West Nottingham Township
Chester County, Pennsylvania

ZONING ORDINANCE

Enacted August 1, 2012

West Nottingham Board of Supervisors

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Tiffany Bell, Member
John Vail, Member

West Nottingham Planning Commission

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West Nottingham Zoning Update Task Force

Planning Commission
Board of Supervisors
Historical Commission provided comment on Historic regulations

West Nottingham Zoning / Code Officer

West Nottingham Solicitor

Alan Novak, Esquire

Technical Assistance and Funding

This Ordinance was prepared by the Township and is a product of the Township. Technical planning assistance was provided by the Chester County Planning Commission and the Brandywine Conservancy. Funding was provided by West Nottingham Township, the Brandywine Conservancy, and through the Chester County Vision Partnership Grant Program.
WEST NOTTINGHAM ZONING ORDINANCE

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SECTION 101  SHORT TITLE AND EFFECTIVE DATE

This Chapter shall be known and may be cited as the "West Nottingham Township Zoning Ordinance of 2012". Enacted the first (1st) day of August, 2012.

SECTION 102  PURPOSE

A. This Chapter is enacted to promote, protect, and facilitate the public health, safety, morals, and general welfare of the community, and to conserve agricultural land and other natural resources in accordance with the enabling language contained in the Municipalities Planning Code.

B. This Chapter establishes regulations, specifications, and restrictions for the use of land and water bodies; the size, height, area, bulk, location, erection, construction, repair, maintenance, alteration, removal, and use of structures; the areas and dimensions of land to be occupied by uses and structures including building lines, yards, setbacks, and other open spaces and distances to be left unoccupied by uses and structures; and the density of population and intensity of land uses, within West Nottingham Township, Chester County, Pennsylvania.

C. This Chapter divides the Township into zoning districts and prescribes regulations for each district; and provides for administrative, enforcement, and amendment provisions in accordance with the Municipalities Planning Code.

D. This Chapter enacts regulations to promote the adequacy, safety, and availability of adequate light and air, vehicle parking and loading space, transportation, sewerage, schools, public grounds, pedestrian facilities, and other public facilities; and to prevent the overcrowding of land, blight, danger and congestion in fire, flood, panic, or other dangers in accordance with an overall planning program, with consideration for the character of the Township, its various communities and the suitability of particular uses and structures.

SECTION 103  COMMUNITY DEVELOPMENT OBJECTIVES

The provisions of this Chapter have been enacted according to the general policy guidelines set forth in the Township Comprehensive Plan. The following community development objectives reflect those planning guidelines, as well as the purposes of this Chapter found in Section 102.

A. Preserve the rural character of West Nottingham Township.

B. Promote a logical and efficient transformation of land use in West Nottingham Township to accommodate future population increases and a variety of housing types and densities while maintaining the rural character of West Nottingham Township.

C. Provide opportunities for commercial and industrial development in designated growth areas to diversify the local tax base.

D. Support the preservation of agriculture as a viable industrial business and an important open area resource in the Township.

E. Safeguard the natural resources of West Nottingham Township and promote its environmental integrity.

F. Safeguard the historic, cultural, and scenic features of West Nottingham Township and promote its historic, cultural, and scenic integrity.
G. Establish a safe and efficient circulation system within the context of a rural community.

H. Maintain a varied and satisfactory level of municipal services to meet the needs of current and future residents within the fiscal capacity of the Township.

I. Identify and evaluate the sensitivity and general protection of open spaces, fields, meadows, forest, and passive areas.

J. Identify and determine the need for recreational facilities and programs and plan to meet those needs within the Township.

K. Continue to coordinate with adjacent municipalities.

SECTION 104 AUTHORITY

This Chapter has been drafted and adopted in accordance with the provisions of Article VI, “Zoning” of the Municipalities Planning Code.

SECTION 105 INTERPRETATION AND SCOPE

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the purposes of this Chapter. From and after the effective date of this Chapter, the use, construction, and development of all land, uses, buildings, structures, signs, or portions thereof, shall be subject to and in conformance with the regulations herein. Any existing buildings, structures, land, uses, or signs not in conformity with the regulations herein shall be considered nonconforming, but may be continued or changed subject to the regulations herein regarding nonconformities.

SECTION 106 CONFLICT

This Chapter is not intended to repeal, abrogate, annul, or interfere with an existing ordinance or enactment or with any rule, regulation, or permit adopted or issued thereunder except insofar as the aforementioned may be inconsistent or in conflict with any of the provisions of this Chapter. Where this Chapter imposes greater restrictions than those of any statute, other ordinance or regulation, the provisions of this Chapter shall prevail. Where the provisions of any statute, other ordinance or regulation shall impose greater restrictions than the provisions of this Chapter, the greater restrictions shall prevail. Where a regulation within this Chapter imposes a greater restriction than another within this Chapter, the more restrictive or more specific regulation shall apply.

SECTION 107 VALIDITY AND SEVERABILITY

Should any part, section, subsection, paragraph, sentence, phrase, clause, term, or word of this Chapter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Chapter as a whole or any part thereof.

SECTION 108 REPEALER

The West Nottingham Zoning Ordinance of 1983, and any amendments thereto, are hereby repealed and replaced by the adoption of this Chapter.
SECTION 201  INTERPRETATION

Unless otherwise expressly stated, the following words shall be construed throughout this Ordinance to have the meaning set forth in this Part.

A. Words used in the present tense include the future.
B. The singular includes the plural and the plural the singular.
C. The masculine gender includes the feminine and the neuter.
D. The words “shall” and “must” are mandatory.
E. The word “may” is optional.
F. The words “district” and “zone” shall be synonymous.
G. The word “used” shall include the words ‘arranged”, “designed”, or “intended to be used”.
H. The word “person” includes an individual, corporation, partnership, public or private association or corporation, firm, trust, estate, governmental unit, or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.
I. Where terms, phrases, or words are not defined, they shall have their ordinarily accepted meaning or such as the context may imply.

SECTION 202  DEFINITIONS

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Chapter to have the meaning indicated in this Part 2:

ABANDONMENT. An intentional relinquishment of use and cessation of use for a period of one (1) year regardless of interest.

ACCESS DRIVEWAY. A means of entering or exiting a required off-street parking or loading areas through a one or two way driveway providing a defined safe and orderly point of access across sidewalks, pathways, curbs, and buffer areas.

ACCESSORY BUILDING OR STRUCTURE. A permanent structure whose primary use is secondary to that of the principal building on the same lot.

ACCESSORY FARM-RELATED DWELLING. Residential dwelling units independent from and in addition to the primary dwelling on an agricultural property for the purpose of housing farm workers of the associated agricultural use.

ACCESSORY USE. A use on the same lot with, and of a nature customarily incidental and subordinate to the associated principal use.

ADULT COMMERCIAL USE. Adult commercial uses shall include the following:

A. A store or shop where the principal use is devoted to the display and selling of pornographic materials which are pictures, drawings, photographs, films, or other depictions or printed matter and paraphernalia which, if sold knowingly to an individual under the age of eighteen (18) years of age, would violate the criminal laws of the Commonwealth of Pennsylvania in effect at the time thereof.

B. Adult entertainment establishments such as cabarets, nightclubs, movie theaters, bars or similar establishments providing live or media entertainment or retail goods or commercial services characterized by an emphasis on activities or matter depicting, describing, relating to, or displaying sexual or erotic activities.
C. Any other business, establishment, or club which offers its patrons services, entertainment, or retail goods or commercial services characterized by an emphasis on activities or matter depicting, describing, relating to, or displaying sexual or erotic activities.

AGRICULTURE. The cultivation of the soil and the raising, harvesting, and storing of products of the soil including but not limited to nurserying, horticulture, aquaculture, silviculture, agronomic crops, forestry, mushroom farming, vineyards, and the breeding and raising of livestock or customarily domestic animals.

AGRICULTURAL USE (OPERATION) An enterprise that is actively engaged in agriculture or the commercial production and preparation of agricultural commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. An agricultural use may have an associated single family detached dwelling for the owner of the property or operator of the agricultural use.

ALL WEATHER DURABLE SURFACE. A load bearing surface constructed of materials such as graded stone, macadam, bituminous concrete, Portland cement concrete, uni-stone pavers, or a permeable surface approved by the Township engineer.

ALTERATION. Any change, addition, or modification in construction or type of occupancy or any change in structural members of a building, such as walls or partitions, columns, beams, joists, girders or rafters.

AMENDMENT. An amendment to the West Nottingham Township Zoning Ordinance in accordance with the Municipalities Planning Code.

ANTENNA. A device used to transmit or receive all types of communication signals. A satellite dish is one type of antenna.

APPLICANT. A landowner(s) or developer(s), his heirs, successors or assigns, who has submitted an application in accordance with this Chapter.

APPLICATION FOR DEVELOPMENT. Every application, whether preliminary, tentative or final required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

ARTIST STUDIO / CRAFTS WORKSHOP. An occupation typically occurring in a residence, engaged by the homeowner and few, if any employees, including but not limited to model making, rug weaving, lapidary work, furniture making, photography, painting, pottery, and similar crafts.

AUTOMOBILE SALES AND SERVICE. The display, sales, and/or service of new or used automobiles, otherwise known as automobile dealerships.

BANK OR FINANCIAL INSTITUTION. Any building wherein the primary occupation or use is concerned with such businesses as banking, savings and loan associations, credit unions, loan companies, mortgage companies, or investment companies.

BASEMENT. Any area of the building having its floor below ground level on all sides.

BED AND BREAKFAST. An owner-occupied building designed, used and occupied as a single family detached dwelling, having, as an accessory use therein, public lodging rooms and facilities for, and serving breakfast and afternoon tea prepared within the building to transient guests for a fee.

BELT COURSE. A decorative horizontal band projecting from exterior building walls usually composed of projecting and/or contrasting stone or brick typically defining interior floor levels.

BLOCK. An area bounded on all side by streets.
BOARD. Any body granted jurisdiction under a land use ordinance or under this Chapter to render final adjudications.

BUFFER. An area to be used as a physical and/or visual barrier, consisting of a mound, berm, or strip of land maintained with a combination of vegetation as an effective barrier separating parcels or uses of land along with associated landscaping and screening.

BUILDING. Any combination of materials assembled to form a permanent structure having foundation, floor, walls and a roof that requires a building permit and shall include all structures, manufactured homes, or mobile homes to be used for human habitation.

BUILDING COVERAGE. The gross amount of principal and accessory building area that exists or is proposed upon the lot, expressed as a percent of the total area of a lot or tract. (See Figure 2-9)

BUILDING ENVELOPE (BUILDABLE AREA). The remaining area within a lot, outside of the minimum required yards, where a principal structure may be built, in compliance with maximum building coverage and building height requirements in the zoning districts of this Chapter. (See Figure 2-9)

BUILDING HEIGHT. The vertical measurement of a building from the mean level of finished grade surrounding the building to a point midway between the highest and the lowest points of the roof, provided that chimneys, spires and similar projections on structures shall not be included in calculating the height. (See Figure 2-1)

BUILDING LINE. A line that extends the full width of a lot, and parallel to the front lot line located at the closest point of the principal structure to the front lot line. (See Figure 2-9)

BUILDING, PRINCIPAL. A building in which is conducted, designed to be conducted or intended to be conducted, the primary use of the lot on which it is located.

BUILDING SETBACK. In the Village Zoning District, a building setback is the equivalent to a required minimum yards that apply to the other base zoning districts, except that the building setbacks also apply to other features such as roads and parking lots in addition to also having required maximum setbacks in addition to required minimum setbacks (yards).

BUSINESS OR PROFESSIONAL OFFICE. An office used for real estate sales, insurance sales, and offices for doctors, attorneys, engineering, architecture, accounting, or other similar use.
CALIPER. The diameter of a tree trunk measured six (6) inches above the ground for trees up to and including four (4) inch caliper and measured twelve (12) inches above the ground for trees larger than four (4) inch caliper. (See Figure 2-2)

![Figure 2-2: Caliper](image)

CARTWAY. That paved portion of a road or street used for vehicular travel excluding shoulders, berms, drainage swales and other portions of the right-of-way.

CAR WASH. A structure containing facilities for washing automobiles, that may be either automatic or self-serve unenclosed bays utilizing cleaning soap, brushes, rinse water, and in some cases heat for drying.

CEMETERY. Land used or intended to be used for the burial of human remains and may include columbariums, mausoleums, and mortuaries when operated in conjunction with and within the borders of such cemetery.

CIVIC SPACES. Civic spaces may take the following forms:

A. Park. Public natural open space available for unstructured recreation.

B. Green. Public, informal open space designed for unstructured recreation and community gatherings which are spatially defined at least in part by landscaping and in part by buildings; it includes paths, lawns/meadows, and trees. Typically larger than a Square.

C. Square. Public, formal open space designed for unstructured recreation and community gatherings which are spatially defined by landscaping and in part by buildings; it includes paths, lawns, and trees. Typically smaller than a Green.

D. Playground. Public space set aside for organized recreation and play; it contains recreational furniture and equipment approved by the Township and/or playing fields.

CLEAR SIGHT TRIANGLE. An area of unobstructed vision at the street intersection defined by lines of sight between points at a given distance from the intersection of street center lines.

CLUB OR FRATERINAL INSTITUTION. An association of persons for some common nonprofit activity, not including groups organized primarily to render a service which is customarily carried on as a business. The use may include buildings and/or structures for meetings, social quarters, restaurants, recreation facilities, and other similar uses provided that all services shall be provided solely for members and their guests.

COMMERCIAL USE. An activity that involves the sale of goods or services carried out for profit.

COMMON WALL. A common fire wall located between two (2) dwelling units or properties that separates attached dwelling units such as between two-family dwellings or townhouses.

COMMUNITY-SUPPORTED AGRICULTURE (CSA). A farming operation supported by share-buying members who regularly (i.e., during the growing season) receive a portion of the farm’s produce.
COMpletely Dry Space. A space which will remain totally dry during flooding; the structure is
designed and constructed to prevent the passage of water and water vapor.

Compost. The end product of the decomposition of one or more organic materials including, but not
limited to manure of any agricultural variety, mushroom compost, animal bedding material, waste silage,
produce, flora, yardwaste, biosolids, or foodwaste, but not including municipal waste, to create a product
that may be used without adversely affecting public health or the environment.

Compost, Mushroom. Materials which are used as a part of the process for creating a substance
and/or medium in which to grow mushrooms, whether fresh or spent. Mushroom composting materials
generally consist of organic substances such as straw, hay, manure, cobs, peat moss, and/or soil used in
the facility for the growing of mushrooms. Mushroom compost may also be known as mushroom
substrate or mushroom soil.

Composting, Agricultural. Composting of organic materials to produce a sellable marketable
product or for use as fertilizer spread on-site as a part of an agricultural operation. Agricultural
composting refers to a permitted primary or accessory use on a property and does not include personal
composting of organic material for a residential property.

Composting, Facility. A principal use of the land involving the composting of one or more organic
materials brought onto the site to produce a sellable marketable product, not for disposal on-site.

Composting, Mushroom. Any mixing, combining, processing, aerating, or similar use of any
composting materials used in mushroom production, produced on-site as a part of a mushroom farming
operation for reuse on-site or for redistribution to another site owned and operated by the owner of the
facility, but not as a principal use creating compost for commercial sale to another party.


Conditional Use. A use which is not wholly appropriate to a zoning district, but may be suitable to a
particular area within a zoning district. Conditional uses are allowed or denied by the Board of
Supervisors after considering standards and criteria set forth in this Chapter and the Municipalities
Planning Code.

Contractors Office. A use that may include buildings and land for the offices and/or storage of
equipment and materials for operations including but not limited to general contractors and builders
engaged in the construction of buildings (residential or commercial structures), heavy construction
contractors engaged in activities including but not limited to paving, highway construction and utility
construction, and landscaping.

Convenience Store. A small (typically less than five thousand (5,000) square feet in size) retail
store or shop that sells limited items such as candy, ice-cream, soft drinks, lottery tickets, cigarettes and
other tobacco products, newspapers and magazines, hygiene products, a limited selection of food, some
groceries, and potentially auto related products such as motor oil, windshield washer fluid, radiator fluid,
and maps. Convenience stores may also be in combination with gasoline service stations.

Day Care, Commercial.

A. Adult Day Care. A for-profit or non-profit facility where daytime supervision is provided for adults
not related to the caregiver, where tuition, fees, or other forms of compensation may be charged,
and where the facility is not being used as a residential dwelling. Services provided to clients
may include but are not limited to nursing, personal care, nutrition, social services, and activities.
Adult day care centers are regulated by the Pennsylvania Department of Aging.

B. Child Day Care. A for-profit or non-profit facility which exclusively provides daytime supervision
and/or instruction to children not related to the caregiver or operator, where tuition, fees, or other
forms of compensation may be charged, where the facility is not being used as a residential dwelling, and which is licensed or approved to provide child care by the Commonwealth of Pennsylvania.

DECISION. A final adjudication of any board or other body granted jurisdiction under any land use ordinance or this Chapter to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations.

DETERMINATION. Final action by an officer, body, or agency charged with the administration of this Chapter or an approval of any applications thereunder.

DEVELOPER. Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development. (MPC)

DEVELOPMENT. Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured home, streets, other paving, utilities, filling, grading and excavation, mining, dredging, drilling operations, storage of equipment or materials, and the subdivision of land.

DEVELOPMENT PLAN. The provisions for development including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of development plan" when used in this Chapter shall mean the written and graphic materials referred to in this definition. (MPC)

DIAMETER AT BREAST HEIGHT (DBH). The diameter of a tree trunk measured at a point four and one-half (4 1/2) feet above ground level.

DISTRICT. Refers to one of the zoning districts as outlined in Part 3 of this Chapter.

DISTRICT BOUNDARY. Refers to the line or lines outlining a zoning district as depicted on the zoning map.

DOMESTIC ANIMAL. Any of various non-farm animals, typically kept for amusement or companionship, that have been tamed and made fit for a human environment, and are generally kept inside the primary residence. Domestic animals are generally considered "pets", and are generally smaller animals including, but not limited to dogs, cats, hamsters, rabbits, turtles, and fish.

DRIVE-THROUGH SERVICE. Where permitted, in conjunction with a commercial use, a facility to permit patrons the option to be provided goods or services without leaving their vehicle.

DRIVEWAY. A privately owned and constructed access drive, providing vehicular access between a street into a lot or tract having frontage on the street.

DUMPSTER. A large, metallic container used for the collection of trash and garbage and designed for mechanical hoisting and dumping by a trash disposal truck.

DWELLING UNIT. A building or a portion thereof which is arranged, used, intended, or designed to form a single habitable unit including permanent provisions for living, sleeping, eating, cooking and sanitation for one (1) family.

DWELLING UNIT TYPES. Dwelling units may be arranged in the following manner: (See Figure 2-3)

A. Single Family Detached Dwelling. A building providing complete independent living facilities used exclusively for occupancy by one (1) family with a building having independent access and having
no common wall with an adjacent dwelling, being completely surrounded by open space (yards) on all sides.

B. Two Family Dwelling. A building designed for and containing two (2) independent dwelling units, each with independent access and separated by a common wall. Two-family structures may be referred to in one (1) of the following two (2) configurations or some other similar building type:

1. Twin. A building consisting of two (2) units separated by a vertical common wall. Each unit has one (1) side yard opposite the side with the common wall.

2. Duplex. A building consisting of two (2) units separated by a horizontal common wall.

C. Multi-Family. A building designed for and occupied exclusively as a residence for three (3) or more families living in independent dwelling units. Multi-family units may be arranged in the following configurations: townhouses, quadraplexes, apartment building, mixed use dwelling units, or other similar use, as follows:

1. Townhouse. A single family attached dwelling unit in a row of at least three (3) but no more than eight (8) such units in which each unit has independent access to the outside, no unit is located over another unit, and each unit is separated from any other unit by (1) one or (2) two vertical common walls. Units with two (2) common walls have no side yards and end units have one (1) side yard opposite the side with the common wall.

2. Apartment Building. A building or part of a building containing three (3) or more independent dwelling units for rent, separated by common walls, regardless of configuration. Each unit has independent access, however, in some cases access to the outside may be accomplished by a common hallway in accordance with building codes and fire regulations.

3. Quadraplex. A building that contains four (4) attached dwellings in one (1) building in which each unit has two (2) open exposures and shares two (2) walls with adjoining units, one (1) vertical wall and one (1) horizontal wall. Each unit has independent access to the outside, however, in some cases access may be accomplished by a common hallway in accordance with building codes and fire regulations.

D. Mixed Use Dwelling. Dwelling unit(s) above or behind a non-residential use within the same building, physically separated from any other dwelling unit. Each unit has independent access to the outside, however, in some cases access may be accomplished by a common hallway in accordance with building codes and fire regulations. The outside access shall be separate from the access for the associated non-residential use.

E. Live Work Unit. A structure that consists of a principal retail or commercial (i.e., neither a home occupation nor a residential) use, where clients or customers are served, that is located in the front of the structure’s first floor, or in its entire first floor. The remaining space is comprised of a single residential dwelling unit that is intended to be occupied by the retail or commercial business operator and his or her immediate family as applicable. Live-work units may be attached to each other.

F. ELDER COTTAGE HOUSING OPPORTUNITY (ECHO). A temporary accessory dwelling unit to a single family detached dwelling placed on a property for temporary occupancy by an elderly, handicapped, or disabled individual (or caregiver to same) related to the occupants of the principal dwelling by blood, marriage, or adoption.
EASEMENT. A right-of-way granted or restriction placed upon property for limited use of land for public, quasi-public, or private use.

EASEMENT, CONSERVATION. A conservation easement is an interest in land which restricts the owner's use of property in specified ways and grants the easement holder the right to enforce the restrictions. The easement holder is typically a non-profit conservation organization, often called a land trust.

EDUCATIONAL USE. A use having one or more of the following purposes: to educate or instruct individuals in a school, college, or university setting with instruction directed toward moral, intellectual, or physical instruction, and may be either public or private in nature. Day care facilities are not included in this definition.

ENLARGEMENT. An enlargement is an addition to the floor area of an existing building, an increase of size of another structure, or an increase in that portion of a lot occupied by an existing use.

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

FAMILY. The Zoning Officer or other officially appointed or authorized Township representative shall have the authority to determine whether the definition of family is being correctly determined for purposes of this Section, defined as follows:

A. A single person.

B. Any number of persons related by blood, marriage or adoption, including foster children and including not more than two (2) other persons, for example, boarders, lodgers or domestic help.

C. No more than six (6) unrelated persons living together as a single cooperative household unit, however, excluding occupants of a rooming/boarding house or dormitory.

D. A group of individuals with disabilities living together as the functional equivalent of a family and entitled to a reasonable accommodation to allow them adequate housing choices pursuant to the Federal Fair Housing Amendments Act of 1988 (42 U.S.C. §§ 601 et. seq.) and the Pennsylvania Human Relations Act (43 P.S. §§ 951-963).

FARMING. See AGRICULTURE.

FARM EQUIPMENT SALES AND SERVICE. The sales and/or service of new or used equipment dedicated to agricultural or farming uses, including but not limited to, tractors, wagons, cultivators, sprayers, tillers, harvesters, and loaders.

FARM SUPPLY OUTLET. A retail commercial use specifically dedicated to the sale of materials related to agricultural or farm uses, including but not limited to the sale of animal feed, animal care (tack, grooming, health products), seed, pest control, weed control, tools, equipment, trailers, vehicle and equipment maintenance (tractors, chainsaws, etc.), fencing, building materials, and the like.
FENCE. A structure serving as an enclosure, barrier or boundary, made of posts, stakes, boards, wire or rails or similar materials or a combination thereof.

FENCE/WALL HEIGHT. The vertical distance of such structure measured from the ground’s natural contour to the top of the highest component of the fence or wall.

FENESTRATION. The design and placement of windows.

FIREWORKS, SALES AND/OR STORAGE. The sales and/or storage of Class (c) consumer, or Class (b) display fireworks as defined by and in accordance with the Pennsylvania Fireworks Law of 1939 as amended by PA Act 204 of 2004, or any other applicable regulations pertaining thereto.

FIRE STATION and/or EMERGENCY SERVICES STATION. A structure or other area set aside for storage of firefighting or emergency service apparatus (i.e., fire engines, ambulance, and related vehicles), personal protective equipment, fire hose, fire extinguishers, other fire extinguishing equipment, medical equipment, and other applicable equipment, vehicles, or facilitates. It may also include dormitory sleeping facilities and work areas such as meeting rooms, workshop, or laundry.

FLAG LOT. A parcel of land separated by metes and bounds that, in order to meet the street frontage requirements and make proper utilization of the land, has an access strip of land (stem) with a width less than the required width at the building line. (See Figure 2-6)

FLOOD. A temporary inundation of normally dry land areas.

FLOOD, ONE HUNDRED YEAR. A flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has one (1) percent chance of occurring each year, although the flood may occur in any year).

FLOODPLAIN AREA. A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source. (See Figure 9-1 in Part 9)

FLOODPLAIN AREA, IDENTIFIED. The floodplain area specifically identified in this Chapter as being inundated by the one hundred (100) year flood.

FLOODPROOFING. Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY. The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Chapter, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude. (See Figure 9-1 in Part 9)

FLOOR AREA, GROSS. The sum of the areas of all floors of a building or structure, including areas used for human occupancy or required for the conduct of business or the primary use, as measured from the interior faces of the walls or from center lines of walls separating dwelling units or primary uses. Floor area does not include basements, unenclosed porches and attics not used or intended for human occupancy or primary use, nor any floor space in an accessory building or main building intended or designed for the parking of motor vehicles, nor any such floor space intended and designed for accessory heating and ventilating equipment.

FOOTCANDLE. Unit of light intensity stated in lumens per square foot and measurable with an illuminance meter (a.k.a. light meter).

FORESTRY. See TIMBER HARVESTING OPERATION.
FULL CUTOFF. Attribute of a lighting fixture from which no light is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than ten (10) percent of the lamp’s intensity is emitted at or above an angle ten (10) degrees below that horizontal plane, at all lateral angles around the fixture. (See Figure 2-4)

![FIGURE 2-4: Full Cutoff Lighting](image)

FUNCTIONAL CLASSIFICATION. The classification of roads within the Township as designated by the Township Comprehensive Plan.

FUNERAL HOME. A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

GARAGE. An accessory building or a part of a principal building used for the storage of motor vehicles owned and used by the owner or tenet of the premises.

GASOLINE SERVICE STATION. A use that includes the storage, distribution, and retail sale of gasoline.

GLARE. Excessive brightness in the field of view that causes loss in visual performance or annoyance, so as to jeopardize health, safety or welfare. Light caused by either the direct viability of an exposed light source or by the reflection of a light source that is sufficient to cause annoyance, discomfort, or loss in visual performance or visibility.

GREENHOUSE, COMMERCIAL. A commercial use that is the principal use of a parcel or tract, part of which includes an enclosed structure or structures used for the growing, raising, keeping, and/or selling of flowers or other plants.

GROCERY STORE. A retail outlet having at least eighty five (85) percent of sales in food products intended for off-premise preparation and consumption, that sells a general line of food products, such as canned and frozen foods; fresh fruits and vegetables; fresh and prepared meats, fish, and poultry; and nonfood grocery products such as pharmacy, nonprescription medicines, and personal care products, combined with the larger variety and size of a superstore format. Grocery stores are typically ten thousand (10,000) square feet or larger.

HEDGEROW. A linear plant community dominated by trees and/or shrubs. Hedgerows often occur along roads, fence lines, property lines, or between fields, and may occur naturally or be specially planted (e.g. as a windbreak).

HISTORIC RESOURCE ATLAS. The Historic Resource Atlas of West Nottingham Township.

HISTORIC STRUCTURE. Historic resources of West Nottingham Township as listed on the West Nottingham Township Historic Resource Atlas.
HOME OCCUPATION, MAJOR. A home occupation that does not meet one (1) or more of the criteria for a minor home occupation shall be defined as a major home occupation in addition to specified uses in accordance with the provisions of this Chapter.

HOME OCCUPATION, MINOR (No-Impact Home Based Business). A business or commercial activity administered/or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.

HORTICULTURE. The raising and or propagating of trees, shrubs, flowers and other plants.

HOSPITAL OR MEDICAL CENTER. An institution providing primary health services and medical or surgical care to non-ambulatory and ambulatory persons, primarily in-patients, suffering from illness, disease, injury, deformity, or other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, out-patient facilities or training facilities, including facilities that provide twenty-four (24) hour emergency service or overnight lodging of patients.

HOTEL, INN, OR MOTEL. A building or buildings arranged or intended for sheltering tourists or transient guests for compensation.

HOUSEHOLD PETS. See DOMESTIC PETS.

HYDRIC SOILS. A soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions that favor the growth and regeneration of wetlands vegetation. For the purposes of this Ordinance, hydric soils include any soil inventoried or described as hydric or as a soil with hydric inclusions according to the Soil Survey of Chester and Delaware Counties, Pennsylvania, or other information provided by the U.S. Natural Resource Conservation Service (NRCS). Where site conditions indicate that the location of hydric soils or the hydric inclusions differ from locations indicated by the NRCS, the burden shall be upon the applicant to verify such location(s) to the satisfaction of the Township Engineer, otherwise the SCS information shall be presumed to be accurate. Where the applicant seeks reclassification of hydric soils and their location, such reclassification shall be undertaken by a Certified Soil Scientist or other similarly qualified professional.

ILLUMINANCE. Quantity of light, measured in footcandles.

IMPERVIOUS COVERAGE and SURFACE. Ground cover that does not allow, or minimally allows, for infiltration of water (e.g., roofs, paved parking lots, and roads) and which increases the volume and speed of runoff after a rainfall. Impervious surfaces generally include the building coverage of all structures, and surface area of all structures, sidewalks, driveways, patios, swimming pools, tennis courts, and all other non-absorbing surfaces. (See Figure 2-5)

INDOOR RECREATIONAL USE. An indoor use providing recreational opportunities for a fee, including but not limited to an ice rink, bowling alley, swimming pool, or facilities for basketball, volleyball, tennis, soccer or other similar use within an enclosed structure.

INSTITUTIONAL USE. A use or activity, including but not limited to educational use, hospitals, medical centers, religious use, continuing care living centers, and governmental or municipal uses.

INSTRUCTIONAL SERVICES. A home occupation involving the instruction of clients in music, physical training, martial arts, yoga, arts (painting, photography), or other similar engagement.
INVASIVE PLANT SPECIES. Predominantly non-native, non-indigenous, alien tree, shrub, vine, or herbaceous species that grow or reproduce aggressively, usually because they have few or no natural predators, and which can so dominate an ecosystem that they kill off or drive out many indigenous plant species. (See Appendix A for a list of invasive species)

JUNK. Any discarded material or articles and shall include, but not be limited to, scrap metal, scrapped abandoned or junked motor vehicles, or parts thereof, machinery, equipment, paper, glass, containers, structures, and other similar materials. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal.

JUNK YARD. An area of land with or without buildings used for storage of junk outside of a completely enclosed building. The deposit or storage on a lot of two (2) or more unlicensed, wrecked, or disabled vehicles, excluding usual farm equipment, or the major part thereof, shall be considered a junk yard.

KENNEL. Any building or establishment in which domestic animals are kept for remuneration, temporary housing for a fee (boarding), grooming, breeding, or sale.

LABORATORY FACILITY. A use involving facilities for scientific research, investigation, testing, or experimentation, but not including the manufacture of products for sale.

LAND DISTURBANCE. Any activity which exposes soils, alters topography and/or alters vegetation, except for removal of a safety hazard, diseased trees, or invasive vegetation. Customary agricultural practices such as tilling, plowing, mowing, and harvesting are excluded from this definition except where such practices are located or proposed within a protected natural resource.

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

LIBRARY. An institutional use in which literary and artistic materials, such as books, periodicals, newspapers, pamphlets, prints, records, and tapes, are kept for reading, reference, or lending.

LIVESTOCK. For the purposes of this Chapter, livestock shall generally include animals raised as a part of an agricultural operation for sale, the production of other products, work animals, or for recreation, including but not limited to horses, mules, cattle, oxen, sheep, goats, pigs, and poultry.

LONG TERM CARE FACILITY. A facility designed and operated for mature adults, which meets the definition of “housing for older persons” as set forth in the Fair Housing Amendments Act of 1988, as amended, that may offer one or more levels of assistance, including but not limited to independent living, assisted living, and skilled nursing and may offer a continuum of housing, services and health care systems, all on one campus or site. Such facilities are operated for adults, generally fifty-five (55) years old or older, that may include one or any combination of the following:

A. Independent Living. This type of facility provides attentiveness for seniors who can essentially take care of themselves but need someone to sporadically check on them or be on call for certain needs. Independent living may take place in a congregate care center (communal setting), apartments, or facility where there are independent living units (single family units).

B. Assisted Living. Assisted living facilities typically involve a congregate care (communal) or apartment style facility designed to focus on providing assistance with daily living activities. Assisted living provides a higher level of service which may include preparing meals, housekeeping, medication assistance, laundry, and regular check-ins on the residents. Assisted living is designed to bridge the gap between independent living and skilled nursing home facilities.
C. Skilled Nursing. Skilled nursing homes are traditional nursing facilities. They provide medical nursing service for residents with serious illnesses or disabilities twenty-four (24) hours a day. These facilities require state and federal licenses in order for them to provide care by registered nurses, licensed practical nurses, and certified nurse aids.

LOT. A lot is a parcel of land separately described by metes and bounds, the description of which is recorded in the Office of the Recorder of Deeds of Chester County by deed description or is described by an approved subdivision plan recorded in the Office of the Recorder of Deeds of Chester County. (See Figure 2-6 depicting different lot configurations)

LOT AREA. The area of land included within the legal metes and bounds of a lot provided that the area shall not include any part of an existing or proposed street right-of-way, nor shall the lot area include the area of the stem of a flag lot.

LOT, CORNER. A corner lot is one bounded on at least two (2) sides by streets.

LOT COVERAGE. Expressed as a percent of the lot area, this is the gross amount of all building coverage area, and other impervious surfaces, including but not limited to driveways, parking areas, patios, and loading areas.

LOT, REVERSE FRONTAGE. A lot that fronts upon two (2) parallel streets or upon two (2) streets that do not intersect at the boundaries of the lot.

LOT SIZE. The area of land included within the title lines of a lot except that area set aside as rights-of-way and easements.

LOT WIDTH. The horizontal distance between side lot lines measured at right angles to the lot depth.

LOWEST FLOOR. The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Chapter.

MANUFACTURING, LIGHT. The assembly or manufacture of light products from already prepared materials, such as cloth, leather, paper, plastic, glass, or wood. Examples of uses which would be permitted in this category include such activities as the assembly of playground equipment or types from wood products or the assembly of boxes or cartons from paper products. Other uses which would constitute light manufacturing include: the manufacture or assembly of professional, scientific, or electronic instruments, jewelry, watches, and similar products; bottling or packaging of dairy products; manufacturing and packaging of food products; assembly of office equipment, electrical appliances,
electrical supplies and/or the manufacture and assembly of light metal or plastic products. The phrase light manufacturing specifically excludes any heavy industry or industry involving potentially harmful environmental products. Specifically excluded in this district is the manufacture of iron or steel, rendering or slaughtering yards, any industry involving the use of acids or any heavy metal, or any industry involving the utilization of any product which has been defined as a hazardous substance by the United States Environmental Protection Agency.

MECHANICS GARAGE. An establishment where repairs, improvements, and installation of parts and accessories for motor vehicles are conducted that involves temporary storage and repair of automobiles. A mechanics garage shall include, but not be limited to the following: major mechanical or body work, straightening of body parts, painting, welding, engine repair or rebuilding, or rebuilding of transmissions as a commercial use for profit.

MEDICAL OFFICE OR CLINIC. A use that provides limited diagnostic and outpatient care but not prolonged in-house medical or surgical care, where patients are admitted for examination and treatment on an outpatient basis by one (1) or more physicians, dentists, psychologists, social workers or other similar licensed professional, where patients are not lodged overnight. Medical clinics may also include limited secondary facilities such as lab facilities and pharmacies to service patients.

MINIMUM BUILDABLE AREA. A sufficient area for the general location of buildings, driveways, and other necessary improvements while meeting all natural resource protection regulations.

MINOR REPAIR. The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, generally including work that does not require a building permit, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe/water supply, sewer, drainage, drain leader, gas, soil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

MOBILE HOME (MANUFACTURED HOME). A transportable single family dwelling intended for permanent occupancy, office, or place of assembly and contained in one (1) unit, or in two (2) or more sections designed to be joined into one integral unit, capable of 1) again being separated, and 2) being towed on its own axles. A mobile home is built on a permanent chassis, which arrives at a site completed and ready for occupancy except for minor and incidental unpacking and assemble operations, and constructed so that it may be used with or without a permanent foundation. A mobile home may be referred to as a manufactured home. Such designation shall in no way alter the intent of this Chapter.

MOBILE HOME (MANUFACTURED HOME) PARK. Any lot, parcel, contiguous parcels, or tract of land designated, maintained, improved, or intended for the purpose of supplying a location or accommodation for two (2) or more mobile homes or upon which more than one (1) mobile home is provided or located, whether or not a charge is made for the use of the mobile home park and its facilities, and shall include all buildings and structures used or intended for use as part of the park. A mobile home park shall not include a mobile home sales lot upon which unoccupied mobile homes are parked for the purpose of inspection or sale.


MUNICIPAL AUTHORITY. A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the “Municipalities Authority Act of 1945, as amended.” (MPC)

MUNICIPAL USE. A use owned and operated by West Nottingham Township including but not limited to a Township building, fire hall, municipal park or civic space, or police station.
MUSHROOM FARM ENVIRONMENTAL MANAGEMENT PLAN. A written plan outlining how the mushroom grower, producer of mushroom compost, or handler of spent mushroom compost intends to manage, within reasonable and practical limits, the mushroom production operation and the processing, depositing, removal, handling, and/or storage of mushroom compost in order to prevent pollution of the environment and to maintain and/or improve the existing conditions of the soil, water, air, and other natural features of the area surrounding the site on which the mushroom growing and composting takes place.

NATIVE SPECIES. A species of plant or other organism that has traditionally inhabited or grown in, or is naturally occurring in a specified location, region or ecosystem, and which was not introduced to that location as a result of human activity, either intentional or accidental.

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the date of adoption of this Chapter, and includes any subsequent improvements thereto.

NONCONFORMING LOT. A lot the area or dimension of which was lawful prior to the adoption or amendment of this Chapter, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment. (MPC)

NONCONFORMING SIGN. See definition of SIGN.

NONCONFORMING STRUCTURE. A structure or part of a structure manifestly not designed to comply with the use or extent of use provisions of this Chapter or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Chapter or amendment or prior to the application of this Chapter or amendment to its location by reason of annexation. (MPC)

NONCONFORMING USE. A use, whether of land or of structure, which does not comply with the applicable use provisions in this Chapter or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Chapter or amendment, or prior to the application of this Chapter or amendment to its location by reason of annexation. (MPC)

NON-RESIDENTIAL. Any use which does not include a residential dwelling unit, including but not limited to, commercial, industrial, governmental, and institutional uses.

NON-RESIDENTIAL COMMUNICATION FACILITY (COMMUNICATION FACILITY). A site on which a commercial non-residential communication facility in accordance with this Chapter is located. These principal and/or accessory uses may include but are not limited to, buildings in which signal transmission or reception is generated, tower(s), antennae, equipment buildings, access roads, and parking spaces.

NON-RESIDENTIAL COMMUNICATION TOWER (COMMUNICATION TOWER). A vertical structure, erected for the purpose of supporting one (1) or more communication antennae.

OFFICE BUILDING. A building or portion thereof wherein services are performed involving predominantly professional or nonprofit administrative, professional, financial, government, or clerical operations.

OLDFIELD. An area undergoing natural succession characterized by the presence of herbs, shrubs, and small trees whose branches do not form a complete or nearly complete aerial canopy.

ON-SITE SEWER SERVICE. The disposal of sewage by use of cesspools, septic tanks, or other safe and healthful means within the confines of the lot on which the use is located as approved by the Chester County Health Department.

ON-SITE WATER SERVICE. A safe, adequate and healthful supply of water to a single user from private well as approved by the Chester County Health Department.
OPEN SPACE PRESERVE. A private land holding by an individual, conservancy, arboretum, or wildlife preserve not intended for public or private use.

OUTDOOR DINING. An outdoor area of an associated restaurant or tavern, used for the express purpose of providing outdoor seating for patrons where food and/or beverages from the associated use are consumed on the premises at tables, chairs, or other furnishings at the front or to the side of a use, particularly adjacent to a public street or a parking area, operated on the same property and adjacent to and in conjunction with the associated use. Outdoor dining does not refer to outdoor dining to the rear of a property, areas not adjacent to a street or parking area, or enclosed dining facilities with open windows.

OUTDOOR DISPLAY. The keeping of goods, building products, materials, or merchandise intended for sale in an outdoor area temporarily for the express purpose of presenting items for sale to patrons.

OUTDOOR STORAGE. The keeping of goods or materials not intended for sale, for present or future use, in an outdoor area including but not limited to building products, raw materials, parts, machinery, and storage containers.

PARKING AREA (PARKING FACILITY). An area designed and/or used for the parking of vehicles, including parking spaces, aisles, maneuvering space, interior islands, and buffer strips, but not including access driveways or loading and unloading areas.

PARKING LOT. An off-street all weather paved surface area designed solely for the parking of motor vehicles, including parking spaces, aisles, access driveways, and maneuvering space.

PARKING SPACE. A dustless, all-weather surface designed for the parking of one (1) motor vehicle.

PERMEABLE (PERVIOUS) SURFACE. A surface that allows inflow of rainwater into the underlying construction or soil, including but not limited to materials such as gravel, crushed stone, open paving blocks, or porous paving for driveways, parking areas, walkways, patios, and other similar construction.

PERMIT, MOBILE HOME PLACEMENT. A permit for placing a mobile home on a site in a mobile home park or parcel (MHP).

PERSONAL SERVICE SHOP. A commercial establishment that primarily deals in direct service to customers and offers only limited, if any, products for sale, including but limited to barbershops, salons, tanning salons, tailors, optometrists, beauticians, and other similar uses.

PLANNING COMMISSION. The Planning Commission of West Nottingham Township.

POST OFFICE. A local office where mail is received, sorted, and delivered, and where stamps and other postal materials are sold.

PRIME AGRICULTURAL SOILS. Those classified by the U.S. Department of Agriculture as being highly suited for agricultural cultivation and production; listed as follows:

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<th>Code</th>
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<td>Manor loam</td>
</tr>
<tr>
<td>MaB</td>
<td>Manor loam</td>
<td>MiB</td>
<td>Mount Lucas silt loam</td>
</tr>
<tr>
<td>NvA</td>
<td>Neshaminy silt loam</td>
<td>NbB</td>
<td>Neshaminy silt loam</td>
</tr>
<tr>
<td>PaB</td>
<td>Parker gravelly loam</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
PRINTING OR PUBLISHING ESTABLISHMENT. A use primarily involved with the printing and publishing of materials, and/or copying or photocopying of materials including these services available to the public, including but not limited to, newspaper or book printing, photocopying services, photo printing, printing and manufacturing signs and banners, business cards, business publications, and calendars.

PUBLIC HEARING. A formal meeting held pursuant to public notice by the Board of Supervisors, Township Planning Commission, or Township Zoning Hearing Board, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter.

PUBLIC MEETING. A forum held pursuant to notice under 65 PA C.S. CH. 7 (relating to open meetings) (MPC)

PUBLIC NOTICE. Notice published once (1) each week for two (2) successive weeks in a newspaper of general circulation in the Township of West Nottingham. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing. (MPC)

PUBLIC SEWER SERVICE (OFF-SITE). The disposal of sewage by use of a sanitary sewer system served by a sewage treatment and disposal facility, serving a community or development of more than ten (10) dwelling units, approved by the Chester County Health Department and/or the Pennsylvania Department of Environmental Protection.

PUBLIC UTILITY. Operating facilities, pumping, or transmission stations, but excluding public utility generating plants or similar large operations.

PUBLIC WATER SERVICE (OFF-SITE). A safe, adequate and healthful supply of potable water to a community or development of more than ten (10) dwelling units from a common source, approved by the Chester County Health Department, the Pennsylvania Department of Environmental Protection, and/or the Public Utility Commission.

QUARRY. A lot or portion of a lot used for excavation and/or removal of rock, stone, sand or other earthen material.

RECREATIONAL VEHICLE (RV). A vehicle which is: built on a single chassis; not more than four hundred (400) square feet measured at the largest horizontal projections; designed to be self-propelled or permanently towable by a light-duty truck; and not designed for use as a permanent dwelling but as temporary living quarters for recreation, camping, travel, or seasonal use.

REGULATORY FLOOD ELEVATION. The one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1½) feet.

REDEVELOPMENT. Reconstruction of an existing improved, developed property, as of the effective date of this Ordinance.

RELIGIOUS USE. A building principally used for people to gather together for public worship, religious training, or other religious activities, excluding buildings used exclusively for residential, educational, burial, recreational or other uses, except as permitted as accessory uses by this Chapter.

REMOVAL PERMIT. A permit for removing a mobile home from a site or parcel (MHP).

REPETITIVE LOSS. Flood related damages sustained by a structure on two (2) separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds twenty five (25) percent of the market value of the structure before the damages occurred. (Floodplain)
REPORT. Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

RESIDENTIAL CONVERSION. The conversion of a single-family detached unit into a multi-family unit or a commercial use.

RESTAURANT. A commercial establishment where food and/or beverages are prepared and served to the public for sale and consumption on or off the premises, or both.

RETAIL STORE. A retail commercial use dealing in retail items for sale to the public, including but not limited to the following products: paint, glass, wallpaper, hardware, nursery and garden supplies, general merchandise, foods, groceries, fresh fruits and vegetables, bakery or confectionary goods, apparel and apparel accessories, radios, televisions, food and drink, drugs and pharmaceuticals; miscellaneous shopping goods such as sporting goods, bicycles, books, stationery, jewelry, toys, games, cameras, and luggage.

RIGHT-OF-WAY. The total land area reserved or dedicated for a street, alley, crosswalk, railroad, or for other purposes.

SANITARY LANDFILL. A lot or portion of a lot used for deposit and storage of refuse and in which all exposed refuse is covered daily with a minimum of six (6) inches of earth. A sanitary landfill shall be operated in accordance with standards established by and shall be subject to inspection by the Pennsylvania Department of Environmental Protection.

SCREENING. The use of vegetation, walls, and/or earthen berms or combinations thereof to act as a visual barrier between two (2) or more different land uses or activities. Screen barriers also provide for privacy and/or the buffering of sound between incompatible land uses. West Nottingham Township ordinances call for the application of different classifications of screening in accordance with Part 10 of this Chapter.

SEASONAL LIGHTING. Low level lighting of a temporary nature placed for short periods of time for specific religious holiday, national holiday, or other similar occasional event.

SECONDARY FARM BUSINESS. An accessory farm business, subordinate to the primary agricultural use of a property, operated on an agricultural parcel or tract, related to or supporting agricultural activities, including but not limited to blacksmithing, farm equipment sales and/or repair, cabinet making, and carpentry in accordance with Part 11 of this Chapter.

SELF STORAGE FACILITY (COMMERCIAL STORAGE UNITS). A commercial facility including a structure or structures containing separate, individual, and private storage spaces of varying sizes leased or rented on an individual basis for the storage of tangible personal property for varying periods of time.

SETBACK. The required distance an object shall be placed from another referenced point as specified by individual requirements within this Chapter. For example there are specific individual setback requirements for accessory uses. Setbacks are different from and independent of minimum yard requirements.

SEWAGE SLUDGE. Coarse screenings, grit and dewatered or air dried sludges, septic and holding tank pumpings and any other residues from sewage collection and treatment systems which require disposal.
SIGN. Any object, device, display, or structure, or part thereof, which is used to advertise, identify, display, direct, or attract attention to an institution, organization, business, product, service, event, or location by any means, including but not limited to words, letters, figures, design, symbols, fixtures, colors, or illumination.

SIGN AREA. (See Figure 2-7)

A. The area of a sign shall include all lettering, wording, and accompanying designs and symbols, together with the background whether open or enclosed, on which they are displayed but not to include any supporting framework, bracing, or decorative trim which is incidental to the copy content of the display itself. The sign area for a double faced sign shall be measured for one face of the sign.

B. In the case of an open sign made up of individual letters, the sign area shall be that of the smallest rectangle or other geometric shape which encompasses all of the letters and/or symbols.

SIGN TYPES. The following signs are regulated by this Chapter in accordance with Part 13. (See Figure 2-8 below)

A. Abandoned Sign. A sign erected on, or related to, the use of a property which becomes vacant and unoccupied for a period of time, or any sign which relates to a time, event, or purpose which has past in accordance with Parts 13 and 15 of this Chapter.

B. Address Sign. A sign limited to the provision of the official numerical identification address of the property on which it is located.

C. Agricultural Sign, On-Site. Signs identifying the name of an agricultural operation, which may also advertise the sale of farm products grown on the premises, sale of farm animals, services provided, or other information associated with the agricultural operation.

D. Artisan Sign. Temporary advertising signs of contractors displayed on the premises where services are being performed.

E. Banner. A sign consisting of lightweight, flexible material which is supported by frame, rope, wires, or other anchoring devices, which may or may not include copy, text, logo, or graphic symbols.

F. Development Identification Sign. A permanent sign that identifies the name and/or address of a subdivision, development, or complex.
G. **Digital Sign.** An advertising sign that utilizes digital or video light emitting diodes (LEDs) or similar electric methods to create an image display area.

H. **Directional Sign.** A sign which is designed and erected solely for the purpose of traffic or pedestrian direction for visitors on a property, including but not limited to exit and entrance signs, circulation direction, and information or public services signs such as those advertising the availability of rest rooms, telephone or similar public conveniences.

I. **Electronically Changing Message Sign.** A digital sign or portion thereof displaying frequent message changes that are rearranged electrically without physically altering the face or surface of such sign.

J. **Flashing Sign.** Any illuminated sign in which the artificial light is not maintained stationary and/or constant in intensity or color at all times when such sign is in use, including, but not limited to moving, rotating, flashing, oscillating, shuttered, blinking, or other similar sign.

K. **Freestanding Sign.** A non-mobile, permanent, detached sign which shall include any sign supported by poles, uprights, or braces placed upon, or in, or supported by the ground and not attached to any building, that is erected as signage for the associated use on the same parcel.

L. **Ground Sign.** A sign, other than a freestanding sign, placed directly on the ground, and permanently attached thereto, without supports or pylons, independent from any building or structure.

M. **Home Occupation Signs.** Signs used to indicate a home occupation where permitted as an accessory use to a single family detached dwelling.

N. **Illuminated Sign.** A sign designed to project or reflect artificial light from an internal or external source. Illumination may occur through an external source which may directly or indirectly illuminate a sign, an internal source which may provide illumination through transparent or translucent materials, or digitally through light emitting diodes (LEDs) or similar technology.

O. **No Trespassing Sign.** A temporary sign indicating the private nature of property, a road, or driveway, or a sign restricting or prohibiting access, hunting, fishing, or some other activity.

P. **Nonconforming Sign.** A sign that does not conform to the zoning requirements at the time of enactment of this Ordinance, or as a result of subsequent amendments thereto where such sign was lawfully in existence prior to the enactment of such ordinance or amendment or as a result of action by the Zoning Hearing Board.

Q. **OFF-PREMISE SIGN.** A sign not located on the same lot or a lot not under the same ownership of the property for which it is advertising.

R. **Off-Site Advertising Sign (Billboard).** A non-mobile, permanent, detached sign which shall include any sign supported by poles, uprights, or braces placed upon, or in, or supported by the ground and not attached to any building, that serves to advertise a business, goods, services, events, or other items not associated with the use of parcel on which the sign is located. An off-site advertising sign shall include a commercial billboard.

S. **Official Traffic Sign.** Signs erected by the Commonwealth of Pennsylvania Department of Transportation or the West Nottingham Township which are designed to regulate traffic, describe road conditions, or supply direction, including but not limited to: route number signs, stop signs, street name signs, or other traffic signs when approved by an official governmental agency.
T. **Permanent Sign.** Any sign that is permanently affixed to a building, structure, or the ground.

U. **Political Sign.** A temporary sign pertaining to political views, an individual seeking election or appointment to a public office, or a forthcoming public election or referendum.

V. **Portable Sign.** A temporary sign that is not fixed, attached, or anchored in a permanent position, that is capable of being readily moved or relocated, including but not limited to, sandwich boards, placards, or other similar signs mounted on a frame or chassis on wheels or supported by legs but not pressed or extended into the ground or other surface.

W. **Projecting Sign.** A sign attached to the wall of a building or other structure, which extends perpendicular from the structure.

X. **Real Estate Sign.** A temporary sign indicating the sale, rental or lease of the premises on which the sign is located.

Y. **Roof Sign.** A sign located upon the roof of any building or structure and/or a sign with its primary support on the roof of a structure. For purposes of this definition, roof shall include any pent roof, parapet or structure designed to provide roof-like architectural details for buildings.

Z. **Temporary New Construction Sign.** A temporary sign, indicating that the premise is in the process of being subdivided and/or developed for the construction of dwellings or other buildings and/or uses that may include the name of the subdivision, development, or developer.

AA. **Temporary Sign.** A sign that is not permanently affixed to the ground or a structure and/or which is intended to be displayed for a limited time. Temporary signs typically are mounted in a standard metal or wire frame with legs that may be pressed into the ground or as otherwise noted by a specific temporary sign type. Such signs shall be in accordance with Part 13.

BB. **Wall Sign.** Any sign affixed to or painted on the wall of a building, or other exposed face thereof.

CC. **Window Sign.** A sign which is visible to persons in vehicles or to pedestrians, on adjoining property or public sidewalks, and is located on the outside or inside of a window in a building or structure, to direct attention to a use conducted in or product sold in the structure, including, but not limited to, a sign affixed to, etched, or painted upon the interior or exterior surface of a window or otherwise displayed through or upon a window. For purposes of this definition, “window” means any translucent and/or transparent surface in a building or structure.

DD. **Window Sign, Temporary.** A temporary sign (window sign) that may be placed on a window or door or is visible to person in vehicles or to pedestrians that may be temporarily affixed by suction cups, adhesives, or wires, or hung from the ceiling, placed on a window sill, or any other temporary method of placement but not permanently painted, affixed, or otherwise placed.
FIGURE 2-8: Sign Types

SILVICULTURE. The development and/or maintenance of a forest or wooded preserve.

STEEP SLOPES. Those areas of land where the naturally occurring grade is twenty five (25) percent or greater.

SPECIAL EXCEPTION. A use permitted in a particular zoning district pursuant to the provisions of this Chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code.

STABLE. Any building, structure, or establishment where horses or other livestock are kept for remuneration, hire, temporary housing for a fee, or sale.

STORY. A story is that portion of a building located between the surface of any floor and the ceiling or roof next above it, and capable of human habitation.

STREET. Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private but not including pedestrian trails or paths.

STREET, CENTER LINE OF. A line which is an equal distance from both street lines.

STREET FUNITURE. The benches, waste cans, bicycle racks, public art, and other structures that help to make the street a public, more welcoming, and usable space.

STREET LINE (RIGHT-OF-WAY LINE). A street line is the legal right-of-way line of a street, as defined in property deeds, by ordinance, or mapped, described, or officially designated by the Township or higher governmental agency having jurisdiction.

STREETSCAPE. The space formed by buildings located close to the street, which may be embellished with sidewalks, street trees, street lights, curbs, street furniture, and/or on-street parking. The streetscape is framed by generally two-story buildings, or one-story buildings with visual presentation of a second story façade as required herein, either of which create the “walls” of an “outdoor room” that is characteristic of a traditional village.

STRUCTURE. Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. (MPC)

SUBDIVISION. The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose,
whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development. Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. (MPC)

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE (SLDO). The West Nottingham Subdivision and Land Development Ordinance, Chapter 22 of the Township code of ordinances.

SUBSTANTIAL DAMAGE. Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage” regardless of the actual repair work performed. The term does not include either:

A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

B. Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

SWIMMING POOL. A manmade structure, excluding farm ponds, located in or above the ground which contains or is capable of containing at least two hundred (200) cubic feet of water at a depth in excess of twenty four (24) inches.

TEMPORARY STORAGE PERMIT. A permit for temporarily storing a mobile home on a site or parcel (MHP).

THEATER. A building or part of a building devoted to showing motion pictures or for dramatic, dance, musical, or other live performances.

TIMBER HARVESTING OPERATION/FORESTRY. The disturbance for commercial purposes (sale for profit), and in compliance with an approved timber harvesting plan, of more than one half (0.5) acre of woodland on any lot, whether during a single timber harvesting operation or cumulatively in successive operations within a three (3) year period. The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development. The removal of dead or diseased trees or non-native invasive species, the cutting of trees for personal firewood use or as a part of a Christmas tree farming operation, or the clearing of an area in accordance with an approved subdivision or land development plan or building permit shall not be considered a timber harvesting operation. Forestry, as defined by the Pennsylvania Municipalities Planning Code, as amended, shall be considered a timber harvesting operation and shall require the submittal and approval of a timber harvesting plan.

TIMBER HARVESTING PLAN. A description, by means of text and maps, of proposed actions involving the removal of trees from a tract of land.

TOWNSHIP. The Township of West Nottingham, Chester County, Pennsylvania.

TOWNSHIP COMPREHENSIVE PLAN. The 2006 West Nottingham Township Comprehensive Plan, as amended.

TRACT. An area of land, parcel(s), lot(s), or property which is under single and separate ownership.
TRANSFERABLE DEVELOPMENT RIGHTS (TDR). The attaching of development rights to specified lands which the Township desires to be kept undeveloped, but permitting those rights to be severed from those lands and held by the purchaser or transferred so that the development potential which they represent may occur on other lands where more intensive development is deemed to be appropriate.

A. Sending Area. The zoning district or designated area in which development rights may be severed from a lot and subsequently reserved, donated, or sold for use in the TDR receiving area.

B. Receiving Area. The zoning districts or area in which an interested party may apply development rights, upon approval under the provisions of this Chapter, to a subdivision or land development proposal.

TRAVEL TRAILER. Any vehicle, whether towed or motorized, which is intended or designed for vacationing or short term residency. A recreational vehicle or “RV,” is included under this definition.

TRUCK FREIGHT TERMINAL. A use where trucks load and unload cargo and freight and where the cargo and freight may be broken down and/or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation (multi-modal).

USE, ACCESSORY. A use of a building, structure, or land that is not a principal permitted use, but which is clearly incidental and subordinate to the principal permitted use on the same lot.

USE, BY-RIGHT. A use that is permitted in a zoning district without the need for a special exception, variance, or conditional use permit, and which meets all other requirements for the Zoning District in which it is located.

USE, CONDITIONAL. A use which may be suitable in certain location within a zoning district only when specific conditions and factors prescribed for such cases within this Chapter are met.

USE, PRINCIPAL. A use which is clearly the primary use of land or of a building on a lot.

VARIANCE. Relief granted pursuant to the provisions of this Chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code.

VEHICLE. Any motor vehicle utilized for any lawful use which is properly licensed and inspected in accordance with all local, state, and federal laws.

VETERINARY CLINIC OR ANIMAL HOSPITAL.

A. FOR LARGE ANIMALS. A medical facility specializing in the treatment of injury or disease afflicting large animals, usually kept in agricultural operations or used for processing food products, including, but not limited to horses, cattle, sheep, goats, pigs, donkeys, mules, and lamas.

B. FOR SMALL ANIMALS. A medical facility specializing in the treatment of injury or disease afflicting small animals, including domestic animals and household pets that typically reside inside a residential dwelling.

VISUAL BARRIER. A man-made buffer between two (2) incompatible uses that reduces the impact of the more intensive use in regard to view, noise, and/or odor.

WALL. An upright structure serving as an enclosure, barrier or boundary, made of masonry, stone, brick or similar building materials.
WALL TREATMENT. Belt courses, medallions, vertical breaks or projections, and painted murals and similar elements used to break up facades or walls where windows are not present to minimize blank expanses of walls with no variation.

WAREHOUSE. A building or use primarily for the storage of goods and services, but not for direct retail sales.

WATERCOURSE. A stream, creek, run, or other body of running water with a defined bed and banks in which water flows in a definite direction or course, whether natural or artificial, with perennial or intermittent flow, as depicted on the most current USGS Quadrangle Map, or more accurate information, as available. Field verification to determine evidence and location of natural channelized flow may be required for specific determinations.

WETLANDS. Those areas that are inundated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. More specifically, any area meeting the official wetland definition of the U.S. Army Corps of Engineers and the Pennsylvania Department of Environmental Protection. Where a discrepancy exists between the wetland definitions of the U.S. Army Corps of Engineers and the Pennsylvania Department of Environmental Protection, the more restrictive definition shall apply.

WIND ENERGY CONVERSION SYSTEMS. Also known as turbines, these systems use wind to generate on-site power for a home, business, farm, or public use/building. A small Wind Energy Conversion System generates one hundred (100) kW or less of electricity, and is typically no higher than one hundred (100) feet above existing grade.

WHOLESALE ESTABLISHMENT. Places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers; or to establishments acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies, including lumber, coal and other non-environmentally harmful bulk products; building material sales rooms; contractors equipment yards.

WILDLIFE PRESERVE. A preserved area for the purpose of protecting wildlife, plants, or areas of critical or sensitive habitat regardless of ownership or protection method. Such use shall not include a zoo.

WOODLANDS. Woodlands consist of a tree mass or plant community in which the tree species are dominant or co-dominant and the branches of the trees form a complete, or nearly complete, canopy. Specifically, woodlands consist of a contiguous area one quarter (1/4) acre or greater, having more than one (1) viable tree with a diameter at breast height (DBH) of ten (10) inches or greater per one thousand (1,000) square feet. The extent of the woodland plant community shall be measured from the outer-most dripline of all trees in the community. Woodlands do not include orchards, oldfields, or those trees that are diseased, poisonous to humans or animals, or considered invasive.

WOODLAND DISTURBANCE. Any activity which alters the existing structure of a woodland or hedgerow where a woodland is regraded, cleared, built upon, or otherwise altered or disturbed or which constitutes a land disturbance within a woodland or hedgerow. Alterations include the cutting or removal of canopy trees, subcanopy trees, understory shrubs and vines, and herbaceous woodland floor species. Woodland disturbance does not include the selective cutting or removal of invasive plant species.

YARD. That portion of a lot that is unoccupied and open from the ground upward except by vegetation, accessory structures, or other uses as permitted by this Chapter. Yards shall extend the full width or depth of the lot, delineated as a line parallel to the lot line or street right-of-way in question, and extending in depth measured perpendicular to the lot line or street right-of-way. (See Figure 2-9)

A. Yard, Front. The yard between the closest point of any principal structure or structures and the street right-of-way on which the lot fronts.
B. **Yard, Rear.** The yard between the closest point of any principal structure or structures and the rear lot line. Rear yards are located directly opposite a required front yard.

C. **Yard, Side.** The yard between the closest point of any principal structure or structures and a side lot line.

**YARD, REQUIRED MINIMUM.** The minimum required distance of a yard as specified in the Zoning Districts in this Chapter. Depending on the size of a lot and the size of a desired structure yards may be larger than the minimum required, but shall not smaller. The remaining portion of the lot (interior) outside of the required minimum yards is called the building envelope where a principle structure or structures may be placed.

**FIGURE 2-9: Yard Requirements**

Source: Chester County Planning Commission, 2010

**ZONING HEARING BOARD.** The Zoning Hearing Board of West Nottingham Township.

**ZONING OFFICER.** An individual or other designated authority appointed by the Board of Supervisors to administer the provisions of this Ordinance.

**ZONING ORDINANCE.** This Chapter 27, of the West Nottingham Township Code of Ordinances.

**ZONING MAP.** The Zoning Map adopted and made part of the zoning ordinance and amended from time to time.

**ZONING PERMIT.** A permit issued indicating that a proposed use, building or structure is in accordance with the provisions of this Chapter, which authorizes an applicant to proceed with said use, building or structure.
PART 3  ESTABLISHMENT OF ZONING DISTRICTS AND MAP

SECTION 301  CLASSIFICATION OF ZONING DISTRICTS

A.  Base Districts.

For the purpose of this Chapter, the Township of West Nottingham is hereby divided into four (4) Base Zoning Districts which shall be designated as follows:

1.  R-1      Rural Protection Residential District
2.  R-2      Rural Residential District
3.  V        Village District
4.  I        Industrial District

B.  Overlay Districts.

For the purposes of this Chapter, West Nottingham Township has two (2) overlay districts. The overlay Districts shall be superimposed over all underlying base zoning districts and apply to all land uses which shall be subject to both the standards in the underlying and the overlay district. The location and provisions applicable to overlay districts are described in the following Parts:

1.  Part 8, Mobile Home Park Overlay District.
2.  Part 9, Natural Resource Protection.

SECTION 302  ZONING DISTRICT BOUNDARIES

A.  The boundaries of zoning districts on the zoning map shall be construed to be the centerlines of streets, alleys, lanes, watercourses, or rights-of-way of powerlines, railroads, and other public utilities; or following platted lot lines, municipal boundaries; or such lines extended or lines parallel or perpendicular thereto, unless specifically otherwise indicated. Where a district boundary is indicated as approximately following a lot or other property line, such lot or property line shall be construed to be such boundary.

B.  Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map. Where scaled distances do not agree with dimensions indicated on the map, the dimensions shall control.

C.  Where features on the ground are inconsistent with those indicated on the Zoning Map, when circumstances not covered within the context of this Section apply, or there is a dispute on the location of a district boundary, the Zoning Officer shall interpret the district boundaries with respect to such features.

D.  Where a district boundary divides a lot or runs through undivided property, the location of such boundary, unless otherwise specified by dimensions on the Zoning Map, shall be determined by the use of the scale appearing on said map.

SECTION 303  DISTRICT BOUNDARY TOLERANCES

Where a district boundary line divides a lot held in single and separate ownership at the effective date of this Chapter, the use regulations applicable to the less restrictive district may extend into that portion of said lot in the more restrictive district to either the nearest lot line or a distance of fifty (50) feet beyond the district boundary line, whichever is less. Any extension of a use into the more restrictive district must meet the area and bulk requirements of the more restrictive district. For the purpose of this Chapter, the more restrictive district shall be the district with the greater minimum lot size requirement. If the lot size
requirements in both districts are equal, the district with the greater setback requirements shall be considered the more restrictive district.

SECTION 304  FEDERAL, STATE, COUNTY, OR MUNICIPALLY OWNED PROPERTY

Whenever federal, state, or county owned property is included in one (1) or more Zoning Districts, it shall be subject to the provisions of this Chapter only insofar as is permitted by the Constitution and Laws of both the United States of America and the Commonwealth of Pennsylvania.

SECTION 305  ZONING MAP

A.  The location and boundaries of zoning districts, except for overlay zones as defined herein, shall be shown upon the Map attached to and hereby made a part of this Chapter, which shall be designated as the “West Nottingham Township Zoning Map.” Said Map and all notations, references, and data shown thereon are hereby incorporated by reference into this Chapter, and shall be as much a part of this Chapter as if all were fully described herein.

B.  If, and whenever, the Board of Supervisors make changes to the boundaries or other matters included on said Map, such changes shall be reflected on the Map promptly following enactment of such amendment, in accordance with the Municipalities Planning Code.
PART 4  R-1 RURAL PROTECTION DISTRICT

SECTION 401  PURPOSE

The purpose of the Rural Protection District is to promote the protection and continuation of agricultural uses, open space, and natural resources while accommodating a development pattern consistent with those resources in accordance with the Township Comprehensive Plan. All residents and uses should be aware of and accepting of the perceived nuisance and hazards which are normal and typical of Agricultural operations in a rural area.

SECTION 402  USE REGULATIONS

A.  By-Right Uses. A building or structure may be erected, altered or used, or a lot may be used for any one (1) of the following purposes:

1. Agricultural use. Secondary farm businesses are permitted as by-right accessory uses in accordance with Section 1102.
2. Open space preserve.
3. Kennel in accordance with Section 1112.
4. Stable in accordance with Section 1117.
5. Single family detached dwelling.
6. Religious use.
7. Cemetery.
8. Fire station and/or emergency services facility.
9. Municipal use.
11. Timber harvesting operation/Forestry in accordance with Section 1118.
12. The severance or transfer of transferable development rights (TDRs) subject to the applicable provisions set forth in Part 19.

B.  Conditional Uses. A building or structure may be erected, altered or used, or a lot may be used for any one (1) of the following purposes when permitted as a conditional use in accordance with Part 16:

1. Commercial greenhouse.
2. Non-residential communication facility in accordance with Section 1114 and Section 1606.
3. Farm equipment sales and service.
4. Veterinary clinic or animal hospital for large animals in accordance with Section 1118.
5. Educational use in accordance with Section 1107.
6. Composting facility in accordance with Section 1104.
7. Long term care facility in accordance with Section 1113.
C. **Accessory Uses.** Accessory buildings and uses customarily incidental to any of the uses permitted in this district shall be permitted on the same lot as the principal use when in accordance with the applicable provisions of Section 1102. In addition to those accessory uses permitted by Section 1102, the following specific accessory uses shall be permitted as follows:

1. Accessory uses permitted by-right:
   a. Minor home occupation in accordance with Section 1109 as an accessory use to a single family detached dwelling.
   b. Stable in accordance with Section 1117 as an accessory use to a single family detached dwelling or an agricultural use.
   c. Kennel in accordance with Section 1112 as an accessory use to an agricultural use.
   d. Timber harvesting operation/Forestry in accordance with Section 1118.

2. Accessory uses permitted by conditional use in accordance with Part 16:
   a. Major home occupation in accordance with Section 1109 as an accessory use to a single family detached dwelling.
   b. Bed and breakfast in accordance with Section 1109 as an accessory use to a single family detached dwelling.
   c. Elder cottage housing opportunity (ECHO) in accordance with Section 1108 as an accessory use to a single family detached dwelling.
   d. Non-residential communication facility in accordance with Section 1114 and Section 1606.

### SECTION 403  AREA AND BULK REGULATIONS

The following area and bulk regulations shall apply in the (R-1) Rural Protection District unless stated otherwise in this Chapter.

#### A. Agricultural Uses.

1. Minimum lot size 4 acres
2. Minimum building setback line 50 feet
3. Minimum lot width at street line 50 feet

#### B. Single Family Detached Dwelling.

1. Minimum lot size 2 acres
2. Minimum lot width at building line 100 feet
3. Minimum lot width at street line 50 feet
4. Maximum lot coverage 25 percent
5. Minimum front yard 50 feet
6. Minimum side yard 25 feet
7. Minimum rear yard 50 feet
8. Maximum height 35 feet
C. **All Other Uses.**

1. Minimum lot size 2 acres
2. Minimum lot width at building line 100 feet
3. Minimum lot width at street line 75 feet
4. Maximum lot coverage 25 percent
5. Minimum front yard 50 feet
6. Minimum side yard 50 feet
7. Minimum rear yard 50 feet
8. Maximum height 35 feet

**SECTION 404  DESIGN STANDARDS**

The following standards shall apply in the R-1 Rural Protection District:

A. Part 8, Mobile Home Park Overlay District.
B. Part 9, Natural Resource Protection.
C. Part 10, General Regulations.
D. Part 11, Supplemental Regulations.
E. Part 12, Off-Street Parking and Loading.
F. Part 13, Sign Regulations.
PART 5  R-2 RURAL RESIDENTIAL DISTRICT

SECTION 501  PURPOSE

The purpose of the Rural Residential District is to provide for residential development consistent with promoting the protection and continuation of agricultural uses, open space, and natural resources while accommodating the current pattern of areas of more concentrated residential development in accordance with the Township Comprehensive Plan. All residents and uses should be aware of and accepting of the perceived nuisance and hazards which are normal and typical of Agricultural operations in a rural area.

SECTION 502  USE REGULATIONS

A.  

By-Right Uses. A building or structure may be erected, altered or used, or a lot may be used for any one (1) of the following purposes:

1. Single family detached dwelling.
2. Agricultural use. Secondary Farm Businesses are permitted as by-right accessory uses in accordance with Section 1102.
3. Stable in accordance with Section 1117.
4. Municipal use.
5. Religious use.
6. Educational use in accordance with Section 1107.
7. Club or fraternal institutions.
8. Fire station and/or emergency services facility.
9. Timber harvesting operation/Forestry in accordance with Section 1118.
11. The severance or transfer of transferable development rights (TDRs) subject to the applicable provisions set forth in Part 19.

B.  

Conditional Uses. A building or structure may be erected, altered or used, or a lot may be used for any one (1) of the following purposes when permitted as a conditional use in accordance with Part 16.

1. Cemetery.
2. Non-residential communications facility in accordance with Section 1114 and Section 1606.
3. Commercial greenhouse.
4. Veterinary clinic or animal hospital for large animals in accordance with Section 1119.
5. Composting facility in accordance with Section 1104.
6. Long term care facility in accordance with Section 1113.
C. **Accessory Uses.** Accessory buildings and uses customarily incidental to any of the uses permitted in this district shall be permitted by right on the same lot as the principal use when in accordance with the applicable provisions of Section 1102. In addition to those accessory uses permitted by Section 1102, the following specific accessory uses shall be permitted as follows:

1. Accessory uses permitted by-right:
   
   a. Minor home occupation in accordance with Section 1109 as an accessory use to a single family detached dwelling.
   b. Stable in accordance with Section 1117 as an accessory use to a single family detached dwelling or an agricultural use.
   c. Kennel in accordance with Section 1112 as an accessory use to an agricultural use.
   d. Timber harvesting operation/Forestry in accordance with Section 1118.

2. Accessory uses permitted by conditional use in accordance with Part 16:
   
   a. Major home occupation in accordance with Section 1109 as an accessory use to a single family detached dwelling.
   b. Bed and breakfast in accordance with Section 1109 as an accessory use to a single family detached dwelling.
   c. Elder cottage housing opportunity (ECHO) in accordance with Section 1108 as an accessory use to a single family detached dwelling.
   d. Non-residential communication facility in accordance with Section 1114 and Section 1606.

**SECTION 503  AREA AND BULK REGULATIONS**

The following area and bulk regulations shall apply in the (R-2) Rural Residential District, unless stated otherwise in this Chapter.

A. **Agricultural Uses.**

   1. Minimum lot size 4 acres
   2. Minimum building setback line 50 feet
   3. Minimum lot width at street line 50 feet

B. **Single Family Detached Dwelling.**

   1. Minimum lot size 1 acre
   2. Minimum lot width at building line 100 feet
   3. Minimum lot width at street line 50 feet
   4. Maximum lot coverage 25 percent
   5. Minimum front yard 50 feet
   6. Minimum side yard 25 feet
   7. Minimum rear yard 25 feet
   8. Maximum height 35 feet
C. **All Other Uses.**

1. Minimum lot size 2 acres
2. Minimum lot width at building line 100 feet
3. Minimum lot width at street line 75 feet
4. Maximum lot coverage 25 percent
5. Minimum front yard 50 feet
6. Minimum side yard 50 feet
7. Minimum rear yard 50 feet
8. Maximum height 35 feet

**SECTION 504 DESIGN STANDARDS**

The following standards shall apply in the R-2 Rural Residential District.

A. Part 8, Mobile Home Park Overlay District.
B. Part 9, Natural Resource Protection.
C. Part 10, General Regulations.
D. Part 11, Supplemental Regulations.
E. Part 12, Off-Street Parking and Loading.
F. Part 13, Sign Regulations.
PART 6   V - VILLAGE (TRADITIONAL NEIGHBORHOOD DEVELOPMENT) DISTRICT

SECTION 601  PURPOSE

The purposes of the Village District are:

A. To provide a means enabled through Article VII-A of the Pennsylvania Municipalities Planning Code (Act of 1968, PL 805, #247) to implement the Nottingham Village Concept Plan (November, 2007), prepared as a result of a public visioning exercise conducted with the West Nottingham Township community.

B. To conserve the majority of West Nottingham Township’s agricultural and other natural resource lands, and comply with Commonwealth law, by utilizing the Village District to accommodate much of the residential and other growth in a manner which is consistent with the Township Comprehensive Plan.

C. To maintain and continue the traditional development patterns and architectural integrity represented within the historical Nottingham Village area of the Township as new and infill developments, and redevelopment, occur.

D. To provide landowners and developers with land use and other zoning incentives so they can participate in implementing desired portions of the Nottingham Village Concept Plan, such as the public street and alley network, sidewalks and trails, public parks and other civic spaces, and a compatible mix of village land uses as envisioned by the Nottingham Village Concept Plan and the Nottingham Village Manual of Design Guidelines.

E. To provide an appropriate area of West Nottingham Township for use of transferable development rights (TDRs) severed from land in certain areas of West Nottingham Township’s R-1 and R-2 Zoning Districts, which are collectively included in the “TDR Sending Area” on the West Nottingham Township TDR Sending Area and Receiving Area Map (Part 19, Exhibit A).

F. To provide for a mix of residential, retail, office, and service establishments, and places of community assembly and recreation in a compact setting, where efficiencies can be gained in the provision of public water and sewer; the provision of other public and quasi-public utilities; the allowance for parking to serve the associated uses; and, the design and maintenance of streets, alleys, sidewalks, and trails.

G. To establish standards for a unified, coordinated, and organized arrangement of buildings, streets, sidewalks, alleys, service and parking areas, and civic spaces that form the traditional development pattern.

H. To establish standards for streetscape and landscape improvements, including lighting, signage, street trees, and pedestrian amenities, that will maintain and enhance the traditional development pattern.

I. To provide a location within West Nottingham Township for residential and non-residential, non-automobile-oriented uses with immediate access to regional roads, while insuring that such land uses, whether proposed individually or as part of a mixed-use development, continue the village’s traditional development pattern.

SECTION 602  APPLICABILITY

The Village District, referred to hereinafter by this name, encompasses what is locally and historically known as “Nottingham Village” (i.e., the settlement at and near the intersection of State Route 272 and Old Baltimore Pike), in addition to surrounding areas planned to accept future growth. The Village District
is identified on the West Nottingham Township Zoning Map, and it is comprised of three subdistricts: VCOM – Village Commercial; VCTR – Village Center; and, VR – Village Residential. All uses proposed within the three subdistricts of the Village District shall comply with all applicable provisions of this Part, and all other applicable ordinances and regulations.

SECTION 603 QUALIFYING CONDITIONS

A. Uses in the Village District shall be served by water and sewer services in adequate capacity for the intended use(s).

B. The West Nottingham Township Board of Supervisors may modify the standards or waive adherence to the standards herein to protect the health, safety, and welfare, or if a land development plan is required for a change in use or an expansion of a use.

C. Uses and standards are established within this Part that do not require the purchase and receipt of TDRs. This Part also establishes additional uses, and more flexible standards, that are available to applicants within the Village District who voluntarily purchase and use TDRs. Where uses proposed pursuant to the Village District will utilize TDRs, documentation of purchase of said TDRs pursuant to the applicable requirements of Section 609 and Part 19 shall be required within the applicable timeframes and/or milestones specified in Part 19. Specifically, and pursuant to Section 609, the following dimensions and standards may be changed with receipt of TDRs: single-family, two-family, apartment building, townhouse density; and/or increased building height and/or impervious coverage for nonresidential uses or apartment buildings.

D. All uses proposed within the Village District, subject to the provisions of B, above, shall be consistent with:

1. The applicable sections and recommendations of this Part.
2. The recommendations of the Township Comprehensive Plan.
3. Any regional comprehensive plan for the Oxford Region, adopted by the governing bodies of the participating municipalities and the West Nottingham Board of Supervisors.
4. Any pedestrian and automobile circulation studies prepared on behalf of the Township for the Village District.
5. Any Official Map adopted by West Nottingham Township.

E. In order to clearly demonstrate adherence to the purposes of this Part, applications for subdivision or land development filed with West Nottingham Township in accordance with this Part shall be accompanied by schematic architectural renderings showing the general appearance of the proposed buildings, including, but not limited to:

1. Massing, scale, proportion, roofline, relationship among façade elements;
2. Relationship to the streetscape and other existing and proposed buildings;
3. Demonstration that the submitted architectural designs are consistent with, and promote, the requirements of this Part, especially Sections 604, 605, 606, 609, and the document, Nottingham Village Manual of Design Guidelines.

F. West Nottingham Township may require, as a condition of subdivision or land development approval and where applicable, appropriate means to guarantee adherence to approved plans and/or architectural drawings, if such guarantee is an essential means by which the proposed development will comply with the purposes and standards set forth for the Village District. West
Nottingham Township may also require that, prior to the issuance of any building permit, the applicant provide professional evidence certifying that the submitted plans conform to any previously approved and applicable schematic architectural renderings. In the event that this requirement is applied, West Nottingham Township shall not issue the building permit until said evidence is also certified by West Nottingham Township.

SECTION 604 USE REGULATIONS

A. VCOM (Village Commercial) Subdistrict. By-Right Uses. The following uses are permitted by-right in the VCOM subdistrict. A building or structure may be erected, altered or used, or a lot may be used for any of the following purposes:

1. Retail store.
2. Personal service shop.
3. Convenience store.
4. Business and professional offices.
5. Medical office or clinic.
6. Bank and other financial institutions, which may include drive-through service as an accessory use in accordance with Section 1106.
7. Restaurant, which may include drive-through service and/or outdoor dining as an accessory use in accordance with Sections 1106 and 1115.
8. Veterinary Clinic or animal hospital for small animals or domestic pets in accordance with Section 1119.
10. Hotel, inn, or motel.
11. Automobile sales and service.
15. Theater.
16. Indoor recreation use.
17. Contractors office.
18. Municipal use.
20. Post office or library.
22. Timber harvesting operation/Forestry in accordance with Section 1118.

23. Live-work units.


25. Civic space.

26. Commercial day care in accordance with Section 1105.

27. Long term care facility in accordance with Section 1113 and subject to the receipt of TDR’s in accordance with Part 19.

28. Mixed use dwellings. Residential dwelling units above or behind the streetscape-fronting portion of principal non-residential uses that are located on the first or ground floor, when in accordance with Section 605.D.

29. Receipt of TDRs in accordance with Part 19.

30. Accessory buildings and uses customarily incidental to any of the uses permitted in this district shall be permitted on the same lot as the principal use when in accordance with the applicable provisions of Section 1102.

B. VCTR (Village Center) Subdistrict.

1. By-Right Uses. The following uses are permitted by-right in the VCTR subdistrict. A building or structure may be erected, altered or used, or a lot may be used for any of the following purposes:

   a. Single family detached dwellings.

   b. Two family dwellings.

   c. Multi-family residential dwellings subject to the receipt of TDRs and when in accordance with Part 19.

   d. Live-work units.

   e. Mixed use dwellings. Residential dwelling units above or behind the streetscape-fronting portion of principal non-residential uses that are located on the first or ground floor, when in accordance with Section 605.D.

   f. All non-residential uses permitted in the VCOM subdistrict as listed in Section 604.A shall be permitted within the VCTR District, with the exception of the following uses:

      1) Automobile sales and service.
      2) Car wash.
      3) Drive-through service as an accessory use.

   g. Civic spaces.

   h. Receipt of TDRs in accordance with Part 19.
2. Accessory buildings and uses customarily incidental to any of the uses permitted in this district shall be permitted on the same lot as the principal use when accordance with the applicable provisions of Section 1102. In addition to those accessory uses permitted by Section 1102, the following specific accessory uses shall be permitted as follows:

a. Accessory uses permitted by-right: Minor home occupation in accordance with Section 1109 as an accessory use to a single family detached dwelling.

b. Accessory uses permitted by conditional use in accordance with Part 16:

   1) Major home occupation in accordance with Section 1109 as an accessory use to a single family detached dwelling.
   2) Bed and breakfast in accordance with Section 1109 as an accessory use to a single family detached dwelling.
   3) Elder cottage housing opportunity (ECHO) in accordance with Section 1113 as an accessory use to a single family detached dwelling.

C. VR (Village Residential) Subdistrict.

1. By-Right Uses. The following uses are permitted by-right in the VR subdistrict. A building or structure may be erected, altered or used, or a lot may be used for any of the following purposes:

a. Single family detached dwellings.

b. Two family dwellings subject to the receipt of TDRs and when in accordance with Part 19.

c. Multi-family dwellings subject to the receipt of TDRs and when in accordance with Part 19.

d. Municipal use.

e. Commercial day care.

f. Timber Harvesting/Forestry when in accordance with Section 1118.

g. Civic spaces.

h. Receipt of TDRs in accordance with Part 19.

2. Conditional Use. A building or structure may be erected, altered or used, or a lot may be used for any of the following purposes when permitted as a conditional use in accordance with Part 16: Long term care facility subject to the receipt of TDRs when in accordance with Section 1108 and Part 19.

3. Accessory buildings and uses customarily incidental to any of the uses permitted in this district shall be permitted on the same lot as the principal use when accordance with the applicable provisions of Section 1102. In addition to those accessory uses permitted by Section 1102, the following specific accessory uses shall be permitted as follows:

a. Accessory uses permitted by-right: Minor home occupation in accordance with Section 1109 as an accessory use to a single family detached dwelling.

b. Accessory uses permitted by conditional use in accordance with Part 16:

   1) Major home occupation in accordance with Section 1109 as an accessory use to a single family detached dwelling.
2) Bed and breakfast in accordance with Section 1109 as an accessory use to a single family detached dwelling.

3) Elder cottage housing opportunity (ECHO) in accordance with Section 1108 as an accessory use to a single family detached dwelling.

SECTION 605 BUILDING DIMENSION STANDARDS

A. Land development and redevelopment within the Village District shall meet the requirements of the applicable standards in this Part and the applicable dimensions of blocks, streets, and buildings, including densities, setbacks, heights, etc. in Section 609; and shall be consistent with the document, Nottingham Village Manual of Design Guidelines.

B. Density of any land development shall be based on dwelling unit type and the extent to which TDRs may be utilized as set forth herein and as allocated/awarded specifically in accordance with Section 1904. Where more than one type of dwelling unit is provided, density allocated/awarded through TDR utilization shall be calculated proportionately and such that sufficient area is allocated to each dwelling unit type to meet all applicable requirements herein and especially in Section 609.

C. In the VCOM and VCTR subdistricts, live-work units (as defined in Part 2) are allowed by the provisions of this Part and are encouraged. The dwelling unit portion of the live-work unit shall have a minimum area of six hundred fifty (650) square feet. In all cases, the live-work unit shall meet the applicable requirements of Section 609.

D. Mixed use dwellings. In the VCOM and VCTR subdistricts, buildings containing principal non-residential uses may also contain one (1) or more residential dwelling unit which shall adhere to the following:

1. The ground floor, or at a minimum the front portion thereof, shall be used for the principal non-residential use and the dwelling unit(s) shall be arranged to form an integral part of the remainder of the building. Specifically, residential and non-residential uses shall each comprise no less than thirty (30) percent of, nor any greater than seventy (70) percent of, the building’s uses.

2. Any dwelling unit shall have a floor area of not less than six hundred fifty (650) square feet.

3. Entrance to any dwelling unit may be shared with another dwelling unit or units, but shall be independent of the non-residential use or uses.

4. The parking required for each dwelling unit shall be provided in accordance with Part 12.

5. Where the dwelling units are to be created above the ground floor, requisite approvals such as interior layout and emergency exits, shall be obtained from the Pennsylvania Department of Labor and Industry, and copies of said approvals shall be provided to the local fire company upon receipt of such approval.

SECTION 606 VILLAGE DESIGN STANDARDS

A. Land development and proposed uses within the Village District shall adhere to the standards in this Part and be consistent with the document, Nottingham Village Manual of Design Guidelines, as applicable.

B. Sketch Plan.

1. An applicant for development in the Village District is strongly encouraged to submit for the review of the West Nottingham Township Planning Commission and Board of Supervisors,
pursuant to review by the West Nottingham Township Engineer, a sketch plan of any use(s) proposed under this Part.

2. West Nottingham Township will make every attempt to provide timely, objective, and clear feedback, in order to facilitate development of a preliminary plan that meets the purposes, conditions, standards, and dimensions of this Part.

3. It is recommended that the sketch plan clearly show its consistency with the items listed in Section 603.D, as applicable.

4. The sketch plan, if submitted, may include the schematic architectural renderings required pursuant to Section 603.E, and/or it may address the TDR-related standards found in Section 1905.

B. Pursuant to Section 1905 and where TDRs will be used to meet any of the height, impervious surface, and/or building type or density allowances provided for herein, the applicant for both a sketch plan and preliminary plan shall clearly document the quantity, source, and disposition of the utilized TDRs within the Village District to the satisfaction of the West Nottingham Township Board of Supervisors.

C. Circulation System.

1. Streets within the subdistricts of the Village District shall follow a gridded pattern of street blocks and interconnecting streets and alleys (block length shall be in accordance with Section 609), pedestrian ways, and sidewalks, to facilitate both vehicular and pedestrian circulation. Design approaches should apply context sensitive design and be consistent with the concepts recommended in the *Smart Transportation Guidebook, Planning and Designing Highways and Streets that Support Sustainable and Livable Communities* (New Jersey and Pennsylvania Departments of Transportation, 2008, or most recent addition).

2. The circulation system shall be spatially defined by buildings, street furniture, and landscaping as specified elsewhere in this Part.

3. Overall, vehicular access to a building site shall be designed to limit the number of existing and new access points to streets, to limit potential for turning movement conflict, and to adhere to applicable traffic calming standards (e.g., “Publication 383 - Traffic Calming Handbook” (most recent edition), Pennsylvania Department of Transportation).

4. Where practicable, access to adjoining parcels and land uses shall be combined and/or connected to limit potential turning movement onto public streets, and to ensure pedestrian safety during vehicular ingress and egress.

D. Transitions between different land uses within the Village District shall be established so as to avoid distinct visual differences, such as in the scale of buildings.

E. Where development in any subdistrict of the Village District will abut an area located in the R-1 or R-2 District, a fifty (50) foot wide buffer shall be established. The buffer shall be designed as a Limited Vegetative Screen in accordance with Section 1004 of this Chapter, so as not to impede normal cultivation and plant growth of any adjoining cropland.

F. Civic spaces shall be provided as required by this Part and specifically, by Section 609. Civic spaces may be offered for dedication to West Nottingham Township, which offer West Nottingham Township shall not be obligated to accept.

G. As established in Section 609, the right-of-way line for any new streets shall be modified consistent with approved plans such that the legal right-of-way line is at the street side edge of the sidewalk or building façade.
H. **Pedestrian and Vehicular Access, Parking Areas, Street and Alleys.** Unless otherwise permitted below, sidewalks and pathways shall be provided throughout the Village District, creating a completely linked network connecting all uses and civic spaces. Parking area shall not be a dominate feature in the Village District and shall be adequately landscaped. Streets and alleys shall be appropriately designed for a Village setting.

1. Pedestrian access within the Village District shall be designed to provide convenient, safe, and direct access between the various uses within the Village District and any other nearby concentrations of development.

2. **Sidewalks.**

   a. Sidewalks shall generally be provided across the frontage of each lot as determined by West Nottingham Township. Where retention of existing structures is desired or where significant right-of-way constraints exist, the Board of Supervisors may eliminate or modify this requirement or accompanying requirements herein (e.g., planting strip, sidewalk width). In all cases where sidewalks are provided, pedestrian safety shall be maintained and achieved through measures such as bollards, permanents posts, or other measures subject to the Board of Supervisors’ approval.

   b. **Non-residential uses.**

      1) East of Route 1. For predominately non-residential uses fronting on any other street except for those sections of Route 272 west of and passing over Route 1, sidewalks shall be separated from street curbs by a vegetative strip no less than five (5) feet wide planted with native grasses or other herbaceous plant materials and that may include trees, located consistent with Section 606 herein and designed in conjunction with any street furniture, to provide separation between pedestrians and cars at appropriate intervals along said streets.

      2) Route 1 and West. For predominately non-residential uses fronting on those sections of Route 272 west of and passing over Route 1, sidewalks located along the right-of-way shall be separated from the street curb by a vegetative strip no less than five (5) feet wide, planted with native grasses or other herbaceous plant materials, or trees in tree islands, located consistent with Section 606 herein, or by a wall or fence constructed of concrete, stone, or iron no higher than three (3) feet above grade level at the building entrance. For any of these separation options, existing grades shall be retained to the extent practicable.

   c. **Residential Uses.** Sidewalks on streets which are fronted by predominately residential uses shall be separated from street curbs by a planting strip no less than five (5) feet wide, planted with native grasses or other herbaceous plant materials, and that may include trees located consistent with this section.

   d. **Sidewalk Construction.**

      1) Sidewalks shall be constructed of concrete, or if possible, of brick. Sidewalks shall be no less than five (5) to six (6) feet in width and may, at the discretion of West Nottingham Township, be required to be eight (8) to ten (10) feet in width along the frontage of commercial or mixed-use properties or where streetscape amenities such as benches, trash receptacles, bicycle racks or similar structures are established as provided herein.

      2) Design and location of sidewalks may be adjusted to protect significant existing vegetation, historic structures, or other significant landscape features, subject to the approval of the West Nottingham Township Engineer.
3. Parking Areas.
   a. Parking areas within the Village District shall be designed and landscaped so as to appear broken in mass, in proportion to the scale of structural development.
   b. Compliance with the Americans with Disabilities Act, coordination of access to parking areas, provision of non-paved overflow parking areas, and shared parking among adjacent uses all shall be required in accordance with Part 12.
   c. Parking shall not be provided in the front yard.
   d. All off-street parking shall be located at the rear of the lot, or if necessary, to the side of the lot, accessed by alleys or driveways, and shall be screened from view from any public street, non-motorized accessway, or neighboring residence.
   e. To the extent that parking areas are visible from streets, visual impacts shall be mitigated through introduction of landscape screening, landscape walls, use of pervious paving materials, or other design means. Off-street parking areas shall utilize pervious paving materials, bioswales, islands landscaped with native plant materials, and other similar methods to the greatest extent practicable in order to maximize the potential for groundwater infiltration.
   f. The creation of on-street parking is encouraged; however, on-street parking shall not be counted towards required off-street parking in accordance with Part 12.

4. Streets shall be designed to calm traffic speeds and promote pedestrian movement, consistent with the recommendations of the Pennsylvania Department of Transportation’s “Traffic Calming Handbook” (most recent edition).

5. Alleys shall be provided to move vehicular access to the rear of principal structures and thereby improve the appearance of the streetscape, and shall be at least sixteen (16) feet in width if designed for two-way travel, with a maximum of eighteen (18) feet in width, and twelve (12) feet in width if designed for one-way travel. Driveways accessing two (2) or fewer dwelling units and not dedicated for public use may be nine (9) feet in width.

I. Landscape and Streetscape Design. All lands not utilized to provide for permitted impervious cover shall be left in their natural state or landscaped with appropriate native vegetation or other suitable landscape material. In addition:

1. Street trees shall be provided and shall be planted within the street right-of-way and/or as directed by West Nottingham Township.

2. The provision of required streetscape and pedestrian amenities shall be coordinated with adjacent properties. In addition, the following specific requirements apply to the VCOM and VCTR subdistricts:
   a. A minimum of one (1) public trash receptacle in each block; public benches of approved design at intervals of no greater than one hundred (100) feet on each block.
   b. A minimum of one (1) bike rack on each block. West Nottingham Township reserves the right to require the provision of container(s) for the recycling of accepted materials.

3. West Nottingham Township may require the above-referenced, or similar, streetscape and pedestrian amenities as appropriate in the VR subdistrict (e.g., adjacent to or within a required civic space).
J. **Architectural Design.** To the extent practicable, all new construction and/or additions to existing structures within the Village District shall be designed to be consistent with the document, *Nottingham Village Manual of Design Guidelines*, with either a traditional architectural character or as a contemporary expression of traditional styles and forms, respecting the scale, proportion, roof pitch, character, and materials of age-appropriate examples in and near the Village District; and/or in accordance with the following standards as applicable:

1. **Building Facades.**
   a. Building arrangements which rely on the repetition of the same building façade element shall not be approved.
   b. Where any individual building façade is visible from any public right-of-way or civic space (including internal civic spaces within a development) and exceeds forty (40) feet in length, there shall be both a clear dimensional differentiation of roofline, and an offset in the façade that is either a perpendicular protrusion away from, or a perpendicular indent into, the building façade to create effective façades that are no longer than forty (40) feet. Such offset shall be at least five (5) long by three (3) feet deep. Street furniture, sculpture/public art, or other desirable streetscape components may be placed within an indent into the building façade. Protrusions away from the building façade (e.g., columns, window bays) shall not interfere with pedestrian or bicycle passage adjacent to the building.
   c. Exemptions. Facades greater than forty (40) feet may be approved when in accordance with the following:
      1) West Nottingham Township may allow a building with a façade longer than forty (40) feet when the proposed design emulates characteristic historical building forms such as barns, stables, churches, meeting houses, or other public buildings.
      2) Where an individual building façade that exceeds forty (40) feet in length is approved, the building design or use layout shall limit the length of the streetscape frontage occupied by any one use to the greatest extent practicable by providing for inviting, interior accessory or independent business uses within the streetscape-fronting portion of the building (e.g., the café and/or floral operations within a grocery store, or a small, independent service or retail use).
   d. In all cases, it is recommended that blank walls and facades are minimized to the extent possible. Windows should predominate on facades, particularly those facing streets or parking areas. Wall treatments such as belt courses, medallions, vertical breaks or projections, and painted murals are encouraged to provide variation in order to break up walls where windows are not present.
   e. Windows. Windows shall be transparent and glass block, mirror glass, and the like shall not be permitted.

2. **Building Height.**
   a. Buildings five thousand (5,000) square feet and greater. New buildings containing principal non-residential use(s) that are five thousand (5,000) square feet and greater shall have at least two (2) stories of habitable floor area, excluding basements and attics, over thirty (30) percent of its ground floor footprint, subject to the building height limits in Section 609 of this Part.
   b. Buildings less than five thousand (5,000) square feet. New buildings with a ground floor footprint less than five thousand (5,000) square feet shall require a visual presentation of a second story façade, subject to the review of the West Nottingham Township Planning
Commission and approval of the West Nottingham Township Board of Supervisors. Refer to the document, Nottingham Village Manual of Design Guidelines for an example.

K. All proposed uses within the Village District shall adhere to the applicable provisions of the West Nottingham Township Subdivision and Land Development Ordinance.

SECTION 607 MODIFICATIONS

Where clearly consistent with a provision of this Part, the West Nottingham Township Board of Supervisors may, with a positive recommendation from the West Nottingham Township Planning Commission, permit the modification of the standards set in Section 605.D.1 and Section 609. Applicable standards (e.g., lot area, building size, setbacks, etc.) may be modified a maximum of twenty five (25) percent from either minimum requirements or maximum allowances, where practicable. No modifications to maximum permissible density nor required civic spaces shall be permitted.

SECTION 608 DESIGN STANDARDS

A. Part 9, Natural Resource Protection.

B. Part 10, General Regulations.

C. Part 11, Supplemental Regulations.

D. Part 12, Off-Street Parking and Loading.

E. Part 13, Sign Regulations.


SECTION 609 DIMENSIONS AND STANDARDS (by Subdistrict and Building Use Standards)

PLEASE SEE NEXT PAGES
## SECTION 609 DIMENSIONS AND STANDARDS (by Subdistrict and Building Use Standards)

### VILLAGE COMMERCIAL SUB-DISTRICT

<table>
<thead>
<tr>
<th>Non-residential controlled by:</th>
<th>DENSITY and COVERAGE: MAXIMUM STANDARDS WITHOUT TDRs¹</th>
<th>DENSITY and COVERAGE: MAXIMUM STANDARDS WITH TDRs</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• This table (e.g., building size, location, height, impervious cover limits)</td>
<td>• This table (e.g., building size, location, height, impervious cover limits)</td>
</tr>
<tr>
<td></td>
<td>• Section 604 (Use Standards): e.g., uses specifically allowed within VCOM</td>
<td>• Section 604 (Use Standards): e.g., uses specifically allowed within VCOM</td>
</tr>
<tr>
<td></td>
<td>• Section 605 (Building Dimension Standards): e.g., mix of residential/non-residential uses</td>
<td>• Section 605 (Building Dimension Standards): e.g., mix of residential/non-residential uses</td>
</tr>
<tr>
<td></td>
<td>• Section 606 (Design Guidelines): e.g., façade length; pedestrian access</td>
<td>• Section 606 (Design Guidelines): e.g., façade length; pedestrian access</td>
</tr>
<tr>
<td></td>
<td>• Other applicable ordinance parameters</td>
<td>• Other applicable ordinance parameters</td>
</tr>
</tbody>
</table>

No residential limit.

<table>
<thead>
<tr>
<th>BLOCK and LOT: TRACT AREA OR LOT AREA, MINIMUM – MAXIMUM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land development of principal non-residential uses:</td>
</tr>
<tr>
<td>Block length/width, maximum:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>BLOCK and LOT: LOT WIDTH, STREET LINE: MINIMUM</th>
<th>BLOCK and LOT: LOT WIDTH, BUILDING SETBACK LINE: MINIMUM</th>
<th>BLOCK and LOT: LOT DEPTH, MINIMUM</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

¹ TDRs: Transferable Development Rights; see Part 19 of this Ordinance
**VILLAGE COMMERCIAL SUB-DISTRICT** (continued)

### BUILDING SIZE AND LOCATION

Building size, maximum for commercial or retail: 50,000 sq. ft.

- In the VCOM subdistrict, west of Route 1, any building between 25,000 sq. ft. and 50,000 sq. ft. in size shall be no closer than 2,500 linear ft. to any other building in the same square footage range.
- In the VCOM subdistrict, east of Route 1, any building between 25,000 sq. ft. and 50,000 sq. ft. in size shall be no closer than 2,000 linear ft. to any other building in the same square footage range.

Residential dwelling unit size and location controlled by:

- This table (e.g., building size, location, height, impervious cover limits)
- Section 604 (Use Standards): e.g., uses specifically allowed within VCOM
- Section 605 (Building Dimension Standards) e.g., mix of residential/non-residential uses
- Other applicable ordinance parameters.

### BUILDING SETBACKS: FRONT

All uses, minimum: 0 ft., measured from right-of-way (ROW) or 8 ft. to accommodate building entryway (e.g.) or sidewalk

All uses, maximum: 15 ft., or if setback measured from Route 1 then setback maximum is 50 ft. or if measured from Route 272 then setback maximum is 25 ft. Any setback measured from a limited access highway shall not be considered a front setback.

<table>
<thead>
<tr>
<th>BUILDING SETBACKS: SIDE</th>
<th>BUILDING SETBACKS: REAR</th>
<th>BUILDING SETBACKS: OTHER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-residential uses, minimum: 5 ft.</td>
<td>Non-residential uses, minimum: 25 ft.</td>
<td>N/A</td>
</tr>
</tbody>
</table>

### BUILDING HEIGHT\(^3\)

<table>
<thead>
<tr>
<th>Non-residential uses without TDRs</th>
<th>Non-residential uses with TDRs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum: 30ft.</td>
<td>Maximum: 45ft.</td>
</tr>
</tbody>
</table>

\(^2\) Side yard setback is 0' for the side where units are attached

\(^3\) Building height limits do not apply to the installation of a wind energy conversion system, as defined herein and only when proposed for installation in conjunction with a community or commercial building (principal use) use and only with conditional use approval by the Township Board of Supervisors.
VILLAGE COMMERCIAL SUB-DISTRICT (continued)

<table>
<thead>
<tr>
<th>IMPERVIOUS COVER: Maximum per Individual Building Lot, except where noted</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>without TDRs</td>
<td>with TDRs, (pursuant to Section 1904.C.2)</td>
</tr>
<tr>
<td>Non-residential uses: 15%</td>
<td>Non-residential uses: 60%</td>
</tr>
</tbody>
</table>

CIVIC SPACES

When a land development plan is required for a change or expansion in use, said land development plan shall set aside a proportional amount of area for use as one or more of the types of Civic Spaces, as defined in Part 2, subject to the review of the West Nottingham Township Planning Commission and to the approval by the West Nottingham Township Board of Supervisors. The Township is not obligated to accept dedication of any Civic Spaces established pursuant to these provisions. With the agreement of the West Nottingham Board of Supervisors, the applicant for said land development plan approval may instead elect to contribute the applicable recreational fee-in-lieu-of that may be established at any time by the West Township Board of Supervisors pursuant to the 2006 Comprehensive Plan and Section 503(11) of the Pennsylvania Municipalities Planning Code.

---

4 Maximum impervious coverages do not apply to building lots 15,000 square feet or smaller, as of the date of adoption of this ordinance. Maximization of impervious cover allowances may not always be achievable while meeting requirements for building setbacks, stormwater management, and other standards, criteria, and regulations herein.
## VILLAGE CENTER SUB-DISTRICT

<table>
<thead>
<tr>
<th>DENSITY and COVERAGE: MAXIMUM STANDARDS WITHOUT TDRs</th>
<th>DENSITY and COVERAGE: MAXIMUM STANDARDS WITH TDRs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>Non-Residential</td>
</tr>
<tr>
<td>Single-family</td>
<td>1.0 du ac.</td>
</tr>
<tr>
<td>Two-family</td>
<td>2.0 du/ac.</td>
</tr>
<tr>
<td>Townhouses</td>
<td>Not allowed</td>
</tr>
<tr>
<td>Apartment</td>
<td>Not allowed</td>
</tr>
</tbody>
</table>

### BLOCK and LOT: TRACT AREA OR LOT AREA, MINIMUM – MAXIMUM

| Single-family: | 7,500-10,000 sq.ft. | Principal non-residential uses, minimum: 10,000 sq.ft. |
| Two-family, Townhouses: | 5,000-7,500 sq.ft. | Principal non-residential uses, maximum: per building size limit |
| Apartment Building: | see footnote7 | |
| Block length/width, maximum: | 700 feet | |

### BLOCK and LOT: MINIMUM LOT WIDTH AT STREET LINE

| Two-family: | 25 ft./du | |
| Townhouses: | 20 ft./du | |
| Apartment Building: | 50 ft. | |

Principal non-residential uses controlled by:
- This table (e.g., building size, location, height, impervious cover limits)
- Section 604 (Use Standards): e.g., uses specifically allowed within VCTR
- Section 605 (Building, Dimension Standards) e.g., mix of residential/non-residential uses
- Other applicable ordinance parameters.

---

5 TDRs: Transferable Development Rights; see Part 19 of this Ordinance
6 du: dwelling unit
7 Minimum floor area, per each du in an apartment: 650 sq.ft.
### VILLAGE CENTER SUB-DISTRICT (continued)

#### BLOCK and LOT: LOT DEPTH, MINIMUM

<table>
<thead>
<tr>
<th>Category</th>
<th>Minimum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family, Two-family</td>
<td>100 ft.</td>
</tr>
<tr>
<td>Townhouses</td>
<td>N/A</td>
</tr>
<tr>
<td>Apartment Building</td>
<td>N/A</td>
</tr>
<tr>
<td>Principal Non-residential uses</td>
<td>100 ft.</td>
</tr>
</tbody>
</table>

#### BUILDING SIZE AND LOCATION

Building size, maximum for commercial or retail: 15,000 sq. ft.; no location standards

Residential building size and location controlled by:
- This table (e.g., building size, location, height, impervious cover limits)
- Section 604 (Use Standards): e.g., uses specifically allowed within VCOM
- Section 605 (Building Dimension Standards) e.g., mix of residential/non-residential uses
- Other applicable ordinance parameters.

#### BUILDING SETBACKS: FRONT

<table>
<thead>
<tr>
<th>Category</th>
<th>Minimum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family, Two-family, Townhouse, minimum</td>
<td>0 ft.</td>
</tr>
<tr>
<td>Single-family, Two-family, Townhouse, maximum</td>
<td>15 ft.</td>
</tr>
</tbody>
</table>

Apartment building minimum: 20 ft. or if setback measured from Route 1 then setback minimum is 50 ft. or if measured from Route 272 then setback minimum is 25 ft. Any setback measured from a limited access highway shall not be considered a front setback.

Apartment building maximum: 40 ft.

Non-residential uses, minimum: 0 ft., measured from right-of-way (ROW) or 8 ft. to accommodate building entryway (e.g.) or sidewalk
Non-residential uses, maximum: 15 ft. or if setback measured from Route 1 then set-back maximum is 50 ft. or if measured from Route 272 then setback maximum is 25 ft. Any setback measured from a limited access highway shall not be considered a front setback.
## VILLAGE CENTER SUB-DISTRICT (continued)

### BUILDING SETBACKS: SIDE

<table>
<thead>
<tr>
<th>Type</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family, Two-family</td>
<td>10 ft.</td>
<td>15 ft.</td>
</tr>
<tr>
<td>Townhouse, minimum and</td>
<td>10 ft.</td>
<td></td>
</tr>
<tr>
<td>maximum from end unit</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Apartment building, minimum and maximum from end unit: 20 ft., except 40 ft. when another apartment building is the adjacent use or if setback measured from Route 1 then setback minimum and maximum is 50 ft. or if measured from Route 272 then setback minimum and maximum is 25 ft.

All other uses, minimum: 10 ft.
All other uses, maximum: 15 ft.

### BUILDING SETBACKS: REAR

<table>
<thead>
<tr>
<th>Type</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family minimum</td>
<td>25 ft.</td>
<td></td>
</tr>
<tr>
<td>Single-family maximum</td>
<td>35 ft.</td>
<td></td>
</tr>
<tr>
<td>Apartment Building minimum</td>
<td>20 ft.</td>
<td></td>
</tr>
<tr>
<td>Apartment Building maximum</td>
<td>40 ft.</td>
<td></td>
</tr>
</tbody>
</table>

Two-family, Townhouse minimum: 20 ft.
Two-family, Townhouse maximum: 30 ft.
All other uses, minimum: 20 ft.
All other uses, maximum: 30 ft.

### BUILDING SETBACKS: OTHER

<table>
<thead>
<tr>
<th>Type</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Townhouse, minimum setback from</td>
<td>20 ft.</td>
<td></td>
</tr>
<tr>
<td>common parking</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Townhouse, maximum setback from</td>
<td>40 ft.</td>
<td></td>
</tr>
<tr>
<td>common parking</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Townhouse, Apartment building,</td>
<td>150 ft.</td>
<td></td>
</tr>
<tr>
<td>maximum length of structure</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

8 Side yard setback is 0’ for the side where units are attached
9 Detached garage can be located within the rear setback when served by an alley, but no less than 20 ft. from the alley
### VILLAGE CENTER SUB-DISTRICT (continued)

#### BUILDING HEIGHT

<table>
<thead>
<tr>
<th>Without TDRs</th>
<th>With TDRs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family, Two-family, Townhouse, Apartment building, maximum: 35 ft.</td>
<td>Single-family, Two-family, Townhouse, Apartment building maximum: 45 ft. or 45 ft. if building provides du's as integral part of building that contains principal non-residential use pursuant to Section 605. TDR receipt is not required in this case.</td>
</tr>
<tr>
<td>Non-residential uses, maximum: 30 ft.</td>
<td>Non-residential uses, maximum: 45 ft.</td>
</tr>
</tbody>
</table>

#### IMPERVIOUS COVER: Maximum per Individual Building Lot, except where noted<sup>10</sup>

<table>
<thead>
<tr>
<th></th>
<th>without TDRs</th>
<th>with TDRs, (pursuant to Section 1904.C)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apartment building:</td>
<td>50%</td>
<td>Apartment building: 60%</td>
</tr>
<tr>
<td>Single-family:</td>
<td>45%</td>
<td></td>
</tr>
<tr>
<td>Two-family, Townhouse:</td>
<td>50%</td>
<td></td>
</tr>
<tr>
<td>Non-residential use:</td>
<td>30%</td>
<td></td>
</tr>
</tbody>
</table>

#### CIVIC SPACES

When a land development plan is required for a change or expansion in use, said land development plan shall set aside a proportional amount of area for use as one or more of the types of Civic Spaces, as defined in Part 2, subject to the review of the West Nottingham Township Planning Commission and to the approval by the West Nottingham Township Board of Supervisors. The Township is not obligated to accept dedication of any Civic Spaces established pursuant to these provisions. With the agreement of the West Nottingham Board of Supervisors, the applicant for said land development plan approval may instead elect to contribute the applicable recreational fee-in-lieu-of that may be established at any time by the West Township Board of Supervisors pursuant to the 2006 Comprehensive Plan and Section 503(11) of the Pennsylvania Municipalities Planning Code.

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<sup>10</sup> Maximum impervious coverages do not apply to building lots 15,000 square feet or smaller, as of the date of adoption of this ordinance. Maximization of impervious cover allowances may not always be achievable while meeting requirements for building setbacks, stormwater management, and other standards, criteria, and regulations herein.
### VILLAGE RESIDENTIAL SUBDISTRICT (continued)

<table>
<thead>
<tr>
<th></th>
<th>Density and Coverage: Maximum Standards Without TDRs</th>
<th>Density and Coverage: Maximum Standards With TDRs</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Single-family</strong></td>
<td>1.0 du/2 ac.</td>
<td>3.0 du/ac.</td>
</tr>
<tr>
<td><strong>Two-family</strong></td>
<td>Not allowed</td>
<td>3.0 du/ac.</td>
</tr>
<tr>
<td><strong>Townhouses</strong></td>
<td>Not allowed</td>
<td>4.0 du/ac.</td>
</tr>
<tr>
<td><strong>Apartments</strong></td>
<td>Not allowed</td>
<td>8 du/ac.</td>
</tr>
</tbody>
</table>

**BLOCK and LOT: TRACT AREA OR LOT AREA, MINIMUM – MAXIMUM**

<table>
<thead>
<tr>
<th></th>
<th>Without TDRs</th>
<th>With TDRs</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Single-family</strong></td>
<td>40,000 sq.ft.</td>
<td>10,000-15,000 sq.ft.</td>
</tr>
<tr>
<td><strong>Two-family</strong></td>
<td>Not allowed</td>
<td>6,000-10,000sq.ft./du</td>
</tr>
<tr>
<td><strong>Townhouses</strong></td>
<td>Not allowed</td>
<td>5,000-7,500 sq.ft./du</td>
</tr>
<tr>
<td><strong>Apartments</strong></td>
<td>Not allowed</td>
<td>Apartment Building: see footnote</td>
</tr>
<tr>
<td>Principal non-residential uses, minimum: 40,000 sq. ft.</td>
<td></td>
<td>Principal non-residential uses, minimum: 40,000 sq. ft.</td>
</tr>
<tr>
<td>Principal non-residential uses, maximum: N/A</td>
<td></td>
<td>Principal non-residential uses, maximum: N/A</td>
</tr>
<tr>
<td>Block length/width, maximum: 700 feet</td>
<td></td>
<td>Block length/width, maximum: 700 feet</td>
</tr>
</tbody>
</table>

---

11 TDRs: Transferable Development Rights; see Part 19 of this Ordinance
12 Minimum floor area, per each du in an apartment: 650 sq.ft.
**VILLAGE RESIDENTIAL SUBDISTRICT** (continued)

<table>
<thead>
<tr>
<th>BLOCK and LOT: LOT WIDTH, STREET LINE: MINIMUM</th>
<th>BLOCK and LOT: LOT WIDTH, BUILDING SETBACK LINE: MINIMUM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Two-family: N/A</td>
<td>Two-family: 45 ft./du</td>
</tr>
<tr>
<td>Townhouses: N/A</td>
<td>Townhouses: N/A</td>
</tr>
<tr>
<td>Apartment Building: N/A</td>
<td>Apartment Building: N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>BLOCK and LOT: LOT DEPTH, MINIMUM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family, Two-family: 100 ft.</td>
</tr>
<tr>
<td>Townhouses: N/A</td>
</tr>
<tr>
<td>Apartment Building: N/A</td>
</tr>
</tbody>
</table>

**BUILDING SIZE AND LOCATION**

Residential building size and location controlled by:
- This table (e.g., building size, location, height, impervious cover limits)
- Section 604 (Use Standards): e.g., uses specifically allowed within VCOM
- Section 605 (Building, Dimension Standards) e.g., mix of residential/non-residential uses
- Other applicable ordinance parameters.

<table>
<thead>
<tr>
<th>BUILDING SETBACKS: FRONT</th>
<th>BUILDING SETBACKS: SIDE</th>
</tr>
</thead>
<tbody>
<tr>
<td>All allowed uses minimum: 15 ft.</td>
<td>All allowed uses, minimum: 10 ft.</td>
</tr>
<tr>
<td>All allowed uses, maximum: 25 ft.</td>
<td>All allowed uses, maximum: 20 ft.</td>
</tr>
</tbody>
</table>

13 Front yard setback is 25' for the garage with a door that faces the street; either setback is measured from the cartway.
14 Side yard setback is 0' for the side where units are attached.
### VILLAGE RESIDENTIAL SUBDISTRICT (continued)

<table>
<thead>
<tr>
<th>BUILDING SETBACKS: REAR</th>
<th>BUILDING SETBACKS: OTHER</th>
</tr>
</thead>
<tbody>
<tr>
<td>All allowed uses, minimum: 35 ft.</td>
<td></td>
</tr>
<tr>
<td>All allowed uses, maximum: 45 ft.</td>
<td></td>
</tr>
<tr>
<td>Townhouse, minimum setback from common parking: 20 ft.</td>
<td></td>
</tr>
<tr>
<td>Townhouse, maximum setback from common parking: 40 ft.</td>
<td></td>
</tr>
<tr>
<td>Townhouse, minimum unit width: 20 ft.</td>
<td></td>
</tr>
<tr>
<td>Townhouse, maximum unity width: 30 ft.</td>
<td></td>
</tr>
<tr>
<td>Townhouse, Apartment building, maximum length of structure: 50 ft.</td>
<td></td>
</tr>
</tbody>
</table>

### BUILDING HEIGHT

| All allowed uses, maximum: 35 ft. |

### IMPERVIOUS COVER: Maximum per Individual Building Lot, except where noted

| Single-family: 40% |
| Two-family, Townhouse, Apartment Building: 50% |

### CIVIC SPACES

When a land development plan is required for a change or expansion in use, said land development plan shall set aside a proportional amount of area for use as one or more of the types of Civic Spaces, as defined in Part 2, subject to the review of the West Nottingham Township Planning Commission and to the approval by the West Nottingham Township Board of Supervisors. The Township is not obligated to accept dedication of any Civic Spaces established pursuant to these provisions. With the agreement of the West Nottingham Board of Supervisors, the applicant for said land development plan approval may instead elect to contribute the applicable recreational fee-in-lieu-of that may be established at any time by the West Township Board of Supervisors pursuant to the 2006 Comprehensive Plan and Section 503(11) of the Pennsylvania Municipalities Planning Code.

---

15 Maximum impervious coverages do not apply to building lots 15,000 square feet or smaller, as of the date of adoption of this ordinance. Maximization of impervious cover allowances may not always be achievable while meeting requirements for building setbacks, stormwater management, and other standards, criteria, and regulations herein.
PART 7  I - INDUSTRIAL DISTRICT

SECTION 701  PURPOSE
The purpose of the Industrial District is to provide for limited industrial, commercial, and other activities in West Nottingham Township, in accordance with the Township Comprehensive Plan.

SECTION 702  USE REGULATIONS

A. By-Right Uses. A building or structure may be erected, altered or used, or a lot may be used for any one (1) of the following purposes:

1. Light manufacturing.
2. Business or professional office.
3. Contractors office.
4. Farm equipment sales and service.
5. Farm supply outlet.
7. Warehousing or storage.
8. Fire and/or emergency services facility.
10. Timber harvesting operation/Forestry in accordance with Section 1118.
11. Agricultural Use. Secondary farm businesses are permitted as by-right accessory uses in accordance with Section 1102.

B. Conditional Uses. A building or structure may be erected, altered or used, or a lot may be used for any one (1) of the following purposes when permitted as a conditional use in accordance with Part 16.

1. Printing or publishing establishment.
2. Educational use in accordance with Section 1107.
3. Veterinary clinic or animal hospital for large or small animals in accordance with Section 1119.
4. Medical office or clinic.
5. Retail store.
6. Personal service shop.
7. Convenience store.
8. Grocery Store.
9. Restaurant, which may include drive-through service and/or outdoor dining as an accessory use in accordance with Sections 1102, 1106, and 1115.

10. Bank and other financial institutions, which may include drive-thru service as an accessory use in accordance with Section 1102 and 1106.

11. Hotel, inn, or motel.

12. Laboratory facility.

13. Car wash.


15. Self storage facility in accordance with Section 1116.

16. Truck freight terminal.

17. Funeral home.

18. Religious use.

19. Automotive sales and service.

20. Theater.


22. Composting facility in accordance with Section 1104.

23. Junk yard in accordance with Section 1111.

24. Non-residential communication facility in accordance with Section 1114.

25. Single family detached dwelling

26. Mobile home park in accordance with Part 8.

27. Long term care facility in accordance with Section 1113.


29. Hospital or medical center in accordance with Section 1110.

30. Sanitary landfill in accordance with Section 1604.

31. Quarry in accordance with Section 1604.

32. Land application of sewage sludge in accordance with Section 1605.

33. Adult commercial use in accordance with Section 1103.

34. Fireworks sales and/or storage.

35. Any other use not specifically permitted by this Chapter.
C. Accessory uses customarily incidental to any of the uses permitted in this district shall be permitted by right on the same lot as the principal use when accordance with the applicable provisions of Section 1102. In addition to those accessory uses permitted by Section 1102, the following specific accessory uses shall be permitted as follows:

1. Accessory uses permitted by-right:
   a. Minor home occupation in accordance with Section 1109 as an accessory use to a single family detached dwelling.
   b. Stable in accordance with Section 1117 as an accessory use to an agricultural use.
   c. Kennel in accordance with Section 1112 as an accessory use to an agricultural use.
   d. Timber harvesting operation/Forestry in accordance with Section 1118.

2. Accessory uses permitted by conditional use in accordance with Part 16:
   a. Major home occupation in accordance with Section 1109 as an accessory use to a single family detached dwelling.
   b. Bed and breakfast in accordance with Section 1109 as an accessory use to a single family detached dwelling.
   c. Elder cottage housing opportunity (ECHO) in accordance with Section 1108 as an accessory use to a single family detached dwelling.
   d. Non-residential communication facility in accordance with Section 1114 and Section 1606.

SECTION 703  AREA AND BULK REGULATIONS

The following area and bulk regulations shall apply in the Industrial District unless stated otherwise in this Chapter:

A. Minimum lot size 1 Acre
B. Minimum lot width at building line 100 feet
C. Maximum lot coverage 65 percent
D. Minimum front yard 50 feet
E. Minimum side yards 30 feet
F. Minimum rear yard 30 feet
G. Accessory use setback See Section 1102.A.7.

H. When a nonresidential building, structure, or use is proposed on a lot that abuts another zoning district or adjacent to any existing residential use, a minimum setback of one hundred (100) feet shall be required from the adjacent lot line or zoning district boundary and applicable buffering and screening requirements shall be enforced in accordance with Section 1004.

SECTION 704  DESIGN STANDARDS

The following standards shall apply in the Industrial District:

A. Part 8, Mobile Home Park Overlay District.
B. Part 9, Natural Resource Protection.
C. Part 10, General Regulations.
D. Part 11, Supplemental Regulations.
E. Part 12, Off-Street Parking and Loading.
F. Part 13, Sign Regulations.
PART 8  MHP MOBILE HOME PARK OVERLAY DISTRICT

SECTION 801  PURPOSE

This Part is enacted to promote, protect, and facilitate the public health, safety, and general welfare of the community. In particular, it is designed to safeguard the well-being of those residents who live in or near mobile home parks. It is enacted also to promote the sound construction and management of present and future mobile home parks in the Township. The Part outlines regulations to govern the density, design, management and operation of mobile home parks as well as the construction of public facilities and the installation of improvements. This Part is enacted in conjunction with an overall planning program and system of land use regulation.

SECTION 802  GENERAL REGULATIONS

A.  Permitted Uses. Any one (1) of the following uses shall be permitted in the Mobile Home Park Overlay District:

1. Mobile home parks in accordance with the specifications herein.

2. Accessory uses in accordance with Section 1102.

B.  Overlay Concept and Applicability.

1. The mobile home park district shall be an overlay to the base zoning districts in accordance with Section 301.

2. The regulations of this Part shall apply to:

   a. All licensed mobile home parks in the Township existing at the time of adoption of this Chapter.
   
   b. Mobile home parks constructed after the time of adoption of this Chapter where permitted herein.

C.  Mobile Home Placement. No person shall park, locate, or authorize to be parked or located any mobile home in a mobile home park unless it is located on a mobile home site, except as provided in this Part.

D.  Temporary Storage. For the purpose of repair or rehabilitation, a mobile home may be stored outside of a mobile home park for a period not to exceed six (6) months. A permit for such temporary storage must be secured by the owner of the lot upon which the mobile home is to be stored. No more than one (1) mobile home may be stored per lot. A permit shall be required for each mobile home temporarily stored. Upon the expiration of said permit, no renewal will be issued, and the mobile home must be moved immediately to a mobile home park. Under no circumstances during the permitted period of temporary storage shall the mobile home be used for habitation, or for any purpose other than repair or rehabilitation.

E.  Certification. No person shall operate a mobile home park without a certificate of registration from the Pennsylvania Department of Environmental Protection (DEP), the Chester County Health Department, and a license from West Nottingham Township.

F.  Change of Ownership or Management. Whenever a mobile home park changes owners or managers the new owner or manager shall notify the Zoning Officer and shall pay an appropriate transfer fee, as established by resolution of the Township Board of Supervisors.
SECTION 803 LICENCES, PLANS, AND PERMITS

A. Municipal Licensing. It shall be unlawful for any person to develop, construct or extend a mobile home park within the limits of West Nottingham Township unless such person shall first obtain a license under the provisions outlined in Section 803.D of this Chapter.

B. License Application. Any person wishing to establish, construct, or extend a mobile home park, if allowed and permitted under the provisions of this Chapter, shall submit a written application to West Nottingham Township on a form furnished by the Zoning Officer. All application forms shall be accompanied by:

1. A filing fee.
2. A preliminary plan, as outlined in the Subdivision and Land Development Ordinance, detailing the establishment, development, construction, or extension of the mobile home park, in accordance with Section 803.C.
3. Notification from the Chester County Health Department of plan submittal to that agency for its review and comment.
4. Notification from the DEP of plan submittal to that agency for its review in accordance with regulations of the DEP, Chapter 179, Regulations for Mobile Home Parks.
5. Licenses shall be granted in conformance with Section 803.D.

C. Plan Submittal and Review. Plan submittal and review as well as plan content, for both preliminary and final plans, shall follow the procedures and be subject to the time limitations outlined in the Subdivision and Land Development Ordinance. Upon approval of a final plan by the Board of Supervisors, and upon recording of that plan by the applicant with the Chester County Recorder of Deeds Office, the Zoning Officer shall issue, upon request, a building permit for the construction or extension of a mobile home park.

D. Issuance of a License to Operate a Mobile Home Park. Upon the completion of the construction or extension of a mobile home park, the applicant shall request the Zoning Officer to undertake a final inspection of the park. If all facilities, including but not limited to the street, water, sanitary sewer, electrical and drainage work are completed to service at least two (2) mobile home sites as approved by the Zoning Officer, a license to operate the mobile home park shall be issued. As additional sites become ready for inspection, the Zoning Officer shall be requested to make additional inspections. An inspection fee shall be charged for each inspection of new mobile home sites as prescribed by this Chapter. Licensing fees and subsequent renewal fees shall be in conformance with Section 804. Licenses shall be valid for a period of one (1) year from the date of issue.

E. License Renewal. All mobile home park licenses must be renewed annually, on or before the date of issue as noted in Section 803.D, above. In the event that no date of issue can be determined, renewal of the license shall occur on or before January 1 of each year. The Township Zoning Officer shall be authorized to inspect a mobile home park prior to the renewal of a license.

F. Requirement of Placement Permits. A placement permit shall be required prior to the placement of a mobile home on a site regardless whether it is the first mobile home to occupy that site or a replacement unit. It shall be unlawful for any person to commence work for the placement of a mobile home until a permit has been duly issued.
G. **Application for Placement Permit.** All applications for placement permits shall be made in writing on a form furnished by the Township. When the mobile home is to be placed on a site that is not in a mobile home park, and a new foundation or basement will be constructed, the applicant shall submit a building permit application per Part 14. Application for placement permits in a mobile home park shall be submitted to the Zoning Officer.

H. **Issuance of Placement Permit.** No placement permit shall be issued until the Zoning Officer certifies that the proposed mobile home complies with the provisions of this Part, this Chapter, and any other applicable ordinances or regulations.

I. **Requirement of Removal Permits.** A removal permit shall be required any time a mobile home is removed from a mobile home site. It shall be unlawful for any person to remove a mobile home from a site until a permit has been duly issued.

J. **Application for Removal Permit.** All applications for removal permits shall be made in writing on a form furnished by the Township. Applications for removal permits shall be submitted to the Township and the Tax Collector of West Nottingham Township.

K. **Issuance of Removal Permit.** No removal permit shall be issued by the Township until the Tax Collector of West Nottingham Township verifies all taxes levied and assessed on the mobile home are paid. In the event that this permit is not secured and a mobile home is removed from the site in violation of this Part, no new mobile home shall be placed on that site until the removal permit fee has been paid.

**SECTION 804 MANAGEMENT**

A. **Registration.** In every mobile home park, there shall be an office of the person in charge. A copy of the license issued under this Chapter shall be posted in the office at all times.

B. **Township Inspection.** Every person holding a license under this Chapter shall keep or cause to be kept a register which shall at all times be open for the inspection of any official of the Township, as designated by the Board of Supervisors. Such register shall show, for each mobile home accommodated in such mobile home park, the following information:

1. The number of the site on which each mobile home is located, and the name of the mobile home owner on each site.

2. The number of people residing in each mobile home.

3. The date of arrival of each mobile home at the mobile home park and where appropriate, the date of departure therefrom.

4. Indication of whether the mobile home is owner occupied or renter occupied.

5. The name and address of the owner of record of the mobile home. This information shall be furnished to the mobile home park owner or manager as a prerequisite for entering the park, and upon request.

C. **Management Responsibilities.** Each person holding a license under this Chapter shall adhere to the following additional regulations at all times:

1. The common ground of the mobile home park shall be kept in a clean, orderly, and sanitary condition.

2. No open fire shall be lit upon the premises.
3. At least twenty four (24) hours prior to the departure of any mobile home from a mobile home park, the Zoning Officer shall be notified.

4. Temporary on-street parking regulations outlined in Section 806.F shall be strictly enforced by the mobile home park management. At no time shall the park manager allow a park street to be blocked and inaccessible to emergency vehicles.

SECTION 805 FEES

A. Fee Listing. A fee shall be charged for all permits, procedures, and licenses listed as follows:

1. Building permit.
2. Filing.
3. Inspection.
4. Issuance of a mobile home park license.
5. Renewal of a mobile home park license.
6. Permit for placement or removal of a mobile home from a mobile home site.
7. Temporary storage permit.
8. Transfer of ownership or management.

B. Fee Schedule. The fee schedule shall be as established by resolution of the West Nottingham Township Board of Supervisors.

SECTION 806 SITE IMPROVEMENTS

A. Applicability. The following regulations shall apply to all mobile home parks in West Nottingham Township existing prior to the effective date of this Chapter or constructed after the effective date in accordance with the provisions of this Chapter. All extensions of nonconforming mobile home parks shall be in accordance with Part 15.

B. Tract Design.

1. Minimum tract size Ten (10) acres
2. Minimum tract width at street line One-hundred (100) feet
3. Minimum tract width at building line Two-hundred (200) feet
4. Minimum tract width required for extension Two-hundred (200) feet

C. Mobile Home Sites.

1. Minimum site area Six-thousand (6,000) square feet
2. Minimum site width Sixty (60) feet
3. Maximum number of mobile homes per site One (1) mobile home

D. Open Space. A newly developed mobile home park tract shall contain at least twenty five (25) percent open space as defined by this Part. At least twenty five (25) percent of the area included in an extension of a mobile home park tract shall be retained in open space. Open space areas shall be administered and maintained by the park management or owner in accordance with any applicable Township regulations.

E. Screening and Landscaping and Setbacks.

1. Screening and Landscaping shall be in accordance with the standards set forth in Section 1004.
2. Setbacks.
   a. Mobile Home Setbacks.
      1) Fifty (50) feet from a street right-of-way or tract line.
      2) Fifteen (15) feet from the cartway line of the park street.
      3) Fifteen (15) feet from another mobile home.
      4) Setbacks may be varied so as to create a more informal layout and design.
   b. Accessory Use Setback. Fifty (50) feet from a street right-of-way or tract line; ten (10) feet from the cartway line of a park street; and ten (10) feet from another mobile home.

F. Parking. Unless specified otherwise parking in mobile home parks shall be in accordance with Part 12.
   1. Each mobile home site shall be provided with at least two and one half (2 1/2) mud free and well defined off-street parking spaces, the location for two (2) of which shall be no more than one hundred and fifty (150) feet from the mobile home site. Each parking space shall be a minimum of nine (9) feet by eighteen (18) feet.
   2. Temporary parking shall be allowed on one side of a park street only. The area for on-street parking shall be clearly designated by use of signs or painted lines on the street and enforced in accordance with Section 804.C.4.
   3. No parking shall be permitted within one hundred (100) feet of the mobile home park entrance.

G. Walkways and Sidewalks. Each mobile home park shall have a system of walkways which shall interconnect various portions of the park. Each street shall have at least one sidewalk running parallel to it and shall be designed in accordance with the provisions of the Subdivision and Land Development Ordinance. Walkways shall be mud free and constructed of a stable, stationary, and durable material.

H. Waiting Areas. Each mobile home park shall have a mud free waiting area at the entrance to the mobile home park. The waiting area shall be well defined, having dimensions equaling at least one hundred (100) square feet, and constructed of a stable, stationary, and durable material including porous pavement as approved by the Township Engineer.

I. Mobile Home Park Accessory Uses.
   1. Mobile Homes within a licensed mobile home park shall be permitted the same accessory uses as a single family residential dwelling to the extent possible in consideration to the size of the individual mobile home lot in accordance with all applicable regulations.
   2. Mobile Home Park Office. One (1) single family detached dwelling, mobile home, or other building shall be permitted to be constructed within a Mobile Home Park to serve as an administrative office and/or storage for maintenance of the Mobile Home Park. The office may located within a mobile home on a mobile home site, or within a building that shall meet the area and bulk standards for a single family detached dwelling for the zoning district in which it is located.
   3. Sale of mobile homes within a mobile home park shall be permitted as follows:
      a. The office permitted in subsection 2, above, may be used as an office for the sale of mobile homes within the Mobile Home Park.
b. No “model” or vacant mobile homes shall be stored on the site for the display and sale to the general public unless located on a mobile home site within the Mobile Home Park.

c. The sale of mobile homes shall be permitted only for placement of mobile homes within the mobile home park where the office is located; commercial sales of mobile homes for off-site locations shall be prohibited.

J. Standards.

1. Accessory Uses.

   a. No accessory use shall be conducted between a mobile home and a park street.

   b. The keeping of pets shall be regulated by mobile home park management. Under no condition shall pets be permitted to roam beyond the property lines of the mobile home park.

   c. No accessory use shall cause a nuisance by way of odor, noise, or emission of light, or shall pose a threat to the health, safety or welfare of park residents.

   d. Where other than conventional accessory buildings are used for storage or for any reason, they shall be attractively decorated, or they shall be hidden from view from a street or adjacent property. No truck bodies, abandoned mobile homes, travel trailers or similar structures shall be used for accessory buildings or to house any accessory uses.

2. Storage Standards. All storage shall be completely screened or hidden from view from any public right-of-way or contiguous use. Screening shall consist of evergreen plantings or an architectural screen in accordance with Section 1004.


4. Lighting. Lighting of the mobile home park shall be in accordance with the lighting specifications set forth in Section 1005.

K. Stormwater Management and Erosion Control.

1. The management of stormwater runoff shall be incorporated in all mobile home park designs in accordance with the Subdivision and Land Development Ordinance, or latest version of stormwater management guidelines.

2. Erosion Control shall be installed in accordance with Chapter 9, Grading and Excavating, of the West Nottingham Township Code of Ordinances.

SECTION 807  REFUSE DISPOSAL

A. General Regulations. The storage, collection, and disposal of refuse in any mobile home park shall be managed as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.

B. Refuse Containers. Refuse may be stored in either of two (2) ways:

   1. A watertight dumpster shall be provided and shall be located a convenient distance from each of the mobile homes it is intended to service. One (1) dumpster shall be provided for every twelve (12) mobile homes.

   2. One airtight garbage can, securely anchored either in an attractive box or by some other means to prevent tippage, shall be supplied for each mobile home site.
C. **Refuse Collection.** All refuse shall be collected a minimum of one (1) time per week. Where collection service at this frequency cannot be provided by a suitable municipal or private agency, the mobile home park operator shall provide this service. All refuse shall be transported and collected in covered vehicles or covered containers.

D. **Screening.** Dumpsters shall be screened in accordance with the provisions of Section 1004.

E. Refuse disposal shall also comply with the recycling ordinance, Chapter 10, Part 2, of the West Nottingham Township Code of Ordinances.

SECTION 808  ENFORCEMENT PENALTIES

Shall be in accordance with Part 14, Administration.
PART 9  NATURAL RESOURCE PROTECTION OVERLAY DISTRICT

SECTION 901  PURPOSE

The following protection standards have been established to protect the public health, safety, and welfare of the residents of West Nottingham Township by minimizing adverse environmental impacts and are specifically authorized by Section 603 and 604 of the Municipalities Planning Code. These standards are intended to meet the following purposes:

A. Promote and implement Sections 603(b)(1), 603(b)(5), 603(c)(7), 603 (g)(2), and 604(1) of the Municipalities Planning Code, providing for the protection and preservation of environmentally sensitive areas, and natural resources through the Township Zoning Ordinance.

B. Delineate selected natural resources within the Township and establish resource protection standards to assist the Township in reducing the impact proposed uses will have on the environment.

C. Conserve and protect valuable natural resources within the Township in accordance with the Natural Resources Goal of the Township Comprehensive Plan: “Safeguard the natural resources of West Nottingham Township and promote their environmental integrity.”

D. Implement the Community Development Objectives listed in Section 103 of Part 1, Preamble.

SECTION 902  GENERAL REGULATIONS

A. Overlay Concept. The regulations of this Part shall be an overlay to the base zoning districts and all other requirements of this Chapter in accordance with Section 301 and 106.

B. Applicability. Unless specified otherwise, these standards shall apply to all lands within the jurisdiction of West Nottingham Township and shown as being located within the boundaries of any identified natural resource category, including: floodplains, steep slopes, wetlands, and woodlands. Restrictions to disturbance of resources shall apply whether or not construction is proposed on a site and, where proposed, before, during, and after the construction takes place.

C. Compliance. It shall be a violation of this Chapter to regrade, fill, pipe, divert, build upon or otherwise alter or disturb a natural resource protected by the standards set forth in this Part. In addition, submission, review, and approval of the following permits and applications shall be contingent upon consistency with the requirements of this Part:

1. Applications for zoning or building permits.
2. Subdivision or land development plans.
3. Conditional use or special exception approvals.
4. Timber harvesting operation/Forestry plans in accordance with Section 1118.
5. Zoning variances.
6. Any other applicable permit or approval required by the Township that would involve disturbance of natural resources protected in this Part.

D. Overlap of Standards. In the event that two or more natural resource areas identified in this Part overlap, the resource with the most restrictive standard (the least amount of alteration, regrading, clearing, or building) shall apply to the area of overlap.

E. Where disturbance of a natural resource is permitted, it shall not take place until it has been
determined that such disturbance is consistent with the standards set forth in this Part and any other applicable ordinance provisions.

SECTION 903 FLOOD HAZARD

A. General Provisions.

1. Purpose. In addition to the purposes listed in Section 901, it is the purpose of this Section to:

a. Promote the general health, welfare, and safety of the community.

b. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.

c. Minimize danger to public health by protecting water supply and natural drainage.

d. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.

e. Comply with federal and state floodplain management requirements.

2. Applicability.

a. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within identified floodplains within West Nottingham Township unless the proposed construction or development is in conformance with this Part.

b. A Building Permit shall not be required for minor repairs to existing buildings or structures.

3. Abrogation and Greater Restrictions. This Part supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this part, the more restrictive shall apply.

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

5. Warning and Disclaimer of Liability.

a. The degree of flood protection sought by the provisions of this Part is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Part does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from flooding or flood damages.

b. This Part shall not create liability on the part of the Township or any officer or employee thereof for any flood damages that result from reliance on this Part or any administrative decision lawfully made thereunder.

B. Building Permits Required. Building Permits shall be required before any construction or development is undertaken within any area of the Township in accordance with the requirements of Part 14.
C.  **Delineation of the Flood Hazard District.** For purposes of this Chapter, the Flood Hazard District is delineated as the identified floodplain area.

1.  **Identification.** The identified floodplain area shall be those areas of West Nottingham Township, Chester County, which are subject to the one hundred (100) year flood, as identified in the Flood Insurance Study (FIS) dated September 29, 2006 and the accompanying maps as prepared for by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof. Including all digital data developed as part of the Flood Insurance Study.

2.  The identified floodplain area shall consist of the following specific areas:

   a.  **FW (Floodway Area).** The areas identified as “Floodway” in the AE Zone in the Flood Insurance Study prepared by FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study (FIS). (See Figure 9-1)

   b.  **FF (Flood-Fringe Area).** The remaining portions of the one hundred (100) year floodplain in those areas identified as an AE Zone in the Flood Insurance Study, where a floodway has been delineated. (See Figure 9-1)

      The basis for the outermost boundary of this area shall be the one hundred (100) year flood elevations as shown in the flood profiles contained in the FIS.

   c.  **FA (General Floodplain Area).** The areas identified as Zone A in the FIS for which no one hundred (100) year flood elevations have been provided. When, available, information from other Federal, state, and other acceptable sources shall be used to determine the one hundred (100) year elevation, as well as a floodway area, if possible. When no other information is available, the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question. (See Figure 9-1)

      In lieu of the above, the Township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, or similar information shall be submitted in sufficient detail to allow a thorough technical review by the Township.

3.  **Changes in Identification of Area.** The identified floodplain area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval shall be obtained from the FEMA.

4.  **Boundary Disputes.** Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Township Planning Commission and any party aggrieved by this decision may appeal to the Board of Supervisors. The burden of proof shall be on the appellant.
D. **General Technical Requirements.**

1. In the identified floodplain area, the development and/or use of any land may be permitted provided that the development and/or use shall comply with the restrictions and requirements of this and all other applicable codes and ordinances in force in the Township.

2. Within any floodway area, no new construction or development shall be permitted that would cause any increase in the one hundred (100) year flood elevation.

3. Within any identified floodplain area, no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection, Regional Office.

4. Prior to the issuance of any zoning permit, the Zoning Officer shall review the application for the permit to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.

5. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Zoning Officer to make the above determination.
   a. A completed Zoning Permit Application Form.
   b. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
      1) North arrow, scale, and date.
      2) Topographic contour lines.
      3) All property and lot lines including dimensions, and the size of the site expressed in acres or square feet.
      4) The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development.
      5) The location of all existing streets, drives, and other access ways.
      6) The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
6. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Regional Office.

7. Within any identified floodplain area, any new construction or substantial improvement of a residential structure shall have the lowest floor (including basement) elevated up to, or above the regulatory flood elevation.

8. Within any identified floodplain area, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.

9. Any non-residential structure, or part thereof, having a lowest floor (including basement) which is not elevated to at least one and one half (1½) feet above the one hundred (100) year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled “Flood-Proofing Regulations” published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

10. Fully enclosed space below the lowest floor (including basement) is prohibited.

11. Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term “partially enclosed space” also includes crawl spaces.

12. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
   a. A minimum of two (2) openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
   b. The bottom of all openings shall be no higher than one (1) foot above grade.
   c. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

13. Accessory structures are prohibited in identified floodplain areas.

14. Accessory residential uses such as yard areas, gardens, plan areas, and permeable parking areas are permitted in identified floodplain areas.

15. Accessory industrial uses such as yard areas, gardens, plan areas, and pervious parking areas are permitted in identified floodplain areas.

16. Within any identified floodplain area, all mobile (manufactured) homes, park trailers, travel trailers, recreational and other similar vehicles, and any additions thereto, shall be prohibited.

17. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities is prohibited:
a. Hospitals.
b. Long term care facilities.
c. Jails or prisons.
d. Mobile home (manufactured home) parks.
e. Sanitary landfills.

E. **Existing Structures in Identified Floodplain Areas.**

1. **Existing Structures.** The provisions of this Part do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Section 903.E.2, below, shall apply.

2. **Improvements.** The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:
   a. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the one hundred (100) year flood.
   b. Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Part.
   c. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.
   d. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of "repetitive loss" shall be undertaken only in full compliance with the provisions of this Chapter.

F. **Design and Construction Standards.** The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

1. If fill is used, it shall:
   a. Extend laterally at least fifteen (15) feet beyond the building line from all points.
   b. Consist of soil or small rock materials only – Sanitary Landfill materials shall not be permitted.
   c. Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling.
   d. Be no steeper than one (1) vertical to two (2) horizontal feet (fifty (50) percent slope) unless substantiated data justifying steeper slopes are submitted to and approved by the Code Enforcement Officer.
   e. Be used to the extent to which it does not adversely affect adjacent properties.

2. Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall ensure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

3. Uniform Construction Code Coordination. The standards and specifications contained in 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to
the above and other sub-sections of this Section, to the extent that they are more restrictive and/or supplement the requirements of this Part.

a. *International Building Code (IBC)* 2003, or the latest edition thereof: Sections. 801, 1102, 1403, 1603, 1605, 1612, 3402, and Appendix G.


   a. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
   b. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.
   c. No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

5. All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

6. The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

7. All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 903.G, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or floodproofed to the maximum extent possible.

8. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of floodwater.

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

10. Floors, Walls and Ceilings.
    a. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring perpendicular to the flooring grain without causing structural damage to the building.
    b. Plywood used at or below the Regulatory Flood Elevation shall be of a “marine” or “water-resistant” variety.
    c. Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are “water-resistant” and will withstand inundation.
11. Paint and Adhesives.
   a. Paints and other finishes used at or below the Regulatory Flood Elevation shall be of “marine” or “water-resistant” quality.
   b. Adhesives used at or below the Regulatory Flood Elevation shall be of a “marine” or “water-resistant” variety.
   c. All wooden components (doors, trim, cabinets, etc.) used at or below the Regulatory Flood Elevation shall be finished with a “marine” or “water-resistant” paint or other finishing material.

12. Electrical Components.
   a. Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year flood elevation.
   b. Separate electrical circuits shall serve lower levels and shall be dropped from above.

13. Water heaters, furnaces, air conditioning and ventilating units, and other mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

14. All gas and oil supply systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

15. Special Requirements for Mobile Homes (Manufactured Homes).
   a. Within any identified floodplain area, all mobile homes and any additions thereto shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
   b. Where permitted within any identified floodplain area, all manufactured homes, and any improvements thereto, shall be:
      1) Placed on a permanent foundation.
      2) Elevated so that the lowest floor of the manufactured home is one and one half (1½) feet or more above the elevation of the one hundred (100) year flood.
      3) Anchored to resist flotation, collapse, or lateral movement.

G. Development Which May Endanger Human Life. Any development which may endanger human life is prohibited within the identified floodplain area. This includes any new or substantially improved structure which:

1. Will be used for the production or storage of any of the following dangerous materials or substances.

2. Will be used for any activity requiring the maintenance of a supply of more than five hundred fifty (550) gallons, or other comparable volume, of any of the dangerous materials or substances on the premises as listed in this Section.

3. Will involve the production, storage, or use of any amount of radioactive substances.

4. The following list of materials and substances are considered dangerous to human life:
   a. Acetone
   b. Ammonia
   c. Benzene
   d. Calcium carbide
e. Carbon disulfide
f. Celluloid
g. Chlorine
h. Hydrochloric acid
i. Hydrocyanic acid
j. Magnesium
k. Nitric acid and oxides of nitrogen
l. Petroleum products (gasoline, fuel oil, etc.)
m. Phosphorus
n. Potassium
o. Sodium
p. Sulphur and sulphur products
q. Pesticides (including insecticides, fungicides, and rodenticides)
r. Radioactive substances, insofar as such substances are not otherwise regulated.

H. Variances. If compliance with any of the requirements of this Part would result in an exceptional hardship to a prospective builder, developer or landowner, the Township may, upon request, grant relief from the strict application of the requirements. Requests for variances shall be considered by the Zoning Hearing Board in accordance with the procedures contained in Part 17 and the following:

1. No variance shall be granted for any of the other requirements pertaining specifically to Development Which May Endanger Human Life Section 903.G or 903.D.17.

2. No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the one hundred (100) year flood elevation.

3. If granted, a variance shall involve only the least modification necessary to provide relief.

4. In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Part.

5. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:
   a. The granting of the variance may result in increased premium rates for flood insurance.
   b. Such variances may increase the risks to life and property.

6. In reviewing any request for a variance, the Zoning Hearing Board shall consider, at a minimum, the following:
   a. That there is good and sufficient cause.
   b. That failure to grant the variance would result in exceptional hardship to the applicant.
   c. That the granting of the variance will (1) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, (2) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

7. A complete record of all variance requests and related actions shall be maintained by the Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.
8. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood.

SECTION 904 STEEP SLOPES

A. Purpose and Applicability.

1. Purpose. In addition to the purposes listed in Section 901, it is the purpose of these steep slope protection regulations to: limit soil erosion, siltation of streams, and damage to adjacent properties; protect low-lying areas from flooding by limiting the increase of stormwater runoff caused by disturbance of steep slopes and associated groundcover; maintain the ecological integrity and existing habitat of steep slope areas, native vegetation, and wildlife; and, allow the continuing replenishment of groundwater resources and the maintenance of natural springs.

2. Applicability. The regulations of this Section apply only to naturally occurring steep slopes within the Township and shall not apply to previously engineered or man-made slopes.

B. Delineation of Steep Slope Areas. Slopes shall be measured as the change in elevation over the horizontal distance between consecutive contour lines. For the purposes of this ordinance, the following shall apply:

1. Slope shall be measured over three (3) or more two (2) foot contour intervals or six (6) cumulative vertical feet of elevation.

2. All slope measurements shall be determined by a topographical survey signed and sealed by a registered surveyor or engineer licensed to practice in the Commonwealth of Pennsylvania.

C. Steep Slope Protection Standards.

1. Steep slope areas, twenty five (25) percent or greater, shall be preserved in their natural state whenever possible. No more than fifteen (15) percent of such areas shall be altered, regraded, cleared, built upon, or otherwise altered or disturbed. Areas within street rights-of-way, either public or private, shall be considered as part of a lot for the purposes of these protection standards. Maximum disturbance and impervious surface coverage percentages shall apply on a per lot or tract basis in accordance with the applicable area and bulk regulations set forth in the associated base district.

2. Each building or structure shall be constructed in such a manner as to provide the least alteration necessary to the existing grade and natural soils condition.

3. Finished slopes of all permitted cut and fill within steep slopes shall not exceed a slope of 3:1 or thirty three (33) percent.

4. All stockpiles of earth shall be seeded or otherwise stabilized when stored for more than seven (7) days.

5. Finished driveways in steep slope areas shall cross the slope with the least disturbance possible.

6. Any disturbance of land shall be in accordance with the following:
   a. An erosion and sedimentation control plan shall be submitted in accordance with the requirements of the Chapter 9, Grading and Excavating, of the Township Code of Ordinances.
b. Such plan shall include a narrative describing the measures to be used to stabilize disturbed areas during and upon completion of construction. All disturbed areas shall be permanently seeded, sodded, planted, or otherwise stabilized and protected from erosion within seven (7) days, weather permitting, and shall be tended and/or maintained until growth is well established. Where the threshold for stabilization is in conflict with any other Township regulations, the more restrictive standard shall apply.

c. The plan and accompanying narrative shall be reviewed and approved by the Township Engineer.

7. Exception. The maximum disturbance of fifteen (15) percent may be increased to a maximum of twenty five percent (25) if authorized as a conditional use by the Board of Supervisors. The maximum disturbance may not be increased beyond fifteen (15) percent in a watershed identified as High Quality (HQ) or Exceptional Value (EV) in accordance with water quality standards set by official sources, or a stream that has been officially identified as “impaired.”

8. Documented man made steep slopes shall be exempt from these requirements.

SECTION 905  WETLANDS

A. Purpose. In addition to the purposes listed in Section 901, it is the purpose of these wetland protection standards to: protect areas that provide storage for surface and groundwater recharge; protect unique species of flora and fauna that accommodate anaerobic processes in the wetlands; and, protect and preserve a unique ecosystem and area for wildlife habitat.

B. Delineation. The applicant shall delineate the limits of the wetlands on the site or within one hundred (100) feet of the site in accordance with Section 907. In addition, the following information shall be provided:

1. A full wetland report conducted by a qualified wetland biologist, or other professional of demonstrated qualifications, shall be submitted to the Township. Such professional shall certify that the methods used correctly reflect currently accepted technical concepts, including identification and analysis of wetland vegetation, hydric soils, and hydrologic indicators.

2. The wetland report shall include a determination of whether wetlands are present on site and a full delineation, area measurement (in square feet), and description of any wetlands determined to be present. The study shall be approved by the Township Board of Supervisors upon the recommendation of the Township Engineer.

3. If no wetlands are found on the site, or within one hundred (100) feet of the site, a note shall be added to the preliminary and final plans stating that “This site has been examined by (name and address with a statement of submitted qualifications), and no wetlands as defined by the U.S. Army Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, January 1987, were found to exist.”

4. The Township, at its discretion, may require a Jurisdictional Determination from the U.S. Army Corps of Engineers.

C. Resource Protection Standards.

Any applicant proposing a use, activity, or improvement which would entail the regrading or placement of fill in wetlands shall provide the Township with proof that the Pennsylvania Department of Environmental Protection (Bureau of Dams and Waterway Safety and Bureau of Water Quality Management) and the U.S. Army Corps of Engineers have been contacted to determine the applicability of state and federal wetland regulations in addition to the following:
1. Wetland areas shall not be altered, regraded, developed, filled, piped, diverted or built upon, except where state and federal permits have been obtained.

2. Relocated/replaced wetlands, when permitted, shall be:
   a. At least as large as the original wetlands.
   b. Of the same composition.
   c. Within West Nottingham Township.
   d. As close to the original site as possible.
   e. All of the above shall be subject to Township approval.

SECTION 906  WOODLANDS

A. Purpose. In addition to the purposes listed in Section 901, it is the purpose of these woodland protection standards to: preserve the root systems of woodland vegetation that provide soil holding capacity and filtration of pollutants; protect understory vegetation and the shrub and herbaceous layer that provide wildlife habitat; protect the tree canopy that provides windbreak and temperature moderation; and preserve the rural character of the Township.

B. Applicability. The protection standards set forth in this Section shall apply to any parcel in the Township that is two (2) acres or larger in size and includes any area of trees and other vegetation that meets the definition of woodland.

C. Delineation of Woodlands. The applicant shall delineate the limits of the woodlands on the site in accordance with Section 907.

D. Resource Protection Standards.

1. Rural Protection Residential (R-1), Rural Residential (R-2), and Industrial (I) Districts. Unless undertaken as an approved timber harvesting operation conducted in compliance with the applicable requirements in Section 1118, woodlands in the R-1, R-2, or I Districts shall not be regraded, cleared, built upon or otherwise altered unless in accordance with the following:
   a. Residential Uses. No more than thirty five (35) percent of woodlands shall be regraded, cleared, built upon or otherwise altered or disturbed for residential uses.
   b. Non-Residential Uses. No more than fifty (50) percent of woodlands shall be regraded, cleared, built upon or otherwise altered or disturbed for non-residential uses.
   c. Agricultural Uses. No more than seventy five (75) percent of woodlands shall be regraded, cleared, built upon or otherwise altered or disturbed for agricultural uses.

2. Village (V) District. Unless undertaken as an approved timber harvesting operation conducted in compliance with the applicable requirements in Section 1118, woodlands in the Village District shall not be regraded, cleared, built upon or otherwise altered unless in accordance with the following:
   a. Residential Uses. No more than fifty percent (50) of woodlands shall be regraded, cleared, built upon, or otherwise altered or disturbed for residential uses.
   b. Non-Residential Uses. No more than seventy-five percent (75) of woodlands shall be regraded, cleared, built upon or otherwise altered or disturbed for non-residential uses.
3. Where disturbance or removal of existing areas of woodlands occurs on any lot or tract, woodland replacement shall be required consistent with Section 624 of the Subdivision and Land Development Ordinance.

4. Preserved woodlands may be used to provide vegetative buffers required by the Screening and Landscaping standards set forth in Section 1004.

5. Where a timber harvesting operation is proposed a timber harvesting plan shall be required by the Township in accordance with Section 1118.

6. Where woodlands overlap other protected natural resources, the more restrictive disturbance standard shall apply.

E. Guidelines for Determining Permitted Woodland Disturbance. In determining where permitted woodland disturbance will occur, the following factors shall be considered:

1. Each building or structure shall be constructed in such a manner as to provide the least alteration necessary of the existing woodland. Where possible, clear-cutting shall be minimized and trees shall be selectively removed.

2. Where possible, the remaining undisturbed woodlands and other vegetation shall interconnect with woodlands or wooded areas of adjacent properties to preserve continuous woodland corridors and allow for the normal movement, dispersion, and migration of wildlife.

3. Woodland alterations that would threaten the growth of remaining trees shall be avoided.

4. Trees which are to be retained shall be identified and protected in accordance with the provisions of the Tree Protection Zone set forth in the Township Subdivision and Land Development Ordinance.

F. Where a tree designated for preservation is severely damaged by construction (or is clearly not going to survive) within one (1) year of the end date of construction, tree replacement shall occur as provided for in Section 624 of the Subdivision and Land Development Ordinance.

SECTION 907 APPLICATION OF NATURAL RESOURCE PROTECTION STANDARDS.

In order to meet the natural resource protection standards of this Part, the following information shall be submitted by the Applicant. Where a subdivision or land development review is required, such information shall be included with the application for such review in accordance with the West Nottingham Subdivision and Land Development Ordinance.

A. A site plan which clearly delineates the limits of all natural resources on the site as outlined in this Part including areas of floodplain, steep slopes, riparian buffers, wetlands, and woodlands as defined in Part 2, and the proposed use of the site including any existing or proposed structures. This site plan shall include the site's watershed and the water quality designation of the watershed in which the property in question is located.

B. The limits of all encroachments and disturbances necessary to establish the proposed use on the site, including a grading plan showing existing and proposed contours at two (2) foot intervals.

C. Calculations indicating the area of the site with natural resources and the area of natural resources that would be disturbed or encroached upon. The calculations shall be shown on the site plan as indicated in the following table in Figure 9-2. The figures in Column D (Proposed Disturbance) shall be less than or equal to the corresponding figures in Column C (Maximum Amount of Permitted Disturbance) for each protected resource.
FIGURE 9-2: Application of Natural Resource Protection Standards

<table>
<thead>
<tr>
<th>PROTECTED RESOURCE</th>
<th>Column A Amount of Land in Protected Resource (sq.ft.)</th>
<th>Column B Maximum Disturbance Allowance* (percent)</th>
<th>Column C Maximum Amount of Permitted Disturbance (sq.ft.)</th>
<th>Column D Proposed Disturbance of Resource (sq.ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Floodplain (fifty feet from top of bank)</td>
<td>0%</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Steep Slope</td>
<td>15%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wetlands</td>
<td>0%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>R-1, R-2, and I Districts:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Woodlands: Residential</td>
<td>35%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Woodlands: Non-Residential</td>
<td>50%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Woodlands: Agriculture</td>
<td>75%</td>
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<tr>
<td><strong>Village District:</strong></td>
<td></td>
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<tr>
<td>Woodlands: Residential</td>
<td>50%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Woodlands: Non-Residential</td>
<td>75%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Disturbance allowances may be modified where federal or state permits have been obtained by the applicant and provided to the Township.
PART 10 GENERAL REGULATIONS

SECTION 1001 APPLICABILITY

A. The provisions of this Part present additional regulations and standards that are common to all zoning districts, unless stated as pertaining to a specific District or use herein.

B. These regulations shall apply in addition to those established by the applicable District.

C. In the event that the provisions of this Part conflict with other provisions of this Chapter or any other Township ordinance or regulations, the more restrictive provision shall apply. For those uses pursuant to Part 6, Village District, additional flexibility is permitted for some the following regulations, in which case the applicable regulation in Part 6 shall apply.

D. All uses shall comply with applicable federal and state laws pertaining to performance standards, including but not limited to: air quality, water quality, fire and explosive hazards, glare and heat, liquid and solid waste, radioactivity or electrical disturbances, vibration, and water pollution.

SECTION 1002 BUILDINGS, STRUCTURES, LOTS, and YARDS

All buildings, structures, lots, and yards shall, in addition to the applicable District regulations, comply with the following regulations, as applicable.

A. Buildings and Structures.

1. Principal Dwelling Unit.
   a. No more than one (1) single family dwelling shall be permitted on any lot.
   b. An agricultural use may have one (1) associated single family dwelling on a lot for the owner of the property or operator of the agricultural use.

2. Non-residential buildings.
   a. In the case of a building such as a shopping center, an office center, or other similar non-residential building where there are multiple individual uses within a single building, the side yard requirement applies to the building rather than to the individual uses.
   b. More than one non-residential structure shall be permitted on a lot where each structure meets the setback requirements in accordance with the applicable zoning district in which it is located on an individual basis as though it was situated on its own lot.

3. Accessory Structures. One (1) or more accessory structures may be located on a lot, subject to the applicable zoning district regulations and in accordance with Section 1102, Supplemental Use Regulations.

4. Building and Structure Height. All buildings and structures shall conform to the maximum height regulation established in the base zoning District in which they are located. The following structures shall be exempted from the height limitation established in each of the zoning districts provided the minimum setback for each structure from any lot line is a distance equal to or greater than the proposed height unless otherwise provided for in this Chapter:
   a. Residential radio or television antennae.
   b. Silo.
c. Wind energy conversion system.
d. Church spires or steeples.
e. Water towers.
f. Chimneys.
g. Flagpoles.
h. HVAC equipment.
i. Solar panels.
j. Non-residential communication facilities in accordance with Section 1114 and Section 1606.

B. Lots.

1. No lot shall be reduced so that the dimensional requirements shall be smaller than the minimum prescribed by regulations for the zoning district in which the lot is located.

2. Where a minimum lot area is specified, no principal building or use shall be erected or established on any lot of lesser area, except as may be permitted in Part 15.

3. Where a minimum lot width is specified, no principal building shall be erected on any part of a lot which has a width of less than is specified in the appropriate zoning district.

C. Yards. Where a minimum required depth of a yard is specified in a Zoning District, an open space of at least the distance specified shall be provided between the street line(s) or lot line(s) and the nearest point of any building or structure, except as otherwise permitted by this Chapter. (See Figure 2-5 and 2-9)

1. Projections into Yards. Unless clear sight distance is affected at intersections, the Zoning District’s minimum yard requirements shall not apply to an arbor, open trellis, flagpole, unroofed steps, awning or movable canopy, or an open fire escape.

2. Reverse Frontage Lots. In the case of reverse frontage lots, front yards shall be provided on all street frontages. (See Figure 2-5)

3. Corner Lots.

   a. The minimum lot width requirements shall be applied to the street frontage to which the front of the primary structure or structures faces which shall be determined by the street for which the lot is addressed by the US Postal Service.

   b. Minimum required front yards shall be required on all street frontages.

   c. The yard opposite the front of the primary structure or structures established by Section 1002.C.3.a, above, shall be a rear yard, except when on a street frontage, and the remaining yard shall be a side yard.

   d. All corner lots shall comply with the requirements of Section 1011, Visibility at Intersections.

4. Odd Shaped Lots. In the event that a lot has an odd shape, any yard which is not a front or rear yard shall be considered a side yard.

SECTION 1003 FENCES and WALLS

A. Unless otherwise permitted or required by this Chapter and except for Agricultural Uses, in all Districts, no fence or wall exceeding a maximum height of four (4) feet shall be erected, installed, or constructed within the required minimum front yard of a lot.

B. No such structure shall be erected, installed, or constructed between the street right-of-way line and the cartway surface of the street on which the lot fronts.
C. No fence or wall shall be erected, installed, or constructed which:

1. Obstructs sight distance at street intersections or at the point where any driveway intersects a public or private street.

2. Obstructs or impedes water flow in any perennial or intermittent stream, drainage easement, or other drainage course.

SECTION 1004 SCRENNING AND LANDSCAPING

A. Applicability. In the R-1, R-2, I, and Village Commercial Districts a completely planted visual barrier or landscape screen shall be provided and continually maintained between or around any use or facility in accordance with Figure 10-1 and under the following circumstances:

1. Where a proposed commercial, institutional, or industrial use is adjacent to or across the street from an existing residential use, a complete vegetative screen shall be provided in accordance with Section 1004.C.1.

2. Where a proposed multi-family residential use is adjacent to or across the street from an existing single family residential use, a partial vegetative screen shall be provided in accordance with Section 1004.C.2.

3. If a proposed use or facility is not identified in Section 1004.A.1, 1004.A.2. or in Figure 10-1, the Township shall assign screening requirements based on the similarity of the proposed use to the uses specified in Figure 10-1.

4. The requirements of this Section shall not apply to single family detached dwellings.

FIGURE 10-1: Screening Requirements for Uses and Facilities

<table>
<thead>
<tr>
<th>Use or Facility</th>
<th>Vegetative Screening Classification</th>
<th>Screening Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dumpster (Area)</td>
<td>Complete and/or Structural</td>
<td>Section 1004.C.1. and 4.</td>
</tr>
<tr>
<td>Outdoor Storage (Area)</td>
<td>Partial and/or Structural</td>
<td>Section 1004.C.2. and 4.</td>
</tr>
<tr>
<td>Mushroom House</td>
<td>Partial and/or Structural</td>
<td>Section 1004.C.2. and 4.</td>
</tr>
<tr>
<td>Kennel</td>
<td>Partial and/or Structural</td>
<td>Section 1004.C.2. and 4.</td>
</tr>
<tr>
<td>Veterinary Hospital or Animal Clinic</td>
<td>Partial and/or Structural</td>
<td>Section 1004.C.2. and 4.</td>
</tr>
<tr>
<td>Junkyard</td>
<td>Structural</td>
<td>Section 1004.C.4.</td>
</tr>
<tr>
<td>Mobile Home Park</td>
<td>Limited</td>
<td>Section 1004.C.2.</td>
</tr>
<tr>
<td>Quarry</td>
<td>Complete</td>
<td>Section 1004.C.1.</td>
</tr>
<tr>
<td>Landfill</td>
<td>Complete</td>
<td>Section 1004.C.1.</td>
</tr>
<tr>
<td>Stable</td>
<td>Limited</td>
<td>Section 1004.C.3.</td>
</tr>
</tbody>
</table>

B. General Screening Requirements. Screening shall comply with the following requirements:

1. Line of Sight. Screens shall be placed to achieve visual barrier at least to the height of the line of sight from a height of five (5) feet from the ground at the property line or the centerline of the adjacent street and the top of any proposed structures. Figure 10-2 provides a schematic of this concept.
2. Sight Distance. Screening shall be designed so as not to obstruct sight distances at intersections or driveways in accordance with Section 1011 and the Township Subdivision and Land Development Ordinance.

3. Random Spacing. Where possible, plantings shall be placed in a random pattern in order to replicate the look of natural occurrence, in accordance with the screening requirements set forth in Section 1004.C.

4. Variety of Evergreen Species. Screening shall include a variety of evergreen species which shall be native to the area, but shall not exceed eighty (80) percent of all species to be planted, so as to provide a year-round visual barrier.

5. All landscaping, screening, or planting plans shall be subject to review and approval of the Board of Supervisors.

6. The landowner, and any subsequent landowner, shall maintain a perpetual screen planting whereby any plant material that dies shall be replaced within six (6) months.

FIGURE 10-2: Lines of Sight

C. Screening Classifications. The application of four (4) different classifications of screening: 1) Complete Vegetative Screening, 2) Partial Vegetative Screening, 3) Limited Vegetative Screening and 4) Structural Screening shall apply to uses specified in Figure 10-1 or between uses as specified in Section 1004.A. The following describe each of the four classifications and provide schematics of minimum configurations.

1. Complete Vegetative Screening. The vegetative portion of the complete vegetative screen shall be composed of a mixture of evergreen and deciduous plants and trees arranged to form both a low level and high level screen. Vegetation shall be planted in order to achieve a complete (approximately one hundred (100) percent) visual barrier in a maximum time frame of three (3) to five (5) years, and a width of not less than twenty (20) feet. A minimum of fifty (50) percent of the planted species shall be evergreen in order to provide for screening in winter conditions. Figure 10-3 provides a schematic of the minimum requirements for a complete vegetative screen.
a. For a list of acceptable trees and shrubs for screening, see Appendix A.

b. An earthen berm may be used in conjunction with vegetation to provide additional screening and to improve sound buffering.

c. The complete vegetative screen shall provide three levels of visual barriers: 1) High Level, 2) Low Level, and 3) Ground Level (See Figure 10-3):

1) High Level. The high level screen shall consist of a combination of evergreen and deciduous trees planted with evergreen specimens no less than eight (8) feet in height and a minimum of two (2) inch caliper for deciduous materials. The planted species should be such that the expected height at maturity shall not be less than twelve (12) feet for evergreen species and twenty (20) feet for deciduous species. The tree species shall be planted in alternate rows a minimum of five (5) feet apart, with each planting offset by six (6) to eight (8) feet.

2) Low Level. The low level screen shall consist of deciduous and evergreen shrubs or hedges, planted at an initial height of not less than three (3) feet, and planted at intervals of no greater than five (5) feet apart.

3) Ground Level. Earthen mounding, a minimum of two (2) feet in height, may be used when necessary to supplement the vegetative buffer screen. Variations in the sizes and shapes of earthen berms shall be encouraged to give a more natural appearance. Slopes greater than three (3) to one (1) shall be avoided.

**FIGURE 10-3: Complete Vegetative Screen**

![FIGURE 10-3: Complete Vegetative Screen](source: Chester County Planning Commission, 2007)

2. Partial Vegetative Screening. The vegetative portion of the partial vegetative screen shall be composed of a mixture of evergreen and deciduous plants and trees arranged to form a visual screen. Vegetation shall be planted in order to achieve a partial (approximately fifty (50) percent) visual barrier in a maximum time frame of three (3) to five (5) years. A minimum of fifty (50) percent of the planted species shall be evergreen in order to provide for screening in winter conditions. The use of primarily native vegetation shall be encouraged. Figure 10-4 provides a schematic of the minimum standards for a partial vegetative screen.

a. The vegetative screen shall consist of a combination of evergreen and deciduous trees planted with evergreen specimens no less than 8 (eight) feet in height and a minimum of
two (2) inch caliper for deciduous materials. The planted species should be such that the expected height at maturity shall not be less than twelve (12) feet for evergreen species and twenty (20) feet for deciduous species.

b. For a list of acceptable trees and shrubs for vegetative buffers, see Appendix A.

c. Where necessary, a structure or earthen berm may be used in conjunction with vegetation to provide additional screening.

3. Limited Vegetative Screening. The vegetation portion of the limited vegetative screen shall be composed of a row of evergreen trees arranged to form a visual screen. The vegetation shall be planted in order to achieve a limited (approximately 30 percent) visual barrier in a maximum time frame of one (1) to three (3) years. Figure 10-5 provides a schematic of the minimum standards for a limited vegetative screen.

a. The vegetative screen shall consist of a planted row of evergreen specimens no less than six (6) feet in height. The planted species shall be such that the expected height at maturity should not be less than ten (10) feet.

b. Individual trees shall be planted a maximum of six (6) to eight (8) feet apart.

c. A structure or earthen berm may be used in conjunction with the vegetation to provide additional screening, but is not required.
4. **Structural Screening.** A structural screen may be comprised of a fence or wall engineered to be structurally sound and aesthetically pleasing. The minimum height for a complete structural screen shall be eight (8) feet. The maximum height shall be based on the use or facility that is being screened in accordance with Figure 10-1 and sound engineering judgments should be used in designing the screen to ensure structural integrity. The complete structural screen may be constructed of wood, metal or concrete or a combination of these building materials. When a structural screen is proposed to conform with a Township ordinance, a detailed design shall be submitted to the Township Engineer for approval.

D. **Landscaping.** Any part or portion of the lot which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks, and designated storage areas shall be landscaped according to an overall plan, approved by the Board of Supervisors as part of the development plan, planted with grass, or shall be left in its natural state. Landscaping shall be perpetually maintained to provide an attractive appearance, and any non-surviving plants shall be replaced within six (6) months. Landscaping shall be in accordance with an overall landscaping plan as outlined below and in accordance with the Township Subdivision and Land Development Ordinance.

1. **Landscaping Criteria.** Landscaping shall be provided in association with each principal building in accordance with the following criteria:
   a. Landscaping is required for all sides of a building facing a parking area or public street. Landscaping is not required along the sides of buildings containing service or loading areas, however screening requirements from adjacent uses shall remain in effect.
   b. A combination of evergreen and deciduous trees and shrubs shall be used as "foundation" plantings, i.e., plantings to be installed in reasonably close proximity to the facades.
   c. At least one (1), two (2) inch caliper specimen deciduous tree of eight (8) to ten (10) feet in height at the time of planting; and one (1) eight (8) to ten (10) foot specimen evergreen tree shall be planted for every fifty (50) feet of length of building facade. These specimen trees shall be clustered or grouped in a random pattern in order to replicate the look of vegetation that has naturally occurred in the environment and existing trees may be utilized to satisfy this requirement.
d. Five (5) evergreen and/or deciduous shrubs shall be planted for every twenty (20) feet of length of building facade.

e. Existing vegetation, such as wood lots, hedgerows and trees with a diameter at breast height (dbh) of two (2) inches or more at a height of three (3) feet or vegetation listed on the Pennsylvania Natural Diversity Inventory (PNDI), should be preserved wherever possible and incorporated into screening and landscaping plans. Such trees may be credited toward screening and landscaping requirements.

2. Landscaping in Parking Areas. Landscaping within any parking area that provides more than ten (10) parking spaces shall be subject to the following provisions:

a. Purpose. Off-street parking areas shall be landscaped to achieve the following:

1) Reduce wind and air turbulence, heat and noise, and the glare of automobile lights.
2) Reduce the level of carbon dioxide.
3) Provide shade.
4) Improve stormwater drainage.
5) Replenish the groundwater table.
6) Provide for a more attractive setting.

b. Landscaping requirements for Parking Areas.

1) A minimum of one (1) two (2) inch caliper deciduous tree shall be planted around the periphery or within required planting strips for every five (5) parking spaces if there are no existing shade trees to satisfy this requirement. The required trees shall be planted immediately adjacent to the spaces for which the trees are required in a planting island, strip, or buffer area and the landscaping and planting areas shall be reasonably dispersed throughout the parking lot. Shrubs and other plant materials are encouraged to be used to complement the trees, but shall not be the sole contribution to the landscaping. (See Appendix A)

2) Each landscaped island shall include a minimum of one (1) two (2) inch caliper deciduous tree.

3) All periphery landscape areas, planting strips, and landscaped islands shall be perpetually maintained with ground cover that may include grass, flowers, mulch, shrubs, bushes, rocks, or other planting materials.

4) Flowers, bushes, shrubs, trees and other landscaping materials within five (5) feet of the end of any planting areas, strips, or islands shall not impede sight visibility for automobiles. This shall not preclude the use of taller materials elsewhere.

c. Where a parking lot contains twenty (20) or more spaces, the following additional regulations shall apply:

1) Landscaped areas a minimum of ten (10) feet wide shall be provided around the periphery of parking areas. Such areas shall, at a minimum, extend the full length and width of the parking areas, except for necessary accessways, to prevent the encroachment of moving vehicles into parking areas.

2) Landscaped islands shall be provided at the end of each parking row and between every ten (10) parking spaces and shall be the length of the parking spaces in the row and at least ten (10) feet in width.

3) There shall be a planting strip incorporated for every four (4) rows of parking spaces. Such planting strip shall run parallel to parking rows and shall have a minimum width of ten (10) feet if double loaded, or seven (7) feet if single loaded.

3. Plant materials. Plant materials chosen to satisfy screening and landscaping requirements or to supplement existing vegetation shall meet the following requirements:
a. Wherever possible, plant materials shall be native to the area. (See Appendix A)

b. A variety of plant materials should be installed to promote the diversity of the local ecology and reflect the rural character of the area.

c. No plantings shall be placed with their center closer than five (5) feet from the property line of the tract.

d. Vegetative screening shall include a variety of evergreen species (but no more than eighty (80) percent of all species to be planted) which are indigenous to the area so as to provide a year-round visual barrier.

e. Vegetation chosen to satisfy screening and landscaping requirements shall be from hardy and healthy stock, resistant to insects and disease, and pollution tolerant. Any trees and shrubs which are selected to satisfy screening and landscaping requirement shall meet minimum standards for size at the time of planting:

   1) Shrubs
      Thirty (30) inches height from grade

   2) Deciduous Trees
      Three (3) inch minimum caliper

   3) Evergreen Trees
      Eight (8) foot height from grade

f. Trees and shrubs shall be typical of their species and variety, have normal growth habits; be well developed; and have densely foliated branches and vigorous, fibrous root systems.

g. Trees and shrubs shall be free from defects and injuries and certified by appropriate federal and state authorities to be free from diseases and insect infestations.

h. Trees and shrubs shall be freshly dug and nursery grown. They shall have been grown under climatic conditions similar to those in the locality of the project or properly acclimated to the conditions of the locality of the project.

4. General Requirements for Landscaping Plans. In addition to any associated requirements in the Township Subdivision and Land Development Ordinance, landscaping plans shall be in accordance with the following:

a. The Landscaping Plan shall be prepared by a landscape architect, or similarly qualified professional, and approved by the Board of Supervisors. The Landscaping Plan shall depict all proposed plantings as required within areas for screening and in other landscaped areas which relate to, complement, or screen buildings, other structures, roads, parking areas, sidewalks, walkways, sitting areas, service or maintenance structures, courtyards, and other site features.

b. The Landscaping Plan shall include any information necessary to present the analysis of the following:

   1) An analysis of the site in terms of the existing views to and from the areas which are proposed for development; existing topography, and vegetation conditions.

   2) An analysis of proposed screening and other landscaping needs as related to screening views of buildings; screening buildings and sections of buildings; screening parking areas and other areas where vehicles are parked; screening storage areas; screening site utilities; and other appropriate types of screening.

c. The landscaping Plan shall demonstrate compliance with all Township landscaping standards.

d. All landscaping plans may be subject to review by the Board of Supervisors.
SECTION 1005 OUTDOOR LIGHTING

The intent of the provisions in this Section is to minimize the off-site impact of lighting while providing for lighting that is sufficient for safe use of a property. The following standards shall apply in regard to outdoor lighting in the Township:

A. Purpose

1. Provide for and control lighting in outdoor public places where public health, safety and welfare are potential concerns.

2. Protect drivers and pedestrians from the glare of non-vehicular light sources.

3. Protect neighbors and the night sky from nuisance glare and light trespass from improperly selected or poorly placed, aimed, applied, maintained or shielded light sources.

4. Promote energy efficient lighting design and operation.

B. Applicability

1. Outdoor lighting shall be required for the purpose of safety and personal security in areas of public assembly and traverse, including, but not limited to:
   a. Parking areas of multi-family, commercial, institutional, and industrial uses.
   b. Loading facilities.
   c. At the ingress and egress of parking areas for multi-family, commercial, institutional, and industrial parking areas.
   d. The Township Supervisors may require lighting to be incorporated for other uses where security and safety reasons warrant.

2. Outdoor lighting may be used by all uses for additional purposes such as security and safety.

3. The requirements herein apply to all uses and situations mentioned above, in addition but not limited to, signs, security, landscaping, and residential lighting.

C. Administration

1. Submission. Lighting Plans shall be submitted to the Township for review and approval with all zoning permit applications for a change in use, conditional use, special exception, variance, or subdivision and land development plans. Additionally, the Township Zoning Officer may require the submission of a lighting plan with any building permit application. The required lighting plan shall include the following information:
   a. A site plan containing a layout of the proposed fixture locations and type.
   b. Catalogue cuts and photometrics for each light fixture, the method of energizing each light fixture, a listing of the hours of operation and a plan showing the photometrics for the entire site as applicable, based upon the proposed placement of the light fixtures. A description of glare reduction devices, lamps, control devices, mounting heights, pole foundation details, and mounting methods, as appropriate for each fixture, should also be included.

2. Post-approval alterations to lighting plans shall be submitted to the Township for review and approval.
3. The Township reserves the right to conduct a post-installation nighttime inspection to verify compliance with the requirements of this Chapter, and if appropriate, to require remedial action at no expense to the Township.

D. Illumination Levels. Lighting, where required by this Chapter, shall have intensities and uniformity ratios in accordance with, but not limited to the averages provided in Figure 10-6.

E. Design Standards.

1. Fixtures shall be of a type and design appropriate to the lighting application.

2. For the lighting of predominantly horizontal surfaces such as, but not limited to, roadways, vehicular and pedestrian passage areas, merchandising and storage areas, automotive-fuel dispensing facilities, automotive sales areas, loading docks, cul-de-sacs, active and passive recreational areas, building entrances and exits, sidewalks, paths, site entrances and parking areas: fixtures shall be aimed straight down and shall meet IESNA “full cutoff” criteria (no light output emitted above ninety (90) degrees at any lateral angle around the fixture and no more than ten (10) percent light output above eighty (80) degrees).

3. For the lighting of non-horizontal surfaces such as, but not limited to, facades, landscaping, signs, billboards, fountains, displays, flags and statuary, the following requirements shall apply:

   a. The use of lighting fixtures that are installed and aimed so as to project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway shall not be permitted.

   b. Fixtures shall meet IESNA “full cutoff” criteria unless permitted with the approval of the Board of Supervisors, based upon acceptable glare control and their consistency with the character of the surrounding area.

4. Dusk-to-dawn lights shall not be permitted where they are visible from other uses unless fitted with a reflector to render them full cutoff. (See Figure 10-7)

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**FIGURE 10-6: Illumination Levels**

<table>
<thead>
<tr>
<th>Use/Task</th>
<th>Illumination (Avg)*</th>
<th>Uniformity Ratio** (Avg/Min)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pedestrian Walkways</td>
<td>0.2 – 0.4 Avg</td>
<td>5:1</td>
</tr>
<tr>
<td>Local Commercial Streets – Intersections of Streets-Parking Areas</td>
<td>0.4 – 1.0 Avg</td>
<td>6:1</td>
</tr>
<tr>
<td>Local Residential Streets – Intersection of Streets-Parking Areas</td>
<td>0.4 – 0.6 Avg</td>
<td>4:1</td>
</tr>
<tr>
<td>Parking: Multi-Family</td>
<td>0.6 Min – 0.8 Max</td>
<td>4:1</td>
</tr>
<tr>
<td>Parking: Commercial/Industrial</td>
<td>0.6 Min – 1.2 Max</td>
<td>4:1</td>
</tr>
<tr>
<td>Illuminated Signs</td>
<td>0.6 – 1.0 Avg</td>
<td>6:1</td>
</tr>
<tr>
<td>Recreational Uses/Parks</td>
<td>0.6 – 0.8 Avg</td>
<td>4:1</td>
</tr>
</tbody>
</table>

*Illumination levels are maintained horizontal footcandles on the task, e.g., pavement or area surface.

**Uniformity ratios dictate that average illuminance values shall not exceed minimum values by more than the product of the minimum value and the specified ratio (e.g., for commercial parking, high activity, the average footcandles shall not be in excess of 3.6 [0.9 x 4]).

Abbreviations: Avg – Average; Min – Minimum; Max – Maximum
F. Control of Glare.

1. Floodlighting and outdoor lighting in all zoning districts, whether or not required by this Chapter, shall be diffused, directed, shielded, located, designed, and maintained in such a manner as not to present any hazardous situations for passing vehicular or pedestrian traffic or create a nuisance by objectionable light projected beyond its lot line onto a neighboring use or property.

2. The intensity of illumination projected onto a residential use from another property shall not exceed 0.1 vertical footcandle, measured line-of-sight at the property line.

3. All fixtures shall be equipped with light directing or shielding of a type and design appropriate to the lighting application, for the purpose of redirecting offending light or reducing direct or reflected glare, and no glare shall be discernable beyond its lot line onto adjacent properties.

4. Floodlights, spotlights, or security lighting shall not be aimed, installed, or directed so as to project into the windows of neighboring residential uses, and shall not be directed skyward or onto a public street.

5. Vegetation screens shall not serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.

6. No outdoor lighting, except for official traffic signals and seasonal lighting, shall have blinking, flashing, or fluttering lights or devices that cause changing intensity, brightness, or color.

7. Gasoline Service Station canopy lighting shall be accomplished using flat-lens full-cutoff downlighting fixtures, shielded in such a manner that the edge of the fixture shield shall be level with or below the light source envelope.

8. Except for public street lights and traffic signals, freestanding light fixtures shall not exceed twenty (20) feet in height.

9. All lighting standards and necessary equipment shall be approved by the appropriate utility.

10. All outdoor lighting fixtures and ancillary equipment shall be maintained as to continuously meet the requirements of this Chapter.

G. Installation.

1. Electrical feeds for lighting standards shall be run underground, not overhead.
2. Pole mounted fixtures for lighting horizontal tasks shall be aimed straight down.

H. Nuisance Glare and Inadequate Illumination Levels.

When the Township judges an installation produces unacceptable levels of nuisance glare, skyward light, excessive or insufficient illumination levels or otherwise varies from this Chapter, the Township may cause notification to the person(s) responsible for the lighting and require appropriate remedial action in accordance with Part 14, Administration.

SECTION 1006 FLAG LOTS

Flag lots which have limited frontage on a public road shall be permitted only under the following conditions:

A. Flag lots shall contain a lot area at least equal to the minimum required lot area of the district in which the lot is located. The area of the access strip (stem) shall not be included in the calculations of the required minimum lot area.

B. Access Strip (stem).

1. A flag lot shall be connected to an existing or proposed road by an access strip (stem) which shall have a minimum width of fifty (50) feet measured from the existing street line of the road being accessed for the full length of the access strip (stem) to the point where the lot first obtains the minimum standard lot width.

2. Such access strip (stem) shall be owned in fee as part of the lot and not by way of a grant or right-of-way, easement, license, or similar grant.

C. The front yard for a flag lot shall be measured from the point where the lot first obtains the minimum required lot width for the district in which the lot is located.

D. Number of Flag Lots permitted.

1. No more than two (2) flag lots are permitted in major subdivisions.

2. No more than two (2) flag lots are permitted in a minor subdivision, when approved as a conditional use.

E. No flag lots shall be formed which access a road along the turn-around of a cul-de-sac, or within two (200) feet of a cul-de-sac or intersection.

F. Flag lots shall not be permitted in tracts of land that are created for the purposes of further subdivision utilizing flag lots.

SECTION 1007 OUTDOOR STORAGE AND DISPLAY

A. Outdoor Storage.

1. Except as otherwise provided for by this Chapter, outdoor storage shall be located behind the building line.

2. No truck bodies, abandoned mobile homes, travel trailers or similar structures shall be used for accessory building or to house any accessory uses.

3. Outdoor storage for non-residential uses shall be completely screened or hidden from view from any public right-of-way and any adjacent residential use, unless otherwise provided for by this Part. Screening shall be in accordance with the provisions of Section 1004.
4. Outdoor storage of bulk storage tanks, construction equipment, and raw materials for non-residential uses shall be:
   a. Permitted behind the building line.
   b. Enclosed within an approved safety fence.
   c. In the case of storage tanks, they shall be enclosed by a moat or berm to contain potential spillage."

B. Refuse and Garbage. All organic refuse or garbage shall be stored in tight, vermin-proof containers. In multi-family, commercial and industrial developments, garbage storage shall be centralized to expedite collection and enclosed on three (3) sides by an architectural screen or plantings in accordance with Section 1004.

C. Outdoor Display. In the Village or Industrial Zoning Districts, merchandise available for sale may be displayed within the required front yard in a neat and orderly fashion outside of the establishment that is selling the merchandise, provided:
   1. The merchandise shall not be placed so as to interfere with pedestrian or vehicular traffic or within required parking areas.
   2. No merchandise shall be placed within four (4) feet of the edge of cartway.
   3. For purposes of this Chapter, a four (4) foot wide clear sidewalk path shall be maintained at all points where applicable.
   4. No merchandise shall be displayed outdoors that is pornographic, includes explicit depictions of violence, or is otherwise unsuitable for viewing by children.
   5. No merchandise shall be displayed outdoors in a manner that is intended to or has the effect of interfering with vehicular traffic or is distracting to motorists.
   6. The outdoor display of merchandise shall not interfere with the sight lines of traffic, shall comply with Section 1011, Visibility at Intersections, and shall not impair the visibility of any public or private sign.
   7. No merchandise shall be displayed outdoors in a manner that will result in the merchandise falling into the street or sidewalk, blowing, spilling, or otherwise becoming disorderly, hazardous, or a nuisance.
   8. No additional signs in excess of that approved for the property shall be attached to or placed in conjunction with the merchandise being displayed.
   9. Any merchandise that is placed on the public sidewalk or right-of-way in violation of these provisions or that otherwise constitutes a hazard to the public may be removed by the Zoning Officer or a police officer with or without notice to the owner.
  10. All merchandise displayed outdoors shall be removed and placed indoors or behind appropriate screened and secured areas at the close of business each day, unless permitted by Section 1007.C.11, below.
  11. Outdoor display for longer periods of time than permitted by Section 1007.C.10 above, for permitted uses which traditionally requires such need, may be authorized at the discretion of the Zoning Officer if the applicant can demonstrate that indoor storage is not practical or feasible, including, but not limited to the following criteria:
a. Extensive modification to or expansion of the existing commercial structure would be necessary to accommodate the internal storage of materials for sale, such as the addition of space to house large materials such as trees, shrubs, raw materials, other materials for a landscaping business, large outdoor furniture, or automobiles for sale.

b. The day to day movement of goods for sale to be placed outside are significant due to the size or weight of such goods would take extraordinary effort, time, equipment, or personnel. Examples include, but are not limited to: large outdoor furniture, sculptures, automobiles, or similar items.

D. Industrial and Commercial Uses Requiring Substantial Amounts of Land for Outdoor Storage.

Exceptions to the outdoor storage provisions of this Part may be made by the Zoning Officer for permitted industrial or commercial uses requiring substantial amounts of land area for outdoor storage or display where all of the following conditions are met:

1. The industrial or commercial use involved traditionally employs long-term outdoor storage including uses such as lumberyard, landscaping, nursery/greenhouse, and automobile retail sales, service, or repair.

2. Such storage is needed for the successful operation of the use, and the proposed site is suitable for outdoor storage.

3. The applicant can demonstrate that indoor storage is not possible.

4. The storage shall comply with all applicable setback requirements and shall cover only that percentage of total lot area that is deemed practical and feasible in the opinion of the Zoning Officer. Outdoor storage shall be located to the side or rear of the property.

5. The storage area shall be screened from view from any public right-of-way or any residential district or use by buildings, walls or an effective screen through a complete vegetative screen, as required by Section 1004.C.1 or a structural screen in accordance with Section 1004.C.4. This provision shall not apply to storage for large retail items for sale including but not limited to automobiles or farm equipment, when also in accordance with other applicable requirements of this Chapter.

6. Among uses that shall not be considered appropriate for inclusion under this provision for outdoor storage are retail establishments, personal service establishments, car wash facilities, business or professional offices, and educational uses.

SECTION 1008 SHOPPING CART STORAGE

Any establishment which furnishes shopping carts as an adjunct to shopping shall provide defined areas within the building and parking area for storage of said carts. Each designated storage area shall be enclosed by a barrier at least six (6) inches higher than the parking area surface, and shall be clearly marked for storage of shopping carts. All shopping carts shall be stored indoors, or otherwise secured during non-operating hours.

SECTION 1009 ACCESS AND TRAFFIC CONTROL

Access to any public street or highway shall conform with design, setback, and all other requirements of Part 12, Off-Street Parking and Loading, and the West Nottingham Subdivision and Land Development Ordinance.

SECTION 1010 INTERIOR CIRCULATION

Interior drives shall be designed so as to prevent blockage of vehicles entering or leaving the site. Drives may be one-way or two-way. Areas provided for loading or unloading of delivery trucks and other
vehicles, and for the servicing of shops by refuse collection, fuel, and other service vehicles shall be so arranged that they may be used without blocking or interfering with the use of accessways or automobile parking facilities, and in accordance with applicable regulations in Part 12, Off-Street Parking and Loading.

SECTION 1011 VISIBILITY AT INTERSECTIONS (CLEAR SIGHT TRIANGLE)

On a corner lot or at a point of access onto a street, nothing shall be erected, placed or allowed to grow in a manner which obscures vision:

A. Above the height of two and one-half (2½) feet measured from the center-line grades of the intersecting streets.

B. Within the area identified as the clear sight triangle in Figure 10-8, where A = twenty (20) feet and B = fifty (50) feet (B shall be measured along the road with a higher functional classification, or where the classification is the same, as determined by the Township Engineer).

SECTION 1012 OFF-STREET LOADING

Off-street loading and unloading space, or spaces with proper and safe access from the street shall be provided on each lot, either within a structure or in the open, to serve the uses within the district adequately, in accordance with the provisions of Part 12, Off-Street Parking and Loading.

SECTION 1013 OFF-STREET PARKING

Off-street parking space or spaces, with proper and safe access from street, shall be provided on each lot, either within a structure or in the open, to serve the uses within the district adequately. Parking spaces shall be constructed in design, size, and number to meet the requirements of Part 12, Off-Street Parking and Loading.

SECTION 1014 HISTORIC RESOURCES

A. Purpose. The purpose of this Part is to advance the following purposes:

1. To promote the general welfare by facilitating protection of the historical integrity of the historic resources of West Nottingham Township as listed on the West Nottingham Township Historic Resource Atlas.
2. To establish a clear process by which proposed land use changes affecting historic resources can be reviewed.

3. To discourage the unnecessary demolition of historic resources.

4. To provide incentives for the continued use of historic resources and to facilitate their appropriate reuse.

5. To help ensure proposed changes affecting historic resources are not overtly detrimental to the integrity of the resource.

6. To encourage the preservation of the various historic settings and landscapes of the Township, including but not limited to the Village of Nottingham, rural areas, and agricultural settings.

7. To implement the goals of the Pennsylvania Constitution, Article I, Section 27, which establishes the Commonwealth's policy of encouraging the preservation of historic and aesthetic resources and the Pennsylvania Municipalities Planning Code Section 604(1) and 605(2)(vi) to permit additional classifications within any zoning district for the regulations of uses and structures, at, along, or near "places having unique historical, architectural, or patriotic interest or value."

B. Inventory

1. The Township shall maintain an inventory of historic resources as defined below and as listed on the Historic Resource Atlas on file at the Township offices including the following:

   a. Class I historic resources: Any resource that is listed on, contributes to, or is determined eligible for inclusion in the National Register of Historic Places. This includes contributing resources in a National Register district or eligible district.

   b. Class II historic resources: Based on National Register eligibility standards, any resource that is considered by the municipality to be eligible for the National Register of Historic Places or is considered highly significant at a local level.

   c. Class III historic resources: All remaining resources that are fifty (50) years or older effective the published date of the Historic Resources Atlas.

C. Lot area, width, building coverage, height and yard requirements for Historic Resources Class I and II. All lot area, width, building coverage, height and yard requirements ("area and bulk regulations") and design standards otherwise applicable in the underlying zoning district shall apply to the use or reuse of an historic resource. However, in order to facilitate the use, reuse, or expansion of an historic resource, modifications to the otherwise applicable area and bulk regulations applicable to the use or adaptive reuse of an historic resource may be permitted. In no event shall the Board of Supervisors grant modifications to the height requirement and design standards applicable to an historic resource.

1. Modification By-Right. Class I and II Historic Resources shall be permitted a maximum of twenty (20) percent variation in yard and impervious surface requirements by right in order to facilitate the preservation of these resources.

2. Modification by Conditional Use. Class I and II Historic Resources shall be permitted a maximum of forty (40) percent variation in yard and impervious surface requirements by conditional use in order to facilitate the preservation of these resources in accordance with Part 16, Section 103, this Part, and Section 1014.E.
D. **Special Uses Permitted for Historic Resources Class I and II.**

An historic resource may be used for the following purposes:

1. Any use permitted in the underlying zoning district in which the property is located.

2. Where approved by the Board of Supervisors as a conditional use in accordance with the criteria contained in both Section 1014.E and Part 16, an historic resource may be used for any one of the following adaptive reuses and shall comply with all other applicable regulations of the use:
   a. Artist studio or crafts workshop.
   b. Antique shop.
   c. Residential conversion. The reconfiguration of any structure designated as an historic resource into one (1) or more dwelling units, subject to the following specific requirements:
      1) Except where otherwise provided in the applicable zoning district, where multiple dwellings result from the conversion of a structure designated as an historic resource, no individual dwelling unit shall contain less than six hundred fifty (650) square feet of habitable floor area and the number of such dwelling units shall not exceed the number that can be accommodated within the building utilizing this minimum floor area requirement. No structural addition to the historic resource shall increase the number of dwelling units that can be achieved by application of this formula.
      2) Each unit created through the residential conversion of an historic resource shall be an independent dwelling unit.
      3) The conversion must receive certification by PA Department of Environmental Protection for appropriate sewage treatment facilities for the change in use.
   d. Business or professional office.
   e. Child day-care center as a principal or accessory use in accordance with Section 1105.
   f. Adult day-care center in accordance with Section 1105.
   g. Personal service shop.
   h. Repair services.
   i. Any use of the same character demonstrably proven by the applicant to have no greater impact upon the neighborhood than any of the foregoing uses.

E. **Specific Requirements for conditional use approval.**

1. Application procedures for conditional use approval.

An applicant seeking conditional use approval for use, reuse, adaptive reuse or for modification of area and bulk regulations affecting an historic resource shall submit a conditional use application to the Township in accordance with the provisions of Part 16. In addition, the conditional use application may include the following supporting information:

   a. A description of the proposed use(s).
   b. A description of any physical changes proposed for the affected historic resource(s) and the surrounding landscape.
   c. Any proposed modifications to otherwise applicable area and bulk regulations.
   d. Photographs of the interior and exterior of the historic resource.
   e. Any other applicable or relevant information or materials that may assist the Township in making a determination.
   a. The Historical Commission and Planning Commission shall be notified of a conditional
      use application affecting an historic resource in respect to this Section within five (5) days
      of receipt of a complete application by the Township, and shall given the opportunity to
      review the conditional use application.
   b. The Historical Commission and Planning Commission may submit a written
      recommendation to the applicant, Zoning Officer, and Board of Supervisors a minimum of
      seven (7) days prior to the rendering of a decision. Failure to submit a recommendation
      or disapproval shall not constitute an official action by the Township and shall not affect
      the required conditional use procedure.

3. Conditions. The Board of Supervisors, when determining whether to grant a conditional use
   to permit the use of an historic resource pursuant to Section 1014.D or to modify the area and
   bulk or design standards applicable to an historic resource as permitted by Section 1014.C,
   shall make specific findings of fact that:
   a. The approval of a conditional use or modification of area and bulk requirements is
      deemed by the Board of Supervisors to be appropriate for the preservation of the historic
      resource and that the modification is not overtly detrimental to the character of the
      resource. The conditional use approval shall consider the extent of the preservation or
      repair of the defining characteristics of the resource and its environment in addition to the
      extent any improvement, alteration, or change matches the character of the resource.
   b. The Township may restrict the number of employees permitted for any of the uses
      permitted in this Section as a condition of approving the use. If, after the use is
      approved, the owner is found in violation of the conditions, the use may be suspended or
      rescinded by the Township.
   c. Uses which are not otherwise permitted in the underlying zoning district, but are granted
      as a result of the conditional use process outlined in this Section shall be contained within
      the historic resource.
   d. All adaptive uses permitted by this Section shall comply with the parking regulations
      applicable to the proposed use in accordance with Park 12.
   e. All applicable standards, criteria, and procedures set forth in Part 16 for conditional use
      approval shall be met.
   f. Except where clearly detrimental to the historical integrity of the historic resource and
      where public health, safety, and welfare are otherwise adequately provided for, all other
      applicable standards contained in this Chapter shall be met, including but not limited to
      requirements for buffering, lighting, storage, access and traffic management, interior
      circulation, loading, parking, and signs.

4. Decision.
   a. The Board of Supervisors shall act upon the application in accordance with the provisions
      of Part 16.
   b. The Board of Supervisors may deny the request for additional use or for modification of
      area and bulk regulations where, in addition to the recommendation of the Historical
      Commission and/or Planning Commission, it deems the proposal to be destructive to the
      integrity of the historic resource and/or where the Board finds the proposed
      modification(s) to be out of character with the existing uses located in the immediate
      vicinity.

F. Delay of Demolition.
1. In the case the owner of a Class I or Class II Historic Resource wishes to demolish a
   resource, in whole or in part, a demolition permit from the Township shall be required.
   Applicants should be aware there is a more specific process for an application for the
demolition of a Class I or Class II Historic Resource and the Township encourages owners of such resource to consider the maintenance and rehabilitation of these resources and that demolition should be avoided unless unavoidable or for good reason. Applicants should be aware of the additional uses and modifications that are available for Class I or Class II Historic Resource under this Section.

2. A demolition permit for a Class I or Class II Historic Resource shall not be construed to prevent and shall not apply in the following cases:

   a. The ordinary maintenance or repair of any building, structure, site, or object where such work does not require a building permit or where the purpose and effect of such work is to correct any deterioration or decay of, or damage to, a building, structure, or object and to restore the same to its condition prior to the occurrence of such deterioration, decay, or damage.

   b. The construction of additions to or alterations of the historic resource, involving less than thirty five (35) percent of the exterior facades as they existed on the historic resource when it was first placed on the Historic Resources Inventory.

G. Violations, Penalties, and Enforcement. Any person who violates the terms of this Part shall be subject to the enforcement procedures and remedies provided for in Part 14. In addition:

1. In the event any person demolishes an historic resource in violation of the provisions of this Part or in violation of any conditions or requirements specified in a permit issued under the terms of this Part, the Board of Supervisors may institute any proceeding, at law or in equity, necessary to enforce the provisions of this Part, including, but not limited to, an action to compel the reconstruction and/or restoration of the historic resource to its condition and appearance as existed immediately prior to the violation. Such restoration shall be in addition to, and not in lieu of, any penalty or remedy available under this Section, Part 14 of this Chapter, or any other applicable law.

2. In the event the Board of Supervisors authorizes the commencement of an action pursuant to Section 1014. G.1, above, the Zoning Officer or Building Code Official shall not issue any building permit for the construction of any building or structure proposed to be located in any location on the property which would preclude reconstruction or restoration of the historic resource demolished in violation of this Part or intended to replace such historic resource, unless issued for the purpose of restoring the historic resource to its condition and appearance as existed immediately prior to the violation.
PART 11  SUPPLEMENTAL USE REGULATIONS

SECTION 1101  APPLICABILITY

The purpose of this Part is to establish standards for specific uses that require special considerations. These regulations shall apply to specific uses regardless of which zoning district the use is permitted. It is the intent of the Township that, where these uses are permitted, they comply strictly with the regulations that have been created to address their particular impacts and characteristics. The regulations for this Part shall apply in addition to any other applicable zoning regulations. In the case of an inconsistency between the provisions of this Part and any other Part of this Chapter, the more restrictive provision shall apply.

SECTION 1102  ACCESSORY USES

A. General Regulations. Accessory uses shall be in accordance with the following:

1. Incidental and subordinate to the principal use on the tract or lot.

2. Located on the same tract or lot as the associated principal use.

3. Maximum height shall be in accordance with the regulations set forth in the district in which the accessory use is located, unless otherwise expressly permitted by this Ordinance.

4. No truck bodies, abandoned mobile homes, travel trailers, or similar structures shall be used for accessory buildings or to house any accessory uses.

5. Where accessory uses include buildings and structures, such buildings or structures shall be securely anchored, and shall not pose a hazard to surrounding uses.

6. No accessory use shall constitute a nuisance by way of odor, noise, light, glare, or other means, or shall endanger the health, safety, or welfare of area residents and other uses.

7. Accessory Use Setbacks. No accessory uses, with the exception of agricultural accessory uses, shall be permitted in the required minimum front yard, and accessory uses shall comply with the following additional regulations:

   a. A minimum setback of not less than ten (10) feet from any right-of-way or property line is required for all accessory uses except that a minimum setback of fifteen (15) feet shall be required for active accessory uses such as tennis courts or swimming pools, or for accessory buildings larger than fifty (50) square feet.

   b. Single Family Detached Dwellings. Accessory uses shall be a minimum of ten (10) feet from a private right-of-way or property line; Thirty five (35) feet from the right-of-way line of a collector or arterial highway; and Twenty five (25) feet from the right-of-way of any other road or street as defined by the roadway functional classification in the Township Comprehensive Plan.

   c. Multi-family Dwellings. Accessory uses shall be a minimum of twenty five (25) feet from a private right-of-way or property line; Fifty (50) feet from the right-of-way line of a collector or arterial highway; and Forty (40) feet from the right-of-way of any other road or street as defined by the roadway functional classification in the Township Comprehensive Plan.

   d. Agricultural uses. Barns or other structures housing livestock greater than one thousand (1,000) square feet in size shall be setback a minimum of one hundred (100) feet from any lot line.

   e. All other uses. Accessory uses shall be a minimum of thirty (30) feet from a private right-of-way or property line; Fifty (50) feet from the right-of-way line of a collector or arterial
highway; and Forty (40) feet from the right-of-way of any other road or street as defined by the roadway functional classification in the Township Comprehensive Plan.

B. Agricultural Accessory Uses.

1. Permitted Uses. The following accessory uses shall be permitted:

   a. Storage of farm products and farm machinery.
   b. Barns and stables sheltering livestock, poultry, and farm products.
   c. Garages, silos, and outbuildings.
   d. Signs in accordance with Part 13.
   e. Residential accessory uses in accordance with Section 1102.C.
   f. Secondary farm business, in accordance with Section 1102.B.2.
   g. Accessory farm-related dwelling in accordance with Section 1102.B.3.
   h. Agricultural composting in accordance with Section 1102.B.5.
   i. Private educational use when permitted by conditional use in accordance with Section 1102.B.4 and Part 16.
   j. Non-residential communication facility in accordance with Section 1114.

2. Secondary Farm Business. These uses are permitted to provide a secondary source of income for a farmer, so as to promote the continuation of existing agricultural uses and the Township’s agricultural character. See Figure 11-1. Accessory farm businesses shall be in accordance with the following:

   a. Such use shall be permitted only when solely owned and/or operated by the owner and/or operator of the farm.

   FIGURE 11-1: Sample Secondary Farm Business

   Source: Chester County Planning Commission, 1995

   b. Parking.

      1) Appropriate space for customer parking shall be provided outside of the right-of-way of the adjacent roadway.

      2) There shall be adequate space provided to accommodate safe ingress and egress of vehicles and sufficient space for vehicles to turn around without backing into the adjacent roadway.

   c. Secondary farm businesses may include, but are not limited to the following:
1) Sale of agricultural products, in accordance with Section 1102.B.2.d.
2) Veterinary services which primarily serve farm animals and local stables, and sell only veterinary related supplies.
3) Processing of locally produced agricultural products.
4) Sales of seeds, fertilizers, and compost.
5) Facilities for the sales, repair, and service of agriculture-related equipment and supplies, including but not limited to tractors, spreaders, wagons, saws, and mowers.
6) Grain mills or portable grinding mills.
7) Blacksmith shop.
8) Agricultural seasonal entertainment, in accordance with Section 1102.B.2.e.
9) Other uses related to the agriculture industry similar to those listed above.

d. Sale of Agricultural Products. The display and sale of agricultural products shall be permitted in all zoning districts and shall conform to the following regulations:

1) At least fifty (50) percent of such products shall have been produced on the property on which they are offered for sale.

2) Farmstand. The display and sale of farm products shall be conducted from a portable stand, dismantled, or relocated at the end of growing season, or from an approved permanent structure.

3) There shall be no more than two (2) sale of agricultural product accessory uses per agricultural use.

4) Setbacks. Any building, stand, sales, or display area shall be a minimum of twenty (20) feet from any lot line or road right of way.

e. Agricultural Seasonal Entertainment.

1) Agricultural Seasonal Entertainment (Agri-Entertainment) may include, but is not limited to the following:

   a) Corn mazes.
   b) Pick-your-own produce.
   c) Hayrides.

2) Seasonal event organizers shall be required to notify the Township as to the nature of the event, the duration of the event, and the hours of the event in order to address possible impacts on parking, traffic, and safety for customers as well as Township residents, and shall comply with Chapter 13 of the West Nottingham Township Code.

3. Accessory Farm-Related Dwelling. Accessory farm-related dwellings shall be subject to the following regulations:

a. Such dwellings shall only be used by family members or farm workers (employees) of the associated agricultural use.

b. A maximum of two (2) accessory farm-related dwellings shall be permitted on an agricultural tract in accordance with the following:

1) One (1) accessory dwelling unit is permitted on an agricultural tract from ten (10) to twenty-five (25) acres.
2) Two (2) accessory farm-related dwelling units are permitted on tracts larger than twenty-five (25) acres.
4. Private Educational Use.
   a. A private educational use may be permitted as an accessory structure on an parcel where agriculture is the principal use within the R-1 and R-2 Zoning Districts when approved as a conditional use in accordance with Part 16.
   b. The private educational use shall be sited so that it could be subdivided as an independent parcel in accordance with the regulations applicable to “all other uses” in the zoning district in which the use is located, meeting all applicable area and bulk requirements.
   c. Only one (1) private educational use shall be permitted on a parcel.
   d. A private educational use shall be limited to one (1) principal structure with a maximum size of three thousand (3,000) square feet.
   e. The private educational use shall be located a minimum of fifty (50) feet from any street line or property line.
   f. Parking requirements shall be in accordance with Part 12.

5. Agricultural Composting.
   a. Agricultural composting may be permitted as an accessory use to an agricultural use to create compost for reuse as a part of the agricultural operation, for sale as part of a secondary farm business in accordance with Section 1102.B.2, or sold by the owner to an off-site composting facility or other business entity.
   b. Organic waste material shall be generated on-site by agricultural production or processing, manure generated on-site, or by the residence of the owner or operator of the agricultural use.
   c. Composting shall be a component of an agricultural waste management system and consistent with a conservation plan approved by the Township in conjunction with the Chester County Conservation District.
   d. Where mushroom compost is either being created or incorporated into compost, a Mushroom Farm Environmental Management Plan approved by the Chester County Conservation District shall be required.
   e. Composting shall not be permitted in a floodplain, on steep slopes, within a wetland, or within a riparian buffer as delineated by Part 9.
   f. Composting areas shall be a minimum of one hundred (100) feet from any lot line.

C. Residential Accessory Uses.

1. Residential accessory uses shall be in accordance with the following:
   a. Where accessory uses include buildings or structures, such buildings or structures shall be securely anchored and shall not pose a hazard to surrounding uses.
   b. No residential accessory use shall cause a nuisance by way of odor, noise, or emission of light, or shall pose a threat to the health, safety, or welfare of area residents.
   c. Where storage constitutes an accessory use, storage standards set forth in Section 1007 shall apply.
   d. The maximum height for residential accessory uses shall be twenty (20) feet.

2. Permitted uses. In addition to specific accessory uses permitted in the zoning district regulations, the following accessory uses shall be permitted by-right when incidental and subordinate to a residential use:
   a. Garage or parking area for the parking or passenger automobiles including noncommercial trucks and vans in accordance with Part 12, as applicable.
b. Structures including but limited to shelters for household pets, sheds, gazebos, decks, patios, tennis courts, flagpoles, stables, noncommercial greenhouses, potting sheds, barbeque or picnic areas, gardens, play equipment, or wind energy conversion systems.

c. Swimming pools.

d. Ponds.

e. Garage or yard sales.

f. Radio and television antenna, or microwave dish antenna in accordance with any applicable Township, state, or Federal regulations.

g. Fences or walls in accordance with Section 1003.

h. Signs in accordance with Part 13.

i. Permanent residency in travel trailers, tents, or recreational vehicles stored on a lot shall be prohibited.

j. Temporary or nightly, outdoor parking or storage of commercial vehicles shall be limited to one (1) vehicle per lot within the lot boundaries. There shall be a maximum of one (1) such vehicle per lot, and such vehicle shall be owned or operated by the resident of the lot.

k. Keeping of Animals for Residential Uses (non-agricultural uses less than four (4) acres in size). A minimum of one (1) acre is required for the keeping or the raising of one (1) animal generally considered livestock (e.g. horse, cow, steer, goat, pig, sheep) or other smaller animal not considered a common household pet in accordance with subsection 5, below, or to keep six (6) or less chickens (poultry) or other fowl shall be considered a permitted residential accessory use provided that the following requirements are met:

1) The animals shall be properly housed and cared for.
2) All grazing and pasture areas where animals are kept shall be fenced and consist of well-maintained grasses or other material as not to promote erosion or bare ground.
3) The animals shall not cause a nuisance by way of odor, noise, or other means for neighbors or pollution of groundwater or stormwater runoff to adjacent properties.
4) No person owning or having livestock or poultry shall permit the same to roam at large outside of the owners property, nor shall such livestock or poultry be permitted upon the streets or other public ways of the Township, except when under the direct control of their owner and/or rider. Such action is hereby declared to be a nuisance and dangerous to the public health and safety.
5) Customary household pets (i.e., dogs, cats, and other small animals customarily kept in the home) shall be exempt from the requirements this Section.

l. Sale of Produce. Selling of seasonal produce during the growing season that is primarily grown on-site on residential properties shall not be considered as a home occupation, and shall be permitted in accordance with the following:

1) All signs shall be in accordance with Part 13, Signs.
2) There shall be adequate evidence that the produce being sold is primarily grown on the property (e.g.: a garden, etc.).
3) No permanent or temporary structure may be constructed for the sale of produce.
4) Appropriate space for customer parking shall be provided outside of the right-of-way of the adjacent roadway.

D. Commercial, Industrial, and Institutional Accessory Uses.

1. General Regulations. Commercial, Industrial, and Institutional accessory uses shall be in accordance with the following:

   a. No commercial, industrial, or institutional accessory use shall constitute a single and separate use from the primary use of the property.

   b. Commercial, industrial, or institutional storage shall comply with storage regulations in accordance with Section 1007.

   c. Accessory buildings used for storage or for any other reason shall be attractively decorated to complement the principal building, or they shall be hidden from view from a street or adjacent property in accordance with Section 1004.

2. Permitted uses. The following accessory uses shall be permitted when incidental and subordinate to a commercial, industrial, or institutional use, in accordance with other applicable regulations of this Chapter, or as specifically permitted as follows:

   a. Off-street parking and loading facilities in accordance with Part 12.

   b. Signs in accordance with Part 13.

   c. Outdoor storage or display in accordance with Section 1007.

   d. Fences or walls in accordance with Section 1003.

   e. Non-residential communication facilities, in accordance with any applicable Township, state, or Federal regulations and in accordance with Section 1114.

   f. Flagpoles.

   g. Cafeteria solely for the use of employees and students of the applicable use, or for official visitors to the use, but not open to the general public.

   h. Day Care, Commercial, shall be permitted as an accessory use for the use of employees and students of the applicable use, or for official visitors to the use, but not open to the general public.

   i. Outdoor dining shall be permitted as an accessory use to a restaurant or similar use in accordance with Section 1115.

   j. Drive-through service shall be permitted as an accessory use to certain specified uses in accordance with Section 1106. Drive through service shall be permitted in all zoning districts except the Village Center District.

E. Religious Uses. The following accessory uses shall be permitted when incidental and subordinate to a religious use:

1. Accessory uses permitted by-right:

   a. Signs in accordance with Part 13.
b. Off-Street parking facilities in accordance with Part 12.

2. The following accessory uses are permitted as secondary or subordinate uses in conjunction with a primary religious use when approved as a conditional use:
   a. Day Care, Commercial, in accordance with Section 1105.
   b. Educational use in accordance with Section 1107.

SECTION 1103  ADULT COMMERCIAL USE

Adult Commercial Uses shall be permitted by Conditional Use in the Industrial Zoning District and shall conform to the following regulations:

A. The following location standards shall be met:
   1. Adult commercial uses shall be located a minimum of one thousand (1,000) feet from another existing adult commercial use.
   2. Adult commercial uses shall be located a minimum of five hundred (500) feet from any residential zoning district, church, school, day care facility, public playground or park, or a residential dwelling.
   3. Required distances shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of the listed uses.

B. Signs and visible messages based on the allowable sign area in accordance with Part 13 shall be permitted, provided:
   1. Sign messages shall be limited to verbal description of materials or services available on the premises.
   2. Sign messages may not include any graphic or pictorial depiction of material or services available on the premises.
   3. Messages which are visible or intended to be visible from outside the property, such as on or within doors or windows, shall not display materials, items, publications, pictures, films or printed material available on the premises.

C. Any building or structure used and occupied as an adult-related use shall have an opaque covering over all windows or doors of any area in which materials, merchandise or film are exhibited or displayed, and no sale materials, merchandise or film shall be visible from outside of the building or structure.

D. No materials or merchandise offered for sale, rent, lease, loan, or for view upon the premises, shall be exhibited or displayed outside a building or structure.

E. Should any adult commercial use cease or discontinue operation for a period of ninety (90) or more consecutive days, it shall not resume, nor may it be replaced by another adult commercial use unless said use complies with all the requirements of this section.

F. Nothing in this Ordinance shall be deemed to allow any uses that are "obscene" as that term has been interpreted from time to time by the courts of the United States or the Commonwealth of Pennsylvania.
SECTION 1104  COMPOSTING FACILITY

Where a composting facility is permitted as the primary use of a property the following regulations shall apply:

A. A conservation management plan approved by the Chester County Conservation District shall be required prior to the approval of a zoning permit for a composting facility.

B. Where mushroom compost is either being created or incorporated into compost a Mushroom Farm Environmental Management Plan approved by the Chester County Conservation District shall be required.

C. Composting areas shall be a minimum of one hundred (100) feet from any lot line.

D. Composting areas shall be screened from adjacent uses at a minimum by a partial vegetative screen in accordance with Section 1004.

SECTION 1105  DAY CARE, COMMERCIAL

A. Approvals and Licensing

1. Operators are responsible for obtaining and complying with all pertinent approval and license requirements from appropriate state, county, and other agencies including but not limited to the Pennsylvania Department of Welfare or Department of Aging, and compliance with applicable building and fire code requirements. The applicant shall have received and hold all pertinent approvals and licenses and shall provide evidence thereof, prior to issuing of a zoning permit by the Township Zoning Officer.

2. A Commercial Day Care permitted in the Village and Industrial District shall not be established within five hundred feet of another Commercial Day Care.

B. A commercial child day care shall be permitted when in accordance with the following standards:

1. Minimum indoor areas and outdoor play area requirements per child shall meet the most current Pennsylvania Department of Public Welfare requirements, and the applicant shall submit proof to the Township, prior to the Township’s issuing of permits, that these requirements have been met. In addition, an outdoor recreation area, where applicable, shall be in accordance with the following:

   a. The outdoor recreation area shall be located to the rear or side of the building.

   b. The outdoor recreation area shall be enclosed by a fence suitable to restrict attendees to the play area and fencing shall be a minimum of five (5) feet in height.

   c. The outdoor recreation area shall not include driveways, parking areas, or any other area unsuited to recreation.

   d. The outdoor recreation shall be on the same lot as the principal structure.

2. Off-street parking and passenger loading and unloading spaces shall be provided in accordance with Part 12 and with Section 1105.D.

C. A commercial adult day care shall be permitted when in accordance with the following standards:
1. Minimum indoor areas and outdoor recreation area requirements shall meet the most current Pennsylvania Department of Public Welfare or Department of Aging requirements, and the applicant shall submit proof to the Township, prior to the Township's issuing of permits, that these requirements have been met. In addition, an outdoor recreation area, where applicable, shall meet the requirements of Section 1105.B.1.

2. Off-street parking and passenger loading and unloading spaces shall be provided in accordance with Part 12 and with Section 1105.D.

D. Parking and Drop-off Areas.

1. Off-street parking shall be provided in accordance with Chapter 12 and shall be so designed to prevent interference with traffic flow on any adjacent roadways. In addition, appropriate areas designed specifically for temporary parking and dropping off of patrons may be provided in addition to and separate from off-street parking spaces, in accordance with this Section. (See Figure 11-2)

2. Drop-off areas shall be designed to eliminate the need for patrons to cross traffic lanes within or adjacent to the site and shall not be provided within parking aisles or lanes.

3. Drop-off areas shall be separate from required off-street parking spaces or aisles and shall be designated and maintained for the discharge and collection of attendees associated with the Day Care use.

4. Drop-off areas shall be marked by appropriate signs and/or pavement markings and/or text.

FIGURE 11-2: Drop-off Area

SECTION 1106 DRIVE-THROUGH SERVICE

A. Where permitted, drive-through service shall be an accessory use in conjunction with any restaurant, bank, drug store or other similar commercial use that provides service to customers who remain in automobiles and are served through an exterior window in the establishment.

B. Drive-through service windows shall have a cartway that has a dedicated area for conducting business, a vehicle stacking lane which can accommodate a minimum of three (3) cars for those waiting to conduct business, and an area for departing vehicles. The stacking lane shall not be used for parking lot circulation aisles or in any way conflict with parking or circulation. The stacking lane shall be separated from parking or interior aisles by a curb and/or median buffer, and shall be clearly marked to distinguish it from other traffic.

C. Access shall be a minimum of forty (40) feet from street intersections. The distance shall be measured from the street right-of-way to the edge of the access driveway.
D. When this use is adjacent to or on the same lot as other commercial establishments, it shall use a common access with the other establishments and not have a separate entrance to the street, otherwise, the drive-through service shall not have a separate access from that of the associated use. (See Figure 11-3)

E. Trash receptacles shall be provided outside in conjunction with drive-through service for patron use located specifically so they may be accessed by persons in automobiles using the drive-through facilities.

F. Devices used to facilitate communication between the establishment and customers shall not be audible on adjacent residential properties, where applicable.

SECTION 1107 EDUCATIONAL USE

A. The minimum lot size for an educational facility shall be two (2) acres.

B. All proposed areas designated for the loading or unloading school buses shall be planned and arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities. (See Figure 11-4 for an example)

C. All property lines adjacent to a residential use shall be adequately be screened and buffered so as to protect the residential use from noise, light, and other disturbances from the educational use in accordance with Section 1004.
SECTION 1108  ELDER COTTAGE HOUSING OPPORTUNITY (ECHO)

A. In addition to the application for a zoning permit for an ECHO housing unit required by Part 14, the application for a zoning permit shall also include information to demonstrate compliance with the regulations in this Section.

B. An ECHO housing unit shall be a temporary dwelling, and shall be an accessory use to a single family detached dwelling and a maximum of one (1) ECHO unit shall be permitted on a lot.

C. The landowner shall enter into an agreement with the Township, approved by the Board of Supervisors, governing the use, occupancy, and removal of the ECHO housing unit and establishing an escrow of sufficient amount to cover the removal of such housing unit.

D. An ECHO housing unit shall not exceed one thousand (1,000) square feet of floor area.

E. Parking for the ECHO unit shall be provided as necessary and specified as a condition for the use.

F. Occupants. An ECHO housing unit shall be occupied by:

1. An elderly, handicapped, dependent, or other disabled individual (defined by the American Disabilities Act) related to an occupant of the associated principal dwelling by blood, marriage, or adoption.
2. The caregiver for any of the above mentioned individuals.
3. Not more than two (2) people.

G. ECHO units shall not be rented or leased.

H. Documentation shall be provided that the proposed method of sewage disposal and water supply comply with the requirements of the permitting authority.

I. If the proposed ECHO housing unit is a mobile home, it shall be placed upon the lot according to foundation, anchoring, and other applicable requirements.

J. Upon proper installation of an ECHO housing unit, the zoning officer shall issue a temporary use and occupancy permit. This permit shall be reviewed on an annual basis from the date it was issued until such time that the unit is removed. A fee, in an amount established by resolution of the Board of Supervisors, shall be paid by the landowner or applicant upon each renewal of the temporary permit.

SECTION 1109  HOME OCCUPATION (NO-IMPACT HOME BASED BUSINESS)

Home occupations shall comply with the following additional standards and shall be permitted by right in all residential districts as an accessory use to a single family detached dwelling.

A. Minor Home Occupation (No-impact home based business).

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.

2. The use shall employ no employees other than the residents of the dwelling.

3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
4. There shall be no exterior indication of a business use, including, but not limited to, parking or lights.

5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical interference, including interference with radio or televisions reception, which is detectable in the neighborhood.

6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

7. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five (25) percent of the habitable floor area.

8. The business may not involve any illegal activity.

9. Signs for Home Occupations shall be in accordance with Part 13.

B. Major Home Occupation.

The following accessory uses may be permitted as a Major Home Occupation/Major Home-Based Business. Major Home Occupations require additional regulations due to their greater potential impact on the area in which they are located. Regulations for Minor Home Occupations in Section 1109.A apply to Major Home Occupations unless explicitly expressed below, in which case, the Major Home Occupation regulation shall apply.

1. General Regulations for Major Home Occupations.

   a. A Major Home Occupation shall be permitted as a conditional use as approved by the Board of Supervisors in accordance with Part 16.

   b. The total area used for a Major Home Occupation shall not exceed twenty five (25) percent of the floor area of the principal residential structure.

   c. No more than two (2) employees, other than residents of the dwelling, may be employed or subcontracted at the Major Home Occupation. Members of the owner’s immediate family who are residents on the premises shall not be considered employees, whether or not paid.

   d. No more than two (2) clients are permitted at the premises at any one (1) given time to conduct business related to the Major Home Occupation unless otherwise provided herein, exclusive of children being cared for as part of a Home Day Care and parents picking up or dropping off children.

   e. Items sold or offered for sale on the premises shall be directly related and secondary to the service being performed as a part of the Major Home Occupation.

   f. Parking.

      1) Where employees or client visits are anticipated, off-street parking shall be provided in sufficient capacity and shall not interfere with the normal traffic patterns in the area or create unsafe conditions due to parking movements or increase in traffic.

      2) Off-street parking shall be in accordance with Part 12, and one (1) additional parking space shall be required for each anticipated employee and client (client will only apply to adults receiving services, not children dropped off for day care) that may be permitted at the premises at any one time.

      3) Parking for the Home Occupation shall be accommodated on the property owner’s driveway and shall not be permitted on a public street, within the road right-of-way, or by parking in the yard of the property.
2. Permitted Major Home Occupations.

   a. Any minor home occupation that does not meet the criteria of Section 1109.A.

   b. Beauty parlors and barber shops, provided that no more than two (2) stylist or barber chairs are provided and all other provisions of this Ordinance are met.

   c. Instructional services, provided that a maximum of two (2) students may be instructed at any one (1) time.

   d. Home Day Care. A major home occupation in which a private residence is used for the care and supervision of more than three (3) children not related to the caregiver. A Home Day Care shall be registered with the Pennsylvania Department of Public Welfare and comply with the Pennsylvania Code.

      1) The applicant shall demonstrate receipt and holding of all pertinent approvals and registration certificates from appropriate state or county agencies by providing copies to the Township prior to the initiation of such use.

      2) Minimum outdoor play areas shall meet the most current pertinent regulations and shall be located to the side or rear of the primary structure. Setbacks for play area shall meet the side and rear yard setback requirements for the applicable zoning district.

      3) There shall be sufficient area in the driveway or approved parking area to accommodate the pick-up and drop-off of children without interference with local traffic and such activity shall not be permitted by patrons parking or stopping on a public street.

   e. Bed and Breakfast. (Accessory use to a single family detached dwelling permitted by Conditional Use in all zoning districts).

      1) The appearance of the building shall not be altered as to detract from its principal purpose as a residential structure, except for purposes of safety in meeting state and Township regulations. Fire escapes, external stairways, or additional external doors shall be located either to the side or rear of the residence.

      2) The number of guest rooms and baths for transient accommodation shall not exceed three (3) each in any building having a floor area of three-thousand (3,000) square feet or less. One (1) additional guest room may be added for each additional six-hundred (600) square feet of floor area up to a maximum total number of six (6) guest rooms. Guest rooms shall not contain cooking facilities. Food served to guests on the premises shall be limited to guests registered at the Bed and Breakfast use.

      3) At a minimum, parking shall be provided as required by the minimum parking regulations of Part 12; provided, however, that one (1) additional parking space shall be available for each guest room and for one (1) employee, if any, on the driveway for the residential use.

      4) No guest may be registered for a maximum continuous period in excess of two (2) consecutive weeks. The owner is encouraged to maintain a guest register and the register and all records shall be made available for inspection by the Zoning Officer upon request.

      5) Any meals provided and any amenities associated with the residence, such as a swimming pool or tennis court, shall be solely for the use of the owner's family and the owner's registered guests.
6) Permits and Conditions.
   a) The proposed use shall be certified by the Chester County Health Department or other regulatory authority having jurisdiction on the basis of an on-site inspection, or required improvements to the sewage system have been completed or are guaranteed.
   b) Upon compliance with all of the requirements of this Section, other applicable codes and regulations, and in accordance with Part 16, the Board of Supervisors may apply a condition that the Zoning Officer shall be authorized to periodically inspect the Bed and Breakfast use for a violation of any condition imposed by the Board of Supervisors, any misrepresentation of fact made to the Board of Supervisors or Zoning Officer in conjunction with the conditional use application, permit, and review process, or violation of this Section or any provision of this Chapter. In the event that the Zoning Officer determines that a violation exists, the conditional use permit shall be revoked and shall not be renewed until the violation is corrected.
   c) Upon non-renewal or revocation of the conditional use permit for cause shown, the use of the premises as a bed and breakfast shall immediately cease, and continuation thereof shall subject the owner to the penalty provisions of this Chapter and/or such other legal action as the Township shall determine necessary.

SECTION 1110  HOSPITAL OR MEDICAL CENTER

A. The minimum lot size for a hospital shall be two (2) acres.

B. Accessory uses within a hospital or medical center shall be limited to: cafeterias, administrative and professional offices, personal care or service establishments, day care facilities, recreational uses, educational uses, and other similar uses, in accordance with applicable Sections of this Part and shall be for the use of employees, admitted patients and their guests, and authorized visitors of the applicable use and not open to the general public. The cumulative gross floor area of all such subordinate uses shall not occupy more than twenty (20) percent of the cumulative gross floor area of all uses within the hospital or medical center.

C. Heliport or helistop facilities may be permitted and shall be in compliance with applicable state and federal regulations.

D. All proposed areas designated for the loading or unloading of emergency response vehicles, buses, and/or other commercial vehicles, shall be planned and arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities.

E. All property lines adjacent to a residential use shall be adequately be screened and buffered so as to protect the residential use from noise, light, and other disturbances from the hospital or medical center in accordance with Section 1004.

SECTION 1111  JUNKYARD

Junkyards are regulated by Part 2 of Chapter 13 of the West Nottingham Code of Ordinances and shall comply with the following regulations:

A. The minimum lot size for a junkyard shall be five (5) acres.

B. All junkyards shall be located a minimum of fifty (50) feet from any lot line or road right-of-way.

C. Where a junkyard is located adjacent to a residential use or residential zoning district, any area devoted to storage of materials shall be setback one-hundred (100) feet from the lot line.
D. The areas between the setback lines determined above and right-of-way lines, streets, and property lines, shall be at all times kept clear and vacant.

E. All junkyards shall apply for and receive an approved license from West Nottingham Township Ordinance 13, Part 2, before beginning operation. All junk kept, stored, or arranged on the licensed premises shall at all times be kept, stored, and arranged within the junkyard as described in the application for an approved license.

F. Junkyards shall be protected and enclosed by continuous barricades or fencing that shall be a minimum of ninety (90) percent opaque or solid, and a minimum of ten (10) feet in height surrounding all areas on a lot used as a junkyard to deny access to the area at unauthorized times or locations.

G. Screening and Landscaping shall be provided in accordance with Section 1004 of this Ordinance.

H. Stormwater Planning.
   1. A stormwater plan shall be submitted as part of any land development plan for a junkyard and the use shall allow reasonable inspection by the Township at any reasonable time.
   2. The stormwater plan and the drainage facilities of the premises shall be such as to prevent the accumulation of stagnant water on the site.

I. Junkyards shall comply with all other applicable Township, State, or Federal regulations and shall provide proof of compliance upon request of the Zoning Officer. Examples include Environmental Protection Agency (EPA), the Solid Waste Management Act, the Clean Streams Law, in terms of water runoff, and storage and/or disposal of hazardous materials.

SECTION 1112 KENNEL

A. The minimum lot size for a kennel shall be two (2) acres.

B. All principal and accessory uses associated with a kennel shall be located a minimum of one hundred (100) feet from all property lines.

C. Outdoor runs or common exterior areas may be permitted for animals being cared for at a kennel, subject to the following:
   1. The outdoor runs are conducted between the hours of 7:00 a.m. and 9:00 p.m.
   2. The outdoor runs are constructed within a defined external area, which is completely enclosed by appropriate fencing in accordance with the 2008 Pennsylvania State Dog Law and any other applicable requirements.
   3. The location of the outdoor runs shall be located a minimum of one hundred (100) feet from all property lines and shall be located in the rear yard of the property on which they are located.

D. If an incineration device is proposed to be installed on a property, the applicant shall provide written approval and all required licenses from the governmental agency having jurisdiction, in addition to any reasonable conditions approved by the Board of Supervisors.

E. The storage of any animal waste shall be regularly disposed of by discharge to an approved sewage disposal system or facility for biological wastes. Any temporary storage of animal or biological waste shall be within a building, within enclosed containers, pending removal to or disposal at an approved facility. A plan for management of such wastes shall be submitted for review as part of the zoning permit for a kennel.
F. Retail sales of items commonly found in connection with such uses, if any, shall be limited to a maximum floor area of one thousand (1,000) square feet.

G. The operator of a kennel shall comply with all pertinent provisions relating to noise, disturbance, odors, or other nuisances as defined in this Chapter or the Township code, in addition to complying with the 2008 Pennsylvania State Dog Law and all other applicable regulations.

SECTION 1113  LONG TERM CARE FACILITY

A. The parcel or tract of land on which the use is located shall be in single ownership and shall be operated by the owner or a qualified independent management or other organization.

B. Where there is more than one (1) building constructed as part of a long term care facility, the location, design and layout of buildings containing dwelling units shall be so designed to ensure open space between buildings and privacy between dwelling units.

C. A long term care facility may provide individual or multi-tenant dwelling units in a variety of forms in accordance with the following:
   1. All long term care facilities where multi-tenant rooms are incorporated as a part of a primary facility, particularly for skilled nursing facilities, shall have a density approved by the Township as part of the conditional use approval in addition to proof of adequate water and sewer facilities.
   2. Individual or multi-tenant living quarters for residents may be incorporated into a multi-use building (including residence in addition to other permitted uses in this Section), however, living quarters shall be located in distinct areas separated from other uses to provide safety and privacy for residents.
   3. Where separate buildings are constructed for multi-tenant resident housing, the applicable provisions for multi-family residential dwellings in Part 6 shall apply. Such units shall not be subdivided on individual parcels but shall remain part of the parcel or tract on which the long term care facility is located.
   4. Where individual single family attached or detached units are constructed as a part of a long term care facility, the applicable provisions for such units in Part 6 shall apply, except that such units shall not be subdivided into individual parcels but shall remain part of the parcel or tract on which the long term care facility is located.

D. Accessory Uses. The following accessory support uses shall be permitted for any long term care facility, only when specifically for the use of the residents, residents’ guests, or employees of the facility:
   1. Indoor and outdoor recreational facilities including but not limited to auditoriums, activity rooms, craft rooms, libraries, lounges, walking trails, tennis courts, pools, sitting area, picnic areas, and pavilions or shelters.
   2. Kitchen and dining facilities.
   3. Office and retail service facilities that serve the facility, including, but not limited to: pharmacy, medical offices or treatment centers, gift shop, coffee shop, bank, beauty shop, and barber shop.
   4. Commercial Adult Day Care Center.
5. Commercial Child Day Care for the use of employees, residents, or family of residents of the associated use.

E. Long term care facilities are explicitly prohibited within floodplain areas in accordance with the Flood Hazard regulations in Section 903 of this Ordinance.

SECTION 1114 NON-RESIDENTIAL COMMUNICATION FACILITY

A. Purpose. To ensure that legitimate demands for non-residential communication facilities are met without the unsightly intrusion of an unlimited number of facilities in West Nottingham Township.

B. Applicability. Subject to the requirements of this Section, communication facilities shall be permitted by conditional use where specified in the individual zoning districts.

C. Siting Criteria. Communication facilities shall be located in accordance with the following siting criteria:

1. Communication facilities are prohibited in the following districts or designated areas:
   a. Flood Hazard District.
   b. Nottingham County Park.

2. The communication facility may be located on a separate parcel. Additional towers or antennae can be co-located on an existing parcel containing a communication facility under a lease arrangement with the owner.

3. The communication facility shall be the only use on the parcel, except in the following cases: where the primary use of the parcel is an agricultural use or the proposed antennae will be mounted on an existing architectural structure, such as a church steeple, smokestack, silo, or water tower.
   a) To qualify for the agricultural use exception, the owner shall enter into a lease agreement with the communication facility applicant to use a portion of the parcel for the installation of the communication facility. Said portion of the owner's parcel shall meet the area and bulk standards set forth in Section 1114.F. Further, the owner shall sign a declaration of covenants and restrictions, in form acceptable for recording, affirming that the remainder of the parcel will be used solely for agricultural purposes until such time as the communication facility is no longer present upon the property. The applicant shall record said declaration immediately upon receiving conditional use approval.
   b) To qualify for the mounting on an existing architectural structure exception, the owner shall lease a portion of the structure to the applicant. The antennae shall be mounted on the structure, preferably so that it is hidden from view.

D. Requirement of Subdivision and/or Land Development Application. Before issuance of any permits listed in Section 1114.E, below, the applicant shall submit an application for subdivision and/or land development, as applicable.

E. Requirement of Permits. Building, and occupancy and use, permits shall be required in accordance with Part 14, Administration and Enforcement and Section 1114.G.7. Issuance of a building permit includes zoning approval and a zoning permit. If access is required onto a Township or Pennsylvania state road, a road occupancy permit shall be secured from the appropriate agency as part of securing building permit.

F. Area and Bulk Standards.
1. The following area and bulk regulations shall apply for all communication facility sites, except those facilities where the antenna(e) is mounted on an existing structure and the related operating equipment is mounted inside the existing structure. The area and bulk standards listed below override the area and bulk standards listed in the individual zoning districts where the communication facility can be located.

   a. Minimum lot area:
      1) Single use parcel: Two (2) acres
      2) Single use easement: The minimum area required to satisfy the remainder of this Section.

   b. Minimum lot width: Two hundred (200) percent of the tower and antennae height combined.

   c. Minimum front, side and rear yards for the tower or antenna to be the largest of the following:

   d. Accessory use setback: 25 feet

   e. Maximum building height: 35 feet


2. Since the Township seeks to encourage the placement of multiple antennae on any one (1) tower or any one site, there is no limit to number of same which may be placed on any site, subject the Area and Bulk Regulations contained herein.

3. If there is one (1) communication tower or antenna placed upon one (1) site, it shall be sited so that it shall not fall onto an adjacent property.

4. If there are two (2) or more communication towers or antennae placed upon one (1) site, the applicant may place each communication tower at the most convenient place for the applicant, provided that the following conditions are met:

   a. None of the communication towers or antennae shall fall onto an adjacent property.

   b. The outermost communication tower or antennae in a grouping of two (2) or more shall be sited such that it shall not fall onto an adjacent property.

   c. The tallest communication tower or antenna in a grouping of two (2) or more shall be sited such that it shall not fall onto an adjacent property.

   d. If a communication tower is designed to collapse upon itself or inward or similarly, in the event of a failure, and this design mode affects the location on the site, see Section 1114.G.3, below, and other applicable building code requirements.

5. All communication towers and antennae shall be sited so that they cannot fall into any dwelling unit or any overhead utility lines.

G. Standards and Regulations.

1. Style and Visual impact.
a. All communication towers and antennae shall be finished so as to reduce the visual impact as much as possible, with respect to the surrounding areas.

b. Reduction of visual impact may be accomplished in many ways. The applicant is encouraged to be creative in their use of visual impact reduction methods.

2. Height Limitation. The maximum height of any communication tower and antennae shall be two hundred (200) feet, unless the Board of Supervisors approves a conditional use which allows a tower to exceed two hundred (200) feet in accordance with Part 16 and Section 1606.


   a. The construction plans for all communication towers and antennae, including tower structure and foundation construction shall be sealed by a Pennsylvania registered structural engineer.

   b. If a proposed communication tower or towers is planned to collapse upon itself or inwardly or similar, in the event of a failure, a structural report shall be submitted for each tower design and each design report shall be sealed by a Pennsylvania registered structural engineer.

   c. The construction plans for the communication towers and antennae and principal or accessory buildings shall meet the requirements of the current building codes.

   d. The construction plans for the communication facilities shall meet the requirements of the National Electric Code, National Plumbing Code and any other State of Pennsylvania regulations.

   e. All communication towers and antennae over thirty-five (35) feet in height shall meet American National Standards Institute (ANSI)/Electrical Industry Association (EIA)/Telecommunications Industry Association (TIA-222E) tower specification requirements or its latest revision. Due to local weather conditions, the communication tower and/or antenna shall be built to withstand the following loads:

      1) One hundred (100) miles per hour (mph) sustained winds with a uniform loading of fifty (50) pounds.

      2) Short duration gusts of up to one hundred fifty (150) miles per hour (mph).

      3) ANSI/EIA/ITA-222E ice-loading requirements for the region in which the Township is located.


   a. A fence shall be placed around the perimeter of the communication facility area.

   b. The fence shall be chain link, eight (8) feet minimum height fabric with two (2) strands of barbed wire on top.

   c. The access gate shall be securely locked.

   d. The communication tower or antenna shall be secured by some method to prevent climbing by non-authorized persons.

5. Signal Interference.
The communication tower or antenna shall conform to the requirements of the Federal Communication Commission (FCC) with regard to signal interference from the tower affecting other electrical and electronic devices in the surrounding areas.


   a. The communication tower or antenna shall be lit per the requirements of the Federal Aviation Administration (FAA).

   b. The FAA required lights shall be positioned and/or screened so that they can not throw light below the plane in which they are installed.

7. Operating Permit and Renewal Permits Required.

   a. Prior to beginning any signal collection and/or transmission, the communication facility owner shall secure an operating permit from the Township. The operating permit is separate, distinct and in addition to the permits required under Section 1114.E. The operating permit shall be issued for a period of two (2) years, and completed applications for two (2) year renewal permits shall be submitted prior to the current operating permit expiration date. No operating or renewal permit will be issued by the Township unless the application for same includes the following:

   1) Results of a satisfactory inspection of the communication tower, antenna and foundation as conducted and reported by a Pennsylvania registered structural engineer. The inspection shall have been conducted within the three (3) month period preceding the application.

   2) Certificate of general liability insurance coverage of at least one million (1,000,000) dollars covering the entire communication facility. Said certificate shall cover the two (2) year period or current certificate shall be supplied to the Township annually. Each such certificate of insurance shall contain the notation that coverage shall not be canceled or reduced absent thirty (30) days prior written notice to the Township.

   3) Copy of a valid license from the Federal Communication Commission (FCC).

   4) For renewals only, the applicant’s verification that the communication facility was in use (or will have been in use by the expiration date of the current permit) for at least eighteen (18) consecutive months of the preceding two (2) year period.

   5) The operating permit or renewal fee as contained in the Township’s fee resolution.

   b. Operating permits will be revoked by the Township during the permit period in the following instances:

   1) Unsatisfactory results of any safety inspection of the communication facility.

   2) Failure to maintain the required insurance coverage or failure to provide proof thereof to the Township.

   3) Failure to maintain a valid FCC license during the permit period.

   4) Abandonment of the communication facility or non-use of the facility (after start-up) for its primary purpose for six (6) months or longer.

   6) If the communication facility is sold to a new owner, the new owner shall secure a new operating permit and use and occupancy permit, prior to beginning signal transmission under the new ownership.

   a. Within six (6) months of any one (1) of the following occurrences, the facility owner, at its sole cost and expense, shall remove or demolish and remove all structures, appurtenances and antennae from the communication facility:

      1) The Township’s denial or revocation of an operating permit or renewal permit.

      2) Abandonment of operation of the primary use of the communication facility.

      3) The non-use of the facility (after start-up) for its primary purpose for six (6) months or longer.

   b. In addition to the remedy set forth in Section 1114.G.7 and Section 1114.G.8, the Township may enforce these requirements in an action at law or in equity and/or may proceed by enforcement procedures and remedies set forth in Part 14, Administration and Enforcement.

9. General Requirements and Adherence to other Township Ordinances.

   Any other applicable Chapters of the West Nottingham Township Codes of Ordinances shall be adhered to the applicant.

SECTION 1115 OUTDOOR DINING

A. Outdoor dining shall be permitted to operate between the hours of 7am and 11pm.

B. Furnishings. (See Figure 11-5)

   1. All tables, chairs, umbrellas, and other furnishings shall be temporary in nature so as to be easily moved or removed during winter months when outdoor dining is not in operation, severe weather, for emergency purposes, or other occurrence as warranted by the Township. However, all furnishing shall be weighted or of a substantial nature so as not to be blown off the property by strong winds and to ensure the safety and convenience of patrons.

   2. The perimeter of the outdoor café area may be delineated by nonpermanent fixtures such as railings, fencing, potted plants, and other similar approved fixtures.

   3. Permanent fencing or buffers may be permitted where they are not located on a public sidewalk.

   4. Railings, fences, planters, and other enclosures shall not be greater than forty-two (42) inches in height and shall be anchored, weighted, connected, or constructed so as to prevent them from being easily moved.

   5. Any seating area where alcoholic beverages are sold or consumed shall be enclosed by a border and shall be supervised by employees of the establishment. No alcoholic beverages may be removed from the outdoor café, except to the interior of the associated use.

C. A minimum pedestrian walkway of four (4) feet clear shall be maintained if table service is provided on a public sidewalk and no furnishing shall obstruct any fire exit, fire escape, or other required means of ingress and egress.

D. Where outdoor dining areas are permitted for use for patrons aside from table service and clearing by employees, trash receptacles shall be required and shall be kept covered and clean at all times.

E. This use shall not be located on or extend into a public street or parking area.
F. There shall be no advertising in conjunction with the outdoor dining area aside from the approved signs for the associated use in accordance with Part 13.

G. The owner of the associated restaurant or other use is responsible for keeping the outdoor dining area clean and free of trash and debris.

H. Outdoor dining areas shall be associated with a principal use of a restaurant or other similar use and shall be located abutting that building in which the principal use is located, and shall be located on the same lot as the principal use.

I. Outdoor dining areas shall be separated from parking areas or traffic flow areas by fencing or buffering and shall be a minimum of four (4) feet from any street or parking area.

J. The owner shall maintain the outdoor dining area in accordance with all Township ordinances, and state and federal laws, as well as other applicable rules and regulations including but not limited to the Chester County Health Department.

SECTION 1116 SELF STORAGE FACILITY (COMMERCIAL STORAGE UNITS)

A. Storage facilities shall comply with all yard regulations of the District in which they are located and comply with Screening and Landscaping in Section 1004.

B. Aisle Widths.

   1. One Way. The minimum aisle width between buildings shall be twenty (20) feet when building fronts are on one-way internal streets.

   2. Two-way. The minimum aisle width between buildings shall be thirty (30) feet when building fronts on two-way internal streets.

C. The use shall be subject to review by Township police and fire officials regarding security and fire protection.

D. Storage of explosive, radioactive, toxic, highly flammable, or otherwise hazardous materials shall be prohibited.

E. All storage shall be within closed buildings built on a permanent foundation of durable materials. Trailers, box cars or similar temporary or movable structures or vehicles shall not be used for storage.
F. Outdoor storage of automobiles, boats, and recreational vehicles shall comply with the following requirements:

1. Outdoor storage of automobiles, boats, and recreation vehicles is permitted provided they are screened so as not to be visible from adjacent uses.

2. A maximum of fifty (50) percent of the total site area may be used for such outdoor storage.

3. Stored vehicles shall not interfere with traffic movement through the complex.

G. The storage facilities complex shall be surrounded by a continuous fence a minimum of eight (8) feet in height.

H. The entrance shall be a minimum of twenty (20) feet in width that shall be unobstructed by vehicles or equipment and be composed of an automated or locked gate that restricts access only to the owner or persons renting or leasing units in the facility.

I. The storage of partially dismantled, wrecked and/or inoperative vehicles shall not be permitted.

J. Self-storage facilities shall be expressly used for the storage of property, all other uses or activities are prohibited, including, but not limited to: auctions, commercial wholesale or retail sales, garage sales, servicing, fabrication, or repair of vehicles, equipment, boats, or trailers, or the operation of power tools.

K. The office and/or administration buildings associated with the use shall be subordinate to the storage operation and shall not be used to house any other use aside from the administration or operation of the storage use. The maximum size of the office building shall be ten (10) percent of the lot area.

L. The minimum off-street parking requirements shall be one (1) space per two thousand (2,000) square feet of buildings dedicated to self-storage, in addition to parking for the office, if applicable.

SECTION 1117 STABLE

A. The minimum lot size shall be four (4) acres.

B. No facility including rings, jumping or show areas shall be closer than fifty (50) feet to the street line or the lot line of an adjacent existing residential use or zoning district, and thirty (30) feet to other property lines.

C. The entire periphery of all grazing areas shall be enclosed by a well-maintained fence.

D. In the event a bridle path crosses a road, the property owner shall be responsible for posting a sign indicating such use, in compliance with applicable procedure and regulations for road signs in Part 13 and Pennsylvania Department of Transportation requirements.

E. Erosion and sedimentation control shall be in accordance with the Subdivision and Land Development Ordinance, the Chester County Conservation District, and other applicable state and federal laws shall apply.

SECTION 1118 TIMBER HARVESTING OPERATION/FORESTRY

A. When a timber harvesting/forestry operation requires approval by the Chester County Conservation District or any other State or Federal Agency (i.e.: PADEP, Army Corps of Engineers), a copy of the approved plan, proof of applicable agency approval, and any required
accompanying materials shall be submitted to the Township. Township approval of these materials is not required; however the Township may coordinate enforcement of approved operations with the appropriate agency.

B. When required by Section 1118.A, above, such plan shall be submitted to the Township prior to the initiation of the approved timber harvesting/forestry activity.

SECTION 1119 VETERINARY CLINIC OR ANIMAL HOSPITAL

A. General Regulations.

1. The operator of the veterinary clinic shall provide proof of all requisite permits, licenses, and certification to perform medical procedures and for the care and keeping of animals. Sanitary conditions in conformance with appropriate health authorities shall be maintained at all times.

2. If an incineration device is proposed to be installed on the property, it shall be approved by conditional use and the applicant shall prove written approval and all required licenses from the governmental agency having jurisdiction, and subject to reasonable conditions of the Board of Supervisors.

3. The storage of any animal waste shall be regularly disposed of by discharge to an approved sewage disposal system, facility for biological wastes, or removed from the site in accordance with applicable regulations and requirements. Any temporary storage of animal or biological waste shall be in accordance with applicable regulations and approved through a waste management plan. The plan for management of such waste shall be submitted for municipal review as part of the plan submission for such use, and shall be approved by applicable agencies, including but not limited to the Chester County Health Department.

4. Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be airtight, vermin proof and have adequate storage capacity to accommodate the projected volumes of solid waste. Such storage area shall be permitted only in the rear yard and shall not be less than fifty (50) feet from a lot line.

5. A Veterinary Clinic or Animal Hospital for Small Animals or Domestic Pets shall be permitted as part the same facility where a Veterinary Clinic or Animal Hospital for Large Animals is the primary or permitted use, however the inverse shall not be permitted.

B. Veterinary Clinic or Animal Hospital for Large Animals.

1. Animal boarding buildings that are not completely enclosed, and outdoor animal pens, stalls, or runways shall be located within the rear yard, and shall be a minimum of twenty (20) feet from all lot lines.

2. Outdoor pasture areas shall be enclosed to prevent the escape of the animals. Such enclosures shall be set back a minimum of ten (10) feet from all lot lines.

3. The sale of related products shall remain accessory to the veterinary clinic and shall occupy no more than ten (10) percent of the floor area of the principal building.

C. Veterinary Clinic or Animal Hospital for Small Animals.

1. The use shall be adequately soundproofed so that the sounds generated by the animals being cared for are not discernable from lot lines.

2. Animal boarding facilities shall be contained within an enclosed structure.

3. Outdoor Runs.
a. Outdoor runs or recreation areas shall be located within the rear yard.
b. Outdoor runs shall be constructed within a defined external area in accordance with applicable state and federal regulations and as approved for the particular use in question. 
c. Outdoor runs shall be not less than fifty (50) feet from any lot line. 
d. The use of outdoor runs shall be conducted between 7am and 9pm. 

4. All outdoor exercise areas shall be enclosed to prevent the escape of the animals in accordance with applicable state and federal regulations; all such enclosures shall be set back a minimum of ten (10) feet from all lot lines.

5. The sale of related products shall remain accessory to the veterinary clinic and shall occupy no more than fifteen (15) percent of the floor area of the principal building.
PART 12  OFF STREET PARKING AND LOADING

SECTION 1201 PURPOSE AND APPLICABILITY

A. Purpose.
   1. Establish regulations for the layout, location, delineation, access to, and amount of off-street parking for permitted uses in the Township.
   2. Provide adequate parking facilities for all permitted structures and uses.
   3. Reduce traffic congestion and promote the allocation of parking spaces to increase public safety and convenience.

B. Applicability.
   1. The provisions of this Part represent regulations and standards which are common to all zoning districts with the exception of specific provisions established for the Village Zoning District within Section 1206 that apply solely to that district.
   2. Unless exempted by applicable provisions or specified limitations, the following standards shall apply to all permitted uses within the Township.
   3. In the event that the provisions of this Part conflict with other provisions of this Chapter, the more restrictive provisions shall apply.

SECTION 1202 GENERAL REGULATIONS

A. Off-street parking provisions shall be required in accordance with this Part and shall apply whenever:
   a. A building or structure is constructed.
   b. A new use is established.
   c. An existing building, structure, or use is altered so as to change the amount of parking space required.

B. Required off-street parking facilities are permitted as accessory uses to permitted principal uses listed herein and shall be solely for the parking of motor vehicles of residents, patrons, occupants, guests, and/or employees. No motor vehicle repair work, service, storage, or sales of any kind, except emergency service shall be permitted in parking lots shall be permitted except as specifically permitted by another section of this Chapter.

C. In no case shall any portion of a street be utilized in complying with the parking requirements of this Part, except as may permitted in the Village District in accordance with Part 6, Section 1205, and other applicable Township Codes and regulations.

D. Access driveways, aisles, and parking spaces shall be constructed of all-weather durable surface approved by the Township engineer.

E. Required parking facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve.

F. Off-street parking facilities shall not be reduced in extent unless such reduction is in conformity with the provisions of this Part.
G. Parking areas and related facilities shall be maintained and replaced as may be necessary from time to time to provide for safe and convenient use, as determined by the Township Engineer.

SECTION 1203 NON RESIDENTIAL OFF STREET PARKING REQUIREMENTS

A. Uses not specifically listed in Section 1203.I shall comply with the requirements for the most similar use listed in Section 1203.I as determined by the Township. See Section 1204 for Residential Off-Street parking requirements.

B. Where the computation of required parking spaces results in a fractional number, the parking requirement shall be rounded up to the next whole number.

C. Multiple Uses on a Lot.
   1. Where a proposed building or use contains or includes more than one (1) type of use, the number of parking spaces required shall be the sum of the parking requirements for each separate use unless otherwise provided in this Part or other Township regulation.
   2. If an accessory use is maintained or operated in connection with a principal use, such as a restaurant within a hotel, the off-street parking requirements for the accessory use shall be in addition to those for the principal use, however the parking requirements for the accessory use may be reduced by a maximum of forty (40) percent through conditional use approval.

D. Required parking spaces for individual businesses shall not be double counted by more than one business use, unless specifically permitted within the Village District in Section 1206.

E. Required off-street loading areas shall not be used to satisfy off-street parking requirements nor shall any parking space be used for any use that interferes with its availability as a parking space, unless otherwise specifically permitted by this Part.

F. Handicapped parking spaces shall be provided in accordance with the provisions of the Americans with Disabilities Act.

G. Parking Maximum. No required parking facility shall exceed one hundred twenty five (125) percent of the minimum requirements of this Part, unless approved by conditional use and the applicant can demonstrate through the use of empirical data from other similar built projects and/or studies that a greater number of parking spaces is necessary to adequately serve the proposed use(s), or otherwise provided by this Part.

H. Calculations for required parking shall be based upon gross floor area (GFA) of the structure and/or land area dedicated to the specific use, in addition to other criteria as specified in Section 1203.I.

I. The number of required spaces shall be determined by the requirements in the following table and by applying the following formula and/or additional criteria to the appropriate use - (expressed as X spaces/1,000 square feet GFA (gross floor area)): 
<table>
<thead>
<tr>
<th>USE</th>
<th>ZONING DISTRICT</th>
<th>PARKING REQUIREMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>COMMERCIAL/BUSINESS/PROFESSIONAL:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult Commercial Use</td>
<td>I</td>
<td>4/1,000</td>
</tr>
<tr>
<td>Automotive Sales and Service</td>
<td>VCOM, I</td>
<td>4/1,000 plus 2 spaces per service bay where applicable</td>
</tr>
<tr>
<td>Bank or Financial Institution</td>
<td>VCOM, VCTR, I</td>
<td>6/1,000</td>
</tr>
<tr>
<td>Bed and Breakfast (Accessory use to a Single Family Detached Dwelling)</td>
<td>R-1, R-2, VCTR, VR, I</td>
<td>1 space per rentable unit/room in addition to required residential parking</td>
</tr>
<tr>
<td>Business or Professional Office</td>
<td>VCOM, VCTR, I</td>
<td>4/1,000</td>
</tr>
<tr>
<td>Car Wash</td>
<td>VCOM, I</td>
<td>3 stacking spaces per bay</td>
</tr>
<tr>
<td>Commercial Day Care</td>
<td>VCOM, VCTR, VR</td>
<td>4/1000</td>
</tr>
<tr>
<td>Contractors Office</td>
<td>VCOM, VCTR, I</td>
<td>4/1,000</td>
</tr>
<tr>
<td>Convenience Store</td>
<td>VCOM, VCTR, I</td>
<td>10/1,000</td>
</tr>
<tr>
<td>Farm Equipment Sales and Service</td>
<td>R-1, I</td>
<td>4/1,000 plus 2 spaces per service bay where applicable</td>
</tr>
<tr>
<td>Farm Supply Outlet</td>
<td>I</td>
<td>4/1,000</td>
</tr>
<tr>
<td>Funeral Home</td>
<td>VCOM, VCTR, I</td>
<td>10/1,000</td>
</tr>
<tr>
<td>Gasoline Service Stations</td>
<td>VCOM, VCTR, I</td>
<td>5/1,000 GFA for sales/service, plus 2 spaces per service bay, plus 1 space and 2 stacking spaces per gas pump</td>
</tr>
<tr>
<td>Grocery Store</td>
<td>VCOM, VCTR, I</td>
<td>4/1,000</td>
</tr>
<tr>
<td>Home Occupation (Home-Based Business)</td>
<td>R-1, R-2, VCTR, VR, I</td>
<td>See residential standards and Section 1109</td>
</tr>
<tr>
<td>Hotel, Inn, or Motel</td>
<td>VCOM, VCTR, I</td>
<td>5/1,000 devoted to office, meeting rooms, lobby, etc., plus 1 space per unit for rent</td>
</tr>
<tr>
<td>Indoor or Outdoor Recreation Use</td>
<td>VCOM, VCTR</td>
<td>6/1,100 or 1 space for every 3 persons of the maximum legal occupancy capacity as established by the fire marshal or other official mechanism, which ever is greater</td>
</tr>
<tr>
<td>Kennel</td>
<td>R-1</td>
<td>3/1,000</td>
</tr>
<tr>
<td>Mechanics Garage</td>
<td>VCOM, VCTR, I</td>
<td>3/1,000</td>
</tr>
<tr>
<td>Personal Service Shop</td>
<td>VCOM, VCTR, I</td>
<td>4/1,000</td>
</tr>
<tr>
<td>Restaurant</td>
<td>VCOM, VCTR, I</td>
<td>10/1,000 or 1 space per 3 seats, whichever is greater</td>
</tr>
<tr>
<td>Restaurant, Fast Food</td>
<td>VCOM, VCTR, I</td>
<td>15/1,000 or 1 space per 2 seats whichever is greater</td>
</tr>
<tr>
<td>Retail Store</td>
<td>VCOM, VCTR, I</td>
<td>4/1,000</td>
</tr>
<tr>
<td>Theater</td>
<td>VCOM, VCTR, I</td>
<td>1 space per 3 seats, plus 5/1,000 in foyer/customer service area</td>
</tr>
<tr>
<td>Veterinary Clinic or Animal Hospital</td>
<td>VCOM, VCTR, I</td>
<td>4/1,000</td>
</tr>
<tr>
<td>Wholesale Establishment</td>
<td>I</td>
<td>4/1,000</td>
</tr>
<tr>
<td><strong>AGRICULTURE/CONSERVATION/RECREATION:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial Greenhouse (wholesale)</td>
<td>R-1, R-2, I</td>
<td>4/1,000 devoted to office and sales/customer sales or service</td>
</tr>
<tr>
<td>Agricultural Uses</td>
<td>All Districts</td>
<td>See Section 1102</td>
</tr>
<tr>
<td>Open Space Preserve</td>
<td>R-1</td>
<td>1 space per 4 visitors estimated peak service</td>
</tr>
</tbody>
</table>
### West Nottingham Township Zoning Ordinance

#### Part 12 - Off-Street Parking and Loading

<table>
<thead>
<tr>
<th>Recreational Use / Active (skating rink, swimming pool, recreation center)</th>
<th>4/1,000 for administrative office, plus 1 space per 3 persons of the maximum legal occupancy capacity as established by the fire marshal or other official mechanism</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civic Space</td>
<td>VCOM, VCTR 1 space per 4 visitors estimated peak service</td>
</tr>
<tr>
<td>Secondary Farm Business</td>
<td>ALL See Section 1102</td>
</tr>
<tr>
<td>Stable</td>
<td>R-1 1 space per stall</td>
</tr>
</tbody>
</table>

**INDUSTRIAL:**

<table>
<thead>
<tr>
<th>Composting Facility</th>
<th>R-1, R-2, I 4/1,000 devoted to offices, plus 1/1,000 of additional area devoted to composting operations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Junk Yard</td>
<td>I 4/1,000 for any structure on site</td>
</tr>
<tr>
<td>Laboratory</td>
<td>I 4/1,000 devoted to office or research area, plus 1/1,000 additional area for manufacturing, storage, etc.</td>
</tr>
<tr>
<td>Light Manufacturing</td>
<td>I 4/1,000 devoted to office, plus 1/1,000 for additional area for manufacturing, storage, etc.</td>
</tr>
<tr>
<td>Printing or Publishing Establishment</td>
<td>I 4/1,000 devoted to office, 1/1,000 additional area for storage, etc.</td>
</tr>
<tr>
<td>Quarry</td>
<td>I 4/1,000 for any structure on site</td>
</tr>
<tr>
<td>Sanitary Landfill</td>
<td>I 4/1,000 for any structure on site</td>
</tr>
<tr>
<td>Storage or Warehousing facility</td>
<td>I 4/1,000 devoted to sales or office, plus 1/1,000 for any additional area for storage, packing, etc.</td>
</tr>
<tr>
<td>Self Storage Facility</td>
<td>I 2/1,000 devoted to office, plus 1 space per 15 storage units or 1/3,000 of storage, whichever is greater</td>
</tr>
<tr>
<td>Truck Freight Terminal</td>
<td>I 5/1,000</td>
</tr>
</tbody>
</table>

**INSTITUTIONAL:**

<table>
<thead>
<tr>
<th>Cemetery</th>
<th>R-1, R-2 10/1,000 where structures are present for services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Long Term Care Facility</td>
<td>R-1, R-2, VCOM, VCTR, I 2 spaces per administrative office, plus 1 space per room for residents, plus 1 space per residential dwelling unit where applicable</td>
</tr>
<tr>
<td>Club or Fraternal Institution</td>
<td>R-2 5/1,000</td>
</tr>
<tr>
<td>Educational Use (Private/Commercial)</td>
<td>R-1, R-2, I 4/1,000 for administrative offices, plus 1 space per classroom, plus 1 space for every 3 persons of the maximum legal occupancy capacity as established by the fire marshal or other official mechanism</td>
</tr>
<tr>
<td>Educational Use (Public)</td>
<td>R-1, R-2, I 4/1,000 for administrative offices, plus 1 space per classroom, plus 1 space for every 4 persons of the maximum legal occupancy capacity as established by the fire marshal or other official mechanism</td>
</tr>
<tr>
<td>Fire Station / EMS</td>
<td>ALL 4/1,000 exclusive of space devoted for storage of vehicles and equipment</td>
</tr>
<tr>
<td>Hospital or Medical Center</td>
<td>I</td>
</tr>
<tr>
<td>----------------------------</td>
<td>---</td>
</tr>
<tr>
<td>Library</td>
<td>VCOM, VCTR</td>
</tr>
<tr>
<td>Post Office / Clinic</td>
<td>VCOM, VCTR, I</td>
</tr>
<tr>
<td>Municipal Use</td>
<td>ALL</td>
</tr>
<tr>
<td>Religious Use</td>
<td>R-1, R-2, VCOM, VCTR, I</td>
</tr>
<tr>
<td>Public Utility Office</td>
<td>R-2, VCOM, VCTR, I</td>
</tr>
</tbody>
</table>

J. Reserve Parking.

1. The Board of Supervisors may permit up to a twenty (20) percent reduction in the number of parking spaces required in Section 1203.I provided that a reserved parking area that can accommodate such future parking is set aside in accordance with the provisions herein.

2. The location of the initial phase of parking and the area set aside for reserved parking shall be clearly indicated on a Land Development Plan in accordance with the Subdivision and Land Development Ordinance. The reserved parking area shall be clearly noted on the plan for possible future use.

3. The reserved parking area shall not include areas for required yards, setbacks, or areas which would otherwise be unsuitable for parking spaces due to the physical characteristics of the land or other requirements of this Chapter, such as natural resources protected by Part 9. Required landscaping for the parking area shall not interfere with the potential future use of the reserved parking area. The applicant shall provide a landscaping plan for the reserved area as part of the Land Development Plan submission.

4. The developer shall enter into a written agreement with the Board of Supervisors that, within five (5) years following the issuance of the last Occupancy Permit, additional parking spaces reserved for future use shall be provided at the landowner’s expense should it be determined by the Board of Supervisors that the full parking space requirement, or portion thereof, is necessary to satisfy the need of the use(s).

5. The applicant shall demonstrate through the use of empirical data from other similar built projects and/or studies that a lesser standard can adequately serve the proposed use(s) to the satisfaction of the Township, or the applicant may pay an agreed upon fee to the Township for a study to be completed to determine an appropriate standard. In any event, the Township shall hold in escrow the monetary value of the parking spaces not built, and the Land Development Plan shall include calculations for the potential impervious surface area for the potential addition of the reserved parking. If the use is determined to be adequately serviced by the parking provided in accordance with Section 1203.J.4, above, the escrow funds shall be released. If the provided parking is determined as inadequate, then the escrow funds shall be used to construct the required parking.

SECTION 1204 RESIDENTIAL PARKING REQUIREMENTS

Except as provided for otherwise in this Part, the following standards shall apply to all residential uses:

A. A minimum of two (2) parking spaces shall be provided for each unit of a Single-family Detached Dwelling and Two-family Dwelling.
B. Dwellings may utilize driveways and parking pads for required parking spaces, provided that sufficient spaces are available in such driveways and parking pads to meet the requirements of this Part.

C. No attached or detached garage accessory to an individual dwelling unit shall be used to meet the off street parking requirements of this Part, except as may be permitted within the Village Zoning District subject to the approval of the Board of Supervisors.

D. Parking spaces for residential dwellings shall be separated and set back from the right of way of any road a minimum of ten (10) feet.

E. Parking spaces shall have an all weather surface approved by the Township Engineer and shall have a safe and convenient street access in all seasons.

F. Live-Work Units and Residential Units above principle non-residential uses in the Village District, where permitted, shall have a minimum of one (1) associated parking space per bedroom, and shall also conform with the provisions in Section 1206.

G. Multi-Family Residential.
   1. Nothing herein shall preclude the location of required off-street parking spaces for Multi-family dwelling units (townhouses, apartments, and similar housing types) in common parking areas designed and constructed for this purpose. Parking spaces shall be within two hundred (200) feet of the dwelling they serve.
   2. For Multi-family uses, one (1) parking space is required for each bedroom, and one (1) additional space for each three (3) bedrooms for visitor parking.
   3. Parking lots for Multi-family dwellings shall comply with the design standards of Section 1205 and the buffering and screening requirements of Section 1004.

SECTION 1205 NON RESIDENTIAL OFF-STREET PARKING LOCATION AND DESIGN

A. Off-Street Parking Location and Design. (See Figure 12-1)
   1. Required off-street parking facilities shall be permitted, constructed, and maintained on the same lot as the principal building or use unless otherwise permitted by this Part.
   2. Parking lots shall be adequately marked. These markings shall include painted lines and signs defining parking spaces, driveways, entrances, exits, and loading and unloading zones, and may also include directional arrows and text, and signs.
   3. No parking lot, except for permitted access driveways to the site, shall directly abut a street, and at a minimum, shall be separated from the street by a buffer a minimum of ten (10) feet in width that shall be comprised of a grassed area that may include landscaping in accordance with Section 1004 and specifically Section 1004.D.2, landscaping and screening, of off-street parking areas. Berms, sidewalks, or curbing may be provided but are not required unless otherwise required by this Chapter.
   4. In addition to Section 1205.A.3, above, each parking lot containing ten (10) or more spaces shall be separated from any street by a curbed and planted strip in accordance with Section 1004.D.2 of General Regulations regarding landscaping and screening of off-street parking areas.
5. Parking spaces, parking lots, and access driveways shall be separated and set back from any lot line by a distance not less than ten (10) feet, except for common driveways or connections between parking areas, where permitted.

6. Parking lots, parking spaces, and access driveways shall be graded to a minimum slope of one (1) percent and a maximum slope of five (5) percent, and appropriate inlets, culverts, storm sewers, grating, and other necessary facilities shall be installed as determined to be necessary by the Township Engineer.

B. Off-Street Parking Access and Parking Aisle Design Standards. (See Figure 12-1)

1. Access driveways shall not be located within ten (10) feet of a property line.

2. Access to and from all off-street parking, loading, and vehicle service areas along any street shall consist of well defined separate or common entrances and exits.

3. Access driveways between streets and parking lots shall be a minimum of fourteen (14) feet in width for one-way access drives and twenty four (24) feet in width for two-way access driveways.

4. Interior aisles providing access to parking spaces or circulation within parking lots shall be provided with adequate radius to accommodate anticipated vehicle types and shall conform to the following minimum standards:

<table>
<thead>
<tr>
<th>Angle of Accessway (aisle)</th>
<th>Accessway (aisle) Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking (degrees)</td>
<td>One-Way (feet)</td>
</tr>
<tr>
<td>90</td>
<td>21</td>
</tr>
<tr>
<td>60</td>
<td>18</td>
</tr>
<tr>
<td>45</td>
<td>15</td>
</tr>
<tr>
<td>30</td>
<td>12</td>
</tr>
</tbody>
</table>

5. Access driveways to parking lots from a street shall be of adequate length to accommodate off-street stacking of vehicles waiting to enter and/or exit a parking area. The stacking area shall accommodate a minimum of one (1) vehicle and comply with the Township Subdivision and Land Development Ordinance, and all other applicable regulations.

6. Traffic channelization shall be planned in such a way that the primary aisle from the access driveway which vehicles enter and exit a parking area is remote from the entryway of the principal building(s) to minimize traffic flow in front of the primary building(s).

7. Parking lots shall be designed so that a vehicle within the parking lot will not have to enter a street to move from one location to another location within the parking area.

8. Parking lots shall be designed so that every motor vehicle may proceed to and from a parking space without requiring any other motor vehicle to be moved.

9. Parking shall not be permitted in access driveways or parking aisles providing access to required off street parking spaces.

10. The required sight distance for access driveways and aisles which open upon any public right-of-way shall comply with Section 1011, Intersection Sight Distance.

C. Parking Space Design Requirements.

1. Parking spaces shall be a minimum of nine (9) feet by eighteen (18) feet.
2. Appropriate bumper guards or curbing shall be required at the head of each parking space along the perimeter a parking lot so as to clearly define said spaces and discourage vehicles from projecting into required yard areas, walkways, screening or buffer areas, or rights-of-way.

3. Parking spaces shall be designed, constructed, or maintained so that parked vehicles are not required to back into a public road in order to pull into or back out of a parking space.

FIGURE 12-1: Parking Design

SECTION 1206 VILLAGE OFF-STREET PARKING AND LOADING REGULATIONS AND DESIGN STANDARDS

A. Applicability.

1. Each building, structure, or use constructed, established, erected, enlarged, modified or altered in the Village District shall provide and satisfactorily maintain off-street parking spaces in accordance with the requirements of this Part, Part 10 (General Regulations), and applicable sections of the Subdivision and Land Development Ordinance.

2. The parking regulations and design standards in this Section shall supplement the regulations and design standards in Section 1205, and in the case the provisions of this Section conflict with the provision any other Section, the provisions of this Section shall apply.

B. Off-Street Parking Alternatives.

The following alternatives for Off-Street Parking shall apply within the Village District:

1. Common (Connected) Parking Lots. Two (2) or more existing or proposed uses located on separate lots in the Village District may provide for required parking in a common parking lot in accordance with the following (See Figure 12-2):

a. If each lot has adequate parking, but combining the parking areas would yield added parking benefiting the uses, then parking may be combined on the lots subject to compliance with this Section.

b. Applicants shall reduce the number of access points from what would be permitted for two (2) independent parking lots.
c. The total number of spaces provided for both uses may be reduced by twenty (20) percent from the sum of the spaces required for each use individually when approved by the Board of Supervisors.

d. Common parking shall not be extended to include contiguous lots or parts thereof which lie outside the Village District.

e. The owners of all lots and/or uses involved shall join in a written application for land development in compliance with the Subdivision and Land Development Ordinance, where applicable, and shall agree in writing by execution of a land development agreement or on an approved Township form to be fully bound to develop common parking to serve all of the associated uses.

f. A written agreement assuring the retention of parking spaces for such common parking lots shall be properly drawn and executed by the parties concerned, and approved as to form and execution, by the Township Solicitor and the Board of Supervisors. Such agreement shall be rescinded by the Township and additional parking shall be obtained by the owner to meet the required standard in the following cases:

1) If the Township determines the parking results in a public nuisance or adversely affects the public health, safety, or welfare.
2) If, at any time the parking is found in violation of any of the provisions of the agreement.
3) If the parking does not result in providing, or does not continuously provide, the approved amount of required parking.
4) If such agreement is changed, amended, or extinguished, without notice to and approval by the Township.
5) If there is a change in use requiring parking adjustments, changes to the agreement shall be required.

FIGURE 12-2: Common Parking Lots

2. Off-Site Parking Lots. Required parking spaces may be accommodated in off-site parking lots within the Village District in accordance with the following (See Figure 12-3):

a. The owner of a use or structure shall submit an application that includes a site plan and agreement showing joint use, agreement, maintenance, and ownership responsibility, and location of the off-site parking area.

b. The number of spaces fulfills the requirement for the use(s) for which the lot is designated to accommodate.

c. Pedestrian walkways or sidewalks for pedestrian safety are available to connect the off-site
parking to the associated use(s).

d. The lot can be accessed by patrons where safe crossing streets is available, and the lot is located within two hundred fifty (250) feet of the primary building of the associated use(s).

e. A written agreement assuring the retention of parking spaces for such off-site parking shall be properly drawn and executed by the parties concerned, and approved as to form and execution, by the Township Solicitor and the Board of Supervisors. Such agreement shall be rescinded by the Township and additional parking shall be obtained by the owner to meet the required standard in the following cases:

1) If the Township determines the parking results in a public nuisance or adversely affects the public health, safety, or welfare.
2) If, at any time the parking is found in violation of any of the provisions of the agreement.
3) If the parking does not result in providing, or does not continuously provide, the approved amount of required parking.
4) If such agreement is changed, amended, or extinguished, without notice to and approval by the Township.
5) If there is a change in use requiring parking adjustments, changes to the agreement shall be required.

FIGURE 12-3: Off-Site Parking Lots

3. **Shared Parking Lots.** Required parking spaces may be accommodated by shared parking lots between different uses within the Village District, provided the following requirements are met and approved by conditional use (See Figure 12-4):

   a. The required parking spaces for a theater, restaurant, or other use of primarily evening entertainment, may be provided and used jointly by banks, offices, retail stores, service establishments, places of worship, and other similar uses with differing operating hours.

   b. In approving the sharing of parking, the Board of Supervisors shall consider, among other criteria and in accordance with Part 16, the hours of operation of the uses that are sharing required parking spaces and the number of spaces involved. Appropriate conditions may be attached to ensure proper function and use of shared parking areas. Appropriate sources of data and information such as the Institute of Transportation Engineers (ITE) shall be used in determining shared parking ratios.

   c. Shared or common parking lots shall be provided with appropriate signage indicating the buildings and/or uses for which the spaces are available.
C. Design Standards.

1. No off-street parking or loading facility shall be permitted in front of any principle building or structure within the Village District. All parking and loading facilities shall be located either to the side or rear of the principal structure.

2. All uses in the Village District are encouraged to use the off-street parking alternatives provided in this Section and the regulations of this Chapter to create a coordinated and aesthetically pleasing environment for both drivers and pedestrians within the Village District.

3. Uses in the Village are encouraged to develop a coordinated and holistic approach to access management, pedestrian facilities, landscaping, and buffering. An example of this approach is provided in Figure 12-5.

4. Uses and parking areas in the Village District shall be in conformance with Part 6 and shall be consistent with the design guidelines in the Nottingham Village Manual of Design Guidelines as adopted by resolution of the Board of Supervisors.
SECTION 1207 NON-RESIDENTIAL OFF-STREET LOADING REGULATIONS

A. Adequate loading and unloading space shall be provided for any building that is to be built which requires receipt or distribution of materials by vehicular means. Loading and unloading space shall conform to the requirements of this Section.

B. General Regulations for Non-Residential Uses.

Each building, structure or use constructed, established, erected, enlarged, modified or altered in any district shall provide and satisfactorily maintain off-street loading spaces in accordance with the requirements of this Section.

1. Location.
   a. Off-street loading and unloading areas shall be located on the lot where they are required with proper and safe access. No loading area that periodically serves trucks of greater than four (4) ton capacity shall be located closer than one hundred (100) feet to a residential zoning district boundary line (R-1, R-2, VR) or to the lot line of an adjacent existing residential use.
   b. Loading areas shall not occupy required off-street parking spaces, traffic aisles within a parking lot, driveways, access driveways, or any roadway, except as permitted in the Village Zoning District.
   c. Loading areas shall be located in rear or side yard areas unless otherwise permitted by this Section. Loading facilities shall not be constructed between the building line and a street right-of-way line.

2. Access. Each required off-street loading area shall be designed with appropriate means of vehicular access to an interior drive in a manner which will least interfere with traffic movements, and shall be subject to the approval of the Township Engineer.

3. Paving. All loading areas and access to loading areas shall have a dust-free surface over the entire area customarily used by delivery vehicles for parking and maneuvering. The surface shall be a dust-free, all-weather, durable surfacing material which meets the approval of the Township Engineer.

4. Landscaping. Loading areas shall have perimeter landscaping in accordance with Section 1004.

C. Required Minimum Number and Dimensions of Off-Street Loading Spaces.

1. Required Number of Loading Spaces.
   a. Every structure housing non-residential use or uses shall have a minimum of one (1) off-street loading space in accordance with the size requirements in Section 1207.C.2 below, unless otherwise provided in this Section.
   b. Where the aggregate gross floor area of a non-residential structure exceeds twenty thousand (20,000) square feet in area, one (1) additional off-street loading space shall be required for each additional twenty thousand (20,000) square feet of gross floor area, or portion thereof, up to a total gross floor area of one hundred thousand (100,000) square feet. For structures exceeding one hundred thousand (100,000) square feet, for each fifty thousand (50,000) square feet, one (1) additional off-street loading space shall be required.
   c. In the Village District, retail, personal service shops, and other similar uses within a structure with a gross floor area less than three thousand five hundred (3,500) square
feet shall be exempt from the off-street loading requirements provided they can meet the requirements through the off-street loading alternatives in Section 1207.C.3, below.

2. Size. Loading spaces shall be sized according to the type of facility served and type and number of vehicles anticipated to serve each use which shall be indicated on the zoning permit for each use and approved by the Township. The minimum size for an off-street loading space shall be twelve (12) feet by forty (40) feet.

3. Off-Street Loading Alternatives Permitted in the Village District.

The Board of Supervisors may approve the following alternative means of providing for loading areas within the Village District when the requirements of this subsection are met.

a. Use of public alleys and streets. Required off-street loading spaces may be provided on alleys and public streets when approved as a conditional use in accordance with Part 16 where:

1) The applicant shall demonstrate that loading and unloading may be conducted without blocking or interfering with normal vehicular and pedestrian traffic.
2) Loading and unloading shall be limited to off-peak hours to be defined during the conditional use process.

b. Common loading and unloading facilities. Required off-street loading spaces may be provided cooperatively for two (2) or more uses where:

1) The uses being served are on the same lot or on adjacent lots.
2) Loading and unloading will be conducted in an existing structure, adjacent to, or between existing structures which are on the same property or adjacent to the property.
3) A written agreement in accordance with Section 1207.C.3.d, below, is approved.

c. Loading in a required off-street parking space or lot. Required off-street loading spaces may be provided within an off-street parking lot where:

1) The parking space or lot being used is associated with the use being served.
2) Loading and unloading will not generally interfere with the use(s) of the parking space or lot to fulfill the parking requirements of this Part.
3) A written agreement in accordance with Section 1207.C.3.d, below, is approved.

d. Off-Street Loading Agreements. A written agreement assuring the common use of loading spaces or use of off street parking spaces shall be properly drawn and executed by the parties concerned and approved as to form and execution by the Township Solicitor and the Board of Supervisors. Such agreement may be rescinded by the Township and/or additional loading space shall be obtained by the owner(s) to meet the required standard in the following circumstances:

1) If, at any time the loading space is found in violation of any of the provisions of the provisions of the agreement.
2) If the loading space does not result in providing, or does not continuously provide, the approved amount of required loading space.
3) If such agreement is changed, amended, or extinguished, without notice and approval by the Township.
4) If there is a change in use requiring loading space adjustments, changes to the agreement and provision of adequate loading facilities shall be required.
PART 13  SIGN REGULATIONS

SECTION 1301  PURPOSE

In order that the legitimate demands for signage are met without the impact of an unlimited type and quantity of signs in West Nottingham Township, any sign erected or maintained after the effective date of this Chapter shall conform to the regulations of this Part in accordance with the following purposes:

A. To provide general standards for all signs within the Township and specific standards for signs in various zoning districts and for various uses.

B. To establish procedures for the review and approval of sign permit applications.

C. To regulate the location, size, construction, erection, alteration, use and maintenance of signs.

D. To protect the safety and general welfare of the community through the proper use, design, and structure of signs for graphic and written communication purposes.

E. To promote the use of well crafted signs consistent with the character of the various areas of the Township including rural areas, agricultural areas, and historic Nottingham Village.

F. To manage the size, location, and number of signs to promote orderly signage and prevent visual blight that may negatively affect public safety in vehicular and pedestrian circulation.

G. To develop a clear, consistent, and appropriate level of signage in the Nottingham Village to assist in the economic development and providing identification of local businesses.

H. To provide appropriate controls for signs while incorporating flexibility for a variety of types of signs within different areas of the Township.

SECTION 1302  GENERAL REGULATIONS

The following sign regulations shall be observed in all zoning districts:

A. Illumination.

1. In addition to the regulations of this Section, illumination of signs shall comply with Section 1005 of General Regulations.

2. No artificial light or reflecting device shall be used as a part of a sign where such light or device interferes with, competes for attention with, or may be mistaken for a traffic signal.

3. Lighting of signs shall not shine directly upon adjacent properties nor within the normal line of vision of pedestrians or motorists using streets or sidewalks.

4. All lighting shall be shielded so that the source of light shall not be visible from any point off the lot on which the sign is located, except for digital signs as permitted by this Part.

5. Internally illuminated signs shall be permitted through the use of either translucent materials or backlighting so long as the source of the lighting complies with all other requirements of this Chapter.

6. There shall be no illumination of a flashing or intermittent type, except as permitted for electronic changing message signs as permitted by Section 1302.A.8, below.
7. Externally illuminated signs shall be lit by fixtures that shall be designed, fitted and aimed to place the light output on and not beyond the sign.

8. Digital and electronic changing message signs may be permitted for non-residential uses and shall comply with all other requirements of this Chapter and the following regulations:
   a. Displayed messages must be visible for a minimum of six (6) seconds.
   b. A change in displayed message must occur within three (3) seconds.
   c. No visual fading or dissolving is permitted and messages shall not overlap.
   d. The sign shall be equipped with automatic day/night dimming to reduce the illumination intensity of the sign from one (1) hour after sunset to one (1) hour prior to sunrise.

B. No sign shall be erected containing information which states or implies that a property may be used for any purpose other than associated with a use or uses permitted for the property on which the sign is located.

C. Every sign shall be constructed of a durable material and kept in good condition, repair, and safe from collapse.

D. All distances provided for in this Part shall be measured along straight lines between signs and from the near edge of a sign or sign structure. This paragraph shall apply in all cases, including locating new signs in relationship to current existing non-conforming signs.

E. No sign shall be erected within or above a street right-of-way, except official traffic signs and similar regulatory notices of a duly constituted governmental body, or as otherwise specifically permitted by this Part.

F. No moving signs which may distract motorists on adjacent roadways shall be permitted.

G. No sign which emits smoke, visible vapors, particles, sound, or odor shall be permitted.

H. No sign shall be located within the required clear sight triangle at a street intersection or parking access way in accordance with Section 1011.

I. No sign shall be placed where it obscures a motorist’s view of traffic signals or official traffic signs.

J. No sign shall be placed or maintained in a position that interferes with vehicular traffic or pedestrian safety.

K. No sign shall be erected or maintained so as to prevent clear, free or otherwise unobstructed ingress or egress from any door, window, or fire escape.

L. No sign shall be erected or hung across or above a street, except as placed by the Township.

M. No sign shall be erected, painted, or drawn on a tree, rock, or other natural feature.

N. Off-premise signs are prohibited, except as placed by the Township.

O. The outdoor storage or parking of a vehicle on a property shall not be used as a sign for a business, home occupation, or any other use. No vehicle which contains advertising on its exterior shall park in a location visible from a public right-of-way continuously for more than one (1) month.
P. No signs shall be attached to utility poles or other public infrastructure unless in conformance with State and utility regulations and any other applicable regulations of this Chapter, or other Township ordinance.

SECTION 1303  SIGNS EXEMPT FROM PERMITS

A. The following signs shall not require a permit but shall conform to all other regulations set forth in this Chapter:
   2. Directional Signs.
   3. Address Signs.
   4. No Trespassing signs.
   5. Political Signs
   6. Real Estate Signs.
   7. Artisan Signs.
   8. Sale of Agricultural Products.
   9. Legal Notices as required by this Chapter and/or any other official legal action.

B. Maintenance of or Changes to Signs. The following shall not require a sign permit:
   1. Regular maintenance of the sign, including electrical, repainting, or cleaning of a sign.
   2. The repair of the sign that in no way changes the sign from the original approved application.
   3. Minor changes to a sign, such as changes to the information, text, or color of a sign, deemed by the Township Zoning Officer to be insignificant to the sign. Changes to the size, shape, location, structure, or mounting do not constitute minor changes and shall require the resubmission of a sign permit application.

SECTION 1304  SIGN PERMITS

A. All signs shall require a permit, unless exempt under Section 1303.

B. Applications for sign permits shall be filed on forms furnished by the Township in accordance with Section 1304.F.

C. The Township Zoning Officer shall approve or deny applications for sign approval permits within fifteen (15) working days from the date of the filing of the complete application with the required fee. The applicant shall receive notification of the decision in writing. If an application is denied, the reason for denial along with the specific provision or provisions of this Ordinance that were not met by the application shall be provided.

D. Sign permit fees shall be collected at the time of application, no application shall be accepted without the requisite fee designated by resolution of the West Nottingham Township Board of Supervisors.

E. All signs shall be subject to inspection by the Zoning Officer. No work shall be done other than as specifically shown on an approved sign permit or as permitted by Section 1304.F.

F. An application for a sign permit, except for Temporary Signs as permitted by Section 1304.G, below, shall be accompanied by detailed plans and specifications and other information deemed necessary by the Zoning Officer to determine the location and details of a sign’s construction in accordance with the following provisions:
1. Applications shall include the identification of the colors and materials of the sign and a scaled drawing (sketch, diagram, etc.) with a description of the size, shape, color, material, supports, anchoring, weight, height, and illumination of the sign, as applicable. The inclusion of pictures or illustrations is suggested.

2. For signs which are to be mounted on a building or structure (wall, roof, projecting, and window signs, for example), the application shall include a scaled drawing of the building façade identifying the location of the sign on the building, including awnings, canopies, doors, other signs, and windows as applicable, including the color, material, and dimensions of each surface. Such signs shall be exempt from Section 1304.F.3.

3. For signs that are not attached or mounted to a building or structure, a scaled plan of the property shall be provided, displaying all applicable dimensions (lot lines, setbacks, right-of-way, etc), which shall identify the location of the sign on the property and improvements on the site (buildings, parking, signs, etc.), and any required landscaping.

4. Any other lawful information which may be requested by the Township Zoning Officer as applicable, and in accordance with other applicable ordinance, permits, and codes.

G. Temporary signs listed in Section 1306.G shall require a temporary sign permit, unless exempt in Section 1303, and shall be subject to the following:

1. Permits shall run for a period of up to six (6) months, as is the choice of the applicant.

2. Signs shall be removed immediately upon expiration of the permit.

3. The site or building on which the sign was erected shall be restored to its original condition upon removal of the sign.

4. A permit may be reissued for not more than one (1) successive six (6) month period.

5. Permits for temporary signs shall be exempt from the requirements in Section 1304.F, but shall require the basic information as required on the Sign Permit form as adopted by resolution by the Board of Supervisors.

SECTION 1305 SIGNS PERMITTED BY ZONING DISTRICT

A. R-1 and R-2. The following Signs permitted in the R-1 and R-2 Residential Zoning Districts:

1. Address Signs.
2. Agricultural Sign, On Site.
3. Development Identification Signs.
4. Directional Signs.
5. Ground Signs.
8. Wall or Roof Sign
9. Temporary Sign Types:
   a. Artisan Signs.
   b. Real Estate Signs.
   c. Political Signs.
   d. Temporary New Construction Signs.
   e. Temporary Signs, all other temporary signs not specifically defined.
   f. No Trespassing signs.
   g. Legal Notices as required by this Ordinance and/or any other official legal action.
B. **Village.** Signs permitted in the Village Zoning District.

1. **Village Commercial.** The following Signs are permitted in the VCOM subdistrict:
   a. All signs permitted in Residential Districts in Section 1305.A.
   b. Projecting Signs.
   c. Freestanding Signs.
   d. Window Signs.
   e. Temporary Signs:
      1) Temporary Window Signs.
      2) Portable Signs.

2. **Village Center.** The following Signs are permitted in the VCTR subdistrict:
   a. All signs permitted in Residential Districts in Section 1305.A.
   b. Projecting Signs.
   c. Window Signs.
   d. Temporary Signs:
      1) Temporary Window Signs.
      2) Portable Signs.

3. **Village Residential.** The following Signs are permitted in the VR subdistrict: All signs permitted in Residential Districts in Section 1305.A.

4. **Village District Sign Design Guidelines.** The following sign design guidelines indicate the preferred sign characteristics for the Village District. Signs permitted in the Village District shall be consistent with the document *Nottingham Village, Manual of Design Guidelines*, and the following:
   a. Signs should consist of materials that blend or are consistent with the associated building or structure. Wood or metal are preferred sign materials. The use of plastic signs is discouraged, unless the sign material is designed to look like wood, metal, or traditional sign materials.
   b. The overuse of signs should be avoided; temporary advertising signs in windows should be kept to a minimum and shall remain in place no longer than necessary for the event for which the sign is intended.
   c. Simplicity of design and a limited color scheme of no more than two (2) or three (3) colors are encouraged. The sign message is encouraged to be simple and readable.
   d. Wall signs designed as an integral part of the front façade of commercial buildings (generally located above the door in the lintel) are encouraged. Signs should be proportional in scale to the building and to the wall space on which they are mounted.
   e. Where permitted, wall or projecting signs are preferred where there is a small front yard setback. Freestanding or ground signs are considered most appropriate for buildings originally designed as residential dwellings or where larger front yard setbacks are present.
C. **Industrial.** The following Signs are permitted in the Industrial Zoning District (I):

1. All signs permitted in the VCOM District in Section 1305.B.1.
2. Off-site Advertising Signs are permitted by conditional use.

SECTION 1306  SIGN REGULATIONS BY TYPE OF SIGN

Signs shall be classified, regulated, and permitted as follows (See Figure 2-8):

A. **Address Signs.**

1. One (1) sign shall be permitted per official address for a property. Where more than one (1) address is located on a property, each address may have one (1) sign.
2. Dimensional requirements. Shall not exceed two (2) square feet.

B. **Agricultural Signs, On-Site.** One (1) ground sign shall be permitted per active agricultural operation and shall not exceed thirty two (32) square feet in area.

C. **Development Identification Sign.**

1. One (1) ground sign for each street frontage or at each access to a subdivision, development, or complex indicating the name of the subdivision, development, or complex shall be permitted provided the sign shall not exceed fifteen (15) square feet.
2. Multi-family Uses may have, in addition to or in replacement of signs in Section 1306.C.1 above, one (1) development identification sign mounted as a Wall Sign that shall not exceed nine (9) square feet, on a multi-family building for identification purposes displaying the name and/or address of the building.

D. **Directional Signs.** Shall not exceed four (4) square feet in area.

E. **Home Occupation Signs.**

1. One (1) sign per Home Occupation shall be permitted.
2. Dimensional requirements. Shall not exceed six (6) square feet.
3. Signs shall be located a minimum of ten (10) feet from any lot line or street right-of-way.
4. The sign shall contain no information other than identification of the premises such as the name of a bed and breakfast and the address of the property.

F. **Official Traffic Signs.** As deemed appropriate by the Commonwealth of Pennsylvania, the Township of West Nottingham, or other government agency with jurisdiction.

G. **Temporary Sign Types.**

1. Artisan Signs.
   a. Temporary signs that shall be erected only on the premises where such work is being performed.
   b. The maximum size of an Artisan sign shall be nine (9) square feet.
c. Not more than one (1) such sign per contractor shall be placed on a premises.

d. Signs shall be located a minimum of ten (10) feet from any lot line or street right-of-way.

e. Artisans signs shall not be illuminated.

f. Such signs shall be removed promptly upon completion of active work.

2. No Trespassing Signs. Shall not exceed nine (9) square feet in area.

3. Political Signs.

   a. No more than three (3) such signs shall be permitted on a lot and shall be approved by the property owner on which the signs are placed.

   b. Signs shall be located a minimum of ten (10) feet from any lot line or street right-of-way.

   c. Such signs may be placed thirty (30) days prior to and shall be removed within five (5) days after the event or election for which the sign is intended has occurred.

   d. Dimensional requirements. Shall not exceed nine (9) square feet.

4. Portable Signs.

   a. Portable signs shall be placed on the same lot as the use for which the sign is associated.

   b. The maximum size of a portable sign shall be nine (9) square feet in size and shall not exceed five (5) feet in height.

   c. Not more than two (2) such signs shall be placed on a premise.

   d. Signs shall be located a minimum of five (5) feet from any lot line or street cartway.

   e. Such signs shall be permitted to be placed for viewing during the regular business hours of the associated use, and shall removed from public view and placed indoors or in a secure location when the associated business is closed.

5. Real Estate Signs.

   a. Not more than one (1) real estate sign shall be permitted for each street a lot fronts upon.

   b. Such signs shall be removed within five (5) days after the sale or lease of the use has been approved.

   c. Signs shall be located a minimum of ten (10) feet from any lot line or street right-of-way.

   d. Dimensional requirements: Shall not exceed nine (9) square feet.


   a. One temporary (1) ground sign shall be permitted for each street the subdivision, development, or property fronts upon.

   b. Such signs shall be removed within five (5) days after the last structure has received a certificate of use and occupancy by the Township.
c. Signs shall be located a minimum of ten (10) feet from any lot line or street right-of-way.

d. New Construction signs which identify the name of a subdivision, development, or the developer, are permitted provided that the total sign area shall not exceed fifteen (15) square feet.

7. Temporary Signs, all other temporary signs not specifically defined.
   a. No more than two (2) temporary signs shall be permitted on a property.
   b. Temporary signs shall be located a minimum of ten (10) feet from any lot line or street right-of-way.
   c. Dimensional requirements. Shall not exceed nine (9) square feet.

8. Temporary Window Signs. See Section 1306.H.7, below.

   a. One (1) sign shall be permitted per road a lot fronts upon.
   b. Dimensional Requirements. Shall not exceed nine (9) square feet.

H. Signs for Non-Residential (Commercial, Industrial, and Institutional) Uses. These signs are used to attract attention to a permitted use and typically include the identifying name, type of establishment, and trademark of the establishment. Certain signs may be used to advertise specific products, services, or events. The following signs shall be permitted for Commercial, Industrial, or Institutional Uses:

1. Number of wall, roof, projecting, ground and freestanding signs permitted. In addition to wall or roof signs, each use shall be permitted one (1) projecting, ground, or freestanding sign (not one (1) of each type) as permitted by Section 1305 or otherwise provided for in this Section.

2. Wall or Roof Signs.
   a. There shall be permitted one (1) wall or roof sign for each street frontage where such signs are permitted, unless otherwise permitted by this Section.
   b. Signs facing the front yard of a building shall not exceed ten (10) square feet in area for every five (5) lineal foot of front building wall and shall in no case exceed thirty (30) feet in width or eight (8) feet in height.
   c. Signs facing the side yard of a building wall exposed to public view from either a street or parking area shall not exceed ten (10) square feet of area for every lineal foot of such side building wall, and in no case shall exceed thirty (30) feet in width or eight (8) feet in height.
   d. Multiple uses, one sign. If more than one (1) use is carried on in a single structure, a roof or wall sign may indicate the presence of all uses in the structure, however, the total sign area for such a sign shall not exceed the total sign area calculated for the structure in which the associated uses are located.
   e. Multiple uses, multiple signs. If more than one (1) use is carried on in a single structure, where tenants have individual exterior entrance(s), each use with an individual exterior entrance may have its own roof or wall sign. The sign size for each use shall be calculated upon the individual building frontage for each tenant which shall be that one
discernable architecturally designed wall that contains that tenants main entrance for use by the general public, calculated by the width between the exterior walls of that use within the structure. (See Figure 13-1)

f. Signs shall be installed parallel to the supporting wall and project not more than twelve (12) inches from the face of such wall.

g. A wall or roof sign shall not project above the highest point of the structure on which it is located.

h. No portion of a wall sign that extends from a building shall be less than eight (8) feet above the finished grade directly below the sign.

i. Residential Zoning Districts. In the R-1 and R-2 Zoning District, Wall or Roof Signs shall be limited to a maximum size of thirty two (32) square feet.

### FIGURE 13-1: Multiple Wall Signs on a single structure

#### 3. Projecting Signs.

a. There shall be a maximum of one (1) Projecting Sign permitted for each use where such signs are permitted, except as otherwise permitted below.

b. Size.

1) Single Use. Projecting Signs shall not exceed ten (10) square feet for a single use.

2) Multiple Uses, One Sign. If more than one (1) use is carried on in a single structure, a Projecting Sign may indicate the presence of all uses in the structure or individual signs may be used in accordance with Section 1306.H.3.b.3, below. Where one (1) Projecting Sign is used to advertise for the uses within a structure, an additional five (5) square feet may be added to the sign for each additional use, however, a projecting sign shall not exceed thirty (30) square feet.

3) Multiple Uses, Multiple Signs. Individual Projecting Signs for each use in a single structure shall be permitted only where uses are side by side and have separate exterior entrances.

c. Projecting Signs shall be a minimum of eight (8) feet above the finished grade directly below the sign.

d. A Projecting Sign may be double faced, provided both faces are parallel, matching in size and shape, and no more than twelve (12) inches apart.
e. A projecting sign shall not project above the highest point of the structure on which it is located.

4. Ground Signs.
   a. There shall be a maximum of one (1) ground sign permitted on a lot where such signs are permitted.
   b. Size.
      1) Single Use. Ground Signs shall not exceed thirty-two (32) square feet in area for a single use.
      2) Multiple Uses. If more than one (1) use is carried on in a single structure or on a lot, a ground sign may indicate the presence of all the uses. Individual ground signs for each use in a single structure or on a lot shall not be permitted. Where more than one (1) use exists in a structure or on a lot, an additional ten (10) square feet may be added to the sign for each additional use, however, no Ground Sign shall exceed sixty (60) square feet.
   c. Ground signs shall not exceed six (6) feet in height.
   d. Ground Signs shall be supported and permanently placed by embedding, anchoring, or connecting the sign to the ground.
   e. A Ground Sign may be double faced, provided both faces are parallel, matching in size and shape, and no more than eighteen (18) inches apart.

5. Freestanding Signs
   a. There shall be a maximum of one (1) freestanding sign permitted on a lot where such signs are permitted.
   b. Size.
      1) Single Use. Freestanding Signs shall not exceed thirty-two (32) square feet in area for a single use.
      2) Multiple Uses. If more than one (1) use is carried on in a single structure or on a lot, the Freestanding Sign may indicate the presence of all uses. Individual Freestanding Signs for each use in a single structure or on a lot shall not be permitted. Where more than one (1) use exists in a structure or on a lot, an additional ten (10) square feet may be added to the sign for each additional use, however, no Freestanding Sign shall exceed sixty (60) square feet.
   c. Freestanding Signs shall be supported and permanently placed by embedding, anchoring, or connecting the sign to the ground by one (1) or more poles or posts.
   d. The maximum height of a Freestanding Sign shall be thirty (30) feet.

6. Window Signs.
   a. A maximum of fifteen (15) percent of the total window area may be used for permanent signs that are etched, painted, or permanently affixed to a window.
b. A maximum of thirty (30) percent of the total window area may be covered by a combination of Permanent Window Signs and Temporary Window Signs in Section 1306.H.7, below.

7. Temporary Window Signs.
   a. Temporary Window Signs shall not exceed fifteen (15) percent of the total glass area of the window in which they are placed.
   b. Temporary Window Signs shall conform to Section 1306.H.6.b, above.

8. Off-Site Advertising Signs. (Billboards)
   a. Signs shall not exceed three hundred (300) square feet in size and their supporting structure shall not exceed fifteen (15) feet in height.
   b. No more than one (1) off-site advertising sign may be erected on a lot.
   c. Such signs may be externally lit, but shall comply with the lighting provisions of this Ordinance and shall comply with the IESNA (Illuminating Engineering Society of North America) recommended practices and criteria contained in the IESNA Lighting Handbook, including but not limited to “full cutoff” fixtures. All lighting fixtures shall be aimed to illuminate the advertising copy only and so as to not project or reflect light onto a neighboring use or property.
   d. Shall not be located closer to a street line than the minimum front yard required in the Industrial zoning district.
   e. No part of an off-site advertising sign shall exceed the height limit for building and structures in the Industrial district.
   f. No off-site advertising sign shall be permitted within one thousand (1,000) feet of another off-site advertising sign.
   g. Off-site advertising signs may be a digital sign or an electronically changing message sign, in which case, shall also meet the applicable regulations of this Part.
   h. Off-site advertising signs shall meet all other applicable state and Federal regulations.

SECTION 1307 CONSTRUCTION, MAINTENANCE, REMOVAL OF SIGNS, ABANDONED SIGNS

A. Construction and Maintenance. All signs shall be constructed of durable material and kept in good condition and repair.

B. Removal.

If a sign is found to be dilapidated or in violation of this Part, the Township shall notify the owner or lessee in writing, and the owner or lessee shall have ten (10) working days to contact the Township to address the issue. If after ten (10) working days of receiving written notice, the owner or lessee of the sign has not contacted the Township to address the issue, the sign may be removed or corrective action be taken by the Township at the expense of the owner or lessee of the property on which it is located. This provision may apply in the following situations:

1. A sign is allowed to become dilapidated or unsafe so that it may cause a hazard by falling or other means.
2. A sign no longer serves the purpose of useful communication.

3. A sign is in violation of any provision of this Chapter.
4. A sign is determined to be a nuisance by the Township.

5. In the event of immediate danger, the Township may remove a sign immediately upon the issuance of written notice to the owner.

C. Abandoned Signs.

1. No sign which has been abandoned shall be permitted to be maintained by any property owner or lessee in accordance with Part 15.

2. The Township shall notify the owner or lessee in writing concerning the removal of the abandoned sign, and the owner or lessee shall have ten (10) working days to contact the Township to address the issue. If after ten (10) working days of being given written notice, the owner of the abandoned sign has not contacted the Township to address the issue, the sign or the sign copy may be removed by the Township at the expense of the owner or lessee of the property on which it is located.

SECTION 1308  NONCONFORMING SIGNS

Nonconforming Signs shall be in accordance with Part 15 Nonconformities.
SECTION 1401  PURPOSE

This Part outlines procedures for the administration and enforcement of the Zoning Chapter. The procedures for securing zoning permits, building permits, and use and occupancy permits, are outlined in this Part. This part also establishes a fine for the violation of any aspect of this Chapter. All fees for permits, hearings, or appeals required by this Chapter, shall be paid in advance in accordance with Section 1407.

SECTION 1402  APPLICABILITY

A. Hereafter, no land shall be used or occupied, and no building or structure shall be erected, altered, used or occupied, except in conformity with the regulations herein established for the zoning district in which such land, building or structure is located.

B. Where there is a mix of uses on a lot or tract, the regulations for each use shall apply to the portion of the building or land so used.

SECTION 1403  APPOINTMENT AND POWERS OF THE ZONING OFFICER

A. For the administration of this Chapter, a Zoning Officer, who shall not hold any elected office in the Township of West Nottingham, shall be appointed.

B. The Zoning Officer shall meet the qualifications established by the Township of West Nottingham and shall be able to demonstrate to the satisfaction of the Township a working knowledge of municipal zoning.

C. The Zoning Officer shall administer this Chapter in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Chapter.

D. The Zoning Officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of their employment.

SECTION 1404  ZONING PERMITS

A. Requirement of Zoning Permits. It shall be unlawful to commence any site work or other work requiring a zoning permit until a permit has been properly issued.

1. A zoning permit shall be required:

   a. Prior to the erection, alteration, extension, enlargement, or demolition of any building, structure, sign, or portion thereof. Issuance of a zoning permit shall precede the issuance of a building permit where applicable, subject to compliance with any Township or state building or other codes applicable thereto.

   b. When a change in use of land or buildings; a change in the principal use or expansion of a non-conforming use; or development within the areas restricted by natural resources protected is proposed in accordance with Part 9 of this Chapter.

   c. When a home occupation, in accordance with Section 1109, is added as an accessory use to an existing residential principal use, or conducted as a part of a new residential use. In the latter case, the zoning permit shall specifically identify the principal and accessory use.
2. A zoning permit shall not be required:
   a. When placing vacant land under cultivation.
   b. For repair to a structure other than a non-conforming structure, when such repair does not change the nature or intensity of the existing use.
   c. For alterations to the interior of an existing building, provided that the use of such building is not changed.

B. Application Requirements for Zoning Permits.

1. An application for a zoning permit shall be submitted by the landowner, or a designated representative proven to have authority to act for the landowner. Proof of equitable ownership satisfactory to the Zoning Officer shall be furnished at the time the application is filed.

2. All applications for zoning permits shall be made in writing on a form furnished by the Township and shall be accompanied by any additional plans, permits, and information reasonably necessary for the Zoning Officer to ascertain whether the proposed use, change in use, or erection, alteration, or improvements to a building or structure complies with the provisions of this Chapter, other applicable Township ordinances and regulations, and all statutes and regulations of other governmental authorities having jurisdiction.

3. No application is complete, nor shall it be accepted for filing, until all required documents have been completed correctly, filed and the requisite fees paid. Applications found to be incomplete will not be accepted or processed, in which case, the applicant will be notified in writing within fifteen (15) days of receipt of the deficient application.

C. Issuance of Zoning Permits.

1. No complete application shall be acted upon until the Zoning Officer has inspected the premises.

2. A zoning permit shall be granted or denied, in writing, by the Zoning Officer within fifteen (15) working days following the date of the filing with the Township of a complete application. If a permit is denied, the following shall apply:
   a. If the Zoning Officer has a reasonable doubt that the proposed use, building, structure, or land meets all of the requirements of this Chapter, any other applicable Township ordinance or regulation, any state agency, or other regulatory authority having jurisdiction, and determines that such adequate evidence has not been furnished, the zoning permit shall be denied.
   b. In the case that a zoning permit is denied, the Zoning Officer shall send written notice to the applicant citing the specific reasons why the permit was denied.

3. Approved zoning permits shall be valid for a period not to exceed one (1) year from the date of issuance.

4. If construction is commenced under any issued zoning permit within the one (1) year time period from its date of issuance, the Zoning Officer is authorized to extend the permit for a period not to exceed one (1) additional year from the date of expiration of the initial one (1) year period. The Zoning Officer is authorized to revoke any zoning permit where there has been no substantial start to construction after six (6) months since the permit was issued or when a cessation of construction work of more than six (6) months has occurred.
5. An approved zoning permit shall be conspicuously posted by the applicant on the affected tract or parcel(s) of land during construction.

**SECTION 1405  BUILDING PERMITS**

A. **Requirement of Building Permits.**

   1. Building permits may be filed concurrently with a zoning permit, however, no building permit shall be considered complete until an approved zoning permit has been issued, unless exempt by any other applicable code or ordinance or where a zoning permit is not required.

   2. A building permit shall be required prior to the erection, alteration, extension, enlargement, or demolition of any building or other structure or portion thereof, unless exempted by another law, code, or ordinance. It shall be unlawful for any person to commence work on any building or structure or portion thereof until a permit has been duly issued.

B. **Application Requirements for Building Permits.**

   1. All applications for building permits shall be made in writing on a form furnished by the Township and shall be accompanied by an accurately drawn plan showing the exact size and location of any buildings or other structures, both existing and/or proposed, on the lot in question. There shall be included with all applications such other plans, documents, and information as may be necessary to enable the Zoning Officer to ascertain compliance with this Chapter and all other pertinent ordinances.

   2. All building permits shall be accompanied by proof of an approved zoning permit by the Township, unless exempt under Section 1404.A. Information from an approved zoning permit may be utilized in the application for a building permit if it satisfies the requirements thereof.

C. **Upon completion of the erection, alteration, or enlargement of any building, structure, or portion thereof, authorized by any building permit obtained in compliance with this Chapter and prior to use or occupancy, the holder of such permit shall notify the Zoning Officer of such completion.**

D. **Issuance of Building Permits.**

   No building permit shall be issued until the Zoning Officer has certified that the proposed building, structure, alteration, or enlargement complies with the provisions of this Chapter and other applicable ordinances and codes, including Section 1404.E, below.

E. **Issuance of Building Permits in the Floodplain.**

   1. In addition to Section 1405.D, above, the Zoning Officer shall review the application for the permit to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1996-537, as amended): the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended): the Pennsylvania Clean Streams Act (Act 1937-394, as amended): and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.

   2. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Building Permits shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Officer to determine that the application is in conformance with Part 9 and the following:
a. All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances.

b. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.

c. Adequate drainage is provided so as to reduce exposure to flood hazards.

3. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Zoning Officer to make the above determination:

a. A completed Building Permit Application Form.

b. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
   1) North arrow, scale, and date.
   2) Topographic contour lines, if available.
   3) All property and lot lines including dimensions, and the size of the site expressed in acres or square feet.
   4) The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development.
   5) The location of all existing streets, drives, and other accessways.
   6) The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.

c. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
   1) The proposed lowest floor elevation of any proposed building based upon the most recent National Geodetic Vertical Datum available.
   2) The elevation of the one hundred (100) year flood.
   3) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associates with a one hundred (100) year flood.
   4) Detailed information concerning any proposed floodproofing measures.

d. The following data and documentation:
   1) A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the one hundred (100) year flood elevations, pressures, velocities, impact and uplift forces associated with the one hundred (100) year flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.
   2) Detailed information needed to determine compliance with Section 903, and Section 903.G, Development Which May Endanger Human Life, including:
      a) The amount, location and purpose of any dangerous materials or substances which are intended to be used, produced, stored or otherwise maintained on site.
      b) A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 903.G during a one hundred (100) year flood.
3) The appropriate component of the Department of Environmental Protection’s “Planning Module for Land Development.”

4) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

4. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands.

5. In addition, the Federal Insurance Administrator and Pennsylvania Department of Community and Economic Development, Strategic Planning and Program Operations Office, shall be notified by the Township prior to any alteration or relocation of any watercourse.

SECTION 1406 USE AND OCCUPANCY PERMITS

A. Requirement of Use and Occupancy Permits.

It shall be unlawful for any person to use or occupy any building or other structure or land until a use and occupancy permit, if required, has been duly issued therefore. A use and occupancy permit shall be required prior to any of the following:

1. Use and occupancy of any building or other structure hereinafter erected, altered or enlarged for which a building permit is required.

2. Change in use of any building or structure.

3. Use of land or change in the use thereof except that the placing of vacant land under cultivation shall not require a use and occupancy permit.

4. Extension of a nonconforming use.

B. Application Requirements for Use and Occupancy Permits.

All applications for use and occupancy permits shall be made in writing on forms furnished by the Township and shall include all information necessary to enable the Zoning Officer and/or building inspector to ascertain compliance with this Chapter.

C. Issuance of Use and Occupancy Permits.

1. No use and occupancy permits shall be issued until the Zoning Officer and/or building inspector has certified that the proposed use complies with the provisions of this Chapter. Pending completion of a building or alterations thereto, a temporary use and occupancy permit may be issued by the Zoning Officer and/or building inspector for a temporary occupancy of part or all of the building, provided that such temporary occupancy will not tend in any way to jeopardize life or property.

2. The Zoning Officer and/or building inspector shall inspect the property and determine whether an application is in compliance with the provisions of the building permit, this Chapter, and other applicable ordinances, and thereafter shall approve or deny the issuance of the appropriate permit.
SECTION 1407  FEES

A. The Board of Supervisors shall establish by resolution a schedule of fees, charges, and expenses and collection procedures for zoning permits, certificates of use and occupancy, special exceptions, variances, conditional uses, appeals, and other matters pertaining to this Chapter. The schedule of fees shall be available for inspection in the office of the Township Secretary during normal business hours and may be amended by the Board by resolution. Such alterations shall not be considered an amendment to this Chapter and may be adopted at any public meeting of the Board of Supervisors by resolution.

B. Fees so established for any application or appeal, pursuant to this Chapter and paid to the Zoning Officer, shall accompany an application or appeal upon submission. The Zoning Officer shall have the sole discretion to determine the total amount due for an application or appeal.

C. Until all application fees, charges, and expenses have been paid in full, no appeal or application shall be accepted for filing, any permit issued, or any action be taken thereon.

D. If, at any time, the charges then made against the applicant's deposit shall render the balance insufficient to ensure payment of all expenses that may accrue in the disposition of the ending appeal or application, the Zoning Officer shall obtain from the applicant additional deposits to assure adequate funds to pay such expenses as they may accrue. The failure of the Zoning Officer to require and obtain additional deposits from time to time shall not relieve the applicant from any liability for expenses in excess of deposits.

SECTION 1408  CAUSE OF ACTION

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

SECTION 1409  ENFORCEMENT NOTICE

A. If it appears to the Zoning Officer that a violation of this Chapter has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.

B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record. The enforcement notice may also be enforced against a tenant.

C. An enforcement notice shall state at least the following:

1. The name of the owner of record and any other person against whom the Township of West Nottingham intends to take action.

2. The location of the property in violation.
3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.

4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a period of thirty (30) days.

6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

SECTION 1410 ENFORCEMENT REMEDIES

A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township of West Nottingham, pay a judgment of not more than five hundred ($500.00) dollars plus all court costs, including reasonable attorney fees incurred by the Township of West Nottingham as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township of West Nottingham may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

C. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township of West Nottingham the right to commence any action for enforcement pursuant to this Section.

SECTION 1411 COMPLAINT OF VIOLATION

Whenever a violation of this Chapter occurs, or is alleged to occur, any person may file a complaint in regard thereto to the Zoning Officer. The Zoning Officer may properly record such complaint and investigate accordingly. The Zoning Officer may report complaints to the Board of Supervisors and take action as warranted.
PART 15  NONCONFORMITIES

SECTION 1501  APPLICABILITY

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

SECTION 1502  CONTINUATION

A. Any lawful building or other structure, or any lawful use of a building, structure, land, or sign legally existing at the time of adoption of this Chapter, or authorized by a zoning and/or building permit issued prior thereto, which does not conform to the provisions of this Chapter, shall be considered as nonconforming and may be continued in the form evident at the effective date of this Chapter.

B. A nonconforming use, structure, lot, or sign may be transferred from one owner to the next, and the new owner may continue the nonconforming use, structure, lot, or sign, subject to the provisions of this Part.

SECTION 1503  NONCONFORMING USES

Except as provided in this Part, any use of a building, structure, or land existing at the effective date of this Chapter, which does not conform with the provisions of this Chapter, or subsequent amendments, shall comply with the following:

A. Expansion. Any nonconforming use of buildings, structures, or land, or a portion thereof, may be expanded upon the lot on which it exists at the time of the effective date of this Chapter subject to the following:

1. Such expansion shall conform to the area and bulk requirements and design standards of this Chapter for the zoning district in which the use is located.

2. The expansion of a nonconforming use on a lot shall be limited to the lot which was in existence on the effective date of this Chapter.

3. The volume, area, or extent of the nonconforming use devoted to such expansion shall not be increased by more than twenty five (25) percent of the volume, area or extent so used on a lot or within a building or structure on the date that it became nonconforming.

4. A nonconforming use shall be expanded not more than one (1) time.

5. A nonconforming use shall not be expanded to displace conforming uses.

B. Change in Use.

1. Once changed to a conforming use, a use within a building, structure, or on the land, shall not be permitted to revert to a nonconforming use.

2. A nonconforming use may be changed to another nonconforming use by special exception and the applicant shall show that the proposed change of use will be of the same or lesser impact than the existing nonconforming use with respect to:

   a. Traffic generation and congestion.
   b. Noise, smoke, dust, noxious matter, heat, glare, vibration and other nuisance characteristics relative to the particular use.
   c. Storage and waste disposal.
d. External appearance.

3. When alterations or enlargement of a building, structure, or land area containing a nonconforming use are requested in conjunction with a change in use, a special exception shall be required from the Zoning Hearing Board and shall comply with the requirements of Section 1504.A. In considering a special exception to permit the change of a nonconforming use the Zoning Hearing Board shall consider the following criteria:

   a. The proposed change in use complies with the design standards of the applicable zoning district.

   b. The criteria established under Part 17 for special exceptions shall have been satisfied.

C. **Restoration.** When a building, structure, or land area containing a nonconforming use which has been involuntarily damaged or destroyed by fire, explosion, windstorm, flood, or other phenomena, to an extent of not more than seventy five (75) percent of its fair market value, or is legally condemned for the reasons above, the building, structure, land, or use may be reconstructed and used for the same nonconforming use in the same location, provided that:

   1. Restoration of the building or structure in which the nonconforming use is located shall be in conformance with Section 1504.B.

   2. Restoration of the nonconforming use shall commence within one (1) year from the date the land area, building, or structure containing the use was destroyed or condemned and shall carry on without interruption.

   3. Expansion of the restored building, structure, land, or use shall not be permitted except in accordance with Section 1503.A and Section 1504.A.

D. **Discontinuance or Abandonment.** Whenever a non-conforming use of building, structure, or land, or any part thereof, has been discontinued for a consecutive period of one (1) year, such non-conforming use shall not thereafter be reestablished and all future uses shall be in conformance with the provisions of this Chapter.

**SECTION 1504 NONCONFORMING BUILDINGS AND STRUCTURES**

Except as provided in this Part, any nonconforming building or structure existing at the time of passage, or amendment to this Chapter, shall comply with the following:

A. **Expansion.** Any nonconforming building or structure existing at the time of the effective date of this Chapter may be altered or expanded provided such alteration or expansion does not increase the nonconformity of the building or structure with respect to the setback, land coverage, density or other applicable requirements of the zoning district in which it is located, in accordance with the following:

   1. A nonconforming building or structure shall not be expanded to displace a conforming building or structure.

   2. The expansion of any existing nonconforming building or structure shall require a special exception when the total floor area will be increased by more than twenty five (25) percent of the floor area of the nonconforming building at the time of the effective date of this Chapter. In granting a special exception, the Zoning Hearing Board shall consider the following:
a. It is clear that such expansion is not materially detrimental to the character of the surrounding area or the interest of the municipality.

b. No more than one (1) expansion to a nonconforming building shall be granted.

c. The alteration or expansion of such buildings and structures conforms to the building height requirement and shall not impose any hazard to adjoining properties.

d. The criteria established under Part 17 for special exceptions shall have been satisfied.

B. Restoration. Any nonconforming building or structure which has been involuntarily damaged or destroyed by fire, explosion, windstorm, flood, or other phenomena, to an extent of not more than seventy five (75) percent of its fair market value, or is legally condemned for the reasons above, may be restored provided that:

1. Reconstruction of the building or structure shall commence within one (1) year from the date the structure was destroyed or condemned and shall carry on without interruption.

2. The reconstructed structure shall not exceed the height, area, or bulk of the damaged or destroyed structure, except as provided for in Section 1504.A, as applicable.

3. Evidence of a hardship beyond the control of the applicant is necessary to request an extension of time from the Board of Supervisors.

C. Voluntary Demolition and Abandonment. Where a nonconforming building or structure is voluntarily demolished, destroyed, or abandoned, except for restoration and/or modernization, the nonconforming use, as well as the nonconforming structure, shall be deemed to have been abandoned and discontinued, and any use thereafter shall conform to the provisions of this Chapter.

SECTION 1505 NONCONFORMING LOTS

A. A building or structure may be erected or altered on any nonconforming lot held at the effective date of this Chapter in accordance with the following:

1. Any owner of two (2) or more contiguous lots that, if combined, would create a lot of conforming size, shall be required to combine such lots prior to the issuance of a zoning or building permit.

2. A structure or building may be constructed on a lot that is nonconforming solely in respect to minimum lot area requirements, but shall meet front, side, and rear yard setback requirements.

B. No lot area shall be reduced so that the area or width of the lot or the applicable setback dimensions shall be smaller than herein prescribed for the zoning district in which it is located.

C. An existing structure located on a lot nonconforming as to area may be used for the use permitted in the zoning district in which it is located, provided the structure complies with all bulk requirements of that zoning district.

SECTION 1506 NONCONFORMING SIGNS

A nonconforming sign existing at the effective date of this Chapter, or any amendment thereto, may be continued, provided the following provisions are upheld:

A. Relocation.
1. A nonconforming sign may be relocated provided that relocating such a sign would eliminate the nonconformity.

2. A nonconforming sign shall not be relocated to a position where such sign remains nonconforming except when approved by special exception, and shall not be located so as to increase any nonconformity.

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

C. Repair or Replacement. Nonconforming signs, once removed or damaged more than sixty (60) percent, including structural framing or bracing, shall be replaced with conforming signs. Nonconforming signs with damage of sixty (60) percent or less may be repainted or repaired, provided that such repainted or repaired sign does not exceed the dimensions of the existing sign or otherwise increase its nonconformity.

D. Discontinuance. Whenever any nonconforming use of building, structure, or land, or of a combination of buildings, structures, and land ceases in accordance with Section 1503.D and Section 1504.C, all signs accessory to such use shall be deemed to become nonconforming and shall be removed within thirty (30) days from the date such use terminates.
SECTION 1601  PURPOSE, CONDITIONS FOR APPROVAL, AUTHORIZATION

A. **Purpose.** The Board of Supervisors shall hold hearings on and decide requests for conditional uses in accordance with the standards and criteria set forth in this Part. In granting a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of this Chapter and the Municipalities Planning Code (MPC).

B. **Conditions for Approval.** In reviewing an application for conditional use, the Board of Supervisors shall evaluate the degree of compliance with the following conditions:

1. The extent, scope, and size of the proposed conditional use is compatible with and does not adversely impact surrounding land uses on adjacent properties.

2. The proposed conditional use is located in an area on which site conditions are suited to handle the proposed use.

3. The proposed conditional use provides adequate access to existing or proposed roads (of the lowest functional classification possible) and will not result in excessive traffic volumes. The proposed conditional use will include improvements needed to create compatibility with adjacent streets and public services and it will meet the demand for parking and other associated services.

4. The proposed conditional use is consistent with the purpose of the zoning district in which it is permitted, and the overall purpose of the zoning as prescribed in Part 1 of this Chapter.

5. The proposed conditional use shall not endanger the health, safety, or welfare of the Township residents.

6. The proposed conditional use is in accordance with the applicable provisions and requirements of the West Nottingham Subdivision and Land Development Ordinance and other applicable ordinances, codes, and/or regulations.

7. The interior traffic circulation for the proposed conditional use provides safe and convenient circulation for all users including vehicular and pedestrian modes of transportation and the plan addresses emergency design considerations.

8. Evidence of adequate water supply and sewage disposal capability for the proposed conditional use is provided.

9. The proposed conditional use will be developed using best stormwater management practices and soil erosion and sedimentation control techniques in accordance with the West Nottingham Township Subdivision and Land Development Ordinance and Chapter 9, Grading and Excavating Ordinance, of the West Nottingham Township Code of Ordinances.

10. Review of proposed conditional uses shall take into consideration the applicable requirements of Part 10, General Regulations and Part 11, Supplemental Regulations in determining the consistency of the proposed plan with the intent of this Chapter.

11. Criteria of Sections 1604, 1605, and 1606, as applicable.
C. Authorization. The regulations set forth in this Part are enacted pursuant to the authority granted to the Township by the Legislature of the Commonwealth of Pennsylvania in the following duly enacted statutes:

1. The sections of the Second Class Township Code authorizing the Township to enact ordinances dealing with the protection of the health of the Township residents, refuse materials, nuisances, and public safety, codified in Volume 53 of Purdon’s Consolidated Statutes of the Commonwealth of Pennsylvania at Sections 65729, 65708, 65712, and 65747, as amended.

2. Article VI Zoning, Section 603, c (2) of the Municipalities Planning Code.

3. The applicable provisions of the Pennsylvania Solid Waste Management Act, codified in Purdon’s Consolidated Statutes of the Commonwealth of Pennsylvania at Section 6010, as amended.

SECTION 1602 APPLICATION AND PLAN CONTENT

A. Application Administration.

1. An application for conditional use shall be filed with the Township on such forms prescribed for that purpose. No application shall be accepted prior to the receipt of the requisite fee paid by the applicant to the Township.

2. The Zoning Officer shall review the application to determine if it is complete, and act on such determination within five (5) days of receipt of the application. If the application is determined to be complete, the Zoning Officer shall submit the application to the Board of Supervisors, the Township Planning Commission, and any other party in accordance with Section 1602.B. If the application is deficient in any required component, the Zoning Officer shall notify the applicant in writing of the deficiencies. If such identified deficiencies are not remedied by the applicant within thirty (30) days in the form of a resubmitted application rectifying said identified deficiencies, this shall constitute sufficient grounds for denial by the Board of Supervisors of the application, at the subsequent public hearing, should the Board to deem such deficiencies to be substantially at variance with the requirements of this or other applicable Township ordinances.

3. If a plan or application is resubmitted after a prior submission due to substantial changes or denial as per Section 1602.A.2, above, then the resubmission shall be considered as a new submission.

B. Application. An application for conditional use shall be filed with the Township on such forms prescribed for that purpose, and shall include the application form, required filing fee, and the following information:

1. Name and address of the applicant.

2. Name and address of the owner of the tract (if different than the applicant) affected by the proposed conditional use application.

3. Name and address of owners of adjacent properties.

4. Description and location of the tract on which the conditional use is proposed.

5. Statement of the present zoning classification, present land use, and existing improvements for the tract in question.
6. Description of the proposed use and site improvements including but not limited to buildings, structures, landscaping, fencing, and screening.

7. Any other reasonable information that the Township deems necessary.

C. Plan Content. The application for conditional use shall be accompanied by a proposed site plan, drawing, or sketch, to include the following requirements:

1. Site plan drawn to scale of one (1) inch equals fifty (50) feet, unless specified otherwise, with a north arrow and date of plan preparation.

2. Approximate tract boundaries.

3. Location of tract by indicating nearest roadway intersection and zoning district.

4. Dimensional features showing compliance with the applicable area and bulk regulations and design standards as specified in the applicable zoning district, and any other applicable regulations of this Chapter.

5. Existing and proposed streets on and adjacent to the tract properly identified.

6. Significant topographical and physical features on and adjacent to the site including but not limited to structures, historic structures, easements, floodplains, wetlands, watercourses, and woodlands.

7. A proposed general lot layout and a proposed sketch grading plan as applicable.

8. Proposed method of water supply, sewage treatment, and stormwater management. Feasibility of water supply, sanitary sewer disposal, and storm drainage control should be demonstrated but need not be fully engineered.

9. The Board of Supervisors may, at its discretion, request a detailed site analysis plan as may be required for a subdivision or land development plan as described in Section 402, Preliminary Plan Requirements of Chapter 22 of the West Nottingham Township Code, Subdivision and Land Development Ordinance.

SECTION 1603 CONDITIONAL USE PROCEDURE

A. Public Hearing and Notice.

1. The Board of Supervisors shall schedule and hold a public hearing pursuant to public notice on the application within sixty (60) days from the date of receipt of the application, unless the applicant waives or extends the time limitation. (MPC §908 (1.2))

2. The Board shall give public notice of the time and place for the public hearing by mailing or delivering a written notice thereof, to all individuals or entities owning or occupying property in the Township within one thousand (1,000) feet of the lot or building which is the subject of the application and hearing.

B. At least thirty (30) days prior to the date of the hearing, a copy of the application and supporting material shall be furnished to the Township Planning Commission and any other agencies or consultants deemed appropriate by the Board of Supervisors, together with a request that such agencies submit recommendations regarding the proposed conditional use prior to the hearing scheduled for the same.
C. The hearing shall be conducted by the Board or the Board may appoint any member or independent attorney as a hearing officer. (MPC § 913.2(a))

D. The decision or, where no decision is called for, the findings shall be made by the Board. However, the appellant or the applicant, as the case may be, in addition to the Township may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final. (MPC§913.2(a))

E. In granting a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter, as they may deem necessary to implement the purposes of the MPC and this Chapter. (MPC§913.2(a))

F. The Board of Supervisors shall render a written decision or, when no decision is called for, make written findings on the conditional use application within forty five (45) days after the last hearing before the Board of Supervisors. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions of law based thereon together with any reasons therefore. Conclusions based on any provisions of the MPC or of any ordinance, rule or regulation shall contain a reference to that provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found. (MPC§913.2(b)(1))

G. Where the Board of Supervisors fails to render the decision within the period required by this Section or fails to commence, conduct, or complete the required hearing as provided in Section 1603.A of this Part or Section 908 (1.2) of the MPC, the decisions shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board of Supervisors to meet or render a decision as hereinabove provided, the Board of Supervisors shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of the MPC. If the Board of Supervisors shall fail to provide such notice, the applicant may do so. (MPC§913.2(b)(2))

H. Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed no later than the day following its date. (MPC§913.2(b)(3))

I. The burden of establishing compliance with Section 1601.B and Section 1602.B and C shall be upon the applicant by fair preponderance of the evidence.

SECTION 1604 CONDITIONAL USE REGULATIONS: SANITARY LANDFILL AND QUARRY

A. Applicability. Sanitary landfills are permitted as a conditional use in the Industrial (I) Zoning District within the Township, subject to the provisions of this Chapter. Sanitary landfills shall be operated only by West Nottingham Township or the West Nottingham Township Municipal Authority. Quarries are permitted only as a conditional use in the Industrial (I) Zoning District within the Township, subject to the provisions of this Chapter.

B. Application. A person wishing to establish a sanitary landfill or quarry in the Township shall present an application for a conditional use, pursuant to the procedures specified in Section 1603 of this Part which shall include the following:

1. A topographical drawing, prepared by a registered engineer to a scale no greater than one (1) inch = two hundred (200) feet, in accordance with the plan contents specified in Section 1602.B and 1602.C.
2. A statement from Pennsylvania Department of Environmental Protection (PADEP) indicating the general feasibility of the site for development as a sanitary landfill or quarry. Such statement must indicate preliminarily the appropriateness of the site, but need not include completion of actual on-site testing of soil, groundwater, and rock conditions.

3. A statement on erosion and sedimentation control provisions in accordance with the requirements of the PaDEP and Chapter 9, Grading and Excavating Ordinance, of the West Nottingham Township Code of Ordinances.

4. A notarized statement by the owner that a sanitary landfill or quarry is permitted on the property.

5. An estimate of the expected useful life of the site as a sanitary landfill or quarry and condition of the site upon completion of operation. In the case of a quarry, a plan for restoration of the site upon completion of the operation.

6. An estimate of the number of vehicles weighing over twenty thousand (20,000) pounds, loaded, which are expected to use the site on a daily basis, during the first two (2) years of operation is required.

7. A statement of the applicant’s prior experience, if any, with sanitary landfill or quarry operation.

8. Any application for a sanitary landfill or quarry be in compliance with the requirements of the PaDEP and that, prior to the onset of site utilization, a permit be obtained from the PaDEP for said operations.

SECTION 1605 CONDITIONAL USE REGULATIONS: LAND APPLICATION OF SEWAGE SLUDGE.

A. Applicability. Agricultural utilization or other land application of sewage sludge is permitted as a conditional use in the Industrial (I) Zoning District, subject to the provisions of this Chapter.

B. Applications. A person wishing to utilize sludge on property in the Township shall present an application for a conditional use, pursuant to the procedures specified in Section 1603 of this Chapter, which shall also contain the following:

1. A narrative describing the proposed sludge utilization program including the source of the sludge, the proposed utilization rate per acre, and the total amount to be applied during the utilization period.

2. A topographical drawing, prepared by a registered engineer to a scale no greater than one (1) inch = two hundred (200) feet, showing:
   a. Location of site relative to public roads.
   b. Owners of adjacent properties.
   c. Boundaries of the area to be used for sludge utilization.
   d. Location of public and private water supplies, wells, springs, streams, swamps or other bodies of water within one-fourth (1/4) of one (1) mile of the boundaries of the proposed sludge utilization site.

3. A soils, geologic and groundwater report of the characteristics of the proposed sludge utilization site. The report shall be based on a soils, geology, and hydrology investigation and
on a published standard soil survey or equivalent data and shall encompass and include the following criteria:

a. Excavations and borings or wells shall be made to determine the valid and conclusive soil, geology, and groundwater conditions, including a minimum of three (3) borings or wells which shall be drilled ten (10) feet into the groundwater or to bedrock, to delineate groundwater flow system(s). A minimum of one (1) groundwater monitoring point shall be established in each dominant direction of groundwater movement and one (1) monitoring point upgradient of the site. The location of all monitoring points shall be approved by the Township Engineer in advance of drilling, but in no event shall any monitoring point be located more than five hundred (500) feet from the nearest boundary of the proposed sludge utilization site. Monitoring points shall be accessible to the applicant and to the Township and its Engineer. Chemical analysis and hydrologic data shall be submitted quarterly to the Township Engineer on a form provided to the applicant by the Township, which shall contain all data required from time to time by the Township. Each monitoring point shall be purged prior to obtaining a sample for analysis.

b. Detailed soil descriptions based on soil borings obtained through the well drilling procedures.

4. A chemical analysis of the sludge which shall include, but not be limited to, the ranges of the following: moisture content, percent total nitrogen (moist and dried), percent ammonium (NH4-N) (moist and dried), BOD, pH, and the following reported on a dry weight basis: cyanide, sodium, cadmium, zinc, copper, nickel, lead, chromium, mercury, and molybdenum and other toxic substances and enteric pathogens. Chemical analyses are required according to the following schedule:

a. Three (3) composite samples of the sludge to be disposed of must be analyzed and one (1) composite sample each year thereafter must be analyzed.

b. Additional analysis may be required by the Township when significant changes in the treatment plant’s volume or quality of effluent is evident.

5. A statement from the Pennsylvania Department of Environmental Protection (PADEP) indicating the general feasibility of the site for utilization of sludge.

6. Identity of the owner of the site, and relationship of applicant to the owner and notarized statement by the owner that a sludge application is permitted on the property.

7. A statement of the applicant’s prior experience, if any, with sludge application.

SECTION 1606 CONDITIONAL USE REGULATIONS: NON-RESIDENTIAL COMMUNICATION FACILITY

A. **Applicability.** In addition to the requirements of Section 1114, the requirements of this Section shall apply to non-residential communication facilities as permitted in the zoning districts.

B. **Conditional Use Application.** The application for the facility shall be submitted in conformance with the procedures outlined in Section 1603 and the other applicable sections of this Part 16. Applications shall contain the following:

1. A topographical drawing, prepared by a registered engineer to scale no greater than one (1) inch = two hundred (200) feet, showing:

   a. Location of the site relative to the public roads.
b. Owners of adjacent properties.

c. Existing and proposed site improvements, including a section showing the height of the antenna(e) compared to existing structures and buildings. All existing and new towers and antennae shall be shown, including the distances between each tower or antenna and from each tower or antenna to the property lines.

d. Proposed screening.

2. Identity of the owner of the site, and relationship of the applicant to the owner. A notarized statement of the owner shall be included which verifies the following:

a. That a satisfactory lease agreement for the site has been executed by the owner and the applicant.

b. That the owner is familiar with Section 1114.G.8.b, permitting the Township to file a municipal claim and lien against his/her property in the event the facility owner fails to demolish and remove the facilities in certain instances.

3. A landscaping plan demonstrating compliance with the screening sections of this Chapter, including Section 1004 Screening and Landscaping.

4. A rendering showing the proposed antenna(e), antenna(e) support structure and buildings.

5. Demonstrable evidence, using technology as required, that the tower or antenna shall go where it is proposed in order to satisfy its function in the company’s grid system.

6. If the applicant proposes to build a tower (as opposed to mounting the antenna on an existing structure), the applicant shall demonstrate that they contacted the owners of tall architectural structures within one (1) mile of the site proposed and was not able to successfully negotiate a contract to install the antenna on those structures. For the Township to accept that an agreement could not be reached, the applicant must show that: the cost to locate the antenna on an existing structure, including purchase/lease and legal services; is greater than the cost to purchase or lease available open land, and construct a new communication facility. Cost may be substantiated by lease/purchase proposed agreements, appraisals for land for determining fair market value, estimates and/or proposals to construct a new communication facility, and estimates for associated legal services. All appraisals, estimates and/or proposals must be written on the letterhead of the proposed service provider.

7. A plan for removal of the communication facilities from the property shall be proposed to and approved by Board of Supervisors. The removal plan shall contain the following:

a. Plans for removal of the facility within six (6) months of any of the following events:

   1) The Township’s denial or revocation of a permit or renewal permit.
   2) Abandonment of the operation of the facility.
   3) The nonuse of the facility for its primary purpose for six (6) months or longer.

b. Plans for the transport and disposition of removed facilities.

c. Estimates for the cost of such removal.

d. A certain method of payment for such removal.

C. If conditional use of a communication tower or antenna is granted, it shall be subject to all conditions made by the Board of Supervisors, including but not limited to, the condition that the
use of the tower will be made available to other users (even if they are in direct or indirect competition with the applicant) so long as the following apply:

1. There is space available on the tower or the existing site.

2. The additional user(s) will not cause interference with the existing user(s).

3. The additional user(s) will not cause any health or safety problems or be hazardous to the surrounding area.

4. The tower has the structural capability to safety contain the communication transmitting and receiving device(s) which may be installed by any additional user(s) on the tower.

5. The Township approves that additional user(s) and the attendant facilities per its ordinances.

6. The additional user(s) has agreed to pay a fair and reasonable market rent for the use of the tower or portion of the site.

7. Any additional user(s) agrees to comply with all township ordinances.

D. Modification to Height Limitations.

1. At conditional use hearing, if the applicant wishes to exceed the maximum height requirement in Section 1114.G.2, the applicant shall present evidence to justify that the proposed height in excess of the maximum is necessary to accomplish the purpose of satisfactory service for the proposed type of communications.

2. If the Board of Supervisors approves a modification to the height requirement as a condition of approval of the conditional use, the Board shall require that the two (2) acre minimum lot area be increased proportionately to the height of the communication tower, to comply with the siting requirements in Section 1114.F, Area and Bulk Standards.
SECTION 1701  MEMBERSHIP OF BOARD

A. There is hereby created for the Township of West Nottingham a Zoning Hearing Board (Board) in accordance with the provisions of Article 9 of the Municipalities Planning Code.

B. The membership of the Board shall consist of three (3) residents of the Township of West Nottingham appointed by resolution by the Board of Supervisors. The terms of office shall be for three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. (MPC 903(a))

C. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. MPC 903(a)

D. Members of the Board shall hold no other office in the Township of West Nottingham or be an employee of the Township. (MPC 903(a))

E. The Board of Supervisors may appoint by resolution at least one (1) but no more than three (3) residents of the municipality to serve as alternate members of the Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of Section 1702, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Part and as otherwise provided by law. Alternates shall hold no other elected or appointed office in the Township, including service as a member of the planning commission or as a zoning officer, nor shall any alternate be an employee of the Township. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated pursuant to Section 1703 unless designated as a voting alternate member pursuant to Section 1702. (MPC 903(b))

F. Removal of Members. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors, taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing. (MPC 905)

SECTION 1702  ORGANIZATION OF BOARD

A. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in Section 1705. (MPC 906(a))

B. The chairman of the Board may designate alternate members of the Board to replace any absent or disqualified member and if, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the board has made a final determination on the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates. (MPC 906(b))
C. The Board may make, alter and rescind rules and forms for its procedure, consistent with the ordinances of the Township of West Nottingham and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Township of West Nottingham and shall submit a report of its activities to the Board of Supervisors as requested by the Board of Supervisors. (MPC 906(c))

SECTION 1703 EXPENDITURES FOR SERVICES AND FEES

A. Expenditures for Service. Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board, and alternates when designated as per Section 1702, may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors. (MPC 907)

B. Fees. An applicant before the Zoning Hearing Board shall deposit with Township the appropriate filing fee established by resolution of the Board of Supervisors. No application shall be determined to be complete or is to be accepted unless the appropriate fee is paid.

C. Fees for Hearings. The Board of Supervisors may prescribe reasonable fees as adopted by resolution, with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs. (MPC 908(1.1))

SECTION 1704 JURISDICTION

A. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

1. Substantive challenges to the validity of any land use ordinance, except those brought before the Board of Supervisors pursuant to Sections 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code (hereinafter “MPC”), 53 P.S., Sections 10609.1, 10918.1. (MPC 909.1(a)(1))

2. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance. (MPC 909.1(a)(2))

3. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot. (MPC 909.1(a)(3))

4. Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance. (MPC 909.1(a)(4))

5. Applications for variances from the terms of this Chapter or flood hazard ordinance, in accordance with Section 903.H, or such provisions within a land use ordinance, pursuant to Section 910.2 of the Municipalities Planning Code, 53 P.S. Section 10910.2. (MPC 909.1(a)(5))
6. Applications for special exceptions under this Chapter or floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 912.1 of the Municipalities Planning Code, 53 P.S. Section 10912.1. (MPC 909.1(a)(6))

7. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Chapter. (MPC 909.1(a)(7))

8. Appeals from the Zoning Officer’s determination under Section 916.2 of the Municipalities Planning Code, 53 P.S. Section 10918.2. (MPC 909.1(a)(8))

9. Appeals from the determination of the Township Zoning Officer or Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving applications under Article 5 or 7 of the Municipalities Planning Code, 53 P.S. Sections 10501 et seq., 10701 et seq. (MPC 909.1(a)(9))

SECTION 1705 HEARINGS

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

A. Public Notice.

1. Public notice shall be given in accordance with the Municipalities Planning Code, and written notice shall be given to the applicant, the Zoning Officer, and such other persons as the Board of Supervisors shall designate by ordinance, and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provision, by rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearings. (MPC 908(1))

2. The Board shall give notice of the time and place for the public hearing by mailing or delivering a written notice thereof, to all individuals or entities owning or occupying property in the Township within one thousand (1000) feet of the lot or building which is the subject of the application and hearing.

B. Hearings.

1. The first hearing before the Board or hearing officer shall be commenced within sixty (60) days from the date of receipt of the applicant’s application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Board or hearing officer shall be held within forty five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Board or hearing officer shall assure that the applicant receives at least seven (7) hours of hearings within the one-hundred (100) days, including the first hearing. (MPC 908(1.2))

2. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicant’s case-in-chief. And the applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be
granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal. (MPC 908(1.2))

3. The hearings shall be conducted by the Board or the Board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board, however, the appellant or the applicant, as the case may be, in addition to the Township of West Nottingham, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final. (MPC 908(2))

C. The parties to the hearing shall be the Township of West Nottingham, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose. (MPC 908(3))

D. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties. (MPC 908(4))

E. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues. (MPC 908(5))

F. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded. (MPC 908(6))

G. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof. (MPC 908(7))

H. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present. (MPC 908(8))

I. Decisions. (MPC 908(9))

1. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty five (45) days after the last hearing before the Board or hearing officer.

   a. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this Chapter or of any law, ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.
b. If the hearing is conducted by a hearing officer, and there has been no stipulation that the decision or findings are final, the Board shall make the report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board’s decision shall be entered no later than thirty (30) days after the report of the hearing officer.

c. Except for challenges filed under Section 916.1 of the Municipalities Planning Code, where the Board fails to render the decision within the period required by this subsection, or fails to commence, conduct, or complete the required hearing as provided in Section 1705.B, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of the said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in Section 1705.A. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

2. A copy of the final decision or, where no decision is called for, of the findings shall be mailed or delivered to the applicant personally not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision of findings and a statement of the place at which the full decision or findings may be examined. (MPC 908(10))

SECTION 1706 PARTIES APPELLANT BEFORE THE BOARD

Appeals to the Zoning Hearing Board under Section 1704, other than applications for special exceptions or variances, may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Township of West Nottingham, or any person aggrieved. Requests for a variance under Section 1707 or for special exception under Section 1708 may be filed with the Board by any landowner or any tenant with the permission of such landowner. (MPC 913(3))

SECTION 1707 VARIANCES

A. The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Chapter inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance provided the following findings are made where relevant in a given case. (MPC 910.2(a))

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, including floodplains in accordance with Section 903.H, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Chapter in the neighborhood or district in which the property is located. (MPC 910.2(a)(1))

2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property. (MPC 910.2(a)(2))

3. That such unnecessary hardship has not been created by the appellant. (MPC 910.2(a)(3))
4. That the variance, if authorized, will not alter the essential character of the neighborhood or
district in which the property is located, nor substantially or permanently impair the
appropriate use or development of adjacent property, nor be detrimental to the public welfare.
(MPC 910.2(a)(4))

5. That the variance, if authorized, will represent the minimum variance that will afford relief and
will represent the least modification possible of the regulation in issue. (MPC 910.2(a)(5))

6. In granting any variance, the Board may attach such reasonable conditions and safeguards
as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania
Planning Code, 53 P.S. Section 10101 et seq. (MPC 910.2(b))

SECTION 1708 SPECIAL EXCEPTIONS (MPC 912.1)

Where the Board of Supervisors, in this Chapter, has stated special exceptions to be granted or denied
by the Zoning Hearing Board pursuant to express standards and criteria, the Board shall hear and decide
requests for such special exceptions in accordance with such standards and criteria. In granting a special
exception, the Board may attach such reasonable conditions and safeguards, in addition to those
expressed in this Chapter, as it may deem necessary to implement the purposes of this Chapter and the Municipalities Planning Code, 53 P.S. Section 10101 et seq.

A. Consideration shall be given to the size, scope, and extent of the special exception requested,
and assurances that it is consistent with the development plan, the objectives of this Chapter, and
the Township Comprehensive Plan, may be requested.

B. Consideration shall be given to the suitability of the proposed site for the special exception the
impact the exception may have on surrounding land uses, how the exception may promote
harmonious development within the intent of this Chapter and Township Comprehensive Plan,
and that the proposed exception will not adversely affect the health, safety, and welfare of
Township residents.

C. Consideration shall be given to the potential impact on the natural, scenic, and historic resources
on the site of the proposed special exception and its surroundings.

D. The demand for parking, access points onto public roadways, and the anticipated traffic impact of
the proposed special exception shall be considered.

E. Consideration will be given to the need for public services arising from the proposed special
exception.

F. The special exception shall be evaluated in terms of its effect on property values and the general
welfare of the area.

SECTION 1709 EXPIRATION OF VARIANCE AND SPECIAL EXCEPTIONS

A. Unless otherwise specified by the Board, a special exception, special relief or variance shall
expire within one (1) year from the date of authorization if the applicant fails to obtain the
appropriate permit or fails to file for an extension as per Section 1709.B, below.

B. An applicant may request an extension of time in writing for a period not to exceed one (1) year,
citing the reasons for which the extension is necessary, subject to the approval of the Board. Such applications for extension must occur before the expiration of the initial authorization.
SECTION 1710 TIME LIMITATIONS

A. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the Township of West Nottingham if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. (MPC 914.1(a))

B. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. (MPC 914.1(a))

C. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan or from an adverse decision by the zoning officer on a challenge to the validity of this Chapter or an amendment hereto or map or an amendment thereto shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval. (MPC 914.1(a))

D. All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued. (MPC 914.1(b))

SECTION 1711 STAY OF PROCEEDINGS

A. Upon filing of any appeal proceeding before the Zoning Hearing Board and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action hereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. (MPC 915.1(a))

B. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court. (MPC 915.1(b))

C. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory. (MPC 915.1(c))

D. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner. (MPC 915.1(d))
SECTION 1712  APPEALS TO THE BOARD

Any landowner affected or any person aggrieved by any decision of the Board or any officer of the Township may file an appeal under Section 1704 or in accordance with Article 9 of the Municipalities Planning Code.

SECTION 1713  APPEALS TO COURT

Appeals to court shall be in accordance with Article X-A of the Municipalities Planning Code.  (MPC 1002-A)
PART 18 AMENDMENTS

SECTION 1801 POWER OF AMENDMENT

A. The Board of Supervisors may from time to time amend, supplement, change, modify, or repeal any of the regulations and provisions of this Chapter including the Zoning Map, in accordance with the Municipalities Planning Code. Before voting on the enactment of a zoning amendment, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice in accordance with the Municipalities Planning Code.

B. Where the proposed amendment involves a Zoning Map change, notice of said public hearing shall be conspicuously posted by the municipality at points deemed sufficient by the municipality along the tracts to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.

C. In addition to the requirement that notice be posted under Section 1801.B. above, where the proposed amendment involves a Zoning Map change, notice of the public hearing shall be mailed by the municipality at least thirty (30) days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area rezoned, as evidenced by tax records within the possession of the municipality. The notice shall include the location, date, and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this subsection.

D. Section 1801.C above, shall not apply when the rezoning constitutes a comprehensive rezoning.

E. In the case of an amendment other than that prepared by the Township Planning Commission, the Board of Supervisors shall submit each such amendment to the Township Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.

F. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

G. At least thirty (30) days prior to the public hearing on the amendment by the Board of Supervisors, the Township of West Nottingham shall submit the proposed amendment to the County Planning Commission for recommendations.

H. Within thirty (30) days after enactment, a copy of the amendment to the zoning ordinance shall be forwarded to the County Planning Commission.

SECTION 1802 LANDOWNER CURATIVE AMENDMENTS

A landowner who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provision thereof, which prohibits or restricts the use or development of land which he has an interest may submit a curative amendment to the governing body with a written request that his challenge and proposed amendment be heard and decided as provided in Section 609.1 and 916.1 of the Municipalities Planning Code.

SECTION 1803 MUNICIPAL CURATIVE AMENDMENTS

If the Board of Supervisors determines that this zoning ordinance or any portion thereof is substantially invalid, it shall have the right to prepare a curative amendment in accordance with the procedure set forth in Section 609.2 of the Municipalities Planning Code.
PART 19  TDR – TRANSFERABLE DEVELOPMENT RIGHTS

(Note: Section 1908 consists of the West Nottingham Township TDR Sending Area and Receiving Area Map.)

SECTION 1901  PURPOSE

The primary purpose of the West Nottingham Township transferable development rights (TDR) program established herein is to permanently preserve prime farmlands and visually significant landscapes that would be lost if the land were developed from its agricultural or other open uses. In addition, this Part is intended to protect property rights by allowing landowners whose land is desired for conservation to voluntarily transfer their right to develop to other areas of West Nottingham Township deemed appropriate for residential or non-residential development.

SECTION 1902  BASIC CONCEPT AND AUTHORIZATION

A. The provisions of this Part which permit TDRs allow landowners in areas of West Nottingham Township proposed for conservation, called “sending areas,” to sell or convey the right to develop their land to landowners in areas of West Nottingham Township proposed for additional development, called “receiving areas.” The TDR provisions set forth below are specifically authorized under §603(c)(2.2) and 619.1 of the Pennsylvania Municipalities Planning Code (Act of 1968, PL 805, #247), under the terms of which development rights are acknowledged to be severable and separately conveyable, or transferable, from a sending area to a receiving area.

B. Landowners or developers interested in buying, selling or conveying TDRs consistent with this Part may refer to Section 1908, TDR Sending Area and Receiving Area Map, to determine these areas’ general locations. A reduced version of this map is found in Section 1908, while the full-size version is available for review at the West Nottingham Township offices during regular business hours. The map is also available on the West Nottingham Township website at, http://www.wnt-gov.org/. General tabulations of TDRs allocated to properties within the sending area are also available at the West Nottingham Township offices during regular business hours. Landowners within the sending area are also encouraged to discuss the general tabulations of TDRs with the West Nottingham Township Planning Commission, prior to the formal TDR tabulation process described in Section 1903.E.

C. When landowners in the sending area sell or convey their right to develop their land, they must restrict that land against any future development as provided in this Part, although the land may still be used for purposes, such as agriculture or forestry, that do not involve residential, commercial, industrial, or institutional development. When landowners in the receiving area buy the TDRs from landowners in the sending area, they receive the right to develop new uses, build more intensively, or obtain added flexibility in meeting area and bulk limitations on their land than they would have been allowed had they not purchased TDRs, as specified herein.

D. The conservation easement (see Section 1903.F.3) used to prevent further development of parcels from which TDRs have been severed shall not prohibit the landowner’s sale of the land after TDR severance, although such land cannot thereafter be used for residential, commercial, industrial, or institutional development purposes as stipulated in Section 1903.G. Also, and as subject to the provisions of Section 1903.G, the afore-mentioned conservation easement shall run in favor of West Nottingham Township and a bona-fide conservation organization acceptable to the West Nottingham Township Board of Supervisors.

E. The owner of the tract in the sending area from which the TDRs are severed or any subsequent purchaser or purchasers of the TDRs may declare the TDRs for sale, may hold the TDRs, or may resell or convey the TDRs. The only use which may be made of the TDRs is the ultimate transfer to a landowner or developer with a tract in the receiving area. West Nottingham Township shall have no obligation to purchase the TDRs which have been severed from a tract in the sending area.
F. The West Nottingham Township Board of Supervisors may charge a fee, established by resolution of the Board of Supervisors, to cover the administrative, technical, legal, and/or informational costs of TDR calculation, severance, and/or related dedication.

SECTION 1903  SALE AND CONVEYANCE OF TDRs FROM SENDING AREA

A. Owners of tracts which meet the following requirements may sever and subsequently sell or convey their TDRs from land which shall:

1. Comprise at least twenty (20) acres in area.
2. Consist of at least twenty (20) percent prime agricultural soils.
3. Be located in the TDR Sending Area which is shown in Section 1908, TDR Sending Area and Receiving Area Map. It is hereby acknowledged that the lot boundaries within the TDR Sending Area that exist at the time of adoption of this Part may change due to the subdivision and land development process. In no case however, shall the outside boundary of the Sending Area change unless so specifically modified by the West Nottingham Township Board of Supervisors.

B. The sending area tract from which TDRs are severed must be restricted from future development in accordance with Section 1903.F.3.

C. The portion of the sending area parcel which contains an existing residence and accessory buildings, or that portion planned to accommodate a residence and accessory buildings and which therefore may be excluded from any restrictions, shall meet the use, area, dimensional, performance and other standards of this Chapter.

D. Calculation of TDRs.

1. The total number of TDRs available on a sending area tract meeting the qualifications listed in Section 1903.A above shall be determined as follows:
   a. One (1) TDR shall be allocated for every acre of prime agricultural soil the tract contains.
   b. If said sending area tract also consists of visually significant resources as shown in Section 1908, TDR Sending Area and Receiving Area Map, one-quarter (¼) of a TDR shall be allocated for each acre of mapped visually significant resources the tract contains.

2. The total number of TDRs allocated per sending area tract is cumulative based on the presence of prime agricultural soils and visually significant resources, regardless of any overlap. For example, an eligible sending area tract of fifty (50) acres with twenty (20) acres of prime agricultural soils, all of which are identified in Section 1908, TDR Sending Area and Receiving Area Map as visually significant, would be allocated a total of twenty-five (25) TDRs [i.e., (1 TDR x 20 acres) + (¼ TDR x 20 acres)]

3. Previously eased lands and exclusions. Land previously restricted against development by covenant, easement, or deed restriction shall not be eligible for calculation of TDRs unless and until such time as said covenant, restriction, or easement is dissolved or rescinded with written agreement of all beneficiaries of such covenant, restriction, or easement.

4. Any sending area tract that meets the minimum criteria of Section 1903.A. and that is comprised solely of the land identified on the tract's deed or by its tax parcel (i.e., it is not joined in a single deed with an adjacent tract or tracts, nor does it have a tax parcel assignment that includes land outside the sending area) shall be allowed one (1) principal dwelling unit and up to two (2) accessory dwelling units pursuant to Section 1102 of this Ordinance. In this case, no TDRs shall be retained for any existing or future principal or accessory dwelling units. Any other proposed configuration for sending area tracts shall be subject to the declaration and certification of TDRs pursuant to Section 1903.E.
5. A sending area tract from which TDRs have been severed pursuant to this Part may be subdivided for continued agricultural or open space purposes, if the following criteria are met after subdivision:

a. The residual sending area tract, i.e., the parent tract, remains at least twenty (20) acres in size and has at least twenty (20) acres of prime agricultural soils to allow for continued agricultural viability.

b. The newly created parcel(s) or tract(s) is a minimum of twenty (20) acres in size.

c. Notwithstanding Section 1903.D.5.a and b. above, the residual sending area tract, and the newly created parcel(s), may either, or both, be less than twenty (20) acres in size when either or both are joined in a single deed with an adjacent tract or tracts to create parcels that are at least twenty (20) acres in size and that contain at least twenty (20) acres of prime agricultural soils.

d. Regardless of Section 1903.D.5.a. or b. above, the conservation easement that restricts the sending area tract from future development (Section 1903.F.3.) shall run with all subdivided tracts.

e. When a parcel from which TDRs have been severed is joined with a parcel from which no TDRs have been severed, the added land shall not be eligible for TDR sending, nor used to compute TDRs allocated by zoning for the parcel from which no TDRs have been severed.

6. Where calculations result in fractional numbers, a fraction of 0.5 or higher shall be rounded up to the next highest whole number and a fraction of less than 0.5 shall be rounded down to the next lowest whole number.

E. Declaration of TDRs and Certification by West Nottingham Township.

1. Any owner of a sending area tract eligible for the allocation of TDRs may officially apply for a West Nottingham Township determination and certification of the number of TDRs available on that tract. Upon receiving such a request, the West Nottingham Township Planning Commission, or a subcommittee thereof, may meet with the applicant based on the initial calculation of TDRs conducted by the West Nottingham Township Zoning Officer, in consultation with the West Nottingham Township Engineer. Using the calculation methodology stipulated in Section 1903.D.1, the parties may compute the number of TDRs allocable to the subject property. The applicant may present additional supporting information for the Planning Commission’s consideration.

2. Where an applicant and the Planning Commission are in agreement on the number of TDRs allocated, the Planning Commission shall make a recommendation to the West Nottingham Township Board of Supervisors regarding the number of TDRs available on the sending area property.

3. Upon receiving a recommendation from the Planning Commission, the Board of Supervisors shall make a final determination of the number of TDRs available on the property and shall provide a written certification of that number to the applicant.

4. Any applicant dissatisfied with the Board’s determination and certification of the number of TDRs allocated to his or her tract may appeal the action of the Board of Supervisors to the West Nottingham Township Zoning Hearing Board.

F. Severance of TDRs.

1. When choosing to sever TDRs as provided for herein, a landowner shall sever all TDRs allocated to his or her tract at one time. No other development rights allocated through these TDR provisions shall remain after the initial TDR severance.
2. TDRs which have been severed shall be recorded by a Deed of Transferable Development Rights (the “Deed”) duly recorded in the Office of the Chester County Recorder of Deeds. The Deed of Transferable Development Rights shall specify the tract of land to which the rights shall be permanently attached or that the rights shall be transferred to West Nottingham Township, retained by the owner of the sending area tract, or transferred to another person in gross.

3. The Deed which severs the TDRs from the sending area tract shall be accompanied by a conservation easement which shall permanently restrict development of the sending tract as provided below and which shall be recorded in the Office of the Recorder of Deeds at the same time as, or prior to, recording of the Deed of Transferable Development Rights.

4. The Deed, as well as the conservation easement, shall be endorsed by the West Nottingham Township Board of Supervisors prior to recording, which said endorsement shall not be unreasonably withheld. Specifically:
   a. Deeds submitted to West Nottingham Township for endorsement shall be preceded by a title abstract, with copies of all recorded documents representing exceptions to title, of the sending area tract(s) and a legal review of title affirming that the development right(s) being transferred by the Deed have not been previously severed from, nor otherwise prohibited from severance from, the sending area tract.
   b. The title abstract and legal review of title shall be submitted at least ten (10) days prior to submission of the Deed, all of which must meet the reasonable approval of the West Nottingham Township Solicitor in support of Board of Supervisors endorsement. The title abstract with accompanying exceptions documents and legal review of title may be submitted up to forty five (45) days prior to submission of the Deed. In this case, a notarized statement, certifying that no changes have occurred to the either title abstract with accompanying exceptions documents and the legal review of title shall be submitted ten (10) days prior to submission of the Deed.

5. If the agreement of sale of TDRs would entail less than the entire number of TDRs represented by a recorded Deed of Transferable Development Rights, the applicant shall indicate the disposition of the remaining TDRs in the Deed.

G. Protection of Sending Area from Future Development.

Any sending tract from which TDRs have been severed shall be permanently restricted from future development by an appropriate conservation easement, acceptable to the West Nottingham Township Board of Supervisors and its Solicitor. Said conservation easement used to permanently restrict the TDR sending tract from future development must meet the following requirements:

1. Except as permitted herein, the conservation easement shall permanently restrict the land from future subdivision or development for any purpose other than principal or accessory agricultural uses, one (1) or more single family detached residential dwelling units which existed at the time of adoption of this Part, public park land, conservation areas, or other similar uses. The conservation easement shall allow the erection of one single family detached dwelling, principal, residential dwelling unit on the tract, and up to two (2) accessory dwelling units pursuant to Section 1102 of this Ordinance, if none existed at the time of adoption of this Part. Structural development for such permitted uses shall be permitted subject to the applicable provisions of this Chapter.

2. The conservation easement shall be approved by the West Nottingham Township Board of Supervisors, subject to prior review and approval by the West Nottingham Township Solicitor.

3. The conservation easement shall designate West Nottingham Township, and/or a bona fide conservation organization acceptable to the West Nottingham Township Board of
Supervisors at its sole discretion, as the beneficiary/grantee, but shall also designate the following parties as having separate and independent enforcement rights with respect to the conservation easement:

a. All future owners of any portion of the sending parcel.
b. All future owners of any portion of any parcel to which the TDRs shall be permanently attached.

4. The conservation easement shall apply to the tract of land from which TDRs are severed (i.e., the sending area tract), and shall specify the number of TDRs to be severed.

5. All owners of all legal and beneficial interest in the tract from which TDRs are severed shall execute the conservation easement. All lienholders of the tract from which TDRs are severed shall execute a joinder and/or consent to the conservation easement.

6. Final approval for any subdivision or land development plan utilizing TDRs shall not be granted prior to the recording of appropriate restrictions at the Chester County Recorder of Deeds.

SECTION 1904 RECEIVING AREA QUALIFICATIONS AND CALCULATIONS

TDRs severed from sending area tracts may be transferred and received for development on eligible tracts; i.e., within the Village District as established in Part 6 of this Chapter. Specifically, otherwise applicable densities may be increased, uses may be added, and/or area and bulk regulations may be modified through the use of TDRs as part of a proposed subdivision or land development plan, prepared in accordance with the applicable provisions of this Chapter and of the Village District, as reviewed by the West Nottingham Township Zoning Officer in consultation with the West Nottingham Township Engineer, and as follows:

A. **Uses Eligible through TDR Receipt.**

1. Townhouses and apartments shall be allowed in the VR subdistrict of the Village District only when TDRs are proposed for use as part of a subdivision or land development plan in this subdistrict, pursuant to the applicable provisions of Part 6 of this Chapter.

2. The same TDRs used for enabling additionally permitted uses may also be used toward satisfying the provisions of Section 1904.B.2 and B.3, as applicable.

B. **Increase in Permitted Density or Intensity of Development.**

1. Where TDRs are proposed to be used as part of a subdivision or land development plan in the Village District, the otherwise applicable maximum number of dwelling units or maximum intensity of nonresidential use on the tract, as authorized in the Village District, may be expanded or increased in accordance with the limits stipulated in the applicable subdistrict. The expanded limits shall be based upon the number of TDRs to be conveyed, as specified in Section 1904.C herein.

2. Actual increases in the number of dwelling units or intensities of use permissible on any tract shall be specifically determined by the number of TDRs planned for use on the property, the type or types of uses proposed, and compliance with all other applicable standards of this Part, Part 6, and all other applicable provisions.

3. The incremental increase in density or intensity of use above that otherwise provided without the use of TDRs must be fully accounted for through proof of purchase and conveyance of TDRs in accordance with the provisions of this Part, and in accordance with the applicable provisions of Part 6.
C. Development Right/Dwelling Unit or Intensity Factor Equivalency.

1. Each TDR proposed for residential use on a receiving area tract pursuant to Part 6 shall be equivalent to the following number of dwelling units and shall entitle the applicant to that number of additional dwellings on the site:
   a. 1.2 single-family detached dwelling units per TDR.
   b. 1.4 two-family dwelling units per TDR.
   c. 1.6 townhouse or quadruplex dwelling units per TDR.
   d. 2.0 apartment or condominium dwelling units per TDR.
   e. 4.0 apartment or condominium dwelling units per TDR for a long term care facility in accordance with Section 1113.

2. Each TDR proposed for nonresidential use on a receiving area tract, under the terms of this Part, shall be equivalent to the following amount of additional developed area:
   a. 2,500 square feet of impervious surface, exclusive of building coverage.
   b. 2,500 square feet of gross floor area, attainable only through an increase up to the maximum permissible building height.

3. The applicant shall be entitled to the additional development area authorized by the number of TDRs received, up to the maximum amounts of impervious surface, floor area, and/or building height established in the applicable subdistrict of Part 6.

SECTION 1905 PLAN SUBMITTAL PROCESS

A. All applicants for use of TDRs are strongly encouraged to submit a sketch plan in accordance with the Subdivision and Land Development Ordinance, potentially with schematic architecturally renderings, as provided in Part 6. In addition to meeting all other applicable submittal provisions of Part 6, the sketch plan shall generally show the total number of dwelling units or increased amount of impervious surface or floor area proposed on the receiving area site, the total number or amount that could be built not using TDR's, and the incremental difference between the two.

B. All applicants for use of TDRs shall submit a preliminary subdivision plan as provided for in Chapter 22, the West Nottingham Township Subdivision and Land Development Ordinance for the use(s) enabled by TDR receipt. The subdivision or land development plans, as applicable, shall, in addition to meeting all other applicable provisions, include submission of the following:

1. A Deed of Transferable Development Rights or an agreement of sale for all TDRs proposed to be purchased from the sending area site(s). The applicant must prove ownership or equitable ownership of the appropriate number of TDR(s), up to the maximum additional increment calculated as above, as applicable.

2. A note on the subdivision or land development plans showing the total number of dwelling units or increased amount of impervious surface or floor area proposed on the receiving area site, the total number or amount that could be built not using TDR's, and the incremental difference between the two.

3. If TDRs have previously been severed from the tract in the sending area, a copy of the recorded Deed of Transferable Development Rights.

4. A plan of the sending area site(s) where the applicant proposes to purchase TDRs from a sending area property or properties where rights have not been previously severed. This plan shall show all information needed to determine the number of TDRs which may be sold, as required herein. In addition, the plan shall be accompanied by a metes and bounds description of the subject property(s), as well as each tax parcel number, and owner name.
5. A title search of the tract from which the TDRs will be transferred sufficient to determine all owners of the tract and all lienholders. If the TDRs have previously been severed from the tract in the sending area, a title search of the rights set forth in the Deed of Transferable Development Rights sufficient to determine all of the owners of the TDRs and all lienholders shall be furnished to West Nottingham Township.

C. In order to receive final plan approval, the applicant must provide documentation that an appropriate conservation easement has been recorded for all sending area lands whose TDRs are being used by the applicant. This conservation easement must meet the requirements stipulated herein, and shall be recorded first or at the same time as the Deed of Transferable Development Rights which conveys the TDRs from the sending area landowner to the receiving area landowner, in accordance with Section 1903.F and the applicable provisions of the Municipalities Planning Code.

SECTION 1906  PUBLIC ACQUISITION

West Nottingham Township may purchase TDRs and may accept ownership of TDRs through transfer by gift. All such TDRs may be held, retired, or resold by West Nottingham Township. Any such purchase or gift shall be accompanied by a conservation easement as specified herein.

SECTION 1907  AMENDMENT AND/OR EXTINGUISHMENT

A. West Nottingham Township reserves the right to amend this Part in the future, and the West Nottingham Township Board of Supervisors expressly reserves the right to change the manner in which the number of TDRs shall be calculated for a tract in the sending area and the manner in which TDRs can be conveyed. West Nottingham Township further expressly reserves the right to terminate this TDR program at any time. No owner of the land or owner of TDRs shall have any claim against West Nottingham Township for damages resulting from a change in this Part relating to the regulations governing the calculation, transfer, and use of TDRs or the abolition of the TDR program.

B. If the TDR program is changed or terminated by West Nottingham Township as provided in Section 1907.A. above, TDRs, which have been legally severed pursuant to this Part prior to the effective date of such change or termination, may be attached to any eligible tract in the receiving area after the effective date of such West Nottingham Township action when:

1. An application for development in the receiving area was filed prior to the effective date of such West Nottingham Township action and thereafter is continuously processed to approval.

2. An application for zoning approval in connection with such development was filed prior to the effective date of such West Nottingham Township action and thereafter is continuously processed to approval.

C. Determination of an incomplete and/or unacceptable subdivision or land development application by West Nottingham Township shall not result in the loss of any legally severed TDRs provided that such application is wholly revised and resubmitted within six (6) months of the date of such West Nottingham Township determination. Additional extension requests, each for a period not exceeding six (6) months, may be granted at the discretion of the West Nottingham Township Board of Supervisors.

SECTION 1908  TDR SENDING AREA AND RECEIVING AREA MAP

The following map is attached to and hereby made a part of this Chapter, which shall be designated as the “TDR Sending Area and Receiving Area Map.” Said Map and all notations, references, and data shown thereon are hereby incorporated by reference into this Chapter, and shall be as much a part of this Chapter as if all were fully described herein.
## APPENDIX A  RECOMMENDED PLANT LISTS

### DECIDUOUS/CANOPY TREES

Required canopy tree plantings shall be selected from the following list or a species hardy to the area. Trees marked with a (+) before their botanical name are native species and the use of these trees is strongly encouraged.

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<thead>
<tr>
<th>BOTANICAL NAME</th>
<th>COMMON NAME</th>
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</thead>
<tbody>
<tr>
<td>Acer campestre</td>
<td>Hedge Maple</td>
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<tr>
<td>Acer ginnala</td>
<td>Amur Maple</td>
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<td>Box Elder</td>
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<td>+ Acer rubrum</td>
<td>Red Maple</td>
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<tr>
<td>+ Acer saccharum</td>
<td>Sugar Maple</td>
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<tr>
<td>+ Betula lenta</td>
<td>Black Birch</td>
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<tr>
<td>+ Betula nigra</td>
<td>River Birch</td>
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<tr>
<td>Carpinus betulus</td>
<td>European Hornbeam</td>
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<tr>
<td>+ Carya ovata</td>
<td>Shagbark Hickory</td>
</tr>
<tr>
<td>Crataegus phaenopyrum treeform</td>
<td>Washington Hawthorn</td>
</tr>
<tr>
<td>Crataegus viridis 'Winter King'</td>
<td>Winter King Hawthorn</td>
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<tr>
<td>+ Fagus grandifolia</td>
<td>American Beech</td>
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<td>Fagus sylvatica</td>
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<td>White Ash</td>
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<td>Green Ash</td>
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<td>Japanese Larch</td>
</tr>
<tr>
<td>+ Liquidambar styraciflua</td>
<td>Sweet Gum</td>
</tr>
<tr>
<td>+ Liriodendron tulipfera</td>
<td>Tulip Tree, Yellow Poplar</td>
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<td>Metasequoia glyptostroboidees</td>
<td>Dawn Redwood</td>
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<tr>
<td>+ Nyssa Sylvatica</td>
<td>Black Gum, Sourgum</td>
</tr>
<tr>
<td>+ Ostrya virginiana</td>
<td>American Hophornbeam</td>
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<td>London Planetree</td>
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<tr>
<td>+ Platanus occidentalis</td>
<td>American Sycamore</td>
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<td>+ Quercus alba</td>
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<tr>
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<td>Japanese Zelkova</td>
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</tbody>
</table>
DECIDUOUS/FLOWERING TREES

Required flowering tree plantings shall be selected from the following list or a species hardy to the area. Trees marked with a (+) before their botanical name are native species and the use of these trees is strongly encouraged.

<table>
<thead>
<tr>
<th>BOTANICAL NAME</th>
<th>COMMON NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>+ Amelanchier canadensis</td>
<td>Shadblow Serviceberry</td>
</tr>
<tr>
<td>+ Cercis canadensis</td>
<td>Eastern Redbud</td>
</tr>
<tr>
<td>+ Chioanthus virginicus</td>
<td>Fringetree</td>
</tr>
<tr>
<td>+ Cornus florida</td>
<td>Flowering Dogwood</td>
</tr>
<tr>
<td>Cornus kousa</td>
<td>Kousa Dogwood</td>
</tr>
<tr>
<td>Cornus mas</td>
<td>Cornelian Cherry</td>
</tr>
<tr>
<td>Crataegus species</td>
<td>Any Hawthorn species</td>
</tr>
<tr>
<td>+ Halesia carolina</td>
<td>Carolina Silverbell</td>
</tr>
<tr>
<td>Magnolia soulangeana</td>
<td>Saucer Magnolia</td>
</tr>
<tr>
<td>Magnolia virginiana</td>
<td>Sweetbay Magnolia</td>
</tr>
<tr>
<td>Malus species</td>
<td>Any Crabapple species</td>
</tr>
<tr>
<td>+ Oxydendrum arboreum</td>
<td>Sourwood, Sorrel Tree</td>
</tr>
<tr>
<td>Prunus cerasifera</td>
<td>Purpleleaf Flowering Plum</td>
</tr>
<tr>
<td>Prunus kwanzan</td>
<td>Kwanzan Cherry</td>
</tr>
<tr>
<td>Prunus sargentii</td>
<td>Sargent Cherry</td>
</tr>
<tr>
<td>Prunus serrulata 'Kwanzan'</td>
<td>Kwanzan Cherry</td>
</tr>
<tr>
<td>Prunus subhirtella var. pendula</td>
<td>Weeping Higan Cherry</td>
</tr>
<tr>
<td>Stewartia koreana</td>
<td>Korean Stewartia</td>
</tr>
<tr>
<td>+ Viburnum prunifolium</td>
<td>Blackhaw Vibumum</td>
</tr>
</tbody>
</table>

EVERGREEN TREES/SHRUBS

Required evergreen tree plantings shall be selected from the following list or a species hardy to the area. Shrubs marked with a (+) before their botanical name are native species and the use of these trees is strongly encouraged.

<table>
<thead>
<tr>
<th>BOTANICAL NAME</th>
<th>COMMON NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abies concolor</td>
<td>Concolor Fir</td>
</tr>
<tr>
<td>+ Ilex opaca</td>
<td>American Holly</td>
</tr>
<tr>
<td>+ Juniperus virginiana</td>
<td>Eastern Redcedar</td>
</tr>
<tr>
<td>+ Kalmia latifolia</td>
<td>Mountain Laurel</td>
</tr>
<tr>
<td>Picea abies</td>
<td>Norway Spruce</td>
</tr>
<tr>
<td>Picea omorika</td>
<td>Serbian Spruce</td>
</tr>
<tr>
<td>Pinus nigra</td>
<td>Australian Pine</td>
</tr>
<tr>
<td>+ Pinus strobus</td>
<td>Eastern White Pine</td>
</tr>
<tr>
<td>Pseudotsuga menziesii</td>
<td>Douglas Fir</td>
</tr>
<tr>
<td>Taxus baccata</td>
<td>English Yew</td>
</tr>
<tr>
<td>Taxus cuspidata</td>
<td>Japanese Yew</td>
</tr>
<tr>
<td>+ Tsugas canadensis</td>
<td>Eastern Hemlock</td>
</tr>
</tbody>
</table>
DECIDUOUS SHRUBS

Required shrubs shall be selected from the following list or a species hardy to the area. Shrubs marked with a (+) before their botanical name are native species and the use of these shrubs is strongly encouraged.

<table>
<thead>
<tr>
<th>BOTANICAL NAME</th>
<th>COMMON NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>+ Hamamelis vernalis</td>
<td>Vernal Witch Hazel</td>
</tr>
<tr>
<td>+ Hamamelis virginiana</td>
<td>Common Witch Hazel</td>
</tr>
<tr>
<td>+ Ilex glabra</td>
<td>Inkberry</td>
</tr>
<tr>
<td>+ Ilex verticillata</td>
<td>Winterberry</td>
</tr>
<tr>
<td>+ Kalmia latifolia</td>
<td>Mountain Laurel</td>
</tr>
<tr>
<td>+ Myrica pennsylvanica</td>
<td>Bayberry</td>
</tr>
<tr>
<td>+ Pyracantha coccinea 'lalandi'</td>
<td>Laland Firethorn</td>
</tr>
<tr>
<td>+ Rhamnus frangula</td>
<td>Glossy Buckthorn</td>
</tr>
<tr>
<td>+ Taxus cuspidata 'capitata'</td>
<td>Upright Yew</td>
</tr>
<tr>
<td>+ Taxus x media 'hicksii'</td>
<td>Hicks Yew</td>
</tr>
<tr>
<td>+ Viburnum dentatum</td>
<td>Arrowwood Viburnum</td>
</tr>
<tr>
<td>+ Viburnum lantana</td>
<td>Wayfaring Tree Viburnum</td>
</tr>
<tr>
<td>+ Viburnum trilobum</td>
<td>Highbush Cranberry</td>
</tr>
</tbody>
</table>

MEDIUM DECIDUOUS STREET/URBAN TREES

Required street trees shall be selected from the following list or a species hardy to the area. Trees marked with a (+) before their botanical name are native species and the use of these trees is strongly encouraged. Trees included on the following list tolerate urban conditions such as salt, drought, and soil compaction. The mature height is included for consideration in applications where overhead wiring or other facilities are located. Street trees shall be in accordance with applicable American National Standards Institute (ANSI) Standards.

<table>
<thead>
<tr>
<th>BOTANICAL NAME</th>
<th>COMMON NAME</th>
<th>SIZE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acer campestre</td>
<td>Hedge Maple</td>
<td>15-30'</td>
</tr>
<tr>
<td>Acer ginnala</td>
<td>Amur Maple</td>
<td>15-30'</td>
</tr>
<tr>
<td>Acer palmatum</td>
<td>Japanese Maple</td>
<td>10-20'</td>
</tr>
<tr>
<td>+ Chioanthus virginicus</td>
<td>Fringetree</td>
<td>20-35'</td>
</tr>
<tr>
<td>Cornus kousa</td>
<td>Kousa Dogwood</td>
<td>20-35'</td>
</tr>
<tr>
<td>Crataegus crusgalli</td>
<td>Cockspur Hawthorne</td>
<td>20-35'</td>
</tr>
<tr>
<td>Malus species</td>
<td>Crabapple – Various</td>
<td>20-40'</td>
</tr>
<tr>
<td>+ Ostrya virginiana</td>
<td>American Hophornbeam</td>
<td>35-50'</td>
</tr>
<tr>
<td>Oxydendrum arboreaum</td>
<td>Sourwood, Sorrel Tree</td>
<td>35-50'</td>
</tr>
<tr>
<td>Prunus species</td>
<td>Cherry – Various</td>
<td>20-40'</td>
</tr>
<tr>
<td>Pyrus species</td>
<td>Pear – Various</td>
<td>20-40'</td>
</tr>
<tr>
<td>+ Sassafras albidum</td>
<td>Common Sassafras</td>
<td>35-50'</td>
</tr>
</tbody>
</table>
LARGE DECIDUOUS STREET/URBAN TREES

Required street trees shall be selected from the following list or a species hardy to the area. Trees marked with a (+) before their botanical name are native species and the use of these trees is strongly encouraged. Trees included on the following list tolerate urban conditions such as salt, drought, and soil compaction. The mature height is included for consideration in applications where overhead wiring or other facilities are located. Street trees shall be in accordance with applicable American National Standards Institute (ANSI) Standards.

<table>
<thead>
<tr>
<th>BOTANICAL NAME</th>
<th>COMMON NAME</th>
<th>SIZE</th>
</tr>
</thead>
<tbody>
<tr>
<td>+ Acer rubrum</td>
<td>Red Maple</td>
<td>75-100'</td>
</tr>
<tr>
<td>+ Acer saccharum</td>
<td>Sugar Maple</td>
<td>75-100'</td>
</tr>
<tr>
<td>+ Fraxinus americana</td>
<td>White Ash</td>
<td>75-100'</td>
</tr>
<tr>
<td>+ Fraxinus pennsylvanica</td>
<td>Green Ash</td>
<td>75-100'</td>
</tr>
<tr>
<td>+ Juniperus virginiana</td>
<td>Eastern Red Cedar</td>
<td>50-75'</td>
</tr>
<tr>
<td>+ Liquidambar styraciflua</td>
<td>American Sweetgum</td>
<td>75-100'</td>
</tr>
<tr>
<td>+ Nyssa sylvatica</td>
<td>Blackgum</td>
<td>50-75'</td>
</tr>
<tr>
<td>Platanus acerifolia</td>
<td>London Planetree</td>
<td>75-100'</td>
</tr>
<tr>
<td>+ Platanus occidentalis</td>
<td>American Sycamore</td>
<td>75-100'</td>
</tr>
<tr>
<td>Tilia americana</td>
<td>American Linden</td>
<td>50-70'</td>
</tr>
<tr>
<td>Tilia cordata</td>
<td>Littleleaf Linden</td>
<td>70-100'</td>
</tr>
<tr>
<td>Zelkova serrata</td>
<td>Japanese Zelkova</td>
<td>40-65'</td>
</tr>
</tbody>
</table>

STREET/URBAN SHRUBS

Required street shrubs shall be selected from the following list or a species hardy to the area. Trees marked with a (+) before their botanical name are native species and the use of these trees is strongly encouraged. Shrubs included on the following list tolerate urban conditions such as salt, drought, and soil compaction.

<table>
<thead>
<tr>
<th>BOTANICAL NAME</th>
<th>COMMON NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>+ Ilex glabra</td>
<td>Inkberry</td>
</tr>
<tr>
<td>+ Juniperous communis</td>
<td>Common Juniper</td>
</tr>
<tr>
<td>+ Kalmia latifolia</td>
<td>Mountain Laurel</td>
</tr>
<tr>
<td>+ Myrica pennsylvanica</td>
<td>Bayberry</td>
</tr>
<tr>
<td>+ Viburnum dentatum</td>
<td>Arrowwood Viburnum</td>
</tr>
</tbody>
</table>
RIPARIAN BUFFER DECIDUOUS TREES AND SHRUBS

Required tree and shrub plantings shall be selected from the following list or a species hardy to the area, attractive to wildlife species (mast production), and appropriate to the use. Trees marked with a (+) before their botanical name are native species and the use of these trees is strongly encouraged.

<table>
<thead>
<tr>
<th>BOTANICAL NAME</th>
<th>COMMON NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>+ Acer rubrum</td>
<td>Red Maple</td>
</tr>
<tr>
<td>+ Alnus rugosa</td>
<td>Speckled Alder</td>
</tr>
<tr>
<td>+ Amelanchier arborea</td>
<td>Shadbush</td>
</tr>
<tr>
<td>+ Amelanchier laevis</td>
<td>Alleghany Serviceberry</td>
</tr>
<tr>
<td>+ Betula lutea</td>
<td>Yellow Birch</td>
</tr>
<tr>
<td>+ Betula nigra</td>
<td>Black Birch</td>
</tr>
<tr>
<td>+ Carya cordiformis</td>
<td>Bitternut Hickory</td>
</tr>
<tr>
<td>+ Carya glabra</td>
<td>Pignut Hickory</td>
</tr>
<tr>
<td>+ Carya ovata</td>
<td>Shagbark Hickory</td>
</tr>
<tr>
<td>+ Cornus alternifolia</td>
<td>Alternate-Leaved Dogwood</td>
</tr>
<tr>
<td>+ Cornus amomum</td>
<td>Silky Dogwood</td>
</tr>
<tr>
<td>+ Cornus florida</td>
<td>Florida Dogwood</td>
</tr>
<tr>
<td>+ Cornus stolinifera</td>
<td>Redosier Dogwood</td>
</tr>
<tr>
<td>+ Fagus grandifolia</td>
<td>American Beech</td>
</tr>
<tr>
<td>+ Juglans nigra</td>
<td>Black Walnut</td>
</tr>
<tr>
<td>Prunus avium</td>
<td>Sweet Cherry</td>
</tr>
<tr>
<td>+ Prunus pennsylvanica</td>
<td>Pin Cherry</td>
</tr>
<tr>
<td>+ Prunus serotina</td>
<td>Black Cherry</td>
</tr>
<tr>
<td>+ Prunus virginiana</td>
<td>Choke Cherry</td>
</tr>
<tr>
<td>+ Rhus glabra</td>
<td>Smooth Sumac</td>
</tr>
<tr>
<td>+ Rhus typhina</td>
<td>Staghorn Sumac</td>
</tr>
<tr>
<td>+ Quercus alba</td>
<td>White Oak</td>
</tr>
<tr>
<td>+ Quercus bicolor</td>
<td>Swamp White Oak</td>
</tr>
<tr>
<td>+ Quercus muehlenburgii</td>
<td>Chinquapin Oak</td>
</tr>
<tr>
<td>+ Quercus palustris</td>
<td>Pin Oak</td>
</tr>
<tr>
<td>+ Quercus prinus</td>
<td>Chestnut Oak</td>
</tr>
<tr>
<td>+ Quercus rubra</td>
<td>Northern Red Oak</td>
</tr>
<tr>
<td>+ Quercus velutina</td>
<td>Black Oak</td>
</tr>
</tbody>
</table>

RIPARIAN FOREST BUFFER EVERGREEN TREES AND SHRUBS

Required evergreen tree and shrub plantings shall be selected from the following list or a species hardy to the area and appropriate to the use. Trees marked with a (+) before their botanical name are native species and the use of these trees is strongly encouraged.

<table>
<thead>
<tr>
<th>BOTANICAL NAME</th>
<th>COMMON NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>+ Tsuga Canadensis</td>
<td>Eastern Hemlock</td>
</tr>
<tr>
<td>+ Pinus strobus</td>
<td>Eastern White Pine</td>
</tr>
<tr>
<td>Pinus rigida</td>
<td>Pitch Pine</td>
</tr>
<tr>
<td>+ Juniperus virginiana</td>
<td>Eastern Red Cedar</td>
</tr>
<tr>
<td>Pinus sylvestris</td>
<td>Scotch Pine</td>
</tr>
</tbody>
</table>
RIPARIAN BUFFER FORBS AND GRASSES (WARM SEASON)
Required plantings shall be selected from the following list or a species hardy to the area and appropriate to the use.

<table>
<thead>
<tr>
<th>BOTANICAL NAME</th>
<th>COMMON NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aster novea angliae</td>
<td>New England Aster</td>
</tr>
<tr>
<td>Bernonia noveboracensis</td>
<td>New York Ironweed</td>
</tr>
<tr>
<td>Cassia fasciculata</td>
<td>Partridge Pea</td>
</tr>
<tr>
<td>Coreopsis lanceolata</td>
<td>Lanceleaf Coreopsis</td>
</tr>
<tr>
<td>Echinacea purpurea</td>
<td>Purple Cone Flower</td>
</tr>
<tr>
<td>Heliopsis helianthoides</td>
<td>Ox-eye Sunflower</td>
</tr>
<tr>
<td>Rudbeckia hirta</td>
<td>Blackeyed Susan</td>
</tr>
<tr>
<td>Verbena hastata</td>
<td>Blue Vervain</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>BOTANICAL NAME</th>
<th>COMMON NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andropogon gerardii</td>
<td>Big Bluestem</td>
</tr>
<tr>
<td>Panicum virgatum</td>
<td>Switchgrass</td>
</tr>
<tr>
<td>Schizachyrium scoparius or</td>
<td></td>
</tr>
<tr>
<td>Andropogon scoparius</td>
<td>Little Bluestem</td>
</tr>
<tr>
<td>Sorghastrum nutans</td>
<td>Indiangrass</td>
</tr>
<tr>
<td>Tripsacum dactyloides</td>
<td>Eastern gamagrass</td>
</tr>
</tbody>
</table>

TREES FOR SCREENING BUFFERS
Required buffer plantings shall be selected from the following list or a species hardy to the area and appropriate to the use. Trees or shrubs marked with a (+) before their botanical name are native species and the use of these trees is strongly encouraged.

<table>
<thead>
<tr>
<th>BOTANICAL NAME</th>
<th>COMMON NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>+ Acer rubrum</td>
<td>Red Maple</td>
</tr>
<tr>
<td>Carpinus species</td>
<td>Ironwood</td>
</tr>
<tr>
<td>Cercis species</td>
<td>Redbud</td>
</tr>
<tr>
<td>+ Cornus species</td>
<td>Dogwood</td>
</tr>
<tr>
<td>Cypress species</td>
<td>False Cypress</td>
</tr>
<tr>
<td>+ Fraxinus americana</td>
<td>White Ash</td>
</tr>
<tr>
<td>Gymnocladus dioica</td>
<td>Kentucky Coffeetree</td>
</tr>
<tr>
<td>+ Juniperous virginiana</td>
<td>Eastern Red Cedar</td>
</tr>
<tr>
<td>+ Juniperous species</td>
<td>Junipers</td>
</tr>
<tr>
<td>+ Liquidambar styraciflua</td>
<td>American Sweetgum</td>
</tr>
<tr>
<td>+ Pinus strobus</td>
<td>Eastern White Pine</td>
</tr>
<tr>
<td>+ Quercus rubra</td>
<td>Red Oak</td>
</tr>
<tr>
<td>+ Quercus alba</td>
<td>White Oak</td>
</tr>
</tbody>
</table>
SHRUBS FOR SCREENING BUFFERS
Required buffer plantings shall be selected from the following list or a species hardy to the area and appropriate to the use. Trees or shrubs marked with a (+) before their botanical name are native species and the use of these trees is strongly encouraged.

<table>
<thead>
<tr>
<th>BOTANICAL NAME</th>
<th>COMMON NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cornus racemosa</td>
<td>Red-panicle Dogwood</td>
</tr>
<tr>
<td>+ Ilex opaca</td>
<td>American Holly</td>
</tr>
<tr>
<td>+ Ilex glabra</td>
<td>Inkberry</td>
</tr>
<tr>
<td>+ Kalmia latifolia</td>
<td>Mountain Laurel</td>
</tr>
<tr>
<td>Lindera benzoin</td>
<td>Spicebush</td>
</tr>
<tr>
<td>Myrica pensylvanica</td>
<td>Northern Bayberry</td>
</tr>
<tr>
<td>Rhododendron maximum</td>
<td>Great Rhododendron</td>
</tr>
<tr>
<td>+ Viburnum prunifolium</td>
<td>Smooth Blackhaw</td>
</tr>
<tr>
<td>+ Viburnum dentatum</td>
<td>Southern Arrowwood</td>
</tr>
</tbody>
</table>

INVASIVE OR NOXIOUS SPECIES
Invasive or noxious plants grow or reproduce aggressively, which can so dominate an ecosystem that they kill off or drive out most other plant species. They can be native or exotic species. The use of those plants included in the following list of plants is prohibited in West Nottingham Township:

<table>
<thead>
<tr>
<th>BOTANICAL NAME</th>
<th>COMMON NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acer platanoides</td>
<td>Norway Maple</td>
</tr>
<tr>
<td>Alliaria petiolata</td>
<td>Garlic Mustard</td>
</tr>
<tr>
<td>Berberis thunbergii</td>
<td>Japanese Barberry</td>
</tr>
<tr>
<td>Berberis vulgaris</td>
<td>European Barberry</td>
</tr>
<tr>
<td>Broussonetia papyrfera</td>
<td>Paper Mulberry</td>
</tr>
<tr>
<td>Ailanthus altissima</td>
<td>Tree-of-Heaven</td>
</tr>
<tr>
<td>Cannabis sativa</td>
<td>Marijuana</td>
</tr>
<tr>
<td>Carduus nutans</td>
<td>Musk or Nodding Thistle</td>
</tr>
<tr>
<td>Celastrus orbiculatus</td>
<td>Oriental Bittersweet</td>
</tr>
<tr>
<td>Cirsium arvense</td>
<td>Canadian Thistle</td>
</tr>
<tr>
<td>Cirsium vulgare</td>
<td>Bull or Spear Thistle</td>
</tr>
<tr>
<td>Clematis terniflora</td>
<td>Leatherleaf Climatis</td>
</tr>
<tr>
<td>Coronilla varia</td>
<td>Crown Vetch</td>
</tr>
<tr>
<td>Daturum stramonium</td>
<td>Jimsonweed</td>
</tr>
<tr>
<td>Eleagnus umbrela</td>
<td>Autumn Olive</td>
</tr>
<tr>
<td>Festuca elatior</td>
<td>Tall Fescue</td>
</tr>
<tr>
<td>Ligustrum obtusifolium</td>
<td>Border Privet</td>
</tr>
<tr>
<td>Ligustrum vulgare</td>
<td>Common Privet</td>
</tr>
<tr>
<td>Lonicera japonica</td>
<td>Japanese Honeysuckle</td>
</tr>
<tr>
<td>Lonicera morrowii</td>
<td>Morrow’s Honeysuckle</td>
</tr>
<tr>
<td>Lonicera tatarica</td>
<td>Tartarian Honeysuckle</td>
</tr>
<tr>
<td>Lythrum salicaria</td>
<td>Purple Loosestrife</td>
</tr>
<tr>
<td>Melilotus afficalinis</td>
<td>Sweet Clover</td>
</tr>
<tr>
<td>Microstegium vimineum</td>
<td>Japanese Stilt Grass</td>
</tr>
<tr>
<td>Morus alba</td>
<td>White Mulberry</td>
</tr>
<tr>
<td>Paulownia tomentosa</td>
<td>Empress Tree</td>
</tr>
</tbody>
</table>
## INVASIVE OR NOXIOUS SPECIES (continued)

<table>
<thead>
<tr>
<th>BOTANICAL NAME</th>
<th>COMMON NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Phalaris arundinacea</em></td>
<td>Reed Canary Grass</td>
</tr>
<tr>
<td><em>Polygonum perfoliatum</em></td>
<td>Mile-A-Minute Weed</td>
</tr>
<tr>
<td><em>Populus alba</em></td>
<td>White Poplar</td>
</tr>
<tr>
<td><em>Pueraria lobata</em></td>
<td>Kudzu-vine</td>
</tr>
<tr>
<td><em>Rhamnus cathartica</em></td>
<td>Common Buckthorn</td>
</tr>
<tr>
<td><em>Rosa multiflora</em></td>
<td>Multiflora Rose</td>
</tr>
<tr>
<td><em>Rubus phoenicolasius</em></td>
<td>Wineberry</td>
</tr>
<tr>
<td><em>Sorghum bicolor</em></td>
<td>Shattercane</td>
</tr>
<tr>
<td><em>Sorghum halapense</em></td>
<td>Johnson Grass</td>
</tr>
<tr>
<td><em>Spiraea japonica</em></td>
<td>Japanese Spiraea</td>
</tr>
<tr>
<td><em>Viburnum dilatatum</em></td>
<td>Linden Viburnum</td>
</tr>
<tr>
<td><em>Viburnum opulus</em></td>
<td>Guelder Rose</td>
</tr>
</tbody>
</table>