) Include a statement for the reason for its issue.
- (c) Allow 30 days for the performance of the act it requires.
- (d) Be served upon the Owner or its Agent by the appropriate enforcement officer or someone authorized to enforce the Code as designated by the Board of Supervisors.
- (e) Contain an outline of the remedial action which, if taken, will affect compliance with the provisions of the section violated, or any part thereof, and with the regulations adopted pursuant thereto.

W. Revocation. Upon failure of the holder of a permit or certificate to comply with the notice of violation and compliance order provided herein, the appropriate administrative agency may revoke the permit or certificate for the operation of the Mobile Home Park and may issue a cease-and-desist order terminating the operation of the Mobile Home Park.

X. Appeal.

(1) Board of Supervisors. The holder of a permit or certificate receiving notice of revocation as set forth in Subsection **W** may appeal the revocation of its license to the Township Board of Supervisors.

a) Notice of appeal shall be received by the Township within thirty (30) days of the notice of revocation, and shall be made via either: i) hand delivery to the Township Manager during normal business hours; ii) nationally recognized overnight courier; iii) certified mail; or iv) email to the Township Manager.

b) The filing of a timely appeal to the Board of Supervisors shall stay the revocation of license until the Board of Supervisors has reviewed the revocation and given its decision, in writing, to the holder of the permit.

(c) Prior to rendering a decision on an appeal of the revocation of a permit, the Board of Supervisors shall hold a Public Hearing after providing a minimum of seven (7) days prior notice to the permit holder.

(2) Court of competent jurisdiction. Following the decision of the Board of Supervisors upholding or revoking the license, the holder of a permit or certificate revoked hereunder may appeal the revocation to a court of competent jurisdiction as in similar cases, provided that the appeal is made within 30 days after the date of issuance of the order of revocation.

Y. Other actions. In addition to the other enforcement procedures herein provided, the Township may initiate any appropriate actions or proceedings in law or equity to enforce provisions of this section and to prevent the violation thereof.

ARTICLE VIII. B DISTRICT (BUSINESS).

§ 135-54. Purpose.

The B Business Districts are designed for the following purposes:

- A. To permit areas for shopping, services and other consumer-related needs in locations that are safely accessible from major roads in the Township, such as Baltimore Pike and Wilmington-West Chester Pike;
- B. To meet special requirements to ensure compatibility between the district and adjoining districts, and to establish business uses and Buildings that are well-designed and constructed;
- C. To control the treatment of access, parking, landscaping, signage, outdoor storage, and the like, in order to create functional, attractive and safe businesses; and
- D. To promote the sensitive Development of the Baltimore Pike and Wilmington-West Chester Pike corridors for uses that will be visually compatible with the character of the Brandywine Gateway area, noted for its historic, topographic, architectural, cultural and artistic heritage.

§ 135-55. Uses Permitted by Right.

A Building may be erected, altered or used and a Lot may be used or occupied for any of the following uses and for no other:

- A. Shops and stores for the retail sale of such items as antiques, art, books, bicycles, drugs and pharmaceuticals, food, office equipment and supplies, furniture, flowers and plants, garden supplies, hardware, household appliances, jewelry, newspaper, notions, paint, periodicals, records, shoes, stereos, stationery, tobacco, toys, wearing apparel and other like merchandise; provided that any individual, Detached shop or store is less than 10,000 square feet in Gross Floor Area.
- B. Professional, business, medical, administrative and insurance offices.
- C. Banks and similar financial institutions.
- D. Personal Service Shops, such as beauty parlors and barbershops.
- E. General retail service or limited repair shops, including watch or clock repair, jewelry or optical repair, radio or television repair, electrical household appliance repair, shoe repair, tailor, dressmaker, photographer, and locksmith.
- F. Bakery, pastry, candy, confectionery or ice cream shops, making goods for sale on the Premises, but specifically excluding any other transient or moveable Structures from which food and food products are sold.
- G. Restaurants without drive-through service.
- H. Shops for craftsmen, including carpentry, wood-working, cabinet making, furniture upholstery, metal working, blacksmithing, tinsmithing and the like.
- I. Cultural facilities, such as art galleries, auditoriums, libraries, museums open to the public, and the like.
- J. Community Centers, adult education centers or similar facilities operated by a nonprofit institution.
- K. Private, commercial, educational institutions, including schools for dance, music, art, drama,

and the like.

- L. Bed-and-Breakfast Inns, subject to **Article XXVI**.
- M. Municipal Uses and governmental Buildings.
- N. Accessory Uses on the same Lot with and customarily incidental to any of the above Principal Permitted Uses, subject to **Article XXVI**.

§ 135-56. Conditional Uses.

The following uses may be permitted by the Board of Supervisors provided that all standards, criteria and conditions for Conditional Uses as set forth in **Article XXVI**. have been met:

- A. Hotels or Motels; subject to **Article XXVI**.
- B. Retail shops and stores where any individual, Detached shop or store is 10,000 square feet or more in Gross Floor Area.
- C. Clubs or Lodges.
- D. Public Garages.
- E. Funeral Homes.
- F. Restaurants with drive-through service accessory thereto.
- G. Commercial Greenhouses.
- H. Educational, Philanthropic, or Religious Uses.
- I. Assisted Living Facility provided that such facility complies with the area and bulk regulations of **§ 135-57** and the Lot on which it is located has a minimum Lot size of two (2) acres and contains not less than 750 square feet of Lot Area for each living unit within the facility.
- J. Adult Daycare.
- K. Outdoor Dining shall be permitted on the same Premises as a Restaurant that has indoor dining on the Premises, subject to the provisions of **Article XXVI**.
- L. Passive Recreation and Passive Recreational Facilities.
- M. Active Recreation and Active Recreational Facilities.

§ 135-57. Area and bulk regulations.

- A. Area and bulk regulations. The following area and bulk regulations shall apply:

B • General Requirements			
Standard	Permitted Uses	Size / Parameter	Permitted Uses on Less than One Acre Prior to the Effective Date of this article
		Conditional Uses	

(1) Lot Area	One (1) Acre, minimum, for every principal Building erected or used for any Principal Permitted Use.	65,000 square feet, minimum, shall be provided for every principal Building erected or used for any principal Conditional Use. Two (2) acres, minimum, for Assisted Living Facility.	n/a
(2) Gross Floor Area per Lot (no requirement unless noted)	Retail shops and stores (detailed in § 135-55.A.): 10,000 square feet, maximum.	Permitted uses in § 135-56.B. over 10,000 square feet.	n/a
(3) Minimum Area for Dwelling Units	n/a	750 square feet, minimum of Lot Area for each living unit in an Assisted Living Facility.	n/a
(4) Lot Width	150 feet, minimum at the Building Line. 100 feet, minimum at the Street Line.	175 feet, minimum at the Building Line. 125 feet, minimum at the Street Line.	85 feet, minimum at the Building Line. 50 feet, minimum at the Street Line.
(5) Front and Corner Lot Setbacks	75 feet, minimum along Route 1 (Baltimore Pike) and 202 (Wilmington-West Chester Pike), and 55 feet for any other Street Line.	85 feet, minimum, along U.S. Routes 1 and 202, and 60 feet for any other street line. Vehicle Sales: 100 feet, minimum, along U.S. Routes 1 and 202, and 85 feet for any other Street Line.	85 feet, minimum at the Building Line. 50 feet, minimum at the Street Line. 50 feet, minimum from the Street Line.

(6) Side Yards	30 feet , minimum, each; 75 feet , minimum, aggregate, provided uses may be constructed with party walls, and each storefront has a minimum width of 20 feet . Any Alleys between Structures should consist of an unobstructed area no less than 25 feet in width.	40 feet , minimum, each; 95 feet , minimum, aggregate.	20 feet , minimum, each; 45 feet , minimum, aggregate.
(7) Rear Yard	60 feet , minimum, for each Lot.	65 feet , minimum, for each Lot.	40 feet , minimum, for each Lot.
(8) Parking/ Driveway	Subject to Article XXIV .		
(9) Building Coverage	25 percent , maximum.	30 percent , maximum.	35 percent , maximum.
(10) Impervious Coverage	65 percent , maximum.	65 percent , maximum.	65 percent , maximum.
(11) Building Height	40 feet , maximum, subject to Article XXVI .		
(12) Green Area	35 percent , minimum.	35 percent , minimum.	35 percent , minimum.
(13) Landscaping, Buffering and Setbacks for Accessory Uses	See Article XXV and XXVI .		

§ 135-58. Design Standards

A. Ownership. The Lot shall be either:

- (1) Held by a single Owner; or
- (2) Held by multiple Owners, in which case the Applicants shall submit into evidence an agreement among all Owners that the Development and management of the property will be in accordance with a single Plan and subject to an association of Owners established in accordance with Pennsylvania law.

B. Lot and Building design.

- (1) The physical design of the Plan shall provide for control of vehicular and pedestrian traffic; make adequate provisions for water supply, Sewage disposal, soil erosion and

sedimentation control, stormwater management, fire protection and other public services; and promote the amenities of light, air and visual enjoyment.

- (2) All Buildings shall be designed and sited to reflect sensitivity to existing natural features; to be responsive to solar orientation, wind exposure and energy efficiency; and to relate to similar Buildings on adjoining Lot in terms of size and scale.

C. Buffer Areas and Buffer Planting Strips.

- (1) Buffer Areas and Buffer Plantings Strips shall be in accordance with **Article XXV**.

D. Landscaping. In addition to the requirements of **Article XXV** the following shall apply:

- (1) All uses in the B Business District shall provide and maintain attractively landscaped grounds.
- (2) A Landscape Plan shall be prepared and approved prior to the issuance of a building permit.
- (3) All landscaping shall be completed and approved prior to the issuance of a Certificate of Occupancy, unless approved otherwise by the Township contingent upon a satisfactory escrow of funds in lieu of completion, when seasonal conditions inhibit the installation of landscaping.
- (4) Landscaped Areas shall be provided as follows:
 - (a) A 25-foot-wide Landscaped Area shall be provided along the entire Frontage, except in areas where an access road or driveway is needed for ingress and egress.
 - (b) Landscaping within parking areas shall be in accordance with **Article XXIV** and **Article XXV**.
- (5) Wherever a business use is constructed or built on an individual Lot, where no Subdivision or Land Development is proposed, a Landscape Plan shall be provided, implemented, and approved prior to issuance of any permits or certificates as set forth in Subsection D(2) and (3) above. Such Plan shall conform to all requirements for landscaping as set forth herein and in **Article XXIV** and **Article XXV**.

E. Outdoor storage and display.

- (1) No used or new, retail, wholesale or leased goods or products that are offered for sale or other exchange, shall be stored, set out or displayed within 50 feet of a Street Line, except for vehicle sales uses, where no such items shall be within 75 feet of a Street Line.
- (2) The General Structure and Lot requirements of **Article XXVI** shall also apply.

F. Sewage disposal in accordance with the Code of Chadds Ford Township Chapter 95 Sewers and § 110-32 Sanitary Sewer, set forth in Chapter 110 Subdivision and Land Development.

G. Water supply in accordance with Township Code § 110-33.

H. Off-street parking and motor vehicle access. In addition to the regulations of **Article XXIV**, the following shall apply:

- (1) Garage facilities or parking places for the free accommodation of motor vehicles of the patrons or Occupants of all establishments shall be provided in connection with any

Building or other Structure hereafter erected, constructed, or altered, and any Lot hereafter prepared, opened or brought into operation, to be used in whole or in part as a place of public entertainment and amusement or as a Hotel, Restaurant, or eating place, or public market. Any such garage facilities shall be provided and maintained either on the same Lot or an adjacent Lot, located not over 100 feet from the main or other entrance to said Building or place of public entertainment or accommodation.

- (2) All garage facilities shall be of a capacity sufficient to accommodate the number of automobiles likely to be used by patrons attending such places of amusement, or the Occupants, guests and visitors of such Hotel, Restaurant or eating place, or public market, as may be determined by the Board of Supervisors from an inspection of the Plans of such proposed establishment, and from any other available evidence, prior to the issuance of any permit for the erection, Construction, Alteration, operation or use thereof, and prior to the issuance of Certificate of Occupancy.

I. Crosswalks and sidewalks.

- (1) All areas of major pedestrian circulation shall have sidewalks.
- (2) All areas where pedestrian and vehicular circulation may conflict shall be line-stripped to indicate a pedestrian crosswalk.

J. All Signs shall comply with **Article XXIII**.

§ 135-59. Staging and Permits.

A. Staging.

- (1) Whenever the Development is in stages, Plans for each stage shall require Preliminary Plan and Final Plan approval and shall comply with an overall Sketch Plan for the Lot and the Developer's agreement.
- (2) All improvements within a particular stage shall be completed contemporaneously with the completion of the Construction of the Buildings in such stage, together with all Lot improvements essential to the function of the improvements in the said stage.

B. Permits.

- (1) Any change in ownership of a B-Business use or change in type of business shall require a review by the Building Inspector and the Zoning Officer, and issuance of a new Certificate of Occupancy. The new Certificate of Occupancy to be issued only if the new business complies with all ordinances and any prior conditions of approval.

ARTICLE IX. B-1 DISTRICT (BUSINESS-1)

§ 135-60. Purpose.

The B-1 Business-1 Districts are designed for the following purposes:

- A. The purposes set forth in § 135-54;
- B. To provide for Motor Vehicle Service Station and motor vehicle sales and/or service uses;
- C. To provide for Vape Shops; and
- D. To provide for retail sales of marijuana that are in compliance with the rules, regulations, and laws of the Commonwealth of Pennsylvania.

§ 135-61. Uses.

A Building may be erected, altered or used and a Lot may be used or occupied subject to Article XXVI for any of the following uses and for no other:

- A. Principal Permitted Uses Permitted by Right.
 - (1) Any uses that are permitted by right as Principal Permitted Uses in B Business District.
- B. Accessory Uses Permitted by Right.
 - (1) Any Accessory Uses that are permitted Accessory Uses in B Business Districts.
- C. Conditional Uses. The following uses may be permitted by the Board of Supervisors, provided that all standards, criteria, and conditions for Conditional Uses as set forth in **Article XXVI** have been met:
 - (1) Any uses permitted by Conditional Use in B Business District.
 - (2) Motor Vehicle Service Stations, provided that all services are conducted within the confines of the Lot; no entrance or exit shall be located within 150 feet of a property used for a residence, school, church or hospital; and no gasoline pump or filling hoses shall be installed within 75 feet from the abutting Street Line.
 - (3) Sales and/or service of motor vehicles, including automobiles, trucks, motorcycles, farm machinery, mobile and modular homes, boats and Recreational Vehicles.
 - (4) Vape Shop or Marijuana Dispensary Facility.
 - (a) The use of a Building as a Marijuana Dispensary Facility shall be permitted only to an Applicant possessing a Dispensary Permit issued by the Commonwealth of Pennsylvania, in accordance with the criteria and process set forth in the Township's Zoning Code, for properties located within the Business-1 (B-1) Zoning District.
 - (b) The Vape Shop or Marijuana Dispensary Facility shall only be located in a secure, standalone facility with each and every entrance and exit thereto dedicated solely to the Vape Shop or Marijuana Dispensary Facility. Vape Shops and Marijuana Dispensary Facilities shall have a single secure public entrance. There shall be no passageways connecting the Vape Shop or Marijuana Dispensary Facility to any other facility. The Building in which any Vape Shop or Marijuana Dispensary Facility is located, as well as the operations as conducted therein, shall fully comply with all applicable rules, regulations, and laws including, but not limited to, zoning and building

codes, the Township's business license ordinances, the Revenue and Taxation Code, the Americans with Disabilities Act, and all rules, regulations, and laws of the Commonwealth of Pennsylvania.

- (c) A Vape Shop or Marijuana Dispensary Facility shall operate entirely within an indoor, enclosed and secure facility. No exterior sales, sidewalk displays, outdoor seating or vending machines shall be permitted. No drive-through, drop-off, or pick-up services shall be permitted.
- (d) Each Vape Shop or Marijuana Dispensary Facility shall install surveillance cameras capable of both day and night infrared and which provide 360-degree perimeter coverage. Security cameras shall be installed and maintained in good working condition and used in an on-going manner with at least 120 concurrent hours of digitally recorded documentation. The camera shall be in use 24 hours a day, seven (7) days a week. The areas to be covered by the day and night infrared security cameras shall include, but are not limited to, the parking areas; the storage areas; all perimeter doors and windows; all public and non-public indoor areas where waste facilities, cash or cannabis products are stored, and any other areas as required by the conditions imposed as part of the grant of the Conditional Use. Any and all recordings shall be kept for a period of at least two (2) years.
- (e) All entrances and exits (except emergency exits) to any Vape Shop or Marijuana Dispensary Facility shall require a card or token-style access device with an inner locking door to create a man-trap area to prevent unauthorized access to the facility and token or card-style access to the non-public areas of the facility and the area used to secure handling of product and cash, including the vault access area.
- (f) A Vape Shop or Marijuana Dispensary Facility shall not be located within 1,000 feet of the Property Line of a public, private or parochial school, day-care center, place of worship, playground, public park, or business whose primary clientele are minors. This 1,000-foot minimum distance shall be defined as the shortest distance between any point on the Vape Shop or Marijuana Dispensary Facility Building and any point on the Property Line of the protected district or use, without regard to intervening Structures or objects.
- (g) A Vape Shop or Marijuana Dispensary Facility shall not be located within 200 feet of any residential Dwelling. This 200-foot minimum distance shall be defined as the shortest distance between any point of the Vape Shop or Marijuana Dispensary Facility Building and any point on the existing residential Dwelling, without regard to intervening Structures or objects.
- (h) A Vape Shop or Marijuana Dispensary Facility shall not be located within 3,000 feet of another Vape Shop or Marijuana Dispensary Facility.
- (i) A Vape Shop or Marijuana Dispensary Facility shall not be operated or maintained within 2,000 feet, measured by a straight line in all directions, without regard to intervening Structures or objects, from the nearest point of the Vape Shop or dispensary Building to the nearest point of the Property Line of a licensed residential substance abuse diagnostic and treatment facility or other licensed drug or alcohol rehabilitation facility.
- (j) A Vape Shop or Marijuana Dispensary Facility shall not be operated or maintained on

the same site as a Marijuana Grower/Processor Facility.

- (k) Signage for all Vape Shops or Marijuana Dispensary Facilities shall be limited to the name of the business only, shall be in compliance with the Township's Sign regulations, and shall contain no advertising of any companies, brands, products, goods or services, or any drug-related symbols.
- (l) A Buffer Planting Strip with perimeter privacy fencing six (6) to eight (8) feet in height is required where a Vape Shop or Marijuana Dispensary Facility adjoins a residential zoning district.
- (m) There shall be no emission of dust, fumes, vapors, or odors that can be seen, smelled, or otherwise perceived beyond the exterior walls of the Vape Shop or Marijuana Dispensary Facility.
- (n) No use of marijuana shall be permitted on the Premises of a Marijuana Dispensary Facility. There shall be "No loitering" Signs posted in the parking lots at all Vape Shops and Marijuana Dispensary Facilities.
- (o) There is no set restriction on the hours of operation of a Vape Shop or Marijuana Dispensary Facility; however, restricted hours of operation may be established as a condition of the grant of the Conditional Use approval.
- (p) The Operators of all Vape Shops or Marijuana Dispensary Facilities shall provide the Township Manager or his or her Designee with the name, phone number, and email address of an on-site representative to whom the Township and the public can provide notice if there are any operational problems associated with the Vape Shop or Marijuana Dispensary Facility. This information shall be updated by the Operators as necessary so that the information is always kept current. All Vape Shops and Marijuana Dispensary Facilities shall make every good faith effort to encourage residents and the public to call this representative to resolve any operational problems before any calls or complaints are made to the Township or law enforcement.
- (q) The application for a Vape Shop or Marijuana Dispensary Facility as a Conditional Use shall include at a minimum the following information:
 - [1] An estimate of the size of the proposed Vape Shop or Marijuana Dispensary Facility;
 - [2] The address of the location for which the Conditional Use is sought;
 - [3] The Plan and Floor Plan for the proposed Premises denoting the use of all areas of the Premises, including storage, dispensary areas, lighting, signage, parking, etc.;
 - [4] The proposed security Plan in compliance with all rules, regulations, and laws of the Commonwealth of Pennsylvania. A Vape Shop or Marijuana Dispensary Facility shall submit a security plan to, and obtain approval from, the Township Engineer and the Township Code Enforcement Officer. Security shall be provided by a licensed third-party security firm.
 - [a] With regard to a Dispensary Facility, the security plan shall specify the type and manner of 24-hour security, tracking, recordkeeping, record retention, and surveillance system to be utilized in the facility as required by Section 1102 of the MMA and as supplemented by regulations promulgated by the Department of Health pursuant to the MMA.

- [b] With regard to a Vape Shop or recreational Marijuana Dispensary Facility, the security plan shall include sufficient specificity to illustrate compliance with all applicable Pennsylvania laws and regulations.
- [5] A Vape Shop or Marijuana Dispensary Facility shall submit a disposal management plan to, and obtain approval from the Township Code Enforcement Officer or his or her Designee. Marijuana remnants and bi-products shall be disposed of according to an approved Plan, and shall not be placed within an exterior refuse container;
- [6] The name and address of the Owner and lessor of the real property upon which the Vape Shop or Marijuana Dispensary Facility is proposed to be conducted. In the event the Applicant is not the legal Owner of the property, the application shall also have a notarized acknowledgement from the Owner of the real property that a Vape Shop or Marijuana Dispensary Facility will be operated on the property;
- [7] Evidence that the Vape Shop or Marijuana Dispensary Facility will be located in a Structure that is compliant with all of the requirements of all laws, rules, and regulations;
- [8] It shall be the responsibility of the Applicant to identify other nearby land uses within a half mile radius of the proposed Vape Shop or Marijuana Dispensary Facility. Failure to properly identify uses surrounding the application Lot may result in denial of the application, and
- [9] A community impact analysis that includes an evaluation of the potential impacts on the following Community Facilities:
 - [a] Emergency services and fire protection;
 - [b] Solid waste disposal;
 - [c] Parks, Trails or other recreational facilities;
 - [d] Surrounding roadway systems;
 - [e] School facilities and school district budget;
 - [f] Water supply;
 - [g] Sewage disposal; and
 - [h] Township revenues and expenses.
- (r) The Township Building Code Official and law enforcement personnel shall have the right to enter the Vape Shop or Marijuana Dispensary Facility with due cause for the purpose of making reasonable inspections, to observe and enforce compliance with all applicable laws, rules, and regulations.
- (s) Enforcement.
 - [1] Vape Shops and Marijuana Dispensary Facilities shall be operated in compliance with the approved security and disposal management Plans and all other provisions specified in the grant of Conditional Use.
 - [2] Any Person who engages in a violation of **§ 135-61.C(4)**, or who owns, possesses, controls, or has charge of any property in the Township upon which a violation of **§**

135-61.C(4) is maintained, shall be subject to the penalties and remedies provided by **§ 135-61.C(4)**.

[3] Any violation of **§ 135-61.C(4)** shall constitute a separate offense for each and every day the violation occurs or persists.

[4] Any Person in violation of any provision of **§ 135-61.C(4)** shall be punishable by a fine of up to \$1,000.00 per offense.

[5] Any violation of **§ 135-61.C(4)** may result in the revocation of the Certificate of Occupancy until the Township finds the Vape Shop or Marijuana Dispensary Facility to be in compliance.

§ 135-62. Height regulations.

A. The maximum height of all Buildings and other Structures shall conform to **Article XXVI** of this chapter.

§ 135-63. Area and bulk regulations.

A. All area and bulk regulations of the B Business District (**§ 135-57**) shall be applicable in B-1 Business-1 Districts, except that the required Rear Yard for a Conditional Use shall be 30 feet in depth.

§ 135-64. Design Standards.

A. The Design Standards for all uses in B Business District (**§ 135-58**) shall be applicable to all uses in the B-1 Business-1 District.

§ 135-65. Additional regulations.

A. All applicable regulations of **Article XXVI** shall apply.

§ 135-66. (Reserved).

§ 135-67. (Reserved).

ARTICLE X. PBC DISTRICT (PLANNED BUSINESS CENTER).

§ 135-68. Purpose.

The PBC Planned Business Center Districts are designed for the following purposes:

- A. To provide opportunities for well-designed business uses in the form of a Shopping Center; a planned office or Professional Office center; or a clustering of otherwise conventional, Detached, individual business uses;
- B. To create a safe, efficient, convenient, functional and attractive business center wherein Buildings, Structures and open areas are well integrated into the Lot and well related to one another;
- C. To provide for large Lot, low-lot coverage Development to project a campus-like setting where Buildings and landscaping are unified;
- D. To promote the sensitive Development of the Baltimore Pike and Wilmington-West Chester Pike corridors for uses that will be visually compatible with the character of the Brandywine Gateway area, noted for its historic, topographic, architectural, cultural and artistic heritage;
- E. To meet special requirements for the design, Development and maintenance of the district, and to ensure compatibility with adjoining districts; and
- F. To promote excellence in the design, Development and maintenance of details pertaining to layout, circulation, grading, landscaping, signage, drainage and related improvements.

§ 135-69. Uses Permitted by Right.

- A. A Building may be erected, altered or used and a Lot or Premises may be used or occupied for any of the following uses and for no other:
 - (1) A planned Shopping Center of less than 50,000 square feet of Gross Floor Area, that integrates such uses as retail shops and stores, banks, Personal Service Shops, general service or repair shops, Restaurants without drive-through service, and offices, within a Building or group of Buildings.
 - (2) Professional, business, medical and administrative offices.
 - (3) Business, trade, public or private schools.
 - (4) Restaurants without drive-through service.
 - (5) Active Recreation and Active Recreation Facilities.
 - (6) Passive Recreation and Passive Recreation Facilities.
 - (7) Accessory Uses on the same Lot with and customarily incidental to any of the above Principal Permitted Uses, subject to **Article XXVI**.

§ 135-70. Conditional Uses.

- A. The following uses may be permitted by the Board of Supervisors subject to criteria and procedures for Conditional Uses as set forth in **Article XXVI**:
 - (1) Hotel or Motel; subject to **Article XXVI**.
 - (2) Public Garage.

- (3) Movie Theater.
- (4) A planned Shopping Center of 50,000 square feet or greater of Gross Floor Area that integrates such uses as retail shops and stores, banks, Personal Service Shops, general service or repair shops, Restaurants with or without drive-through service, and offices, within a Building or group of Buildings, subject to § 135-72.L.
- (5) Educational, Philanthropic or Religious Use.
- (6) Restaurant with drive-through service.
- (7) Outdoor Dining shall be permitted on the same Premises as a Restaurant that has indoor seating for the purpose of food and/or beverages for immediate consumption on the Premises. Refer to **Article XXVI** Additional Regulations for Outdoor Dining Standards in § 135-198.

§ 135-71. Area and bulk regulations.

A. Area and bulk regulations. The following area and bulk regulations shall apply:

PBC • General Requirements	
Standard	Parameter
(1) Lot Area	Four (4) acres , minimum.
(2) Street Frontage	300 feet , minimum.
(3) Front Yard	See B. below.
(4) Rear/Side Yard	75 feet , minimum, from any side or rear Property Line of a Lot that adjoins residential zoning district. 50 feet , minimum, of any perimeter side or rear Property Line abutting a nonresidential zoning district.
(5) Parking/Driveway	Subject to Article XXIV .
(6) Building Coverage	25 percent , maximum.
(7) Impervious Coverage	65 percent , maximum.
(8) Building Height	40 feet , maximum, subject to § 135-192 and § 135-193.
(9) Green Area	30 percent , minimum.
(10) Landscape, Buffering and Setbacks for Accessory Uses	See § 135-72, Design Standards.

B. Front Yard Setbacks

- (1) No Building shall be located within 85 feet of any Street Line of an Arterial Highway and 65 feet of any other Street Line. However, the Board of Supervisors may allow the reduction of the above Setbacks as follows:
 - (a) The 65-foot Setback may be reduced to 50 feet where a Corner Lot is particularly shallow, angular or otherwise irregularly shaped, provided that such reduction does not adversely affect Sight Distance to or from the Lot.
 - (b) The 85-foot Setback may be reduced to 50 feet, provided that:
 - [1] The Landscaped Area is increased from 25 feet to 40 feet.

[2] No off-street parking is placed in the 50-foot Setback.

[3] The Height of Buildings shall not exceed the maximum height as set forth in **§ 135-192.A** between the 50- and 85-foot Building Lines.

[4] A Berm is installed in the Landscaped Area to improve screening.

§ 135-72. Design Standards.

A. Ownership. The Lot shall be either:

- (1) Held by a single Owner; or
- (2) Held by multiple Owners, in which case the Applicants shall submit into evidence an agreement among all Owners that the Development and management of the property will be in accordance with a single Plan and subject to an association of Owners established in accordance with Pennsylvania law.

B. Lot and Building design.

- (1) The physical design of the Plan shall provide for control of vehicular and pedestrian traffic; make adequate provisions for water supply, Sewage disposal, soil erosion and sedimentation control, stormwater management, fire protection and other public services; and promote the amenities of light, air and visual enjoyment.
- (2) All Buildings shall be designed and sited to reflect a sensitivity to existing natural features; to be responsive to solar orientation, wind exposure and energy efficiency; and to relate to similar Buildings on adjoining properties in terms of size and scale.
- (3) Buildings and other Structures shall be planned, designed, constructed and maintained in response to the natural features of a Lot such as topographic features, surface and groundwater resources, and Vegetation.

C. Buffer Areas and Buffer Planting Strips.

- (1) Buffer Areas and Buffer Plantings Strips shall be in accordance with **Article XXV**.

D. Landscaping. In addition to the requirements of **Article XXV**, the following shall apply:

- (1) All uses in the PBC District shall provide and maintain attractively landscaped grounds.
- (2) A Landscape Plan shall be prepared and approved prior to the issuance of a building permit.
- (3) All landscaping shall be completed and approved prior to the issuance of a Certificate of Occupancy, unless approved otherwise by the Township contingent upon a satisfactory escrow of funds in lieu of completion, when seasonal conditions inhibit the installation of landscaping.
- (4) Landscaped Areas shall be provided as follows:
 - (a) A 25-foot-wide Landscaped Area shall be provided along the entire Frontage of any use in the PBC District, except in areas where there is an access road or driveway needed for ingress and egress.
 - (b) Landscaping within parking areas shall be in accordance with **Article XXIV** and

Article XXV.

- (c) Landscaping between Buildings shall be in accordance with the landscaping requirements in Subsection L.
- (5) Whenever a PBC use is constructed on an individual Lot, where no Subdivision or Land Development is proposed, a Landscape Plan shall be provided, implemented and approved prior to issuance of any permits or certificates as set forth above. Such Plan shall conform to all requirements for landscaping in **Article XXIV** and **Article XXV**.
- E. Utilities. All utility lines servicing the site shall be placed underground.
- F. Outdoor storage and display.
 - (1) No used or new, retail, wholesale or leased, goods or products that are offered for sale or other exchange, shall be stored, set out or displayed within 50 feet of a Street Line except for vehicle sales uses where no such items shall be within 75 feet of a Street Line.
 - (2) The General Structure and Lot requirements of **Article XXVI** shall also apply.
- G. Sewage disposal in accordance with the Code of Chadds Ford Township Chapter 95 Sewers and § 110-32 Sanitary Sewer of Chapter 110 SALDO.
- H. Water supply in accordance with Township Code § 110-33.
- I. Off-street parking and motor vehicle access. In addition to the regulations of **Article XXIV**, the following shall apply:
 - (1) Garage facilities or parking places for the free accommodation of motor vehicles of the patrons or Occupants of all establishments shall be provided in connection with any Building or other Structure hereafter erected, constructed, or altered, and any Lot hereafter prepared, opened or brought into operation, to be used in whole or in part as a place of public entertainment and amusement or as a Hotel, Restaurant, or eating place, or public market. Any such garage facilities shall be provided and maintained either on the same Lot or an adjacent Lot, located not over 100 feet from the main or other entrance to said Building or place of public entertainment or accommodation.
 - (2) All garage facilities shall be of a capacity sufficient to accommodate the number of automobiles likely to be used by patrons attending such places of amusement, or the Occupants, guests and visitors of such Hotel, Restaurant or eating place, or public market, as may be determined by the Board of Supervisors from an inspection of the Plans of such proposed establishments, and from any other available evidence, prior to the issuance of any permit for the erection, Construction, Alteration, operation or use thereof, and prior to the issuance of a Certificate of Occupancy.
 - (3) Each separate use or grouping of attached uses shall no have more than two (2) accessways along the required Street Frontage.
- J. Crosswalks and sidewalks.
 - (1) All areas of major pedestrian circulation shall have sidewalks.
 - (2) All areas where pedestrian and vehicular circulation may conflict shall be line-striped to indicate a pedestrian crosswalk.
- K. Signs. All Signs shall comply with **Article XXIII**.

- L. Special "Main Street" environment requirements when combined Gross Floor Area of all Buildings equals or exceeds 50,000 square feet.
- (1) No individual Building shall exceed 50,000 square feet of Gross Floor Area. If more than 50,000 square feet of Gross Floor Area is proposed, then separate Buildings shall be constructed. Each separate Building shall be 60 feet from any other Building.
 - (2) If separate Buildings are constructed, the 60-foot space between them shall have 12-foot sidewalks adjoining each Building; eight (8) foot parking/drop-off/loading/unloading space adjoining each sidewalk; and 10-foot accessways straddling the center of the 60-foot space.
 - (3) The "Main Street" environment to be created under this Subsection L shall be landscaped with shade trees within the required 12-foot-wide sidewalks.
 - (4) At least one (1) centrally located pedestrian plaza area, comprising an area of at least 10,000 square feet, shall be provided. The pedestrian plaza shall include shade trees, planters, benches, and plaza surfacing of brick, flagstone or like unit pavers.
 - (5) The Building shall have vertical articulations. The vertical articulations shall include such features as columns, archways, porticos, and a vertical bay form of gabled roof with 24-foot-wide bays.
 - (6) All of the requirements of this Subsection L shall be presented in drawings at the time of application for Conditional Use approval.

§ 135-73. Additional Regulations.

A. Staging.

- (1) The Development of a Lot carried out in either a single phase or in stages shall be executed in accordance with a Development agreement. The Owner, Developer, and Township shall enter into said agreement embodying all details regarding compliance with this chapter to assure the binding nature thereof on the overall Lot and its Development, which agreement shall be recorded with the Final Plan.
- (2) Whenever the Development is in stages, Plans for each stage shall require Preliminary and Final Plan approval and shall comply with an overall Sketch Plan for the Lot and the Developer's agreement.
- (3) All improvements within a particular stage shall be completed contemporaneously with the completion of the Construction of the Buildings in such stage, together with all site improvements essential to the function of the improvements in the said stage.

- B. Any change in ownership of a use in a PBC District or change in type of business shall require a review by the Building Inspector and issuance of a new Certificate of Occupancy. A new Certificate of Occupancy is to be issued only if the new business complies with all ordinances and any prior conditions of approval.

ARTICLE XI. PBC-1 DISTRICT (PLANNED BUSINESS CENTER-1).

§ 135-74. Purpose.

The PBC-1 Planned Business Center-1 Districts are designed for the following purposes:

- A. Those purposes set forth in § 135-68. A through F, inclusive; and
- B. To provide for Motor Vehicle Service Station and motor vehicle sales and/or service uses.

§ 135-75. Uses Permitted by Right.

- A. A Building may be erected, altered or used and a Lot or Premises may be used or occupied for any of the following uses and for no other:
 - (1) Principal Permitted Uses. Any use that is permitted by right as a Principal Permitted Use in PBC Planned Business Center Districts.
 - (2) Permitted Accessory Uses. Any Accessory Uses that are permitted Accessory Uses in PBC Planned Business Center Districts, subject to **Article XXVI**.

§ 135-76. Conditional Uses.

The following uses may be permitted by the Board of Supervisors subject to criteria and procedures for Conditional Uses as set forth in **Article XXVI**:

- A. Any use that is permitted by Conditional Use in PBC Planned Business Center Districts.
- B. Motor Vehicle Service Stations.
- C. Sales and/or service of motor vehicles, including automobiles, trucks, motorcycles, farm machinery, mobile and modular homes, boats and Recreational Vehicles.

§ 135-77. Area and bulk regulations.

All area and bulk regulations in PBC Planned Business Center Districts, as set forth in § 135- 71., shall be applicable in PBC-1 Planned Business Center-1 Districts with the following additions:

- A. Vehicle sales and Motor Vehicle Service Stations shall be set back from the Street Line of an Arterial Highway by at least 100 feet and the Setback from other Street Lines shall be at least 85 feet.
- B. No vehicle offered for sale or awaiting service shall be stored or displayed within 80 feet of a Street Line.

§ 135-78. Design standards.

- A. All design standards in the PBC Planned Business Center Districts, as set forth in § 135-72., shall be applicable in PBC-1 Planned Business Center-1 Districts with the following additions:
 - (1) No entrance or exit for a Motor Vehicle Service Station shall be located within 150 feet of a property used for a residence, school, church or hospital; and no gasoline pump or filling hoses shall be installed within 75 feet of the abutting Street Line.

§ 135-79. Additional Regulations.

- A. The additional regulations for PBC Planned Business Center Districts, as set forth in § 135-73., shall be applicable in PBC-1 Planned Business Center-1 Districts.

§ 135-80. Miscellaneous regulations.

- A. Except as otherwise indicated herein, all zoning and other regulations applicable to PBC Planned Business Center Districts shall be applicable to PBC-1 Planned Business Center-1 Districts.

ARTICLE XII. POC DISTRICT (PLANNED OFFICE CENTER).

§ 135-81. Purpose.

The POC Planned Office Center Districts are designed for the following purposes:

- A. To provide opportunities for well-designed business uses in the form of a planned office or Professional Office center;
- B. To create a safe, efficient, convenient, functional and attractive business center wherein Buildings, Structures and open areas are well integrated onto the Lot and well related to one another;
- C. To provide for large Lot, low-lot coverage Development to project a campus-like setting where Buildings and landscaping are unified;
- D. To promote the sensitive Development of the Baltimore Pike and Wilmington-West Chester Pike corridors for uses that will be visually compatible with the character of the Brandywine Gateway area noted for its historic, topographic, architectural, cultural and artistic heritage;
- E. To meet special requirements for the design, Development and maintenance of the district, and to ensure compatibility with adjoining districts; and
- F. To promote excellence in the design, Development and maintenance of details pertaining to layout, circulation, grading, landscaping, signage, drainage and related improvements.

§ 135-82. Uses Permitted by Right.

A Building may be erected, altered or used and a Lot or Premises may be used or occupied for any of the following uses and for no other:

- A. Professional, business, medical, and administrative offices.
- B. Active Recreation and Active Recreation Facilities.
- C. Passive Recreation and Passive Recreation Facilities.
- D. Accessory Uses on the same Lot with and customarily incidental to any of the above Principal Permitted Uses, subject to **Article XXVI**.

§ 135-83. Conditional Uses.

The following uses, as defined in Article II, may be permitted by the Board of Supervisors subject to criteria and procedures for Conditional Uses as set forth in **Article XXVI**:

- A. Public Garages.
- B. Philanthropic or Religious Uses.
- C. Business, vocational, public or private schools.
- D. A planned office center when combined Gross Floor Area of all Buildings equals or exceeds 50,000 square feet, subject to **§ 135-85.L**.

§ 135-84. Area and bulk regulations.

- A. Area and bulk regulations. The following area and bulk regulations shall apply:

POC • General Requirements

Standard	Parameter
(1) Lot Area	Four (4) acres, minimum.
(2) Street Frontage	300 feet, minimum, for the entire Lot, and 150 feet minimum for any individual Lots therein
(3) Front/Rear/Side Yard	150 feet, minimum, for any Lots contained within the property. See requirements of § 135-71 (3) and (4) of the PBC District.
(4) Parking/Driveway	Subject to Article XXVI.
(5) Building Coverage	25 percent, maximum.
(6) Impervious Coverage	65 percent, maximum.
(7) Building Height	40 feet, maximum, subject to § 135-192 and 193.
(8) Green Area	30 percent, minimum.
(9) Buffer	See requirements of Section 135-72 of the PBC district.

§ 135-85. Design standards.

A. Ownership. The Lot shall be either:

- (1) Held by a single Owner; or
- (2) Held by multiple Owners, in which case the Applicants shall submit into evidence an agreement among all Owners that the Development and management of the property will be in accordance with a single Plan and subject to an association of Owners established in accordance with Pennsylvania law.

B. Lot and Building design.

- (1) The physical design of the Plan shall provide for control of vehicular and pedestrian traffic; make adequate provisions for water supply, Sewage disposal, soil erosion and sedimentation control, stormwater management, fire protection and other public services; and promote the amenities of light, air and visual enjoyment.
- (2) All Buildings shall be designed and sited to reflect a sensitivity to existing natural features; to be responsive to solar orientation, wind exposure and energy efficiency; and to relate to similar Buildings on adjoining properties in terms of size and scale.
- (3) Buildings and other Structures shall be planned, designed, constructed and maintained in response to the natural features of a Lot such as topographic features, surface and groundwater resources, and Vegetation.

C. Buffer Areas and Buffer Plantings Strips.

- (1) Buffer Areas and Buffer Planting Strips shall be in accordance with Article XXV.

D. Landscaping. In addition to the requirements of Article XXV, the following shall apply:

- (1) All uses in the POC District shall provide and maintain attractively landscaped grounds.
- (2) A Landscape Plan shall be prepared and approved prior to the issuance of a building permit.

- (3) All landscaping shall be completed and approved prior to the issuance of a Certificate of Occupancy, unless approved otherwise by the Township contingent upon a satisfactory escrow of funds in lieu of completion, when seasonal conditions inhibit the installation of landscaping.
- (4) Landscaped Areas shall be provided as follows:
 - (a) A 25-foot-wide Landscaped Area shall be provided along the entire Frontage of any use in the POC District, except in areas where there is an access Road or driveway needed for ingress and egress.
 - (b) Landscaping within parking areas shall be in accordance with **Article XXIV** and **Article XXV**.
 - (c) Landscaping between Buildings shall be in accordance with Subsection L.
- (5) Whenever a POC use is constructed on an individual Lot, where no Subdivision or Land Development is proposed, a Landscape Plan shall be provided, implemented and approved prior to issuance of any permits or certificates as set forth above. Such Plan shall conform to all requirements for landscaping in **Article XXIV** and **Article XXV**.
- E. Utilities. All utility lines servicing the Lot shall be placed underground.
- F. Outdoor storage and display.
 - (1) No used or new, retail, wholesale or leased, goods or products that are offered for sale or other exchange, shall be stored, set out or displayed within 55 feet of a Street Line.
- G. Sewage disposal in accordance with the Code of Chadds Ford Township Chapter 95 Sewers and § 110-32 Sanitary Sewer of Chapter 110 SALDO.
- H. Water supply in accordance with Township Code § 110-33.
- I. Off-street parking and motor vehicle access. In addition to the regulations of **Article XXIV**, the following shall apply:
 - (1) Garage facilities or parking places for the free accommodation or motor vehicles of the patrons or Occupants of all establishments shall be provided in connection with any Building or other Structure hereafter erected, constructed, or altered, and any Lot or Premises hereafter prepared, opened or brought into operation, to be used in whole or in part as a place of public entertainment and amusement or as a Hotel, Restaurant, or eating place, or public market. Any such garage facilities shall be provided and maintained either on the same Lot or an adjacent Lot, located not over 100 feet from the main or other entrance to said Building or place of public entertainment or accommodation.
 - (2) All garage facilities shall be of a capacity sufficient to accommodate the number of automobiles likely to be used by patrons attending such places of amusement, or the Occupants, guests and visitors of such Hotel, Restaurant or eating place, or public market, as may be determined by the Board of Supervisors from an inspection of the Plans of such proposed establishments, and from any other available evidence, prior to the issuance of any permit for the erection, Construction, Alteration, operation or use thereof, and prior to the issuance of a Certificate of Occupancy.
 - (3) Each separate use or grouping of attached uses shall not have more than two (2)

accessways along the required Street Frontage.

J. Crosswalks and sidewalks.

- (1) All areas of major pedestrian circulation shall have sidewalks.
- (2) All areas where pedestrian and vehicular circulation may conflict shall be line-striped to indicate a pedestrian crosswalk.

K. Signs. All Signs shall comply with **Article XXIII**.

L. Special "Main Street" environment requirements when combined Gross Floor Area of all Buildings equals or exceeds 50,000 square feet.

- (1) No individual Building shall exceed 50,000 square feet of Gross Floor Area. If more than 50,000 square feet of Gross Floor Area is proposed, then separate Buildings shall be constructed. Each separate Building shall be 60 feet from any other Building.
- (2) If separate Buildings are constructed, the 60-foot space between them shall have 12-foot sidewalks adjoining each Building; eight (8) foot parking/drop-off/loading/unloading space adjoining each sidewalk; and 10-foot accessways straddling the center of the 60-foot space.
- (3) The "Main Street" environment to be created under this Subsection L shall be landscaped with shade trees within the required 12-foot sidewalks.
- (4) At least one (1) centrally located pedestrian plaza area, comprising an area of at least 10,000 square feet, shall be provided. The pedestrian plaza shall include shade trees, planters, benches, and plaza surfacing of brick, flagstone or like unit pavers.
- (5) The Building shall have vertical articulations. The vertical articulations shall include such features as columns, archways, porticos, and a vertical bay form of gabled roof with 24-foot-wide bays.
- (6) All of the requirements of this Subsection L shall be presented in drawings at the time of application for Conditional Use approval.

§ 135-86. Additional Regulations.

A. Staging.

- (1) The Development of a Lot carried out in either a single phase or in stages shall be executed in accordance with a Development agreement. The Owner, Developer, and Township shall enter into said agreement embodying all details regarding compliance with this chapter to assure the binding nature thereof on the overall Lot and its Development, which agreement shall be recorded with the Final Plan.
- (2) Whenever the Development is in stages, Plans for each stage shall require Preliminary and Final Plan approval and shall comply with an overall Sketch Plan for the Lot and the Developer's agreement.
- (3) All improvements within a particular stage shall be completed contemporaneously with the completion of the Construction of the Buildings in such stage, together with all Lot improvements essential to the function of the improvements in the said stage.

B. Any change in ownership of a use in a POC District or change in type of business shall require a review by the Building Inspector and issuance of a new Certificate of Occupancy. A

new Certificate of Occupancy is to be issued only if the new business complies with all ordinances and any prior conditions of approval.

ARTICLE XIII. LI DISTRICT (LIGHT INDUSTRIAL).

§ 135-87. Purpose.

It is the purpose of the Light Industrial District to permit and encourage industrial Development that will be so located so as to constitute a harmonious and appropriate part of the physical Development of the Township; to provide minimum standards for the Development and operation of industries; to prohibit housing, retail selling and other uses that would be incompatible to the uses permitted in the district; and to provide for the public convenience and avoid undue congestion of the roads and to otherwise create conditions conducive to carrying out these and other broad purposes of this chapter.

§ 135-88. Uses Permitted by Right.

- A. A Building may be erected or used, and a Lot may be used or occupied, for any of the following purposes and no other:
- (1) Professional, business, medical and administrative offices.
 - (2) Experimental, research or testing laboratories.
 - (3) The packaging or treatment of the following previously processed materials: cellophane, felt, fur, glass, horn, paper, pharmaceuticals, plastics, shells, aluminum, leather, plaster, metals, precious and/or semiprecious stones, wood, yarns, containers, or novelties from paper or cardboard, natural or synthetic rubber, tobacco, textiles or textile products, and perfumes.
 - (4) The manufacture of musical instruments, toys, novelties, electrical or electronic devices; home, commercial and industrial appliances and instruments, including the manufacture of accessory parts or assemblies; dental and medical equipment; watches and clocks; optical goods; drafting equipment; and canvas products.
 - (5) Light metal processing as follows: cleaning, finishing, grinding, heat treating, plating, polishing, rust-proofing, and sharpening; metal stamping and extrusion of small products; and similar metal-working processes.
 - (6) Manufacture and assembly of electrical or electronic devices.
 - (7) Carpet or rug cleaning; laundry, dry-cleaning and dyeing plants.
 - (8) Job printing, newspaper or book publishing.
 - (9) Baking and food processing for human consumption only.
 - (10) Wholesaling and distributing activities when associated with permitted uses. Retailing activities are hereby prohibited.
 - (11) Active Recreation and Active Recreation Facilities.
 - (12) Passive Recreation, and Passive Recreation Facilities.
 - (13) Accessory Uses on the same Lot with and customarily incidental to any of the above permitted uses, including cafeteria located within the main Building and operated by the employer for the exclusive use of its Employees, subject to **Article XXVI**.

§ 135-89. Conditional Uses.

- A. The following uses, as defined in Article II, may be permitted by the Board of Supervisors

subject to criteria and procedures for Conditional Uses as set forth in **Article XXVI**:

- (1) Business, vocational, public or private schools.
- (2) Any other use required by law to be permitted and not specifically permitted in any other zoning district.

B. Mineral extraction.

- (1) **Purpose.** The intent of this Section 135-89.A(2) is to permit and provide for, in accordance with Act 247 of 1968, as amended, opportunities within Chadds Ford Township for legitimate mineral extraction activities while at the same time protecting and preserving the health, safety, welfare and morals of the Township and the community.
- (2) **Use regulations.** Mineral extraction may be permitted by conditional use subject to the provisions of Section 135-189 and provided the application shall otherwise comply with the regulations set forth in this Section 135-89.A(2) to the extent that the same are not preempted by federal or state law.
- (3) **Bulk and area regulations.** The bulk and area regulations relating to the location of buildings and other structures set forth in Section 135-91 to mineral extraction operations except as expressly stated to the contrary in this Section 135-89.A(2). The area of extraction shall not be within any required yard. The minimum lot area for a mineral extraction operation shall be 5 acres.
- (4) **Standards of approval.** In addition to the requirements of Section 135-189, it shall be the applicant's burden to also demonstrate compliance with the following requirements set forth below:
 - (a) **Mineral identification.** The applicant shall identify the subject mineral and shall demonstrate the existence of the mineral sought to be extracted and the proposed method(s) for extraction.
 - (b) **Burden.** The applicant shall affirmatively demonstrate that the proposed mineral extraction activity will not interfere with the property rights or water supply of other property owners or properties within the Township. Such evidence shall include but not be limited to the following:
 - [1] **Map.** A map indicating the location of existing man-made structures, including wells and septic systems within 200 feet of the proposed site, and identifying all water bodies within 500 feet.
 - [2] **Report.** A written report prepared by a hydrogeologist, describing:
 - [a] The expected effects of the proposed withdrawal on existing wells, flows of perennial streams and the long-term lowering of groundwater levels.
 - [b] Evidence that existing ground and surface water supplies shall not be adversely impacted.
 - [3] **Subsurface conditions.** Identification of the subsurface material and conditions existing and anticipated for the site, and the type and number of extraction facilities or equipment to be established thereon.

- [4] Daily withdrawal. Identification of the anticipated average daily mineral withdrawal from the site and the anticipated duration of the mineral extraction activity.
- [5] Environmental impact. Evidence that the withdrawal under the proposed use shall not cause substantial adverse impact to the overlying environment.
- [6] Disposition. A plan for the environmentally sound disposition of the by-products of resource extraction.
- [7] Certification. Certification that all proposed activity shall be conducted under the supervision of qualified personnel, including identification of the licenses and permits required for the proposed use.
- [8] Mitigation plan. A plan for implementation of a mitigation program to protect the health and safety of persons and property in the Township and the community from the proposed use. This plan shall address, without limitation, erosion, dust control, vibration, blasting, lateral support, processing facilities, sinkhole formations, and the disposal of spoils.
- [9] Cessation of operations. A plan of how the site shall be made safe once the mineral extraction operation ceases, including a plan for environmentally restoring the property.
 - [a] Permits. The applicant must obtain all required local (including without limitation grading and stormwater), state and/or federal permits for the proposed use. Such permit(s) shall be a prerequisite to the commencement of development of the use and to the issuance of any building permit, use permit or certificate of use and occupancy.
 - [b] Vehicles.
- [10] Identification. The applicant shall identify what commercial vehicles are to be used in connection with the application, including but not limited to those used to transport minerals from the site, the number, size, type and capacity and the scheduling of vehicles.
- [11] Access. The applicant shall demonstrate that vehicles shall have adequate access to and within the site over an improved all-weather surface.
- [12] Traffic control. The applicant shall identify proposed traffic control methods to be employed on and off the site to control ingress and egress of vehicles. The Board of Supervisors may impose reasonable limits on the hours during which commercial vehicles may enter and exit the site to avoid creating hazards on local roadways or disturbing adjoining or nearby residential districts.
- [13] Traffic report. The Applicant shall provide a traffic report prepared by a qualified traffic engineer shall be provided by the applicant.
 - [a] Noise. The applicant shall identify the noise levels which are anticipated to be generated by the proposed use and shall identify the distances said noises may travel beyond the title lines of the proposed site and

what methods the applicant shall employ in compliance with Township ordinances to protect the surrounding area from said noises.

- [b] Hours of operation. The applicant shall identify the proposed hours of operation and the scope and nature of activity to be conducted during said hours.
 - [c] Emergency contact information. The Applicant shall keep on file with the Township, and always keep up-to-date, twenty-four-hour emergency telephone numbers and contact information for persons with authority over the property and operation of the mineral extraction activity.
 - [d] Additional information. The Applicant shall provide such other information and documentation as the Township may require.
- [14] Site requirements.
- [a] Parking and loading. Parking and loading shall be in accordance with Article XXIV.
 - [b] Signs. The provisions of Article XXIII shall apply.
 - [c] Screening. All loading or parking areas shall be screened from view from any adjacent roadway or lot(s), in accordance with Township ordinances.
 - [d] Security. The site shall be made secure and maintained in a secure fashion at all times.
- [15] Other standards. The proposed use shall be subject to the requirements of Chapter 110, Subdivision and Land Development, including, without limitation, stormwater management control, stormwater infiltration, control, erosion control, traffic control, landscaping, lighting and other standards prescribed by Chapter 110, Subdivision and Land Development, and/or other applicable Township ordinances.
- [16] Abandonment.
- [a] Abandonment. If any such mineral extraction or facility discontinues operation for a period of 12 months or more, it shall be considered abandoned, and the owner and/or operator of said facility shall remove all equipment or fixtures.
 - [b] Plan. Mineral extraction areas shall be positively identified on a plan filed with the Township before initiating the abandonment techniques.
 - [c] Restoration. The applicant shall demonstrate that the abandonment and restoration plan produced in accordance with this article remains adequate.

§ 135-90. Prohibited Uses.

- A. The following uses are prohibited : blast or reverberatory furnaces, smelters, foundries, drop hammers, rolling mills; tanning, curing of leathers, rawhides or skins; wool pulling or scouring; fat rendering; coke ovens; distillation of bones, coal or wood; fertilizer manufacture; fish

smoking and curing; gas manufacture; oil cloth or linoleum manufacture; ore reduction; paint, oil, shellac, turpentine, or varnish manufacture; petroleum refining; soap manufacture; tallow, grease or lard manufacture or refining; tar distillation or manufacture or refining; and all similar uses.

§ 135-91. Area and bulk regulations.

A. Area and bulk regulations. The following area and bulk regulations shall apply:

LI • General Requirements	
Standard	Size / Parameter
(1) Lot Area	Three (3) acres , minimum.
(2) Lot Width	250 feet , minimum, at the Building Line.
(3) Front Yard	100 feet , minimum, from the Street Line.
(4) Side and Rear Yards	75 feet minimum*, for each Side Yard, and Rear Yard. *No industrial Building or Structure shall be located within 150 feet of a residential district. Buffer Areas and Buffer Planting Strips shall be in accordance with Article XXV .
(5) Parking/Driveway	Subject to Article XXVI .
(6) Building Coverage	30 percent , maximum.
(7) Impervious Coverage	60 percent , maximum.
(8) Building Height	40 feet , maximum, subject to § 135-192 and 135-193 .
(9) Green Area	25 percent , minimum.

§ 135-92. Off-street parking and motor vehicle access.

- A. Private accessways shall enter a public road at a distance of not less than 100 feet from any public road intersection.
- B. Parking and loading areas shall be located not less than 75 feet from Lot Lines adjoining any residential district, and shall have not more than two (2) accessways to any one (1) Public Street.
- C. Site accessways, driveways, parking and loading facilities shall be paved with an approved all-weather, dust-free surface.
- D. Proper Sight Distance shall be maintained at all intersections on Public Streets.

§ 135-93. General district regulations. Internal combustion engines shall be muffled and secured so as to eliminate offensive Noises and vibration.

- A. Smoke control and control of dust and dirt, fumes, vapors, and gases.
 - (1) No smoke shall be emitted from any chimney or other source visible gray greater than No. 1 on the Ringelmann Smoke Chart as published by the U.S. Bureau of Mines, except that smoke of a shade not darker than No. 2 on the Ringelmann Chart may be

emitted for not more than four (4) minutes in any thirty-minute period.

- (2) These provisions, applicable to visible gray smoke, shall also apply to visible smoke of any other color, with an equivalent apparent opacity.
 - (3) The emission of dust, dirt, fly ash, fumes, smoke, vapors or gases that can cause any damage to human health, to animals or Vegetation or to other forms of property, or that can cause any soiling or staining of persons or property at any point beyond the Lot Line of the use creating the emission is herewith prohibited.
 - (4) No emission of liquid or solid particles from any chimney or otherwise shall exceed 0.3 grains per cubic foot of the covering gas at any point beyond the Lot Line of the use creating the emission. For measurement of the concentration of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of 500° F. and 50% of excess air in stack at full load.
- B. Control of odors. There shall be no emissions of odorous gases or other odorous matter in such quantities as to be offensive at any point on or beyond the Lot boundary line within which the industrial operation is situated. Any process that may involve the creation or emission of any odors shall be provided with a secondary safeguard system, in order that control will be maintained if the primary safeguard system should fail. There is hereby established as a guide in determining such quantities of offensive odors Table III (Odor Thresholds) in Chapter 5, "Air Pollution Abatement Manual," copyright 1951 by Manufacturing Chemists' Association, Incorporated, Washington, D.C. Where more than one
- (1) authority is cited, the numerical average value for all authorities listed may be used.

§ 135-94. Administrative requirements.

- A. When deemed applicable by the Zoning Officer, there shall be submitted to the Zoning Officer, together with each application for a Zoning permit under this article, Plans and specifications that shall include the following:
- (1) The location, use, design, dimensions and height of each proposed Building, Buildings or other Structures.
 - (2) Evidence of approval of Plans by the Pennsylvania Department of Labor and Industry where required by law.
 - (3) The location, dimensions and arrangements of all Green Areas, Yards, accessways, entrances, exits, off-street parking facilities, loading and unloading facilities, pedestrian ways, and Buffer Planting Strips.
 - (4) The profiles of all Streets and roads, the width of Rights-of-Way, cartways and sidewalks, a cross section of proposed Street paving indicating depth and type of each course, the position and type of curbs and sidewalks, and the course, Structure and capacity of any drainage facilities and the method of drainage of adjacent and contiguous territory.
 - (5) The capacity of all areas to be used for automobile access, parking, loading and unloading.
 - (6) The character of the Buffer Area and screening devices to be maintained, including the dimensions and arrangements of all area devoted to planting, lawns, trees or similar purposes, and the varieties, sizes and quantities of plants.

- (7) The provisions made for Sewage disposal, water supply and storm drainage, including a suitable contour map of the area.
- (8) A description of the proposed industrial operations in sufficient detail to indicate the effects of those operations in producing Noise, glare, air pollution, water pollution, fire hazards, traffic congestion or other safety hazards.
- (9) Engineering and Architectural Plans together with a description of the methods to be employed in controlling any excess Noise, air pollution, water pollution, fire hazard or safety hazard.
- (10) Engineering and Architectural Plans together with a description of methods to be used for the treatment and disposal of Sewage and industrial wastes.
- (11) Designation of the fuel proposed to be used and any necessary architectural and engineering Plans together with a description of the methods to be used for controlling smoke and fumes and other air pollutants.
- (12) The proposed number of shifts to be worked and the maximum number of Employees on each shift.
- (13) The proposed groundwater requirements stated in terms of maximum usage per minute, per day, and per week; seasonal variations shall be stated.

ARTICLE XIV. LI-1 DISTRICT (LIGHT INDUSTRIAL-1).

§ 135-95. Purpose

§ 135-96. Uses Permitted by Right.

A. A Building may be erected or used, and a Lot may be used or occupied, for any of the following purposes and no other:

- (1) Any uses that are permitted by right as a Principal Permitted Uses in LI Light Industrial District.

§ 135-97. Conditional Uses.

A. Conditional Uses. The following uses, as defined in Article II, may be permitted by the Board of Supervisors subject to criteria and procedures for Conditional Uses as set forth in Article XXVI:

- (1) Any uses permitted by Conditional Use in LI Light Industrial District.
- (2) Correctional Institution and Penal Facility
- (3) Marijuana Grower/Processor Facility

(a) Marijuana Growing Prohibited. All marijuana growing or processing is prohibited within Chadds Ford Township except as expressly permitted by Conditional Use under **§ 135-97.A.(3)**. The Marijuana Grower/Processor Facility shall provide only wholesale products to other permitted marijuana uses. Retail sales and dispensing of marijuana and related products is prohibited at Marijuana Grower/Processor Facilities.

(b) Marijuana Cultivation. Marijuana growing is permitted in the Township only as expressly specified in **§ 135-97.A.(3)**.

- [1] Marijuana growing and processing shall only be allowed upon application and issuance of a Grower/Processor Permit issued by the Commonwealth of Pennsylvania and approval as a Conditional Use by the Township in accordance with the criteria and process set forth herein.
- [2] Marijuana growing and processing is a use permitted only as a Conditional Use on properties located within the LI-1 zoning district.
- [3] Marijuana growing facilities may be located within the same Building or Structure as a marijuana processing facility only if the marijuana growing facility is located in separate rooms of the Building or Structure, and only if the marijuana growing facility has its own separate entrance into the Building or Structure.
- [4] Marijuana growing/processing is allowed only within fully enclosed and secure stand-alone Structures.
- [5] A Marijuana Grower/Processor Facility shall not be located within 3000 feet of another Marijuana Grower/Processor Facility.
- [6] A Marijuana Grower/Processor Facility shall not be operated or maintained on a Parcel within 2,000 feet, measured by a straight line in all directions, without regard to intervening Structures or objects, from the nearest point on the Property Line of a licensed residential substance abuse diagnostic and treatment

- facility or other licensed drug or alcohol rehabilitation facility.
- [7] A Marijuana Grower/Processor Facility shall not be operated or maintained on the same site as a Marijuana Dispensary Facility.
 - [8] A Marijuana Grower/Processor Facility shall not exceed the square footage authorized pursuant to the grant of Conditional Use.
 - [9] There shall be no visible exterior evidence of any marijuana growing or processing facility from any public Right-of-Way,
 - [10] A visual buffer planting screen with perimeter privacy fencing is required where a Marijuana Grower/Processor Facility adjoins a residential use.
 - [11] Additional sewer and stormwater management requirements may be imposed as a condition of the grant of Conditional Use.
 - [12] A Plan shall be provided demonstrating that all external and internal lighting, including light for nighttime growing, is shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.
 - [13] There is no set restriction on the hours of operation of Marijuana Grower/Processor Facilities; however, restricted hours of operation may be established as a condition of the grant of Conditional Use.
 - [14] Signage for all Marijuana Grower/Processor Facilities shall be limited to the name of the business only, shall be in compliance with the Township's Sign regulations, and shall contain no advertising of any companies, brands, products, goods, or services. Signage shall not include any drug-related symbols: No pictures, photographs, drawings or other depictions of marijuana or marijuana paraphernalia shall appear on the outside of any Marijuana Grower/Processor Facility or any Sign associated therewith.
 - [15] The Building in which any Marijuana Grower/Processor Facility is located, as well as the operations conducted therein, shall fully comply with all applicable rules, regulations, requirements and laws including, but not limited to, zoning and building codes, the Township's business license ordinances, the Revenue and Taxation Code, the Americans with Disabilities Act, and the MMA.
 - [16] The Building in which any Marijuana Grower/Processor Facility is located shall be equipped with an internal air quality or equivalent system, designed and constructed to the standards of the American Society of Heating, Refrigerating and Air-Conditioning Engineers *Indoor Air Quality Guide: Best Practices for Design, Construction and Commissioning*, and sufficient to the satisfaction of the Township Engineer to protect the inhabitants of the Building from any health impact related to the internal air quality of the Building and to prevent any odor resulting from the growing/processing operation from escaping the Building.
 - [17] The Operators of all Marijuana Grower/Processor Facilities shall provide the Township Manager or the Township Manager's designee with the name, phone number, and email address of an on-site representative to whom the Township and the public can provide notice if there are any operational problems associated with the Marijuana Grower/Processor Facility.
 - [18] The Township Building Code Official and law enforcement personnel shall have

the right to enter the Marijuana Grower/Processor Facility with due cause for the purpose of making reasonable inspections, to observe, and enforce compliance with **§ 135-97.A.(3)** and all applicable laws, rules, and regulations.

- [19] A Marijuana Grower/Processor Facility shall not be permitted where it will adversely affect the health or safety of the nearby residents. There shall be:
- [a] No emission of dust, fumes, vapors, or odors that can be seen, smelled, or otherwise perceived beyond the Property Line of the Marijuana Grower/Processor Facility.
 - [b] No glare, heat, Noise, smoke, traffic, vibration or other adverse impacts to the nearby residents.
- (d) Grant of Conditional Use. All parcels of real property in the LI-1 zoning district upon which marijuana growing/processing activities may occur shall obtain a grant of Conditional Use from the Township. An application for Conditional Use shall include at a minimum the following information:
- [1] An estimate of the size of the proposed Marijuana Grower/Processor Facility;
 - [2] The address of the location for which the Conditional Use is sought;
 - [3] A site Plan and floor Plan for the proposed Premises denoting the use of all areas of the Premises; including storage, growing areas, lighting, signage, access, parking, etc.;
 - [4] A proposed security Plan in compliance with all applicable laws, rules, and regulations. The security plan shall include:
 - [a] An electronic locking system as per the Medical Marijuana Act or any successor statute.
 - [b] Security cameras shall be installed and maintained in good working condition, and used in an on-going manner with at least one hundred and twenty (120) concurrent hours of digitally recorded documentation as a condition of the grant as a Conditional Use. The camera shall be in use twenty-four (24) hours a day, seven (7) days a week. The areas to be covered by the security cameras shall include, but are not limited to, the storage areas, growing areas, all doors and windows, waste facilities, and any other areas as required by the conditions imposed as part of the grant as a Conditional Use. Any and all recordings shall be kept for a period of at least two (2) years.
 - [c] Entrance to the growing processing areas, and all storage areas, shall be locked at all times, and under the control of the Marijuana Grower/Processor Facility's staff.
 - [d] Any Building used for marijuana growing/processing shall be completely surrounded by an eight-foot-high chain link fence, or any other type of open link fencing that allows the Building to be seen from outside the fence. Such fencing shall be secured during all times that the facility is not open and operating.
 - [e] The Marijuana Grower/Processor Facility shall comply with the Township's

lighting standards regarding fixture type, wattage, illumination levels, shielding, and shall secure the necessary lighting approvals and permits as needed. Additional lighting requirements may be imposed as a condition of the grant of Conditional Use.

[f] All windows on the Building that houses the Marijuana Grower/Processor Facility shall be appropriately secured and all marijuana shall be securely stored in the Marijuana Grower/Processor Facility.

[g] Loading and off-loading areas shall be located within the Building to the greatest extent possible.

[5] A Marijuana Grower/Processor Facility shall submit a disposal management Plan to be reviewed and approved by the Township. Marijuana remnants and by-products shall be disposed of according to an approved Plan, and shall not be placed within an exterior refuse container;

[6] A review of water infrastructure to ensure that hydroponic growing practices can be supported;

[7] The name and address of the Owner and lessor of the real property upon which the Marijuana Grower/Processor Facility is proposed to be located. In the event the Applicant is not the legal Owner of the property, the application shall also have a notarized acknowledgement from the Owner of the real property that a Marijuana Grower/Processor Facility will be operated on the property;

[8] It shall be the responsibility of the applicant to identify on the Plan submitted other nearby land uses within a half mile radius of the proposed Marijuana Grower/Processor Facility. Failure to properly identify uses surrounding the application site may result in denial of the application; and

[9] Evidence that the Building in which any Marijuana Grower/Processor Facility is located, as well as the operations conducted therein, shall fully comply with all applicable rules, regulations, requirements and laws including, but not limited to, zoning and building codes, the Township's business license ordinances, the Revenue and Taxation Code, the Americans with Disabilities Act, and the MMA.

(e) Enforcement.

[1] Any Marijuana Grower/Processor Facility within the Township in violation of **§ 135-97.A.(3)** or the conditions of the grant of the Conditional Use Permit is hereby declared to be unlawful and a public nuisance.

[2] Any party who engages in a violation of **§ 135-97.A.(3)** or who owns, possesses, controls, or has charge of any Parcel of real property in the Township upon which a violation of **§ 135-97.A.(3)** is maintained, shall be subject to the penalties and remedies provided by this section.

[3] Any violation of **§ 135-97.A.(3)** shall constitute a separate offense for each and every day the violation occurs or persists.

[4] Any violation of any provision of **§ 135-97.A.(3)** shall be punishable by a fine of up to \$1,000 per offense and revocation of Certificate of Occupancy.

§ 135-98. Area and bulk regulations.

A. Lot Area. Minimum five (5) acres.

B. All other area and bulk regulations of LI District shall be applicable in LI-1 Light Industrial-1 District.

§ 135-99. Off-street parking and motor vehicle access.

A. All off-street parking and motor vehicle access provisions of LI District shall be applicable in LI-1 Light Industrial-1 District.

§ 135-100. General district regulations.

A. All general regulations of LI District shall be applicable in LI-1 Light Industrial-1 District.

B. All prohibited uses in the LI District shall be applicable in LI-1 Light Industrial-1 District.

§ 135-101. Administrative requirements.

A. All administrative requirements of LI District shall be applicable in LI-1 Light Industrial-1 District.

ARTICLE XV (RESERVED).

§ 135-102 (Reserved)

§ 135-103 (Reserved)

§ 135-104 (Reserved)

§ 135-105 (Reserved)

ARTICLE XVI. MC DISTRICT (MUNICIPAL CONSERVATION).

§ 135-107. Purpose.

The Municipal Conservation (MC) District is intended for the following purposes:

- A. To protect and preserve areas in the Township owned by the United States of America, the Commonwealth of Pennsylvania, Chadds Ford Township, and the Chadds Ford Township Sewer Authority;
- B. To provide for appropriate Municipal Use to include Township Buildings and facilities incidental to the operation of Chadds Ford Township;
- C. To promote and facilitate the preservation and conservation of the natural, scenic and historic values and to preserve forests, Wetlands, aquifers and floodplains;
- D. To recognize and protect the open character of specific areas of the Township that now or in the future may exist as Township owned Green Area and grounds; and
- E. To protect land for Recreation and Recreational Use.

§ 135-108. Uses.

A. Uses Permitted by Right.

A Building may be erected, altered or used, and a Lot may be used for any of the following purposes and no other.

- (1) Municipal Use
- (2) Passive Recreation and Passive Recreational Facilities.
- (3) Agriculture, Agronomy, Horticulture, Silviculture, Aquaculture, and Forestry related uses, subject to **Article XXVI**.
- (4) Art gallery, Artist Studio, library, and museum.
- (5) Visitors Center, Nature Center, or Historical Interpretation Center, in an existing historical Building as an adaptive reuse of the Building.

B. Accessory Uses.

- (1) Off-street parking, subject to **Article XXIV**.
- (2) Residential use limited to a Caretaker Residence.
- (3) Signs in accordance with **Article XXIII**.
- (4) Accessory Uses on the same Lot with and customarily incidental to any of the above Principal Permitted Uses, subject to **Article XXVI**.

C. Uses Permitted by Special Exception. Uses by Special Exception shall be subject to the procedures in Article XXVII of this chapter.

- (1) Horse Stable.
- (2) Conversion of Historic Structures, per **Article XXVI**.
- (3) Active Recreation and Active Recreational Facilities

D. Conditional Uses. Conditional Uses shall be subject to the provisions of **Article XXVI** of this chapter.

- (1) Special Events Center, Visitors' Center, Nature Center, or Historical Interpretation Center in a new Building.
- (2) Bed-and-Breakfast Inn, subject to **Article XXVI**.
- (3) Public utility Structures, licensed by the Public Utility Commission of the Commonwealth of Pennsylvania.
- (4) Any Agriculture, Horticulture or Forestry related uses involving the commercial harvesting or timbering of Vegetation, that are subject to a Conservation Plan approved by the Delaware County Conservation District.
- (5) Educational and Religious Uses.

E. Prohibited uses and activities.

- (1) Removal of topsoil off-site, except as part of an Approved permit.

§ 135-109. Lot requirements.

A. Area and bulk regulations. The following area and bulk regulations shall apply:

MC District • General Regulations	
Standard	Size
(1) Lot Area	10 acre, minimum.
(2) Lot Width – Building Line	200 feet, minimum.
(3) Lot Width – Street Line	100 feet, minimum.
(4) Setbacks	50 feet, minimum Setback from any Side or Rear Lot Line.
(5) Parking/Driveway	Subject to Article XXVI.
(6) Building Coverage	15 percent
(7) Impervious Coverage	20 percent, maximum.
(8) Building Height	40 feet, maximum, subject to § 135-192. and § 135-193. for Buildings and other Structures.
(9) Green Area	60 percent, minimum.

§135-110. Woodlands and Green Areas.

A. The intent is to preserve existing trees wherever possible. Areas in which trees are to be preserved shall remain at original grade level and in an undisturbed condition.

B. Green Areas.

- (1) The areas of each Lot not devoted to off-street parking and/or occupied by Buildings,

other Structures, or stormwater management facilities shall be maintained in grass, shrubbery, trees, meadow, or other natural cover.

ARTICLE XVII. CC DISTRICT (CULTURAL CAMPUS).

§ 135-111. Purpose.

In addition to the general goals listed in the Purposes (§135-2) and Community Development Objectives (§135-3), the purposes of this Article are:

- A. To provide for the special needs of educational, cultural, environmental, and institutional uses with extensive and variable facilities and public access requirements;
- B. To preserve, in addition, the character of substantial Green Areas associated with or under Common Ownership with such uses; and
- C. To promote the sensitive development of such uses within and adjacent to the Chadds Ford Village Historic District and the Baltimore Pike Overlay (BPO District) in a manner that is consistent with the Comprehensive Plan for Chadds Ford Township and other relevant planning efforts, and which promotes preservation of the scenic, historical, architectural, cultural, and artistic heritage of the Township.

§ 135-112. Intent.

The CC District is intended to apply to large tracts, or smaller contiguous parcels under Common Ownership or common control (see § 135-116).

§ 135-113. Permitted Uses.

Except as set forth in §135-113.D. below for National Historic Landmark properties, a Building or group of Buildings may be erected, altered, or used and a Lot or Premises may be used for any of the following purposes or combinations thereof, and no other:

A. Uses by Right.

- (1) Cultural Facilities, such as museums, art galleries, libraries, community centers and related educational and office facilities.
- (2) Environmental and conservation offices.
- (3) Public Garden.
- (4) Woodland, preserve, or other conservation purpose.
- (5) Agriculture or Agricultural Operation.
- (6) Forestry.
- (7) Municipal use.
- (8) Temporary event parking.

B. Conditional Uses. Any of the following uses, separately or in combination thereof with other uses authorized by §135-113, shall be permitted as a Conditional Use when authorized by the Board of Supervisors, subject to the standards and procedures set forth herein and in **Article XXVI**.

- (1) Auditoriums, Concert Halls and Performing Arts Centers.
- (2) Single-Family Detached Dwellings in Structures formerly used as a residence.
- (2) Bed-and-Breakfast Inns, subject to the standards of **Article XXVI**.

- (3) Public Markets.
 - (4) Banquet and/or conference facilities.
 - (5) Commercial retail or Professional Office establishments, wholly contained within a Building not greater than 5,000 square feet in gross floor area. Drive-through services and outdoor storage, sales, or display shall be prohibited.
 - (6) Restaurants, cafeterias, and outdoor cafes. Drive-through services shall be prohibited.
- C. Accessory Uses. Accessory Uses shall be permitted as follows:
- (1) Buildings, Uses or Structures of a nature customarily incidental and subordinate to any permitted principal use or Structure.
 - (2) Dwelling Units accessory to a permitted educational institution, Cultural Facility, environmental or conservation center, Public Garden, or an Agricultural Operation, where approved as a Conditional Use subject to the following:
 - (a) All individuals living in such Dwelling Units must be employees, academic interns, or students of the principal Use, or temporary guests, such as scholars or artists in residence.
 - (b) Facilities for the lodging of overnight visitors or guests for compensation, such as a Hotel or Motel, shall be prohibited in the CC District.
 - (3) Facilities for tours associated with visitation of Cultural Facilities or Public Garden uses, including provisions for vehicular accessibility.
 - (4) Restaurants, cafeterias, and outdoor cafes may be established as accessory uses to educational institutions, Cultural Facilities, or Public Garden uses, subject to Conditional Use approval. Drive-through services shall be prohibited.
 - (5) A gift shop may be established as an accessory use to a Cultural Facility, Public Garden, or environmental or conservation offices.
 - (6) Event, banquet, and/or conference space may be established as an accessory use to an educational institution, Cultural Facility or Public Garden. Outdoor events for greater than 225 persons shall require permitting in compliance with **Chapter 102**, Special Events.
 - (7) Non-commercial garages and parking areas accessory to permitted principal and accessory uses on Lots under Common Ownership with the uses to which they are accessory.
 - (8) Municipal Use, including parking available for municipal purposes.
- D. Special Use Provisions for tax parcels No. 04-00-00184-00; No. 04-00-00100-01; No. 04-00237-00, 04-00-00186-00; and No. 04-00-00051-00; National Historic Landmark Properties:
- (1) Except in Structures existing at the time of adoption of this section, no permitted use shall occupy more than 3,000 square feet of indoor space.
 - (2) Principal Conditional Uses, as provided in **§135-113.B** above, shall not be permitted on the above named National Historic Landmark properties.
 - (3) All uses permitted on the above named National Historic Landmark properties shall be designed to complement the historical integrity of the Landmark.

§ 135-114. Area and Bulk Regulations.

A. Area and bulk regulations. The following area and bulk requirements shall apply to all uses permitted by §135-113 except existing non-conforming uses and Single-Family Detached Dwellings established in former residential Structures. Existing non-conforming uses and Single-Family Detached Dwellings established in former residential Structures shall be consistent with the area and bulk requirements in place prior to becoming non-conforming with the adoption of this section. Where a project consists of Lots in Common Ownership or under common control, the provisions of this section may be applied as if those Lots were a single Lot and without regard to Lot Lines separating them.

CC • General Requirements.			
Standard	Size / Parameter		
	Permitted Uses	Conditional Uses or Conditional Approval	Permitted Uses on Less than Two Acres Prior to the Effective Date of this article
(1) Lot Area	Two (2) Acres minimum, for every principal Building erected or used for any Principal Permitted Use.	Two (2) Acres minimum, for every principal Building erected or used for any Principal Permitted Use.	n/a
(2) Gross Floor Area (no requirement unless noted)	n/a	Commercial retail stores or Professional Offices, wholly contained within a Building not greater than 5,000 square feet. Residential dwellings including accessory dwelling units not less than 750 square feet.	n/a
(3) Lot Width	200 feet , minimum at the Building Line.	200 feet , minimum at the Building Line.	85 feet , minimum at the Building Line.
	100 feet , minimum at the Street Line.	100 feet , minimum at the Street Line.	50 feet , minimum at the Street Line.
(4) Front Yard and Corner Lot Setbacks	75 feet , minimum, along U.S. Route 1 (Baltimore Pike), and 50 feet for any other Street Line.	75 feet , minimum, along U.S. Route 1, and 50 feet for any other Street Line.	35 feet , minimum, from the Street Line.
(5) Side Yards	50 feet , minimum, each.	50 feet , minimum, each.	20 feet , minimum, each.
(6) Rear Yard	50 feet , minimum.	50 feet , minimum.	40 feet , minimum.

(7) Parking/ Driveway	Subject to Article XXIV.	Subject to Article XXIV.	Subject to Article XXIV.
(8) Building Coverage	25 percent, maximum.	30 percent, maximum.	35 percent, maximum.
(9) Impervious Coverage	50 percent, maximum.	See § 135-114-D.	65 percent, maximum.
(10) Building Height	40 feet, maximum, subject to Article XXVI & § 135-114-B (1).	See §§ 135-114-B (1) and B (2).	40 feet, maximum, subject to Article XXVI & § 135-114-B (1).
(11) Green Area	35 percent, minimum, subject to § 135-114-C.	35 percent, minimum, subject to § 135-114-C.	35 percent, minimum, subject to § 135-114-C.
(12) Landscaping, Buffering and Setbacks for Accessory Uses	See Article XXV and XXVI.		

B. Additional provisions for Building height in the CC District:

Within the FEMA designated floodplain, Building height shall be measured a vertical distance from the regulatory flood elevation rather than from the average elevation of the finished grade along the exterior walls of the Structure but shall not exceed fifty (50) feet when measured from the average elevation of the finished grade along the exterior walls of the Structure.

C. Additional provisions for Green Areas in the CC District:

- (1) Any application for building permit, zoning permit, Special Exception, Conditional Use, or Land Development approval shall indicate on the proposed Plan:
 - (a) Any specific limitations to public use or enjoyment of Green Areas:
 - (b) The responsible party for enforcing such limitations, and:
 - (c) The Applicant shall agree to an annual update to the Township regarding compliance, subject to approval by the Board of Supervisors.

D. Additional provisions for Impervious Coverage in the CC District:

- (1) Subject to Conditional Use approval, maximum Impervious Coverage may be increased if there is a corresponding increase in Green Area and where the Board of Supervisors is satisfied that the Green Area provided in excess of thirty-five (35) percent as provided above shall result in one or more of the following:
 - (a) Greater protection of the Township's Natural or Cultural resources;
 - (b) Increased amount of land available for community or Recreational Use;
 - (c) Permanent protection of any Historic Resource eligible for listing, or included on, the National Register of Historic Places; or

- (d) Exceeding the standards and requirements of **Chapter 105**, Stormwater Management, of the Township Code.

For example, if Green Area were increased by five percentage points to 40 percent, maximum impervious coverage could be permitted to increase by five percentage points to 55 percent.

§ 135-115. Additional Standards for All Uses.

In addition to the design standards contained in **Chapter 110**, Subdivision and Land Development, **Article V**. Design Standards of the Code of Chadds Ford Township, the standards below shall govern design within the CC District.

- A. Tract considerations. The finished topography of the Tract shall adequately facilitate the proposed Development without excessive earth moving, tree clearance or destruction of natural features. Natural features such as streams and wooded slopes shall be preserved and incorporated into the final landscaping of the Development wherever possible and desirable per the Township Engineer. The Applicant shall specify the means whereby trees and other natural features shall be protected during Construction. The location of trees and other natural features shall be considered when planning the locations of Green Areas, locations of Buildings, underground services, walks, paved areas and finished grade levels.
- B. Building sites:
 - (1) Every Building and other Structure shall be located and situated to promote pedestrian and visual access to Green Area to the extent practicable.
 - (2) The physical design of any Land Development Plan shall make adequate provisions for emergency and public services, and provide safe accommodation for pedestrian and vehicular traffic.
 - (3) Development near the perimeter of the Tract shall be designed to be harmonious with neighboring areas or buffered therefrom in compliance with **Article XXV**.
- C. Landscaping. Landscaping shall be regarded as an essential feature of every Development in the CC District. In addition to the preservation of natural features, trees and slopes of the Tract; careful attention shall be given to landscaping of parking areas and provisions for street trees, foundation and buffer plantings as required by this chapter and **Chapter 110**, specifically **§110-36**.
- D. Community Facilities & Amenities.
 - (1) Refuse stations shall be designed with suitable screening and in locations convenient for collection and removal, and shall not be offensive to neighboring Properties or public view.
 - (2) Adequate lighting shall be provided in the outdoor areas used after dark in accordance with **Chapter 110**. Appropriate lighting fixtures shall be provided for walkways and to identify vehicular travel, steps, ramps, directional changes and Signs. All lighting shall be in accordance with the standards of the Illumination Engineering Society (IES) and shall comply with the following:
 - a. All lighting shall be designed, constructed, and arranged to prevent glare. No lighting shall be directed to cause a nuisance or disturbance to adjoining Properties, or to cause any difficulty with visibility from streets;

- b. Glare control shall be accomplished through proper selection and application of lighting equipment.
 - c. All directional lighting fixtures used for Signs shall be top-mounted and shall be aimed toward the ground;
 - d. Lighting shall be Dark Sky Friendly Lighting based on the International Dark-Sky Association standards;
 - e. Consideration shall be made for blue light or safety station/refuge spots throughout a Development or campus, particularly in parking lot(s), along Trails, and at trailhead(s).
- (3) All permanent electric, telephone, cable, telecommunications and other service lines shall be underground and shall comply with all Township ordinances unless demonstrated to not be practicable.
- (4) Off-street parking and loading. Adequate off-street parking and loading facilities shall be provided as specified in **Article XXIV** of this chapter. In addition:
- a. Parking needs shall be independently calculated for each use in the CC District in accordance with **Article XXIV**.
 - b. For any Development, a portion of proposed parking facilities may be designed as shared parking or Remote Parking served by shuttles within the CC District subject to Conditional Use approval.
- (5) The use of electric vehicle charging stations shall be permitted to serve visitors and/or employees of any use permitted herein.
- (6) Other than parking of private automobiles, all storage shall be structurally enclosed or otherwise permanently screened from view.
- (7) Storm Sewer Systems for the Development shall be designed, constructed and operated in compliance with **Chapter 105**.
- (8) Sanitary Sewer Systems for the Development shall be designed, constructed and operated in compliance with **Chapter 95**.
- (9) Signs. Signs shall be permitted as specified in **Article XXIII** of this chapter.
- (10) All mechanical equipment shall be screened from public view unless demonstrated to not be practicable.
- E. Soil erosion and sedimentation control. Soil erosion and sedimentation control shall be regulated as set forth in **Chapters 105 and 110**.

§ 135-116. Ownership.

Any Lot or Tract or area, comprising one parcel or more than one parcel, subject to a Land Development plan or building permit, shall be held in Common Ownership and shall be operated under unified control and management.

§ 135-117. (Reserved).

§ 135-118. (Reserved).

ARTICLE XVIII.: WIRELESS COMMUNICATIONS FACILITIES (WCFS).

§ 135-119 Intent.

The intent of this article is to:

- A. Provide for the managed Development of Wireless Communications Facilities in a manner that enhances the benefits of wireless communication throughout the Township and accommodates the needs of both Township residents and wireless carriers in accordance with federal and state laws and regulations.
- B. Accommodate the need for Wireless Communications Facilities while regulating their location and number so as to ensure the provision of necessary services.
- C. Establish procedures for the design, siting, Construction, installation, maintenance and removal of Non-Tower Wireless Communications Facilities, Small Wireless Communications Facilities, and Tower-Based Wireless Communications Facilities in the Township, including facilities both inside and outside the public Rights-of-Way.
- D. Address new wireless technologies, including but not limited to, distributed Antenna systems, data collection units, Small Wireless Communications Facilities, cable Wi-Fi and other Wireless Communications Facilities.
- E. Minimize the adverse visual effects and the number of such facilities through proper design, siting, screening, material, color and finish and by requiring that competing providers of wireless communications services collocate their Wireless Communications Facilities on existing infrastructure.
- F. Promote the health, safety and welfare of the Township's residents.

§ 135-120 Applicability.

- A. Unless expressly stated herein, Wireless Communications Facilities for which a permit has been issued prior to the effective date of this article shall not be required to meet the minimum requirements of this article.
- B. This article shall not govern the installation of any amateur radio facility that is owned by a federally licensed amateur radio station Operator or that is used exclusively for receive-only Antennas.
- C. This article shall supersede all conflicting requirements of other codes and ordinances regarding the location and permitting of Wireless Communications Facilities.

§ 135-121 General Requirements for All Wireless Communications Facilities.

- A. Standard of care.
 - (1) All WCFs shall meet or exceed all applicable standards and provisions of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate Wireless Communications Facilities, the latest National Electrical Safety Code (NESC), American National Standards Institute (ANSI) Code, and the structural standards of the American Association of State Highway and Transportation Officials or any other industry standard applicable to the Structure. In case of conflict, the most stringent requirements shall prevail. All necessary certifications shall be obtained by the WCF Applicant and provided to the Township.

- (2) If such standards or regulations are changed, the Owner of the WCF shall bring such WCF into compliance with the revised standards within six (6) months of the effective date of such standards or regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring such facilities into compliance shall constitute grounds for the removal of the WCF at the Owner's expense.
 - (3) The WCF Applicant shall submit proof of compliance with all applicable federal and state standards, including but not limited to those established by the Federal Communications Commission, as part of any complete WCF application.
- B. Engineer signature. All Plans and drawings included in an application for a WCF shall contain a seal and signature of a professional engineer, licensed in the Commonwealth of Pennsylvania and certifying compliance with all local, state and federal laws and regulations applicable to the proposed WCF.
- C. Eligible Facilities Requests.
- (1) WCF Applicants proposing a Modification to an existing WCF shall be required only to obtain permits of general applicability from the Township. In order to be considered for such permits, the WCF Applicant shall submit permit applications to the Township in accordance with the requirements of the Code of Chadds Ford Township. Such permit applications shall clearly state that the proposed Modification constitutes an Eligible Facilities Request pursuant to the requirements of 47 CFR § 1.6100. The permit applications shall detail all dimensional changes being made to the WCF and Wireless Support Structure.
 - (2) Timing of Approval.
 - (a) Within thirty (30) calendar days of receipt of an application for the Modification of an existing WCF, the Township Zoning Officer shall notify the WCF Applicant in writing of any information that may be required to complete such application.
 - (b) Within sixty (60) days of receipt of a complete and compliant application for the Modification of an existing WCF, the Township Zoning Officer shall issue the required Building and zoning permits authorizing Construction of the WCF.
- D. Wind and ice. All WCFs shall be designed to withstand the effects of wind gusts and ice to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA-222, as amended), or to the industry standard applicable to the Structure.
- E. Non-conforming Wireless Support Structures. WCFs shall be permitted to Collocate upon existing non-conforming Wireless Support Structures. Collocation of WCFs upon existing Wireless Support Structures is encouraged even if the existing Wireless Support Structure is non-conforming as to use within a zoning district.
- F. Signs. All existing and new WCFs shall post a Sign in a readily visible location on each major equipment component identifying the name and phone number of a party to contact in the event of an Emergency as well as the name and contact information of all wireless providers utilizing the WCF. The size and design of such signage shall be Approved by the Township. The only other signage permitted on the WCF shall be those required by the FCC, or any other federal or state agency. No advertising is permitted on any WCF. Owners of existing

WCFs shall post signage in compliance with this requirement on such existing WCFs within ninety (90) days of notice by the Township.

- G. Inspections; reports. Inspection reports shall be submitted to the Township by the Owner of a WCF upon request to ensure structural integrity and compliance with applicable federal, state and local codes and regulations.
- H. Notice. Within ten (10) days of submission of an application for a WCF, the WCF Applicant shall mail notice to all Owners of property within 500 feet of the proposed WCF. The WCF Applicant shall provide proof of the notification to the Township.
- I. Permit Fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a WCF, as well as related inspection, monitoring, and related costs. Such permit fees shall be established by the Township fee schedule.
- J. Performance Bond. The Owner of a WCF shall obtain a performance bond in favor of the Township in an amount sufficient to guarantee removal of the WCF. Evidence of such performance bond shall be provided to the Township as part of a complete WCF application.
- K. Indemnification. Each Person that owns or operates a WCF shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, Employees and Agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the Person, its officers, Agents, Employees or contractors arising out of, but not limited to, the Construction, installation, operation, maintenance or removal of the WCF. Each Person that owns or operates a WCF shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the Construction, installation, operation, maintenance or removal of a WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.
- L. Non-commercial usage exemption. Township residents utilizing satellite dishes, citizen and/or band radios, and Antennas for the purpose of maintaining television, phone, and/or internet connections at their residences shall be exempt from the regulations enumerated in this article (Article XVIII).
- M. Historic Buildings. With the exception of properties owned by Chadds Ford Township, no WCFs may be located within 100 feet of any property, Building or other Structure that is:
 - (1) Listed on either the National or Pennsylvania Registers of Historic Places, or eligible to be so listed under the Pennsylvania Historic District Act or Municipalities Planning Code;
 - (2) Located within a Historic District; or
 - (3) Included in the Delaware County Planning Department Historic Resources List.
- N. Change in Ownership. If ownership of a WCF is transferred to a party other than the party designated as the Owner on the application for the WCF, notice detailing the change in ownership shall be provided to the Township within 30 days of such change in ownership.
- O. Abandonment; Removal. In the event that use of a WCF and/or its dedicated Accessory

Equipment is to be discontinued, the Owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. A WCF and/or dedicated Accessory Equipment not operated for a period of 12 months shall be considered abandoned. Discontinued or abandoned WCFs, or portions of WCFs, shall be removed as follows:

- (1) All abandoned or unused WCFs and Accessory Equipment shall be removed within 90 days of the cessation of operations at the site or receipt of notice that the WCF has been deemed abandoned by the Township, unless a time extension is approved by the Township.
- (2) If the WCF or Accessory Equipment is not removed within 90 days of the cessation of operations at a site, or within any longer period Approved by the Township, the WCF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the Owner of the WCF regardless of the Owner's or Operator's intent to operate the WCF in the future.
- (3) The Township reserves the right to pursue all available remedies under the law or in equity to ensure removal of the WCF and restoration of the site at the expense of the Owner. Any delay by the Township in taking action shall not invalidate the Township's right to take action.
- (4) Where there are two (2) or more users of a single WCF, this provision shall not become effective until all users have terminated use of the WCF for a period of 12 months, provided, however, that all users terminating use of a WCF that will remain in use after that user's termination shall, prior to terminating their use, notify the Township of: 1) the location of the WCF; 2) the date that user will be terminating its use of the WCF; and 3) the identity of any remaining users of that WCF.

P. Maintenance. The following maintenance requirements shall apply:

- (1) All WCFs shall be fully automated and unattended on a daily basis and shall be visited only for maintenance, repair or replacement.
- (2) Such maintenance shall be performed by the Owner of the WCF to ensure the upkeep of the WCF in order to promote the safety and security of the Township's residents and in accordance with all applicable Township, state and federal regulations.
- (3) All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents. Maintenance logs will be provided to the Township upon request.

Q. Timing of Approval. The following table details the applicable timeframe of approval for each type of WCF application:

Type of WCF/Application	Notice of Incompleteness	Final Decision
Eligible Facilities Request	30 calendar days from receipt of initial application; 10 calendar days from receipt of supplemental application for subsequent notices.	60 total calendar days from receipt of initial application.

Small WCF (Collocated)	10 business days from receipt of initial or supplemental application.	60 total calendar days from receipt of initial application.
Small WCF (New or Replacement Wireless Support Structure)	10 business days from receipt of initial or supplemental application.	90 total calendar days from receipt of initial application.
Non-Tower WCF	30 calendar days from receipt of application for initial notice; 10 Calendar days from receipt of supplemental application for subsequent notices.	90 total calendar days from receipt of initial application.
Tower-Based WCF	30 calendar days from receipt of application for initial notice; 10 calendar days from receipt of supplemental application for subsequent notices.	150 total calendar days from receipt of initial application.

§ 135-122 Specific Requirements for Non-Tower Wireless Communications Facilities.

- A. The following regulations shall apply to all Non-Tower WCFs that do not meet the definition of a Small WCF:
- (1) All Non-Tower WCFs shall be subject to the approval of the Township Uniform Construction Code Appeals Board.
 - (2) Permitted in Certain Districts. Non-Tower WCFs shall be permitted outside the public Rights-of-Way as a secondary use in an overlay zoning district consisting of the SEPTA Right-of-Way and the PECO Energy Right-of-Way, both of which are located to the south of, and running parallel to, Baltimore Pike from the intersection of said Rights-of-Way with Wilmington-West Chester Pike to the intersection of said Rights-of-Way with the Brandywine Creek and on Township-owned property throughout the Township.
 - (3) Application procedures.
 - (a) Applications for Non-Tower WCFs shall be submitted to the Township Zoning Officer. The Township Zoning Officer shall provide all applications for Non-Tower WCFs to the Township Planning Commission for additional review.
 - (b) All applications for Non-Tower WCFs shall include the following information:
 - [i] The name and contact information, including phone number, for both the WCF Applicant and the Owner of the proposed Non-Tower WCF.
 - [ii] A site Plan, drawn to scale, showing property boundaries, power location, total height of the Non-Tower WCF, the entirety of the Structure upon which the Non-Tower WCF will be Collocated, and Accessory Equipment locations.
 - [iii] A before-and-after depiction of the proposed site, such as a construction drawing, showing all equipment being proposed as part of the Non-Tower WCF.

- [iv] If the Non-Tower WCF is proposed for location on a Wireless Support Structure that currently supports existing WCFs or other attachments, the depiction shall show the location and dimensions of all such attachments.
- [v] The manufacturer and model, proposed location, and physical dimensions (including volume) of each piece of equipment proposed as part of the Non-Tower WCF.
- [vi] An aerial photograph of the proposed site showing the area within 500 feet of the Non-Tower WC. The aerial photograph shall identify all Structures within such radius.
- [vii] Photo simulations depicting the Non-Tower WCF from at least three (3) locations near the proposed site. The photo simulations should reflect the proposed design and location of all equipment associated with the Non-Tower WCF.
- [viii] A written certification by a structural engineer licensed in the Commonwealth of Pennsylvania confirming that the proposed Non-Tower WCF and Wireless Support Structure are structurally sound and shall not endanger public health and safety.
- [ix] A report by a qualified engineering expert that shows that the Non-Tower WCF will comply with applicable FCC regulations, including applicable standards for radiofrequency emissions.
- [x] A certificate of insurance as required by **§ 135-122.A(9)**.
- [xi] Certification of the application's compliance with all requirements of this section (**§ 135-122**).
- [xii] All application fees required by the Township as detailed in the Township fee schedule.

(4) Development Regulations.

- (a) The total height of any Non-Tower WCF shall not exceed 15 feet above the height of the Wireless Support Structure prior to the Collocation of any WCFs.
- (b) No more than three (3) Non-Tower WCFs shall be permitted on any single Wireless Support Structure for purposes of mitigating aesthetic impact. The Board of Supervisors may waive this requirement in its sole discretion.
- (c) In accordance with industry standards, all Non-Tower WCF Applicants shall submit documentation to the Township showing that the proposed Non-Tower WCF is designed to be the minimum height technically feasible and justifying the total height of the Non-Tower WCF.
- (d) If the WCF Applicant proposes to locate the Accessory Equipment in a separate Building, the Building shall comply with the minimum requirements for the applicable zoning district.
- (e) A security fence not to exceed eight (8) feet in height shall surround any separate communications equipment Building if such communications equipment Building is located at ground level. Vehicular access to the communications equipment Building shall not interfere with the parking or vehicular circulations on the site for the Principal

Permitted Use.

(5) Design.

- (a) In order to assist in evaluating the visual impact, the WCF Applicant shall provide color photo simulations showing the proposed site of the Non-Tower WCF with a photo-realistic representation of the proposed WCF as it would appear viewed from the closest residential property, adjacent Roads and from other locations as required by the Township.
 - (b) Non-Tower WCF shall employ Stealth Technology and be treated to match the Wireless Support Structure in order to minimize aesthetic impact. The application of the Stealth Technology utilized by the WCF Applicant shall be subject to the approval of the Board of Supervisors.
 - (c) Non-Tower WCFs shall, to the extent technically feasible, incorporate architectural features, materials and colors that blend with surrounding Buildings, Structures, terrain or landscape.
 - (d) Non-Tower WCFs and Accessory Equipment shall be of a neutral color that is identical to or closely compatible with the Wireless Support Structure so as to make the WCF and Accessory Equipment as visually unobtrusive as possible. Roof-mounted Non-Tower WCFs shall match existing air-conditioning units, stairs, elevator towers or other background as nearly as possible.
- (6) Prohibited on Certain Structures. No Non-Tower WCF shall be located on Single-Family Detached Dwellings, Single-Family Attached Dwellings, Single-Family Semi-Detached Dwellings, or any residential Accessory Structure.
- (7) Third Party Wireless Support Structures. Where the Non-Tower WCF is proposed for Collocation on a Wireless Support Structure that is not owned by the WCF Applicant, the WCF Applicant shall present documentation to the Township Manager that the Owner of the Wireless Support Structure has authorized Collocation of the proposed Non-Tower WCF.
- (8) Retention of experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the WCF at its sole discretion and, once Approved, in reviewing and evaluating any potential violations of the terms and conditions of these WCF provisions. The WCF Applicant and/or Owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities. The Township Zoning Officer, in his or her sole discretion, may require the establishment of a reimbursement agreement.
- (9) Insurance. Each Person that owns or operates a Non-Tower WCF shall annually provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Non-Tower WCF.
- (10) Substantial Change. Any Substantial Change to a WCF shall require notice to be provided to the Township Zoning Officer, and possible supplemental permit approval as determined by the Township Zoning Officer in accordance with the Code of Chadds Ford Township.

§ 135-123 General and Specific Requirements for Tower-Based Wireless Communications Facilities.

- A. The following regulations shall apply to all Tower-Based Wireless Communications Facilities that do not meet the definition of a Small WCF.
- (1) Tower-Based WCFs shall be permitted by Conditional Use outside the public Rights-of-Way as a secondary use in an overlay zoning district consisting of the SEPTA Right-of-Way and the PECO Energy Right-of-Way, both of which are located to the south of, and running parallel to, Baltimore Pike from the intersection of said Rights-of-Way with Wilmington-West Chester Pike to the intersection of said Rights-of-Way with the Brandywine Creek and as a permitted primary or secondary use on Township owned property throughout the Township.
 - (2) The Township shall provide all applications for Tower-Based WCFs to the Township Planning Commission for additional review.
 - (3) Requirements and Limitations. Where Tower-Based WCFs are permitted as a Conditional Use, they shall be subject to the requirements of this section (**§ 135-123**).
 - (a) Prior to the Board's approval of a Conditional Use authorizing the Construction and installation of a Tower-Based WCF, it shall be incumbent upon the WCF Applicant for such Conditional Use approval to prove to the reasonable satisfaction of the Board that the WCF Applicant cannot adequately extend or infill its communications system by the use of equipment installed on existing Structures, such as utility poles or their appurtenances and other available Structures. The WCF Applicant shall further demonstrate that the proposed Tower-Based WCF shall be located where it is proposed in order to serve the WCF Applicant's service area and that no other viable, less-intrusive alternative location exists.
 - (b) The Conditional Use application shall include the name and contact information, including phone number, for both the WCF Applicant and the Owner of the proposed Tower-Based WCF.
 - (c) The Conditional Use application shall include a site Plan, drawn to scale, showing property boundaries, power location, total height of the Tower-Based WCF, guy wires and anchors, existing Structures, elevation drawings, typical design of proposed Structures, parking, fences, landscaping and existing uses on adjacent properties.
 - (d) The Conditional Use application shall include aerial photographs of the area within a 500-foot radius of the proposed Tower-Based WCF and identify all existing WCFs in that area.
 - (e) The Conditional Use application shall be accompanied by a description of the type and manufacturer of the proposed transmission/radio equipment, the frequency range (megahertz band) assigned to the WCF Applicant, the power in watts at which the WCF Applicant transmits, and any relevant related tests conducted by the WCF Applicant in determining the need for the proposed site and installation.
 - (f) The Conditional Use application shall include evidence that a significant gap in wireless coverage or capacity exists in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or nonexistence of a gap in wireless coverage shall be a

factor in the Board's decision on an application for approval of Tower-Based WCF.

- (g) Where the Tower-Based WCF is located on a property that is not owned by the WCF Applicant, the WCF Applicant shall present evidence to the Board that the Owner of the property has granted an Easement or other property right, if necessary, for the proposed WCF and that vehicular access will be provided to the facility.
- (h) The Conditional Use application shall include a written certification by a structural engineer licensed in the Commonwealth of Pennsylvania of the proposed WCF's ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association and certify the proper Construction of the foundation and the erection of the Structure.
- (i) An application for a new Tower-Based WCF shall demonstrate that the proposed Tower-Based WCF cannot be accommodated on an existing Wireless Support Structure. Board may deny an application to construct a new Tower-Based WCF if the WCF Applicant has not made a good faith effort to mount the Antenna(s) on an existing Wireless Support Structure. The WCF Applicant shall demonstrate that it contacted the Owners of all potentially feasible Structures, Buildings, and Towers within a one (1) mile radius of the site proposed, sought permission to install an Antenna on those Structures, Buildings, and Towers and was denied for one (1) of the following reasons:
 - [i] No existing support Structure, Building or other Structure is located within the geographic area that meets the Applicant's engineering requirements.
 - [ii] Existing support Structures, Buildings or other Structures are not of sufficient height to meet the Applicant's engineering requirements.
 - [iii] Existing support Structures, Buildings or other Structures do not have the strength to support the Applicant's equipment.
 - [iv] The Applicant's equipment would cause electromagnetic interference with equipment on the existing support Structure, Building or other Structure.
 - [v] Fees, costs or contractual provisions required by the Owner in order to share an existing location or to adapt for the Applicant are unreasonable. Costs exceeding new construction for a support Structure are presumed to be unreasonable.
 - [vi] The Applicant demonstrates that there are other limiting factors that render other locations unsuitable.
 - [vii] The Applicant demonstrates that an alternative technology that does not require the use of a support Structure, such as cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is not suitable. Costs of alternative technology that exceed costs for the Construction of a Wireless Support Structure and Antenna Development shall not be presumed to render the technology unsuitable.
- (j) The Conditional Use application shall include a report by a qualified engineering expert that shows that the Tower-Based WCF will comply with applicable FCC regulations, including applicable standards for radiofrequency emissions.
- (k) The Conditional Use application shall also be accompanied by documentation

demonstrating that the proposed Tower-Based WCF complies with all applicable provisions of this article (Article XVIII).

(4) Development Regulations.

- (a) Tower-Based WCFs shall not be located in, or within 100 feet of an area in which all utilities are located underground.
- (b) In no case shall a Tower-Based WCF be located within 200 feet of any adjacent residential zoning district or property used for residential purposes.
- (c) Combined with another use. A Tower-Based WCF may be permitted on a property with an existing use, or on a vacant Lot in combination with another use, except residential, subject to the following conditions:
 - [i] The existing use on the property may be any permitted use in the applicable district and need not be affiliated with the WCF.
 - [ii] Minimum Lot Area. The minimum Lot shall comply with the requirements for the applicable zoning district and shall be the area needed to accommodate the Tower-Based WCF and Accessory Equipment, any guy wires, the equipment Building, security fence, and applicable screening.

(5) Design Regulations.

- (a) Height. Any Tower-Based WCF shall be designed at the minimum functional height. In the MC zoning district, the maximum total height of a Tower-Based WCF that is not located in the public Right-of-Way (ROW) shall not exceed 150 feet. In all other zoning districts, the maximum total height of a Tower-Based WCF that is not located in the public Right-of-Way (ROW) shall not exceed 120 feet.
- (b) Visual Appearance and Land Use Compatibility.
 - [i] Tower-Based WCFs shall employ Stealth Technology which may include the Wireless Support Structure being painted a certain color as Approved by Board or utilizing a galvanized finish.
 - [ii] All Tower-Based WCFs and Accessory Equipment shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and neighboring Buildings to the greatest extent possible.
 - [iii] The Board shall consider whether its decision upon the subject application will promote the harmonious and orderly Development of the zoning district involved; encourage compatibility with the character and type of Development existing in the area; prevent a negative impact on the aesthetic character of the community; preserve Woodlands and trees existing at the site to the greatest possible extent; and encourage sound engineering and Land Development design and Construction principles, practices and techniques.
- (c) Anti-Climbing Device. If deemed necessary by the Board, a Tower-Based WCF shall be equipped with an anti-climbing device, as approved by the manufacturer.
- (d) Minimum Setbacks. The minimum distance between the base of a Tower-Based WCF and any adjoining Lot Line or Street Right-of-Way line shall equal 75% of the

proposed WCF Structure's height or the applicable principal Building Setback, whichever is greater, unless the Applicant shows to the satisfaction of Board that the proposed Tower-Based WCF has been designed in such a manner that a lesser Setback will have no negative effects on public safety.

(6) Surrounding Environs.

- (a) The WCF Applicant shall ensure that the existing Vegetation, trees and shrubs located within proximity to the WCF Structure shall be preserved to the maximum extent possible.
- (b) The WCF Applicant shall submit a soil report to Board complying with the standards of Appendix I: Geotechnical Investigations, ANSI/TIA-222, as amended, to document and verify the design specifications of the foundation of the Tower-Based WCF, and anchors for guy wires, if used.

(7) Fence/Screen.

- (a) A security fence having a height not to exceed eight (8) feet shall completely surround any Tower-Based WCF located outside the public Rights-of-Way, as well as Accessory Equipment, guy wires, or any Building housing Accessory Equipment.
- (b) Landscaping shall be required to screen as much of a newly constructed Tower-Based WCF as possible. The Board may permit any combination of existing Vegetation, topography, walls, decorative fences or other features instead of landscaping, if, in the opinion of the Board, they achieve the same degree of screening.

(8) Accessory Equipment.

- (a) Accessory Equipment shall not intrude into the minimum Setback requirements for the district in which the Wireless Communications Facility is located or exceed a maximum height of 15 feet.
- (b) Ground-mounted Accessory Equipment associated or connected with a Tower- Based WCF shall not be located within 200 feet of a Lot in residential use.
- (c) Accessory Equipment associated, or connected, with a Tower-Based WCF shall be placed underground whenever possible and otherwise screened from public view using Stealth Technology. All ground-mounted Accessory Equipment, utility Buildings and Accessory Structures shall be architecturally designed to be concealed from public view to the maximum extent possible and be compatible with the architecture of surrounding Buildings, Structures or landscape.
- (d) Either one (1) single-story wireless communications equipment Building not exceeding 500 square feet in area or its equivalent may be permitted for each unrelated company sharing Antenna space on the Tower-Based WCF.

(9) Additional Antennas. As a condition of approval for all Tower-Based WCFs, the WCF Applicant shall provide the Board with a written commitment that it will allow other service providers to Collocate Antennas on the Tower-Based WCF where technically and economically feasible. To the extent permissible under state and federal law, the Owner of a Tower-Based WCF shall not install any additional Antennas without complying with the applicable requirements of this article (Article XVIII).

- (10) FCC License. Each Person that owns or operates a Tower-Based WCF shall submit a copy of its current FCC license, including the name, address, and emergency telephone number for the Operator of the facility.
- (11) Lighting. No Tower-Based WCF shall be artificially lighted, except as required by law. If lighting is required, the WCF Applicant shall provide a detailed Plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. The WCF Applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities and to the Township.
- (12) Storage. The storage of unused equipment, materials or supplies is prohibited on any Tower-Based WCF site.
- (13) Repair of Non-Conforming Tower-Based WCF. Non-conforming Tower-Based WCFs which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location but shall otherwise comply with the terms and conditions of this section. The Collocation of Antennas is permitted on non-conforming Structures.
- (14) Retention of experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the WCF at its sole discretion and, once Approved, in reviewing and evaluating any potential violations of the terms and conditions of these WCF provisions. The WCF Applicant and/or Owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities. At the sole discretion of the Township Zoning Officer, the establishment of a professional services agreement may be required.
- (15) Insurance. Each Person that owns or operates a Tower-Based WCF shall provide the Township Zoning Officer with a certificate of insurance evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the Tower-Based WCF.

§ 135-124 Regulations Applicable to all Small Wireless Communications Facilities.

The following regulations shall apply to Small Wireless Communications Facilities:

A. Application Procedures.

- (1) Small WCFs shall be a permitted use in all Township zoning districts, subject to the requirements of this section (**§ 135-124**) and generally applicable permitting as required by the Code of Chadds Ford Township.
- (2) Applications for Small WCFs shall be submitted to the Township Zoning Officer. The Township Zoning Officer shall provide all applications for Small WCFs to the Township for review.
- (3) Applications for Small WCFs shall include the following:
 - (a) The name and contact information, including phone number, for both the WCF Applicant and the Owner of the proposed Small WCF.
 - (b) A cover letter detailing the location of the proposed site, all equipment being proposed

as part of the Small WCF, and a certification that the WCF Applicant has included all information required by the Code of Chadds Ford Township, signed by a representative of the WCF Applicant.

- (c) A before-and-after depiction of the proposed site, such as a Construction drawing, showing all equipment being proposed as part of the Small WCF.
 - [1] If the Small WCF is proposed for location on an existing or replacement Wireless Support Structure that currently supports existing attachments, the depiction shall show the location and dimensions of all such attachments.
 - [2] If installation of a new or replacement Wireless Support Structure is being proposed, the depiction shall include the color, dimensions, material and type of Wireless Support Structure proposed.
- (d) The manufacturer and model, proposed location, and physical dimensions (including volume) of each piece of equipment proposed as part of the Small WCF.
- (e) An aerial photograph of the proposed site showing the area within 500 feet of the Small WCF. The aerial photograph shall identify all Structures within such radius.
- (f) Photo simulations depicting the Small WCF from at least three (3) locations near the proposed site. The photo simulations shall reflect the proposed design and location of all equipment associated with the Small WCF.
- (g) A written certification by a structural engineer licensed in the Commonwealth of Pennsylvania confirming that the proposed Small WCF and Wireless Support Structure are structurally sound and shall not endanger public health and safety.
- (h) A report by a qualified engineering expert which shows that the Small WCF will comply with applicable FCC regulations, including applicable standards for radiofrequency emissions.
- (i) A certificate of insurance as required by **§ 135-124.L**.
- (j) Certification of the application's compliance with all requirements of this section (**§ 135-124**).
- (k) All application fees required by the Township as detailed in the Township fee schedule.

(4) Timing of Approval.

- (a) Within ten (10) business days of the date that an application for a Small WCF is filed with the Township Zoning Officer, the Township shall notify the WCF Applicant in writing of any information that may be required to complete such application. The Applicant may then resubmit its application, at which point the applicable timeframe for approval shall restart. Any subsequent notice of incompleteness shall be issued within ten (10) business days of receipt of a resubmitted application and shall toll the applicable timeframe for approval until such time as the application is resubmitted.
- (b) Within 60 days of receipt of an application for Collocation of a Small WCF on a preexisting Wireless Support Structure, the Township Zoning Officer shall make a final decision on whether to approve the application and shall notify the WCF Applicant in writing of such decision.

- (c) Within 90) days of receipt of an application for a Small WCF requiring the installation of a new or replacement Wireless Support Structure, the Township Zoning Officer shall make a final decision on whether to approve the application and shall notify the WCF Applicant in writing of such decision.
- (d) If the Township denies an application for a Small WCF, the Township shall provide the WCF Applicant with written documentation of the basis for denial, including the specific provisions of the Code of Chadds Ford Township on which the denial was based, within five (5) business days of the denial.
- (e) The WCF Applicant may cure the deficiencies identified by the Township and resubmit the application within 30 days of receiving the written basis for the denial without being required to pay an additional application fee. The Township shall approve or deny the revised application within 30 days of the application being resubmitted for review.
- (f) A WCF Applicant may make a de novo appeal of a denied application to the Township's Uniform Construction Code Appeals Board within 30 days of receiving the written basis for denying an application. Any appeal shall require the payment of a fee consistent with the Township's general fee schedule.

(5) Consolidated applications. A single WCF Applicant shall not submit more than one (1) consolidated or 20 single applications for Collocated Small WCFs in a 30-day period. If the Township receives more than one (1) consolidated application or 20 single applications within a 45-day period, the applicable timeframe under **§ 135-124.A(4)** shall be extended by 15 days.

B. Location and Development Standards.

- (1) Small WCFs in the public ROW requiring the installation of a new Wireless Support Structure shall not be located in front of any Building entrance or exit.
- (2) All Small WCFs shall comply with the applicable requirements of the Americans with Disabilities Act and all Township Code requirements applicable to Streets and sidewalks.

C. Time, Place and Manner. Once Approved, the Township shall determine the time, place and manner of Construction, maintenance, repair and/or removal of all Small WCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations.

D. Attachment to Municipal Structures. The Township shall allow the Collocation of Small WCFs to Structures owned by the Township in accordance with the hierarchy detailed in this section. If the WCF Applicant is proposing the Collocation of a Small WCF on a less preferable Structure, it shall be a condition to the approval of the application that the WCF Applicant provide evidence that Collocation on a more preferable Structure or Wireless Support Structure owned by a third-party is not technically feasible. In order from most preferable to least preferable, the Township's Collocation preferences are as follows.

- (1) Power poles.
- (2) Traffic signage poles without traffic signals.
- (3) Traffic signal poles.
- (4) Decorative light poles.

- E. Obstruction. Small WCFs and Accessory Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, create safety hazards to pedestrians and/or motorists, or to otherwise inconvenience public use of the ROW as determined by the Township.
- F. Graffiti. Any graffiti on a Small WCF, including the Wireless Support Structure and any Accessory Equipment, shall be removed at the sole expense of the Owner within ten (10) calendar days of notification by the Township.
- G. Design standards. All Small WCFs in the Township shall comply with the requirements of the Township Small Wireless Communications Facility Design Guidelines. A copy of such shall be kept on file at the Township Offices and the guidelines are adopted herein by reference.
- H. Obsolete equipment. As part of the Construction, Modification or Replacement of a Small WCF, the WCF Applicant shall remove any obsolete or abandoned equipment from the Wireless Support Structure.
- I. Relocation or Removal of Facilities. Within 90 days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an Owner of a Small WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or Alteration is reasonably necessary under the following circumstances:
 - (1) The Construction, repair, maintenance or installation of any Township or other public improvement in the Right-of-Way.
 - (2) The operations of the Township or other governmental entity in the Right-of-Way.
 - (3) Vacation of a Street or Road or the release of a utility Easement; or
 - (4) An emergency that constitutes a clear and immediate danger to the health, welfare, or safety of the public as determined by the Township.
- J. Time limit for completion of Construction. The proposed Collocation, the Modification or Replacement of a Wireless Support Structure or the installation of a new Wireless Support Structure with Small WCF attached for which a permit is granted under this section shall be completed within one (1) year of the permit issuance date unless the Township and the WCF Applicant agree in writing to extend the period.
- K. Reimbursement for ROW Use. In addition to permit fees as described in this section, every Small WCF in a ROW is subject to the Township's right to fix annually a fair and reasonable fee to be paid for use and Occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Township. The Owner of each Small WCF shall pay an annual fee to the Township to compensate the Township for the Township's costs incurred in connection with the activities described above. Such fees shall comply with the applicable requirements of the Federal Communications Commission as Approved in the Township's general fee schedule.
- L. Insurance. Each Person that owns or operates a Small WCF shall annually provide the Township with a certificate of insurance evidencing general liability coverage in the minimum

amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Small WCF.

§ 135-125 (Reserved).

§ 135-126 (Reserved).

ARTICLE XIX. FLOODPLAIN CONSERVATION OVERLAY DISTRICT.

§ 135-127. Statutory authorization.

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Board of Supervisors of Chadds Ford Township does hereby order as follows.

§ 135-128. General provisions.

A. Intent. The intent of this article is to:

- (1) Promote the general health, welfare, and safety of the community.
- (2) Encourage the utilization of appropriate Construction practices in order to prevent or minimize Flood damage in the future.
- (3) Minimize danger to public health by protecting water supply and natural drainage.
- (4) Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive Development in areas subject to flooding.
- (5) Comply with federal and state floodplain management requirements.

B. Applicability.

- (1) It shall be unlawful for any Person, partnership, business or corporation to undertake, or cause to be undertaken, any Construction or Development within any Identified Floodplain Area in Chadds Ford Township unless a permit has been obtained from the floodplain administrator.

C. Abrogation and greater restrictions. This article supersedes any other conflicting provisions that may be in effect in Identified Floodplain Areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this article, the more restrictive shall apply.

D. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this article shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the article, which shall remain in full force and effect; and for this purpose, the provisions of this article are hereby declared to be severable.

E. Warning and disclaimer of liability.

- (1) The degree of Flood protection sought by the provisions of this article is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger Floods may occur or Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This article does not imply that areas outside any Identified Floodplain Areas, or that land uses permitted within such areas, will be free from flooding or Flood damages.
- (2) This article shall not create liability on the part of Chadds Ford Township or any officer or Employee thereof for any Flood damages that result from reliance on this article or any

administrative decision lawfully made thereunder.

§ 135-129. Administration.

A. Designation of the floodplain administrator.

- (1) The Township Manager or Township Manager's Designee is hereby appointed to administer and enforce this article and is referred to herein as the "floodplain administrator." The floodplain administrator may:
 - (a) Fulfill the duties and responsibilities set forth in these regulations;
 - (b) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, Plan examiners, inspectors, and other Employees; or
 - (c) Enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 CFR § 59.22.
- (2) In the absence of a designated floodplain administrator, the floodplain administrator duties are to be fulfilled by the Township Secretary.

B. Permit required. A permit shall be required before any Construction or Development is undertaken within any area of Chadds Ford Township.

C. Duties and responsibilities of the floodplain administrator.

- (1) The floodplain administrator shall issue a permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this article and all other applicable Codes and ordinances.
- (2) Prior to the issuance of any permit for work in an Identified Floodplain Area, the floodplain administrator shall review the Application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the United States Clean Water Act, Section 404, 33 U.S.C. § 1344. No permit for work in an Identified Floodplain Area shall be issued until this determination has been made.
- (3) In the case of existing Structures, prior to the issuance of any permit for work in an Identified Floodplain Area, the floodplain administrator shall review the history of repairs to the subject Building, so that any Repetitive Loss concerns can be addressed before the permit is issued.
- (4) During the Construction period, the floodplain administrator or other authorized official shall inspect the Premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.
- (5) In the discharge of his/her duties, the floodplain administrator shall have the authority to enter any Building, Structure, Premises or Development in the Identified Floodplain Area,

upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this article.

- (6) In the event the floodplain administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any Applicant, the floodplain administrator shall revoke the permit and report such fact to the Board of Supervisors for whatever action it considers necessary.
- (7) The floodplain administrator shall maintain in perpetuity all records associated with the requirements of this article, including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.
- (8) The floodplain administrator is the official responsible for submitting a biennial report to Federal Emergency Management Agency (FEMA) concerning community participation in the National Flood Insurance Program.
- (9) The responsibility, authority and means to implement the commitments of the floodplain administrator can be delegated from the Person identified. However, the ultimate responsibility lies with the Person identified in this article as the floodplain administrator/manager.
- (10) The floodplain administrator shall consider the requirements of 34 Pa. Code and the 2009 IBC and the 2009 IRC, or the latest edition thereof adopted by the State of Pennsylvania.

D. Application procedures and requirements.

- (1) Application for such a zoning permit shall be made, in writing, on forms supplied by Chadds Ford Township. Such Application shall contain the following:
 - (a) Name and address of Applicant.
 - (b) Name and address of Owner of land on which proposed Construction is to occur.
 - (c) Name and address of contractor.
 - (d) Lot location, including address
 - (e) Listing of other permits required.
 - (f) Brief description of proposed work and estimated cost, including a breakout of Flood-related cost and the market value of the Building before the Flood damage occurred, where appropriate.
 - (g) A Plan of the Lot showing the exact size and location of the proposed Construction as well as any existing Buildings or other Structures.
- (2) If any proposed Construction or Development is located entirely or partially within any Identified Floodplain Area, Applicants for permits shall provide all the necessary information in sufficient detail and clarity to enable the floodplain administrator to determine that:
 - (a) All such proposals are consistent with the need to minimize Flood damage and conform with the requirements of this article and all other applicable Codes and ordinances;

- (b) All utilities and facilities, such as Sewer, gas, electrical and Water Systems, are located and constructed to minimize or eliminate Flood damage;
 - (c) Adequate drainage is provided so as to reduce exposure to Flood hazards;
 - (d) Structures will be Anchored to prevent flotation, collapse, or lateral movement;
 - (e) Building materials are Flood-resistant;
 - (f) Appropriate practices that minimize Flood damage have been used; and
 - (g) Electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.
- (3) Applicants shall file the following minimum information plus any other pertinent information as may be required by the floodplain administrator to make the above determination:
- (a) A completed permit application form.
 - (b) A Plan of the entire Lot, clearly and legibly drawn at a scale of one (1) inch being equal to 100 feet or less, showing the following:
 - [1] North arrow, scale, and date;
 - [2] Topographic contour lines, if available;
 - [3] The location of all existing and proposed Buildings, Structures, and other improvements, including the location of any existing or proposed Subdivision and Development;
 - [4] The location of all existing Streets, drives, and other accessways; and
 - [5] The location of any existing bodies of water or Watercourses, Identified Floodplain Areas, and, if available, information pertaining to the Floodway, and the flow of water, including direction and velocities.
 - (c) Plans of all proposed Buildings, Structures and other improvements, drawn at suitable scale, showing the following:
 - [1] The proposed Lowest Floor elevation of any proposed Building based upon North American Vertical Datum of 1988;
 - [2] The Base Flood Elevation (BFE);
 - [3] Supplemental information as may be necessary under 34 Pa. Code, the 2009 IBC or the 2009 IRC, or latest edition thereof adopted by the State of Pennsylvania
 - (d) The following data and documentation:
 - [1] Detailed information concerning any proposed Floodproofing measures and corresponding elevations.
 - [2] If available, information concerning Flood depths, pressures, velocities, impact and uplift forces and other factors associated with a Base Flood.
 - [3] Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed Development within any Identified

Floodplain Area (see § 135-130.A.) when combined with all other existing and anticipated Development, will not cause any increase in the Base Flood Elevation. AE Areas adjacent to Floodways are exempt.

- [4] A document, certified by a registered professional engineer or architect, which states that the proposed Construction or Development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the Base Flood. Such statement shall include a description of the type and extent of Floodproofing measures that have been incorporated into the design of the Structure and/or the Development.
 - [5] Detailed information needed to determine compliance with § 135-131.C(6), Storage, and § 135-131.D, Development which may endanger human life, including:
 - [a] The amount, location and purpose of any materials or substances referred to in § 195-131.C(6) and D that are intended to be used, produced, stored or otherwise maintained on site.
 - [b] A description of the safeguards incorporated into the design of the proposed Structure to prevent leaks or spills of the dangerous materials or substances listed in § 135-131.D during a Base Flood.
 - [6] The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
 - [7] Where any excavation or grading is proposed, a Plan, meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.
- (e) Applications for permits shall be accompanied by a fee, payable to Chadds Ford Township, based upon the estimated cost of the proposed Construction as determined by the floodplain administrator.
- E. Review of Application by others. A copy of all Plans and Applications for any proposed Construction or Development in any Identified Floodplain Area to be considered for approval may be submitted by the floodplain administrator to any other appropriate agencies and/or individuals (e.g., Planning Commission, Township Engineer, etc.) for review and comment.
- F. Changes. After the issuance of a permit by the floodplain administrator, no changes of any kind shall be made to the Application, permit or any of the Plans, specifications or other documents submitted with the Application without the written consent or approval of the floodplain administrator. Requests for any such change shall be in writing and shall be submitted by the Applicant to the floodplain administrator for consideration.
- G. Placards. In addition to the permit, the floodplain administrator shall issue a placard, or similar document, which shall be displayed on the Premises during the time Construction is in progress. This placard shall show the number of the permit and the date of its issuance, and shall be signed by the floodplain administrator.
- H. Actual start of Construction.
- (1) Work on the proposed Construction or Development shall begin within 180 days after the date of issuance of the permit. Work shall also be completed within 12 months after the

date of issuance of the permit or the permit shall expire, unless a time extension is granted, in writing, by the floodplain administrator.

- (2) The "actual start of Construction" means either the first placement of permanent Construction of a Structure on a Lot, such as the pouring of slab or footings, the installation of piles, the Construction of columns, or any work beyond the stage of excavation; or the placement of a Manufactured Home on a foundation. Permanent Construction does not include land preparation such as clearing, grading, and filling; nor does it include the installation of Streets and/or walkways; nor does it include excavation for a Basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of Accessory Buildings, such as garages or Sheds not occupied as Dwelling Units or not part of the main Structure. For a Substantial Improvement, the "actual start of Construction" means the first Alteration of any wall, ceiling, floor, or other structural part of a Building, whether or not that Alteration affects the external dimensions of the Building.
- (3) Time extensions shall be granted only if a written request is submitted by the Applicant, who sets forth sufficient and reasonable cause for the floodplain administrator to approve such a request, and the original permit is compliant with the ordinance and FIRM/FIS in effect at the time the extension is granted.

I. Enforcement.

- (1) Notices. Whenever the floodplain administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provision(s) of this article, or of any regulation(s) adopted pursuant thereto, the floodplain administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:
 - (a) Be in writing;
 - (b) Include a statement of the reasons for its issuance;
 - (c) Allow a reasonable time, not to exceed a period of 30 days, for the performance of any act it requires;
 - (d) Be served upon the property Owner or his or her Agent, as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such Owner or Agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this state; and
 - (e) Contain an outline of remedial actions which, if taken, will affect compliance with the provisions of this article.
- (2) Penalties. Any Person who fails to comply with any or all of the requirements or provisions of this article or who fails or refuses to comply with any notice, order or direction of the floodplain administrator or any other authorized Employee of the municipality shall be guilty of an offense and, upon conviction, shall pay a fine to Chadds Ford Township of not less than \$25 nor more than \$600, plus costs of prosecution. In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue. All such Persons shall be required to correct or remedy such violations and

noncompliance within a reasonable time. Any Development initiated or any Structure or Building constructed, reconstructed, enlarged, altered, or relocated in noncompliance with this article may be declared by the Board of Supervisors to be a public nuisance and abatable as such.

J. Appeals.

- (1) Any Person aggrieved by any action or decision of the floodplain administrator concerning the administration of the provisions of this article may appeal to the Zoning Hearing Board. Such appeal shall be filed, in writing, within 30 days after the decision, determination or action of the floodplain administrator.
- (2) Upon receipt of such appeal, the Zoning Hearing Board shall consider the appeal in accordance with the Municipalities Planning Code and any other local ordinance.
- (3) Any Person aggrieved by any decision of the Zoning Hearing Board may seek relief therefrom by appeal to court, as provided by the laws of this state, including the Pennsylvania Flood Plain Management Act.

§ 135-130. Identification of Floodplain Areas.

A. Identification.

- (1) The Identified Floodplain Area shall be:
 - (a) Any areas of Chadds Ford Township classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs), dated November 18, 2009, and issued by the Federal Emergency Management Agency (FEMA), or the most-recent revision thereof, including all digital data developed as part of the Flood Insurance Study; and
 - (b) Any community-identified Flood hazard areas.
- (2) The above-referenced FIS and FIRMs, and any subsequent revisions and amendments, are hereby adopted by Chadds Ford Township and declared to be a part of this article.

B. Description and special requirements of Identified Floodplain Areas. The Identified Floodplain Area shall consist of the following specific areas:

- (1) The Floodway Area shall be those areas identified in the FIS and the FIRM as Floodway and which represent the channel of a Watercourse and the adjacent land areas that shall be reserved in order to discharge the Base Flood without increasing the water surface elevation by more than one foot at any point. This term shall also include Floodway Areas that have been identified in other available studies or sources of information for those Special Flood Hazard Areas where no Floodway has been identified in the FIS and FIRM.
 - (a) Within any Floodway Area, no encroachments, including fill, New Construction, Substantial Improvements, or other Development, shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in Flood levels within the community during the occurrence of the Base Flood Discharge.
 - (b) Within any Floodway Area, no New Construction or Development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental

Protection's regional office.

- (2) The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which Base Flood Elevations have been provided.
 - (a) The AE Area adjacent to the Floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which Base Flood Elevations have been provided and a Floodway has been delineated.
 - (3) The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no Base Flood Elevations have been provided. For these areas, elevation and Floodway information from other federal, state, or other acceptable sources shall be used when available. Where other acceptable information is not available, the Base Flood Elevation shall be determined by using the elevation of a point on the boundary of the Identified Floodplain Area that is nearest the Construction site. In lieu of the above, the municipality may require the Applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality.
 - (4) Community-identified Flood hazard areas shall be those areas where Chadds Ford Township has identified local Flood hazard or ponding areas, as delineated and adopted on a local Flood hazard map using best available topographic data and locally derived information such as Flood of record, historic high-water marks, soils or approximate study methodologies.
- C. Changes in identification of area. The Identified Floodplain Area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or Person documents the need for such revision. However, prior to any such change to the Special Flood Hazard Area, approval shall be obtained from FEMA. Additionally, as soon as practicable, but not later than six months after the date such information becomes available, a community shall notify FEMA of the changes to the Special Flood Hazard Area by submitting technical or scientific data. See § 135- 131.A(2) for situations where FEMA notification is required.
- D. Boundary disputes. Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the floodplain administrator, and any party aggrieved by this decision or determination may appeal to the Board of Supervisors. The burden of proof shall be on the appellants.
- E. Jurisdictional boundary changes. Prior to Development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the community shall review Flood hazard data affecting the lands subject to boundary changes. The community shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes that meet or exceed those in 44 CFR 60.3.

§ 135-131. Technical provisions.

A. General.

- (1) Alteration or relocation of Watercourses.

- (a) No encroachment, Alteration, or improvement of any kind shall be made to any Watercourse until all adjacent municipalities that may be affected by such action have been notified by the municipality, and until all required permits or approvals have first been obtained from the Department of Environmental Protection's regional office.
 - (b) No encroachment, Alteration, or improvement of any kind shall be made to any Watercourse unless it can be shown that the activity will not reduce or impede the Flood-carrying capacity of the Watercourse in any way.
 - (c) In addition, FEMA and the Pennsylvania Department of Community and Economic Development shall be notified prior to any Alteration or relocation of any Watercourse.
- (2) When Chadds Ford Township proposes to permit the following encroachments: any Development that causes a rise in the Base Flood Elevations within the Floodway; or any Development occurring in Zones A1-30 and Zone AE without a designated Floodway, which will cause a rise of more than one (1) foot in the Base Flood Elevation; or Alteration or relocation of a stream (including but not limited to installing culverts and bridges):
- (a) The Applicant shall (as per 44 CFR Part 65.12), apply to FEMA for conditional approval of such action prior to permitting the encroachments to occur.
 - (b) Upon receipt of the Administrator's conditional approval of map change and prior to approving the proposed encroachments, a community shall provide evidence to FEMA of the adoption of floodplain management ordinances incorporating the increased Base Flood Elevations and/or revised Floodway reflecting the post- project condition.
 - (c) Upon completion of the proposed encroachments, a community shall provide as-built certifications. FEMA will initiate a final map revision upon receipt of such certifications in accordance with 44 CFR Part 67.
- (3) Any New Construction, Development, use(s) or activities allowed within any Identified Floodplain Area shall be undertaken in strict compliance with the provisions contained in this article and any other applicable Codes, ordinances and regulations; provided, however, that no New Construction, Development, use(s) or activities may occur unless they are at least one (1) foot above the Base Flood Elevation.
- (4) Within any Identified Floodplain Area, no New Construction or Development shall be located within the area measured 50 feet landward from the Top of Bank of any Watercourse.
- B. Elevation and Floodproofing requirements. Within any Identified Floodplain Area, any new walled and roofed Building, including a gas or liquid storage tank that is principally above ground, as well as a Manufactured Home shall be prohibited. If a Variance is obtained for New Construction or Substantial Improvements in the Identified Floodplain Area in accordance with the criteria in **§ 135-134.**, then the following provisions apply:
- (1) Residential Structures.
 - (a) In AE, A1-30, and AH Zones, any New Construction or Substantial Improvement shall have the Lowest Floor (including Basement) elevated up to, or above, the Regulatory Flood Elevation.
 - (b) In A Zones, where there are no Base Flood Elevations specified on the FIRM, any

New Construction or Substantial Improvement shall have the Lowest Floor (including Basement) elevated up to, or above, the Regulatory Flood Elevation determined in accordance with § 135-130.B(3) of this article.

- (c) The design and Construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC), or the latest edition thereof adopted by the State of Pennsylvania, and ASCE 24 and 34 Pa. Code (Chapters 401-405, as amended) shall be utilized where they are more restrictive.
- (2) Nonresidential Structures.
- (a) In AE, A1-30 and AH Zones, any New Construction or Substantial Improvement of a nonresidential Structure shall have the Lowest Floor (including Basement) elevated up to, or above, the Regulatory Flood Elevation or be designed and constructed so that the space enclosed below the Regulatory Flood Elevation:
 - [1] Is floodproofed so that the Structure is watertight with walls substantially impermeable to the passage of water; and
 - [2] Has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - (b) In A Zones, where no Base Flood Elevations are specified on the FIRM, any New Construction or Substantial Improvement shall have the Lowest Floor (including Basement) elevated or completely floodproofed up to, or above, the Regulatory Flood Elevation determined in accordance with § 135-130.B(3) of this article.
 - (c) Any nonresidential Structure, or part thereof, made watertight below the Regulatory Flood Elevation shall be floodproofed in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood- Proofing Regulations," published by the United States Army Corps of Engineers (June 1972, as amended March 1992), or with some other equivalent standard. All Plans and specifications for such Floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of Construction are in conformance with the above-referenced standards.
 - (d) The design and Construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC), or the latest edition thereof adopted by the State of Pennsylvania, and ASCE 24 and 34 Pa. Code (Chapters 401-405, as amended) shall be utilized where they are more restrictive.
- (3) Space below the Lowest Floor.
- (a) Basements are prohibited.
 - (b) Fully enclosed space below the Lowest Floor (excluding Basements) that will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a Basement shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
 - (c) Designs for meeting this requirement shall either be certified by a registered

professional engineer or architect or shall meet or exceed the following minimum criteria:

- [1] A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space shall be provided.
 - [2] The bottom of all openings shall be no higher than one foot above grade.
 - [3] Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
- (4) Historic Structures. Historic Structures undergoing repair or rehabilitation that would constitute a Substantial Improvement, as defined in this chapter, shall comply with all ordinance requirements that do not preclude the Structure's continued designation as an Historic Structure. Documentation that a specific ordinance requirement will cause removal of the Structure from the National Register of Historic Places or the State Inventory of Historic Places shall be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the Structure.
- (5) Accessory Structures. Structures accessory to a principal Building need not be elevated or floodproofed to remain dry but shall comply, at a minimum, with the following requirements:
- (a) The Structure shall not be designed or used for human habitation but shall be limited to the parking of vehicles or to the storage of tools, material, and equipment related to the principal use or activity.
 - (b) Floor Area shall not exceed 200 square feet.
 - (c) The Structure will have a low damage potential.
 - (d) The Structure will be located on the Lot so as to cause the least obstruction to the flow of floodwaters.
 - (e) Power lines, wiring, and outlets will be elevated to the Regulatory Flood Elevation.
 - (f) Permanently affixed utility equipment and appliances, such as furnaces, heaters, washers, dryers, etc., are prohibited.
 - (g) Sanitary facilities are prohibited.
 - (h) The Structure shall be adequately Anchored to prevent flotation, collapse, and lateral movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement shall either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - [1] A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space shall be provided.
 - [2] The bottom of all openings shall be no higher than one foot above grade.
 - [3] Openings may be equipped with screens, louvers, etc., or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

- C. Design and Construction standards. The following minimum standards shall apply for all Construction and Development proposed within any Identified Floodplain Area:
- (1) Fill. Within any Identified Floodplain Area, the use of fill shall be prohibited. If a Variance is obtained in accordance with the criteria in **§ 135-134.**, then the following provisions apply:
 - (a) Consist of soil or small rock materials only; sanitary landfills shall not be permitted;
 - (b) Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
 - (c) Be no steeper than one vertical to two horizontal feet, unless substantiated data justifying steeper slopes are submitted to and Approved by the floodplain administrator; and
 - (d) Be used to the extent to which it does not adversely affect adjacent properties.
 - (2) Drainage facilities. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall ensure proper drainage along Streets and provide positive drainage away from Buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
 - (3) Water and sanitary sewer facilities and systems.
 - (a) All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate Flood damages and the infiltration of floodwaters.
 - (b) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated Sewage into floodwaters.
 - (c) No part of any on-site waste disposal system shall be located within any Identified Floodplain Area except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a Flood.
 - (d) The design and Construction provisions of the UCC and FEMA No. 348, "Protecting Building Utilities From Flood Damages," and "the International Private Sewage Disposal Code" shall be utilized.
 - (4) Other utilities. All other utilities, such as gas lines, electrical and telephone systems, shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a Flood.
 - (5) Streets. The finished elevation of all new Streets shall be no more than one foot below the Regulatory Flood Elevation.
 - (6) Storage. All materials that are buoyant, flammable, explosive, or, in times of flooding, could be injurious to human, animal, or plant life, and not listed in **§ 135-131.D**, Development which may endanger human life, shall be stored at or above the Regulatory Flood Elevation or floodproofed to the maximum extent possible.
 - (7) Placement of Buildings and other Structures. All Buildings and other Structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of

floodwater.

(8) Anchoring.

- (a) All Buildings and other Structures shall be firmly Anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
- (b) All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely Anchored or affixed to prevent flotation.

(9) Floors, walls and ceilings.

- (a) Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without causing structural damage to the Building.
- (b) Plywood used at or below the Regulatory Flood Elevation shall be of a marine or water-resistant variety.
- (c) Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
- (d) Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other water-resistant material.

(10) Paints and adhesives.

- (a) Paints and other finishes used at or below the Regulatory Flood Elevation shall be of marine or water-resistant quality.
- (b) Adhesives used at or below the Regulatory Flood Elevation shall be of a marine or water-resistant variety.
- (c) All wooden components (doors, trim, cabinets, etc.) used at or below the Regulatory Flood Elevation shall be finished with a marine or water-resistant paint or other finishing material.

(11) Electrical components.

- (a) Electrical distribution panels shall be at least three feet above the Base Flood Elevation.
- (b) Separate electrical circuits shall serve lower levels and shall be dropped from above.

(12) Equipment. Water heaters, furnaces, air-conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

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

(14) Uniform Construction Code coordination. The standards and specifications contained in 34 Pa. Code (Chapters 401-405), as amended, and not limited to the following provisions

shall apply to the above and other sections and subsections of this article, to the extent that they are more restrictive and supplement the requirements of this article:

- (a) International Building Code (IBC) 2009, or the latest edition thereof adopted by the State of Pennsylvania: Sections 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.
- (b) International Residential Building Code (IRC) 2009, or the latest edition thereof adopted by the State of Pennsylvania; Sections R104, R105, R109, R322, Appendix E, and Appendix J.

D. Development which may endanger human life. Within any Identified Floodplain Area, any Structure of the kind described in Subsection D(1) below shall be prohibited. If a Variance is obtained in accordance with the criteria in **§ 135-134.**, then the following provisions apply [**§ 135-131.D(2), (3) and (4)**]:

(1) In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved Structure that: will be used for the production or storage of any of the following dangerous materials or substances; or will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the Premises; or will involve the production, storage, or use of any amount of radioactive substances, shall be subject to the provisions of this section, in addition to all other applicable provisions. The following materials and substances are considered dangerous to human life:

- (a) Acetone.
- (b) Ammonia.
- (c) Benzene.
- (d) Calcium carbide.
- (e) Carbon disulfide.
- (f) Celluloid.
- (g) Chlorine.
- (h) Hydrochloric acid.
- (i) Hydrocyanic acid.
- (j) Magnesium.
- (k) Nitric acid and oxides of nitrogen.
- (l) Petroleum products (gasoline, fuel oil, etc.).
- (m) Phosphorus.
- (n) Potassium.
- (o) Sodium.

- (p) Sulphur and sulphur products.
 - (q) Pesticides (including insecticides, fungicides, and rodenticides).
 - (r) Radioactive substances, insofar as such substances are not otherwise regulated.
- (2) Within any Identified Floodplain Area, any new or substantially improved Structure of the kind described in Subsection D(1) above shall be prohibited within the area measured 50 feet landward from the Top of Bank of any Watercourse.
 - (3) Within any Floodway Area, any Structure of the kind described in Subsection D(1) above shall be prohibited. Where permitted within any Identified Floodplain Area, any new or substantially improved residential Structure of the kind described in **§ 135-131.D(1)** above shall be elevated to remain completely dry up to at least 1½ feet above Base Flood Elevation and built in accordance with **§ 135-131.A, B and C**.
 - (4) Where permitted within any Identified Floodplain Area, any new or substantially improved nonresidential Structure of the kind described in **§ 135-131.D(1)** above shall be built in accordance with **§ 135-131.A, B and C**, including:
 - (a) Elevated, or designed and constructed to remain a Completely Dry Space up to at least two (2) feet above Base Flood Elevation; and
 - (b) Designed to prevent pollution from the Structure or activity during the course of a Base Flood.
 - (c) Any such Structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry Floodproofing contained in the publication "Flood-Proofing Regulations" (United States Army Corps of Engineers, June 1972, as amended March 1992), or with some other equivalent watertight standard.
- E. Special requirements for Subdivisions and Development. All Subdivision proposals and Development proposals in Identified Floodplain Areas where Base Flood Elevation data are not available shall be supported by hydrologic and hydraulic engineering analyses that determine Base Flood Elevations and Floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a conditional letter of map revision and letter of map revision. Submittal requirements and processing fees shall be the responsibility of the Applicant.
- F. Special requirements for Manufactured Homes.
- (1) Within any Identified Floodplain Area, Manufactured Homes shall be prohibited. If a Variance is obtained in accordance with the criteria in **§ 135-134.**, then the following provisions apply:
 - (2) Within any Floodway Area/District, Manufactured Homes shall be prohibited. If a Variance is obtained in accordance with the criteria in **§ 135-134.**, then the following provisions apply:
 - (3) Within any Identified Floodplain Area, Manufactured Homes shall be prohibited within the area measured 50 feet landward from the Top of Bank of any Watercourse.
 - (4) Where permitted within any Identified Floodplain Area, all Manufactured Homes, and any improvements thereto, shall be:

- (a) Placed on a permanent foundation;
 - (b) Elevated so that the Lowest Floor of the Manufactured Home is at least two (2) feet above Base Flood Elevation;
 - (c) Anchored to resist flotation, collapse, or lateral movement; and
 - (d) Have all ductwork and utilities, including HVAC/heat pump, elevated to the Regulatory Flood Elevation.
- (5) Installation of Manufactured Homes shall be done in accordance with the manufacturer's installation instructions as provided by the manufacturer. Where the Applicant cannot provide the above information, the requirements of Appendix E of the 2009 International Residential Building Code or the United States Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto, and 34 Pa. Code Chapters 401-405 shall apply.
- (6) Consideration shall be given to the installation requirements of the **2018 IBC** and the **2018 IRC**, or the latest edition thereof adopted by the State of Pennsylvania, and 34 Pa. Code, as amended, where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the proposed unit's(s) installation.
- G. Special requirements for Recreational Vehicles. Within any Identified Floodplain Area, Recreational Vehicles shall be prohibited. If a Variance is obtained in accordance with the criteria in ~~§ 135-134~~, then the following provisions apply:
- (1) Recreational Vehicles in Zones A, A1-30, AH and AE shall:
 - (a) Be on the Premise for fewer than 180 consecutive days; and
 - (b) Be fully licensed and ready for Highway use.

§ 135-132. Prohibited activities.

- A. General. In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any Identified Floodplain Area:
- (1) The commencement of any of the following activities; or the Construction, Enlargement, or expansion of any Structure used, or intended to be used, for any of the following activities:
 - (a) Hospitals;
 - (b) Nursing homes; and
 - (c) Jails or prisons.
 - (2) The commencement of, or any Construction of, a new Manufactured Home Park or Manufactured Home Subdivision, or Substantial Improvement to an existing Manufactured Home Park or Manufactured Home Subdivision.

§ 135-133. Existing Structures in Identified Floodplain Areas.

- A. Existing Structures. The provisions of this article do not require any changes or improvements

to be made to lawfully existing Structures. However, when an improvement is made to any existing Structure, the provisions of Subsection B shall apply.

B. Improvements. The following provisions shall apply whenever any improvement is made to an existing Structure located within any Identified Floodplain Area:

- (1) No expansion or Enlargement of an existing Structure shall be allowed within any Identified Floodplain Area that would cause any increase in BFE. In A Area/District(s), BFEs are determined using the methodology in **§ 135-130.B(3)**.
- (2) Any modification, Alteration, reconstruction, or improvement of any kind to an existing Structure to an extent or amount of 50% or more of its market value shall constitute a Substantial Improvement and shall be undertaken only in full compliance with the provisions of this article.
- (3) The above activity shall also address the requirements of 34 Pa. Code, as amended, and the 2009 IBC and the 2009 IRC, or most-recent revision thereof adopted by the State of Pennsylvania.
- (4) Any modification, Alteration, reconstruction, or improvement of any kind to an existing Structure, to an extent or amount of less than 50% of its market value, shall be elevated and/or floodproofed to the greatest extent possible.
- (5) Any modification, Alteration, reconstruction, or improvement of any kind that meets the definition of "Repetitive Loss" shall be undertaken only in full compliance with the provisions of this article.

§ 135-134. Variances.

A. General. If compliance with any of the requirements of this article would result in an exceptional hardship to a prospective builder, Developer or Landowner, Chadds Ford Township may, upon request, grant relief from the strict application of the requirements.

B. Variance procedures and conditions.

- (1) Requests for Variances shall be considered by Chadds Ford Township in accordance with the procedures contained in **§ 135-209** and the following:
 - (a) No Variance shall be granted within any Identified Floodplain Area that would cause any increase in BFE. In an A Area/District, BFEs are determined using the methodology in **§ 135-130.B(3)**.
 - (b) Except for a possible modification of the Regulatory Flood Elevation requirement involved, no Variance shall be granted for any of the other requirements pertaining specifically to Development regulated by **§ 135-131.D**, Development which may endanger human life.
 - (c) No Variance shall be granted for prohibited activities (**§ 135-132.**).
 - (d) If granted, a Variance shall involve only the least modification necessary to provide relief.
 - (e) In granting any Variance, Chadds Ford Township shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare and to achieve the objectives of this article.

- (f) Whenever a Variance is granted, Chadds Ford Township shall notify the Applicant, in writing, that:
 - [1] The granting of the Variance may result in increased premium rates for flood insurance.
 - [2] Such Variances may increase the risks to life and property.
- (g) In reviewing any request for a Variance, Chadds Ford Township shall consider, at a minimum, the following:
 - [1] That there is good and sufficient cause.
 - [2] That failure to grant the Variance would result in exceptional hardship to the Applicant.
 - [3] That the granting of the Variance will:
 - [a] Neither result in an unacceptable or prohibited increase in Flood heights, additional threats to public safety, or extraordinary public expense; nor
 - [b] Create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- (h) A complete record of all Variance requests and related actions shall be maintained by Chadds Ford Township. In addition, a report of all Variances granted during the year shall be included in the annual report to FEMA.

(2) Notwithstanding any of the above, however, all Structures shall be designed and constructed so as to have the capability of resisting the One-Hundred-Year Flood.

§ 135-135. (Reserved).

§ 135-136. (Reserved).

§ 135-137. (Reserved).

§ 135-138. (Reserved).

ARTICLE XX. HISTORIC OVERLAY DISTRICT (HOD) AND THE HISTORICAL AND ARCHITECTURAL REVIEW BOARD (HARB).

§ 135-139. Purpose.

The Chadds Ford Township Historic Overlay District is intended:

- A. To protect those Certified Historic Structures and other Historic Resources in those portions of Chadds Ford Township that have a distinctive character, attesting to its rich cultural, historical and architectural heritage;
- B. To awaken, or reinforce, in our people an interest in our historic past;
- C. To promote the general welfare, education and culture of the Township;
- D. To inspire an interest in civic beauty through the encouragement of appropriate settings and continued Construction of Buildings in the historic styles and in general harmony with respect to style, form, color, proportion, texture and material between Buildings of historic design and those of more modern design; and
- E. To promote educational, recreational and cultural activities within our municipality and to advance the principles, goals for community Development and the recommendations embodied in the Comprehensive Plan.

§ 135-140. Authority and Applicability.

This article is enacted pursuant to the authority granted by The Historic District Act of June 13, 1961, as amended (53 P.S. §8001 et seq.), which allows for the regulation of exterior architectural features of Buildings and other Structures that can be seen from a Public Street or way within the boundaries of the Historic Overlay District. The Historic District Act also grants local governing bodies the authority to establish Historic Districts and the HARB.

§ 135-141. District boundaries and Legislative Intent.

- A. The boundaries of the Historic Overlay District are as shown on the Chadds Ford Township Zoning Map.
- B. The Historic Overlay District is intended to implement a program for historic site and Historic Resource protection that relates directly to the Historic Districts that constitute the Historic Overlay District:
 - (1) The Brandywine Battlefield Park certified and included in the National Register on January 20, 1964, and the Brandywine Battlefield Park National Historic Landmark certified and included in the National Register on November 24, 1978, by the U.S. Department of the Interior, National Park Service;
 - (2) The Chadds Ford Village Historic District certified and included in the National Register on November 23, 1971, by the U.S. Department of the Interior, National Park Service;
 - (3) The Dilworthtown Historic District certified and included in the National Register on January 18, 1973, by the U.S. Department of the Interior, National Park Service; and
 - (4) The Twin Bridges National Historic Rural District certified and included in the National Register on September 18, 2017.

§ 135-142. Establishment or Expansion of Historic District.

- A. Any Historic and Architectural Review Board (HARB) member, property Owner or member of the public may recommend that an area be considered for designation as an Historic District. After performing extensive evaluation to include historical research, statements of significance that apply the designation criteria, physical description of the district and resources, a property inventory, maps and photographs, a report should be prepared and presented to the Planning Commission, which shall review the application for consistency with Township ordinances and consider whether one or more of the following criteria are met:
 - (1) The area's history, landscape and architecture;
 - (2) The area's relationship to events or patterns of history;
 - (3) The area's relationship to Persons important in the history of the Township, regions, state or nation, and
 - (4) Important examples of architectural styles, materials, or Construction methods.
- B. Notification of any such presentation before the Planning Commission shall meet notification requirements as set forth in Chadds Ford Township Resolution 2018-28, Rules of the Board. If the Planning Commission verifies that the proposed Historic District meets one (1) or more of the criteria and the report receives a recommendation of approval by the Planning Commission, such presentation shall be made before the HARB. Upon recommendation of the Planning Commission and the HARB, the Board of Supervisors will ultimately decide whether or not formal application should be made.
- C. Upon the Board of Supervisors' recommendation that the nomination should move forward, the Person or group so designated by the Supervisors will pursue a Historic District application to the Pennsylvania Historic and Museum Commission, in accordance to the procedures in effect at that time.

§ 135-143. General provisions.

- A. The Board of Supervisors has the power and duty to certify to the appropriateness of the erection, reconstruction, Alteration, restoration, demolition or razing of any Building, in whole or in part, within the Historic Overlay District. The Board of Supervisors shall consider the appropriateness of exterior architectural features and signage that can be seen from a Public Street or way, only, and shall consider the general design, arrangement, texture, material and color of the Building or Structure and the relation of such factors to similar features of Buildings and Structures in the district. No permit for any such building changes may be issued until a Certificate of Appropriateness has been issued by the Board of Supervisors, pursuant to 53 P.S. § 8004.
- B. If any proposal for Construction, Alteration or other change in an Historic District also requires Subdivision and/or Land Development approval by the Chadds Ford Township Board of Supervisors, all approvals therefor shall be obtained prior to application for review and approval required under this article.
- C. Nothing in this article shall be construed to:
 - (1) Prevent the ordinary maintenance or repair of any exterior elements of any Building or other Structure described herein;
 - (2) Prevent the Construction, reconstruction, Alteration, rehabilitation or demolition of any such elements that the Board of Supervisors shall certify as required for public safety;

- (3) Require the issuance of a Certificate of Appropriateness prior to undertaking routine maintenance unless such maintenance includes erection, reconstruction, Alteration, restoration, rehabilitation, demolition or razing all or part of a Structure; or
- (4) Require a level (or degree) of maintenance greater than that required under provisions of other pertinent Township regulations; or require any action by the Owner (other than preservation against decay, Deterioration, repair and routine maintenance as stipulated in this section) to comply with the intent of this chapter before said Owner voluntarily chooses to erect, reconstruct, alter, restore, rehabilitate, demolish or raze all or part of a Building.

§ 135-144. Historical and Architectural Review Board.

A. Establishment, composition, administration, appointment and terms of members.

- (1) The Historical and Architectural Review Board (HARB) is hereby established to be composed of not less than five (5) members, appointed by the Board of Supervisors, one (1) of whom shall be a registered architect, one (1) shall be a licensed real estate broker, one (1) shall be a building inspector, one (1) a member of the Planning Commission and the remaining member or members shall have a knowledge of and an interest in the preservation of the Historic District. A minimum of three (3) members shall be Chadds Ford Township residents.
- (2) The position of any member of the HARB appointed in his/her capacity as a registered architect, a licensed real estate broker, a building inspector, or as a member of the Planning Commission who ceases to be so engaged shall be automatically considered vacant.
- (3) The Board of Supervisors shall appoint HARB members to serve for a period of five (5) years. HARB members failing to attend four (4) consecutive meetings shall forfeit their membership unless a member provides notification to the Chair of a scheduled absence prior to a meeting. In the case of voluntary resignation, a member shall provide a 30-day advance notice to the Chair.
- (4) An appointment to fill a vacancy shall be only for the unexpired portion of the term. Any member may be removed from office for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors, taken after the member has received 15 days' advance notice of the intent to take such a vote. Any appointment to fill a vacancy created by removal shall be only for the unexpired portion of the term.
- (5) The HARB shall elect its own Chairperson and Vice Chairperson and create and fill such other offices as it may determine. Officers shall serve annual terms and may succeed themselves. The HARB may make and alter bylaws and rules and regulations to govern its procedures consistent with the ordinances of Chadds Ford Township and the laws of the Commonwealth of Pennsylvania.
- (6) A majority of the HARB shall constitute a quorum and action taken at any meeting shall require the affirmative vote of a majority of the HARB. (From PS 8001)
- (7) The members of the HARB shall serve without compensation but may be reimbursed for direct expenses. However, pursuant to appropriations authorized by the Board of Supervisors, the HARB may employ secretarial assistance and incur other expenses as

may be necessary.

B. Functions and Duties of the HARB.

- (1) The HARB shall give counsel to the Board of Supervisors regarding the advisability of issuing a Certificate of Appropriateness pursuant to the Historic District Act of June 13, 1961, as amended.
- (2) The HARB shall hold a regularly scheduled monthly public meeting, provided that there is business to conduct, and shall record minutes and transmit them to the Board of Supervisors.
- (3) The HARB shall hold any additional public meetings and hearings as provided in **§ 135-147** necessary to execute its powers and duties as required by this article.
- (4) The HARB shall make an annual report to the Board of Supervisors that should include but not be limited to an accounting of expenditures, justification for the appropriation of monies for the upcoming year, a record of actions taken by the HARB in the preceding year and any recommendations for any changes to this article.
- (5) The HARB on its own initiative may file a petition with the Code Enforcement Officer requesting that he/she proceed under the Building Code of the Township to require correction of defects or repairs to any Structure within the district so that such Structure shall be preserved and protected in consonance with the purpose of this article and the public safety.
- (6) The HARB may supplement, or revise from time to time, the reference guide, "Architectural Guidelines for Construction in the Historic District," as adopted in 1987, to further describe exterior architectural design criteria. Such guidelines shall be Approved by resolution of the Board of Supervisors, published by the HARB and posted on the Township website.

C. Additional duties of the HARB. The HARB shall have the duties set forth in its Bylaws. In addition, at the request of the Board of Supervisors, HARB shall perform any other lawful activities that shall be deemed necessary to further the Township's preservation goals, including:

- (1) Conduct a survey of and research on Buildings for the purpose of determining those of historic and/or architectural significance, pertinent facts about them and propose the nomination of significant resources to the National Register of Historic Places and other appropriate lists or programs, in coordination with the Planning Commission and/or other appropriate groups; and to maintain and periodically revise the detailed listings of historic sites and Buildings and data about them, appropriately classified with respect to national, state or local significance, to period or field of interest at the direction of the Board of Supervisors;
- (2) To propose, from time to time as deemed appropriate, the establishment of additional Historic Districts and revisions to existing Historic Districts at the direction of the Board of Supervisors;
- (3) To formulate recommendations concerning the establishment of an appropriate system of markers for selected historic and/or architectural sites and Buildings, including proposals for the installation and care of such historic markers at the direction of the Board of Supervisors;

- (4) To formulate recommendations, develop informational brochures and educational materials about the Township's history and Historic Resources, to include the preparation and publication of maps, brochures, guidelines and descriptive material about the Township's Historic Districts; historic and/or architectural sites and Buildings at the direction of the Board of Supervisors;
- (5) To cooperate with and advise the Board of Supervisors, the Planning Commission or other Township agencies in matters involving historically and/or architecturally significant sites and Buildings (such as appropriate land usage, parking facilities and Signs, as well as adherence to Lot dimensional regulations and minimum structural standards) at the direction of the Board of Supervisors;
- (6) To maintain a list and map of potential archaeological sites which shall remain confidential, until such time that the information is disclosed to an Applicant for use in conjunction with proposed work on an affected site at the direction of the Board of Supervisors;
- (7) To cooperate with and enlist assistance from the National Register of Historic Places, National Park Service, the National Trust for Historic Preservation, the Pennsylvania Historical and Museum Commission, the Chadds Ford Historical Society and other agencies, public and private, from time to time, concerned with historic sites and Buildings at the direction of the Board of Supervisors;
- (8) To review and comment on the potential impact of proposed state and federal agency actions that may affect Historic Resources within the Township and to advise Owners of historic Buildings on matters of preservation at the direction of the Board of Supervisors;
- (9) To advise Owners of historic Buildings on matters of preservation; and
- (10) To work with the Board of Supervisors and the Planning Commission, as appropriate, in the following:
 - (a) Updates of the historic preservation component of the Comprehensive Plan;
 - (b) Updates of Township ordinances relative to the historic preservation goals stated in the Comprehensive Plan, to include revision to current ordinances and/or creation of new ordinances; and
 - (c) The pursuit of grants, gifts, donations and other sources of funds for the purposes stated herein.

§ 135-145. Preapplication meeting.

- A. Prior to submitting an application for work in an Historic District, an Applicant may request a meeting before the HARB to discuss the changes under consideration and to review preliminary drawings, specifications, and the like. The purposes of this meeting are to acquaint the Developer, Owner or Agent with application requirements and standards of appropriateness of design and to provide the Applicant with input from the HARB regarding the project under consideration.
- B. A preapplication review does not require formal application, but a request for a meeting shall be made to the HARB at least seven (7) days before the date of the next regularly scheduled HARB meeting.

§ 135-146. Application procedures for work in the Historic Overlay District.

- A. Instructions for submitting an application for work in the Historic Overlay District and the supporting documents required to be submitted with the application are included on the application form and are available in the Township offices and on its website.
- B. All applications submitted for work in the Historic Overlay District and accompanying materials will be checked for completeness, and incomplete submissions will be returned to the Applicant.
- C. A completed application with all required documentation shall be received at least 10 calendar days prior to a regularly scheduled meeting of the HARB in order to be placed on the agenda for that meeting.
- D. Any Person applying for a Certificate of Appropriateness shall be given notice of the meeting at which the HARB will consider the application and may appear at the said meeting to explain the reasons therefor.

§ 135-147. Review procedures for work in the Historic Overlay District.

- A. The HARB shall review the applications appearing on the agenda at its regularly scheduled public meeting, at which time it will consider the advice to provide to the Board of Supervisors for each specific application. The HARB may schedule additional meetings as necessary, which shall take place within 30 days of each other, unless mutually agreed otherwise by the HARB and the Applicant. The HARB may schedule special meetings in which case it shall advise the Applicant of the time and place of said meeting(s). The HARB may invite other Persons or groups to attend the meeting(s).
- B. In cases involving the demolition or partial demolition of a Building or other Structure, the HARB may call upon the Township Engineer to provide a report on the state of repair and stability of the Building or other Structure under consideration prior to recommending the grant or denial of a Certificate of Appropriateness.

§ 135-148. Evaluation criteria for Certificate of Appropriateness.

- A. The HARB may recommend against the issuance of a Certificate of Appropriateness for the erection, reconstruction, Alteration, rehabilitation, demolition, partial demolition or removal of any Structure within the Historic Districts which, in the HARB's opinion, would be detrimental to the interests of the district and against the public interests of the Township.
- B. In determining the counsel to be presented to the Board of Supervisors concerning the issuing of a Certificate of Appropriateness authorizing a permit for the erection, reconstruction, Alteration, restoration, rehabilitation, demolition or razing of all or a part of any Building within the Historic Districts, the HARB shall consider the following matters:
 - (1) The effect of the proposed change upon the general historic and architectural nature of the district and all Contributing Resources;
 - (2) The appropriateness of exterior architectural features that can be seen from a Public Street or way only;
 - (3) The general design, arrangement, texture, material and color of the Building or other Structure and the relation of such factors to similar features of Buildings, Structures, or Contributing Resources in the district;

- (4) Conformance to the provisions of **§ 135-152. and § 135-153.** and other requirements of this chapter pertaining to use regulations, area bulk and height regulations, and structural standards; and
 - (5) Conformance to the publication titled, "Architectural Guidelines for Construction in the Historic Overlay Districts," as adopted by the Board of Supervisors, and supplemented or revised from time to time.
- C. In addressing Subsection B(1) through (3), above, the HARB shall consider at least the following criteria in making its decision relative to the appropriateness of the proposed action:
- (1) Proportion of Building or other Structure's facades.
 - (2) Proportion and location of openings within the Building or other Structure.
 - (3) Location and scale of entrances and/or porch projections.
 - (4) Relationship to existing colors, textures and materials.
 - (5) Consistency of architectural detailing.
 - (6) Consistency in the appearance of roof lines and shapes.
 - (7) Appropriateness and consistency of landscaping.
 - (8) Overall scale.
 - (9) Overall site planning and spatial definition produced by the location and placement of Structures.
 - (10) Relationship to existing Building heights.
 - (11) Relationship to the Front, Rear and Side Yard Setbacks of existing Buildings or other Structures.
 - (12) Other Building and site criteria that will ensure the appropriateness and consistency of the proposed action relative to the existing character within the Historic Districts.
- D. The HARB shall also consider the degree to which the proposed work complies with the *Standards for Rehabilitation* of the U.S. Department of the Interior in making a decision relative to the appropriateness of the proposal whenever rehabilitation work is proposed. The following standards shall be used:
- (1) Every reasonable effort shall be made to provide a compatible use for a property that requires minimal Alteration of the Building, Structure or site and its environment, or to use a property for its originally intended purpose.
 - (2) The distinguishing original qualities or character of a Building, Structure or site and its environment shall not be destroyed. The removal or Alteration of any historic material or distinctive architectural features should be avoided when possible.
 - (3) All Buildings, Structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance shall be discouraged.
 - (4) Changes that may have taken place in the course of time are evidence of the history and Development of a Building, Structure or site and its environment. These changes may

have acquired significance in their own right, and this significance shall be recognized and respected.

- (5) Distinctive stylistic features or examples of skilled craftsmanship that characterize a Building, Structure or site shall be treated with sensitivity.
 - (6) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other Buildings or other Structures.
 - (7) The surface cleaning of Structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
 - (8) Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.
 - (9) Contemporary design for Alterations and additions to existing properties shall not be discouraged when such Alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
 - (10) Wherever possible, new additions or Alterations to Structures shall be done in such a manner that if such additions or Alterations were to be removed in the future, the essential form and integrity of the Structure would be unimpaired.
- E. The HARB shall also consider the *Guidelines for Rehabilitating Historic Buildings* of the U.S. Department of the Interior in making its decision relative to the appropriateness of the proposal.
- F. The HARB shall also consider the need for conducting an archaeological investigation or excavation on any site with known or potential archaeological resources, and shall advise the Applicant of required procedures.
- G. The HARB shall also consider any **Architectural Guidelines** for work in a Historic District that have been Approved by the Board of Supervisors and published by the HARB.

§ 135-149. Findings and Recommendations of the HARB.

- A. The HARB shall submit to the Board of Supervisors, in writing, its counsel concerning the issuance of a Certificate of Appropriateness. This counsel shall be submitted in the form of a written report that shall include but need not be limited to the following:
- (1) The application and all documents and materials submitted by the Applicant;
 - (2) A description of the effect of the proposed changes upon the general historic and architectural nature of the district;
 - (3) The opinion of the HARB (including any dissent) as to the appropriateness of the work proposed, especially as to whether it will preserve or diminish the historic aspect and nature of the district; and

- (4) The specific counsel of the HARB as to the issuance of a Certificate of Appropriateness, including any conditions the HARB recommends.
- C. Within 30 days of the occurrence of the final meeting upon an application for a Certificate of Appropriateness, the HARB shall recommend to the Board of Supervisors the approval or denial of a Certificate of Appropriateness.
 - (1) In the case of recommendation for approval for the issuance of a Certificate of Appropriateness, the HARB shall transmit a report to the Board of Supervisors stating the basis upon which such recommendation was made.
 - (2) In the case of recommendation for disapproval for the issuance of a Certificate of Appropriateness:
 - (a) The HARB shall transmit to the Board of Supervisors a report stating the reasons therefor;
 - (b) The HARB shall indicate what changes in the Plans and specifications would meet its conditions for protecting the distinctive historical character of the Historic District; and
 - (c) The HARB may provide verbal advice and illustrative drawing(s) to the Applicant and make recommendations with regard to appropriateness of design, arrangement, texture, material, color and the like of the property involved.
 - (d) If an Applicant intends to refile a complete set of revised Plans to remedy the defects that led to the recommendation for denial, a new application for a Certificate of Appropriateness shall be submitted.
 - (e) Despite HARB's recommendation for denial, the Applicant may present the application for a Certificate of Appropriateness before the Board of Supervisors. In such case, the Applicant shall submit a written request to the Township within 10 days of the date of the written report recommending denial.
 - (3) If the HARB fails to transmit such report within 30 days after the occurrence of the final meeting concerning a Certificate of Appropriateness application, the application shall be sent without recommendation, except when the Applicant has agreed to an extension of the time limit.

§ 135-150. Actions by the Board of Supervisors.

- A. Subsequent to receipt of the written report from the HARB as provided in § 135-149., the Board of Supervisors shall consider whether to issue a Certificate of Appropriateness authorizing a permit for work covered by the application. Written notice shall be provided to the Applicant at least 10 days prior to the public meeting of the Board of Supervisors at which the application shall be considered, advising the Applicant of the time and place of the public meeting. The Applicant shall have the right to attend this meeting and be heard as to the reasons for filing the application.
- B. In determining whether or not to certify to the appropriateness of the proposed Construction, Alteration, reconstruction, repair, restoration, rehabilitation, demolition or razing of all or a part of any Building within the Historic Districts, the Board of Supervisors shall consider the HARB's same factors as the HARB set forth in § 135-148. herein and its report (§ 135-149.).
- C. If the Board of Supervisors approves the application, it shall issue a Certificate of

Appropriateness to the Applicant within 10 days of the public meeting at which the application was Approved authorizing the review of permit applications for the work covered by the application.

D. If the Board of Supervisors denies the application:

- (1) It shall do so in writing within forty-five (45) days of the public meeting at which the application was denied;
- (2) The written denial shall be provided to the Applicant setting forth the reasons for the denial;
- (3) The written denial shall indicate changes in the Applicant's plans that are necessary to meet its conditions for protecting the distinctive historical character of the Historic District to justify the issuance of a Certificate of Appropriateness. The Board of Supervisors may provide verbal advice and illustrative drawing(s) to the Applicant and make recommendations with regard to appropriateness of design, arrangement, texture, material, color and the like of the property involved;
- (4) Upon receipt of a written disapproval by the Board of Supervisors, the Township shall disapprove the application for a permit and so advise the Applicant, A copy of the written denial shall be given to the Pennsylvania Historical and Museum Commission.
- (5) If an Applicant intends to refile a complete set of revised Plans to remedy the defects that led to the denial, a new application for a Certificate of Appropriateness shall be submitted.

E. In either case, the Board of Supervisors shall notify the Applicant within 10 days of its meeting at which the application was considered, unless mutually agreed otherwise.

F. Any Person aggrieved by failure of the Board of Supervisors to issue a Certificate of Appropriateness may appeal the denial to the Court of Common Pleas of Delaware County with 30 days of the denial.

§ 135-151. Economic Hardship.

- A. Economic Hardship claims may only be made following the final action of the Board of Supervisors on a Certificate of Appropriateness application.
- B. If, following the denial of a Certificate of Appropriateness by the Board of Supervisors, the Applicant believes they will suffer Economic Hardship, they may submit by affidavit to HARB information that shall include but not be limited to the following:
 - (1) Date the property was acquired by its current Owner;
 - (2) Price paid for the property (if acquired by purchase) and the relationship (if any) between the buyer and the seller of the property;
 - (3) Mortgage history of the property, including current mortgage;
 - (4) Current market value of the property;
 - (5) Equity in the property;
 - (6) Past and current income and expense statements for a two (2) year period;
 - (7) Past capital expenditures during the ownership of current Owner;

- (8) Appraisal of the property obtained within the previous two (2) years;
 - (9) Income and property tax factors affecting the property, as specified by the Township Solicitor; and
 - (10) The HARB may require that an Applicant furnish additional information relevant to its determination of Economic Hardship and may receive and consider studies and economic analyses from other sources relevant to the property in question.
- C. HARB shall consider the claim of Economic Hardship at a regular or special meeting, and shall determine, based on the evidence provided by the Applicant and relevant testimony, whether the denial of the Certificate of Appropriateness has resulted in Economic Hardship as defined in this chapter. The HARB may also consider whether there are financial or tax incentives available for the property that would alleviate the hardship.
 - D. The HARB may choose to recommend to the Board of Supervisors that special economic incentives be developed to assist the Owner of the resource in maintaining it and obtaining a suitable economic return or achieving a reasonable beneficial use. The HARB is authorized to seek the assistance of appropriate local, statewide and/or national preservation organizations in developing solutions that would relieve the Owner's Economic Hardship. If HARB chooses to explore such options, HARB may delay issuing their recommendation to the Board of Supervisors regarding the Certificate of Appropriateness on the basis of Economic Hardship for a period of 90 days in addition to the time periods otherwise applicable.
 - E. The HARB shall, by motion, determine whether Economic Hardship exists, and shall transmit its recommendation along with supporting evidence and rationale to the Board of Supervisors. The Board of Supervisors shall consider the HARB's recommendation and determine whether to issue the Certificate of Appropriateness for reasons of Economic Hardship.

§ 135-152. Permitted and prohibited uses.

- A. The regulations of the underlying zoning districts shall apply, except when such regulations conflict with the provisions of this article, in which case the requirements of this article supersede the requirements of the underlying zoning district(s).
- B. Restaurants with drive-through service are prohibited.

§ 135-153. Area, bulk and height regulations.

The applicable area, bulk and height regulations of the underlying zoning districts shall apply.

§ 135-154. Special design and Development regulations.

- A. Landscaping. All landscaping shall be in accordance with **Article XXV** of this chapter, and the following: A 25-foot-deep Landscaped Area shall be created along the Frontage of all properties in the Historic Overlay District.
- B. Lighting. All lighting shall be in accordance with Chapter 110, Subdivision and Land Development, and the following:
 - (1) All lighting shall be arranged to prevent off-site glare; shall not illuminate areas beyond the Property Line on which it is located; and shall not be visible beyond the boundaries of the property in order to minimize disturbance to motorists and pedestrians.

- (2) Light standards and fixtures shall be in keeping with the character of the Historic Overlay District. Application for the erection, Construction, reconstruction, restoration, rehabilitation, repair or razing of light standards and fixtures in an Historic District shall follow the procedures set forth in **§ 135-14**.

ARTICLE XXI. BP OVERLAY DISTRICT (BALTIMORE PIKE OVERLAY).

§ 135-155. Purpose.

- A. The purpose of the Baltimore Pike Overlay District is to protect the character of the Brandywine Gateway area, noted for its historic, topographic, architectural, cultural and artistic heritage, by:
- (1) Implementing the recommendations of the Baltimore Pike Feasibility Study, adopted June 4, 2003, through Resolution No. 2003-14.
 - (2) Addressing the regulations of **Article XX**, Historic Overlay District, of this chapter, in particular for the area at and adjoining Chadds Ford Village Historic District.
 - (3) Implementing the provisions of Section 605, Classifications, of the Pennsylvania Municipalities Planning Code (MPC) in particular Section 605(1) and Section 605(2)(i), (iii), (iv), (vi), and (vii) relative to:
 - (a) Transitional provisions at and near the boundaries of existing districts;
 - (b) Regulation of uses and Structures at, along or near major thoroughfares;
 - (c) Regulation of uses and Structures at, along or near places of relatively Steep Slope or grade;
 - (d) Regulation of uses and Structures at, along or near public Buildings and public grounds;
 - (e) Regulation of uses and Structures at, along or near places having unique historical, architectural or patriotic interest or value.
 - (f) Regulation of uses and Structures at, along or near Floodplain Areas; and
 - (g) Regulation of uses and Structures at, along or near other places having a special character or use affecting and affected by their surroundings.

§ 135-156. Applicability and scope.

- A. The boundaries of the Baltimore Pike Overlay District are as shown on the Chadds Ford Township Zoning Map.
- B. The regulations of the underlying zoning districts shall apply, except when such regulations conflict with the provisions of this article, in which case the requirements of this article supersede the requirements of the underlying zoning district(s).

§ 135-157. (Reserved).

§ 135-158. Area, bulk and height regulations.

- A. The Building Coverage regulations of the underlying zoning district shall apply, except in the case of the R-1 District where principal and Accessory Buildings shall occupy no more than 12 percent of the Lot Area.

§ 135-159. Special Development regulations.

The following regulations shall apply:

- A. Tree protection and replacement.
- (1) All trees of 12-inch Diameter at Breast Height (DBH) and greater shall be protected to the maximum extent possible.
 - (2) If any tree 12-inch DBH and greater is removed or destroyed, it shall be replaced with one (1) deciduous tree of at least three (3) to three and one-half (3½) inches in Caliper.
- B. Landscape screening and buffering. Landscape plantings shall be installed and maintained within all Yard areas adjoining Baltimore Pike. No fewer than one (1) three to three-and-one-half (3 - 3½) inch in Caliper shade tree shall be planted for each 25 feet of roadway length. Such trees shall be planted in alternating rows whereby trees on one (1) side of the Street are placed at intervals of 50 feet.
- C. When the Baltimore Pike Overlay (BPO) overlays the Historic Overlay District.
- (1) In keeping with the provisions of **Article XX**, Historic Overlay District, the following shall apply:
 - (a) A 25-foot-wide Landscaped Area along the Frontage of all properties in the historic overlay districts shall be installed and maintained.
 - (b) A three (3) to five (5) foot-high Berm shall be installed and maintained whenever required by the HARB to be placed along the Lot Lines to help conceal new Buildings, in accordance with HARB regulations as adopted by the Board of Supervisors and as amended from time to time."
 - (c) Landscape screening shall be installed and maintained to conceal off-street parking areas, in accordance with **Article XXV**.
 - (2) The "Architectural Guidelines for Construction in the Historic Overlay Districts," as adopted by the Board of Supervisors.
 - (3) All signage shall comply with **Article XXIII** whereby all Signs in the Historic Overlay District shall be crafted to be in keeping with the character of the Historic District and shall be Approved by the HARB. In addition, all signage shall comply with the "Architectural Guidelines for Construction in the Historic Overlay Districts," as adopted by the Board of Supervisors.
 - (4) No new Buildings shall exceed 5,000 square feet in ground Floor Area.
- E. Plan submission requirements. In addition to the requirements of Chapter 110, Subdivision and Land Development, the following shall apply:
- (1) All Applicants shall submit a report indicating compliance with the requirements of this Chapter.

ARTICLE XXII. STEEP SLOPE CONSERVATION OVERLAY DISTRICT.

§ 135-160 Purpose.

- A. The purpose of this district is to expand upon the community development objectives associated with environmental protection and preservation of natural resources expressed in this chapter by:
- (1) Conserving and protecting those areas having Steep Slopes from excessive and inappropriate Development.
 - (2) Preventing Development that would cause excessive erosion and consequently promote increased Flood crests and associated hazards both upstream and downstream.
 - (3) Protecting the quality of stream water that would be threatened by excessive grading and Development in the Steep Slope Conservation Overlay District.
 - (4) Protecting the vegetative cover in the Steep Slope Conservation Overlay District, thereby reducing runoff and flooding potential.

§ 135-161. General provisions.

- A. Compliance. No area within the Steep Slope Conservation Overlay District shall hereafter be used without full compliance with the terms of this district and other applicable regulations.
- B. Intent and Interpretation. The regulations of the underlying zoning districts shall apply, except when such regulations conflict with the provisions of this article, in which case the requirements of this article supersede the requirements of the underlying zoning district(s).
- C. Municipal liability. Any determination that a proposed use complies with this district, or any approval of a Subdivision or Land Development Plan, or any issuance of a building permit within the Steep Slope Conservation Overlay District shall not constitute a representation, guarantee or warranty of any kind by the Township, or by any official or Employee thereof, of the practicability or safety of the proposed use and shall create no liability upon the Township, its officials or Employees. This article does not imply that areas not designated as containing Steep Slopes or Very Steep Slopes will always be free from the adverse effects of erosion or other effects of nearby Steep Slopes.

§ 135-162 Zoning Map Overlay.

- A. The Steep Slope Conservation Overlay District shall not be an independent Zoning District, but shall be a district overlay over all Zoning Districts within Chadds Ford Township.

§ 135-163 Definition and interpretation of district boundaries.

- A. The regulations of the Steep Slope Conservation Overlay District shall apply to all areas of Steep Slopes and Very Steep Slopes, as those terms are defined in § 135-9, within the Township.
- B. The Applicant shall use an actual field topographic survey as a source of contour information and the basis for depicting Steep and Very Steep Slopes as described below. This field survey shall depict the subject Lot's topography at the time the Plan is submitted for review under this chapter.
- C. All contours shall be shown at a two (2) foot vertical change interval. All areas of Steep Slope

and areas of Very Steep Slope shall be depicted clearly using hatching or shading to differentiate between the two (2) areas.

- D. The use regulations herein are only applicable where contiguous areas of Steep or Very Steep Slopes, or of any combination of these two (2) categories, continue over a vertical grade change of six (6) feet or more.

§ 135-164 (Reserved).

§ 135-165 Use regulations.

A. Areas of Very Steep Slope.

- (1) Uses permitted by right. The following uses shall be permitted by right:

- (a) Agricultural uses not requiring Structure or conservation.
- (b) Woodland preserves.
- (c) Conservation and recreation not requiring Structures.
- (d) Open Space associated with Planned Residential Developments (PRDs).

- (2) Conditional Uses. The following uses shall be Conditional Uses, subject to the provisions of **Article XXVI**:

- (a) Conservation and recreation requiring Structures.
- (b) Agricultural Structures or cultivation.
- (c) Utilities, Easements, and Rights-of-Way.
- (d) Accessory Structures to any uses otherwise permitted in Subsection **A(1)** above.
- (e) Roads and driveways.
- (f) Front, Side or Rear Yards, provided that no Structure is located less than 20 feet from the edge of a Very Steep Slope.

- (3) Prohibited activities. Prohibited activities shall be as follows:

- (a) Cut and fill, other than that related to uses permitted in Subsection **A(1)** and **(2)** hereof.
- (b) Soil or rock extraction, other than that relating, to uses permitted in Subsection **A(1)** and **(2)** hereof.

B. Areas of Steep Slope.

- (1) Uses permitted by right. The following uses shall be permitted by right:

- (a) Any use permitted by right in **Subsection A(1)** hereof.

- (2) Accessory Uses.

- (a) Replacement on-lot Sewage disposal Systems required by an existing residential Dwelling as a result of the failure of such Dwelling's existing Sewage disposal System, and for which no other viable replacement alternative exists as determined by the Township Sewage Enforcement Officer. Viable alternatives shall include, but not be

limited to, the connection of the Dwelling to a Public or community Sewage disposal system, but shall not include pump and haul.

- (3) Conditional Uses. The following uses shall be Conditional Uses, subject to **Article XXVI**
 - (a) Conditional Uses listed in **Subsection A(2)** hereof.
 - (b) Single-Family Detached Dwelling.
 - (c) Stormwater management facility.
 - (d) On-lot Sewage disposal system.
 - (e) Sanitary sewer and Sewage pumping station.
 - (f) Buildings or other Structures permitted in industrial districts.
 - (g) Accessory Uses and Structures customarily incidental to the Conditional Uses set forth in this subsection.
- (4) Prohibited activities. Prohibited activities shall be as follows:
 - (a) Cut and fill, off-site other than that related to uses permitted in **Subsection B(1), (2)** and **(3)** hereof.
 - (b) Soil or rock removal, other than that related to uses permitted in **Subsection B(1), (2)** and **(3)** hereof.

§ 135-166 Standards for approval of Conditional Uses.

- A. In addition to the standards described in **Article XXVI** relating to Conditional Uses, the Board of Supervisors shall consider the following aspects of a Conditional Use application when considering requests for a Conditional Use under this chapter:
 - (1) The extent to which the proposal would impact the topography; soils, and Vegetation and the methods proposed to mitigate potential adverse environmental impacts.
 - (2) The potential impact of the proposal on adjacent properties.
 - (3) The degree to which the proposal is consistent with the purposes in **§ 135-160.** above.
- B. Prior to approval of a Conditional Use application, the Applicant shall provide evidence that:
 - (1) The Development or use is being proposed in the Steep Slope Conservation Overlay District because no other location is feasible.
 - (2) Earthmoving activities and Vegetation removal will be conducted only to the extent necessary to accommodate proposed uses and Structures and in a manner that will not cause excessive surface water runoff, erosion, sedimentation, and unstable soil conditions.
 - (3) Mitigation techniques will be utilized, including, but not limited to, retaining walls, tree wells, the establishment of ground covers and/or low-spreading shrubs, the use of erosion-control fabric and the like. Such techniques shall be evidenced through the submission of Plans and Construction details which depict, delineate, and otherwise describe the Land Development proposal.

- (4) Proposed Buildings and other Structures shall be of sound geotechnical engineering design, and footings shall be designed in response to the site's slope, soil, and bedrock characteristics. Such design shall be evidenced through the submission of Plans and Construction details that depict, delineate, and otherwise describe the Land Development proposal.

§ 135-167 Administration.

- A. All applications for any use of land in the Steep Slope Conservation Overlay District shall be submitted to the Board of Supervisors and the Township Engineer and shall include the following materials and information:
 - (1) Site survey of the Tract in question, leading to the submittal of a Plan of the property indicating existing grades with contour lines at two-foot intervals based on the United States geodetic datum.
 - (2) Proposed grades within the area proposed for Development or use.
 - (3) Landscape Plan indicating proposed paved areas, storm drainage facilities, retaining walls, tree removal and proposed tree replacement, ground cover, and shrubbery location. The modifications proposed to the existing land cover shall also be indicated.
 - (4) Architectural Plans of the exterior and foundation of the proposed Structure.
 - (5) Plan, profile and typical cross sections of the entrance drive and Street providing public access, with the seal of a registered professional engineer thereon.
 - (6) A statement indicating all methods to be used in overcoming any structural or physical problems created by Steep Slopes, how the existing environment will be protected and how materials will be delivered to the Lot without disrupting the environment, signed and sealed by a registered architect or engineer. Seeding, sodding and other planting shall be applied to stabilize topsoil on Steep Slopes and to enhance the appearance of open areas.
 - (7) A statement, signed by the Applicant at the time of Subdivision, Land Development, or building permit application, stating that there is a full understanding of all difficulties associated with access to sites containing or being near Steep or Very Steep Slopes.
 - (8) A waiver of municipal or other liability for failure to provide, or difficulty in providing, emergency vehicle access to the subject Lot, granted by the Applicant. This waiver shall be in accordance with § 135-161.C. above and shall be Approved by the Township Solicitor prior to any grant of a Conditional Use under this chapter.

ARTICLE XXIII. SIGNS.

§ 135-168. General Intent, Purpose and Applicability.

A. Chadds Ford Township is a community in the historic Brandywine Valley of southeastern Pennsylvania that includes the Brandywine Battlefield and the Brandywine National Historic Landmark, and encompasses the Chadds Ford and Dilworthtown Historic Overlay Districts. The purpose of this article is to preserve Chadds Ford Township's historic and natural resources in accordance with Article 1, Section 27 of the Pennsylvania Constitution; create a desirable environment in which to live, visit and conduct business; and, to provide protection to motorists, pedestrians and bicyclists from distractions that may result in property damages as well as bodily injury. It is the purpose of this article to promote the health, safety and general welfare of the public by providing a comprehensive system of reasonable, consistent and nondiscriminatory standards and requirements that are intended to:

- (1) Assist in the identification of businesses, institutions, other establishments and residences.
- (2) Reduce hazardous situations, confusion, driver distraction, and visual clutter that can be caused by Signs employing movement, light, fluctuating or moving lights, flashing images, excessive sizes and/or messaging that distracts motorists, pedestrians or bicyclists.
- (3) Protect and enhance the vistas and historical character of the Brandywine Valley, Brandywine Battlefield and the Brandywine Battlefield National Historic Landmark, and preserve and enhance the natural and scenic characteristics of the historic, rural community.
- (4) Enhance the attractiveness and economic well-being of the Township as a place to live, conduct business and visit, while supporting its rural character and the tourism fostered by its natural and historic landmarks.
- (5) Protect the public from the dangers of unsafe Signs and other Structures.
- (6) Permit Signs that are compatible with their surroundings, facilitate orientation, and preclude placement of Signs that conceal, obstruct or intrude upon adjacent land uses.
- (7) Encourage Signs that are appropriate to the zoning district in which they are located and consistent with the category of use to which they pertain.
- (8) Minimize the size and number of Signs and Sign messages to the minimum amount reasonably necessary to identify a business or institutional or residential property location and the nature of any such business, institution or residential property.
- (9) Establish Sign size in relationship to the scale of the Lot and Building on which the Sign is to be placed and/or in relationship to traffic flow.
- (10) Regulate Signs so they do not unreasonably interfere with, distract, obstruct, or endanger motorists, pedestrians or bicyclists.
- (11) Require Signs to be constructed, installed and maintained in a safe and satisfactory manner, and prevent any attractive nuisances or abandoned Signs.

§ 135-169. General Regulations for All Zoning Districts

A. The following regulations shall be observed in all zoning districts within Chadds Ford Township:

(1) Prohibited Signs.

No Sign shall be erected in Chadds Ford Township unless it is specifically permitted by **Article XXIII, "Signs."** All Signs not specifically permitted are prohibited. The following Signs shall not be permitted, erected or maintained in any district, except as otherwise provided herein.

(a) Any Sign having content that is not subject to the protections of the First Amendment of the United States Constitution or Article I, Section 7 of the Pennsylvania Constitution, including, but not limited to the following:

[1] Obscenity or Pornography

[2] Fighting Words

[3] Incitement to Imminent Lawless Action

(b) Signs that incorporate in any manner any flashing or moving illumination or with illumination that varies in intensity or that varies in color and Signs that have any visible moving parts, visible revolving parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical pulsations or by actions of normal wind currents. Hanging Signs that simply "swing in the wind" are permitted if they comply with all provisions of **Article XXIII, "Signs."**

(c) Any Sign that incorporates light sources unless the light source is shielded by opaque material so that the lamps are not visible on properties that are neighboring and/or adjacent to the property on which the Sign is located. Any exterior light source that is incorporated into the sign Structure shall be shielded by opaque material so that the light source is not visible. Lighting shall be effectively shielded to prevent light and/or glare from interfering with traffic of motorists, pedestrians or bicyclists or causing a nuisance to neighboring and/or adjacent properties.

(d) Any Sign or Sign Structure that constitutes a hazard to the health, safety or welfare of the public.

(e) Signs that interfere with, mislead, or confuse the normal flow of traffic.

(f) Signs painted on, attached to or supported by a tree, stone, cliff or other natural object.

(g) String lights that convey a message either through words or by depicting a logo, that are unshielded from the surrounding properties.

(h) Search lights, pennants, spinners, banners and streamers or any Sign containing moving parts.

(i) Three-Dimensional Signs.

(j) Exterior and/or free-standing neon Signs or similar Illuminated Signs.

(k) Novelty Signs including balloons or any other inflated item and flashing, blinking, twinkling, oscillating or lighted moving Signs of any type and Signs that emit smoke or vapors.

(l) Signs painted on, applied to or mounted on vehicles that are not operational and

currently registered, licensed, inspected and permitted by the Pennsylvania Department of Transportation.

- (m) Temporary Signs directly facing an adjoining residential property.
- (n) Any Sign that lies within 40 feet of a Side or Rear Lot Line in all residential zoning districts, unless within 10 feet of a Street or way.
- (o) Any Sign that is larger than two (2) square feet in area in all residential zoning districts or five (5) square feet in area in all commercial and industrial zoning districts, unless otherwise permitted herein.

(2) Sign Area and Height Computation.

(a) Sign Area.

The area of a Sign face, whether a Wall Sign or other Sign, shall be computed as the smallest rectangle that will encompass the lettering, emblem or other display, together with any material or color forming an integral part of the display or used to differentiate the Sign from the backdrop or Structure on which it is placed. Other than for Billboard Signs, the calculation of Sign Area excludes any supporting framework, bracing or decorative fence or wall that otherwise meets zoning ordinance regulations and is clearly incidental to the display itself. The Sign Area maximum standards in **Article XXIII, "Signs,"** refer to the total area of a Sign, which includes all faces of a Sign. For a Billboard Sign, the Projected Area of the supporting structure is included in the calculation of Sign Area.

(b) Sign Height.

The height of a Sign shall be computed as the distance from the base of the Sign at normal grade to the top of the highest attached component of the Sign. Normal grade shall be construed to be the lower of:

[1] Existing grade prior to Construction of the Sign; or

[2] The newly established grade after Construction of the Sign, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the Sign. When the normal grade cannot be reasonably determined, Sign height shall be computed using whichever is lower: the elevation of the nearest point of the crown of a Street or the grade of the land at the principal entrance to the Structure on the Lot.

(3) Placement of Signs.

Except for official traffic and street Signs as approved by the Pennsylvania Department of Transportation or Township, in no case shall any Sign be erected so that it:

- (a) Lies within any clear sight triangle as defined by the Commonwealth of Pennsylvania or Township ordinance, whichever is more restrictive.
- (b) Obscures or limits a motorist's, pedestrian's or bicyclist's view of traffic signals, stop Signs, intersections ahead, vehicular traffic, or other traffic warning devices along an established Street or way.
- (c) Lies within a Parking Space, parking aisle or fire lane; or blocks or interferes with the movement of motorists, pedestrians or bicyclists traveling on a Street or way.

- (d) Blocks or interferes with the entrance, exit, fire escape or fire lane to a Building or other Structure.
- (e) Is affixed by any means to any Structure owned by the Township.
- (f) Is affixed by any means to utility poles, traffic lights, street sign posts, light fixtures, trees, posts or any other pre-existing Structure unless otherwise provided herein.
- (g) Faces an adjoining residential property, unless within 10 feet of the Street or way.

(4) Signs Allowed Without a Permit.

Signs listed in this subsection are permitted in all zoning districts and shall not require a zoning permit and shall not be counted when calculating the number of Signs on the Premises. However, such Signs shall conform to the general regulations for Signs enumerated in this subsection or elsewhere in **Article XXIII, "Signs."**

- (a) A Sign with a face surface not exceeding two (2) square feet in gross surface area for each exposed face with a total gross surface area of no more than four (4) square feet setting forth the numerical identity of a residential, business or institutional property by number, post box number and/or names(s) of Occupants of the residential, business or institutional property.
- (b) A Sign for a professional and/or professional business in a residential zone shall not exceed two (2) square feet in gross surface area for each exposed face with a gross surface area of no more than four (4) square feet and shall be permitted on any residentially zoned Lot that has a professional use such as a doctor, dentist, osteopath, chiropractor, lawyer, accountant, architect, engineer or minister as an accessory Home Occupation.
- (c) A Sign setting forth regulations for on-premises traffic direction, parking or other functional requirements such as "lavatory facilities" or denoting other sections of a Building such as "service area," "office," etc. that does not exceed two (2) square feet in gross surface area for each exposed face with a total gross surface area of no more than four (4) square feet.
- (d) Legal notices, warnings, identification information or other information posted by governmental or legislative authorities. Such Signs may be illuminated in accordance with **Article XXIII, "Signs."**
- (e) A permit is not required for one (1) Temporary Sign posted on a residential property for less than 30 days as long as it is in compliance with all other provisions of this article. More than one (1) Temporary Sign on a residential property requires a permit per **§ 135-172.F**. There shall be no more than two (2) Temporary Signs place on a residential property within one (1) calendar year. If the residential property is used as a business, then "nonresidential district" requirements and regulations for Temporary Signs shall apply.
- (f) Any Portable Sign on a Lot used for a business or institution shall be stored inside a Structure when said property is not open or operating and shall not exceed four (4) square feet in gross surface area for each exposed face with a total gross surface area of no more than eight (8) square feet.
- (g) Flags attached to free standing poles or poles attached to a Building: Flags shall not

exceed a size of four feet by six feet (4' x 6') and poles shall not project above the highest part of the Building located on the same Lot or maximum height allowed in the zoning district in which the Lot is located, whichever is lower.

- (h) 30 days prior to a federal, state or local election and until no more than 15 days after such election, Temporary Signs with a total area of less than six (6) square feet are permitted with permission of the property Owner.

(5) Safety and Maintenance of Signs.

All Signs and parts thereof shall be kept in a good state of repair. Every Sign and all parts thereof, including but not limited to framework, supports, background, anchors and wiring systems, shall be constructed and maintained in compliance with all Codes, ordinances and/or Resolutions of Chadds Ford Township. The National Electrical Code shall be used as the standard for wiring all Sign systems. Any Sign on a Lot used as a residential, business or institutional property that has been vacated shall be removed within 30 days of the date the residential, business or institutional property becomes vacant or closes or the Occupant vacates the property, except for Real Estate Signs (e.g., "For Sale," "For Lease," etc.) covered elsewhere in **Article XXIII, "Signs."** Any Sign on a Lot that has been vacated shall be removed within 30 days of the date the property has been vacated. If one entity vacates the property while the property remains in use by other Owners or lessors, any Sign(s) erected, constructed or posted by the vacated entity shall be removed within 30 days of the date the departing entity vacates the property.

(6) Signage in Historic Overlay Districts.

All signage shall comply with the "Architectural Guidelines for Construction in The Historic Overlay Districts," dated April 28, 1987, or as may be amended.

§ 135-170. Regulations for Number of Signs in Residential Districts						
A. The number of On-Premises Signs allowed on a property within a specific Zoning District in the chart below are pursuant to all regulations for specific types of Signs in § 135-172, "Regulations for Specific Types of Signs."						
B. Any and all Sign types without any designation in any and all columns of § 135-170 are not permitted.						
C. RESIDENTIAL						
ZONING DISTRICT	PARALLEL	PARALLEL	FREESTANDING			FREESTANDING
	AWNING, CANOPY or PROJECTING	WALL or MARQUEE	GROUND or POLE	TEMPORARY	NUMERICAL IDENTIFICATION	BILLBOARD
(1) R-1 or R-2	-	-	1 per neighborhood (in addition to 1 Parallel Sign)	1 per Lot Less than 30 days	1 per Lot	-
(2) R-1 or R-2 Approved nonresidential use	1 per business (if no other Parallel Sign)	1 per business (if no other Parallel Sign)	1 per business (in addition to 1 Parallel Sign)	1 per business (count includes Portable Sign)	1 per business	-
(3) R-MA	-	-	1 per Lot	1 per Lot Less than 30 days	1 per Lot	-
(4) PRD	-	-	1 per Tract	1 per Tract Less	1 per Tract	-

				than 30 days		
(5) Reserved						-

§ 135-171. Regulations for Number of Signs in Nonresidential Districts

- A. The number of On-Premises Signs allowed on a property within a specific Zoning District in the chart below are pursuant to all regulations for specific types of Signs in § 135-172, "Regulations for Specific Types of Signs."
- B. Any and all Sign types without any designation in any and all columns of § 135-171. are not permitted.
- C. Billboard Signs permitted in B-1 and PBC-1 by Special Exception per § 135-172.G.(1)

D. NONRESIDENTIAL

ZONING DISTRICT	PARALLEL	PARALLEL	FREESTANDING			FREESTANDING
	AWNING, CANOPY or PROJECTING	WALL or MARQUEE	GROUND or POLE	TEMPORARY	NUMERICAL IDENTIFICATION	BILLBOARD
(1) B-BUSINESS or B-1 BUSINESS-1						
(a) One (1) business	1 per Lot (if no other Parallel Sign)	1 per Lot (if no other Parallel Sign)	1 per Lot (in addition to 1 Parallel Sign)	2 per Lot (count includes Portable Sign)	1 per Lot	-
(b) Two (2) or more Businesses	1 per business (if no other Parallel Sign)	1 per business (if no other Parallel Sign)	1 per Lot (in addition to 1 Parallel Sign per business)	1 per business (count includes Portable Sign)	1 per business	1 per Lot in B-1 only (count includes any Freestanding Sign)
(2) LI – LIGHT INDUSTRIAL or LI-1 LIGHT INDUSTRIAL -1						
(a) One (1) business	1 per Lot (if no other Parallel Sign)	1 per Lot (if no other Parallel Sign)	1 per Lot (in addition to 1 Parallel Sign)	2 per Lot (count includes Portable Sign)	1 per Lot	-
(b) Two (2) or more Businesses	1 per business (if no other Parallel Sign)	1 per business (if no other Parallel Sign)	1 per Lot (in addition to 1 Parallel Sign for each business)	1 per business (count includes Portable Sign)	1 per business	-
(3) PBC – PLANNED BUSINESS CENTER or PBC-1 – PLANNED BUSINESS CENTER-1						
(a) One (1) business	1 per Lot (if no other Parallel Sign)	1 per Lot (if no other Parallel Sign)	1 per Lot (in addition to 1 Parallel Sign)	2 per Lot (count includes Portable Sign)	1 per Lot	-
(b) Two (2) or more businesses	1 per business (if no other Parallel Sign)	1 per business (if no other Parallel Sign)	1 per Lot (in addition to 1 Parallel Sign for each business)	1 per business (count includes Portable Sign)	1 per business	1 per Lot in PBC-1 only (count includes any Freestanding Sign)
(4) POC – PLANNED OFFICE CENTER						
(a) One (1) business	1 per Lot if no other Parallel Sign)	1 per Lot if no other Parallel Sign)	1 per Lot (in addition to 1 Parallel Sign)	2 per Lot (count includes Portable Sign)	1 per Lot	-
(b) Two (2) or more businesses	1 per Lot (if no other Parallel Sign)	1 per Lot (if no other Parallel Sign)	1 per Lot (in addition to 1 Parallel Sign for each business)	1 per business (count includes Portable Sign)	1 per business	-
(5) CC	1 per Lot (if no other Parallel Sign)	1 per Lot (if no other Parallel Sign)	1 per Lot (in addition to 1 Parallel Sign for each principal use)	2 per Lot (count includes Portable Sign)	1 per principal use	-
(6) MC	1 per Lot (if no other Parallel Sign)	1 per Lot (if no other Parallel Sign)	1 per Lot (in addition to 1 Parallel Sign for each business)	2 per Lot (count includes Portable Sign)	-	-

§ 135-172. Regulations for Specific Types of Signs.

A. Awning, Canopy or Projecting Sign.

In addition to **§ 135-169, "General Regulations for All Zoning Districts,"** the following regulations shall apply to Canopy, Awning or Projecting Signs:

(1) Number of Canopy, Awning or Projecting Signs.

- (a) A business or institution may erect and maintain an Awning, Canopy or Projecting Sign per **§ 135-171, "Regulations for Number of Signs in Nonresidential Zoning Districts."**

(2) Area, Height, Lighting, Location and Size of a Canopy, Awning or Projecting Sign.

- (a) The area of the Sign on the Awning, Canopy or Projecting surface shall not exceed 20 square feet when located on a property that has Frontage on a Street or way that has a speed limit of 35 mph or less. When the Sign is located on a property that has Frontage on a Street or way that has a speed limit in excess of thirty-five (35) mph, the maximum square footage shall be 32 square feet except when located in the Historic Overlay Districts; then it shall not exceed twenty (20) square feet.
- (b) No Awning, Canopy or Projecting Sign shall project more than five (5) feet beyond the Building or Structure line in the direction of the Street.
- (c) No portion of any Awning, Canopy or Projecting Sign shall be less than 10 feet above grade level.
- (d) Any exterior light source that is incorporated into an Awning, Canopy or Projecting Sign shall be shielded by opaque material so that the light source is not visible. Lighting shall be effectively shielded to prevent light and/or glare from interfering with traffic of motorists, pedestrians or bicyclists or causing a nuisance to neighboring or adjacent properties.

(3) Miscellaneous Regulations for an Awning, Canopy or Projecting Sign.

- (a) As a condition of the issuance of a permit for an Awning, Canopy or Projecting Sign, the Township may impose such requirements as to the material, manner of Construction and method of erection as are reasonably necessary to assure the health, safety and welfare of the public.
- (b) No Media Display Signs (MDS), Electronic Display Screens (EDS), or Electronic Message Centers (EMC) shall be permitted in association with an Awning, Canopy or Projecting Sign.

(4) Within the Historic Overlay Districts.

- (a) No Awning, Canopy or Projecting Sign shall be located within the Historic Overlay Districts without the issuance of a Certificate of Appropriateness after recommendation by the Township's HARB and approval by the Township's Board of Supervisors.

B. Wall Sign.

In addition to **§ 135-169, "General Regulations for All Zoning Districts,"** the following regulations shall apply to Wall Signs:

(1) Number of Wall Signs.

- (a) A business or institution may erect and maintain a Wall Sign in the front of the business or institutional property per **§ 135-171, "Regulations for Number of Signs in Nonresidential Zoning Districts."**
- (b) A business or institution that faces or fronts an internal parking lot shall consider the internal parking Lot as the front.
- (c) A business or institution that faces or fronts an internal parking lot and a Street or way, and may be considered a Corner Lot, shall be permitted to have one (1) Wall Sign facing each front; however, no more than two (2) Wall Signs shall be permitted as specified in **§ 135-171, "Regulations for Number of Signs in Nonresidential Zoning Districts."**

(2) Area, Lighting, and Location of Wall Signs.

- (a) The area of a Wall Sign shall not exceed 20 square feet when located on a property that has Frontage on a Street or way that has a speed limit of 35 mph or less. When the Sign is located on a property that has Frontage on a Street or way that has a speed limit in excess of 35 mph, the maximum square footage shall be 32 square feet except when located in the Historic Overlay Districts; then it shall not exceed 20 square feet.
- (b) No Wall Sign shall extend above the top of the wall upon which it is placed or extend beyond the left or right extremity of the wall to which it is attached.
- (c) Any exterior light source that is incorporated into a Wall Sign shall be shielded by opaque material so that the light source is not visible. Lighting shall be effectively shielded to prevent light and/or glare from interfering with traffic of motorists, pedestrians or bicyclists or causing a nuisance to neighboring and/or adjacent properties. External lighting may be provided with reflectors, a minimum of 10 feet above grade and equipped with wire mesh guards. No part shall extend more than two (2) feet from the wall of the Building.

(3) Miscellaneous.

- (a) As a condition of the issuance of a permit for a Wall Sign, the Township may impose such requirements as to the material, manner of Construction and method of erection as are reasonably necessary to assure the health, safety and welfare of the public.
- (b) No Media Display Signs (MDS), Electronic Display Screens (EDS), or Electronic Message Centers (EMC) shall be permitted in association with a Wall Sign.

(4) Within the Historic Overlay Districts.

- (a) No Wall Sign shall be located within the Historic Overlay Districts without the issuance of a Certificate of Appropriateness after recommendation from the Township's HARB and approval by the Township's Board of Supervisors.

C. Marquee Sign.

In addition to **§ 135-169, "General Regulations for All Zoning Districts,"** the following regulations shall apply to Marquee Signs:

(1) Number of Marquee Signs.

- (a) A business or institution may erect and maintain a Marquee Sign in the front of the business or institution per **§ 135-171, "Regulations for Number of Signs in Nonresidential Zoning Districts."**
- (b) A business or institution that faces or fronts an internal parking Lot shall consider the internal parking lot as the front.
- (c) A business or institution that faces or fronts an internal parking lot and a Street or way, and may be considered a Corner Lot, shall be permitted to have one (1) Marquee Sign facing each front; however, no more than two (2) Marquee Signs will be permitted as per **§ 135-171, "Regulations for Number of Signs in Nonresidential Zoning Districts."**

(2) Area, Lighting and Location of Marquee Signs.

- (a) The area of a Marquee Sign shall not exceed 20 square feet when located on a property that has Frontage on a Street or way that has a speed limit of thirty-five (35) mph or less. When the Sign is located on a property that has Frontage on a Street or way that has a speed limit in excess of 35 mph, the maximum square footage shall be thirty-two (32) square feet except when located in the Historic Overlay Districts; then it shall not exceed 20 square feet.
- (b) No Marquee Sign shall extend above the top of the wall upon which it is placed; extend beyond the left or right extremity of the wall to which it is attached; or, project more than 12 inches from the wall upon which it is mounted.
- (c) Any exterior light source that is incorporated into a Marquee Sign shall be shielded by opaque material so that the light source is not visible. Lighting shall be effectively shielded to prevent light and/or glare from interfering with traffic of motorists, pedestrians or bicyclists or causing a nuisance to neighboring and/or adjacent properties. External lighting may be provided with reflectors, a minimum of 10 feet above grade and equipped with wire mesh guards. No part shall extend more than two (2) feet from the wall of the Building.

(3) Miscellaneous

- (a) As a condition of the issuance of a permit for a Marquee Sign, the Township may impose such requirements as to the material, manner of Construction and method of erection as are reasonably necessary to assure the health, safety and welfare of the public.
- (b) Media Display Signs (MDS), Electronic Display Screens (EDS), Electronic Message Centers (EMC), Attraction Boards, Readerboards and/or Channel Letter Signs may be permitted in association with a Marquee Sign. Such Signs are subject to the following additional requirements:

[1] The Electronic Display Screen (EDS) portion of a Sign shall not be greater than 75 percent of the Sign face area.

[2] Message timing of an EDS Sign shall not be more than one (1) message per minute so as not to distract traffic.

[3] Electronic Message Center (EMC) Signs shall not exceed 32 square feet and shall conform to size limitations specified in **§ 135-172**.

[4] Message timing of an EMC Sign shall not be more than one (1) message per minute so as not to distract traffic.

[5] The Attraction Board, Readerboard and/or Channel Letter portion of a Sign shall not be greater than 50 percent of the Sign face area, and shall be no greater than 32 square feet in area, and shall conform to **§ 135-172**.

(4) Within the Historic Overlay Districts

(a) No Marquee Sign shall be located within the Historic Overlay Districts without the issuance of a Certificate of Appropriateness after recommendation from the Township's HARB and approval by the Township's Board of Supervisors.

(b) No Media Display Signs (MDS), Electronic Display Screens (EDS), Electronic Message Centers (EMC), Attraction Boards, Readerboards and/or Channel Letter Signs shall be permitted in the Historic Overlay Districts or within 500 feet of the Historic Overlay Districts.

D. Ground Sign.

In addition to **§ 135-169, "General Regulations for All Zoning Districts,"** the following regulations shall apply to Ground Signs:

(1) Number of Ground Signs.

(a) A business or institution may erect and maintain a Ground Sign in front of the business or institution per **§ 135-171, "Regulations for Number of Signs in Nonresidential Zoning Districts."**

(b) No individual business or Tenant in a Shopping Center that has more than two (2) individual businesses or Tenants shall have or erect its own individual Ground Sign as per **§ 135-171, "Regulations for Number of Signs in Nonresidential Zoning Districts."**

(2) Area, Height, Lighting, Location and Size of Ground Signs.

(a) The area of a Ground Sign shall not exceed 20 square feet when located on a property that has Frontage on a Street or way that has a speed limit of 35 mph or less. When the Sign is located on a property that has Frontage on a Street or way that has a speed limit in excess of 35 mph, the maximum square footage shall be 32 square feet, except when located in the Historic Overlay Districts; then it shall not exceed 20 square feet.

(b) A Ground Sign and all parts including braces and supports shall be located entirely within the Property Lines and shall not project over neighboring or adjoining properties.

(c) A Ground Sign shall be permitted between the Property Line and Building Setback lines, except where otherwise prohibited by **Article XXIII, "Signs."**

- (d) No portion of any Ground Sign shall be greater than eight (8) feet above grade level per **§ 135-169.A.(2) "Sign Area and Height Computation."**
- (e) A Ground Sign shall be located a minimum of five (5) feet from the legal Right-of-Way of any Street or way.
- (f) A Ground Sign shall not be located within any clear sight area for any Street or way.
- (g) Any exterior light source that is incorporated into a Ground Sign shall be shielded by opaque material so that the light source is not visible. Lighting shall be effectively shielded to prevent light and/or glare from interfering with traffic of motorists, pedestrians or bicyclists or causing a nuisance to neighboring and/or adjacent properties. External lighting may be provided with reflectors, a minimum of 10 feet above grade and equipped with wire mesh guards. No part may extend more than two (2) feet from the base area of the Ground Sign.

(3) Miscellaneous.

- (a) As a condition of the issuance of a permit for a Ground Sign, the Township may impose such requirements as to the material, manner of Construction and method of erection as are reasonably necessary to assure the health, safety and welfare of the public.
- (b) Ground Signs shall only advertise goods and services provided by the property Owner and/or Tenant(s) of the property on which the Sign is located.
- (c) Media Display Signs (MDS), Electronic Display Screens (EDS), Electronic Message Centers (EMC), Attraction Boards, Readerboards and/or Channel Letter Signs shall be permitted in association with a Ground Sign except in the Historic Overlay Districts or within 500 feet of the Historic Overlay Districts.
- (d) Ground Signs incorporating a Media Display Sign (MDS), Electronic Display Screen (EDS), Electronic Message Center (EMC) Attraction Board, Readerboard and/or Channel Letter Sign shall be permitted subject to the following additional requirements:
 - [1] The Electronic Display Screen (EDS) portion of the Sign shall not be greater than seventy-five (75) percent of the Sign face.
 - [2] Message timing of an EDS Sign shall not be more than one (1) message per minute so as not to distract traffic.
 - [3] Electronic Message Center (EMC) Signs shall not exceed thirty-two (32) square feet and shall conform to size limitations specified in **§ 135-172.E(3)(c)**.
 - [4] Message timing of an EMC shall not be more than one (1) message per minute so as not to distract traffic.
 - [5] The Attraction Board, Readerboard and/or Channel Letter portion of the Sign shall not be greater than 50 percent of the Sign face.

(4) Within the Historic Overlay District.

- (a) No Ground Sign shall be located within the Historic Overlay District without the issuance of a Certificate of Appropriateness upon recommendation from the Township's HARB and Approved by the Township's Board of Supervisors.

- (b) No portion of any base area or ground structural area of a Ground Sign shall be more than six (6) feet above grade level per **§ 135-169.A(2) "Sign Area and Height Computation."**
- (c) No Media Display Sign (MDS), Electronic Display Screen (EDS), Electronic Message Center (EMC), Attraction Board, Readerboard or Channel Letter Sign shall be permitted in the Historic Overlay District or within 500 feet of the Historic Overlay District.

E. Pole Sign.

In addition to **§ 135-169, "General Regulations for All Zoning Districts,"** the following regulations shall apply to Pole Signs:

(1) Number of Pole Signs.

- (a) A business or institution may erect and maintain a Pole Sign in the front of the business or institution per **§ 135-171, "Regulations for Number of Signs in Nonresidential Zoning Districts."**
- (b) No individual business or Tenant in a Shopping Center that has more than two (2) individual businesses or Tenants shall have or erect its own individual Pole Sign as per **§ 135-171, "Regulations for Number of Signs in Nonresidential Zoning Districts."**

(2) Area, Height, Lighting, Location and Size of Pole Signs.

- (a) The area of a Pole Sign shall not exceed 20 square feet when located on a property that has Frontage on a Street or way that has a speed limit of 35 mph or less. When the Sign is located on a property that has Frontage on a Street or way that has a speed limit in excess of 35 mph, the maximum square footage shall be 32 square feet except when located in the Historic Overlay District; then it shall not exceed 20 square feet.
- (b) A Pole Sign and all its parts including braces and supports shall be located entirely within the Property Lines and shall not project over neighboring or adjoining properties.
- (c) A Pole Sign may be permitted between the Property Line and Building Setback lines, except where otherwise prohibited by **Article XXIII, "Signs."**
- (d) A Pole Sign shall be located a minimum of five (5) feet from the legal Right-of-Way of any Street or way.
- (e) No portion of any Pole Sign shall be greater than 15 feet above grade level per **§ 135-169.A(2) "Sign Area and Height Computation."**
- (f) Any exterior light source that is incorporated into a Pole Sign shall be shielded by opaque material so that the light source is not visible. Lighting shall be effectively shielded to prevent light and/or glare from interfering with traffic of motorists, pedestrians or bicyclists or causing a nuisance to neighboring and/or adjacent properties. External lighting may be provided with reflectors, a minimum of 10 feet above grade and equipped with wire mesh guards. No part shall extend more than two (2) feet from the Pole Sign.

(3) Miscellaneous.

- (a) As a condition of the issuance of a permit for a Pole Sign, the Township may impose such requirements as to the material, manner of Construction and method of erection as are reasonably necessary to assure the health, safety and welfare of the public.
- (b) Pole Signs shall only advertise goods and services provided by the property Owner and/or Tenant(s) of the property on which the Sign is located.
- (c) A Media Display Sign (MDS), Electronic Display Screen (EDS), Electronic Message Center (EMC), Attraction Board, Readerboard and Channel Letter Sign shall be permitted in association with a Pole Sign, except in the Historic Overlay District or within 500 feet of the Historic Overlay District. Such Signs are subject to the following additional requirements:
 - [1] The Electronic Display Screen (EDS) portion of a Sign shall not be greater than 75 percent of the Sign face area.
 - [2] Message timing of an EDS Sign shall not be more than one (1) message per minute so as not to distract traffic.
 - [3] Electronic Message Center (EMC) Signs shall not exceed 32 square feet and shall conform to size limitations specified in **§ 135-172**.
 - [4] Message timing of an EMC Sign shall not be more than one (1) message per minute so as not to distract traffic.
- (4) The Attraction Board, Readerboard and/or Channel Letter portion of a Sign shall not be greater than 50 percent of the Sign face area, and shall be no greater than 32 square feet in area, and shall conform with **§ 135-172**.
- (5) Within the Historic Overlay District.
 - (a) No Pole Sign shall be located within the Historic Overlay District without the issuance of a Certificate of Appropriateness after recommendation by the Township's HARB and approval by the Township's Board of Supervisors.
 - (b) No portion of any Pole Sign shall be greater than 15 feet above grade level per **§ 135-169.A(2) "Sign Area and Height Computation."**
 - (c) No Media Display Sign (MDS), Electronic Display Screen (EDS), Electronic Message Center (EMC), Attraction Board, Readerboard and/or Channel Letter Sign shall be permitted in the Historic Overlay District or within 500 feet of the Historic Overlay Districts.

F. Temporary Sign.

In addition to **§ 135-169**, "**General Regulations for All Zoning Districts**," the following regulations shall apply to Temporary Signs:

- (1) Number of Temporary Signs.
 - (a) There shall be no more than two (2) Temporary Sign permits issued to a residence and four (4) Temporary Sign permits issued to a business or institution for its property within one (1) calendar year.
 - (b) Each permit shall be for less than 30 days and shall expire prior to the issuance of

another permit.

(2) Area, Height, Location and Size of Temporary Signs.

(a) Residential Districts.

- [1] Temporary Signs shall not exceed four (4) square feet in gross surface area for each exposed face with a total gross surface area of no more than eight (8) square feet.
- [2] Temporary Signs shall be located in the Front Yard within 10 feet of a Street or way.
- [3] Temporary Signs shall not project higher than four (4) feet.

(b) Nonresidential Districts.

- [1] Temporary Signs shall not exceed 10 square feet in gross surface area for each exposed face.
- [2] Temporary Signs shall be located in the Front Yard within 10 feet of a Street or way.
- [3] Temporary Signs shall not project higher than six (6) feet.

(c) Miscellaneous.

- (1) As a condition of the issuance of a permit for a Temporary Sign, the Township may impose such requirements as to the material, manner of Construction and method of erection as are reasonably necessary to assure the health, safety and welfare of the public.

(d) Within the Historic Overlay District.

- (1) No Temporary Sign shall be located within the Historic Overlay Districts without the issuance of a Certificate of Appropriateness after recommendation by the Township's HARB and approval by the Township's Board of Supervisors.
- (2) Temporary Signs shall not exceed four (4) square feet in gross surface area for each exposed face with a total gross surface area of no more than eight (8) square feet.
- (3) Temporary Signs shall be located in the Front Yard within 10 feet of a Street or way.
- (4) Temporary Signs shall not project higher than four (4) feet.

G. Billboard Sign.

In addition to § 135-169, "General Regulations for All Zoning Districts," and § 135-171, "Regulations for Number of Signs in Nonresidential Zoning Districts," the following regulations shall apply to a Billboard Sign:

- (1) A Billboard Sign shall not be permitted except within the B-1 and PBC-1 zoning districts as a Special Exception granted by the Township's Zoning Hearing Board. Any Special Exception granted shall meet the following criteria:
 - (a) One (1) Billboard Sign may be constructed, erected or maintained on any Lot and shall

be the sole principal use for that Lot.

- (b) A Billboard Sign shall be oriented toward a Street or way upon which the Billboard Sign fronts or faces to minimize the impact upon neighboring or adjoining properties.
 - (c) No Billboard Sign shall obstruct the view of motorists on adjoining Streets or ways or the view of neighboring or adjoining properties.
 - (d) A Billboard Sign shall be stationary, and when using digital technology shall produce static images that may be changeable via a computer but shall not scroll, flash, twinkle, feature moving pictures, moving images or have mechanical or animated movement.
 - (e) Any exterior light source that is incorporated into a Billboard Sign shall be shielded by opaque material so that the light source is not visible. Lighting shall be effectively shielded to prevent light and/or glare from interfering with traffic of motorists, pedestrians or bicyclists or causing a nuisance to neighboring or adjacent properties. External lighting shall be provided with reflectors. An illuminated and/or digital Billboard Sign shall be turned off between 10:00 PM and 6:00 AM.
 - (f) Only one (1) advertisement display or message may appear on a Billboard Sign at any one (1) time.
 - (g) Changes from one (1) advertisement or display or from one (1) message to another (cycle) shall be an instantaneous transition and may occur no more frequently than every 10 minutes.
 - (h) An application for a Billboard Sign shall adhere to **§ 135-175., "Zoning Permits for Signs,"** and include a fully-engineered site Plan and meet all applicable requirements set forth in the Chadds Ford Township Zoning Ordinance, Chapter 135, as amended. A Billboard Sign shall be no greater than three hundred (300) square feet and shall be accompanied by certification, under seal and signature by a professional engineer registered in the Commonwealth of Pennsylvania. A Billboard Sign shall meet all Construction standards as set forth in the Township's building codes and shall not present a hazard to safety, health or welfare.
 - (i) Bond or other security acceptable to the Township, in the form and amount satisfactory to the Township, shall be posted with the Township to ensure that the Billboard will be properly removed after the termination of use for a period of one (1) year.
- (2) A Billboard Sign shall be constructed in accordance with all applicable Township and Commonwealth of Pennsylvania codes. In addition:
- (a) A minimum Setback equal to 150 percent of the height of the Billboard Sign shall be provided on all four (4) sides (Front, Rear and Side Yards). The Setback Area shall be free from all other Buildings, Structures and improvements except those demonstrated to be necessary for the operation, maintenance or security of the Billboard Sign.
 - (b) The maximum height of the highest point of the Billboard Sign, including its support Structure, shall not exceed 35 feet as measured from the base of the Sign or grade of the nearest adjacent roadway, whichever is higher in grade.
 - (c) A Billboard Sign shall have no more than one (1) Sign face, which shall not exceed

300 square feet. The back of every Billboard Sign shall be finished and painted a uniform color, and the type and nature of the finishing shall be Approved by the Zoning Hearing Board.

- (d) No Billboard Sign shall be erected within 1,000 feet of any other Billboard Sign as measured between the closest points of each Sign, including the support Structures. This placement requirement applies whether the existing Sign is located in Chadds Ford Township or in an adjacent Township or municipality.
 - (e) No Billboard Sign shall be located within 500 feet of any Street intersection as measured horizontally in all directions from the nearest edge of the Billboard Sign face.
 - (f) No Billboard Sign shall be located within 1,000 feet of any residential or Historic Overlay Districts as measured horizontally in all directions from the nearest edge of the Billboard Sign face.
 - (g) No Billboard Sign shall be constructed or erected within the clear sight triangle of any Street or way or commercial driveway and shall not in any manner obstruct or impede traffic safety including ingress and egress.
 - (h) A Billboard Sign face shall be independently supported and have vertical supports of metal that are galvanize or otherwise treated to prevent rust and other corrosion.
 - (i) One (1) vertical support shall be capable of enabling the entire Billboard Sign to be able to withstand the effects of wind gusts of at least 100 miles per hour or wind loading as specified by the applicable building code, whichever is more restrictive.
 - (j) The entire base of the Billboard Sign Structure shall be permanently landscaped with evergreen bushes placed in such a manner as to screen the foundation of the Structure. A Landscape Plan shall be submitted for review and approval by the Township Zoning Officer prior to the issuance of the required permits. The Owner shall maintain said landscaping in accordance with accepted conservation practices and shall replace any dead or diseased plants promptly. Landscaping shall form a base and backdrop to the Billboard Sign whenever practical and/or necessary.
 - (k) No bare cuts are permitted on a hillside, and all cuts or fills are to be permanently seeded, planted and maintained.
 - (l) Billboard Signs shall not exceed 300 square feet.
- (3) Maintenance of a Billboard Sign.
- (a) All properties upon which a Billboard Sign is erected shall be regularly maintained to avoid such nuisances as weeds, litter or disrepair.
 - (b) The Billboard Sign Structure shall be entirely repainted at least every five (5) years or as directed by the Township Zoning Officer if the Structure appears to require such maintenance within five (5) years.
 - (c) Every five (5) years, or as directed by the Township Zoning Officer if the Structure appears to require such maintenance in less than five (5) years, the Owner of a Billboard Sign shall have a structural inspection by a qualified structural engineer, registered with the Commonwealth of Pennsylvania, and shall provide to the Township's Zoning Officer a certificate from the engineer certifying that the Billboard

Sign Structure is structurally sound.

- (d) Annual inspections of a Billboard Sign shall be conducted by the Township's Zoning Officer to determine compliance, and a Billboard Sign found to be in violation shall be brought into compliance within 30 days of receipt of written notice or order.
- (e) Any abandoned Billboard Sign shall be removed within 30 days of receipt of written notice or order. If the Owner of the Billboard Sign fails to remove an abandoned Billboard Sign within 30 days of receipt of written notice or order, then the Township Zoning Officer shall direct the removal of the Billboard Sign by a contractor, and the costs associated with the removal of the Sign shall be borne by the Owner of the Billboard Sign and shall result in a lien upon the property on which the Billboard Sign is located.
- (f) The Owner of the property on which a Billboard Sign is located as well as the Owner of the Billboard Sign shall acknowledge and agree to abide by the aforementioned provisions set forth in **Article XXIII, "Signs" and § 135-172.G.**

H. Real Estate Development Sign for a Subdivision.

In addition to **§ 135-169., "General Regulations for All Zoning Districts,"** the following regulations shall apply to real estate development Signs for a Subdivision:

- (1) Number of real estate development Signs.
 - (a) On any given Street or way, there shall be only one (1) Real Estate Sign per Subdivision. If the Subdivision has an ingress or egress to more than one (1) Street or way, the Subdivision may have one (1) Sign for each entrance to the Street or way.
 - (b) Real Estate Signs shall be limited to those Subdivisions where at least two (2) Lots are for sale.
- (2) Area, Height, Location and Size of Real Estate Signs.
 - (a) The area of a Real Estate Sign shall not exceed 20 square feet when located on a property that has Frontage on a Public Street or way that has a speed limit of 35 mph or less. When the Sign is located on a property that has Frontage on a Street or way that has a speed limit in excess of 35 mph, the maximum square footage shall be 32 square feet except when located in the Historic Overlay District; then it shall not exceed 20 square feet.
 - (b) Real estate development Signs shall be located on or in the Subdivision and can be constructed or erected only after a recorded copy of the Final Plan has been provided to the Township.
 - (c) Real estate development Signs shall conform to relevant Setback line requirements for the zoning district in which they are located.
 - (d) The maximum height of a real estate development Sign shall be no greater than 15 feet.
- (3) Miscellaneous.
 - (a) As a condition of the issuance of a permit for a real estate development Sign, the Township may impose such requirements as to the material, manner of Construction

and method of erection as are reasonably necessary to assure the health, safety and welfare of the public.

(b) Media Display Signs (MDS), Electronic Display Screens (EDS), Electronic Message Centers (EMC), or other similar technology and Attraction Boards, Readerboards add/or Channel Letter Signs shall not be permitted in association with a real estate development Sign.

(c) Artificial illumination of a real estate development Sign is prohibited.

(4) Within the Historic Overlay District.

(a) No real estate development Sign shall be located within the Historic Overlay District without the issuance of a Certificate of Appropriateness after recommendation by the Township's HARB and approval by the Township's Board of Supervisors.

§ 135-173. Nonconforming Signs.

A. A Nonconforming Sign shall be removed or repaired within 30 days of the date of written notice of violation whenever:

(1) It is not firmly attached to the ground or some part of the Sign is in disrepair and/or creates a hazard to the health, safety or welfare of the public.

(2) If more than 25 percent of the Sign is damaged/deteriorated as determined by the Township Zoning Officer.

B. In the event a Nonconforming Sign is removed for repairs or repainting, the Owner of the Sign shall notify the Township in writing prior to removal for repair. The repaired Sign shall be identical in area, size, height, location and design.

C. A Building or institution that has a nonconforming Front Yard may affix a Sign to the front of the Building even if the front of the Building is closer than 10 feet to the Street or way. The Sign affixed to the front of the Building shall be a Wall Sign only. When located on a property that has Frontage on a Street or way that has a speed limit of 35 mph or less, the maximum square footage shall be 20 square feet. When the Sign is located on a property that has Frontage on a Street or way that has a speed limit in excess of thirty-five (35) mph, the maximum square footage shall be 32 square feet except when located in the Historic Overlay Districts; then it shall not exceed 20 square feet.

D. All nonconforming Temporary Signs shall be permanently removed within 30 days

of the effective date of this article unless specific approval is granted as provided herein.

§ 135-174. Appointment and Duties of the Township Zoning Officer.

A. The Township Zoning Officer and/or any other officer designated to assist the Township Zoning Officer shall be given the powers to enforce the provisions of **Article XXIII, "Signs."** The term *Township Zoning Officer* shall include any officer designated by the Board of Supervisors of Chadds Ford Township to assist the Township Zoning Officer in the enforcement and administration of these regulations.

(1) Duties of the Township Zoning Officer.

(a) The Township Zoning Officer shall examine all applications for permits to erect Signs

and shall issue permits for all Signs that conform to the requirements of **Article XXIII, "Signs."**

- (b) If the Township Zoning Officer finds that any Sign has been constructed, erected, moved, painted or structurally altered in violation of the provisions of **Article XXIII, "Signs,"** the Township Zoning Officer shall promptly notify the Owner or lessor of the Sign in writing. If the Owner or lessor fails to remove or alter the Sign to comply with the provisions of **Article XXIII, "Signs,"** within 30 days of receipt of written notification, the Township Zoning Officer may file a violation notice with the District Court.
- (c) If the Township Zoning Officer finds any Sign that creates an immediate hazard to the health, safety or welfare of the public, he/she shall be empowered to order the Sign removed immediately by verbal and/or written notification. If the Owner or lessor of the Sign fails to remove the Sign immediately, the Township Zoning Officer shall direct the removal of the Sign by a contractor, and the costs associated with the removal of the Sign shall be borne by the Owner or lessor of the Sign and may constitute a lien upon the property.

§ 135-175. Zoning Permits for Signs.

A. General Provisions for all Signs.

- (1) No Sign shall hereafter be constructed, erected, moved, painted or structurally altered until a zoning permit application has been made and Approved by the Township Zoning Officer. Said permit or permits shall be issued only when the Township Zoning Officer is satisfied that such Sign will comply with all the applicable provisions of **Article XXIII, "Signs."**
- (2) A Sign permit application shall be made on a form provided by Chadds Ford Township (Zoning Permit Application form). The Applicant should refer to the current Township Fee Schedule to determine the applicable fee.
- (3) After the work has been completed in accordance with the provisions of the permit, the Owner or lessor of the Sign shall notify the Township Zoning Officer and the Township Zoning Officer shall conduct an inspection. If the Sign does not violate any provisions of **Article XXIII, "Signs"** or other applicable ordinances, Resolutions or parts thereof, the permit shall be validated by the signature of the Township Zoning Officer.
- (4) All Signs erected, altered or used within any Chadds Ford Township Historic Overlay Districts require a Certificate of Appropriateness from the Chadds Ford Township Board of Supervisors after recommendation by the Township's Historic and Architectural Review Board (HARB).

§ 135-176. Violations.

Violations of **Article XXIII, "Signs,"** shall be considered violations of **Chapter 135, "Zoning,"** and penalties shall be the same.

§ 135-177. (Reserved).

Article XXIV. Off-Street Parking and Loading.

§ 135-178. Required off-street parking.

- A. Unless specified otherwise in another article of this chapter, all off-street Parking Spaces shall be provided and satisfactorily maintained in accordance with the following provisions for each Building or use which, after the effective date of this chapter, is established, erected, enlarged, or altered for any of the following purposes or uses in any district. For uses not specifically listed, the requirements for the most similar use listed shall be followed.
- B. The required Parking Spaces set forth below shall be considered to be minimum standards. Additional spaces may be required if the Board of Supervisors finds that conditions warrant the increase in Parking Spaces for certain uses or activities.

Use	Off-Street Parking Space Required
Agricultural Uses	
Agriculture	One (1) for each full-time Employee
Residential Uses	
All types of Dwelling Units	Two (2) for every Dwelling Unit
Home Professional Offices	Two (2) for every Dwelling Unit, plus one (1) for every 100 square feet of space used for the office
Assisted Living Facility	One-half (1/2) for each living and/or residential unit, plus one (1) space for each Employee on the shift of greatest employment
Public or Private Recreational Uses	
Private Clubs, Lodges	One (1) for every 100 square feet of Floor Area available to patrons
Golf course	Five (5) for each hole, plus Club requirement as listed above
Golf driving range	Two (2) for each tee
Miniature golf	One (1) for each hole
Bowling alley	Five (5) for each lane
Gymnasium, stadium	One (1) for every four (4) seats
Public swimming pool	One (1) for every 12 square feet of water surface, or one (1) for every five (5) persons for whom dressing facilities are provided (whichever is greater)
Outdoor active recreation	One (1) for every 1,500 square feet of area

Use	Off-Street Parking Space Required
Indoor commercial recreation	One (1) for every 150 square feet of Gross Floor Area devoted to such use
Governmental, Institutional and Educational Uses	
Places of public or private assembly, including churches, auditoriums, theaters, and assembly halls	One (1) for every four (4) permanent or temporary seats, plus one (1) for every 100 square feet of meeting room area
Club, Lodge	One (1) for every 50 square feet of assembly area, or one (1) for every five (5) persons of total capacity (whichever is greater)
Community Center, library, museum	One (1) for every 250 square feet of Floor Area in public use
Hospital, sanitarium	One (1) for each bed, plus one (1) for each Employee on the shift of greatest employment
Convalescent home, nursing home	One-half (1/2) for each bed, plus one (1) for each Employee on the shift of greatest employment
Private kindergarten, or child institutional home	One (1) for each adult attendant, plus one for every 500 square feet of Gross Floor Area
Schools	One (1) for each faculty member and other full-time Employee, plus two (2) for each classroom, plus one (1) for every 12 students aged 16 years or older
Dormitory	One (1) for every three (3) residents
Retail, Commercial and Other Business Uses	
Retail store or shop	One (1) for every 100 square feet of Gross sales Floor Area or area serving customers
Department store or supermarket	One (1) for every 75 square feet of store sales Floor Area or other area serving customers
Personal service businesses such as barbershops, photo shops, tailors, beauticians, shoe repair and the like	One (1) for every 100 square feet of Gross Floor Area
Restaurant without drive-through service, cafeteria, tavern or café	One (1) space for each Employee on the shift of greatest employment,

Use	Off-Street Parking Space Required
	plus two (2) spaces for every 100 square feet of Gross Floor Area, plus Valet Parking or one (1) space for every 200 square feet of Outdoor Dining Area
Restaurant with drive-through service	One (1) for every 65 square feet, plus one (1) for each Employee on the shift of greatest employment
Self-service laundromat	One (1) for every 50 square feet of Gross Floor Area
Automobile service and repair	Four (4) for each bay, or one (1) for every 200 square feet of floor and ground area devoted to service and repair (whichever is greater), plus one (1) for each Employee on the shift of greatest employment
New and used automobile sales and service agency	One (1) for every 200 square feet of floor and ground area devoted to sales, service and repair, plus one (1) for each Employee on the shift of greatest employment
Banks, credit unions and the like	One (1) for every 75 square feet of Floor Area for serving customers
Medical or dental offices and clinics	Six (6) for each Practitioner
Funeral Home	One (1) for every four (4) seats for patron use, or one (1) for every 50 square feet of Gross Floor Area, whichever is greater
Professional Offices and businesses	One (1) for every 250 square feet of Gross Floor Area
Other Office Building	One (1) for every 200 square feet of floor space in office use, but in no case less than two (2) for each Tenant
Shopping Center	For centers having a gross leasable area from 25,000 to 400,000 square feet: four (4) for every 1,000 square feet of gross leasable area
	For centers having a gross leasable area from 400,000 to 600,000 square feet: four and one-half (4½) for every 1,000 square feet of gross leasable area

Use	Off-Street Parking Space Required
	For centers having a gross leasable area of greater than 600,000 square feet: five (5) for every 1,000 square feet of gross leasable area
Movie Theater	One (1) for every four (4) seats, plus one (1) for every Employee on the shift of greatest employment
Hotel or Motel	One and one-fifth (1 1/5) for each rental room or suite, plus one (1) for every three (3) seats in Restaurants or meeting rooms
Bed-and- Breakfast Inn	One (1) for each rental room, plus one (1) for each innkeeper, plus one (1) for each Employee on the shift of greatest employment
Temporary Use where Christmas trees, flowers, produce or other goods are sold	10 minimum, plus any additional spaces as determined by the Code Enforcement Officer after personally observing traffic conditions at such locations
Marijuana Dispensary Facility or Vape Shop	One (1) for each Employee on the shift of greatest employment, plus one (1) for every 250 square feet of Gross Floor Area; provided, however, that at least 30 Parking Spaces and at least two (2) handicapped Parking Spaces shall be designated.
Industrial and Other Related Uses	
Industrial and other related uses	One (1) for each Employee on the shift of greatest employment, or one (1) for every 500 square feet of Gross Floor Area (whichever is greater), plus one (1) for each company vehicle

C. For Buildings or uses other than those specified above, determination of the appropriate Parking Space requirements shall be made by the Board of Supervisors consistent with the standards set forth herein for similar Buildings or uses.

§ 135-179. General regulations for off-street parking.

A. Existing parking. Structures and uses in existence at the date of adoption of this chapter shall not be subject to the requirements of this article, provided that the type or extent of use is not changed, and further provided that any parking facility now serving Structures or uses

shall not be reduced in the future below such requirements.

- B. Changes in use. Whenever a Structure is altered or a use is changed or extended that increases its parking requirements, then the total additional parking required for the Alteration, change or extension shall be provided in accordance with the requirements of **§ 135-178**.
- C. Conflict with other uses. No parking area shall be used for any purpose that interferes with its availability for the parking need it is required to serve.
- D. Continuing character of obligation. All required Parking Spaces shall be provided and maintained as long as the use exists that the facilities were designed to serve. The total number of off-street Parking Spaces shall not be reduced except when such reduction is in conformity with the requirements of this article.
- E. Location of Parking Spaces. Required off-street Parking Spaces shall be on the same Lot as the Principal Permitted Use served unless otherwise permitted in this article. In the case of a Lot with common parking areas for two (2) or more uses, sufficient parking per **§ 135-178** shall be provided in the immediate vicinity of each use. In the CC District, Remote Parking may be permitted by the Board of Supervisors subject to **§ 135-115.D(4)b**.
- F. Fractional spaces. When the computation of required Parking Spaces results in a fractional number, a fraction of one-half (1/2) or more shall be counted as one (1).
- G. Maintenance of parking areas. All parking areas, loading areas, and driveways shall be graded and surfaced with asphalt or other suitable materials to prevent dust and erosion. Such areas shall also be drained in conformance with municipal standards to prevent excessive water flow onto Streets or adjoining property. All Parking Spaces and parking areas shall be clearly line-stripped and properly maintained.
- H. Lighting. All artificial lighting used to illuminate any parking area shall be arranged to prevent glare on adjoining properties and shielded to ensure that the source of the light will not be visible beyond the boundaries of the property in order to minimize disturbance to motorists, pedestrians or adjoining properties and uses. Lighting design shall be in accordance with such standards as set forth in Chapter 110, Subdivision and Land Development.
- I. Persons with disability placard. When more than five (5) Parking Spaces are required under this chapter, Reserved Parking Spaces for persons with disability placards shall be located as close as possible to the main entrance of the Building. Said spaces shall be considered as part of the required spaces and shall be appropriately marked with Signs to designate this use. The number of spaces designated for persons with a disability placard, along with stall size, signage, striping and pavement gradient shall be in accordance with the latest version of the Americans with Disabilities Act (ADA).
- J. No off-street parking or loading and unloading facilities shall be located within 20 feet of the Street Line, unless otherwise provided in other sections of this chapter.
- K. Shared Parking. A common parking area may provide the required parking for two (2) or more uses. The required number of spaces may be reduced if peak parking periods for the uses differ and a lower total will provide adequately for all uses served by the facility. Shared Parking is permitted under the following conditions:

- (1) Approval for Shared Parking shall be granted by Conditional Use by the Board of Supervisors.
 - (2) The uses subject to Shared Parking shall be either part of a single Lot, such as a business park or office park, or the uses shall be on Lots that are physically adjacent to each other, with Easements or agreements that allow for Shared Driveways and Shared Parking.
 - (3) Owners or Applicants for any use proposing Shared Parking shall provide written agreements, in a form acceptable to the Township, outlining the terms of the Shared Parking arrangement.
 - (4) When Shared Parking is used, sufficient area shall be set aside for the remainder of the required spaces.
 - (5) The Shared Parking calculations shall not include any residential uses on the site.
 - (6) Calculations for Shared Parking shall be based on methodologies outlined in the latest version of the Urban Land Institute's *Shared Parking* report.
- L. Reserve Parking. If the number of spaces required in § 135-178. is substantially larger than the number of spaces anticipated by the Applicant, the Applicant may hold a portion of the parking in reserve to avoid unnecessary paving while maintaining adequate area for future parking needs under the following conditions:
- (1) No more than 25 percent of the total parking required in § 135-178. may be held in reserve.
 - (2) All stormwater management facilities shall be designed based on the total parking required in § 135-178. Stormwater management calculations shall include the Reserve Parking area as Impervious Surface.
 - (3) Enough area shall be reserved for the balance of the total number of spaces required in § 135-178. The Applicant is responsible for the Construction of the reserved spaces if and when deemed necessary by the Board of Supervisors. The Applicant and the Township shall enter into an escrow agreement that shall describe how and when the Board of Supervisors determine the spaces need to be constructed.
 - (4) The Applicant shall provide evidence supporting a reduction in parking needs.

§ 135-180. Parking area design standards.

Parking design standards shall be as follows:

- A. Parking stall size and configuration shall conform to the following standards except those designated for handicapped use, which shall be designed as required by the Americans with Disabilities Act (ADA). All parking areas and parking Lots shall be engineered in accordance with the following:
- (1) Required Parking Spaces within a parking lot shall have an area of at least 162 square feet (9 feet by 18 feet) to which there is adequate access from a Street. Stall Depth for angled parking shall be measured on the angle. Stall Depth for parallel parking shall be 22 feet.
 - (2) The minimum dimensions of parking aisles shall be as follows:

- (a) Aisles providing access to stalls for two-way traffic shall be a minimum of 24 feet in width and a maximum of 36 feet in width.
- (b) Minimum width of aisles providing access to stalls for one-way traffic only, varying with the angle of the parking, shall be:

Angle of Parking	Minimum Aisle Width (feet)
Parallel	12
30°	12
45°	15
60°	19
90°	22

- B. Outdoor Parking Spaces and the approaches thereto shall be paved to at least a depth of four (4) inches of Approved paving material and no Certificates of Occupancy shall be issued until the facilities required by this chapter are completed.
- C. All parking areas in nonresidential zoning districts shall be designed so that vehicles cannot back directly into a Public Street.
- D. All parking shall be accessible from a Street or driveway.

§ 135-181. Design and layout of off-street loading facilities.

- A. In addition to the off-street Parking Space required in this article, any Building erected, converted and/or enlarged for any nonresidential use shall provide off-street areas for loading and unloading and Commercial Vehicle Parking Space adequate for their needs.
- B. The loading space shall be at least 50 feet in depth and at least 12 feet in width, with an overhead clearance of 15 feet, exclusive of drives and maneuvering space, and located entirely on the Lot being served. Any overhead canopy shall extend a minimum of four (4) feet beyond a loading dock.
- C. All loading space shall have adequate access from a Street or way that does not block or interfere with the required parking as specified in § 135-178. This required space shall be provided in addition to established requirements for patron and Employee parking.
- D. In no case shall the public Rights-of-Way be used for loading or unloading of materials. Furthermore, no loading dock or space shall be located or arranged in such a way that it is necessary to back any vehicle into or off any public Right-of-Way, nor require the use of any public Right-of-Way for maneuvering space.
- E. All accessory driveways and entrance ways shall be graded, paved, and drained to Township standards, to the extent necessary to prevent nuisance of dust, erosion, or excessive water flow across Streets and adjoining properties.

- F. All off-street loading berths shall be provided on either the side or rear of the Lot. In no case shall off-street loading berths be provided in the front of the Lot.
- G. Such facilities shall be designed and used in such a manner as to at no time constitute a nuisance, a hazard, or an impediment to traffic.

§ 135-182. Access for off-street parking and loading areas.

- A. Access to and from all off-street parking, loading, and vehicle service areas along public Rights-of-Way shall consist of well-defined separate or common entrances and exits and shall comply with the following provisions:
 - (1) Access drives shall not open upon any public Right-of-Way within 150 feet of the nearest Right-of-Way line of any intersecting Public Street.
 - (2) The required Sight Distance for access drives that open upon any Street shall be in accordance with the regulations of the Pennsylvania Department of Transportation.

§ 135-183. Screening and landscaping.

All screening and landscaping shall conform to the provisions of **§ 135-185.** and the following:

- A. Screening shall be provided between any parking area and the Street Line and shall be effective at the time of Occupancy, subject to the following provisions:
 - (1) All off-street parking areas that provide more than five (5) Parking Spaces shall be screened from any abutting property of a more restrictive zoning district. All off-street parking areas that provide more than 10 Parking Spaces shall be screened from any abutting property regardless of Zoning District. For the purposes of this chapter, the districts shall be considered to be restrictive in the following order, listed from most restrictive to least restrictive: MC, R-1, R-2, PRD, R-MA, POC, PBC, PBC-1, LI, LI-1, B, and B-1.
 - (2) Effective screens may be accomplished through the use of the following: plant materials, fencing or walls, and/or mounding through the use of earthen Berms combined with evergreen plantings forming a Continuous Visual Buffer.
 - (3) The area for planting, fencing, walls or earthen Berms shall not extend within the Street Right-of-Way.
 - (4) When planting screens are employed, the following shall apply:
 - (a) A Buffer Planting Strip shall be provided in accordance with **Article XXV.** It shall be a minimum of 15 feet in width unless required otherwise in this chapter.
 - (b) At all intersections of accessways, the required screening shall not be greater than 24 inches in height for a distance of 15 feet from the Street Line, provided that this distance may be increased to avoid blocking the Sight Distance to or from a Lot.
 - (5) Whenever fencing or walls are employed, the effective height of the Continuous Visual Buffer shall be no less than six (6) or more than eight (8) feet in height, subject to other regulations of the Code of Chadds Ford Township.
 - (6) Whenever earthen Berms, combined with evergreen plantings, are employed, the effective height of the Continuous Visual Buffer shall be no less than six (6) feet in height.

- (7) All off-street parking located adjacent to Street Frontage shall comply with the screening standards in § 135-184.
- B. Landscaping within any parking area that provides more than five (5) Parking Spaces shall be subject to the following provisions:
- (1) Off-street parking areas and parking lots shall be landscaped to reduce wind and air turbulence, heat and Noise, and the glare of automobile lights; to reduce the level of carbon dioxide; to provide shade; to ameliorate stormwater drainage problems; to replenish the groundwater table; and to provide for a more attractive setting.
 - (2) Each parking lot shall have at least one (1) shade tree for every five (5) Parking Spaces. When planting trees to achieve this minimum, three to three and one-half-inch Caliper (3" to 3½") shade trees shall be used. The Township encourages the use of shrubs, ground covers and other plant materials to complement the trees, but they shall not be the sole contribution to the landscaping.
 - (3) The type of plant materials to be used shall be subject to review and approval by the Board of Supervisors.
 - (4) The landscaping and planting areas shall be reasonably dispersed throughout the parking lot, except where there are 20 or more Parking Spaces, in which case the following shall apply:
 - (a) Landscaped "islands" shall be provided at the end of each parking bay. Such islands shall be a minimum of eight (8) feet in width and 18 feet in length. Such islands shall be provided to enhance the appearance of the parking area and to control access and movement within the parking area.
 - (5) All planting islands and planting beds within a parking lot shall be surfaced with ground covers and/or dwarf shrubs and shall not be grassed. Any bare areas shall be mulched. Stone mulch may be used in conjunction with shrubs and groundcovers, and shredded hardwood mulch shall only be used to form the plant saucers.
 - (6) Island plantings shall not interfere with Sight Distance and visibility in parking areas.
 - (7) Landscaped parking islands shall be crowned to promote visual interest and better drainage, unless such areas will be used to accommodate stormwater management facilities.

§ 135-184. Highway Frontage Development.

- A. In order to encourage the sound Development of Highway Frontage and to minimize traffic congestion and hazard, the following special provisions shall apply to any Development with Frontage along a roadway that is classified as an Arterial Highway by the Pennsylvania Department of Transportation:
- (1) All areas for off-street parking, off-street loading and unloading, and the storage or movement of motor vehicles shall be physically separated from the Highway or Street by a raised curb, Buffer Planting Strip, fence, wall, Berm, or other suitable barrier against unchanneled motor vehicle entrance or exit, except for necessary accessways or access Roads that provide ingress to and egress from such parking, loading or storage area. All parking areas or lots shall be designed to prohibit vehicles from backing out on the Street, and the capacity of each lot shall provide adequate storage area and distribution facilities

upon the lot to prevent backup of vehicles on a Public Street while awaiting entry to the lot.

- (2) In the case of a Shopping Center, office complex, group of Multi-Family Dwellings or similar grouping or Buildings on a Lot, and in any other multi-building Development in the nonresidential zoning districts:
 - (a) All points of vehicular access to and from a Public Street shall be located not less than 150 feet from the intersection of any Public Street Lines; provided, however, that such a point of vehicular access, which, in effect, converts a "T" intersection into an intersection of two (2) Streets that cross one another, shall be permitted.
 - (b) Provision shall be made for safe and efficient ingress and egress to and from Public Streets serving the unified Development, without undue congestion to or interference with normal traffic flow within the Township.
 - (c) All Streets and accessways shall conform to the design standards of Chapter 110, Subdivision and Land Development. Provisions shall be made for adequate signalization, turn, standby and deceleration lanes, and similar facilities where desirable.
 - (d) All driveways, aisles, maneuvering spaces, vehicular service areas or spaces between or about Buildings, other than those related to a Dwelling, shall be adequately illuminated during night hours of use at no cost to the Township.
 - (e) Direct vehicular access shall be strongly discouraged onto any Collector Street or Arterial Highway and Reverse Frontage shall be encouraged.
 - (f) All traffic controls shall be in accordance with Chapter 110, Subdivision and Land Development.
- (3) All off-street parking abutting Wilmington-West Chester Pike or the southbound portion of Baltimore Pike to the east of Brandywine Drive shall have a Pier-Fence-Hedge combination installed and maintained along the street edge in order to screen the off-street parking located adjacent to the Highway. A Pier-Fence-Hedge combination shall comply with the following design standards:
 - (a) A Pier-Fence-Hedge combination, consisting of stone/masonry piers, black steel/aluminum fence, and evergreen shrubs shall be located one (1) foot outside of the Right-of-Way of the Street. If there is an existing or proposed sidewalk, the Pier-Fence-Hedge combination shall be located adjacent to the sidewalk on the Building side, subject to the review and approval by the Township Engineer and subject to the review of utility companies.
 - (b) The stone/masonry pier shall be 42" in height and 24" x 24" in dimension with a flagstone or masonry cap.
 - (c) The black steel or aluminum fence shall be 36" in height, and shall be installed and maintained between the Piers of the Pier-Fence Hedge combination.
 - (d) The evergreen shrubs shall be a height of 18" to 24", planted on three (3) foot centers, and shall be installed and maintained on the Street side of the fencing for the Pier-Fence-Hedge combination.

ARTICLE XXV. BUFFER AREAS AND LANDSCAPING.

§ 135-185. Buffer Area, and Buffer Planting Strip standards.

- A. Buffer Areas, as defined in Article II and required in various districts, shall be adjacent to a property boundary.
- B. Buffer Areas shall be landscaped and maintained in accordance with **§ 135-186.** with a Buffer Planting Strip that forms a Continuous Visual Buffer. In the event the Buffer Planting Strip does not provide a Continuous Visual Buffer due to Lot topography and visibility conditions, the required plantings shall be placed upon a Berm to enhance their effectiveness. Buffer Areas, Buffer Planting Strips, and Berms shall comply with the following:

<u>District</u>	<u>Buffer Area Requirement</u>	<u>Buffer Planting Strip Requirement</u>	<u>Berm Requirement</u>
(1) R-1	-	-	-
(2) R-2	-	-	-
(3) R-MA	X 100 feet wide abutting R-1 or R-2 30 feet wide abutting all districts other than R-1 and R-2	30 feet wide abutting R- 1 or R-2 15 feet wide abutting all districts other than R-1 and R-2	-
(4) B	X 40 feet wide	X 30 feet wide	-
(5) B-1	X 40 feet wide	X 30 feet wide	-
(6) PBC	X 40 feet wide abutting residential 30 feet wide abutting nonresidential	X 30 feet wide abutting residential 20 feet wide abutting nonresidential	-
(7) PBC-1	X 40 feet wide abutting residential 30 feet wide abutting nonresidential	X 30 feet wide abutting residential 20 feet wide abutting nonresidential	-
(8) POC	X 40 feet wide abutting residential 30 feet wide abutting nonresidential	X 30 feet wide abutting residential 20 feet wide abutting nonresidential	-

(9) LI	X 85 feet wide abutting residential 60 feet wide abutting nonresidential	X 75 feet wide abutting residential 50 feet wide abutting nonresidential	-
(10) LI-1	X 85 feet wide abutting residential 60 feet wide abutting nonresidential	X 75 feet wide abutting residential 50 feet wide abutting nonresidential	-
(11) CC	35 feet wide	25 feet wide	
(12) MC	X 35 feet wide	X 25 feet wide	-
(13) Historic Overlay District	X 40 feet wide abutting residential 30 feet wide abutting nonresidential	X 30 feet wide abutting residential 20 feet wide abutting nonresidential	X 3 to 5 feet in height abutting residential and nonresidential
(14) BP Overlay	X 40 feet wide abutting residential 30 feet wide abutting nonresidential	X 30 feet wide abutting residential 20 feet wide abutting nonresidential	-
(15) Open Space Conservation Option	X 75 feet wide	X 25 feet wide	

- C. All plantings shall be installed and maintained for the full length and width required for the Buffer Planting Strip in a particular district. Only the following Structures may be located within the Buffer Area:
- (1) The required landscape treatment such as Berms, fences, or walls that aid in screening and do not conflict with the character of adjoining properties or block the Sight Distance required at intersections.
 - (2) Appurtenant landscaping Structures, such as tree wells, tree guards and tree grates, and retaining walls used to preserve stands of existing trees or used for other functional purposes.
 - (3) Roads and/or driveways that provide direct ingress/egress for the Lot, including appurtenant Structures within such Road Rights-of-Way such as curbs, sidewalks, and Signs, which shall be landscaped in accordance with the requirements of this chapter.

- (4) Underground utilities.
 - (5) No Structures other than those set forth in this Subsection C shall be placed within a Buffer Area, and no parking of any kind shall be permitted within the required Buffer Area.
- D. The intent is to preserve existing trees wherever possible. Areas in which trees are to be preserved shall remain at original grade level and in an undisturbed condition.

§ 135-186. Landscaping requirements.

- A. All required landscaping shall be installed and maintained in accordance with a Landscape Plan Approved by the Board of Supervisors. A Landscape Plan shall depict all proposed plantings as required within Buffer Areas in the form of a Buffer Planting Strip, and in other Landscaped Areas that relate to, complement, screen or accentuate Buildings, Roads, parking areas, sidewalks, walkways, sitting areas, service or maintenance Structures, courtyards, and other Lot features.
- B. The Landscape Plan shall be submitted when all other required applications and/or Plans are submitted. It shall be based on and reflect the following:
- (1) The functional and aesthetic factors that relate to the property, and to the Principal and Accessory Building and other Structures.
 - (2) Concealing views to the property.
 - (3) Enhancing views from and within the property.
 - (4) Screening and complementing proposed Buildings and other Structures.
 - (5) Creating visual interest for the users and/or residents of the proposed project.
 - (6) Using plant materials that are hardy and acclimated to the conditions of the property and within the Township.
- C. The Landscape Plan shall include notes, diagrams, sketches, or other depictions to present the consideration and analysis of the following:
- (1) An analysis of the site in terms of the existing views to and from the areas that are proposed for Development, existing topography and Vegetation conditions, and other existing conditions that are relevant to the Lot.
 - (2) An analysis of proposed planting and other landscaping needs as related to screening views of Buildings, storage areas, site utilities, parking areas and other areas where vehicles are parked, and other areas that would appropriately be screened.
 - (3) The consideration of locations where plantings and other landscaping is needed to provide visual interest; define outdoor spaces; complement the proposed architectural style; and achieve other functional and aesthetic requirements for Buffer Areas, Buffer Planting Strips, and other Landscaped Areas.
 - (4) The intent is to preserve existing trees wherever possible. The protection of trees 12 inches or more in DBH (measured at a height four and one-half (4½) feet above the original grade) shall be demonstrated as a factor for determining the location of Buildings, Open Space, Structures, underground utilities, walks, paved areas and other Structures. Areas in which trees are to be preserved shall remain at original grade level and in an

undisturbed condition.

- D. A preliminary and final Landscape Plan shall reflect the following detailed criteria, unless more specific criteria are provided for in other articles of this chapter:
- (1) Buffer Planting Strips shall be installed and maintained in the Buffer Areas at the width required in this chapter to form a Continuous Visual Buffer. The Buffer Planting Strip shall be located in the most advantageous position within the Buffer Area in order to provide maximum screening, and provide the most suitable growing conditions for the plants within the Buffer Planting Strip. A preinstallation inspection of the proposed location of the plantings within the Buffer Planting Strip shall be conducted by the Township in order to ensure the most suitable location for the plantings has been selected. In addition to groundcovers, and evergreen shrubs at a minimum height of three (3) feet at the time of planting in two (2) alternating rows spaced on ten (10) foot centers, the Buffer Planting Strip shall include evergreen trees (such as spruce, pine or hemlock) that are a minimum of eight (8) feet in height at the time of planting and shall be spaced in two (2) alternating rows on ten (10) foot centers. The combined evergreen shrub and tree plantings shall constitute a continuous visual screen at the time of Occupancy of any Buildings, and/or at the time of initiation of any use. In the event such plantings do not provide a Continuous Visual Buffer, the plantings shall be placed upon a Berm at a height from three (3) feet to five (5) feet to enhance their effectiveness.
 - (2) Shade trees shall be provided along all Streets and shall be located at least three (3) feet beyond the Right-of-Way line. No fewer than one (1) three to three-and-one-half (3 - 3½) inch in Caliper shade tree shall be planted for each 30 feet of roadway length.
 - (a) Such trees shall be planted in alternating rows whereby trees on one (1) side of the Street are placed at intervals of 60 feet. However, such trees may be grouped in certain cases to achieve a particular design objective when Approved by the Board of Supervisors. Further, if there are any existing viable shade trees on either side of the Street that will be retained and protected, the location of these existing shade trees shall inform the placement of new shade trees to be provided along the Street.
 - (3) The outer perimeter of all parking areas shall be screened.
 - (a) Effective screens may be accomplished through the use of plant materials, fencing or walls and/or mounding through the use of earthen Berms.
 - (4) Parking lots shall be landscaped as required in **Article XXIV and Article XXV**.
 - (5) All Buildings in the B, B-1, POC, BPO, PBC, PBC-1, LI, LI-1, MC, R-MA, CC and PRD districts shall be landscaped in accordance with the following criteria:
 - (a) A combination of evergreen and deciduous trees and shrubs shall be used as "foundation" plantings, i.e., plantings to be installed in reasonably close proximity to the Building perimeters.
 - (b) At least one (1) three to three and one-half inch (3 – 3½") Caliper deciduous tree shall be planted for every 50-foot length of Building perimeter measured from end to end of Buildings, without regard to indentations and the like in the Buildings, and excluding any enclosed walkway connectors and elevator cores. Such trees shall be planted in close proximity to the Building perimeter, and shall be a minimum of 11 feet to 13 feet in height at the time of planting; and one (1) eight (8) to 10-foot evergreen tree shall

be planted for every 50 feet of length of Building perimeter.

- (c) Five (5) evergreen and/or deciduous shrubs at a minimum height of 30 inches shall be planted for every 20 feet of length of Building perimeter.
 - (d) Evergreen trees and/or shrubs shall be planted to screen dumpsters, dumpster enclosures, ground-based HVAC equipment, cable boxes, and other mechanical equipment.
 - (e) Trees and shrubs shall be grouped in accordance with specific needs and objectives.
- (6) Principal Buildings in the R-1, R-2, and CC Districts shall be screened when it is determined that Buffer plantings are needed to mitigate potential adverse visual impacts to existing abutting residential uses, and/or when Subdivisions of five (5) or more Lots in the R-1 and R-2 districts abut existing residential uses. Buffer plantings shall be placed around the perimeter of the Lot or Lots of the Subdivision abutting existing uses or where otherwise needed to mitigate adverse visual impacts.
 - (7) New Accessory Structures and new Accessory Buildings proposed to be within 100 feet of Lot Lines in the R-1 and R-2 Districts shall be screened with evergreen plantings and/or fences, depending on the shade canopy at the Lot Line.
 - (8) Other landscaping, including trees, shrubs and ground covers, shall be provided along walkways, in courtyards, around sitting areas, at the entrance to the Lot and in other highly visible locations, especially on the outer side of any internal access Roads that are visible from a Public Street that may adjoin a Lot or Lots, at the entrance to Buildings, and around Structures used for service, storage or maintenance purposes.
 - (9) The location, type, size, height and other characteristics of landscaping shall be subject to the review and approval of the Board of Supervisors.
 - (10) Trees shall not be placed closer than three (3) feet from the Right-of-Way and shall not be placed closer than six (6) feet from any Side or Rear Lot Line. Shrubs shall not be placed closer than three (3) feet from any Lot Line.
- E. The Preliminary Landscape Plan shall be drawn at a scale of one (1) inch being equal to 50 feet or less. It shall be totally coordinated with the overall Plan and shall contain the following:
- (1) A delineation of existing and proposed plant materials.
 - (2) A plant list wherein the botanical and common names of proposed plants are tabulated, along with the quantity, Caliper, height, and other characteristics.
 - (3) Details for the planting and staking of trees, the planting of shrubs, and any other details that depict other related installation.
 - (4) Information in the form of notes or specifications concerning continuously mulched planting beds.
 - (5) A delineation of other landscaping features such as Berms, planting beds to be used for herbaceous plants, areas to be devoted to lawns, seeding and sodding and other elements of the proposed improvements such as fences, walls, Berms, retaining walls, lighting, benches, Signs, pavers, paving, stone, tree wells and the like.
 - (6) One Plan view color-rendering of the Preliminary Landscape Plan shall be submitted for

review by the Township, in addition to the number of prints that are otherwise required. The color-rendering shall reflect total coordination with the overall site Plan in terms of its relationship to proposed Buildings, Roads, parking areas, walks, walls, fencing, benches, Signs, lighting and other like Structures.

- (7) A written narrative of the analysis and objectives for plantings as required under Subsection C above.
- F. A Final Landscape Plan shall be submitted after the Township has reviewed the Preliminary Landscape Plan and submitted comments on the Plan to the Applicant. The Final Landscape Plan shall be drawn at a scale of one (1) inch equals 30 feet or less. It shall be totally coordinated with the overall Plan and shall contain the following:
- (1) A final version of all of the Plan requirements stated in **Subsections C., D., and E.** above, for a Preliminary Plan.
 - (2) A cost estimate for the landscaping installations shall be submitted with the Final Landscape Plan. The costs shall serve as the basis for establishing an escrow account for the landscaping improvements.
 - (3) Information regarding the continued maintenance of all plantings, and notes indicating that all plantings will be installed, maintained, and replaced within six (6) months if dead or diseased, in locations as shown on the Approved Landscape Plan.
- G. Plant characteristics and maintenance.
- (1) All plants shall conform with the standards for nursery stock of the American Association of Nurserymen.
 - (2) Trees and shrubs shall be typical of their species and variety and have normal growth habits; well developed, densely foliated branches; and vigorous, fibrous root systems.
 - (3) Trees and shrubs shall be free from defects and injuries.
 - (4) All plants, shrubs and trees shall be nursery grown. If not grown in containers, they shall be freshly dug. They shall have been grown under climatic conditions similar to those in the locality of the project or properly acclimated to conditions of the locality of the project.
 - (5) Any tree or shrub that dies shall be replaced within six (6) months. Any tree or shrub that is deemed, in the opinion of the Township, not to have survived or grown in a manner characteristic of its type shall be replaced. Substitutions for certain species of plants may only be made when Approved by the Board of Supervisors.
 - (6) It shall be the responsibility of the Owners, Tenants and/or other Occupants of the Premises to adequately, and properly maintain the Landscaped Areas, which responsibility shall include watering, cleaning of weeds and debris, pruning and trimming, replacement of dead or diseased plantings, and fertilizing to maintain healthy growth.
 - (7) The branches of all trees along the Right-of-Way of any property shall be kept trimmed seven (7) feet above any sidewalk and 14 feet above all Streets.
 - (8) All shrubs and other growth abutting sidewalks shall be kept cut back 12 inches from the edge of the sidewalks.
 - (9) Existing trees and shrubs within 25 feet of an intersection and/ or driveway shall be

maintained at a height of 24 inches to avoid blocking Sight Distance, and shrubs or ground covers to be planted shall be of the dwarf variety and shall not exceed 24 inches in height at maturity.

- H. The Landscape Plans shall be prepared by a Registered Landscape Architect.
- I. If the Applicant cannot accommodate the required number of plants on a site, the Applicant may offer to plant an equivalent number of trees/plants on other nearby properties, or offer a monetary contribution to the Township Open Space Fund for tree planting, subject to the review and approval of the Board of Supervisors.

§ 135-187. (Reserved).

ARTICLE XXVI. ADDITIONAL REGULATIONS.

§ 135-188. Applications and permits.

- A. It is unlawful to start erecting or altering any Building, Sign, or other Structure until the Zoning Officer has issued a permit to do so.
- B. The Zoning Officer may issue a permit after receiving an application and accompanying Plan containing all information necessary to determine whether the proposed Building, Sign or other Structure complies with the provisions of this chapter and upon payment of a fee per the Township General Fee Schedule.
- C. If the Zoning Officer decides that the application does not comply with the provisions of this chapter, the permit will be refused.
- D. A Certificate of Occupancy shall be obtained from the Zoning Officer before any Building or property for which a building permit has been issued may be used.

§ 135-189. Conditional Use standards, criteria and procedures.

- A. In evaluating an application to the Board of Supervisors for a Conditional Use, the Board will require the Applicant to provide reports, maps, Plans and other papers to ensure that the proposal:
 - (1) Will be consistent with the community development objectives articulated in this chapter (pursuant to Section 606 of the Municipalities Planning Code).
 - (2) Will be consistent with the statement of purpose articulated for the zoning district in which the use is proposed.
 - (3) Will be consistent with the Chadds Ford Township Comprehensive Plan, in particular, the Plans for Land Use, Community Facilities and Utilities.
 - (4) Will conform to all requirements of Chapter 110, Subdivision and Land Development, and all other regulations and ordinances.
 - (5) Will not adversely affect the health, safety, and general welfare of the surrounding area and the Township.
 - (6) Will promote the harmonious and orderly Development of the zoning district involved.
 - (7) Will be compatible with the character and type of Development existing in the area that surrounds the Lot in terms of the size, scale, height and bulk of the proposed uses and the size, shape and placement of Buildings and other Structures.
 - (8) Will not detract from or cause harm to neighboring properties by creating a negative impact on the economic value and aesthetic character of the community.
 - (9) Will be compatible with the uses permitted in the surrounding area in terms of the density and/or intensity of land use.
 - (10) Will reflect effective site planning and design in terms of energy efficiency, environmental protection, and aesthetic composition.
 - (11) Will reflect sound engineering and land development design and Construction principles, practices and techniques.
 - (12) Will be consistent with the logical, efficient and cost-effective extension of public

services and utilities and will not adversely affect the public services and utilities of surrounding properties or the Township as a whole in terms of Public Water, Public Sewer, police and fire protection, and schools.

- (13) Will include proposals for the effective disposal of solid waste.
- (14) Will provide safe and efficient access to Roads and will not create traffic congestion, hazardous traffic conditions, or excessive traffic volumes.
- (15) Will be developed so as to limit the number of access points along a major Public Street, and to develop Frontage of Buildings on access Roads that are parallel or perpendicular to a major Public Street.
- (16) Will provide any improvements needed to guarantee compatibility with adjoining Streets and Roads.
- (17) Will provide continuity of existing circulation systems, including Streets, Roads, sidewalks, Trails and other walkways.
- (18) Will provide adequate off-street parking and loading that will be minimally visible from adjoining Public Streets.
- (19) Will use effective stormwater management techniques and soil erosion and sedimentation control techniques that are in character with and complementary to the proposed site grading and landscaping.
- (20) Will provide for adequate Environmental Controls and performance standards to minimize Noise, vibration, glare, heat, odor, smoke, dust, fumes, vapors, gases, air emissions, water emissions, and outdoor storage.
- (21) Will preserve Woodlands and other trees existing on the Lot to the maximum extent possible.
- (22) Will not be disruptive to existing topography, surface water resources and groundwater resources.
- (23) Will include proposals for effective mitigation of potential adverse environmental impacts through a satisfactory environmental impact assessment report.
- (24) Will provide landscaping to buffer and screen the use from surrounding properties, to complement Buildings and other Structures on the Lot, and to enhance the overall character of the Development.
- (25) Will include proposed landscaping, in addition to that required as stated above, in areas such as the entrance, along property boundaries, in areas that are highly visible, such as along Roads, walks or Trails, and in other places where the use of trees, shrubs and ground cover would be functional and appropriate.
- (26) Will provide fencing, walls, berming, terraces, walkways, and other site improvement features to complement the proposed landscaping.
- (27) Will provide effective, subdued lighting using light posts and fixtures complementary to the proposed architecture and the character of the surrounding neighborhood.
- (28) Will provide adequate signage that will be crafted to be attractive and of the highest graphic quality in keeping with the character of surrounding properties.

- B. The Board of Supervisors may attach such conditions and safeguards, in addition to those already required by this chapter, as it may deem necessary to implement the purposes of the Municipalities Planning Code and this chapter, and to protect the public welfare. Such conditions and safeguards may relate to, but are not limited to, the design of Buildings, Roads and parking areas; landscaping and its maintenance as a sight or sound screen; the prevention of noxious, offensive or hazardous conditions; lighting, Noise, and safety.
- C. General procedures.
- (1) In the case of an application for Conditional Use, once the Township deems the application administratively complete, the Planning Commission shall, pursuant to the Municipalities Planning Code, perform a review and provide counsel to the Board of Supervisors concerning the grant of approval or disapproval of the proposed use. The Planning Commission shall discuss the application during at least one of its regularly scheduled public meetings during the review period.
 - (2) The Board of Supervisors shall, in the case of an application for Conditional Use, schedule a hearing for public review and comment. Such hearing shall commence within 60 days of the date that the Township deems the application administratively complete. The Board of Supervisors shall render a written decision or, when no decision is called for, make written findings on the conditional use application within 45 days after the last hearing before it. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of this act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found.
 - (3) The Planning Commission and Board of Supervisors shall be responsible for providing notification to the Applicant, no less than 15 days prior to the occurrence of any hearing at which testimony will be heard and/or action taken upon approval or disapproval, in order that he/she may present his/her case at such hearing. The Township shall notify, no less than 15 days prior to such hearing, all abutting property Owners and Owners of property within 250 feet of the property in question.
 - (4) Proof of proper notification is required as a precondition before any formal action is taken on the application.
 - (5) Notification of the action taken by the Board of Supervisors shall be made in writing to the Applicant within 24 hours of the decision. In the event of disapproval, it shall be accompanied by a statement of the reasons therefore. In the event of disapproval, the Applicant may file a new application for Conditional Use or Subdivision and/or Land Development for another use of the subject property, or file an appeal of the decision to a court of competent jurisdiction.
 - (6) In the event of approval, should the Applicant fail to obtain the necessary Township approvals and permits within 12 months of notification, or, having obtained the necessary approvals and permits, fails to commence work thereunder within six (6) additional months, it will be conclusively presumed that the Applicant has waived, withdrawn, or abandoned his or her application, and all provisions, Conditional Use(s) and permits granted to him/her will be deemed automatically rescinded by the Board of Supervisors.
 - (7) The grant of approval by the Board of Supervisors for a Conditional Use will in no way release the Applicant from his/her obligation to comply with the applicable provisions of

this chapter; Chapter 110, Subdivision and Land Development; and any other applicable Township, state and federal regulations.

§ 135-190. General Structure and Lot Requirements.

- A. No more than one (1) Principal Permitted Use will be allowed on a Lot, except in B, B-1, POC, PBC, PBC-1, PRD, LI, LI-1, and MC zoning districts, which are intended to promote Mixed Uses.
- B. Any Structure in Chadds Ford Township used for residential purposes shall contain a habitable floor space of no less than 750 square feet.
- C. On any Corner Lot, no wall, fence or other Structure may be erected or altered, and no hedge, tree, shrub, or other growth may be allowed, which may cause danger to traffic on a Street by obscuring the view.
- D. No Lot Area may be so reduced that the dimensions of any of the Open Spaces would be smaller than herein prescribed or required by SALDO approval.
- E. All Premises shall be graded, stabilized and maintained to prevent the accumulation of stagnant water, the erosion of soil and the concentrated discharge of sediment and/or water runoff onto adjacent properties, any public or private streets, stormwater systems or facilities and/or the waters of the Commonwealth of Pennsylvania.
- F. Land disturbance over 4,000 square feet is regulated by Chapter 105, "Stormwater Management" of the Chadds Ford Township Code.

§ 135-191. Nonconformities.

- A. Continuation. All Structures, uses of Structures and uses of land that were lawful at the time established but do not conform to the zoning regulations of the zoning district in which they are located after the adoption of the zoning regulations for the underlying zoning district will be regarded as lawfully nonconforming and may continue, subject to the following regulations.
- B. Alteration, Enlargement or Reconstruction.
 - (1) Lawful Nonconforming Structures. Lawful Nonconforming Structures may be altered, reconstructed or enlarged, provided that:
 - (a) Special Exception. Except for the reconstruction of a Nonconforming Structure that is done to the exact dimensions of the original Nonconforming Structure as set forth in this Section, all Alteration, reconstruction, Expansion or Enlargement of Nonconforming Structures shall be by Special Exception in accordance with the provisions of **§ 135-209.C**.
 - (b) Limitation on Expansion. Such Alteration, reconstruction, Expansion, or Enlargement shall not increase the size of the overall Nonconforming Structure more than an aggregate total of fifty percent (50%) of the interior ground Floor Area of the Nonconforming Structure, for the life of the Nonconforming Structure. By way of example and not limitation, if the interior ground Floor Area of the Nonconforming Structure is 1000 square feet, the Alteration, reconstruction or Enlargement of the Nonconforming Structure is limited to an additional 500 square feet over the life of the Nonconforming Structure. The same limitations apply with respect to any increase in interior volume of Nonconforming Structures.

- (c) Exacerbation of Nonconformity. Except as permitted in this Section, the condition(s) that make the Structure nonconforming shall not be expanded or enlarged so as to exacerbate the area or volume of the nonconforming condition or result in a new nonconforming condition.
 - (d) Code Compliance. Alteration, Enlargement and reconstruction of Nonconforming Structures shall in all other respects comply with the applicable zoning district regulations and the Chadds Ford Township Building Code.
- (2) Lawful Nonconforming Lots. A Structure may be constructed on any Lot that was lawful when created prior to the adoption of the zoning regulations for the underlying zoning district, was held in Single and Separate Ownership, duly recorded by plat or deed, and provided that the other requirements of the zoning ordinance are observed.
 - (3) Lawful Nonconforming Uses. Lawful Nonconforming Uses shall not be altered, extended or enlarged, except in accordance with the following:
 - (a) Special Exception. Such Alteration, extension or Enlargement, may be permitted only by Special Exception under the provisions of **§ 135-209.C**.
 - (b) Single Lot. Such Alteration, extension or Enlargement shall be on the same Lot as was in existence on the date the use became nonconforming.
 - (c) Increase in Nonconforming Use. Any increase in the area or volume of a Nonconforming Use shall not exceed in the aggregate, more than 50 percent of the area or volume dedicated to the Nonconforming Use, during the life of the Nonconforming Use.
- C. Reconstruction. A Nonconforming Structure or any Structure containing a Nonconforming Use wholly or partially destroyed by fire, explosion, Flood or other phenomenon, or legally Condemned, may be reconstructed on or within the same footprint of the prior Nonconforming Structure and used for the same Nonconforming Use, provided that:
- (1) The Applicant demonstrates that the location of the Structure cannot be made conforming; and
 - (2) Reconstruction of the Structure commences within one (1) year from the date the Structure was destroyed or Condemned and will be carried on without interruption or else the Nonconforming Structure or use will be deemed to be abandoned.
- D. Ownership. Whenever a Lot is sold to a new Owner, a previously lawful Nonconforming Use or condition may be continued by the new Owner.
- E. Abandonment. If a Nonconforming Use of a Structure or land is discontinued for a period of 12 consecutive months, the Nonconforming Use will be presumed to have been abandoned and the subsequent use of such Structure or land shall conform with all of the regulations of the zoning district in which it is located.
- F. Changes. Once changed to a conforming use, no Structure or land will be permitted to revert to a Nonconforming Use. A Nonconforming Use may be changed to a similar use only if permitted as a Special Exception and subject to the following conditions:
- (1) Conversion. The Applicant shall show that a Nonconforming Use cannot reasonably be changed to a conforming Use.
 - (2) Compatibility. The Applicant shall show that the proposed change will be no more

objectionable in external effects than the existing Nonconforming Use, or will be more appropriate than the existing Nonconforming Use with regard to:

- (a) Traffic. Traffic generation, congestion, and parking.
- (b) Peace and good order. Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration.
- (c) Outdoor storage.
- (d) Sanitary Sewage disposal.

H. Expiration of Approval. Whenever an Applicant receives Special Exception approval under the terms of this Section, such approval shall be implemented, or affirmative action taken in furtherance thereof, within 12 months of the date of the approval or the approval will be rendered abandoned by the Applicant and will become void and of no further force or effect.

§ 135-192. Height regulations for Buildings and Structures.

A. Notwithstanding any other provision of this chapter, no part of a roof may protrude more than 40 feet above the average elevation of finished grade along the exterior walls of the Structure.

§ 135-193. Exceptions to height regulations for Buildings and Structures.

A. The height regulations prescribed within this chapter may be exempted for spires, steeples, belfries, cupolas or domes not used for human occupancy, or for chimneys, ventilating fans, air-conditioning equipment, roof Structures for the housing of elevators and/or stairways, fire or parapet walls, skylights, flagpoles, watermills, silos, and smokestacks.

§ 135-194. Environmental Controls

A. It is the intent of these regulations to prevent land or buildings, including those permitted by right or by conditional use or special exception, from being used or occupied in a manner so as to create a dangerous, injurious or noxious condition, such as fire, explosion, or other hazards; vibration; glare or heat; surface water pollution and groundwater contamination.

All uses shall operate in conformance with the environmental controls set forth herein, and relevant statutes, codes, rules and other regulations of the United States government, the Commonwealth of Pennsylvania, Delaware County, and governmental, quasi-governmental, and governmentally regulated bodies, companies, and authority entities. The most stringent regulations applicable shall be enforced.

B. All plans for proposed development in the Township shall illustrate, depict, note, or otherwise demonstrate compliance with this section and shall be in accordance with the requirements of Chapter 110, Subdivision and Land Development.

C. Vibration control. Operating or permitting the operation of any device that creates vibration which is above the vibration perception threshold of an individual at or beyond the property boundary of the source if on private property or at 50 feet from the source if on a public space or public right-of-way shall be prohibited. For the purposes of this section, "vibration perception threshold" means the minimum ground- or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.

D. Storage control:

- (1) No flammable, highly volatile or explosive liquids, solids, or gases greater than 50 gallons in the aggregate shall be stored above the ground, except that tanks or drums of fuel directly connected to energy devices, heating devices, or appliances located and operated on the same lot as the tanks or drums of fuel may be stored above ground, provided that such tanks or drums are not more than 2,000 gallons. All such tanks or drums shall be painted or otherwise coated white or other heat reflective color and shall be enclosed by a fence of a type, construction and size and shall be adequate to protect and conceal the facilities from any adjacent properties. Compliance with all federal, state and local laws shall be enforced.
- (2) No substance which can contaminate a stream, aquifer, or other watercourse or otherwise render such stream, aquifer, or other watercourse undesirable as a source of water supply or recreation, or which will destroy or otherwise harm aquatic life, be allowed to enter any stream or other watercourse or cause or contribute to a violation of federal, state or local law.
- (3) No materials or wastes shall be deposited upon a lot in such form or manner that they may be transported off to damage, destroy or create hazards or contamination to humans, terrestrial wildlife, soil and/or vegetation.
- (4) Underground storage of flammable, combustible, explosive or other hazardous substances or materials, and the construction or installation of tanks and other receptacles therefor, shall be in accordance with the Fire Prevention Code and subject to the approval of the Fire Marshal, to the extent such approval is not preempted by federal or state law. Any such approval, if given, may be given subject to such conditions as the Board of Supervisors deems necessary to protect the public health, welfare and safety.

§ 135-195. Open Space Conservation Option.

- A. Purpose. The purpose of this article is to provide Single-Family Detached residential Development options that will foster the protection of critical natural resources and conserve Open Space in Chadds Ford Township. The provisions contained in this article are intended:
- (1) To protect streams, floodplains, wet soils, Steep Slopes, Woodlands and wildlife habitat areas.
 - (2) To conserve and permanently protect Open Space.
 - (3) To provide commonly owned Open Space for Passive and/or Active Recreational Use.
 - (4) To reduce paved areas, resulting in a lesser increase in stormwater runoff, as well as a reduction in Land Development improvement and maintenance costs.
 - (5) To minimize the potential adverse aesthetic effects of Land Development on the Township as a whole and on neighboring property Owners, by encouraging the use of site planning that will limit the visual impact of Development on surrounding properties and nearby Public Roads.
 - (6) To minimize adverse impacts on adjacent Subdivisions and properties devoted to agricultural uses.
 - (7) To endorse smart growth techniques and conservation design practices.
 - (8) To implement the recommendations of the Chadds Ford Township Comprehensive Plan; the Chadds Ford Township Open Space Plan of 2007; and the Chadds Ford Township

Open Space Plan Updated 2018.

B. Eligibility. As a Conditional Use in the R-1 and R-2 zoning districts, a property may be developed under the Open Space Conservation Option, provided that the following conditions are met:

- (1) The Lot to be developed shall be in single ownership or, in the case of multiple ownership of the property, the application filed jointly by all of the Owners of the property.
- (2) The property shall consist of Contiguous Lots containing a minimum of 10 acres.
- (3) Public Sewer and Public Water are required for a property in the R-2 District.

C. Density and Open Space Composition.

- (1) The number of allowable Dwelling Units shall be based on a Sketch Plan developed by the Applicant in accordance with conventional Development under the R-1 and R-2 zoning districts. The Plan shall be prepared in accordance with §110-18 of the Subdivision and Land Development Ordinance, with each Lot meeting the bulk and area requirements of the R-1 and R-2 Districts.
- (2) If an existing Dwelling Unit is located on the property proposed for Development, said unit will be counted toward the overall number of allowable units and will be subject to all other provisions of this chapter.
- (3) A minimum of 40% of the gross area of the Lot per the Deed shall be designated as and devoted to Open Space.
- (4) A maximum density bonus of 0.1 Dwelling Units per the gross acreage of the Lot per the Deed may be added to the number of allowable Dwelling Units if two (2) or more of the following design objectives is met by the Development, as determined by the Board of Supervisors.
 - (a) The Development includes off-site public improvements such as Street and intersection, stormwater management, or water and sewer improvements that significantly reduce the need for public expenditures to address issues in the vicinity of the property.
 - (b) The Development is designed in an environmentally sensitive fashion such that a minimum of 60% of the area designated as Open Space will not be disturbed by site improvements or earth disturbance activities.
 - (c) The Development includes significant Active and Passive Recreation components that will be open to the general public.
 - (d) The Open Space is designed such that it advances community objectives including connection to Trails, Open Spaces, or greenways outside of the subject property.

D. Area and bulk regulations.

- (1) The area and bulk shall be in accordance with the provisions set forth in § 135-18. of the R-1 District, and § 135-24. of the R-2 District.

E. Design Standards.

- (1) Buffer:

- (a) A minimum Buffer Area of 75 feet shall be provided along the perimeter Lot Line of the property. The Buffer Area shall conform to the standards set forth in **§ 135-185**.
- (b) A Buffer Planting Strip with a minimum width of 25 feet shall be provided within the Buffer Area. The Buffer Planting Strip shall be landscaped and maintained in accordance with **§ 135-186**.
- (2) The Development shall be designed to preserve and incorporate natural, historical and cultural features. As part of the Conditional Use application, the Plan shall identify such features and provide information on how the features will be preserved.
- (3) As part of the Conditional Use application, the Plan shall identify scenic vista points that will remain after Development of the Lot, and that will provide visual amenities for the Development. Vista points may include unobstructed views looking into the Development from adjacent public Roads and unobstructed views within the Development, each incorporating Open Space and/or other preserved natural features.
- (4) Sidewalks and/or pedestrian Trails shall be provided for access to Open Space areas, particularly when Active or Passive Recreation areas are proposed.

F. Open Space.

- (1) Consideration shall be given to the arrangement and location of Open Space to take advantage of physical characteristics of the Lot and to place Open Space within easy access and view of Dwelling Units, while at the same time preserving environmentally sensitive areas and visual resources. Areas set aside for Open Space shall not contain any Structure other than a Structure related to Active and Passive Recreational use and Approved by the Board of Supervisors.
- (2) The Board of Supervisors may require a portion of the required Open Space to be designed, constructed and maintained for Active and Passive Recreation Facilities.
- (3) Any area designated as Open Space shall have a Lot Area of not less than 20,000 square feet, and a width of not less than 100 feet, except for areas designated for Trails that shall have a width of not less than 30 feet.
- (4) The Open Space shall include at least one (1) centrally located area of land with Frontage on a Public Street of at least 50 feet. This central Open Space shall be designed for common use by the residents of the Development.
- (5) No more than 20 percent of the Open Space may contain common elements of the proposed Development such as utility Easements, and sanitary sewer or stormwater management facilities. Open Space shall not include land within the Rights-of-Way of Streets.
- (6) For all Open Space, written agreements shall be prepared to the satisfaction of the Board of Supervisors and shall be executed as a declaration of Easements, covenants and restrictions in perpetuity for the preservation of the Open Space. Such agreements shall be recorded with the Final Plan.
- (7) An essential element of the use of Open Space is a written description and Plan for the ownership and maintenance of Open Space designating those areas to be offered for dedication or to be owned by the specific form of organization proposed. Ownership and maintenance of the Open Space shall be accomplished through one of the following:
 - (a) An offer of dedication to the Township. The Township will not be obligated to accept

dedication of the Open Space.

- (b) With permission of the Board of Supervisors, and with appropriate deed restrictions in favor of the Township and in language acceptable to the Township Solicitor, the Developer may transfer ownership of the Open Space or a portion thereof to a private, nonprofit organization among whose purposes is the preservation of Open Space land and/or natural resources. The organization shall be a bona fide conservation organization with a perpetual existence; the conveyance shall contain appropriate provision for reverter or retransfer if the organization is unable to maintain the land; and the organization shall enter into a maintenance agreement with the Township.
- (c) The Developer shall provide for and establish an organization for the ownership and maintenance of the Open Space. The Developer shall provide the Board of Supervisors with a description of the organization, including its bylaws and methods for maintaining the Open Space, subject to the review and approval of the Township Solicitor.

§ 135-196. Accessory Structures and Uses.

Accessory Structures shall be located within the Building Envelope except as permitted in this chapter and except for certain Structures including driveways, parking areas, walkways, flagpoles, Signs, mailboxes and similar Structures.

A. Residential.

- (1) In a residential zoning district, a Building, Lot or Premises may be used for any of the following Accessory Uses on the same Lot with and customarily incidental to any of the Principal Permitted Uses, including a Private Garage. This includes the Professional Office or studio of a doctor, dentist, teacher, artist, architect, musician, lawyer, magistrate or Practitioner of a similar character, or rooms used for Home Occupations, including dressmaking, millinery, laundry or similar handicrafts; and provided further that no goods are publicly displayed on the Premises and no Sign or advertisement is shown other than a Sign not larger than 12 square feet in area, bearing only the name and occupation (words only) of the Practitioner.
- (2) Permanent, unoccupied, open Sheds, storage Sheds, and wagon Sheds may only be located within residential zoning districts, or where accessory to pre-existing or former residential Structures in the CC District, upon the issuance of a zoning permit, and:
 - (a) A Shed shall be located at least 10 feet from the Side or Rear Lot Line.
 - (b) A Shed shall not have a water or sewer connection.
 - (c) The front Setback line for a Shed is the less restrictive of
 - [1] The front Building Line or
 - [2] The distance from the Front Lot Line to the principal Structure.
 - (d) If the Shed is not within the Building Envelope, it shall not exceed 180 square feet or be taller than 10 feet.
- (3) A fence may be located on a Lot Line.

§ 135-197. Agriculture.

- A. General Regulations. The following requirements govern Agricultural Operations and Accessory Uses.
- (1) Lot Area. To be used for Agricultural Operations or for keeping Livestock, the Lot Area shall meet the minimum area requirements of its zoning district.
 - (a) All regulations set forth in this chapter apply.
- B. Permanent Accessory Structures and Uses. The following permanent Structures and uses are permitted on properties that are in lawful agricultural use and in compliance with this chapter and the following requirements:
- (1) Agritainment or Agritourism, subject to the following:
 - (a) Approval. A Conditional Use Application shall be made to the Board of Supervisors, and the use shall be Approved before an Agritainment or Agritourism use can be established.
 - (b) Permit. The property Owner shall obtain a Certificate of Occupancy from the Township.
 - (c) Parking. Adequate parking and provisions for safe ingress and egress shall be provided, in accordance with **Article XXIV**.
 - (d) Tire Scrubbers. Tire scrubbers shall be installed and maintained at the entrance if required by the Board of Supervisors.
 - (e) Signs. Signs are permitted in accordance with **Article XXIII**.
 - (f) Outdoor Storage. Any outdoor storage and display related to an Agritainment or Agritourism use shall be in accordance with the requirements of the zoning district.
 - (2) Sale of agricultural products. The sale of agricultural products on the property is subject to the following:
 - (a) Production. At least 50 percent of the product offered for sale shall be produced on the property.
 - (b) Parking. Adequate parking and provisions for safe ingress and egress shall be provided in accordance with **Article XXIV**.
 - (c) Sediment Control. Dirt or mud shall not be tracked into the Street in accordance with Best Management Practices and Chapter 105, Stormwater Management Ordinance.
 - (d) Signs. Signs are permitted in accordance with Article XXIII.
 - (e) Roadside Stand. A roadside stand shall be set back at least 20 feet from the Street Line of any public Road, subject to the Accessory Structure provisions of this Article.
 - [1] Permit. A zoning permit is required to place a roadside stand.
 - (3) Keeping of Livestock and poultry. In addition to the other requirements of this chapter, the following regulations govern the keeping of Livestock and poultry on properties that are agriculturally zoned or in lawful agricultural use.
 - (a) Number. For Livestock, the total number of animals permitted on any Lot is computed according to the required acreage of Pasture and the required Lot Area. For poultry, each animal requires 40 square feet. Animals not listed in the table

below are provisioned according to the requirements for similar animals.

Type of Animal	Acres of Pasture Required	Lot Area Required
[1] Horse	1.0 + 1 acre per animal	2 acres + 1 Acre per animal
[2] Cattle	1.0 + 1 acre per animal	2 Acre + 1 Acre per animal
[3] Swine	0.11 per animal	1 Acre per animal
[4] Sheep	0.11 per animal	1 Acre + 0.2 acres per animal

- (b) A piggery shall not contain more than three sows or more than 20 feeders.
- (c) The Owner shall comply with applicable federal, state and county laws and regulations regarding animal density.
- (d) Shelters. Livestock and poultry shelters shall be in accordance with the Accessory Structure provisions of this article, in addition to the following:
 - [i] Location. A Structure used for the shelter or housing of Livestock or poultry shall not be closer than 100 feet to any well, spring, or sinkhole, adjacent property, or on slopes adjacent to any pond, lake or stream.
 - [ii] Sanitation. A shelter area of a size sufficient for good sanitation practices and adequate sanitary drainage shall be provided.
 - [iii] Size. A Livestock Shelter shall have a roof and at least three (3) enclosed sides. A poultry shelter shall have a roof and be fully enclosed on all sides. Shelters shall meet the minimum square footage shown in the table below. Animals not listed in the table shall be provisioned according to the requirements for similar animals.

Type of Animal	Shelter/Stable Size for each animal
Horse	120 sq. ft.
Cattle	80 sq. ft.
Sheep	20 sq. ft.
Poultry	3 sq. ft.

- (e) Health, safety and Environmental Control.
 - [1] Safety hazards and odors. Livestock and poultry shall be maintained in accordance with applicable regulations and Best Management Practices to prevent the Livestock and/or poultry and the attendant odors from posing a threat to public health and/or safety or violating federal, state or local laws.
 - [2] Manure storage and management. Manure storage shall not be established closer than 100 feet from any Lot Line, and no closer than 100 feet from any well, spring, sinkhole, or on slopes adjacent to a pond, lake, or stream. In addition, manure shall not be stored within a swale, drainageway or storm water management feature. Manure storage shall be designed, constructed, maintained and operated in accordance with all applicable laws, regulations. and Best Management Practices, and shall not pose a threat to public health. Permits shall be secured from all governmental agencies having jurisdiction over this activity.
 - [3] The Owner shall provide proof of a written manure management Plan or certified

nutrient management Plan, as applicable, that identifies any animal concentration area and Best Management Practices as required by the Department of Environmental Protection (DEP) and DEP's Manure Management Manual, or successor publication.

- [4] The Owner shall provide proof of a written odor management Plan to the Township if such a Plan is required by DEP.
- [5] Muddy or dusty ungrassed pasturage areas shall be stabilized to prevent soil erosion. The Owner shall provide proof of a written agricultural erosion and sediment control Plan to the Township if such a Plan is required by DEP.
- [6] Overgrazing. Livestock shall be rotated from Pasture to Pasture to prevent overgrazing. The Pasture shall never be in such a condition as to cause soil erosion or polluted runoff, or to allow sedimentation to enter the waters of the Commonwealth.
- [7] Containment. Livestock shall not be permitted to roam or stray beyond any Property Line.
- [8] If the property is subject to a Homeowner's Association document, real property covenant or restriction, or other similar legal device, whichever is the most restrictive will prevail.

§ 135-198. Outdoor Dining.

A. To assure quality standards and safety, the following provisions apply:

- (1) The Outdoor Dining area shall be directly adjoining and on the same Lot as the principal Building in which the associated Restaurant or café is located.
- (2) All Outdoor Dining areas shall comply with all applicable health, building, zoning, accessibility, fire, and plumbing codes, and requirements of all regulatory agencies having jurisdiction.
- (3) Areas of Outdoor Dining shall not interfere with any means of ingress or egress to a Building, or with any emergency or safety exits. Access to the outside service area, except for an emergency entrance and exit, is limited to entrances and exits through the Building to which the outside Premises area is adjacent.
- (4) When considering requests for Outdoor Dining as a Conditional Use, the Board of Supervisors may, at its discretion, require pedestrian barriers to enclose Outdoor Dining areas and separate them from the pedestrian or travel way to allow for the privacy of the dining patron and to permit the unimpeded flow of traffic. Dining area enclosures consist of a wall, bollard, or fence, Approved by the Township. When pedestrian barriers are required, the following minimum standards apply:
 - (a) Pedestrian barriers shall have sufficient weight to prevent them from being tipped or knocked over.
 - (b) If the pedestrian barrier is to be permanent, the method of attachment is subject to approval by the Township. A barrier shall not be permanently attached to a public sidewalk or an area located within the Right-of-Way.
 - (c) Pedestrian barriers shall be at least 36 inches high to avoid becoming a tripping hazard. If more restrictive requirements are stipulated by other municipal codes, the

more restrictive requirements will be enforced.

- (5) Parking. In accordance with **Article XXIV**.
- (6) Outdoor Dining is permitted between the hours of 7:00 a.m. to 10:00 p.m.
- (7) An Outdoor Dining area shall not be established within 100 feet of the Property Line of a Single-Family or Two-Family Detached or Semi-Detached Dwelling Unit located completely or partially within a residential zoning district.
- (8) Outdoor Dining areas shall be located on a permanent surface. Temporary flooring shall not be used.
- (9) The use of outdoor heaters shall be in compliance with the International Fire Code, as amended.
- (10) The sale of alcoholic beverages shall be incidental to the sale or consumption of food. Outside bar service and/or walk-up bar service for the sole purpose of the consumption of alcohol without the consumption of food is prohibited.
- (11) Storage of materials. At the conclusion of the Outdoor Dining season, all portable equipment (i.e., barriers, furniture, roof coverings, etc.) shall be stored within the facility in a location that does not interfere with the operation of the food establishment or shall be stored off-site.
- (12) All Outdoor Dining locations are subject to periodic inspection for compliance with the standards of this section. Two or more violations of this section may result in a revocation of all zoning or building permits applicable to the Outdoor Dining use, until such violations are remedied.
- (13) Noise. Outdoor Dining is subject to Chapter 89, Noise. All activities, including the playing of music or other forms of entertainment, shall comply with the Noise limitations of the Township Code and any other regulatory agencies having jurisdiction, as applicable.

§ 135-199. No-Impact Home-Based Business.

A No-Impact Home-Based Business shall satisfy the following requirements: The business activity shall be compatible with the residential use of the property and surrounding residential uses.

- (1) The business shall not employ any Employees other than Family members residing in the Dwellings.
- (2) There shall not be any display or sale of retail goods, and there shall not be any stockpiling of inventory of a substantial nature.
- (3) There shall not be any outside appearance of a business use, including, but not limited to, parking, Signs, or lights.
- (4) The business activity shall not use any equipment of process that creates Noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- (5) The business activity shall not generate any solid waste or Sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (6) The business activity shall be conducted only within the Dwelling and shall not occupy more than 25 percent of the habitable Floor Area.

- (7) The business shall not involve any illegal activity.
- (8) No manufacturing, or repair of mechanical equipment, will be permitted.

§ 135-200. Bed-and-Breakfast Inn.

A. Purpose. The purpose of this section is to:

- (1) Encourage the preservation of historic Buildings by permitting an alternate use for such Historic Structures that now exist in Chadds Ford Township.
- (2) Provide for Bed-and-Breakfast Inn establishments as an accessory residential use for Single-Family Detached residences when permitted by the Chadds Ford Township Board of Supervisors as a Conditional Use, permitted as such only when all the provisions of this section are met.

B. Use regulations. A Building or other Structure shall not be used or occupied as a Bed-and-Breakfast Inn establishment or similar type of lodging within Chadds Ford Township unless allowed by the Board of Supervisors as a Conditional Use.

C. Design standards and general requirements.

- (1) A Bed-and-Breakfast Inn establishment may be located in the R-1 or MC zoning district, restricted to those single-family home properties meeting all other requirements of this section.
- (2) The minimum Lot size in the R-1 District is four (4) contiguous acres owned in fee simple by the Owner and Operator of the Bed-and-Breakfast Inn, and the minimum Lot size is two (2) contiguous acres in the MC District.
- (3) Driveways, parking and loading areas.
 - (a) A minimum of four (4) improved pervious or impervious off-street Parking Spaces are required. One additional Parking Space is required for each guest room and one for each Employee, if any.
 - (b) The access driveway shall be paved.
 - (c) The minimum parking Setback from Side or Rear Lot Lines is 20 feet. A loading zone shall be provided and Approved by the Board of Supervisors.
 - (d) Parking areas shall not be located in the Front Yard. All parking areas shall be screened from view of any adjacent residential use by a Continuous Visual Buffer consisting of a double row of evergreen plantings with a minimum height of eight (8) feet after planting and placed no more than 15 feet apart. The required plantings shall be staggered so as to provide as complete a visual buffer as possible.
- (4) Swimming pools, tennis courts and trash areas shall be screened from adjoining properties in the same manner as parking areas.
- (5) Lighting for parking areas, swimming pools, and tennis courts shall be shielded and shall not project more than one-half (1/2) footcandle of light at Lot Lines.
- (6) The maximum number of guest rooms is nine (9).
- (7) The outside of the Structure shall not be added to, altered or changed to accommodate the facility, except as might be required by state or local authorities for fire and safety

purposes.

- (8) The kitchen, eating area and facilities to be used in providing food and beverage to guests shall meet all applicable health, safety and sanitary requirements. There shall not be a separate kitchen or cooking facility in any guest room. The food service shall be limited to breakfast and afternoon tea.
 - (9) Lodging services such as maid service and the furnishing and laundering of linen shall be provided to the Occupants.
 - (10) One (1) Sign is permitted identifying the property. The Sign shall not exceed 12 square feet in area. If a freestanding Sign is to be used it shall be set back a minimum of five feet from the Right-of-Way and shall not contain any information other than identification of the Premises. Sign design and lighting are subject to approval by the Board of Supervisors.
 - (11) The Board of Supervisors shall review and consider all applicable requirements of the Code of Chadds Ford Township, together with all applicable state codes and health regulations in ruling on the application.
 - (12) Guests shall be transient and may be registered for a maximum of 14 consecutive nights. Guest registration records shall be maintained and open to inspection by the Township Code Enforcement Officer.
 - (13) Any meals provided and any amenities connected with the Bed-and-Breakfast Inn, such as swimming pools or tennis courts, shall be solely for the use of the Owner, the Owner's Family and the Owner's registered guests.
 - (14) An Owner, or Owners, shall reside in the Bed-and-Breakfast Inn residence as their principal residence in the R-1 District. An individual who owns a minimum of 25 percent interest in the residence, whether as a joint Tenant, Tenant in common, copartner or shareholder, is, by this definition, an Owner.
 - (15) The use shall be accessory to the principal use of a private, Owner occupied or long-term lessee occupied residence that is permitted in the residential district where the Structure is located, or shall be accessory to the principal use in the MC District.
 - (16) The Structure, except that portion used for the Bed-and-Breakfast Inn use, shall be occupied and used solely by the residential Occupant and members of his/her Family.
- D. Standards for review of Conditional Use. Factors to be considered by the Board of Supervisors while reviewing each application for a Conditional Use Bed-and-Breakfast Inn are as follows:
- (1) Prior to the approval of Conditional Use, the Applicant shall apply to the Board of Historical and Architectural Review (HARB) for review of historic and/or architectural significance of the property if required to do so by the Board of Supervisors.
 - (2) The Board of Supervisors will determine if the existing Building, inn or Structure is of historical significance or unique value due to age, architectural significance or association with a prominent historical Person, Family or event. In making this determination, consideration will be given to the Structures that have been identified as historic in the Historic Site Survey prepared for Chadds Ford Township by the Delaware County Planning Commission dated June 1984, and as may be updated from time to time and Approved by the Board of Supervisors of Chadds Ford Township.
 - (3) The Bed-and-Breakfast Inn may have a limited number of Employees; their number and

hours will be a factor in determining whether to grant the Conditional Use. Members of the Owner's immediate Family who reside therein will not be considered Employees.

(4) Additional factors to be considered:

- (a) The compatibility of the proposed use with existing and foreseeable nearby land uses.
- (b) The relationship of the proposed use to the Comprehensive Plan, as amended.
- (c) The safety of access to the property for service and emergency vehicles.
- (d) The adequacy of bathroom facilities for the maximum number of guests.

E. Procedure. Upon receiving an application for Conditional Use under this section, the Board of Supervisors will, prior to the hearing, require the Applicant to furnish all of the following materials and any other items deemed necessary by the Board:

- (1) A requisite number of copies as set forth by Resolution by the Township from time to time of site Plans drawn to scale showing the nature, location and dimensions of the proposed Bed-and-Breakfast Inn;
- (2) Photographs showing existing uses and surrounding areas and other pertinent data;
- (3) Specifications for Building or structural changes as well as for the fire escapes or other such modifications by an architect or registered engineer for the proposed Building and adjacent parking or recreational areas;
- (4) Installation or maintenance Plan for on-site or other type of Sewage disposal systems; and
- (5) Evidence of an available location suitable for an additional on-site Sewage location.

F. Permit and inspections. Any Person or Persons owning or operating a Bed-and-Breakfast Inn within Chadds Ford Township is required to obtain an annual permit issued by the Code Enforcement Department or the Township upon satisfactory annual inspection of the Premises by the Code Enforcement Officer indicating the Premises are in compliance with all applicable state and local codes. The fee for said permit will be set from time to time by Resolution of the Board of Supervisors.

§ 135-201. (Reserved).

§ 135-202. (Reserved).

§ 135-203. Swimming pool regulations.

Swimming pools, hot tubs and like Structures (hereinafter collectively referred to as swimming pools) are permitted as Accessory Structures to principal permitted residential uses, or to principal nonresidential uses in districts that permit swimming pools as Accessory Structures at facilities such as Hotels, Motels, and swimming pool companies. The following conditions and requirements apply:

- A. Swimming pools designed to contain six (6) or more inches of water shall conform to these regulations.
- B. The swimming pool shall be solely for the use of the Occupants of the property on which it is located, and their guests, and shall not be operated commercially nor any fee charged for the use of the pool.
- C. A permit is required to locate, construct or maintain a swimming pool as an Accessory

Structure.

- (1) Construction drawings and drainage calculations shall be submitted to the Township Engineer with the application for a permit.
 - (2) The location of the pool and its distance from the permanent markers shall be clearly shown on the application.
 - (3) Prior to approval of a permit, the Lot shall be marked by permanent markers.
 - (4) In all cases where the land is inadequate, the permit will require the swimming pool to be emptied by suction instead of drainage across property.
 - (5) An As-Built Plan showing the location of permanent markers and position of the pool shall be provided to the Township prior to any use of a pool.
- D. The drainage of swimming pools shall not interfere with water supply systems, existing sanitary facilities, Public Streets, or neighbors' properties.
- E. If the water for the swimming pool is supplied from a private well, there shall not be any cross-connection with a Public Water supply system.
- F. If the water for the swimming pool is supplied from a Public Water supply system, the inlet shall be above the overflow level of the pool by no less than six (6) inches.
- G. Swimming pools and Structures related to a pool **shall** be located in the Rear or Side Yard but shall not be within the Setback area. Any walks, paved areas or open decks related to the pool not forming part of the residence shall be more than half the Setback distance away from the Lot Line.
- H. Swimming pools shall not be located under any electrical lines, or over any utility lines including electric, sewer and water lines, and shall not be within 10 feet of any part of a septic system.
- I. Water from any swimming pool shall not be discharged onto adjoining properties or Streets, or onto On-Site Sewage Disposal systems.
- J. Every swimming pool hereafter constructed shall be completely enclosed by a fence that is at least four (4) feet high and has a self-closing, self-latching gate that accommodates a locking device to control access by unauthorized Persons, and to protect children and animals. Access gates shall open outward away from the pool.
- K. Fencing shall be placed either near or adjacent to the pool or at such other place on the property as to constitute an adequate barrier against entrance onto the land or into the pool. Permanent Structures, such as a side of a Building, may be considered to be part of the fence when Approved by the Zoning Officer. When the Dwelling or other Building is part of the pool barrier, operable windows having a sill height of less than 48 inches above finished floor and doors having access to the pool area shall be equipped with alarms; listed and labelled as a water hazard entrance and alarmed in accordance with the UL 2017.
- (1) Such fence shall be constructed of wire, wood, decorative masonry or other material Approved by the Code Enforcement Officer.
 - (2) A temporary fence, adequate as aforesaid, shall be placed the day Construction begins and maintained throughout completion of Construction. The maximum aperture of any fence is two inches.

- L. Fences shall be constructed in a workmanlike manner and maintained in a safe condition
- M. The fencing requirement of these regulations does not apply to a swimming pool four (4) feet or more above grade when equipped with removable steps or ladders, provided that said steps or ladders are removed when the pool is not in use.
- N. The fencing requirement of these regulations does not apply to a natural pond or a man- made pond not intended for swimming, unless deemed necessary by the Board of Supervisors.
- O. These regulations are effective immediately after adoption as an amendment to this chapter.
- P. Owners of swimming pools that were in existence prior to the effective date of this section will not be required to comply with the fencing requirements set forth above; however, upon a transfer or sale of the property on which the pool is located, the new Owner will be required to comply with these regulations within 12 months.
- Q. All pools shall be buffered as set forth in this chapter.
- R. Lighting shall be placed so no light projects beyond the Lot boundaries.
- S. The Township has the right to periodically inspect any pool in the Township but does not have the duty to do so.
- T. Time of completion. All pools shall be completed within 90 days of the grant of the permit unless the time is extended by the Code Enforcement Officer for good cause.

§ 135-204. (Reserved).

ARTICLE XXVLI. ZONING HEARING BOARD.

§ 135-205. Administration.

A Zoning Hearing Board shall be appointed by the Board of Supervisors in the manner prescribed in the Municipalities Planning Code, as amended, and as provided below.

§ 135-206. Establishment and membership.

A. There shall be a Zoning Hearing Board (ZHB) consisting of three (3) residents of the Township who shall be appointed by the Board of Supervisors. The Board of Supervisors shall appoint one (1) such member to serve until the first day of January following the effective date of this chapter, one (1) until the first day of the second January thereafter, and one (1) until the first day of the third January thereafter. The Board of Supervisors shall appoint their successors upon the expiration of their respective terms to serve for three (3) years, and shall fill any vacancy for the unexpired portion of such vacant term. The Board of Supervisors may reappoint members at the expiration of their terms. Members of the ZHB shall hold no other office in the Township.

B. The Board of Supervisors may appoint by resolution at least one (1) but no more than three (3) residents of the Township to serve as alternate members of the ZHB. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of

§ 135-207.B., an alternate shall be entitled to participate in all proceedings and discussions of the ZHB to the same and full extent as provided by law for ZHB members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this article and as otherwise provided by law.

Alternates shall hold no other office in the Township, including Zoning Officer or membership on the Planning Commission. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the ZHB nor be compensated pursuant to the Municipalities Planning Code (MPC) unless designated as a voting alternate member pursuant to this section.

C. Any member of the ZHB may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by a majority vote of the Board of Supervisors, taken after the ZHB member has received 15 days' advance written notice of the intent to take such a vote, and a hearing shall be held in connection with such vote if the member shall so request in writing.

§ 135-207. Organization and procedure.

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

B. If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairperson of the ZHB shall designate as many alternate members of the ZHB to sit on the ZHB as may be needed to provide a quorum. Any alternate member of the ZHB shall continue to serve on the ZHB in all proceedings involving the matter or case for which the alternate was initially appointed until the ZHB has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

C. The ZHB may make, alter and rescind rules and forms for its procedure, consistent with this chapter and the laws of the Commonwealth of Pennsylvania. The ZHB shall keep full public

records of its business and shall submit a report of its activities to the Board of Supervisors. The records of the ZHB shall be the property of the Township.

- D. Within the limits of funds appropriated by the Board of Supervisors, the ZHB may employ or contract for secretaries, clerks, attorneys, consultants and other technical and clerical services. However, the Solicitor for the ZHB shall be a different individual than the Solicitor for the Board of Supervisors. Members of the ZHB may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.

§ 135-208. Hearings and decisions.

The ZHB shall conduct hearings and make decisions in the following manner:

- A. All hearings and decisions shall be public.
- B. Notice of hearings shall be given by the Township in the following manner:
 - (1) To the public, pursuant to "Public Notice" as defined in Article II. It shall state the time and place of the hearing and the matter to be considered at the hearing.
 - (2) To the Applicant, Zoning Officer, Township Manager, Secretary of the Planning Commission, Board of Supervisors, abutting Owners and Owners within 500 feet of the Lot, and to any Person who has made timely request for the same, or their legal counsel (if such counsel shall have filed appearance with the ZHB) by mailing notice of the time, place and purpose of the hearing at least 15 days in advance of the date fixed for hearing. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected Tract of land at least one (1) week prior to the hearing.
 - (3) Notice of hearings, both published and written, shall state, in addition to the time, place and purpose of the hearing, the location of the Lot or Structure involved, the nature and extent of the relief sought, and the general nature of the question involved. Notice of said hearing shall be conspicuously posted on the affected Tract of land.
 - (4) The hearing shall be held within 60 days from the date of the Applicant's request, unless the Applicant has agreed in writing to an extension of time.
 - (5) In the event more than one (1) hearing is required to consider any application, or a hearing is continued while in progress to another date, announcement at the hearing to be continued of the next hearing date shall be deemed adequate notice of said continued or subsequent hearing. In the event the date or time of the hearing is changed, then Public Notice shall again be provided as set forth above. If, for any reason, the continued hearing is not held within 45 days of the first hearing, then Public Notice shall be provided as set forth above.
- C. Hearings shall be conducted by the ZHB (or hearing officer), and the Chairperson or, in his/her absence, the Acting Chairperson, shall administer oaths and may issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- D. The parties to the hearing shall be the Township, any Person affected by the application who has made a timely appearance of record before the ZHB, and any other Person, including civic or community organizations, permitted to appear by the ZHB. All Persons who wish to be

considered parties shall enter appearances in writing.

- E. The parties shall have the right to be represented by legal counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses.
- F. The ZHB (or hearing officer) shall keep a stenographic record of the proceedings; the appearance fee of a stenographer shall be shared equally by the Applicant and the ZHB, and a transcript of the proceedings and a copy of graphic or written material received in evidence shall be made available to any party at cost.
- G. The ZHB or the hearing officer shall not communicate, directly or indirectly, with any party or his/her representative(s) in connection with any issue involved except upon notice and opportunity for all parties to participate; shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or that party's representative counsel unless all parties are given an opportunity to be present.
- H. The ZHB (or hearing officer) shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the ZHB unless waived by the Applicant according to the law. Each decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefor. Conclusions based on any provisions of the MPC or on any Township ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found. Where the ZHB (or hearing officer) fails to render a decision within the period required, the decision shall be deemed to have been rendered in favor of the Applicant, unless the Applicant has agreed in writing to an extension of time.
- I. A copy of the final decision or, where no decision is called for, of the findings shall be personally delivered or mailed to the Applicant in accordance with the law, and to all other Persons who have filed their name and address with the ZHB not later than the last day of the Hearing. The ZHB shall provide, by mail or otherwise, a summary of the Decision or findings, and a statement of the place where the full Decision or finding may be examined.

§ 135-209. Functions of Zoning Hearing Board.

The ZHB shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- A. Challenges to the validity of this chapter or the Zoning Map. The ZHB shall hear challenges to the validity of this chapter or the Zoning Map in accordance with Article IX of the MPC.
- B. Variances.
 - (1) Requests for Variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the Applicant. The ZHB may grant a Variance, provided that all of the following findings are made where relevant in a given case:
 - (a) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of Lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the

property is located;

- (b) That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and that the authorization of a Variance is therefore necessary to enable the reasonable use of the property;
- (c) That such unnecessary hardship has not been created by the Applicant;
- (d) That the Variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or Development of adjacent property, nor be detrimental to the public welfare; and
- (e) That the Variance, if authorized, will represent the minimum Variance that will afford relief, and will represent the least modification possible of the regulation in issue.

(2) In granting any Variance, the ZHB may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter and the MPC.

C. Special Exceptions.

(1) Special Exceptions shall be heard and decided in accordance with the standards set forth below. In granting Special Exceptions, the ZHB may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may deem necessary to implement the purposes of this chapter:

(a) Special Exceptions related to the Floodplain Conservation Overlay District shall be evaluated in accordance with **Article XIX**.

(2) The Applicant shall submit a report to evidence proof of compliance with the standards and criteria of **Article XIX**.

D. Substantive challenges to the validity of this chapter, except those brought before the ZHB pursuant to Sections 609.1 and 916.1(a)(2) of the MPC.

E. Challenges to the validity of this chapter raising procedural questions or alleged defects in the process of enactment or adoption shall be raised by an appeal taken within 30 days after the effective date of the chapter.

F. Appeals from the determination of the Zoning Officer, including but not limited to the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease-and-desist order or the registration or refusal to register any Nonconforming Use, Structure or Lot.

G. Appeals from a determination by the floodplain administrator, Township Engineer or Zoning Officer with reference to the administration of the Floodplain Conservation Overlay District provisions of this chapter.

H. Appeals from the Zoning Officer's determination under Section 916.2 of the MPC.

I. Appeals from the determination of the Zoning Officer or Township Engineer in the administration of this chapter or provision thereof with reference to sedimentation and soil erosion control and stormwater management insofar as the same relate to Development.

J. Applications for Variances from the terms of the Floodplain Conservation Overlay District of this chapter.

- K. Applications for Special Exceptions under the Floodplain Conservation Overlay District of this chapter.

§ 135-210. Time limit after granting a Variance or Special Exception.

- A. Unless otherwise specified by the ZHB, within 12 months after the ZHB authorizes a Special Exception or Variance, the Special Exception or Variance shall expire unless the Applicant either:
 - (1) Submits a Land Development or Subdivision Plan;
 - (2) Applies for a building permit; or
 - (3) Commences a substantial amount of work.
- B. When a Special Exception or Variance has been granted, the Owner shall reapply for any additional relief when changes are requested beyond the original authorization.
- C. If a Special Exception is granted that has the effect of permitting a new or different Principal Permitted Use of the property, the prior use of the property shall no longer be considered a Principal Permitted Use and shall be abandoned and not become an Accessory Use to the principal use permitted by the Special Exception.

§ 135-211. Rules and procedures for application to the Zoning Hearing Board.

- A. All applications and appeals to the ZHB shall be in writing, on forms prescribed by the ZHB.
- B. Every application or appeal shall refer to the pertinent provisions of this chapter and shall exactly set forth the interpretation that is claimed, the grounds for any challenges to the validity of this chapter, the use for which a Special Exception is sought, or the details of the Variance that is applied for and the grounds on which it is claimed that the Variance should be granted, as the case may be.
- C. Applications and appeals, together with the required filing fee as established by the Township, shall be submitted to the Township.
- D. No action by the ZHB shall begin until a complete application form is filed along with the required fee.
- E. All Notices, Hearings and orders shall be made or shall occur in conformance with the provisions of this Chapter and the MPC.

ARTICLE XXVIII. ADMINISTRATION AND ENFORCEMENT.

§ 135-212. Zoning Officer.

There shall be a Zoning Officer who shall be appointed by the Board of Supervisors and be responsible for the administration and enforcement of this chapter. The Zoning Officer shall meet qualifications established by the Township and shall demonstrate to the satisfaction of the Township experience and a working knowledge of municipal zoning, Subdivision and Land Development standards, and Construction principles. The Zoning Officer shall not hold any elected office in the Township.

§ 135-213. Amendments.

The Board of Township Supervisors may from time to time amend, supplement, change, modify, or repeal this chapter, including the Zoning Map, by proceeding in the manner as set forth in Sections 609, 609.1 and 609.2 of the MPC.

§ 135-214. Enforcement notice.

The provisions of this chapter shall be enforced by the Board of Supervisors.

- A. Whenever it appears to the Township that a violation of any provision of this chapter has occurred, enforcement shall be initiated by the appropriate Township officials (Code Enforcement Officer, Building Officer, Zoning Officer, etc.) by sending an enforcement notice as provided in this section, and in the MPC.
- B. The enforcement notice shall be sent to the Owner of record of the Parcel on which the violation has occurred, to any Person who has filed a written request to receive enforcement notices regarding that Parcel, and to any other Person requested in writing by the Owner of record.
- C. An enforcement notice shall state at least the following:
 - (1) The name of the Owner of record and any other Person against whom the Township intends to take actions.
 - (2) The location of the property in violation.
 - (3) The specific violation with a description of the requirements that have not been met, citing in each instance the applicable provision of this Chapter.
 - (4) The date before which the steps for compliance shall be commenced and the date before which the steps shall be completed.
 - (5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Chapter.
 - (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.

§ 135-215. Causes of action.

In case any Building, Structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any provision

of this chapter, the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the Township, or any aggrieved Owner or Tenant of real property who shows that his/her property or Person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such Building, Structure, landscaping or land, or to prevent, in or about such Premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a Owner or Tenant, notice of that action shall be served upon the Township at least 30 days prior to the time the action is begun by serving a copy of the complaint to the Board of Supervisors. No such action may be maintained until such notice has been given.

§ 135-216. Violations and penalties.

- A. Any Person, partnership or corporation who or which has violated or permitted the violation of a provision of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500, plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determining that there has been a violation further determines that there was a good-faith basis for the Person, partnership or corporation violating the chapter to have believed that there was not such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of the chapter shall be paid to the Township.
- B. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- C. Nothing contained in this section shall be construed or interpreted to grant to any Person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

§ 135-217. Fees and Expenses.

- A. Applications or Appeals before the Board of Supervisors or Zoning Hearing Board.
 - (1) Upon submission of an application or appeal before the Board of Supervisors or the Zoning Hearing Board, the Applicant shall deposit an amount of money in accordance with a schedule of Applicant expenses, adopted by Resolution of the Board of Supervisors. The Township Secretary/Treasurer shall have the sole discretion to determine in which category an application falls and, therefore, what amount is due.
 - (2) If, at any time, the charges then made against the Applicant's deposit render the balance insufficient to ensure payment of all expenses that may accrue in the disposition of the pending appeal or application, the Township Secretary/Treasurer shall obtain from the Applicant additional deposits to assure adequate funds to pay such expenses as they may accrue. Prior to the final disposition of the matter, the amount of the deposit shall not be less than 15% of the initial deposit amount. The failure of the Township Secretary/Treasurer to require and obtain additional deposits

from time to time shall not relieve the application from liability for expenses in excess of deposits.

§ 135-218. Municipal Liability.

The granting of any permit under this chapter shall create no liability upon, nor a cause of action against, any Township official or Employee for damages or injury that may occur from the use, Construction or Enlargement of Structures or the use of the land.

§ 135-219. (Reserved)

ARTICLE XXIX. REASONABLE ACCOMODATIONS.

§ 135-220. Short title.

- A. This chapter shall be known as the "Reasonable Accommodations" and contains the Township Policy and Procedure Regulations.

§ 135-221. Purpose and intent.

- A. The purpose of this chapter is to establish a procedure for Persons with disabilities seeking fair access to housing to make requests for reasonable accommodation in the application of Chadds Ford Township's zoning laws, rules, policies, practices and procedures pursuant to 42 U.S.C. § 3604(f)(3)(b) (the Fair Housing Act) and other laws which prohibit local government from refusing to make reasonable accommodations in policies and practices when these accommodations are necessary to afford Persons with disabilities equal opportunity to use and enjoy a Dwelling.
- B. The intent of this chapter is to provide flexibility in the application of the Zoning, Building/Construction and Planning Codes for Individuals with a Disability, when flexibility is necessary to eliminate barriers to housing opportunities. This chapter will facilitate compliance with federal and state fair housing laws and promote housing opportunities for residents of Chadds Ford Township.

§ 135-222. Applicability.

- A. A request for reasonable accommodation may include a modification or exception to the rules, standards and practices for the siting, Development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide an Individual with a Disability equal opportunity to housing of their choice. It is the policy of Chadds Ford Township, pursuant to the Fair Housing Amendments Act of 1988, to provide people with disabilities reasonable accommodation in rules, policies, practices and procedures that may be necessary to ensure equal access to housing. The purpose of these provisions is to provide a process for making requests for reasonable accommodation to land use and zoning decisions and procedures regulating the siting, funding, Development and use of housing for people with disabilities. In this chapter, "use of housing" includes, but is not limited to, housing-related services and the use and enjoyment of the property.

§ 135-223. Notice to Public of availability, application requirements.

- A. Chadds Ford Township's Reasonable Accommodations Policy and Procedure and necessary forms shall be available at the Township offices.
- B. Any Person (or his or her representative) who requires reasonable accommodation because of a Disability shall make such a request to the Township on a form provided by the Township Manager or his or her Designee (hereinafter referred to as "Designee"). A fee, pursuant to the Township's General Fee Schedule, will be charged to review the application.
- C. Other land use or design review applications may be required. If the project for which the request is being made also requires other Township approval (including, but not limited to, design review, Conditional Use permit, Variance or Subdivision), then the Applicant shall file the request for reasonable accommodation, together with the application for Township approval. All related applications for Township approval shall be considered concurrently with the request for reasonable accommodation.

§ 135-224. Requesting reasonable accommodation.

- A. In order to make specific housing available to an Individual with a Disability, any Person may request a reasonable accommodation in the rules, policies, practices and procedures regulating the siting, funding, Development or use of housing by completing the Fair Housing Accommodation Request form available at the Township and filing it with the Designee.
- B. If an individual needs assistance in making the request for reasonable accommodation, the Designee, shall provide the assistance necessary to ensure that the process is accessible to the Applicant.
- C. A request for reasonable accommodation in rules, policies, practices and/or procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing, at the outset or during the approval process.

§ 135-225. Review of requests.

- A. When a request for reasonable accommodation is filed, it shall be referred to the Designee for review and consideration. The Designee shall issue a written decision within 30 days of the date of the application and may grant the reasonable accommodation request or deny the request. Requests shall be made using the Township's Fair Housing Accommodation Request Form, which may be supplemented as the Applicant sees fit.
- B. If necessary to reach a decision on the request for reasonable accommodation, the Designee may make a written request for further information from the Applicant consistent with the Fair Housing Act, specifying, in detail, what information is required. In the event that the Designee requests further information, the running of any review period set forth in **§ 135-225.A** shall be tolled (stopped) until the Applicant responds to the request, in writing. The Designee may make multiple requests for additional information.
- C. Prior to the expiration of the review period set forth in **§ 135-225.A.**, as the same may be extended by the tolling provision set forth in **§ 135-225.B.**, the Designee shall issue a written decision on the request.

§ 135-226. Factors for considering requests.

The Designee shall consider the following criteria when deciding whether a requested accommodation is reasonable:

- A. Is the housing that is the subject of the request for reasonable accommodation to be used by an individual protected under the Fair Housing Act?
- B. Is the request for accommodation necessary to make specific housing available to an individual protected under the Fair Housing Act?
- C. Whether the requested accommodation would impose an undue financial or administrative burden on the jurisdiction.
- D. Whether the requested accommodation would require a fundamental Alteration in the nature of a program.

§ 135-227. Written decision on request.

- A. The notice of determination may grant the accommodation request; grant the

accommodation request subject to specified nondiscriminatory conditions of approval; or deny the request.

- B. All written determinations shall give notice of the right to appeal, if any, as specified in this article. The Designee's written decision on the request for reasonable accommodation shall explain, in detail, the basis of the decision, including the Designee's findings on the criteria set forth above.
- C. All written decisions shall give notice of the right to appeal and to request reasonable accommodation in the appeals process as set forth below. The Designee's notice of decision shall be sent to the Applicant by certified mail and first-class mail.
- D. If the Designee fails to render a written decision on the request for reasonable accommodation within the time period allotted in this article, the request shall be deemed granted.

§ 135-228. Appeals.

- A. Within 30 days of the date of the Designee's written decision, the Applicant may appeal an adverse decision by filing the Appeal of Denial of Fair Housing Accommodation Request form available at the Township. The appeal shall be a de novo appeal and shall be referred to the Chadds Ford Township Uniform Construction Code Appeals Board (hereinafter 'UCC Appeals Board') for hearing and decision.
- B. An Applicant may request reasonable accommodation in the procedure by which an appeal will be conducted. If an Applicant needs assistance in filing an appeal, the Designee shall provide the assistance that is necessary to ensure that the appeal process is accessible to the Applicant.
- C. All appeals shall contain a statement of the grounds for the appeal.
- D. Nothing in this article shall preclude an aggrieved individual from seeking any other state or federal remedy available.

§ 135-229. Judicial review.

- A. Any party aggrieved by any order of the UCC Appeals Board may file an appeal to the Court of Common Pleas of Delaware County within 30 days after the mailing of notice of such order by the Commission to the aggrieved party or the party's attorney.
- B. If no appeal is taken within 30 days, the order of the UCC Appeals Board shall be final and conclusive and shall not be subject to review by any court in any action, including any proceedings to obtain enforcement.