

## ARTICLE XVIII

### SUPPLEMENTAL LAND USE REGULATIONS

#### Section 1800. PURPOSE

The following regulations have been established to govern specific uses, structures or buildings within East Pikeland Township or are of general applicability and which shall apply in addition to any other applicable zoning district regulations.

#### Section 1801. PUBLIC UTILITY CORPORATION

This Ordinance shall not apply to any existing or proposed building or extension thereof, or to any land, used or proposed to be used by a public utility corporation if, upon petition of the corporation, the Public Utility Commission shall, after a public hearing, decide that the present or proposed use of the building or land in question is necessary for the convenience or welfare of the public.

#### Section 1802. AUTOMOBILE SERVICE STATIONS, SELF SERVICE GASOLINE AND STATIONS AND COMBINATION GASOLINE AND CONVENIENCE STORE FACILITIES

The following specific development standards shall apply to all automobile service stations, self service gasoline and diesel fuel stations and combination gasoline (including diesel fuel) convenience store facilities where such uses are authorized by this Ordinance so as to ensure that the uses do not adversely affect the health, safety and general welfare of the community.

1. Minimum Site Area. Service station sites shall contain a minimum area of one (1) acre and a minimum of three thousand (3000) square feet for each pump whichever is greater. A pump may have more than one (1) hose.
2. Minimum Lot Width. The minimum lot width at both the street and the building setback lines shall be one hundred and fifty (150) feet.
3. Setbacks. The pump islands and any similar equipment or facilities shall be set back a minimum of thirty (30) feet from all property lines and street rights of way. The overhang of canopies may extend to within twenty (20) feet of a property line or street right of way however the supporting structure for such canopies shall be set back a minimum of thirty (30) feet from the property line or street right-of-way.
4. Service Bays. Service bays, where provided, shall be limited to one (1) per seven thousand (7000) square feet of lot area. All service bays shall be contained entirely within the principal building. Where any side yard or rear yard is adjacent to a residential district, no more than three (3) service bays shall be permitted. Service bay doors shall not face any residentially zoned district.
5. Screening. Automobile service station sites shall be screened with a six (6)-foot high brick or stone masonry wall, or solid fence of other material when approved by the Zoning Officer, along each property line that abuts a residentially zoned property. A landscaped screen shall also be required according to the provisions of Section 1708. In addition other noise abatement devices or procedures may be required.

6. Waste Disposal. All used tires and parts, trash and similar items shall be stored within a solid brick or concrete enclosure located in the rear half or, in the case of corner sites, the rear quarter of the site and shall be secured against dispersal from the site by wind or water.
7. Gasoline and Other Deliveries. No gasoline delivery vehicle or other delivery vehicle shall be parked on a public right-of-way during delivery nor shall any gasoline delivery hose be permitted on a public right-of-way.
8. Landscaping and Buffering. Landscaping and buffering shall be provided in accordance with the provisions of Sections 1708 and 1709 of this Ordinance. Careful placement of street trees with high foliage and the use of low growing (under thirty (30) inches in height) ground cover and shrubbery shall be employed in order to ensure adequate sight distances for entering and exiting traffic.
9. Curb Cuts and Corner Radii. On corner sites a twenty (20) foot curb radius shall be provided and no point of access to the site shall be located within one hundred (100) feet of the street intersection, measured from centerline to centerline. At intersections where a primary right turn flow of traffic is anticipated, a longer curb radius may be required also with a minimum distance of one hundred (100) feet between a point of access and the street intersection.
10. Signs. Signs associated with an automobile service station shall be in compliance with the standards of Article XIX of this Ordinance.
11. Self Service Pumps. Self service pumps for gasoline and diesel fuel shall be permitted only in compliance with applicable state regulations governing the use thereof and as approved by the State Fire Marshall.
12. Complementary Uses Requiring Conditional Use Approval. The following uses may be operated in conjunction with the principal automobile service station use when authorized by the Board of Supervisors as a conditional use in accordance with the provisions of Section 2000.6 of this Ordinance:
  - A. Vehicle, trailer and similar equipment leasing and rental.
  - B. Car washing.

### Section 1803. ACCESSORY DWELLINGS

In order to allow opportunities for the creation of accessory dwelling units in existing single-family detached dwellings or existing buildings accessory to single-family detached dwellings for the express purpose of addressing the housing need of small households, efficiently utilizing the existing housing stock and allowing some economic benefit to owner-occupants of single-family dwellings in the Township, the following standards shall apply:

1. Accessory dwelling units may only be created on single-family detached residential lots when authorized as a Special Exception by the Zoning Hearing Board according to the provisions of Article XXII of this Ordinance.
2. There shall be no more than one (1) accessory dwelling unit created on any single-family detached residential lot.

3. One (1) of the two (2) dwelling units shall be occupied by the owner of the lot on which both dwelling units are located.
4. The minimum size of an accessory dwelling unit shall be six hundred (600) square feet of gross habitable area and shall not comprise more than thirty-five percent (35%) of the gross habitable area of the principal dwelling unit prior to the creation of the accessory dwelling unit.
5. Any addition to the existing structure to accommodate an accessory dwelling unit shall be limited in its size to ten percent (10%) of the gross habitable area of the existing principal dwelling unit and shall be in compliance with the applicable yard and height requirements of the zoning district. No other alterations to the exterior of the structure shall be permitted unless necessary for health or safety reasons. No exterior changes to the structure shall be made which, in the judgment of the Zoning Hearing Board, are not in conformance with the existing single-family character of the neighborhood.
6. When public sewer facilities are not available, the Applicant shall submit to the Township a permit for an on-site sewage disposal system(s) issued by the Chester County Health Department certifying the adequacy of the sewage disposal system(s) for the projected number of residents.
7. One (1) off-street parking space shall be required for the accessory dwelling unit in addition to those utilized by the principal dwelling unit. The additional parking space shall not be located within any required yard area.
8. To ensure compliance with this Ordinance an architectural plan, drawn to scale, shall be submitted indicating the location and size of the existing dwelling unit and the proposed dwelling unit, parking areas and any proposed exterior alterations.

#### Section 1804. OTHER ACCESSORY USES, BUILDINGS AND STRUCTURES

Uses considered customarily accessory and incidental to any permitted use under this Ordinance shall include those generally provided for within the zoning districts. In addition, the uses listed herein shall specifically be deemed accessory in accordance with the following requirements.

1. Uses Accessory to Agriculture.
  - A. Greenhouse
  - B. Display and sale of farm products in accordance with the following:
    - (1) At least fifty percent (50%) of such products shall have been produced on the property on which they are offered for sale.
    - (2) Parking for at least three (3) cars shall be provided on the lot. Where the building area exceeds six hundred (600) square feet, one (1) additional parking space shall be provided for each additional two hundred (200) square feet of building area.
    - (3) The sale of farm products shall be conducted either from a potable stand, dismantled at the end of the growing season or from a permanent building. Any such structure, either portable or permanent shall be set back a minimum of twenty-five (25) feet from the road right-of-way.

- C. Preparation of agriculturally related items produced on the premises for the disposal thereof by marketing or otherwise.
- D. Keeping, breeding and management of animals in accordance with Section 1818 of this Ordinance.
- E. Tenant house in accordance with the standards and conditions in Section 1803 of this Ordinance.

2. Uses Accessory to a Dwelling.

- A. Private detached garage, private parking space, private storage shed and private barn.
- B. Private stable or other shelter for animals (not including kennels) in accordance with the requirements of Section 1818.
- C. Private greenhouse.
- D. A radio or television pole, mast, tower or other structure higher than sixty (60) feet when erected and operated by a resident of the dwelling who shall be an amateur radio operator licensed by the Federal Communications Commission.
- E. Microwave dish antenna in accordance with the provisions of Section 1817.
- F. Storage facility in accordance with the provisions of Section 1815.
- G. Swimming pool in accordance with the provisions of Section 1816.
- H. Home occupation in accordance with the provisions of Section 1806.
- I. The rental of rooms within a dwelling in which the lessor resides, or in a building accessory thereto, to not more than two (2) non-transient persons with or without the provision of board for such persons.

3. Uses Accessory to Commercial, Office and Industrial Uses.

- A. Storage facility in accordance with the provisions of Section 1815.
- B. Microwave dish antenna in accordance with the provisions of Section 1817.
- C. Restaurant and cafeteria for use by employees of commercial, office and industrial uses in accordance with the provisions of Section 1804.
- D. Living quarters for watchmen, caretakers and similar employees of commercial, office and industrial uses in accordance with the provisions of Section 1804.
- E. Recreation facilities for use by the employees of commercial, office and industrial uses in accordance with the provisions of Section 1804.
- F. Bus shelter in accordance with the provisions of Section 1820.

4. Uses Accessory to Public Parks. Customary recreational, refreshment and service uses and buildings in any public park, reservation, playground or other recreation area.

Section 1805. LOCATION OF ACCESSORY USES

1. Unless otherwise specified in this Ordinance, accessory uses, buildings and structures shall be located to the side or rear of the principal building.
2. Unless otherwise specified in this Ordinance, accessory uses, buildings and structures shall be setback from side and rear lot lines for a minimum distance equal to the height of the accessory buildings and structures, provided such setback shall not be less than fifteen (15) feet from a lot line.
3. The minimum distance between any accessory buildings shall be ten (10) feet. The minimum distance between any accessory building and a principal building shall be ten (10) feet if the buildings are not attached.

Section 1806 HOME OCCUPATION

A home occupation shall be deemed either a no-impact home-based business or a major home occupation depending on compliance with the requirements and provisions of this section. No-impact home-based businesses shall be permitted by right. Major home occupations shall be permitted where approved as a Special Exception by the Zoning Hearing Board and subject to the provisions of Section 2208.

1. The following provisions shall apply to all home occupations:
  - A. Subject to the definition herein and the standards of this Section, no-impact home-based businesses may include, but are not limited to, such uses and/or activities as:
    - (1) Professional practice of law, engineering, architecture, accounting, planning, real estate and insurance;
    - (2) Personal services.
    - (3) Cottage industries including crafts and homemade products;
  - B. Major home occupations may include, but are not limited to, such uses and/or activities as:
    - (1) Professional practice of medicine, law, engineering, architecture, accounting, planning, real estate and insurance.
    - (2) Personal services including dressmaking, millinery, barber and beauty shops.
    - (3) Cottage industries including crafts and homemade products.

- (4) Teaching of not more than six (6) pupils simultaneously, or in the case of musical instruction, not more than two (2) pupils at a time.
  - (5) In-home day care use provided no more than four (4) children from outside the family occupying the dwelling are tended to at any time.
  - C. The operation of a medical clinic, boarding home, motor vehicle repair shop, stable, kennel or mortuary shall not be deemed a home occupation.
  - D. All home occupations shall be clearly incidental and secondary to the principal residential use.
  - E. The conduct of all home occupations shall be compatible with the residential use of the property and surrounding residential uses.
  - F. The principal practitioner of any home occupation must be a resident of the property on which the home occupation is practiced.
  - G. No home occupation shall involve alterations to the exterior of any principal or accessory structure except those customary to residential use of the property. The exterior of the principal residence and all accessory structure, if any, shall retain an appearance that is essentially no different than if there were no home occupation(s) conducted inside.
  - H. No home occupation shall occupy an area greater than twenty-five percent (25%) of the total habitable floor area of the principal dwelling unit, or eight hundred (800) square feet of floor area, whichever is less.
  - I. Any dwelling unit in which a home occupation is conducted shall have its own direct access to ground level.
  - J. No home occupation shall cause any offensive or disturbing noise, smoke, odor, glare, vibration, fumes, electronic interference, including radio or television reception, or other objectionable effects noticeable at or beyond the lot line.
  - K. There shall be no sale, nor storage for sale, of chemicals or biological agents on the premises.
  - L. A home occupation may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with a residential use.
2. Additional Standards for No-Impact Home-Based Businesses. No-impact home-based businesses, permitted by right, shall comply with the following additional standards. Home occupations exceeding the standards of this subsection shall be permitted only where approved by the Zoning Hearing Board as a Special Exception and subject to the provisions of Section 2208.
- A. No person other than family members residing in the dwelling may be employed.
  - B. There shall be no signs, advertising, lights or other indication showing evidence of the

existence or conduct of a home occupation.

- C. No additional off-street parking area shall be provided to facilitate the conduct of any no-impact home-based business other than the off-street parking required or permitted for the particular residential use.
- D. No retail sales or any storage of inventory shall be permitted on the premises, nor shall any customer, client or patient traffic, whether vehicular or pedestrian, be permitted.
- E. No pick-up, delivery or removal functions, other than those normally associated with a residential use, shall be permitted.
- F. All activity associated with the business shall occur inside the dwelling.

3. Additional Standards for Major Home Occupations.

- A. No more than (2) persons not residents of the premises may be employed by the principal practitioner of the major home occupation.
- B. In addition to the off-street parking spaces required for the residential use of the property, one (1) off-street parking space shall be provided for each employee, plus one (1) additional off-street parking space of each 400 square feet of space on the premises occupied by the home occupation, providing, however, that a total of no more than six (6) off-street parking spaces shall be permitted on one lot. Use of previous concrete or asphalt and/or concrete or lattice block pavers for parking is encouraged. All off-street parking spaces shall be located at least then (10) feet from any property line and shall be screened from view from neighboring residential properties.
- C. No more than two (2) businesses vehicles used in the practice of a major home occupation may be parked on the property on a regular basis. All business vehicles shall be parked in an enclosed structure or in an area screened from view from neighboring properties and streets.
- D. There shall be no more than one (1) sign, non-illuminated, and no larger than three (3) square feet in aggregate area, identifying the name and occupation of the practitioner. The area of any sign on a vehicle or structure that is regularly visible from the street shall be included in calculating compliance.
- E. No major home occupation shall be permitted in a mobile home within a mobile home park.
- F. Materials, products, or equipment incidental to the practice of a major home occupation may be stored outdoors only when screened from view from neighboring properties and streets in accordance with Section 1708.
- G. Where permitted in connection with the practice of a major home occupation, articles sold or offered for sale shall be produced on the premise, unless incidental to the principal service provided.

Section 1807. INNS AND BED AND BREAKFAST FACILITIES

1. Inn or Similar Lodging. Consistent with the definition of the term "inn" and with the provisions of this Ordinance, a commercial lodging facility may be operated in accordance with the following additional standards:
  - A. An inn or similar lodging shall contain a maximum of twelve (12) rooms with each room to be occupied by no more than two (2) adult persons.
  - B. In addition to the plan submission requirements of Section 1106, any proposal for new construction as an inn shall demonstrate its compatibility with the character of the existing neighborhood and building facades.
2. Bed and Breakfast Facility. The following standards shall apply to the operation of any bed and breakfast facility permitted by this Ordinance:
  - A. A bed and breakfast facility shall be permitted only in single-family detached, owner occupied dwelling units.
  - B. The principal use of the property shall remain that of a single-family dwelling.
  - C. No more than three (3) guestrooms may be offered on any individual residential property.
  - D. There shall be provided one (1) full bathroom (one (1) toilet, washbasin, bath and/or shower) for each two (2) guest rooms.
  - E. The length of stay shall be not more than seven (7) uninterrupted days for any guest.
  - F. Meals shall consist of breakfast only and only for guests of the establishment. Owners shall comply with federal, state and local requirements for the preparation, handling and serving of food.
  - G. Any amenities (swimming pool, tennis court, etc.) shall be solely for the use of the resident owner and bed and breakfast guests.
  - H. The resident owner shall maintain a current guest register.
  - I. Area, dimensional and bulk standards shall be those applicable to single-family detached dwelling units within the zoning district.
  - J. One (1) on-site parking space shall be provided for each guest room and shall not be located in any required yard area.
  - K. One (1) sign shall be permitted in association with a bed and breakfast operation. Any such sign shall comply with the standards for a major home occupation stipulated in Section 1806.3.D of this Ordinance.

Section 1808. RESIDENTIAL CONVERSION

The provisions in this Section 1808 are intended to provide an alternative use for structurally sound, large and primarily older single-family detached dwelling units that are costly to maintain and offer excessive habitable area for a decreasing household size. The provisions of this Section are also intended to increase the number of smaller dwelling units and provide for an efficient use of the existing housing stock while preserving the character of dwellings that may become obsolete and the character of sound and stable residential neighborhoods.

1. Application to the Zoning Hearing Board. The Zoning Hearing Board may authorize as a Special Exception, the conversion of single-family dwellings existing at the effective date of this Ordinance into a dwelling for not more than three (3) families, where clearly necessary to permit reasonable use of the structure and subject to the following requirements:
  - A. The application to the Zoning Hearing Board for authorization of a Special Exception for residential conversion shall include the following:
    - (1) A floor plan indicating both exterior and interior modifications.
    - (2) A lot plan which identifies off-street parking and other lot improvements.
    - (3) A certificate of approval by the Pennsylvania Department of Labor and Industry where two (2) or more families are to be housed above the ground floor.
  - B. A single-family detached dwelling that is converted to a dwelling with a greater number of dwelling units shall maintain the facade and appearance of a single-family detached dwelling with a single front entrance. The dwelling units may share the single front entrance.
  - C. Additional entrances, when required, shall be placed on the side or rear of the building. Exterior stairways and fire escapes shall be located on the rear wall in preference to either sidewall, and in no case be located on a front or sidewall facing a street.
  - D. With the exception of improvements relating to safety and access as identified in subsections B and C above, there shall be no major structural change to the exterior of the building in connection with the conversion.
  - E. The area and bulk regulations for the applicable Zoning District shall be met.
  - F. The minimum floor area for an individual dwelling unit shall be six hundred (600) square feet.
  - G. Each dwelling unit shall be provided separate cooking and sanitary facilities in accordance with applicable Building Codes, and subject to Chester County Health Department and DEP regulations and approvals.
  - H. The number of off-street parking spaces shall be as required in Section 1706. Off-street parking lots with five (5) or more spaces shall be landscaped and screened from abutting lots with dwellings, in accordance with Section 1708 of this Ordinance.

- I. Twenty-five percent (25%) of the lot area shall be designed, reserved and maintained as common open space for residents of the dwelling units. The minimum dimension of any common open space area shall be fifteen (15) feet in any direction. Stormwater detention areas shall not be counted as common open space.

## Section 1809. AGRICULTURAL CONTROLS

The following regulations shall apply in all zoning districts in which agricultural uses are permitted.

1. The minimum lot size for all agricultural uses shall be five (5) acres.
2. The maximum impervious cover on any agricultural property shall be ten (10) percent and both temporary and permanent structures shall be considered impervious surfaces.
3. Agricultural buildings (excluding dwelling units) shall comply with the following standards:
  - A. The minimum lot width at the street line shall be three hundred (300) feet.
  - B. The minimum setback from all lot lines shall be one hundred (100) feet.
  - C. The minimum separation from any residential structures on the same lot shall be one hundred (100) feet.
4. Silos and bulk bins shall be exempted from area and bulk regulations when attached to a building.
5. Manure shall not be bulk-stored within one hundred (100) feet of the property line.
6. Agricultural Runoff shall be controlled according to the following requirements:
  - A. Runoff from agricultural buildings and other impervious surfaces shall be directed around areas where manure is stored or otherwise concentrated.
  - B. The property shall be graded or otherwise managed so that runoff as described in Subsection A, above, shall be confined to the lot.
  - C. The storage and disposal of manure shall be prohibited in areas where continuous or intermittent contact occurs between the material and the groundwater table.
  - D. Storage areas for manure shall be a minimum of one hundred (100) feet from any water supply source and when feasible, downhill from it. Manure storage areas shall also be located a minimum of one hundred (100) feet from any lake or stream.
  - E. There shall be an eight- (8-) foot grass strip between any road cart-way and any tilled area. Where topography or other conditions warrant, the Board of Supervisors may modify this requirement or require additional measures to control runoff.

7. On a property being used for agricultural purposes that is ten (10) acres or greater in size, one (1) tenant house, in addition to the primary residence, shall be permitted in accordance with the following:
  - A. Only one (1) such additional dwelling shall be permitted on any property regardless of the size of the property.
  - B. Where a second dwelling unit already exists on the property as of the effective date of this Ordinance, it shall constitute the permissible tenant house and no additional such dwelling unit shall be constructed. Where no such dwelling exists as of the effective date of this Ordinance, a tenant house may be constructed on the property.
  - C. Where a tenant house is to be constructed under the terms of this Section 1809, the structure shall be so situated such that any subsequent request to subdivide the property and create a separate parcel for the tenant house would be in conformance with the currently applicable Township regulations governing such a request.
  - D. The opportunity for the construction of a tenant house in accordance with the provisions of this Section 1809 shall be in addition to any other applicable provisions of this Ordinance.

## Section 1810 SCENIC RIVER CORRIDOR STANDARDS

1. French Creek Scenic River Corridor Standards
  - A. The standards contained in this Section 1810.1 shall be applicable within the French Creek Scenic River Corridor in East Pikeland Township, as delineated in Subsection 2, below. The French Creek Scenic River Corridor shall act as an overlay district on the otherwise applicable zoning classifications and compliance with the standards of this Section 1810.1 shall be in addition to the applicable base zoning district standards and the floodplain, steep slope and other relevant natural features protection standards of Article IV of this Ordinance. The Scenic River Corridor standards are intended to protect the historical, environmental and cultural resources of the French Creek watershed and its free-flowing, relatively high quality waters that led to the designation (on April 29, 1982) of the French Creek and certain tributaries as components of the Pennsylvania Scenic Rivers Program by the French Creek Scenic Rivers Act (Act No. 97). The standards contained in this Section 1810.1 are consistent with the recommendations of the French Creek Scenic River Management Guidelines, prepared to implement Act 97-1982.
  - B. For the purpose of this Section 1810.1, the French Creek Scenic River Corridor shall be delineated as an area extending seven hundred and fifty (750) feet from either side of the centerline of the main stem of the French Creek.
  - C. Design Standards.
    - (1) Ridgeline Setback. Any new building or other structure shall be setback a minimum of fifty (50) feet beyond the edge or crest of any ridge or topographic divide within the French Creek Scenic River Corridor.
    - (2) Disturbance of Woodland and Other Vegetation. For any property or portion thereof

located within the French Creek Scenic River Corridor, the standards for the conservation of woodlands and other vegetation of Section 404 of this Ordinance shall apply. In addition, no clear-cutting and no utilization of logging roads or skid trails shall be permitted on slopes of fifteen (15) percent or greater. Acceptable selective tree cutting practices within the Corridor shall be prescribed in Section 404 of this Ordinance.

- (3) Screening. Any new building or structure within the French Creek Scenic River Corridor shall be screened from view from the Creek by earthen berms and/or a vegetation screen. The screen shall provide a year-round visual barrier of at least fifty percent (50%) opacity. Species that are used as part of a vegetative screen shall be selected on the basis of their ability to provide the required degree of opacity within ten (10) years of planting. Installation and maintenance of vegetative screening shall conform to the provisions of Sections 1708, and 1709 of this Ordinance.
- (4) Access. In addition to the requirements of this Ordinance and the East Pikeland Township Subdivision and Land Development Ordinance, any new road, street or bridge within the French Creek Scenic River Corridor shall be located, designed and constructed according to the Guidelines to Improve the Aesthetic Quality of Roads in Pennsylvania Departments of Transportation and Environmental Protection (June 1978).
- (5) Grading and Earthmoving. No grading or earthmoving shall be permitted that alter any natural ridgeline within the French Creek Scenic River Corridor.
- (6) Sludge Disposal. The disposal of sludge generated from public or community sewage disposal systems shall be prohibited within the French Creek Scenic River Corridor.

## 2. Pickering Creek, Stony Run and Schuylkill River Scenic Corridor Standards

A Woodland and Hedgerow Overlay District shall be applicable to the Pickering Creek, Stony Run and Schuylkill River Corridors within which the following standards shall apply:

- A. All woodland and hedgerows, as defined in Section 201 of this Ordinance, shall be protected and conserved to promote the ecological health of the Township.
- B. For the purpose of this Section 1810.2, the Pickering Creek, Stony Run and Schuylkill River Scenic Corridors shall be delineated as areas extending four hundred (400) feet from either side of the centerline of each stream.
- C. Disturbance of Woodland and Other Vegetation. For any property or portion thereof located within the Pickering Creek, Stony Run and Schuylkill River Scenic Corridors, the standards for the conservation of woodlands and other vegetation of Section 404 of this Ordinance shall apply. Acceptable selective tree cutting practices within the Corridor shall be prescribed in Section 404 of this Ordinance.
- D. In addition, within the priority areas of the Natural Areas Inventory, Chester County, Pennsylvania, 1994, updated in 2000, no more than ten percent (10%) of woodlands and hedgerows shall be disturbed.

- E. If the disturbance of woodlands and hedgerows exceeds the allowable permitted under Sections 404 and 1810.2.D for any reason, tree replacement according to the standards of Section 404.6 shall be required.

Section 1811. TEMPORARY DWELLING UNITS AND TEMPORARY STRUCTURES

- 1. No temporary structure, whether fixed or mobile in nature shall be established for any dwelling purpose for any length of time unless approved as a Special Exception by the Zoning Hearing Board. Such approval shall be granted only when the Applicant demonstrates that a permanent use, in compliance with the applicable terms of this Ordinance, is being pursued with due diligence and that the temporary dwelling will be utilized for the minimum practical time period and removed immediately upon the expiration of that period.

A Temporary Use and Occupancy Permit may however be issued by the Township in the case of an Applicant displaced from a principal dwelling due to damage to such dwelling sufficient to make the dwelling uninhabitable during the repair or reconstruction period. Such permit shall be issued only in accordance with the provisions of Sub-section 2.B, below.

- 2. A temporary structure shall be permitted only in accordance with the following standards and requirements:

A. Permitted Structures and Uses.

- (1) Bloodmobile, Mobile Medical Testing Facility and Similar Activities related to the promotion of public health.
- (2) Office for Political Campaigns for a period not to exceed three (3) months.
- (3) Mobile Office of the Armed Forces of the United States for public education or recruitment.
- (4) Offices for Contractors on the site and during the period of construction only.
- (5) Temporary Housing for persons displaced from a damaged principal residence wherein such principal residence is uninhabitable during the repair period.
- (6) Temporary Shelter for Business Operations displaced due to damage from a principal structure wherein such principal structure is uninhabitable during the repair period.
- (7) Temporary Seasonal Sales of Merchandise for a period not to exceed thirty (30) calendar days.

B. Standards.

- (1) A Temporary Use and Occupancy Permit shall be required and shall not exceed six (6) months in duration, except for Temporary Seasonal Sales that shall not exceed a thirty (30) calendar day duration. A Temporary Use and Occupancy Permit shall not

be required for uses permitted under Sub-section A.1, above, provided that such uses do not remain in the same location for a period of more than two (2) consecutive days.

- (2) In the case of temporary structures permitted under Sub-sections A.4, A.5 and A.6, above, such temporary structures shall remain in place only until the principal structure has been repaired or constructed or the construction project has been completed. The initial permit may be renewed for three-month (3-month) periods provided the Applicant can demonstrate reasonable progress towards the completion of the reconstruction or construction necessitating the Temporary Structure.
- (3) Where applicable, a copy of the Penn DOT highway occupancy permit shall be provided to the Township.
- (4) No display, sales or parking shall be permitted within any street right-of-way and no display, sales or parking shall obstruct pedestrian or vehicular traffic.
- (5) It shall be the responsibility of the Applicant to demonstrate the need for a Temporary Use and Occupancy Permit.
- (6) All temporary structures shall be completely removed, and the site cleared of any debris, within fifteen (15) calendar days of the expiration of the permit, except temporary structures for the seasonal sale of merchandise, which shall be completely removed, and the site cleared of any debris, with three (3) calendar days of the expiration of the permit. There shall be no cost to the Township for removal of temporary structures and uses and clearing of debris.

#### Section 1812. HELISTOPS AND OTHER AVIATION FACILITIES

1. Helistops are permitted as a Special Exception in the I Industrial Zoning District upon approval of the Zoning Hearing Board, subject to the terms of Section 2208 and the following provisions:
  - A. The proposed helistop will not be detrimental to the health, safety and general welfare of Township residents and their property. In particular, where the proposed helistop is to be located on a property that abuts property used or zoned for residential purposes, the Board of Supervisors, in granting a Conditional Use approval, may impose additional conditions upon the placement and operation of the proposed helistop. Such additional conditions may include, but not be limited to, setback from the residential boundary, hours of operation, flight patterns, specific noise mitigation and other measures that would be intended to minimize off-site impacts of the proposed helistop.
  - B. The landing pad shall be a minimum of sixty (60) feet square or circular with a minimum diameter of sixty (60) feet and must be paved and level.

- C. There shall be a four-foot (4') fence around the helistop, except those located on a roof and the fence shall be so located as not to obstruct the glide angle of a helicopter using the helistop.
  - D. A minimum of two (2) approach lanes to each landing pad shall be provided and maintained free of obstructions and shall be located not less than ninety (90) degrees apart. Each approach lane shall be located within forty-five (45) degrees left or right of the prevailing winds and shall fan out at an angle of ten (10) degrees from the width of the landing pad to a width of one thousand (1,000) feet and shall have a glide angle slope of eight to one (8:1) measured from the outer edge of the pad. Approach lanes shall be located entirely within the property on which the helistop is situated, unless it can be satisfactorily demonstrated to the Board of supervisors that arrangements have been reached between the Applicant and adjacent property owners that assure that any portion of an approach lane beyond the Applicant's property will be permanently maintained free of obstructions. Such agreement shall be secured by easement or deed restriction and shall be so noted on any recorded plan.
  - E. Clear areas for emergency landings of the helicopter in the event of mechanical failure shall be available. These emergency landing areas shall be located within the normal glide range of the helicopter with one (1) engine off when operating in the approved takeoff or landing lane from the helistop.
  - F. An application for a helistop on a roof shall be accompanied by a certification by a registered engineer that the loads imposed by the helicopter will be supported by the structure.
  - G. The helistop shall be used only for personal or executive use by a firm or individual.
2. It shall be unlawful for any person to land, discharge, load or take off in a helicopter any place within the Township other than at a helistop, except:
- A. In conjunction with a special event such as an athletic contest, a holiday celebration or similar activity after thirty days advance notice has been given to the Zoning Officer and permission obtained from the Board of Supervisors to make such landing and takeoff.
  - B. When necessary for law enforcement or other governmental purpose and for emergencies.
  - C. Upon forty-eight (48) hours prior notice to the Zoning Officer in connection with a construction project where a helicopter is to be used to lift equipment related to such project.
3. Heliports and Airports are not permitted in any Zoning District.
4. The operation of ultralight air craft, as defined in this Ordinance shall be permitted only when such operation is approved as a Conditional Use by the Board of Supervisors subject to the terms of Section 2000 and the following provisions:
- A. Ultralight aircraft shall be operated only in accordance with Federal Aviation Administration Regulations, Part 103.

- B. Landing and takeoff facilities for ultralight aircraft shall be confined to the property of the owner/operator of such aircraft to facilitate private, personal use and shall be utilized by not more than two (2) aircraft.
- C. Any facility for the landing and takeoff of ultra-light aircraft should be in compliance with the Pennsylvania laws relating to aviation (Title 74, Part III of the Pennsylvania Consolidated Statutes).

Section 1813. DAY CARE CENTERS

A day care center shall be permitted in compliance with the following standards:

1. Occupancy shall be in accordance with the requirements governed by the Pennsylvania Department of Human Services, office of Children, Youth and Families.
2. The minimum amount of outdoor play or recreation space shall be in accordance with the requirements governed by the Pennsylvania Department of Human Services, Office of Children, Youth and Families.
3. The outdoor play or recreation space shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas or land unsuited for active recreation due to other usage or natural constraints. Fencing or other enclosures shall be a minimum of four (4) feet in height.
4. Where the day care center property is proposed to abut a residentially-zoned property, screening shall be provided that is sufficient to protect adjacent properties from potential impacts of its operation. Compliance with the screening requirements of Section 1708 of this Ordinance shall, in such instances, be demonstrated.
5. The owner and operator of a day care center must be registered with the Pennsylvania Department of Public Welfare (DPW), Office of Children, Youth and Families, and must demonstrate compliance with all DPW regulations.
6. Access to and from the site shall be designed to maximize the safety of individuals receiving care at the facility and the flow of traffic on existing arterial or collector roads. The standards for access management in Section 1705 of this Ordinance shall be complied with.
7. The use of a property for a day care center shall in all other respects comply with the regulations for the zoning district in which it is located.

Section 1814. INSTITUTIONS AND ROOMING HOUSES

1. Institutions. Institutions, as defined and provided for in this Ordinance, shall comply with the following standards:
  - A. A minimum lot area of one hundred thousand (100,000) square feet shall be required for an institution that houses a maximum of four (4) resident/clients and any associated supervisory personnel.
  - B. An additional one (1) acre of lot area shall be required above the one hundred thousand

(100,000) square foot minimum for every two (2) additional resident/clients and associated supervisory personnel or any portion of such increment.

- C. The minimum requirements for off-street parking shall be those applicable to a single-family dwelling. The Zoning Hearing Board may require additional parking for an institution that houses more than four (4) resident/clients and associated supervisory personnel and may employ as a guideline the standard of an additional two (2) off-street parking spaces for each additional four (4) resident/clients and associated supervisory personnel.
- D. The Applicant shall demonstrate that all necessary approvals and permits from the Pennsylvania Department of Labor and Industry have been obtained or waived, particularly with respect to fire protection, safety measures, construction standards and design standards to accommodate persons with disabilities. The Zoning Hearing Board may, in the alternative, authorize approval of the Special Exception contingent upon the requisite approval from the Department of Labor and Industry being obtained.
- E. The Zoning Hearing Board, in reaching its decision on any request for approval of an institution, shall consider the proximity of the proposed use to any other similar institution within the Township and/or to similar facilities in adjacent municipalities and shall not approve any such request where resulting proximity might unduly alter the intended character of the neighborhood through the relative concentration and scale of such uses.

2. Rooming Houses. Rooming houses, as defined and provided for in this Ordinance shall comply with the following standards:

- A. A rooming house shall meet the minimum lot size and other area and bulk requirements for single-family detached dwellings of the base zoning district.
- B. The minimum off-street parking requirements shall be determined on the basis of two (2) plus one-half ( $\frac{1}{2}$ ) space for each room available for rent.
- C. If meals are to be served, the Applicant shall demonstrate compliance with all applicable food handling requirements of the Chester County Health Department.
- D. The Applicant shall demonstrate that all necessary approvals and permits from the Pennsylvania Department of Labor and Industry have been obtained or waived. The Zoning Hearing Board may, in the alternative, authorize approval of the Special Exception contingent upon the requisite approvals from the Department of Labor and Industry being obtained.

## Section 1815. STORAGE

As an accessory or principal use, storage shall comply with the following standards:

### 1. General Provisions

- A. All rubbish, whether organic or inorganic, shall be stored in suitable vermin-proof containers and properly disposed of as soon as practical. All rubbish or waste containers stored in centralized areas are to be screened from view on three (3) sides.

- B. Storage of any materials or wastes shall comply with the requirements of Section 1819.
  - C. Storage for periods in excess of thirty (30) days shall be screened from view of any public right-of-way and any contiguous residential use. Screening shall consist of continuous evergreen plantings and/or include an architectural screen.
  - D. No storage shall be permitted in the front yard of a lot.
  - E. No merchandise, goods, articles or equipment shall be stored, displayed or offered for sale outside of any building except seasonal articles that are too large or otherwise infeasible for storage indoors. Such articles shall be stored adjacent to the principal building housing the commercial use, and shall be enclosed by either walls or opaque fencing designed to be architecturally compatible with the building. Such enclosure shall be a minimum of six (6) feet in height. Any outdoor display area shall be considered sales floor area for purposes of computing building coverage and parking requirements.
  - F. Outdoor storage facilities for fuel, natural materials, raw materials and products shall be enclosed with an approved safety fence compatible with the architectural and landscaping style employed on the lot.
  - G. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transported off by natural causes or forces, nor shall water or surface water undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any groundwater or surface water. Applicable Department of Environmental Protection regulations shall apply.
  - H. Outside storage shall occupy an area of less than one-half the existing building coverage when serving as an accessory use. Accessory uses requiring more land area of storage shall apply for a Special Exception by the Zoning Hearing Board. In no case shall more than twenty-five percent (25%) of the lot area be used for outdoor storage. This provision shall not apply to storage as a principal use such as lumberyards and car dealer lots.
  - I. Outside storage shall not occupy any part of street rights-of-way, pedestrian walkways, required parking spaces, required yard areas, and shall be confined to the buildable areas of the lot or parcel.
  - J. Outdoor storage shall not exceed fifteen (15) feet in height.
  - K. The restrictions on storage set forth in this Section are in addition to any other restrictions and limitations imposed on storage by this Ordinance and/or other applicable regulation, including without limitation the regulations and restrictions applicable to junkyards.
2. Truck or Large Vehicle Parking and Storage.
- A. In all districts, no truck-trailers, vans, motor homes, mobile homes, or any similar vehicle or equipment shall be parked or stored beyond a period of thirty (30) days which sole purpose is the storage of goods or materials. All vehicles awaiting use shall be properly licensed and shall not be parked within any yard area. Licensed empty trailers may be parked at approved freight or truck terminals beyond thirty (30) days;
  - B. The storage or parking of any commercial truck upon any residentially zoned lot or lot used

principally for residential purposes is prohibited. For purposes of this Section, commercial trucks shall include those that exceed a one-ton capacity. In addition, the parking or storage of any trailer other than those accessory to a principal residential use is expressly prohibited on any residentially zoned lot or lot used principally for residential purposes.

3. Storage of small vehicles: in all districts, no tent trailer, boat trailer, boat, racing vehicle, recreational vehicle or similar vehicles not expressly listed in paragraph 2, above, shall be stored outdoors within any required yard area, except when (1) owned by the property owner and currently registered; or (2) unless the vehicles are for sale at a dwelling in any location. On lots where the principal use is residential, no more than two (2) such vehicles shall be stored outside at any one time on a lot.

#### Section 1816. SWIMMING POOLS

1. Every swimming pool area shall be enclosed in accordance with the Uniform Construction Code as adopted by East Pikeland Township, and amended from time to time.
2. All gates and doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping such gate or door securely closed and latched at all times when not in use.
3. A swimming pool shall be setback at least 25 feet from the side or rear lot line; measured from the edge of the pool decking or coping, whichever is closer to the property line. All related swimming pool equipment shall also be setback 25 feet from the property line.
4. No swimming pool shall be constructed in the Township except in accordance with a permit thereby previously secured from the Zoning Officer of the Township, upon written application accompanied by a plan showing the size, shape and location of the swimming pool and its enclosure and such other information may be necessary to the Zoning Officer to determine whether the pool complies with this Ordinance.

#### Section 1817. MICROWAVE DISH ANTENNAE

The following standards shall apply specifically to microwave dish antennae:

1. The dish antennae shall be located on the same lot for which it is being used, and shall remain accessory to the principal use.
2. A free-standing dish antennae shall be located only in the rear yard area of a lot, and shall be setback a minimum of ten (10) feet from any property line.
3. The total height of a freestanding microwave antennae and supports shall not exceed ten (10) feet in height. Such an arrangement shall be screened, in accordance with Section 1708. Supporting materials shall comply with applicable Building Codes.
4. When building mounted, the dish antennae shall be located on a portion of the roof sloping away from the front of the lot. No portion of a microwave dish antenna shall project above the ridgeline of the roof. Mounting techniques shall comply with applicable Building Codes. Microwave dishes of eighteen (18) inches in diameter or smaller may be mounted anywhere on a building, subject to applicable Building Codes.

5. No more than one (1) microwave dish antennae shall be permitted on any lot except where approved by the Board of Supervisors as a conditional use.
6. Microwave dish antennae shall be used solely for the reception of radio and electromagnetic waves.

Section 1818. KEEPING OF ANIMALS

In any district, dogs, cats, fowl, rabbits, goats, sheep, cows, swine, ponies, horses and other animals of similar character and impact shall be kept only according to the following standards.

1. Purpose: This Section has been designed to establish reasonable regulations governing the keeping of animals in order to protect human and animal health, prevent unsightly and erosion-prone land use conditions, prevent the contamination of ground and surface waters, and reduce the safety hazards of straying animals.
2. General Standards for Keeping of Animals.
  - A. No animals of any kind shall be kept in any structure or enclosure or elsewhere on a property which will result in unhealthy or unsanitary conditions for humans or animals or cause excessive noise, objectionable odors, or pollution of groundwater or storm water runoff to neighboring properties.
  - B. All animals shall have appropriate and adequate facilities for food and water. Permanent shelter shall be provided for all animals not kept in the residence including dogs, rabbits, poultry, swine, and other small domestic animals. Horses, cattle, sheep, and goats shall have loafing sheds, covered feeding areas, or other appropriate facilities.
  - C. Side and rear yard setbacks shall be maintained for all structures except that buildings for more than two cows, horses, sheep, or goats, or similar animals shall be constructed or placed at least one hundred feet from any property line.
  - D. All permanent shelters shall be designed for ease of manure removal and handling.
  - E. A fenced or otherwise enclosed outside area shall be provided which is capable of containing the animals kept and is of sufficient size and properly located for good sanitation practices. Materials used for fencing shall be of sufficient sturdiness and properly designed, installed and maintained so as to prevent straying.
  - F. No uncovered manure storage shall be permitted one hundred (100) feet uphill of any lot line or stream. No manure may be stored within a swale or drainage-way.
3. Standards for keeping of animals on properties of less than ten (10) acres.

An individual owning less than ten acres shall comply with the general standards of Section 1818.2, above, and the following:

- A. Up to four (4) adult canines and domestic cats or like numbers or other small domestic animals of similar character and impact may be kept without regard to the standards of this subsection. Greater numbers of such animals may be kept only in accordance with these standards. No kennels shall be permitted and no more than one canine may be left outside the home or a soundproof canine building at night.
- B. One horse, cow, pig, three sheep or goats, or an additional adult canine or cat, not to exceed a total of six animals, may be kept for each acre of continuous pasturage in excess of the required minimum lot area for single-family detached lots, or in the case of such lots in the AP District, in excess of an eighty-five thousand (85,000) square foot yard area. The pasturage available to the animal(s) shall be less than a twenty percent (20%) grade, fenced (or yard area for dogs and cats), and contain no other use. Ten (10) fowl or rabbits may be kept for each acre in excess of the applicable minimum lot size, or eighty-five thousand (85,000) square feet in the AP District, up to a maximum of thirty (30).
- C. All pasturage must consist of well-maintained grasses. Muddy, or dusty, un-grassed areas shall be stabilized to prevent erosion and unsightliness.
- D. Any permanent building placed or constructed on a property shall be designed to serve only that number of animals which is permitted by Section 1818.3.B on the owned property. Land leased for a term of less than twenty (20) years shall not be considered in the sizing of such a building.

4. Standards for keeping of animals on properties larger than ten (10) acres.

- A. The general standards of Section 1818.2 shall be met on all properties.
- B. The general standards of Section 1818.3 shall apply to all cattle, horses, and swine on less than twenty (20) acres.
- C. No canines in excess of those permitted by Section 1818.3.A shall be permitted except in kennels or in facilities maintained for the benefit of a member supported, fox hunting association. Kennels or other suitable shelter for six (6) or more canines shall not be permitted nor located within five hundred (500) feet of any adjoining property unless permitted by Special Exception of the Zoning Hearing Board, which Board shall ensure that soundproofing, waste treatment facilities, food preparation and storage facilities, and running water are provided and that the facility will be landscaped to prevent viewing from public roads or neighboring residences.
- D. Structures for the housing of poultry or swine in excess of the number permitted by Section 1818.3.B shall be at least three hundred feet from any property line.

5. Nonconformities.

- A. Any nonconformity that results in pollution of ground or surface waters shall be eliminated.
- B. Any existing, building which is used for the keeping of animals and which does not meet setback standards or other standards may continue in use so long as it is not expanded.
- C. Canines, domestic cats, horses on a property at the date of passage of this Ordinance in

excess of those permitted by this Ordinance may be kept by the owner provided the general standards of this Ordinance are met. If the general standards are violated, the property owner will have a maximum of one year from the time of citation in which to eliminate the violation(s) or dispose of the animals. Owners of animals normally raised for food shall have six months from the passage of this Ordinance to meet the animals per acre of pasturage or total animal standards.

#### Section 1819. JUNKYARD

The following regulations shall apply to junkyards where permitted:

1. Where a junkyard is located on a property which is adjacent to a residential district or use, all activity associated with the junkyard use shall be setback from the property boundary at least one hundred (100) feet and shall be completely screened from view in accordance with Section 1708.
2. The maximum lot coverage including storage, buildings and structures shall not exceed seventy percent (70%).
3. The area where junk or any other material is stored outside shall be enclosed with a wall or fence, at least eight (8) feet in height and which is designed and constructed so as to be at least ninety percent (90%) solid or opaque. Use of landscaping materials and earthen berms are encouraged to achieve an effective screen.
4. Storage piles shall not exceed eight (8) feet in height and no more than two adjoining rows of junked cars shall be stored together.
5. There shall be provided at least a twelve (12) foot wide access way which shall be kept clear and free at all times to provide for access to all parts of the premises for fire fighting and other safety or emergency purpose;
6. Gasoline, oil, vehicle tires, and other flammable or toxic substances shall be removed from any junk or other items stored on the premises. Such liquids and vehicle tires shall be removed and disposed in a proper manner and shall not be deposited on or into the ground.
7. No junk or other material shall be burned on the premises.
8. No garbage or other waste liable to give off a foul odor or attract vermin or insects shall be kept on the premises.
9. Positive surface drainage shall be provided and all junk shall be stored or arranged so as to prevent accumulation and/or ponding of surface water.
10. Weeds, wildflowers, grasses, etc., shall not exceed twelve (12) inches in height.
11. The premises shall generally be maintained in a safe and sanitary condition at all times.
12. It is required that vehicular tires in any quantity not be stored outdoors, where mosquito breeding can occur in rainwater trapped in tires. Such storage shall be in a completely enclosed building.

## Section 1820. BUS SHELTERS

To provide refuge for public transit riders from adverse weather conditions, a Bus Shelter shall be permitted, provided all of the following requirements are satisfied:

1. Such Bus Shelters shall only be permitted if the entity installing the Bus Shelters has a written agreement with the Board of Supervisors. Such written agreement shall specify at a minimum that:
  - A. The Board of Supervisors shall have the right to pre-approve the location(s) of the Bus Shelter(s), and;
  - B. An acceptable process is established in advance to address liability issues, lighting, removal, and maintenance responsibilities.
2. A Bus Shelter regulated by this Section shall only be permitted abutting the Township's I, C, R-3, R-4, MU, and KR Zoning Districts.
3. A Bus Shelter shall not be located directly abutting the lot line of an existing single-family detached dwelling.
4. The Bus Shelter shall be located to avoid interference with sight distances as specified in Township Ordinances or any applicable standards of the Pennsylvania Department of Transportation, whichever is more restrictive. Bus Shelters shall be permitted in the street right-of-way.
5. Such shelters shall be durably constructed. For security and safety purposes, the majority of the Bus Shelter shall be constructed of clear Lexan®, Plexiglass®, or clear tempered safety glass. In addition, the roof may be constructed of translucent Plexiglass® or another suitable material. The view into a Bus Shelter may only be obstructed from one (1) of the Bus Shelter panels, or sides. Bus shelters shall not exceed forty-five (45) square feet and nine (9) feet in height.
6. All lighting of the shelter and the signs shall be installed in such a way that the source of the light is shielded from direct view of abutting properties and from foot traffic along the street(s), and so that noxious glare is not created. Illumination shall not exceed 0.5 foot-candles and shall be shielded so as to minimize the off-site impact of the illumination.
7. The only signs that shall be permitted shall be those that conform to the provisions of Article XIX and permitted by any written agreement, in addition to the maps and schedules providing information regarding the public transit service.
8. Advertising and signage in a Bus Shelter, except for route map and schedule information, shall be limited to one (1) double-faced panel, or side, of the Bus Shelter. Such advertising and signage shall conform to Article XIX of this Ordinance.

Section 1821. WIRELESS COMMUNICATIONS FACILITIES

1. Purposes and Findings of Fact.

- A. The purpose of this section is to establish uniform standards for the siting, design, permitting, maintenance, and use of wireless communications facilities in East Pikeland Township (referred to herein as the "Township"). While the Township recognizes the importance of wireless communications facilities in providing high quality communications service to its residents and businesses, the Township also recognizes that it has an obligation to protect public safety and to minimize the adverse visual effects of such facilities through the standards set forth in the following provisions.
- B. By enacting these provisions, the Township intends to:
- (1) Accommodate the need for wireless communications facilities while regulating their location and number so as to ensure the provision for necessary services;
  - (2) Provide for the managed development of wireless communications facilities in a manner that enhances the benefits of wireless communication and accommodates the needs of both Township residents and wireless carriers in accordance with federal and state laws and regulations;
  - (3) Establish procedures for the design, siting, construction, installation, maintenance and removal of both tower-based and non-tower based wireless communications facilities in the Township, including facilities both inside and outside the public rights-of-way;
  - (4) Address new wireless technologies, including but not limited to, distributed antenna systems, data collection units, cable Wi-Fi and other wireless communications facilities;
  - (5) 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 co-locate their commercial communications antennas and related facilities on existing towers;
  - (6) Ensure the structural integrity of commercial communications antenna support structures through compliance with applicable industry standards and regulations; and
  - (7) Promote the health, safety and welfare of the Township's residents.

2. General and Specific Requirements for Non-Tower Wireless Communications Facilities

A. Regulations Applicable to all Non-Tower WCF.

- (1) Permitted in All Zoning Districts Subject to Regulations. Non-Tower WCFs are permitted in all Zoning Districts subject to the regulations prescribed below and subject to applicable permitting by the Township.

- (2) Non-Conforming Wireless Support Structures. Subject to the regulations in this section, Non-Tower WCF shall be permitted to co-locate upon legally, non-conforming Wireless Support Structures and other legally, non-conforming structures.
- (3) Standard of Care. Any Non-Tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.
- (4) Wind. All Non-Tower WCF structures shall be designed to withstand the effects of wind according 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/EIA-222-E, as amended).
- (5) Aviation Safety. Non-Tower WCFs shall comply with all federal and state laws and regulations concerning aviation safety.
- (6) Public Safety Communications. Non-Tower WCF shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- (7) Radio Frequency Emissions. Non-Tower WCF shall not, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
- (8) Removal. In the event that use of a Non-Tower WCF is 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. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
  - (a) All abandoned or unused All abandoned or unused WCFs and accessory facilities shall be removed within two (2) months of the cessation of operations at the site and the subject property restored to its original natural condition unless a time extension is approved by the Township.
  - (b) If the WCF or accessory facility is not removed within two (2) months 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.
- (9) Timing of Approval. Within thirty (30) calendar days of the date that an application for a Non-Tower WCF is filed with the Township, the Township shall notify the WCF

Applicant in writing of any information that may be required to complete such application. Within ninety (90) calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the WCF Applicant in writing of such decision. If additional information was requested by the Township to complete an application, the time required by the WCF Applicant to provide the information shall not be counted toward the Township's ninety (90) day review period. Time extensions may be granted if agreed upon by all parties.

- (10) Insurance. Each Person that owns or operates a Non-Tower WCF shall 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.
- (11) Indemnification. Each Person that owns or operates a Non-Tower 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 Non-Tower WCF. Each Person that owns or operates a Non-Tower 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 Non-Tower 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.
- (12) Maintenance. To the extent permitted by law, the following maintenance requirements shall apply:
  - (a) The Non-Tower WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
  - (b) Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.
  - (c) All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
- (13) Reservation of Rights. In accordance with applicable law and as set forth in more detail in subsequent design and development standards below, the Township reserves the right to deny an application for the construction or placement of any Non-Tower WCF for numerous factors, which include but are not limited to, visual impact, design, and safety standards.

- B. Regulations Applicable to all Non-Tower WCF that do not Substantially Change the Physical Dimensions of the Wireless Support Structure to which they are attached.

- (1) Permit Required. WCF Applicants proposing the modification of an existing Wireless Support Structure shall obtain a Zoning Permit from the Township. In order to be considered for such Zoning Permit, the WCF Applicant must submit a permit application to the Township in accordance with applicable permit policies and procedures.
  - (2) 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 Non-Tower WCF or \$1,000, whichever is less.
  - (3) Such Non-Tower WCF may be eligible for a sixty (60) day time frame for review which the Applicant must assert in writing to the Township and provide documentation reasonably related to determining that the Non-Tower WCF is eligible for a shorter review period and if warranted, such application shall be reviewed within the shorten sixty (60) day time period.
- C. Regulations Applicable to all Non-Tower Wireless Communications Facilities that do Substantially Change the Wireless Support Structure to which they are attached:
- (1) Prohibited on Certain Structures. No Non-Tower WCFs greater than ten (10') feet in height shall be located on single-family detached residences, single-family attached residences, or any residential accessory structure.
  - (2) Permit Required. Any WCF Applicant proposing the construction of a new Non-Tower WCF, or the modification of an existing Non-Tower WCF, shall first obtain a Zoning Permit from the Township. New construction and modifications shall be prohibited without a Zoning Permit. After receipt of the permit application, the Township Zoning Officer shall determine whether additional zoning relief is necessary under the Zoning Ordinance.
  - (3) Historic Buildings. No Non-Tower WCF may be located upon any property, or on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or is eligible to be so listed, or is listed on the official historic structures and/or historic districts list maintained by the Township, or has been designated by the Township to be of historical significance.
  - (4) 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 and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Ordinance. 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.
  - (5) 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 Non-Tower WCF, as well as related inspection, monitoring and related costs.

- D. Additional Regulations Applicable to Non-Tower WCF located outside the Public Rights-of-Way that do Substantially Change the Wireless Support Structure to which they are attached.
- (1) Development Regulations. Non-Tower WCFs shall be co-located on existing Wireless Support Structures, such as existing buildings or Tower-Based WCFs, subject to the following conditions:
    - (a) The total height of any Wireless Support Structure and mounted WCF shall not exceed the maximum height permitted in the underlying zoning district, unless the WCF Applicant obtains a variance or previous approvals were granted for the existing structure.
    - (b) In accordance with industry standards, all Non-Tower WCF Applicants must submit documentation to the Township justifying the total height of the Non-Tower WCF. Such documentation shall be analyzed in the context of such justification on an individual basis.
    - (c) If the WCF Applicant proposes to locate the Related Equipment in a separate building, the building shall comply with the area and bulk requirements for the applicable zoning district.
    - (d) A security fence of not less than six (6') feet and not more than eight (8') feet shall surround any separate communications equipment building.
  - (2) Design Regulations.
    - (a) Non-Tower WCFs shall employ Stealth Technology and shall be subject to the approval of the Township.
    - (b) Antennae, and their respective accompanying Wireless Support Structure, shall be no greater in diameter than any cross-sectional dimension that is reasonably necessary for their proper functioning.
    - (c) Non-Commercial Usage Exemption. Township residents utilizing satellite dishes and Antennae for the purpose of maintaining television, phone, and/or internet connections at their respective residences shall be exempt from the design regulations enumerated in this section of the Zoning Ordinance.
  - (3) Removal and Replacement. The removal and replacement of Non-Tower WCFs and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not increase the overall size of the WCF or the numbers of Antennae.
  - (4) Inspection. The Township reserves the right to inspect any WCF to ensure compliance with the provisions of the Zoning Ordinance and any other provisions found within the Township Code or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

- E. Additional Regulations Applicable to all Non-Tower WCF located in the Public Rights-of-Way.
- (1) Co-location. Non-Tower WCFs in the ROW shall be co-located on existing poles, such as existing utility poles or light poles.
  - (2) Design Requirements:
    - (a) WCF installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
    - (b) Antenna and Related Equipment shall be treated to match the supporting structure and may be required to be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.
  - (3) Time, Place and Manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Non-Tower WCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations, including any related permits required related to construction upon Township roads. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.
  - (4) Equipment Location. Non-Tower WCFs and Related Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:
    - (a) In no case shall ground-mounted Related Equipment, walls, or landscaping be located within eighteen (18") inches of the face of the curb, edge of pavement, or within an easement extending onto a privately-owned lot;
    - (b) Ground-mounted Related Equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
    - (c) Required electrical meter cabinets shall the screened to blend in with the surrounding area to the satisfaction of the Township as part of any required permits.
    - (d) Any graffiti on any Wireless Support Structures or any Related Equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.
    - (e) Any proposed underground vault related to Non-Tower WCFs shall be reviewed and approved by the Township, as part of any required permits.

- (5) Relocation or Removal of Facilities. Within sixty (60) 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 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 have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
  - (a) The construction, repair, maintenance or installation of any Township or other public improvement in the Right-of-Way;
  - (b) The operations of the Township or other governmental entity in the Right-of-Way;
  - (c) Vacation of a street or road or the release of a utility easement; or
  - (d) An Emergency as determined by the Township.

3. General and Specific Requirements for All Tower-Based Wireless Communications Facilities.

A. Regulations Applicable to all Tower-Based Wireless Communications Facilities.

- (1) Standard of Care. Any Tower-Based WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any Tower-Based WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.
- (2) Notice. Upon submission of a Conditional Use application for a Tower-Based WCF and the scheduling of the public hearing upon the application, the WCF Applicant shall mail notice to all owners of every property within five hundred (500) feet of the property upon which the proposed facility is to be located. The WCF Applicant shall provide proof of the notification to the Township.
- (3) Conditional Use Authorization Required. Tower-Based WCFs are permitted in certain zoning districts by conditional use and at a height necessary to satisfy their function in the WCF Applicant's wireless communications system. No WCF Applicant shall have the right under these regulations to erect a tower to the maximum height specified in this section unless it proves the necessity for such height.
  - (a) Prior to the Board's approval of a conditional use authorizing the construction and installation of 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 such as repeaters, antenna(s) and other similar equipment installed on existing structures, such as utility poles or their appurtenances and other available tall structures. The WCF Applicant shall further demonstrate that the proposed Tower- Based WCF must be located where it is proposed in order to serve the WCF Applicant's service area and that no other viable alternative location exists.

- (b) The conditional use application shall be accompanied by a propagation study evidencing the need for the proposed tower or other communication facilities and equipment, 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.
  - (c) The conditional use application shall also be accompanied by documentation demonstrating that the proposed Tower-Based WCF complies with all state and federal laws and regulations concerning aviation safety.
  - (d) Where the Tower-Based WCF is located on a property with another principal use, the WCF Applicant shall present documentation to the Board that the owner of the property has granted an easement for the proposed WCF and that vehicular access will be provided to the facility.
- (4) Engineer Inspection. Prior to the Township's issuance of a permit authorizing construction and erection of a Tower-Based WCF, a structural engineer registered in Pennsylvania shall issue to the Township a written certification 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. This certification shall be provided during the conditional hearings or be made as a condition that must be satisfied prior to issuance of any building permits.
- (5) Visual Appearance and Land Use Compatibility. Tower-Based WCF shall employ Stealth Technology which may include the tower portion to be painted silver or another color approved by the Board, or shall have a galvanized finish. All Tower-Based WCF and Related 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. The Board of Supervisors 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; benefit neighboring properties by preventing a negative impact on the aesthetic character of the community; preserve woodlands and trees existing at the site to the greatest possible extent; and encourage sound engineering and land development design and construction principles, practices and techniques.

- (6) Co-Location and Siting. An application for a new Tower-Based WCF shall not be approved unless the Board of Supervisors finds that the wireless communications equipment planned for the proposed Tower-Based WCF cannot be accommodated on an existing or approved structure or building. The 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 commercial communications antenna(s) on an existing structure. The WCF Applicant shall demonstrate that it contacted the owners of tall structures, buildings, and towers within a one quarter ( $\frac{1}{4}$ ) of a mile radius of the site proposed, sought permission to install an Antenna on those structures, buildings, and towers and was denied for one of the following reasons:
  - (a) The proposed Antenna and Related Equipment would exceed the structural capacity of the existing building, structure or tower, and its reinforcement cannot be accomplished at a reasonable cost.
  - (b) The proposed Antenna and Related Equipment would cause radio frequency interference with other existing equipment for that existing building, structure, or tower and the interference cannot be prevented at a reasonable cost.
  - (c) Such existing buildings, structures, or towers do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.
  - (d) A commercially reasonable agreement could not be reached with the owner of such building, structure, or tower.
- (7) Permit Required for Modifications. To the extent permissible under applicable state and federal law, any WCF Applicant proposing the modification of an existing Tower-Based WCF, which increases the overall height of such WCF, shall first obtain a Zoning Permit from the Township. Non-routine modifications shall be prohibited without a permit.
- (8) Gap in Coverage. A WCF Applicant for a Tower-Based WCF must demonstrate that a significant gap in wireless coverage 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 non-existence of a gap in wireless coverage shall be a factor in the Township's decision on an application for approval of Tower-Based WCFs.
- (9) Additional Antennae. As a condition of approval for all Tower-Based WCFs, the WCF Applicant shall provide the Township with a written commitment that it will allow other service providers to co-locate Antennae on Tower-Based WCFs where technically and economically feasible. The owner of a Tower-Based WCF shall not install any additional Antennae without obtaining Zoning Permit approval of the Township.
- (10) Wind. Any Tower-Based WCF structures shall be designed to withstand the effects of wind according 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/EIA-222-E, as amended).

- (11) Site plan. A detailed site plan shall be required for all Tower-Based WCFs, showing all existing and proposed structures and improvements, including but not limited to Antenna and related support structures, building, fencing, buffering and ingress and egress. Such site plan shall be prepared and sealed by a Pennsylvania licensed surveyor or engineer.
- (12) Height. Any Tower-Based WCF shall be designed at the minimum functional height. The maximum total Height of a Tower-Based WCF, which is not located in the public ROW, shall not exceed one hundred twenty (120) feet, as measured vertically from the ground level to the highest point on the structure, including Antennae and subsequent alterations. Should the WCF Applicant prove that another provider of wireless communications services has agreed to co-locate antennae on the WCF Applicant's Tower-Based WCF and requires a greater tower height to provide satisfactory service for wireless communications than is required by the WCF Applicant, the total Height of such Tower-Based WCF shall be permitted to extend to, but not exceed one hundred fifty (150') feet.
- (13) Related Equipment. Either one single-story wireless communications equipment building not exceeding 500 square feet in area or up to five metal boxes placed on a concrete pad not exceeding 10 feet by 20 feet in area housing the receiving and transmitting equipment may be located on the site for each unrelated company sharing commercial communications antenna(s) space on the Tower-Based Wireless Communications Facility.
- (14) Public Safety Communications. No Tower-Based WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- (15) Maintenance. The following maintenance requirements shall apply:
  - (a) Any Tower-Based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
  - (b) Such maintenance shall be performed to ensure the upkeep of the WCF in order to promote the safety and security of the Township's residents, and utilize the best available technology for preventing failures and accidents.
- (16) Radio Frequency Emissions. Tower-Based WCF shall not, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
- (17) Historic Buildings or Districts. Tower-Based WCF shall not be located upon a property, and/or on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or eligible to be so listed, or is included in the official historic structures and/or historic districts list maintained by the Township.

- (18) Signs. All Tower-Based WCFs shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency. The only other signage permitted on the WCF shall be those required by the FCC, or any other federal or state agency.
- (19) 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 Secretary.
- (20) Noise. Tower-Based WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the Township Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
- (21) Aviation Safety. Tower-Based WCFs shall comply with all federal and state laws and regulations concerning aviation safety.
- (22) Retention of Experts. The Township may hire any consultant and/or expert necessary to assist the Township in reviewing and evaluating the application for approval of the Tower-Based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these 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.
- (23) Timing of Approval. Within thirty (30) calendar days of the date that an application for a Tower-Based WCF is filed with the Township, the Township shall notify the WCF Applicant in writing of any information that may be required to complete such application. All applications for Tower-Based WCFs shall be acted upon within one hundred fifty (150) days of the receipt of a fully completed application for the approval of such Tower-Based WCF and the Township shall advise the WCF Applicant in writing of its decision. If additional information was requested by the Township to complete an application, the time required by the WCF Applicant to provide the information shall not be counted toward the one hundred fifty (150) day review period. Time extensions may be granted if all parties agree to extension.
- (24) Non-Conforming Uses. 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 must otherwise comply with the terms and conditions of this section.
- (25) Removal. In the event that use of a Tower-Based WCF is planned 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. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:

- (a) All unused or abandoned Tower-Based WCFs and accessory facilities shall be removed within six (6) months of the cessation of operations at the site and the subject property shall be restored to its original natural condition unless a time extension is approved by the Township.
  - (b) If the WCF and/or accessory facility is not removed within six (6) months of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.
  - (c) Any unused portions of Tower-Based WCFs, including Antennae, shall be removed within six (6) months of the time of cessation of operations. The Township must approve all replacements of portions of a Tower-Based WCF previously removed.
- (26) 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 Tower-Based WCF, as well as related inspection, monitoring, and related costs.
- (27) 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.
- (28) Reservation of Rights. In accordance with applicable law, the Township reserves the right to deny an application for the construction or placement of any Tower- Based WCF for numerous factors, including but are not limited to, visual impact, design, and safety standards.
- (29) Insurance. Each Person that owns or operates a Tower-Based WCF greater than forty (40') feet in height shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the Tower-Based WCF. Each Person that owns or operates a Tower-Based WCF forty (40) feet or less in height shall 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 each Tower-Based WCF.
- (30) Indemnification. Each Person that owns or operates a Tower-Based WCF shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the Person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the Tower-Based WCF. Each Person that owns or operates a Tower-Based WCF shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction,

installation, operation, maintenance or removal of Tower-Based 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.

- (31) Engineer Signature. All plans and drawings for a Tower-Based WCF shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.
  - (32) Financial Security. Prior to receipt of a Zoning Permit for the construction or placement of a Tower-Based WCF, the WCF Applicant shall provide to the Township financial security sufficient to guarantee the removal of the Tower-Based WCF or other such financial security which may be required by the Township under the Township's Subdivision and Land Development Ordinance if applicable to the project. Said financial security shall remain in place until the Tower-Based WCF is removed or the Township otherwise authorizes the release of the financial security.
- B. Regulations Applicable to Tower-Based Wireless Communications Facilities located outside the Public Rights-of-Way:
- (1) Development Rights.
    - (a) Only Tower-Based WCFs greater than forty (40') feet in height are permitted outside the public Rights-of-Way in the following zoning districts by conditional use:
      - (i) MU- Mixed Use District
      - (ii) C- Commercial District
      - (iii) I- Industrial and U-Utility Districts
    - (b) Sole Use on a Lot. A Tower-Based WCF shall be permitted as a sole use on a lot provided that the underlying lot meets the minimum lot area of the district in which it is located. The minimum distance between the base of a Tower-Based WCF and any adjoining property line or street right-of-way line shall equal 110% of the proposed WCF structure height unless it is demonstrated to the reasonable satisfaction of the Board that in the event of failure the WCF is designed to collapse upon itself within a setback area less than the required minimum setback without endangering such adjoining uses and their occupants.
    - (c) Combined with Another Use. A Tower-Based WCF may be permitted on a property with an existing use, or on a vacant parcel in combination with another use, except residential, subject to the following conditions:
      - (i) The existing use on the property shall 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 district and shall be the area needed to accommodate the Tower-Based WCF and guy wires, the equipment building, security fence, and buffer planting.
  - (iii) Minimum Setbacks. The minimum distance between the base of a Tower-Based WCF and any adjoining property line or street right-of-way line shall equal 110% of the proposed Height of the Tower-Based WCF unless it is demonstrated to the reasonable satisfaction of the Board that in the event of failure the WCF is designed to collapse upon itself within a setback area less than the required minimum setback without endangering such adjoining uses and their occupants.
- (2) Design Regulations.
- (a) The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact and shall be subject to the approval of the Township.
  - (b) Tower-Based WCFs outside the public Rights-of-Way shall be greater than forty (40) feet in height in order to maximize coverage, encourage co-location and decrease the necessity for additional towers of greater height in the Township.
  - (c) Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF Applicant's Antennae and comparable Antennae for future users.
  - (d) Tower-Based WCF over forty (40') feet in height shall be equipped with an anti-climbing device, as approved by the manufacturer.
- (3) 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 the Township complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA-222-E, as amended, to document and verify the design specifications of the foundation of the Tower-Based WCF, and anchors for guy wires, if used.
- (4) Fence/Screen.
- (a) A security fence having a minimum height of six (6') feet and a maximum height of eight (8') feet shall completely surround any Tower-Based WCF greater than forty (40) feet in height, as well as guy wires, or any building housing WCF 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 discretion of the Board, they achieve the same degree of screening. Existing vegetation shall be preserved to the maximum extent possible.

(5) Accessory Equipment.

- (a) Ground-mounted Related Equipment associated to, or connected with, a Tower-Based WCF shall be placed underground, if feasible, or screened from public view using Stealth Technologies, as described above.
- (b) All Related Equipment, utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.

(6) Access Road. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to Tower-Based WCF. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion.

(7) Parking. For each Tower-Based WCF greater than forty (40) feet in height, there shall be two off-street parking spaces.

(8) Inspection. The Township reserves the right to inspect any Tower-Based WCF to ensure compliance with the Zoning Ordinance and any other provisions found within the Township Code or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

C. Regulations Applicable to Tower-Based Wireless Communications Facilities located in the Public Rights-of-Way.

(1) Development Standards.

- (a) Only Tower-Based WCFs forty (40') feet or shorter in height shall be permitted by conditional use within the Public Rights-of-Way along the following corridors and roadways, regardless of the underlying zoning district, provided that they are not situated within fifty (50') feet of an underground utility or underground utility easement (exclusive of water and/or sewer lines):

- (i) Kimberton Road (Route 113) between Township Line Road and Rapps Dam Road;
- (ii) Pike Springs Road (Route 113) between Rapps Dam Road and Hares Hill Road;
- (iii) Route 23; and
- (iv) Route 724.

- (b) Additionally, such Tower-Based WCFs shall not be located in any Public Rights-of-Way which directly fronts or abuts the front yard setback area of a residential dwelling.
  - (c) Such Tower-Based WCFs shall be permitted along the above listed roads; however, they shall not be located along such roads directly fronting parcels specifically designated as Parcels with Historic Resources or Historic Bridges or within fifty (50') feet of such resources or bridges as shown on the Historic Resources Inventory Map of the East Pikeland Township, as amended and/or updated and incorporated into a revised historic resources inventory listing/map for the Township.
- (2) Time, Place and Manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Tower-Based WCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code. Any such construction activities shall not take place until receipt of any required permits for such activities upon Township roadways.
- (3) Equipment Location. Tower-Based WCFs and Related Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:
- (a) In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb, or the edge of pavement.
  - (b) Ground-mounted equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
  - (c) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
  - (d) Any graffiti on the tower or on any Related Equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.
  - (e) Any underground vaults related to Tower-Based WCFs shall be reviewed and approved by the Township, as part of the permitting process.
- (4) Design Regulations.
- (a) The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF Applicant shall be subject to the approval of the Township.

- (b) Tower-Based WCFs in the public ROW shall not exceed forty (40) feet in height.
  - (c) Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF Applicant's Antennae and comparable Antennae for future users.
- (5) Relocation or Removal of Facilities. Within sixty (60) 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 Tower-Based 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:
- (a) The construction, repair, maintenance or installation of any Township or other public improvement in the Right-of-Way;
  - (b) The operations of the Township or other governmental entity in the Right-of-Way;
  - (c) Vacation of a street or road or the release of a utility easement; or
  - (d) An Emergency as determined by the Township.
- (6) Reimbursement for ROW Use. In addition to permit fees as described in this section, every Tower-Based WCF in the 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 Tower-Based 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.
4. Supplemental Regulations regarding Municipal Use Properties, Water Towers and Public/Private Utility Substations.
- A. Tower-Based WCF may be permitted upon Municipal Use properties owned by the Township, regardless of the underlying zoning districts, when approved by conditional use by the Board of Supervisors pursuant to the applicable conditional use standards set forth in the preceding sections governing Tower-Based WCF, and subject to the following additional criteria:
- (1) No more than two Tower-Based WCF shall be located upon the subject property;
  - (2) Where a previously approved Tower-Based WCF is located upon public land owned by the Township, antenna(s) of providers other than the entity owning the tower may

be permitted to co-locate on the tower, if the proposed co-location meets all of the applicable requirements of this section and as set forth in the Pennsylvania Wireless Broadband Collocation Act, 53 P.S. § 11702.1.

- (3) When required by the Board of Supervisors, the Tower-Based WCF shall be architecturally screened and landscaped to simulate other structures existing in the Township, such as light poles, flagpoles, farm silos or trees (stealth features), and shall be painted one or more colors (blue, green or remain galvanized) as directed by the Board.
- (4) The discretion to permit the use of Township owned property for Tower-Based WCF and the specific location of the Tower-Based WCF shall be at the absolute discretion of the Board, and the precise location of the Tower- Based WCF shall be an express condition thereof.
- (5) The Township may enter into separate agreements and fee arrangements with Tower-Based WCF Applicants and co-location applicants beyond those permit fees and reimbursement costs set forth in previous sections of this Zoning Ordinance.

B. Non-Tower WCF may also be permitted upon Municipal Use properties owned by the Township, regardless of the underlying zoning district, subject to those regulations and restrictions as set forth in the preceding sections governing all Non-Tower WCF and subject to the following additional criteria:

- (1) Where a previously approved Tower-Based WCF or other Wireless Support Structure is located upon public land owned by the Township, antenna(s) of providers other than the entity owning the tower may co-locate on the Wireless Support Structure, if the proposed co-location meets all of the applicable requirements of this section and as set forth in the Pennsylvania Wireless Broadband Collocation Act, 53 P.S. § 11702.1..
- (2) Subject to applicable law, the permission to grant such Non-Tower WCF use and the location of the Non-Tower WCF within the public land owned by the Township shall be at the absolute discretion of the Township.
- (3) The Township may enter into separate agreements and fee arrangements with Non-Tower-Based WCF Applicants beyond those permit fees and reimbursement costs set forth in previous sections of this Zoning Ordinance.

C. Non-Tower WCF installation upon existing Water Towers and Utility Substations.

- (1) The installation of WCF upon existing Water Towers and upon existing structures located within Utility Substations shall be encouraged and permitted regardless of the underlying Zoning District use provisions.
- (2) Such Non-Tower Based WCF shall be required to comply with the applicable requirements for Non-Tower WCF as provided for in the preceding sections.
- (3) The Township shall have the discretion to modify and adjust certain Non-Tower WCF requirements if deemed appropriate in order to facilitate the use of existing Water Towers and Utility substations located within the Township.

Section 1822. NEW AND USED MOTOR VEHICLE SALES

The following regulations shall apply to new and used motor vehicle sales uses where permitted:

1. All vehicle parking areas, whether for sales display, customer or employee parking, and loading and unloading areas shall be set back a minimum of thirty (30) feet from the ultimate street right-of-way line.
2. All such parking and loading areas shall be physically defined by a raised curb or wall at the setback line in order to provide access only at permitted entrance/exit locations.

Section 1823 TIMBER HARVESTING

Where required by this Ordinance a timber harvesting plan, prepared in accordance with this section, shall be approved by the Township prior to any harvesting operations.

1. Timber Harvesting Plan
  - A. The timber harvesting plan shall address all applicable erosion and sedimentation control and stream crossing regulations as provided in Chapter 102, Erosion Control Rules and Regulations, issued under Act of June 22, 1937, P.L. 1987 (Clean Streams Law), and Chapter 105, Dam and Waterway Management Rules and Regulations, issued under Act of 1978, P.L. 1375, No. 325 (Dam Safety and Encroachments Act).
  - B. The timber harvesting plan shall address, in specific detail, the following:
    - (1) Design of haul and skid road system, and skid trails.
    - (2) Water control structures.
    - (3) Stream crossings.
    - (4) Log landings.
    - (5) Maintenance.
    - (6) Road and log landing retirement.
    - (7) Location of anticipated operation in relation to Township and State roads, including ingress and egress.
    - (8) Location of property boundaries of the tract on which the harvesting will take place and the boundaries of the proposed harvest area.
    - (9) Description of the harvesting method to be employed.
    - (10) Total existing basal area.

- C. The timber harvesting plan shall be available at all times at the harvesting site.
  - D. The Zoning Officer shall be notified at least five (5) working days prior to the start of the harvesting and within five (5) prior to the completion of the harvesting.
2. The following requirements shall govern all timber harvesting operations:
- A. The boundaries of the area to be harvested shall be clearly marked by attaching posters to the boundary trees prior to the harvest to avoid inadvertent harvest off-site.
  - B. Felling or skidding on or across any public road is prohibited without the express written consent of the Township or the Pennsylvania Department of Transportation whichever is responsible for the maintenance of such roads.
  - C. No tops or slash shall be left within seventy-five (75) feet of a public road or adjacent property boundary.
  - D. A harvesting setback of seventy-five (75) feet shall be established along any public road or adjacent property boundary, and harvesting shall be limited to one third (1/3) of the basal area of the harvest in a ten (10) year period.
  - E. Litter resulting from a timber harvesting operation shall be completely removed from the site before vacated by the operator.
  - F. All haul roads, skid roads, skid trails and log landings shall be retired properly including seeding of herbaceous species as recommended by the Chester County Conservation District or the Pennsylvania Department of Conservation and Natural Resources, Bureau of Forestry.

Section 1824            MOBILE HOME PARKS

Any Conditional Use application for a Mobile Home Park shall meet the following criteria and standards:

- 1. Any Mobile Home Park shall comply with the requirements of Article V of the East Pikeland Township Subdivision and Land Development Ordinance.
- 2. Mobile home or manufactured housing units shall be skirted on all sides, to include the skirting or screening of the towing hitch, if it cannot be removed, and the removal of all lights.
- 3. Mobile Home Parks with more than twenty-five (25) lots may offer the lots for fee simple sale in total or in combination with lots for lease.
- 4. Each lot shall contain an outdoor living area in the form of patio deck or porch equal to one hundred eighty (180) square feet in area.

- 5. Open space, in accordance with the provisions of Section 1714, for Mobile Home Parks shall be a minimum of forty percent (40%) of the gross site area, of which a minimum of ten percent (10%) shall consist of lands not constrained by natural features as defined in Article IV.
- 6. A Recreation Area shall be provided for the Mobile Home Park as part of required open space that contains appropriate recreation equipment and pavement for court games, subject to the following:
  - A. The Recreation Area shall be a minimum area of three hundred (300) square feet per lot.
  - B. The open space and recreation area shall be deed restricted to the proposed active and passive recreation uses.
  - C. The open space and Recreation Area shall be shown on the Record Plan for the Mobile Home Park.
- 7. Area and Bulk Standards:
- 8. All structures within a Mobile Home Park shall be setback from all property lines abutting a residential use and/or the R-1 and AP Zoning districts a minimum of one hundred and fifty (150) feet. All internal access drives, parking and loading areas and solid waste collection facilities shall be setback from all property lines abutting a residential use and/or the R-1 and AP Zoning districts a minimum of seventy-five (75) feet.

Section 1825                    AGRICULTURAL OVERRIDE

- 1. The purpose of the agricultural override district shall be to modify current development trends so as to protect the small remaining natural resource, agricultural and other open space areas. Development shall not be permitted on land located within the Agricultural Preservation (AP) Zoning District in Class I and II prime agricultural soils as defined in the United States Department of Agricultural Soil Survey, except as follows:
  - A. Necessary access corridors
  - B. As much as half of the excess of prime soil above 60%, if prime agricultural soils are more than 60% of a tract.

|                          |                        |                      |                      |           |
|--------------------------|------------------------|----------------------|----------------------|-----------|
| Density<br>Maximum Gross | Density<br>Maximum Net | Minimum<br>Site Area | Maximum<br>Site Area | To<br>the |
| 4.0 Dwelling Unit/Acre   | 5.0 Dwelling Unit/Acre | 8.0 Acres Net        | 25.0 Acres Net       |           |

extent that any land in the agricultural override district is not prime agricultural soils in whole or substantial part, and the development of a parcel will not substantially adversely affect the preservation of adjoining nearby agricultural lands, such land may be developed at 125% of the applicable use as determined by a yield plan, not considering this section, approved by the Township, provided also that such development does not result in any depletion of ground water resources. For purposes of this Section, the tract shall be considered as it exists at the time of adoption of this Ordinance.

2. The restriction established by this Section may be mitigated by conditional use to the extent that the owner proves such mitigation is necessary to make reasonable use of the property as a whole (reasonableness adjustment). The owner shall have the burden to prove that the reasonableness adjustment is necessary to make reasonable use of the property. The owner shall submit a self-contained appraisal report evidencing the lost value due to the restriction of this Section, of which the reasonable adjustment is a part. The lost value shall not include the developer and/or builder added value. After proof of the value and unreasonableness is established, the Township shall have the option to compensate the owner for the value of the reasonableness adjustment, at a price determined by averaging the owners' appraisal of lost value and the Township's appraisal of lost value and deducting that portion of the loss not proved necessary for reasonable use. If the Township does not offer to do so within six (6) months after the proof is submitted, or any extension reasonably necessary, the owner may develop in accordance with the reasonableness adjustment.

## Section 1826 ENVIRONMENTAL IMPACT ASSESSMENT REPORT

1. Definition and Purposes of an Environmental Impact Assessment Report
  - A. Definition: Environmental Impact Assessment Report (EIA) is a written assessment which objectively describes, analyzes and documents both the beneficial and adverse environmental and cultural effects of a proposed project and the measures to be undertaken to mitigate adverse effects in accordance with the provisions set forth in this Ordinance, the East Pikeland Township Comprehensive Plan, the East Pikeland Township Zoning Ordinance and the East Pikeland Township Subdivision and Land Development Ordinance.
  - B. Purposes. The impact on the environment generated by subdivision, land development and other projects necessitates a comprehensive analysis of the variety of problems that may result and the actions that can be taken to minimize these problems. In order to effectively evaluate the environmental consequences or effect of certain projects proposed in the Township, an Environmental Impact Assessment (EIA) report shall be submitted together with preliminary and final subdivision and/or land development plans and conditional use applications as follows:
2. General Requirements.
  - A. An Environmental Impact Assessment Report is required for any application for preliminary and final subdivision, land development or conditional use application in all districts.
  - B. An Applicant may request a waiver of the full environmental impact assessment report (EIA) requirements by submitting a Short Environmental Impact Assessment Form available from the Township. Upon completion and review of the Short Environmental Impact Assessment Form, by the Planning Commission and Environmental Advisory Council the Board of Supervisors shall determine if the information provided establishes that the proposal will have minimal adverse effect on the environment in granting such waiver. The Supervisors may require that specific portions of the full E.I.A. be prepared in granting a partial waiver.

- C. A subdivision of lots, all of which are greater than ten (10) acres in net area, shall be exempt from the requirement of an EIA report only if all of the lots are deed restricted from further subdivision and comply with all aspects of the East Pikeland Township Zoning Ordinance, Subdivision and Land Development Ordinance, and the Comprehensive Plan.
- D. In order to minimize the burden of an EIA report, the Applicant may use the components of the EIA report to satisfy the reporting requirements of the Subdivision and Land Development Ordinance, provided, however, that a written list of the sections of the Subdivision and Land Development Ordinance that are proposed to be satisfied by the EIA report shall be submitted with the EIA report.
- E. An updated EIA report shall accompany and form a part of a final land development, subdivision plan or conditional use application as required by this Ordinance.
- F. Six (6) copies of the EIA report shall be submitted with the preliminary and final subdivision or land development plans, and conditional use applications.

3. Requirements for a Full EIA Report.

Within the EIA report, specific emphasis shall be directed toward the proposed project's effects on and relationship to the applicable site, neighborhood (including areas in adjacent municipalities where applicable) and township-wide resources, conditions or characteristics. The EIA report shall include text, tables, maps and analyses for the purpose of describing the project site, proposed use(s), environmental characteristics and the environmental effects of the proposal, to the satisfaction of the Township, as follows:

- A. Overview. Indicate the purpose and scope of the proposed project. Enumerate the benefits to the public which will result from the proposed project and describe the suitability of the site for the intended use. A description of the proposed project shall be presented to indicate the extent to which the site must be altered, the kinds of facilities to be constructed, how they are to be considered and the uses intended. The resident population, working population and visitor population shall be projected. The basis of the projections shall be clearly stated in the report.
- B. Compatibility. The compatibility or incompatibility of the proposed project shall be described in relation to the following:
  - (1) The Township Comprehensive Plan, especially the hydrogeology, land use, and open space elements.
  - (2) The Comprehensive Plans of adjacent municipalities whenever a project is located along or within two thousand (2,000) feet of the municipal boundaries.
  - (3) The Chester County Comprehensive Plan.
  - (4) Regional, state, and federal planning guides.
  - (5) Other pertinent planning documents.

- C. Location. An identification of the site location and area through the use of a location map drawn at a scale of not more than two thousand (2,000) feet to the inch. The location map shall depict all streets, adjoining properties, zoning district boundaries and municipal boundaries within twenty-five hundred (2,500) feet of any part of the tract. In the case of development of only a portion of the entire tract, the location map shall also show the relationship of the section to the entire tract.
- D. Photographs. An identification of the character and appearance of the site, through the presentation of black and white photographs, or copies thereof. Such photographs shall provide a representation of what the site looks like from ground level. Photographs shall be properly identified or captioned and shall be keyed to a map of the site. Chester County Planning Commission aerial photographs shall be provided which contain the entire project area and the adjacent lands within twenty-five hundred (2,500) feet.
- E. Description of the Project. An identification of the nature of the proposal through the presentation of the following:
- (1) A site development plan including notes pertaining to the number and type of lots or units, the square footage or acreage of the tract and a depiction of the features which are proposed such as streets, driveways, parking areas, buildings and other structures, and all impervious surfaces. The plan shall be drawn at a scale of not smaller than one hundred (100) feet to the inch, i.e., fifty (50) feet to the inch is permitted but two hundred (200) feet to the inch is not, and may be submitted as an attachment to the report. The plan shall reflect all the information required under the plan requirements of the East Pikeland Township Subdivision and Land Development Ordinance.
  - (2) Plans and elevations depicting the proposed size, square footage, height, number of rooms (where applicable) of buildings and/or other structures for all non-residential uses.
  - (3) A statement indicating the existing and proposed ownership of the tract and where applicable, the type of ownership, operation and maintenance proposed for areas devoted to open space or otherwise not under the control of a single lot owner.
  - (4) A statement indicating the proposed staging or phasing of the project and a map depicting the boundaries of each stage or phase of the project. Such boundaries shall be superimposed on a version of the site development plan.
- F. Physical Resources Inventory. An identification of physical resources associated with the natural environment of the tract including such features as geology, topography, soils, hydrology and the like. The identification of physical resources shall include a narrative description of the qualitative aspects of each of the resources mentioned above. In addition, these resources shall be mapped at a scale of not smaller than one hundred (100) feet to the inch as specified below and may be either incorporated into the EIA report or submitted as attachments to the report.
- (1) A map depicting the geological characteristics of the tract. Such map shall define the location and boundaries of the rock formations at or influencing the tract and features such as faults and/or fractures.

- (2) A map depicting the topographical characteristics of the tract. Such map shall contain contours with a least two (2) foot intervals, excluding land which is currently or proposed to be restricted under a development conservation easement or where no development is proposed, and shall depict slopes ranging from eight to fifteen percent (8%-15%), fifteen to twenty percent (15%-20%), twenty to twenty-five percent (20%-25%), twenty-five to thirty percent (25%-30%) and greater than thirty percent (>30%). Portions of the site not containing any improvements or grading may have contour lines measured at intervals of not greater than 10 feet except when required to determine conformance with the Subdivision and Land Development Ordinance.
- (3) A map depicting the soil characteristics of the tract. Such map shall depict all soil types and shall include a table identifying soil characteristics pertinent to the proposed project such as prime agricultural soils, depth of bedrock, depth of water table, flood hazard potential and limitations from septic tank filter fields. List and describe each soil type located on the site. List, describe, and locate any percolation data collected on-site for proposed septic locations.
- (4) A map depicting the hydrological characteristics of the tract. Such map shall depict: surface water resources, their drainage characteristics, watersheds and floodplains and groundwater resources. Surface water resources include features such as perennial and intermittent streams, swales, ponds, lakes, and other natural bodies of water, springs, wetlands, and any man-made impoundments. Groundwater resources include features such as aquifer recharge areas.

G. Biological Resources Inventory. An identification of biological resources associated with natural environment of the tract including such features as vegetation and wildlife. The identification of biological resources shall include a narrative description of each of the resources mentioned above. In addition, these resources shall be mapped at a scale of not smaller than one hundred (100) feet to the inch, as specified below; and may be either incorporated into the EIA report or submitted as attachments to the report.

- (1) A map depicting the vegetation characteristics of the tract. Such map shall define the locations and boundaries of the woodland and forest areas of the tract and shall note the types of vegetation associations which exist in terms of their species types and sizes. In addition, all trees twelve (12) inches in caliper or greater shall be accurately located and identified on the map, in areas where development activities are proposed or where improvements or grading are proposed.
- (2) A map identifying the types of wildlife habitats on the property. Such map may draw upon vegetation, hydrology and soil maps in order to express habitat characteristics associated with terrestrial and aquatic wildlife on the tract and the relationship of the overall habitat(s). Habitat and species identified by the Pennsylvania Natural Diversity Inventory, and similar data sources, which are present on the site or in the proximity of the project shall be depicted on the plan and noted in the report. A special emphasis shall be provided for species of special concern, threatened, or endangered status.

- H. Land Use Inventory. An identification of the land use conditions and characteristics associated with the tract, such as current and past use, land cover and encumbrances, and the relationship of these to adjacent tracts. The identification of land use conditions and characteristics shall include a narrative description of the above. In addition, the following maps drawn at a scale of not smaller than one hundred (100) feet to the inch shall be incorporated into the EIA report or submitted as attachments to it:
- (1) A map depicting the land cover characteristics of the tract. Such map shall define existing features including; paved or other impervious surfaces woodland and forest areas, including areas harvested/ or cleared within the last ten (10) years, cultivated areas, pasture, fields no longer in cultivation, lawns and landscaped areas, and the like.
  - (2) A map depicting any encumbrances to the tract. Such map shall define easements and other areas where certain use privileges exist.
  - (3) A map depicting the land uses within five hundred (500) feet of the proposed tract. Such map may be at the same scale as the location map.
  - (4) A map depicting the location and size of any prior or current land uses such as farm dumps, shooting ranges, material stock piles, abandoned wells and septic system or any other use or feature which may necessitate removal, remediation, closure or cleanup to protect human health and the environment.
- I. Surface Water Inventory. Describe existing watercourses and water bodies that are partially or totally on the site and their relationship to the area of land disturbance. Calculate existing surface runoff from the site and the associated watershed, including the potential development of the remainder of the watershed. When the natural drainage pattern will be significantly altered, an analysis shall be conducted which will investigate flow, depth, capacity and water quality of the receiving waters. Where existing on the site floodplain areas shall be mapped in consultation with the Department of Environmental Protection and/or FEMA, as per Section 401. Existing drainage structures shall be mapped and the capacity of the drainage network shall be determined. All wetland areas shall be delineated and mapped. A copy of a complete wetland delineation report, suitable for submission for a Jurisdictional Determination from the U.S. Army Corps of Engineers, shall be submitted. The report shall include a statement of the qualifications of the individual(s) who prepared the report.
- J. Subsurface Water Inventory. Describe the subsurface water conditions on the site, both in terms of depth to ground water and water supply capabilities of the site. Where existing conditions warrant, provide detailed information regarding existing wells within one thousand (1,000) feet of the site relative to depth, capacity and water quality. Discuss the water supply capabilities of the adjacent areas and the recharge capabilities of the sites. Map the groundwater recharge areas located on or adjacent to the site. (Mapping of the groundwater recharge areas located on or adjacent to the site is not required on short form.)
- K. Existing Features Inventory. Describe any existing features on the site that are not considered to be part of the natural environment. This may include, but not necessarily be limited to, roads, housing units, accessory structures, utility lines, etc.

- L. Historic and Archaeological Resources Inventory. An identification of the man-made resources associated with or within five hundred (500) feet of the tract which are older than fifty (50) years. Areas, structures and/or routes and trails included on or identified by the National Register of Historic Places, the Pennsylvania National Register of Historic Places, the Pennsylvania Inventory of Historic Places, the Pennsylvania Historical Museum Commission, the Historic American Building Survey, Regional Conservancies and any which may be identified in the Comprehensive Plan shall be identified. The identification of historic and archaeological resources shall include a narrative identification and description of the above. In addition, a map drawn at a scale of not smaller than one hundred (100) feet to the inch depicting historic and archaeological resources shall be incorporated into the EIA report or submitted as an attachment to the report.
- M. Visual Resources Inventory. An identification of the visual resources associated with the tract such as areas which have a particular amenity value and areas which offer interest in viewing the tract in particular from public areas. Special emphasis shall be placed on those views from existing public streets, public parks, public recreation lands, and other views identified by Federal, State, County, or local plans. The identification of visual resources shall include a narrative description of the above. In addition, a map drawn at a scale of not smaller than one hundred (100) feet to the inch depicting visual resources shall be incorporated into the EIA report or submitted as an attachment to the report.
- N. Community Facility Needs Inventory. An identification of the community facility needs associated with the users and/or residents of the proposed project. The community facility needs assessment shall indicate in narrative form the type of services which will be in demand. Where applicable, community facilities (such as schools, park and recreation areas, libraries, hospitals and other health care facilities, fire protection, police protection, ambulance and rescue service and postal services) shall be discussed in terms of the ability of existing facilities and services to accommodate the demands of futures users and/or residents of the lot(s) and/or tract and the need for additional or expanded community facilities.
- O. Utility Needs Inventory. An identification of the utility needs associated with the users and/or residents of the proposed project and a statement whether the project complies with the Township's Act 537 Plan. The utility needs assessment shall indicate in narrative form the type of installations which will be in demand. Utilities (such as those used for water supply, sewage disposal, refuse disposal, storm drainage, communications and electrical transmission) shall be discussed in terms of: the ability of existing utility installations to accommodate the demands of the future users and/or residents of the lot(s) and/or tract; the need for additional or expanded utility installations; the ability to achieve an adequate, potable quantity of water whenever individual wells are proposed; the ability to achieve an adequate system for on-site sewage disposal and a reserve septic area whenever such a system is proposed; and the ability to achieve an adequate system for storm drainage and stormwater management. Certificates from the utilities confirming that adequate capacity exists to service the proposed development shall be included with a map of any proposed or required above surface transmission line location, support structures, and easements.
- P. Transportation System Inventory. An identification of the relationship of the transportation and circulation system needs of the proposed project to the existing street or highway network. A discussion of this relationship shall be in narrative form and shall indicate

factors such as methods to be used for traffic control within the tract and at points of ingress to and egress from it; and expected traffic volumes generated from the project including their relationship to existing traffic volumes on existing streets for both peak hour and non peak hour traffic conditions. In addition, there shall be a discussion of the physical condition of existing street and its stormwater system which will service the proposed project and what improvements are proposed to remedy any physical deficiencies.

- Q. Demographics. An identification of the demographic characteristics related to the proposed project. The characteristics which shall be presented in narrative form shall include a profile of the future users and/or residents of the lot and/or tract including information such as the number of people expected. Such information shall be related to initial and completed project conditions.
- R. Fiscal Impact. An identification of the economic and fiscal characteristics related to the proposed project. The characteristics which shall be presented in narrative form shall include a profile of the township, county and school district revenues which the proposal may generate and the township, county and school district costs it may create. Such information shall be related to initial and completed project conditions.
- S. Existing Conditions. An identification of characteristic and conditions associated with existing, construction related, and future air and water quality and noise levels, vibrations, toxic materials, electrical interference, odor, glare and heat, fire and explosion, smoke, dust, fumes, vapors and gases and/or radioactive materials.
- T. Licenses and Permits. An identification of all licenses, permits or other approvals, required by law, for the development and the status of each.
- U. Environmental Controls. An identification of compliance with the Floodplain Regulations of East Pikeland Township.
- V. Impacts Inventory. The implications of the proposed project in terms of: the type of beneficial or adverse effects which may result from it; and the duration of these effects in terms of their short-term, or long-term nature. To indicate such effects, there shall be a discussion of the implications of the proposed project to the resources conditions and characteristics described in subsections E through U, above. In addition to a narrative presentation of implications, the Applicant shall display where the project adversely affects the tract's resources conditions or characteristics through the use of a map drawn at a scale of not smaller than one hundred (100) feet to the inch, wherein the areas adversely affected from proposed development are highlighted. Such map either may be incorporated into the EIA report or submitted as an attachment to the report. Further, the Applicant must demonstrate and specify in the EIA report how and where the findings in the EIA report and its attachments are reflected in the project.
- W. Alternative Analysis. Alternatives within the project which would preclude, reduce, or lessen potential adverse impact or produce beneficial effects. To indicate such alternatives, the Applicant shall submit exhibits or diagrams which will depict the type of alternatives described in narrative form. The Applicant shall comment on alternatives such as: revised location, redesign, layout or siting of buildings, roads and other structures and the reduction in the size of proposed structures or number of structures.

X. Adverse Impacts. Describe probable adverse effects which cannot be precluded, including:

- (1) Surface, groundwater, and stormwater quality and quantity
- (2) Air quality
- (3) Noise, odor and glare
- (4) Undesirable land use patterns
- (5) Damage or destruction of significant plant or wildlife systems
- (6) Aesthetic values
- (7) Destruction of natural resources and open space
- (8) Displacement of people and businesses
- (9) Displacement of viable farm-land
- (10) Employment and property taxes
- (11) Destruction of man-made resources
- (12) Disruption of desirable community and regional growth
- (13) Health, safety and well being of the public

In indicating such effects, a written discussion shall be presented regarding whether the adverse effects will have direct or indirect influence on a particular resource, condition or characteristic.

Y. Mitigation Measures. Measures to mitigate adverse effects. To indicate such measures, the Applicant shall submit exhibits or diagrams which will depict the type of remedial, protective and mitigative measures described in narrative form. These measures shall include those required through existing procedures and standards, and those unique to a specific project, as follows:

- (1) Mitigation measures which pertain to existing procedures and standards are those related to current requirements of the federal, state, county and/or township for remedial or protective action such as: sedimentation and erosion control, stormwater runoff control, water conservation and recharge, water quality control and air quality control.
- (2) Mitigation measures related to impacts which may be unique to a specific project are those related to efforts such as revegetation, screening, fencing, emission control, traffic control, noise control, relocation of people and/or businesses and land acquisition.

Z. Irreversible Impacts. Any irreversible environmental changes which would occur due to the proposed project should it be implemented. To indicate such changes, the use of non-renewable resources existing on the site during the initial and continued phases of the project shall be discussed. Further, the loss of environmental resources shall be indicated through a presentation of the quantity of loss and related qualitative effects.

AA. Consideration of the EIA Report.

- (1) In making its evaluation, the Township may request any additional information it deems necessary where inadequate information has been provided to adequately assess potential impacts addressed by this ordinance. Whenever any information required in this Section is assumed not directly applicable to the proposed project, the Applicant shall indicate such assumed inapplicability in the narrative of the EIA report, and state why such information is considered to be inapplicable in the case of the particular project in question.
- (2) The EIA report, excluding the short form, shall be prepared by a planner certified by the American Institute of Certified Planners or a suitable accredited Environmental Scientist or its equivalent in collaboration with other licensed professionals. All persons who participate in preparing the report shall be identified and their qualifications stated. All sources of information shall be identified when presented and a bibliography shall be attached to the report. All work in the report shall be in conformity with recognized engineering, environmental, architectural and planning practices and principles. The Applicant shall provide a certification in a format to be provided by the Township. The Township may retain its own expert to evaluate the EIA report in accordance with the provisions of the Pennsylvania Municipalities Planning Code. The cost of the expert shall be a cost of the review of the project which shall be borne by the Applicant.
- (3) The Board of Supervisors shall not approve the project unless it determines and finds that the proposed development:
  - a. Will not result in appreciable harmful effects to environmental features identified herein other than as necessary to achieve uses;
  - b. Has been designed and conceived with a view toward the protection of resources; and in accordance with this ordinance;
  - c. Will not, individually or collectively, place a demand upon the total resources available for such proposal and for any future proposals such as to preclude such proposals.