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Part I

Short Title, Purpose and Interpretation

§101. Short Title and Effective Date. This Chapter shall be known and may be cited as the "West Nottingham Township Zoning Ordinance of 1971 as amended, 1983." This Chapter shall become effective five (5) days after its adoption. (Ord. 1-3-1983, 1/3/1983, §100)

§102. Purpose. 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 Act 247 (the Municipalities Planning Code). The Chapter enacts regulations to promote the availability of adequate light and air, vehicle parking and loading space, transportation, sewerage, schools, public grounds and other public facilities, as well as to prevent the overcrowding of land, blight, danger and congestion in fire, flood, panic or other dangers. The Chapter is enacted in accordance with an overall planning program, and with consideration for the character of the Township, its various communities and the suitability of the various communities for particular uses and structures. (Ord. 1-3-1983, 1/3/1983, §101)

§103. Community Development Objectives. The provisions of this Chapter have been enacted according to the general policy guidelines found in the Comprehensive Plan of West Nottingham Township. The following community development objectives reflect those planning guidelines, as well as the purposes of this Chapter found in §102.

1. Guide the future development of the Township in accordance with the Comprehensive Plan so that such development promotes the most beneficial and convenient relationship among the residential, permitted uses within the Township;

2. Protect the character and social and economic stability of each district;

3. Protect and conserve the valuable natural features of the Township, particularly the Goat Hill Barrens, the Octoraro Creek, and the Classes I, II, and III agricultural soils;

4. Protect and conserve the values of land and buildings throughout the Township, appropriate to the various zoning districts established herein;

5. Aid in bringing about a good relationship between land use and the circulation of traffic throughout the Township while working to avoid road congestion and the provision of safe and convenient access;

6. Aid in providing a guide for public policy and action in the efficient provision of public facilities and services.  
(Ord. 1-3-1983, 1/3/1983, §102)

§104. Interpretation. In interpreting and applying the provision of this Chapter, they shall be held to be the minimum requirements for the promotion of the aforementioned purposes and objectives. (Ord. 1-3-1983, 1/3/1983, §103)

Part 2  
Definitions

§201. 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. The present tense includes the future; the singular number includes the plural, and the plural the singular; the masculine gender includes the feminine and neuter.

ACCESSORY BUILDING - a permanent building whose primary use is secondary to that of the principal building on the same lot. No truck bodies, abandoned mobile homes, travel trailers, or similar structures shall be used for accessory buildings or to house accessory uses.

ACCESSORY USE - a use which is clearly secondary and subordinate to the principal use of land or of a building on the same lot.

ACT - the Pennsylvania Municipalities Planning Code, Act 247, (53 P.S. 10101 et. seq.)

AGRICULTURE - the cultivation of the soil and the raising, harvesting, and storing of products of the soil including but not limited to nurserying, horticulture, forestry, mushroom farming, and the breeding and raising of customary domestic animals.

AIRPORT - a facility or facilities designed for the storage, maintenance, or landing, take off, and general operation of airplanes.

ANTENNA - a device used to transmit or receive all types of communication signals. A satellite dish is one type of antenna. [Ord. 3-1999]

APARTMENT a single building containing three (3) or more dwelling units. [Ord. 6-1989]

APPLICANT any person applying for a zoning change, subdivision, or land development.

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. [Ord. 3-1991]

BASEMENT - any area of the building having its floors below ground level on all sides. [Ord. 11/12/1996]

BOARD - any body granted jurisdiction under a land use ordinance or under this Chapter to render final adjudications. [Ord. 3-1991]

BUILDING - a combination of materials to form a permanent structure having foundation, floor, walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation. [Ord. 11/12/1996]

BUILDING COVERAGE - expressed as a percent of the total lot area, this is the gross amount of principal and accessory building area that exists or is proposed upon the lot. [Ord. 3-1999]

BUILDING SETBACK LINE - an established line within a property defining the minimum required distance between any structure to be erected and an adjacent right-of-way, or street line.

COMMON OPEN SPACE - a parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities. [Ord. 3-1991]

COMMUNICATION FACILITY - the entire site on which the nonresidential communication tower(s), antennae and principal and/or accessory uses are located. These principal and/or accessory uses include, but are not limited to, buildings in which signal transmission or reception is generated, equipment buildings, access roads and parking spaces. [Ord. 3-1999]

COMMUNICATION TOWER - a vertical structure, erected for the purpose of supporting one (1) or more communications antennae. [Ord. 3-1999]

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. [Ord. 11/12/1996]

COMPOST OPERATION - the manufacture of compost for personal use and, or for specific application on the premises and not sold or distributed commercially.

CONDITIONAL USE - a use permitted in a particular zoning district by the Board of Supervisors pursuant to the provisions of this Chapter and Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. §10601 et seq. [Ord. 3-1991]

CONDOMINIUM - one kind of a single family attached dwelling which is generally owner occupied.

DECISION - 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. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the Township of West Nottingham lies. [Ord. 3-1991]

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. [Ord. 3-1991]

DEVELOPMENT - any manmade 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 homes; streets and other paving; utilities; filling; grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land. [Ord. 11/12/1996]

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. [Ord. 3-1991]

DETERMINATION - final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

- (1) The Board of Supervisors;
- (2) The Zoning Hearing Board; or
- (3) The Planning Commission, only if and to the extent the Planning Commission is charged with final decision on preliminary or final plans under the subdivision and land development or planned residential development ordinances. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

[Ord. 3-1991]

DISH - see definition for "satellite dish." [Ord. 3-1999]

DISTRICT - refers to one of the zoning districts as outlined in Part 3, "Establishment of Districts."

DISTRICT BOUNDARY - refers to the line or lines outlining a district.

DUMP - a lot or portion of a lot used for deposit and storage of refuse including, but not by way of limitation, garbage, ashes, and rubbish. The definition of dump does not include a sanitary landfill as defined by this Chapter and when operated in accordance with standards established by the Pennsylvania Department of Environmental Resources.

DUPLEX - one kind of a single family semi-detached dwelling where two (2) dwelling units are located one on top of the other.

DWELLING - any building which contains one (1) or more "Dwelling Units" used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or which are occupied for living purposes for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation. [Ord. 6-1989]

DWELLING, SINGLE-FAMILY - a building providing complete independent living facilities used exclusively for occupancy by one (1) family. [Ord. 6-1989]

DWELLING, SINGLE FAMILY ATTACHED - a building providing complete independent living facilities used exclusively for occupancy by one (1) family and attached by a common wall or walls forming a multiple group of such dwellings. [Ord. 6-1989]

DWELLING, SINGLE FAMILY DETACHED - a building providing complete independent living facilities used exclusively for occupancy by one (1) family with building having two (2) side yards, one (1) front and one (1) rear yard. [Ord. 6-1989]

DWELLING, SINGLE FAMILY SEMI-DETACHED - no more than two (2) dwelling units per building. [Ord. 6-1989]

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. [Ord. 11/12/1996]

FAMILY - a family is:

- (1) A single person occupying a dwelling unit, or
- (2) Two (2) or more persons related by blood or marriage occupying a dwelling unit, including not more than two (2) boarders, roomers, or lodgers, or
- (3) Not more than four (4) unrelated persons occupying a dwelling unit, living together.

FARMING - see agriculture.

FARM FAMILY - shall encompass the extended family to include great-grandparents, grandparents, parents, children, grandchildren, great-grandchildren, and any other direct descendents or ancestors.

FLOOD - a temporary inundation of normally dry land areas. [Ord. 11/12/1996]

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. [Ord. 11/12/1996]

FLOODPROOFING - any combination of structural and nonstructural 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. [Ord. 11/12/1996]

FLOODWAY - the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Part, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude. [Ord. 11/12/1996]

FLOOR AREA - 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.

GARDEN APARTMENT - one kind of single family attached dwelling generally located in a three (3) story building, where each dwelling has its own balcony.

GREENHOUSE, PRIVATE - an enclosed structure used for the growing,

raising or keeping of flowers and other plants.

GREENHOUSE, COMMERCIAL - an enclosed structure used for the growing, raising, keeping, and/or selling of flowers or other plants.

HISTORIC STRUCTURE - any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

(3) Individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior.

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(a) By an approved State program as determined by the Secretary of the Interior.

(b) Directly by the Secretary of the Interior in states without approved programs.

[Ord. 11/12/1996]

HOME OCCUPATION - the use of a portion of a dwelling which is incidental to the residential use of the premises and customarily carried out by one or more occupants of the dwelling unit. Home occupations shall include medicine, dentistry, architecture, beauty care, law, art, brokerage, or veterinary practice or sales.

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

IDENTIFIED FLOODPLAIN AREA - the floodplain area specifically identified in this Chapter as being inundated by the one hundred (100) year flood. [Ord. 11/12/1996]

IMPERVIOUS SURFACE - areas which do not absorb precipitation or which do not allow for groundwater recharge. Impervious surfaces generally include the ground floor areas of all buildings, and surface area of all structures, sidewalks, driveways, patios, swimming pools, tennis courts, and all other non-absorbing surfaces.

JUNK YARD - an area of land with or without buildings used for storage outside of a completely enclosed building of used and discarded materials including, but not limited to, wastepaper, rags, metal, building materials, house furnishings, machinery, vehicles or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. 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, is a junk yard.

KENNEL - any building or establishment in which pets are kept for remuneration, hire, or sale.

LAND DEVELOPMENT - any of the following activities:

(1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

(a) A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively or single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

(b) The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leasehold, condominiums, building groups or other features.

[Ord. 11/12/1996]

LEG LOT - a parcel of land separated by metes and bounds that, in order to meet the frontage requirements and make proper utilization of the land, has an access strip of land with a minimum width of less than the required width at the building line and greater than fifty (50) feet for a length of more than fifty (50) feet. [Ord. 3-1991]

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 Recorders of Deeds of Chester County.

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 leg of a leg lot when said leg lot is fifty (50) feet or less in width and greater than fifty (50) feet in length. [Ord. 3-1991]

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

LOT COVERAGE - expressed as a percent of the total lot area, this is the gross amount of all building area, and other impervious existing or proposed areas, including but not limited to driveways, parking areas, patios, loading pads, etc. [Ord. 3-1999]

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. [Ord. 3-1991]

LOT WIDTH - lot width is 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 nonelevation design requirements of this Chapter. [Ord. 11/12/1996]

MANUFACTURED (MOBILEHOME) HOME - a transportable, single family dwelling intended for permanent occupancy, office or place of assembly, contained in one (1) or more sections, built on a permanent chassis, which arrives at a site completed and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used with or without a permanent foundation. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than one hundred eighty (180) consecutive days. [Ord. 11/12/1996]

MANUFACTURED HOME (MOBILEHOME) LOT - a parcel of land in a manufactured home park, improved with necessary utility connections and other appurtenances necessary for the erection thereon of a single manufactured home. [Ord. 11/12/1996]

MANUFACTURED HOME (MOBILEHOME) PARK - a parcel of land under single ownership, which has been planned and improved for the placement of two (2) or more manufactured homes for nontransient use. [Ord. 11/12/1996]

MINOR REPAIR - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beams or bearing supports 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. [Ord. 11/12/1996]

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." [Ord. 3-1991]

NEW CONSTRUCTION - structures for which the start of construction commenced on or after November 22, 1974, and includes any subsequent improvements thereto. [Ord. 11/12/1996]

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. [Ord. 3-1991]

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. Such nonconforming structures include, but are not limited to, nonconforming signs. [Ord. 3-1991]

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. [Ord. 3-1991]

NONRESIDENTIAL - any use which is nonresidential including, but not limited to, commercial, industrial, governmental and institutional use. [Ord. 3-1999]

ONE HUNDRED YEAR FLOOD - 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). [Ord. 11/12/1996]

ON-SITE SEWER SERVICE - is 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 - is 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, not intended for public use.

PARKING SPACE - a parking space consists of:

- (1) Space with a dustless, all-weather surface, or
- (2) Space in a private garage or other structure; and
- (3) An area at least ten (10) feet by twenty (20) feet in size for the storage of one automobile, accessible from a public way.

PARK - a piece of land owned and operated privately or by government and intended for outdoor recreation activities such as camping, fishing, boating, swimming, hiking, and other similar activities.

PERSON - an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties. [Ord. 11/12/1996]

PLANNING COMMISSION - the Planning Commission of West Nottingham Township.

PRINCIPAL USE - a use which is clearly the primary use of land or of a building on a lot. [Ord. 3-1999]

PUBLIC GROUNDS - includes:

- (1) Parks, playgrounds, trails, paths and other recreational areas and other public areas;
- (2) Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
- (3) Publicly owned or operated scenic and historic sites.

[Ord. 3-1991]

PUBLIC HEARING - a formal meeting held pursuant to public notice by the Board of Supervisors or the Township Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter. [Ord. 3-1991]

PUBLIC MEETING - a forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act," 53 P.S. §§271 et seq. [Ord. 3-1991]

PUBLIC NOTICE - notice published once 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. [Ord. 3-1991]

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 Environmental Resources. [Ord. 3-1991]

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 Resources, and/or the Public Utility Commission. [Ord. 3-1991]

QUARRY - a lot or portion of a lot used for excavation and/or removal of rock, stone, sand or other earthen material. [Ord. 3-1991]

RECREATIONAL VEHICLE - also known as an "RV"; refer to definition for travel trailer. [Ord. 2-1999]

REGULATORY FLOOD ELEVATION - the one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1 1/2) feet. [Ord. 11/12/1996]

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. [Ord. 3-1991]

RUNWAY - a defined area on an airport prepared for landing and take off of aircraft along its length.

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 Resources.

SATELLITE DISH - a type of antenna device, which has a ten (10) foot or larger diameter. A dish may be mounted on the ground or on a communication tower. [Ord. 3-1999]

SCREENING - the use of vegetation, walls and/or earthen berms or combinations thereof to act as a visual barrier between two 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 four different classifications of screening:

- (1) Complete vegetative screening.
- (2) Partial vegetative screening.
- (3) Limited vegetative screening.
- (4) Complete structural screening.

(See Part 15 "Design Standards," §1502, "Screening," for a complete description of the four classifications of screening).

[Ord. 5/8/1995]

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. [Ord. 3-1991]

SHOPPING CENTER - the multiple use of a single property for the retail sale of such things as dry goods, variety and general merchandise, clothing, food, flowers, drugs, liquor, household supplies or furnishings, sale or repair of jewelry, watches and clocks, optical goods, or musical, professional or scientific instruments; the provision of personal services such as barber shops, banks, hairdressers, laundry or laundromats, and cleaning and pressing shops, and for such purposes as theaters or bowling alleys, and restaurants with inside seating and services only.

SIGN - a sign is any letter, word, model, device, symbol, or representation intended as an announcement, direction, or advertisement and may be either (1) free-standing or attached to another structure, or (2) painted on the exterior wall of a building or other structure.

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, 53 P.S. §§10601 et seq., 10901 et seq. [Ord. 3-1991]

STABLES - any building, structure, or establishment where animals are kept for remuneration, hire 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. [Ord. 3-1991]

STREET, CENTER LINE OF - the center line of a street is a line which is an equal distance from both street lines.

STREET LINE - a street line is the right-of-way line of a street.

STREET RIGHT-OF-WAY LINE - refers to the legal limit of the street right-of-way as defined in property deeds or by ordinance.

STRUCTURE - any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. [Ord. 3-1991]

SUBDIVISION - the division or redivision of a lot, tract or parcel of land by any means into two (2) 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. [Ord. 11/12/1996]

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. [Ord. 11/12/1996]

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

(1) Any project for improvement of a structure to correct existing violations of State or Local health, sanitary or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

(2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

[Ord. 11/12/1996]

TOWER - see definition for "communication tower." [Ord. 3-1999]

TOWNHOUSE - a kind of single family attached dwelling which is constructed alongside and attached to no more than seven (7) similar dwellings.

TOWNSHIP - the Township of West Nottingham.

TRACT - one (1) or more lots assembled for the purpose of development under the Planned Residential Development provisions of this Chapter.

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. [Ord. 2-1999]

VARIANCE - relief granted pursuant to the provisions of this Chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq. [Ord. 3-1991]

WATER SURVEY - an inventory of the source, quantity, yield and use of groundwater and surface-water resources within the Township of West Nottingham. [Ord. 3-1991]

WILDLIFE SANCTUARY - a game preserve or animal farm for the purpose of protecting wildlife. Not to include a zoo or any establishment designed for public admission.

YARD - a yard is that portion of a lot which is unoccupied and open to the sky and extends from the lot line to the building.

YARD, FRONT - the open, unoccupied space contained within the one or more planes as measured parallel with the principal building and running from the principal building to a street line. In the case of a reverse frontage lot, the front yard shall be measured from the street line of principal access. In the case of a corner lot, a property may have more than one front yard. (See illustration).

YARD, REAR - the open, unoccupied space directly opposite the front yard(s) as measured from the principal building to the nearest property line, or in the case of a reverse frontage lot to the nearest street line. In the case of a corner lot, a property may have more than one rear yard. (See illustration).

YARD, SIDE - the open, unoccupied space extending from the front yard to the rear yard between the principal building and the nearest property line. In the event that yard has an odd shape, any yard which is not a front or rear yard shall be considered a side yard. (See illustration).

ZONING HEARING BOARD - the Zoning Hearing Board of West Nottingham Township.

(Ord. 1-3-1983, 1/3/1983, §200; as amended by Ord. 1-1985, 1/8/1985; by Ord. 6-1989, 9/11/1989; by Ord. 3-1991, 12/30/1991; by Ord. 5/8/1995, §1; by Ord. 11/2/1996, §1; by Ord. 2-1999, 7/20/1999, §1; and by Ord. 3-1999, 7/20/1999, §1)

Part 3

Establishment of Districts

A. General

§301. Class of Districts. For the purpose of this Chapter, West Nottingham Township is divided into classes of districts which are designated as follows:

- (R-1) Rural Residential District
- (R-2) Residential District
- (R-3) Residential District
- (C) Commercial District
- (I) Limited Industrial District
- (M) Mobile Home Park District
- (A) Airport District
- (F) Flood Hazard District

The location and boundaries of such districts are shown on the map attached hereto and hereby designated "West Nottingham Township Zoning Map." The said map and all notations, references, and other data shown thereon shall be as much a part of this Chapter as if fully described herein. (Ord. 1-3-1983, 1/3/1983, §300)

§302. District Boundaries. The boundaries between districts are, unless designated or indicated otherwise, either the center lines of streets, lanes, water courses, property lines, and rights-of-way or power lines, railroads, and other public utilities or such lines extended or lines parallel thereto. When the boundaries of a single district are indicated as including directly opposite sides of a street, lane, lake, or water course, or right-of-way of a power line or other public utility or any portion of its length, the district so indicated shall be construed to apply to the entire bed of such street, lane, lake, or water course, or right-of-way or such power line, railroad, or other public utility lying within such portion of its length. Where uncertainty exists concerning the location of any boundaries as shown on the zoning map, the following rules shall apply:

1. Where a district boundary is indicated as approximately following the center lines of a street, lane, lake, or water course, or right-of-way of a power line or other public utility, such center line shall be construed to be such boundary;

2. 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.

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

4. Where figures are shown on the zoning map between a street and a district boundary, they shall indicate that the district boundary runs parallel to the street line at a distance therefrom equivalent to the number of feet so indicated, unless otherwise specified. Where scaled distances do not agree with such figures, the figures shall control.

(Ord. 1-3-1983, 1/3/1983, §301)

B. Zoning Map Amendments

<u>Ord./Res.</u>	<u>Date</u>	<u>Subject</u>
1-1975	1/28/1975	Establish an R-2 District and an I-1 District and a Flood Plain District
1-1982	3/31/1982	Changing a portion of the R-4 District to C-1
8-3-1988A	8/3/1988A	Converting portions of the R-1 Rural Residential District to R-2 Residential District
1-94	2/7/1994	Deleting two parcels of land from the Industrial District and adding them to the R-1 Rural Residential District
1-1999	7/20/1999	Rezoning two parcels of land from C-Commercial, fourteen parcels of land from R-1 Rural Residential and 13 parcels of land from R-3 Residential to I-Limited Industrial District
1-2001	10/9/2001	Rezoning two tax parcels of land from R-1 Rural Residential to I-Limited Industrial



Part 4

(R-1) Rural Residential District

§401. Purpose. The purpose of the R-1 Rural Residential District is to provide for low density development in West Nottingham Township in a manner consistent with the Comprehensive Plan, and in such a way as to not disrupt agricultural activity or the valuable natural resources of the Community. (Ord. 1-3-1983, 1/3/1983, §400)

§402. Permitted Uses.

1. Any one (1) of the following shall be permitted uses in the (R-1) Rural Residential District:

- A. Farming and Agricultural Uses
- B. Horticulture Uses
- C. Open Space Preserves and Wildlife Sanctuaries
- D. Cemeteries
- E. Kennels and Stables (Provided that a limited vegetative screen be installed around the perimeter of the kennel in accordance with §1502, "Screening"). [Ord. 5/8/1995]
- F. Single-family Detached Dwellings
- G. Residential Accessory Uses
- H. Home Occupation

2. Conditional Uses. Any one (1) of the following uses may be permitted on lot in this district as a conditional use upon the review and approval of the proposed use by the Board of Supervisors in accordance with the procedures outlined in § Any use permitted by this Section shall conform with all the standards set forth in this Part 4 as well as any additional standards imposed by §1408 of this Chapter. Screening requirements associated with each permitted conditional use shall include the following unless superseded by §1502: [Ord. 5/8/1995]

- A. Commercial Greenhouse
- B. Institutional Use
- C. Quarry
- D. Nonresidential communication facilities [Ord. 3-1999]
- E. Dumpster areas shall be screened using limited vegetative screening and/or structural screening in conformance with §1502. [Ord. 5/8/1995]
- F. Outside storage areas shall be screened using partial vegetative screening and/or structural screening in conformance with §1502. [Ord. 5/8/1995]
- G. The perimeter of the parcel containing the conditional use shall be screened using partial vegetative screening and/or structural screening in conformance with §1502. [Ord. 5/8/1995]

(Ord. 1-3-1983, 1/3/1983, §401; as amended by Ord. 1-1985, 1/8/1985; by Ord.

8-3-1988, 8/3/1988; by Ord. 3-1991, 12/30/1991; by Ord. 5/8/1995, §2; and by Ord. 3-1999, 7/20/1999, §2)

§403. Area and Bulk Regulations. The following area and bulk regulations shall apply in the (R-1) Rural Residential District unless stated otherwise in this Chapter.

1. Non-Agricultural Uses.

- A. Minimum lot size 2 acres
- B. Maximum density 2 acres per dwelling
- C. Minimum lot width at building line 100 feet
- D. Minimum lot width at street line 50 feet
- E. Maximum lot coverage 25 percent
- F. Minimum front yard 50 feet
- G. Minimum side yard 25 feet
- H. Minimum rear yard 50 feet
- I. Maximum height 35 feet
- J. Accessory use setback 10 feet from a private right of-way or property line; 35 feet from the right-of-way line of a collector or arterial highway (as defined by the Comprehensive Plan;) and 25 feet from the right of-way of a Twp. road or street.

2. Agricultural Uses.

- A. Minimum lot size 4 acres
- B. Minimum building setback line 200 feet
- C. Minimum lot width at street line 50 feet

(Ord. 1-3-1983, 1/3/1983, §402; as amended by Ord. 3-1991, 12/30/1991)

§404. Standards. The following standards shall apply in the (R-1) Rural Residential District.

- 1. Sign Regulations, Part 12
- 2. General Requirements, Part 14
- 3. Design Standards, Part 15
  - A. Screening Standards, §1502
  - B. Parking Standards, §1510
  - C. Agricultural Standards, §1512
  - D. Accessory Use Standards, §1513(1), §1513(2)

- E. Height Standards, §1514
- F. Recreation Standards, §1515
- G. Home Occupation, Standards, §1516
- H. Quarry Standards, §1517

[Ord. 5/8/1995]

(Ord. 1-3-1983, 1/3/1983, §403; as amended by Ord. 1-1985, 1/8/1985; by Ord. 3-1991, 12/30/1991; and by Ord. 5/8/1995, §2)



Part 5

(R-2) Residential District

§501. Purpose. The purpose of the (R-2) Residential District is to provide for low density residential development in areas of small village centers. Such development is in conformance with the West Nottingham Comprehensive Plan of 1982 and is intended to implement the goals and objectives of that plan. (Ord. 1-3-1983, 1/3/1983, §500)

§502. Permitted Uses.

1. Any one (1) of the following shall be permitted uses in the (R-2) Residential District:

- A. Single family detached dwellings
- B. Farming and agricultural uses
- C. Horticultural uses related to the raising, propagating and selling of trees, shrubs, flowers, and other vegetative materials
- D. Municipal use such as for a Township building, fire hall, municipal park, police station and other related uses provided that screening requirements associated with each permitted municipal use shall include the following unless superseded by §1502.

(1) Dumpster areas shall be screened using limited vegetative screening and/or structural screening in conformance with §1502.

(2) Outside storage areas shall be screened using partial vegetative screening and/or structural screening in conformance with §1052.

(3) The perimeter of the parcel containing the conditional use shall be screened using partial vegetative screening and/or structural screening in conformance with §1502.

[Ord. 5/8/1995]

- E. Residential accessory uses
- F. Home occupation
- G. Public utility operating facilities pumping or transmission stations, but excluding public utility generating plants or similar large operations provided that screening requirements associated with each permitted use shall include the following unless superseded by §1502:

(1) Dumpster areas shall be screened using limited vegetative screening and/or structural screening in conformance with §1502.

(2) Outside storage areas shall be screened using partial vegetative screening and/or structural screening in conformance with §1502.

(3) The perimeter of the parcel containing the conditional use shall be screened using partial vegetative screening and/or structural screening in conformance with §1502.

[Ord. 5/8/1995]

H. Club, fraternal institutions or non-profit swimming pools, provided that a particular activity shall not be one which is customarily carried on as a business and provided that all services shall be for members and their guests provided that screening requirements associated with each permitted use shall include the following unless superseded by §1502:

(1) Dumpster areas shall be screened using limited vegetative screening and/or structural screening in conformance with §1502.

(2) Outside storage areas shall be screened using partial vegetative screening and/or structural screening in conformance with §1502.

(3) The perimeter of the parcel containing the conditional use shall be screened using partial vegetative screening and/or structural screening in conformance with §1502.

[Ord. 5/8/1995]

2. Conditional Uses. Any one (1) of the following uses may be permitted on lot in this district as a conditional use upon the review and approval of the proposed use by the Board of Supervisors in accordance with the procedures outlined in §1408. Any use permitted by this Section shall conform with all the standards set forth in this Part 5 as well as any additional standards imposed by 408 of this Chapter. [Ord. 3-1991]

A. Cemetery

B. Nonresidential communication facilities [Ord. 3-1999]

3. Any of the following uses upon the review and approval of the Zoning Hearing Board as a special exception, subject to the provisions of §1708 and provided that screening requirements associated with each permitted special exception shall include the following unless superseded by §1502: [Ord. 5/8/1995]

A. Commercial greenhouse

B. Institutional use

C. County, State, or Federal building such as a post office, library, or storage area

D. Recreational use

E. Dumpster areas shall be screened using limited vegetative screening and/or structural screening in conformance with §1502. [Ord. 5/8/1995]

F. Outside storage areas shall be screened using partial vegetative screening and/or structural screening in conformance with §1502. [Ord. 5/8/1995]

G. The perimeter of the parcel containing the conditional use shall be screened using partial vegetative screening and/or structural screening in conformance with §1502. [Ord. 5/8/1995]

(Ord. 1-3-1983, 1/3/1983, §501; as amended by Ord. 8-3-1988, 8/3/1988; by Ord. 3-1991, 12/30/1991; by Ord. 5/8/1995, §3; and by Ord. 7-20-1999, §3)

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

1. Non-Agricultural Uses.

- A. Minimum lot size 1 acre per unit
- B. Maximum density 1 acre per dwelling
- C. Minimum lot width at building line 150 feet
- D. Minimum lot width at street line 50 feet
- E. Maximum lot coverage 25 percent
- F. Minimum front yard 50 feet
- G. Minimum side yard 25 feet
- H. Minimum rear yard 25 feet
- I. Maximum height 35 feet
- J. Accessory use setback 10 feet from a private right-of-way or property line; and 35 feet from the right-of-way line of an arterial or collector highway (as defined in the Comprehensive Plan;) and 25 feet from the right-of-way line of a Township road or street.

2. Agricultural Uses - See Section 403(2).

(Ord. 1-3-1983, 1/3/1983, §502)

§504. Standards. The following standards shall apply in the (R-2) Residential District.

- 1. Sign Regulations, Part 12
- 2. General Regulations, Part 14
- 3. Design Standards, Part 15
  - A. Screening Standards, §1502
  - B. Parking Standards, §1510
  - C. Agricultural Standards, §1512
  - D. Accessory Use Standards, §1513(1), §1513(2)
  - E. Height Standards, §1515
  - F. Recreation Standards, §1515
  - G. Home Occupation, Standards, §1516

(Ord. 1-3-1983, 1/3/1983, §503; as amended by Ord. 1-1985, 1/8/1985; by Ord. 3-1991, 12/30/1991; and by Ord. 5/8/1995, §3)



Part 6

(R-3) Residential District

§601. Purpose. The purpose of the (R-3) Residential District is to provide for high density residential uses and a more intensive mix of development types in areas of the Township designated as town centers by the West Nottingham Township Comprehensive Plan.

In some instances, development of this type will require that public water and public sewage systems are available. In the event that no such systems exist, the applicant must construct and provide his own.

(Ord. 1-3-1983, 1/3/1983, §600)

§602. Permitted Uses.

1. Any one of the following shall be permitted uses in the (R-3) Residential District:

A. Garden apartments provided that screening requirements shall include the following unless superseded by §1502.

(1) Dumpster areas shall be screened using limited vegetative screening and/or structural screening in conformance with §1502.

(2) Outside storage areas shall be screened using partial vegetative screening and/or structural screening in conformance with §1502.

(3) The perimeter of the parcel containing the conditional use shall be screened using partial vegetative screening and/or structural screening in conformance with §1502.

B. Townhouses provided screening requirements shall include the following unless superseded by §1502:

(1) Dumpster areas shall be screened using limited vegetative screening and/or structural screening in conformance with §1502.

(2) Outside storage areas shall be screened using partial vegetative screening and/or structural screening in conformance with §1502.

(3) The perimeter of the parcel containing the conditional use shall be screened using partial vegetative screening and/or structural screening in conformance with §1502.

[Ord. 5/8/1995]

2. Conditional Uses. Any one (1) of the following uses may be permitted on lot in this district as a conditional use upon the review and approval of the proposed use by the Board of Supervisors in accordance with the procedures outlined in §1408. Screening requirements associated with each permitted conditional use shall include the following unless superseded by §1502. [Ord. 5/8/1995]

A. Single family detached dwellings

B. Duplexes and other single family semi-detached dwellings



- E. Minimum front yard 50 feet
- F. Minimum side yard 50 feet
- G. Minimum rear yard 50 feet
- H. Building separation Buildings housing single family attached dwellings shall be separated by a minimum of forty (40) feet
- I. Open space and lot coverage 30 percent of any lot must remain in common open space. no more than 60 percent of any lot shall be covered by impervious surfaces
- J. Accessory building and use setback 25 feet from a private right-of-way or property line; 50 feet from the right-of-way of an arterial or collector highway (as defined in the Comprehensive Plan of West Nottingham Township); and 40 feet from a right-of-way of a Township road or street.

2. For Townhouses, Condominiums, and Other Single Family Attached Uses.

- A. Maximum density 6 dwellings per acre
- B. Minimum lot size 10 acres
- C. Minimum lot width 500 feet
- D. Maximum height 35 feet
- E. Minimum front yard 50 feet
- F. Minimum side yard 50 feet
- G. Minimum rear yard 50 feet
- H. Building separation Buildings housing single family attached dwellings shall be separated by a minimum of forty (40) feet.
- I. Open space and lot coverage 30 percent of any lot must remain in common open space. No more than 60 percent of any lot shall be covered by impervious surfaces.
- J. Accessory buildings and use setback 25 feet from a private right-of-way or property line; 50 feet from the right-of-way of an arterial or collector highway (as defined in the Comprehensive Plan of West

Nottingham Township); and 40 feet from a right-of-way of a Township road or street.

3. For All Other Non-Agricultural Uses.

- A. Minimum Lot Size
  - (1) With on-site water and sewer 30,000 square feet per dwelling
  - (2) With public water and sewage systems 20,000 square feet per dwelling
- B. Minimum Lot Width
  - (1) At building line 75 feet
  - (2) At street line 50 feet
- C. Maximum height 35 feet
- D. Minimum front yard 50 feet
- E. Minimum side yard 15 feet
- F. Minimum rear yard 25 feet
- G. Maximum lot coverage 50 percent
- H. Accessory use setback 25 feet from a private right-of-way or property line; 50 feet from the right-of-way of an arterial or collector highway (as defined in the Comprehensive Plan of West Nottingham Township); and 40 feet from a Township road or street.

4. For Agricultural Uses - See Section 403(2).

(Ord. 1-3-1983, 1/3/1983, §602)

§604. Standards. The following standards shall apply in the (R-3) Residential District:

- 1. Sign Regulations, Part 12
- 2. General Regulations, Part 14
- 3. Design Standards, Part 15
  - A. Screening Standards, §1502
  - B. Parking Standards, §1510
  - C. Agricultural Standards, §1510
  - D. Accessory Use Standards, §1513(1), §1513(2)
  - E. Institutional Standards, §1513(1), §1513(2)
  - F. Height Standards, §1514

G. Recreation Standards, §1515

H. Home Occupation, Standards, §1516

(Ord. 1-3-1983, 1/3/1983, §603; as amended by Ord. 1-1985, 1/8/1985; by Ord. 3-1991, 12/30/1991; and by Ord. 5/8/1995, §4)



Part 7

(C) Commercial District

§701. Purpose. The regulations herein are designed to control the development of commercial uses in West Nottingham Township in such a manner that is consistent with the Comprehensive Plan and the desires of the municipality. (Ord. 1-3-1983, 1/3/1983, §700)

§702. Permitted Uses.

1. Any one (1) of the following shall be permitted uses in the (C) Commercial District and shall provide the following screening requirements unless superseded by §1502:

A. Retail stores dealing in one or more of the following retail items: paint, glass, or wallpaper, hardware, nursery and garden supplies, general merchandise, foods, groceries, fresh fruits and vegetables, bakery or confectionary goods, apparel and apparel accessories, radios, televisions and supplies, food and drink, drugs and pharmaceuticals; miscellaneous shopping goods such as sporting goods and bicycles, books, stationery, jewelry, toys and games, cameras, luggage, and like items. [Ord. 5/8/1995]

B. Automotive and farm equipment sales and services

C. Gasoline service stations

D. Barber shops, hairdressers, shops for cleaning and pressing, and other shops for personal services

E. Farm supply outlet

F. Offices and banks

G. Veterinary hospitals

H. Funeral parlor or undertaker's establishment

I. Public utility offices or operating facilities

J. Business and professional offices

K. Motels

L. Medical clinics and laboratory facilities

M. Restaurant. [Ord. 2-1999]

N. Any use, along with appropriate densities, standards and regulations as designated a permitted use in the R-3 district. [Ord. 2-1999]

O. Commercial accessory use under the above permitted use. [Ord. 2-1999]

P. Dumpster areas shall be screened using limited vegetative screening and/or structural screening in conformance with §1502. [Ord. 5/8/1995]

Q. Outside storage areas shall be screened using partial vegetative screening and/or structural screening in conformance with §1502. [Ord. 5/8/1995]

R. The perimeter of the parcel containing the conditional use shall be screened using partial vegetative screening and/or structural screening in conformance with §1502. [Ord. 5/8/1995]

2. Conditional Uses. Any one (1) of the following uses may be permitted on lot in this district as a conditional use upon the review and approval of the proposed use by the Board of Supervisors in accordance with the procedures outlined in §1408. Any use permitted by this Section shall conform with all the standards set forth in this Part 7 as well as any additional standards imposed by §1408 of this Chapter. Screening requirements associated with each permitted conditional use shall include the following unless superseded by §1502: [Ord. 5/8/1995]

A. Car wash

B. Club, fraternal institution or non-profit swimming pool, provided that a particular activity shall not be one which is customarily carried on as a business and provided that all services shall be for members and their guests.

C. Wholesale sales establishments, whether they be for the storage or distribution of wholesale goods

D. Used or new car dealership

E. Trailer sales agency

F. Commercial greenhouse

G. Any use similar to those permitted in §702(1). [Ord. 3-1991]

H. Nonresidential communication facilities [Ord. 3-1999]

I. Dumpster areas shall be screened using limited vegetative screening and/or structural screening in conformance with §1502.

J. Outside storage areas shall be screened using partial vegetative screening and/or structural screening in conformance with §1502.

K. The perimeter of the parcel containing the conditional use shall be screened using partial vegetative screening and/or structural screening in conformance with §1502.

3. Any of the following uses upon the review and approval of the Zoning Hearing Board as a special exception, subject to the provisions of §1708 and screening requirements associated with each permitted special exception shall include the following unless superseded by §1502:

A. Dumpster areas shall be screened using limited vegetative screening and/or structural screening in conformance with §1502.

B. Outside storage areas shall be screened using partial vegetative screening and/or structural screening in conformance with §1502.

C. The perimeter of the parcel containing the conditional use shall be screened using partial vegetative screening and/or structural screening in conformance with §1502.

(Ord. 1-3-1983, 1/3/1983, §702; as amended by Ord. 8-3-1988, 8/3/1988; by Ord. 3-1991, 12/30/1991; by Ord. 5/8/1995, §5; by Ord. 2-1999, 7/20/1999, §2; and by Ord. 3-1999, 7/20/1999, §5)

§703. Area and Bulk Regulations. The following area and bulk regulations shall apply in the (C) Commercial District unless stated otherwise in this Chapter:

- 1. Minimum lot area 30,000 square feet
- 2. Maximum lot width 100 feet
- 3. Maximum lot coverage 50 percent [Ord. 2-1999]
- 4. Minimum building setback 40 feet
- 5. Minimum side yard 15 feet
- 6. Minimum rear yard 50 feet
- 7. Maximum height 35 feet
- 8. Accessory use setback 10 feet from a road right-of way a private right-of-way, or property line and 35 feet from the right-of-way line of an arterial or collectorial or collector highway (as defined in the Comprehensive Plan).

(Ord. 1-3-1983, 1/3/1983, §702; as amended by Ord. 3-1991, 12/30/1991; and by Ord. 2-1999, 7/20/1999, §2)

§704. Standards. The following standards shall apply in the (C) Commercial District.

- 1. Sign Regulations, Part 12
- 2. General Regulations, Part 14
- 3. Design Standards, Part 15
  - A. Screening Standards, §1502
  - B. Parking Standards, §1510
  - C. Agricultural Standards, §1512
  - D. Accessory Use Standards, §1513(1)-§1513(3)
  - E. Institutional Standards, §1513(4)
  - F. Height Standards, §1514
  - G. Recreation Standards, §1515
  - H. Home Occupation, Standards, §1516

(Ord. 1-3-1983, 1/3/1983, §703; as amended by Ord. 1-1985, 1/8/1985; by Ord. 3-1991, 12/30/1991; and by Ord. 5/8/1995, §5)



Part 8

(I) Limited Industrial District

§801. Purpose. The purpose of this Part 8 is to provide for limited industrial and other activities in West Nottingham Township, in accordance with the West Nottingham Township Comprehensive Plan. (Ord. 1-20-1987, 1/20/1987, §800)

§802. Permitted Uses.

1. Any one of the following shall be permitted uses in the (I) Limited Industrial District shall provide the following screening requirements unless superseded by §1502: [Ord. 5/8/1995]

A. Storage, warehousing, and wholesaling of products, including lumber, coal and other non-environmentally harmful bulk products; building material sales rooms; contractors equipment yards.

B. Office building.

C. Light Manufacturing - For the purpose of this section, the phrase light manufacturing is hereby defined to mean the following: 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; 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.

D. Accessory uses on the same lot with and customarily incidental to any of the above permitted uses.

E. Dumpster areas shall be screened using limited vegetative screening and/or structural screening in conformance with §1502. [Ord. 5/8/1995]

F. Outside storage areas shall be screened using partial vegetative screening and/or structural screening in conformance with §1502. [Ord. 5/8/1995]

G. The perimeter of the parcel containing the conditional use shall be screened using partial vegetative screening and/or structural screening in conformance with §1502. [Ord. 5/8/1995]

2. Conditional Uses. Any one of the following uses may be permitted on lot in this district as a conditional use upon the review and approval of the proposed use by the Board of Supervisors in accordance

with the procedures and standards outlined in §1408. Any use permitted by this Section shall conform with all of the standards set forth in this Part 8 as well as any additional standards imposed by §1408 of this Chapter. Screening requirements associated with each permitted conditional use shall include the following unless superseded by §1502: [Ord. 5/8/1995]

- A. Truck freight terminal
- B. Printing or publishing establishment
- C. Public utility operating facilities
- D. Commercial uses as permitted in the Commercial District (C). [Ord. 3-1991]
- E. Sanitary landfill, subject to the provisions of §1408(2). [Ord. 3-1991]
- F. Quarry, subject to the provisions of §1408(3). [Ord. 3-1991]
- G. Nonresidential communication facilities. [Ord. 3-1999]
- H. Dumpster areas shall be screened using limited vegetative screening and/or structural screening in conformance with §1502. [Ord. 5/8/1995]
- I. Outside storage areas shall be screened using partial vegetative screening and/or structural screening in conformance with §1502. [Ord. 5/8/1995]
- J. The perimeter of the parcel containing the conditional use shall be screened using partial vegetative screening and/or structural screening in conformance with §1502. [Ord. 5/8/1995]

(Ord. 1-20-1987, 1/20/1987, §801; as amended by Ord. 3-1991, 12/30/1991; by Ord. 5/8/1995, §6; and by Ord. 3-1999, 7/20/1999, §6)

§803. Area and Bulk Regulations. The following area and bulk regulations shall apply in the (I) Limited Industrial District unless stated otherwise in this Chapter.

- |                                       |                    |
|---------------------------------------|--------------------|
| 1. Minimum lot size                   | 40,000 square feet |
| 2. Minimum lot width at building line | 100 feet           |
| 3. Maximum lot coverage               | 50 percent         |
| 4. Minimum front yard                 | 80 feet            |
| 5. Minimum side yards                 | 25 feet            |
| 6. Minimum rear yard                  | 20 feet            |

(This requirement may be waived when rail siding is to be provided.)

7. When an Industrial District is adjacent to another type of district, there shall be a minimum side yard and rear yard requirement of twenty-five (25') feet along such adjacent side, except that the Zoning Hearing Board may waive this requirement when it is clearly evident that this requirement would create a hardship by prohibiting the use of the tract of ground because of its limited size.

(Ord. 1-20-1987, 1/20/1987, §802)

§804. Standards. The following standards shall apply in the (I) Limited Industrial District.

1. Sign Regulations, Part 12
2. General Regulations, Part 14
3. Design Standards, Part 15
  - A. Screening Standards, §1502
  - B. Parking Standards, §1510
  - C. Agricultural Standards, §1512
  - D. Accessory Use Standards, §1513(1)-§1513(3)
  - E. Institutional Standards, §1513(4)
  - F. Height Standards, §1514
  - G. Recreation Standards, §1515
  - H. Home Occupation, Standards, §1516

(Ord. 1-20-1987, 1/20/1987, §803; as amended by Ord. 3-1991, 12/30/1991; and by Ord. 5/8/1995, §6)



Part 9

(M) Mobile Home Park District

§901. Purpose. The purpose of this Part 9 is to provide a suitable location for the development and or expansion of mobile home parks in accordance with the goals and objectives set forth in the Comprehensive Plan of the Township. The district is established especially to:

1. Provide an environment compatible with high density activities, the kind of which are associated with mobile home parks.

2. Discourage undesirable health and safety conditions frequently associated with unregulated mobile home parks.

(Ord. 1-3-1983, 1/3/1983, §900)

§902. Permitted Uses. Any one (1) of the following shall be permitted uses in the (M) Mobile Home Park District.

1. Mobile home park in accordance with the regulations outlined in the West Nottingham Township Mobile Home Park Chapter, as amended.

2. Any one (1) of the following conditional uses shall be permitted in the (R-2) Residential District:

A. Principal.

B. Accessory.

C. Nonresidential communication facilities. [Ord. 3-1999]

3. Accessory uses as outlined in the West Nottingham Township Mobile Home Park Chapter, as amended.

(Ord. 1-3-1983, 1/3/1983, §901; as amended by Ord. 8-3-1988, 8/3/1988; and by Ord. 3-1999, 7/20/1999, §7)

§903. Area and Bulk Regulations.

1. Each mobile home park shall be developed on a minimum of ten (10) acres.

2. Lot dimensions, setbacks, and other yard and area regulations shall be in accordance with the West Nottingham Township Mobile Home Park Chapter, as amended.

(Ord. 1-3-1983, 1/3/1983, §902)

§904. Standards. Standards shall be in accordance with the West Nottingham Mobile Home Chapter, as amended. (Ord. 1-3-1983, 1/3/1983, §903)



Part 10

(F) Flood Hazard District

§1001. General Provisions.

1. Intent. The intent of this Part is 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 on 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. Warning and Disclaimer of Liability. 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 manmade 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. This Part shall not create liability on the part of the Township or any office or employee thereof for any flood damages that result from reliance on this Part or any administrative decision lawfully made thereunder.

(Ord. 1-3-1983, 1/3/1983; as amended by Ord. 11/12/1996, §1000)

§1002. 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 13. (Ord. 1-3-1983, 1/3/1983; as amended by Ord. 11/12/1996, §1001)

§1003. Delineation of the Flood Hazard District. For purposes of this Part, the Flood Hazard District is delineated as the identified floodplain area.

A. Identification. The identified floodplain area shall be any area of West Nottingham Township subject to the one hundred (100) year flood, which is identified as Zone A (Area of Special Flood Hazard) on the Flood Hazard Boundary Map (FHBM) dated November 20, 1996, (or the most recent revision thereof) as issued by the Federal Emergency Management Agency (FEMA), or on the most recent Flood Insurance Rate Map (FIRM) issued by FEMA, if such a map has been prepared for the Township.

B. Determination of Floodplain Areas. For the purposes of this Part, the one hundred (100) year flood elevation shall be used as the basis for regulation. 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. 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, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

C. Changes in Identification of Area. The identified floodplain area may be revised or modified by the Board where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

D. 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. The burden of proof shall be on the appellant.

(Ord. 1-3-1983, 1/3/1983; as amended by Ord. 11/12/1996, §1002)

§1004. General Technical Requirements.

1. General.

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

B. 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.

C. 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, Bureau of Dams, Waterways and Wetlands.

D. 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.

E. Within any identified floodplain area, any new construction or substantial improvement of a nonresidential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height. Any nonresidential structure, or part thereof, having a lowest floor (including basement) which is not elevated to at least one and one half (1 1/2) 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 "Floodproofing 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.

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

G. 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. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- (1) A minimum of two (2) openings having a net total area of not less than one (1) square inch for every square feet of enclosed space.

(2) The bottom of all openings shall be no higher than one (1) foot above ground.

(3) Openings may be equipped with screens, louvers etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

H. Accessory structures are prohibited in identified floodplain areas.

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

J. Accessory industrial and commercial uses such as yard areas, pervious parking and recreational fields are permitted in identified floodplain areas.

K. Within and identified floodplain area, all manufactured homes and any additions thereto shall be prohibited.

L. 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:

- (1) Hospitals.
- (2) Nursing homes.
- (3) Jails or prisons.
- (4) Manufactured home parks.

(Ord. 1-3-1983, 1/3/1983; as amended by Ord. 3-1991, 12/30/1991; and by Ord. 11/12/1996, §1003)

§1005. 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 any improvements are made to any existing structure, the provisions of §1005(2) 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.

(Ord. 1-3-1983, 1/3/1983; as amended by Ord. 8-3-1988, 8/3/1988; and by Ord. 11/12/1996, §1004)

§1006. Design and Construction Standards. The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

A. If fill is used, it shall:

(1) Extend laterally at least fifteen (15) feet beyond the building line from all points.

(2) Consist of soil or small rock materials only - sanitary landfills shall not be permitted.

(3) Be compacted to provide the necessary permeability and resistance to erosion, scouring or settling.

(4) Be no steeper than one (1) vertical to two (2) horizontal feet unless substantiated data, justifying steeper slopes are submitted to and approved by the Code Enforcement Officer.

(5) Be used to the extent to which it does not adversely affect adjacent properties.

B. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure 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.

C. Water and Sanitary Sewer Facilities and Systems.

(1) 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.

(2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.

(3) No part of any onsite 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.

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

E. The finished elevation of all new streets shall be no more than one (1) foot below the regulatory flood elevation.

F. All materials that are buoyant, flammable, explosive or, in time of flooding, could be injurious to human, animal or plant life, and not listed in §1007, "Development Which May Endanger Human Life," shall be stored at or above the regulatory flood elevation and/or floodproofed to the maximum extent possible.

G. 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 flood water.

H. Anchoring.

(1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement.

(2) 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.

I. Floors, Walls and Ceilings.

(1) 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 buildings.

(2) Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.

(3) 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.

(4) Windows, doors and other components at or below the regulatory flood elevation shall be made of metal or other "water-resistant" material.

J. Paints and Adhesives.

(1) Paints and other finishes used at or below the regulatory flood elevation shall be of "marine" or "water-resistant" quality.

(2) Adhesives used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.

(3) All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.

K. Electrical Components.

(1) Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year flood elevation.

(2) Separate electrical circuits shall serve lower levels and shall be dropped from above.

L. 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.

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

N. Special Requirements for Manufactured Homes.

(1) Within any identified floodplain area, all manufactured homes and any additions thereto shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

(2) Where permitted within any identified floodplain area, all manufactured homes and any improvements thereto shall be:

(a) Placed on a permanent foundation.

(b) Elevated so that the lowest floor of the manufactured home is one and one half (1 1/2) feet or more above the elevation of the one hundred (100) year flood.

(c) Anchored to resist flotation, collapse or lateral movement.

(Ord. 1-3-1983, 1/3/1983; as added by Ord. 11/12/1996, §1005)

§1007. 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:

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

B. Will be used for any activity requiring the maintenance of a supply of more than five hundred fifty (550) gallons, or other comparable volumes, of any of the following dangerous materials or substances on the premises.

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

D. The following list of materials and substances are considered dangerous to human life:

- (1) Acetone
- (2) Ammonia
- (3) Benzene
- (4) Calcium carbide
- (5) Carbon disulfide
- (6) Celluloid
- (7) Chlorine
- (8) Hydrochloric acid
- (9) Hydrocyanic acid
- (10) Magnesium
- (11) Nitric acid and oxides of nitrogen
- (12) Petroleum products (gasoline, fuel oil, etc.)
- (13) Phosphorus
- (14) Potassium
- (15) Sodium
- (16) Sulphur and sulphur products
- (17) Pesticides (including insecticides, fungicides and rodenticides)
- (18) Radioactive substances insofar as such substances are not otherwise regulated.

(Ord. 1-3-1983, 1/3/1983; as added by Ord. 11/12/1996, §1006)

§1008. 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.

A. Variance Procedures and Conditions. Request for variances shall be considered by the Zoning Hearing Board in accordance with the procedures contained in Part 16 and the following:

(1) No variance shall be granted for any of the requirements pertaining specifically to "Development Which May Endanger Human Life" (§1007) or §1004(1)(L).

(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. 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.

(Ord. 1-3-1983, 1/3/1983; as added by Ord. 11/12/1996, §1007)



Part 11

Airport District

§1101. Purpose. The purpose of this Part 11 is to implement the objectives of Act 161 of 1980 (Pennsylvania), regarding the height of objects, buildings, and structures around airports, and to protect the residents of West Nottingham Township from hazards which may be associated with airport use. (Ord. 1-3-1983, 1/3/1983, §1100)

§1102. Permitted Uses.

1. Any one (1) of the following shall be permitted uses in the (A) Airport District and shall provide the following screening requirements unless superseded by §1502. [Ord. 5/8/1995]

A. Airport

B. Airport accessory uses

C. Agricultural and open spaces uses, not to include buildings or structures.

D. Dumpster areas shall be screened using limited vegetative screening and/or structural screening in conformance with §1502. [Ord. 5/8/1995]

E. Outside storage areas shall be screened using partial vegetative screening and/or structural screening in conformance with §1502. [Ord. 5/8/1995]

F. The perimeter of the parcel containing the conditional use shall be screened in conformance with §1502. [Ord. 5/8/1995]

2. Conditional Uses. Any one (1) of the following uses may be permitted on lot in this district as a conditional use upon the review and approval of the proposed use by the Board of Supervisors in accordance with the procedures outlined in §1408. Screening requirements associated with each permitted conditional use shall include the following unless superseded by §1502: [Ord. 5/8/1995]

A. Agricultural buildings

B. Single family detached dwellings

C. Municipal use

D. Residential accessory use

E. Home occupation

F. Nonresidential communication facilities [Ord. 3-1999]

G. Dumpster areas shall be screened using limited vegetative screening and/or structural screening in conformance with §1502. [Ord. 5/8/1995]

H. Outside storage areas shall be screened using partial vegetative screening and/or structural screening in conformance with §1502. [Ord. 5/8/1995]

I. The perimeter of the parcel containing the conditional use shall be screened using partial vegetative screening and/or structural screening in conformance with §1502. [Ord. 5/8/1995]

(Ord. 1-3-1983, 1/3/1983, §1101; as amended by Ord. 8-3-1988, 8/3/1988; and by Ord. 3-1991, 12/30/1991; by Ord. 5/8/1995, §7; and by Ord. 3-1999, 7/20/1999, §8)

§1103. Area and Bulk Regulations. The following area and bulk regulations shall apply unless stated otherwise in this Chapter.

- 1. For agricultural uses (See §403(2))
- 2. For airports

A. Minimum lot size - of adequate acreage to accommodate runway lengths and setback provisions as provided for in this Chapter and recommended by the Federal Aviation Administration.

B. Minimum lot width - five hundred (500') feet.

C. Minimum building setback line:

(1) Hangers - two hundred (200') feet from a dwelling, twenty-five (25') feet from a public road or right-of-way.

(2) Accessory buildings - twenty-five (25') feet from a public road, right-of-way, or lot line.

- 3. For Residential Uses

- A. Minimum lot size 1 acre
- B. Minimum lot width at building line 150 feet
- C. Minimum lot width at street line 50 feet
- D. Maximum lot coverage 25 percent
- E. Minimum building setback line
  - (1) From end of runway 700 feet
  - (2) From edge of runway 500 feet
  - (3) From hanger or accessory use building 200 feet
  - (4) From street right-of-way 50 feet
- F. Minimum side yard 25 feet
- G. Minimum rear yard 25 feet
- H. Maximum height 35 feet
- I. Accessory use setback
  - (1) From end of runway 700 feet
  - (2) From edge of runway 500 feet
  - (3) From hanger or accessory use building 200 feet
  - (4) From street right-of-way 50 feet

J. Street, roads, and highways. No street, road, or highway shall be constructed within seven hundred (700') feet of the end of a runway, or within five hundred (500') feet of the edge of a runway.

(Ord. 1-3-1983, 1/3/1983, §1102)

§1104. Standards. The following standards shall apply in the (A) Airport District.

1. Sign Regulations, Part 12
2. General Regulations, Part 14
3. Design Standards, Part 15
  - A. Screening Standards, §1502
  - B. Parking Standards, §1510
  - C. Agricultural Standards, §1510
  - D. Accessory Use Standards, §1513(1)-§1514(3)
  - E. Institutional Standards, §1513(4)
  - F. Height Standards, §1514
  - G. Recreation Standards, §1515
  - H. Home Occupation, Standards, §1516

(Ord. 1-3-1983, 1/3/1983, §1103; as amended by Ord. 1-1985, 1/8/1985; by Ord. 3-1991, 12/30/1991; and by Ord. 5/8/1995, §7)



Part 12

Signs

§1201. Purpose. In order that the legitimate demands for signage are met without the unsightly intrusion of an unlimited type and quantity of sign in West Nottingham Township, any sign erected or maintained after the effective date of this Chapter shall conform to the following regulations. (Ord. 1-3-1983, 1/3/1983, §1300)

§1202. General Regulations. The following regulations shall be observed in all districts.

1. No sign shall be erected within a street line, except traffic signs and similar regulatory notices of a duly constituted governmental body.

2. No moving or flashing signs which may distract motorists on adjacent highways shall be permitted.

3. No sign which emits smoke, visible vapors, particles, sound, or odor shall be permitted.

4. 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.

5. Flood lighting shall be arranged so that the source of light is not visible from any point off the lot and that only the sign is directly luminated.

6. No sign shall be erected containing information on it which states or implies that a property may be used for any purpose not permitted in the Zoning District in which the property is located.

7. Every sign shall be constructed of a durable material and kept in good condition, repair, and safe from collapse. Any sign which is allowed to be dilapidated shall be removed by the Township at the expense of the owner or lessee of the property on which it is located.

8. All distances provided for in this Part 12 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.

9. No sign, other than official street signs shall be erected or maintained nearer to a street line than a distance equalling the height of the sign, unless attached flatly to a building.

10. No sign shall be erected in any district without a permit, unless so stated in §1203.

11. No sign shall be spaced closer to another sign than the distance equal to ten (10) times the largest dimension (height or width) of the sign having the largest dimension.

(Ord. 1-3-1983, 1/3/1983, §1301)

§1203. Exempt Signs. No permit shall be required for the following signs. These signs shall conform to all other regulations set forth in §1202 and §1204.

1. Directional, information or public services signs such as those advertising the availability of rest rooms, telephone or similar public conveniences, and signs advertising meeting times and places of non-profit service or charitable clubs and organizations, provided that such signs do not advertise any commercial establishment, activity, organization, product, good, or service, excepting public utilities.

2. Trespassing signs

3. Real estate signs

4. Home occupation signs

5. Signs advertising the sale of farm products grown or produced on the premises.

(Ord. 1-3-1983, 1/3/1983, §1302)

§1204. Sign Classification, Size, and District Applicability. Signs shall be classified, regulated, and permitted as follows:

1. Real Estate Signs. Signs which advertise the sale, rental, or lease of the property on which they are placed.

A. Permitted in all districts.

B. Dimensional requirements - not to exceed six (6<sup>2</sup>) square feet.

2. Traffic Signs. Signs regulating traffic, naming roads, or describing conditions, which are officially erected by the Commonwealth of Pennsylvania or the Township of West Nottingham.

A. Permitted in all districts.

B. Dimensional requirements - as deemed appropriate by the Commonwealth of Pennsylvania or the Township of West Nottingham.

3. Identification Signs. Signs which display the name of a particular non-commercial or non-industrial building or use, such as a church or school or development.

A. Permitted in all districts.

B. Dimensional requirements - not to exceed nine (9<sup>2</sup>) square feet.

4. Non-Commercial Directional Signs. As per §1203(1).

A. Permitted in all districts.

B. Dimensional requirements - not to exceed two (2<sup>2</sup>) square feet.

5. Trespassing Signs. Any sign indicating the private nature of property, a road, or driveway, or a sign restricting or prohibiting hunting, fishing, or some other activity.

A. Permitted in all districts.

B. Dimensional requirements - not to exceed two (2'<sup>2</sup>) square feet.

6. Agricultural Signs. Signs advertising the sale of farm products grown on the premises.

A. Permitted in all districts.

B. Dimensional requirements - not to exceed five (5'<sup>2</sup>) square feet.

7. Temporary Professional Signs. Signs of contractors, architects, mechanics, or artisans displayed on a temporary basis on the premises at which the services are being performed.

A. Permitted in all districts.

B. Dimensional requirements - not to exceed twelve (12'<sup>2</sup>) square feet.

8. Temporary Non-Professional Signs. Signs noting a special event such as fair, circus, yard sale, bingo party, or political activity, or a seasonal activity such as the sale of Christmas trees.

A. Permitted in all districts.

B. Dimensional requirements - not to exceed twelve (12'<sup>2</sup>) square feet.

9. Home Occupation and Professional Signs. Signs used to indicate a home occupation or a profession such as a dentist, lawyer, mason, contractor, plumber, doctor, or veterinarian.

A. Permitted in all districts.

B. Dimensional requirements - not to exceed two (2'<sup>2</sup>) square feet.

10. Business, Commercial, or Industrial Signs. Signs used to attract attention to a permitted use on the same premises. Such signs normally include the identifying name, type of business, and trademark of the establishment.

A. Permitted in the (C) Commercial and (I) Limited Industrial Districts only

B. Dimensional requirements

(1) Signs mounted on the front of a building shall not exceed ten (10'<sup>2</sup>) square feet in area for each five (5') lineal feet of front building wall and shall in no case exceed thirty (30') feet in width or eight (8') feet in height.

(2) Signs mounted on a side wall exposed to public view

from either a street or parking area shall not exceed ten (10'<sup>2</sup>) square feet of area for each lineal foot of such side building wall, and in no case shall exceed thirty (30') feet in width.

(3) Mounted signs shall be installed parallel to the supporting wall and project not more than ten (10") inches from the face of such wall.

(4) Free standing signs shall be erected only within the limits of the front yard of the property to which they pertain.

(Ord. 1-3-1983, 1/3/1983, §1303)

§1205. Temporary Sign Regulations. Temporary signs noted in §1204 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. Any free standing sign shall be located at least ten (10') feet from any lot line.

3. Signs shall be removed immediately upon expiration of the permit.

4. The site or building on which the sign was erected shall be restored to its original condition upon removal of the sign.

5. A permit may be re-issued for not more than one (1) successive six (6) month period.

(Ord. 1-3-1983, 1/3/1983, §1304; as amended by Ord. 3-1991, 12/30/1991)

§1206. Sign Permits.

1. Applications for sign permits shall be filed in duplicate and on forms furnished by the Township and shall be accompanied by detailed plans and specifications and such other information deemed necessary by the Zoning Officer to determine the location and details of sign construction.

2. Permit fees shall be collected prior to the issuance of a permit. Permit fees shall be as designated by the West Nottingham Township Board of Supervisors.

(Ord. 1-3-1983, 1/3/1983, §1305)

Part 13

Administrative and Amendment Provisions

§1301. Purpose. This Part 13 outlines procedures for the administration and enforcement of the Zoning Chapter. It does not touch on the process necessary to subdivide property. That information is contained in the Subdivision Chapter of West Nottingham Township. Once property has been subdivided, however, permits are necessary to build. The procedures for granting conditional uses, for securing building permits, and use and occupancy permits, are outlined in this Part 13. This Part also establishes a fine for the violation of any aspect of this Chapter. (Ord. 1-3-1983, 1/3/1983, §1400)

§1302. Application of Regulations.

1. 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 district in which such land, building or structure is located.

2. In cases of mixed occupancy, the regulations for each use shall apply to the portion of the building of land so used.

(Ord. 1-3-1983, 1/3/1983, §1401)

§1303. Appointment and Powers of Zoning Officer.

1. For the administration of this Chapter, a zoning officer, who shall not hold any elective office in the Township of West Nottingham, shall be appointed.

2. 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.

3. 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.

4. The zoning officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.

(Ord. 1-3-1983, 1/3/1983, §1402; as amended by Ord. 3-1991, 12/30/1991)

§1304. Requirement of Building Permits. A building permit shall be required prior to the erection, or enlargement of any building or other structure or portion thereof. It shall be unlawful for any person to commence work for the erection, enlargement of any building or structure or portion thereof until a permit has been duly issued. (Ord. 1-3-1983, 1/3/1983, §1403)

§1305. Application for Building Permit. 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 existing on the lot in question or upon abutting land within fifty (50') feet of the side and rear lines of such lot and the lines within which the proposed building or other structure shall be erected, altered, or enlarged. 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. (Ord. 1-3-1983, 1/3/1983, §1404)

§1306. Issuance of Building Permits.

1. 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 Part and applicable ordinances. Additionally 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, §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 Code Enforcement Officer to determine that:

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 Code Enforcement 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 National Geodetic Vertical Datum of 1929.

(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 associated 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 §1006 (F), "Storage," and §1007, "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 §1006. 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. 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.

(Ord. 1-3-1983, 1/3/1983, §1405; as amended by Ord. 11/12/1996, §3)

§1307. Requirement of Use and Occupancy Permit. 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:

A. Use and occupancy of any building or other structure hereinafter erected, altered or enlarged for which a building permit is required.

B. Change in use of any building or structure.

C. 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.

D. Extension of a nonconforming use.

(Ord. 1-3-1983, 1/3/1983, §1406)

§1308. Applications 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 to ascertain compliance with this Chapter. (Ord. 1-3-1983, 1/3/1983, §1407)

§1309. Issuance of Use and Occupancy Permits. No use and occupancy permits shall be issued until the Zoning Officer has certified that the proposed use complies with the provisions of this Chapter. Pending completion of a building or of alterations thereto, a temporary use and occupancy permit may be issued by the Zoning Officer 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. (Ord. 1-3-1983, 1/3/1983, §1408)

§1310. Issuance or Refusal of Permits. If the Zoning Officer determines that an application is in compliance with the provisions of this Chapter, it shall be his duty to issue the appropriate permit; and if he determines that an application is not in compliance with the provisions of this Chapter, it shall be his duty to refuse the permit. (Ord. 1-3-1983, 1/3/1983, §1409)

§1311. Fees. Fees for building permits and other fees required in the administration of this Chapter shall be paid in advance in accordance with a schedule of fees established by the Board of Supervisors of West Nottingham Township. A listing of required fees can be found in the Township office. The fee schedule, as may be amended from time to time, and any associated regulations shall be considered a part of this Chapter. (Ord. 1-3-1983, 1/3/1983, §1410)

§1312. Enforcement Notice.

1. If it appears to the Township of West Nottingham that a violation of this Chapter has occurred, the Township of West Nottingham shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.

2. 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.

3. An enforcement notice shall state at least the following:

A. The name of the owner of record and any other person against whom the Township of West Nottingham intends to take action.

B. The location of the property in violation.

C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.

D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a period of thirty (30) days. [Ord. 2-1999]

F. 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.

(Ord. 3-1991, 12/30/1991; as amended by Ord. 2-1999, 7/20/1999, §3)

§1313. Causes of Action. In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed altered, converted, maintained or used in violation of 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. (Ord. 1-3-1983, 1/3/1983, §1412; as amended by Ord. 3-1991, 12/30/1991)

§1314. Enforcement Remedies.

1. 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 therefor 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.

2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per them fine pending a final adjudication of the violation and judgment.

3. 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.

4. District justices shall have initial jurisdiction over proceedings brought under this Section.

(Ord. 1-3-1983, 1/3/1983, §1411; as amended by Ord. 2-1983, 7/12/1983; and by Ord. 3-1991, 12/30/1991)

§1315. Enactment of Zoning Ordinance Amendments.

1. The Board of Supervisors may from time to time amend, supplement, or repeal any of the regulations and provisions of this Chapter. The procedure for the preparation of a proposed zoning ordinance as set forth in §607 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10607, is hereby declared optional.

2. Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township of West Nottingham at points deemed sufficient by the Township of West Nottingham along the perimeter of the tract 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.

3. 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 Commission an opportunity to submit recommendations.

4. 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.

5. 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 agency for recommendations.

6. Within thirty days after enactment, a copy of the amendment to this Chapter shall be forwarded to the county planning agency.

(Ord. 1-3-1983, 1/3/1983, §1413; as amended by Ord. 3-1991, 12/30/1991)

§1316. Procedure for Landowner Curative Amendments.

1. A landowner who desires to challenge on substantive grounds the validity of this Chapter or the Zoning Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in §916.1 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §10916.1. The curative amendment and challenge shall be referred to the Township Planning Commission and the county planning agency as provided in §609 and notice of the hearing thereon shall be given as provided in §§610 and 916.1 of the MPC, 53 P.S. §§10609, 10610, and 10916.1.

2. The hearing shall be conducted in accordance with §908 of the MPC and all references therein to the Zoning Hearing Board shall, for purposes

of this Section be references to the Board of Supervisors. If the Township of West Nottingham does not accept a landowner's curative amendment brought ought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire Chapter and Zoning Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

3. The Board of Supervisors, if it determines that a validity challenge has merit, may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:

A. The impact of the proposal upon roads, sewer facilities water supplies, schools and other public service facilities;

B. If the proposal is for or a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Chapter or Zoning Map.

C. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features;

D. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and

E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

(Ord. 1-3-1983, 1/3/1983, 1414, 1415; as amended by Ord. 3-1991, 12/30/1991)

§1317. Procedure for Township Curative Amendments.

1. If the Township of West Nottingham determines that this Chapter, or any portion hereof, is substantially invalid, it shall take the following actions:

A. The Township of West Nottingham shall declare by formal action, this Chapter or portions hereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days such declaration and proposal the Board of Supervisors shall:

(1) By resolution make specific findings setting forth the declared invalidity of this Chapter which may include:

(a) References to specific uses which are either not permitted or not permitted in sufficient quantity;

(b) Reference to a class of use or uses which requires revision; or,

(c) Reference to this entire Chapter which requires revisions.

(2) Begin to prepare and consider a curative amendment to this Chapter to correct the declared invalidity.

2. Within one hundred eighty (180) days from the date of the declaration and proposal, the Township of West Nottingham shall enact a curative amendment to validate, or reaffirm the validity of, this Chapter pursuant to the provisions of §609 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §10609, in order to cure the declared invalidity of this Chapter.

3. Upon the initiation of the procedures as set forth in subsection (1), the Board of Supervisors shall not be required to entertain or consider any landowner's curative amendment filed under §609.1 of the MPC, 53 P.S. §10609.1, nor shall the Zoning Hearing Board be required to give a report requested under §§909.1 or 916.1 of the MPC, 53 P.S. §§10909.1, 10916.1, subsequent to the declaration and proposal based upon the grounds identical or substantially similar to those specified by the resolution required by subsection (1)(A). Upon completion of the procedures set forth in subsections (1) and (2), no rights to a cure pursuant to the provisions of §§609.1 and 916.1 of the MPC, 53 P.S. §§10609.1, 10916.1, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of this Chapter for which there has been a curative amendment pursuant to this Section.

4. The Township of West Nottingham having utilized the procedures set forth in this Section may not again utilize said procedure for a period of thirty-six (36) months following the date of enactment of a curative amendment, or reaffirmation of the validity of this Chapter; Provided, however, if after the date of declaration and proposal there is a substantially new duty imposed upon the Township of West Nottingham by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Township of West Nottingham may utilize the provisions of this Section to propose a curative amendment to this Chapter to fulfill said duty or obligation.

(Ord. 1-3-1983, 1/3/1983, §1416; as amended by Ord. 3-1991, 12/30/1991)



Part 14  
General Provisions

§1401. Construction of Space Regulation. No yard or other space provided about any building or structure for the purpose of complying with this Chapter shall be considered as a yard or other open space for another building or structure. (Ord. 1-3-1983, 1/3/1983, §1500)

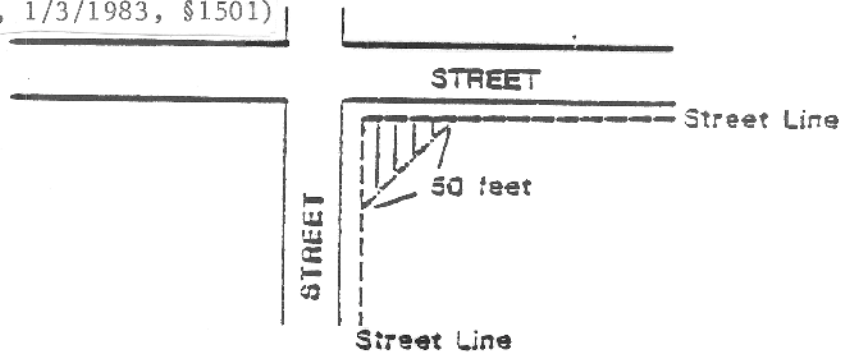
§1402. Visibility at Intersections. The following shall apply to all zoning districts:

1. On a corner lot or at a point of entry on a public road, 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, and

B. Within the area bounded by the street lines of such corner lots and a line joining points of these street lines fifty (50') feet from their intersection. (See diagram)

(Ord. 1-3-1983, 1/3/1983, §1501)



§1403. Stripping of Top Soil. The following shall apply to all districts:

1. Topsoil or sod may be removed from a premises only under the following conditions:

A. In connection with the construction or alteration of a street, building, or parking lot.

B. In connection with agricultural pursuits, provided that a minimum of four (4") inches of topsoil is left in place and that areas where topsoil is removed are reseeded with an appropriate ground cover within one (1) year.

(Ord. 1-3-1983, 1/3/1983, §1502)

§1404. Projections into Required Yards. The following shall apply to all districts:

1. All required yards shall be unobstructed except as follows.

A. An arbor, open trellis, flagpole, unroofed steps or an unroofed terrace, or recreational or drying yard shall be permitted with no restriction.

B. Roofed terraces, porches, and carports shall be included in the area of a building. Canopies, however, may intrude into the yard area, so long as they are no closer than ten (10') feet from any lot line.

(Ord. 1-3-1983, 1/3/1983, §1503)

§1405. Nonconforming Buildings, Structures and Uses.

1. Continuation. Any unlawful nonconforming building or structure, or any lawful nonconforming use of a building, structure, or land legally existing on the effective date of this Chapter may be continued, except as otherwise herein provided.

2. Extension and Additional Buildings. Any lawful nonconforming use of a portion of a building may be extended throughout the building. Any lawful nonconforming building or any building of which a lawful nonconforming use is made may be extended upon the lot occupied by such building and held in single and separate ownership on the effective date of this Part. Any such building nonconformity may be extended or increased, provided that the area of the building shall not be increased by more than fifty (50) percent of the area of such building existing on the date it first became a nonconforming building, provided that the existing nonconformity is not increased and provided that no new non-conformity is created. Any new buildings, any structural alteration, extension or addition of existing buildings shall conform with all area, height, width, yard and coverage requirements for the district in which it is located. [Ord. 2-1999]

3. Use of Land. Any lawful nonconforming use of land exclusive of buildings and the uses contained therein, may be extended on the lot upon which it exists at the time of the effective date of this Chapter, but such extension shall conform to area and bulk requirements and to the design standards of this Chapter. The extension of a nonconforming use on a lot shall be limited to fifty (50%) percent of the area of the use which was in existence on the effective date of this Chapter.

4. Change. Any lawful nonconforming use of a building or land may be changed to another nonconforming use of substantially the same character and for such purpose, a building may be extended on the same lot in accordance with §1405(2). Whenever the nonconforming use of a building or land has been changed to a conforming use, such conforming use shall not thereafter be changed to a nonconforming use. [Ord. 3-1991]

5. Restoration. Any lawful nonconforming building or other structure which has been involuntarily damaged or destroyed by fire, explosion, windstorm, or other similar active cause to an extent of not more than seventy-five (75%) percent of its fair market value, may be reconstructed in the same location, provided that:

A. The reconstructed building or, structure shall not exceed height, area or volume of the damaged or destroyed building or structure.

B. Reconstruction shall begin within one (1) year from the date of damage or destruction and shall be carried on without interruption.

6. Abandonment. If a lawful nonconforming use of land or of a building or other structure is abandoned or discontinued for a continuous period of one (1) year or more, subsequent use of such building or structure or land shall be in conformity with the provisions of this Chapter.

7. Nonconforming Signs. Any sign, signboard, billboard, or advertising device existing at the time of the passage of this Chapter that does not conform with the regulations of the district in which it is located shall be considered a nonconforming sign and may be used in its existing location, provided it is maintained in good condition and repair at all times. Nonconforming signs may be repainted or repaired or modernized, provided that such repaired or modernized signs do not exceed their original dimensions.

(Ord. 1-3-1983, 1/3/1983, §1504; as amended by Ord. 3-1991, 12/30/1991; and by Ord. 2-1999, 7/20/1999, §4(a))

§1406. Lots Nonconforming as to Area and Width Regulations, and Lots of Unusual Dimension.

1. A building may be erected or altered on any lot held at the effective date of this Chapter in single and separate ownership which is not of the required minimum area or width, or is of such unusual dimensions that the owner would have difficulty in providing the required open space for the district in which such lot is situated, provided a special exception is authorized by the Zoning Hearing Board, and provided further that the applicant does not own or control other adjoining property sufficient to enable him to comply with the provisions of this Chapter as amended. In considering a special exception to permit erection or alteration of a building on a lot nonconforming as to area and width regulations, the Zoning Hearing Board may impose the following requirements:

A. That the use of the lot may be required to conform to the permitted uses in the district in which such lot lies.

B. That the building height may be restricted to that specified for other buildings within the district in which the lot lies.

C. That the design standards imposed for uses within the district in which the lot lies may be applied to the use of the lot.

D. Impose such conditions as are necessary to assure that the general purpose and intent of the Zoning Chapter is complied with.

(Ord. 1-3-1983, 1/3/1983, §1505)

§1407. Adult Bookstores. The following uses of real estate shall be prohibited throughout West Nottingham Township, Chester County, Pennsylvania:

1. The operation of any book store, commonly denoted as an "adult book store", which has obscene books and paraphernalia as a substantial portion of its stock in trade or which is substantially engaged in the sale of books commonly denoted as "adult books" or books having as a main or

central theme an appeal to the prurient interest, without significant redeeming social value.

2. The operation of any movie theatre substantially engaged in the showing of obscene films, or films commonly denoted as "adult films", or films having as a main or central theme an appeal to the prurient interest without significant redeeming social value.

3. The operation of any massage parlor in which the treatment of any person of the opposite sex is carried on, except upon the assigned order of a licensed physician, osteopath, chiropractor, or registered physical therapist. The requirements of this provision shall not apply to treatments given in the residence of a patient, the office of a licensed physician, osteopath, registered physical therapist or chiropractor or in regularly established and licensed hospital, extended care facility, convalescent facility, nursing home or other health care facility.

4. The operation of any business which involves, in whole or in part the sale, lease, trade, gift or display for sale any obscene materials.

5. For purposes of this Section, the term "obscene" shall be as set forth in the majority opinions of the United States Supreme Court relating to the activities such as those referred to above in §1407(1), (2), (3) and (4). [Ord. 3-1991]

(Ord. 1-3-1983, 1/3/1983; as added by Ord. 1-1985, 1/8/1985; and amended by Ord. 3-1991, 12/30/1991)

§1408. Conditional Uses.

1. Where the Board of Supervisors, in this Chapter, has stated conditional uses to be granted or denied by the Board of Supervisors pursuant to express standards and criteria, the Board of Supervisors shall hold hearings on and decide requests for such conditional uses in accordance with such standards and criteria. 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 Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq.

A. The extent, scope and size of the conditional use shall be such that it does not adversely impact surrounding land uses.

B. The site for the proposed conditional use shall be adequate in terms of physiography to handle the proposed use.

C. The demand for or parking and other services shall be considered, and shall be shown by the applicant to be accommodated.

D. The proposed conditional use shall not be of such magnitude, nor shall its location in a district be such that it jeopardizes the objectives of a district.

E. The proposed conditional use shall not endanger the health, safety or welfare of the Township residents.

F. Authorization. This §1408 of this Chapter is 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 §§65729, 65708, 65712, and 65747, as amended.

(2) The applicable provision of the Pennsylvania Municipalities Planning Code dealing with zoning ordinances codified in Volume 53 of Purdon's Consolidated Statutes of the Commonwealth of Pennsylvania as §§10601 and 10603, as amended.

(3) The applicable provisions of the Pennsylvania Solid Waste Management Act, codified in Purdon's Consolidated Statutes of the Commonwealth of Pennsylvania at §6010, as amended.

2. Sanitary Landfill as a Conditional Use.

A. Conditional Use. Sanitary landfills are permitted only as a conditional use in the Limited Industrial (I) Zoning District within the Township, subject to the provisions of this Chapter 27. Sanitary landfills shall be operated only by West Nottingham Township or the West Nottingham Township Municipal Authority.

B. Application. A person wishing to establish a sanitary landfill in the Township shall present a application for a conditional use, pursuant to the procedures specified in §1408 of this Chapter 27, which shall contain the following:

(1) A topographical drawing, prepared by a registered engineer to a scale no greater than 1" = 200', showing:

(a) Location of site relative to public roads.

(b) Owners of adjacent properties.

(c) Proposed fencing and improvements.

(d) Proposed complete vegetative screening in conformance with §1502. [Ord. 5/8/1995]

(2) Statement from Pennsylvania Department of Environmental Resources (DER) or its successor indicating the general feasibility of the site for development as a sanitary landfill. Such statement must indicate preliminarily the appropriateness of the site, but need not include completion of actual on-site testing or soil, groundwater and rock conditions.

(3) Identity of the owner of the site, and relationship of applicant to the owner and notarized statement by the owner that a sanitary landfill is permitted on the property.

(4) An estimate of the expected useful life of the site as a sanitary landfill and condition of the site upon completion of operation.

(5) An estimate of the estimated 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.

(6) A statement of the applicant's prior experience, if any, with sanitary landfill operation.

C. Requirements and Standards Applicable to Sanitary Landfill Operation. Prior to approving a site for a sanitary landfill, the Board of Supervisors and the Planning Commission, acting in conformity with §1408 of this Chapter 27, shall require that:

(1) Any application for a sanitary landfill be in compliance with the requirements of the Pennsylvania DER and that, prior to the onset of site utilization, a permit be obtained from the Pennsylvania DER for said operations.

(2) Any such be so located that safe and adequate access is available over public roads at all times. The Board of Supervisors may require that any Township road providing access to the proposed site be a minimum of twenty-four (24') feet in width and paved with surface and base course of sufficient depth to withstand traffic loads to be determined by the number and weight of trucks anticipated in the operation of the proposed site. The Board of Supervisors may further require that the cost of improvement of any Township road to provide this standard of access may be charged against the applicant either by requiring contribution of monies sufficient to pay for the improvement of the road or by charging truck usage fees on the operation of the site sufficient to pay for the improvement and maintenance of access roads.

(3) The proposed operation will not create a nuisance in the Township or otherwise impose a hardship on adjoining property owners or with the Township in general.

(4) That provision be made by the applicant that all trucks entering and leaving the landfill shall be covered and, that as a part of the daily operation of the landfill, roads used for access to the landfill be patrolled daily to pick up and dispose of scattered and blowing papers or other refuse.

(5) That the landfill be properly fenced to prevent blowing papers and other nuisance on adjoining properties.

(6) When completed, be properly maintained such that it does not constitute a nuisance or danger to the adjoining property owners and to the surrounding areas from uneven settlement, emission of gases due to waste decomposition, and potential vandalism from being out of commission. The owners and operators of the completed landfill site are required to offer for dedication the site after its use to the Township, who, in turn, may use the site for parks, playgrounds, golf courses, gardens, parking storage areas or light construction. The

Township retains the right to accept or reject the offer for dedication.

D. Minimum Acreage. No site shall be approved for a sanitary landfill which contains less than ten (10) contiguous acres. In computing site sizes, properties divided by public roads shall not be deemed contiguous.

E. Performance Bond. In order to assure the Township that the various tests and duties imposed upon an applicant by this Chapter 27 are fully performed, the Board of Supervisors shall require that a sufficient surety for such performance shall be posted by an applicant before issuing any conditional use approval or permit. The applicant shall assure the Township by means of a corporate bond or the deposit of funds or securities in escrow sufficient to cover the cost, as estimated by the Township Engineer, of performing the various tests and duties imposed upon him by this Chapter over the expected useful life of the site plus five (5) years. The bond shall be furnished under such conditions and form with surety as shall be approved by the Board to guarantee and secure that all such tests and duties are fully and adequately performed and are paid for by the applicant and that the Township shall, in no event, be held liable for the cost of any such duties or tests. In lieu of a bond, the applicant may deposit cash or securities with the Township or a bank or trust company to guarantee and secure the same requirements as set forth above. In the event that such cash or securities are deposited, said deposit must be made pursuant to an escrow agreement prepared or approved by the Township Solicitor and the Board of Supervisors. The escrow agent for the deposit of such cash or security shall be located in Chester County and shall be subject to approval by the Board.

F. Indemnification. In addition to the foregoing requirements, all applicants to operate a sanitary landfill upon property within the Township of West Nottingham shall, prior to the utilization of any site, deliver to the Township Board of Supervisors a liability indemnification, on a form to be prepared by or approved by the Township Solicitor, pursuant to the terms of which, the applicant specifically agrees to fully indemnify and hold harmless the Township of West Nottingham and all of its officers, agents, and employees from any and all liability and litigation defense costs accruing to any person(s) as a result of any use of any land in the Township permitted by the Board of Supervisors pursuant to this §1408.

### 3. Quarries as Conditional Uses.

A. Conditional Use. Quarries are permitted only as a conditional use in the Rural Residential (R-1) and the Limited Industrial (I) Zoning Districts within the Township, subject to the provisions of this Chapter 27.

B. Applications. A person wishing to - operate a quarry on property in the Township shall present an application for a conditional use, pursuant to the procedures specified in §1408 of this Chapter 27, which shall contain the following:

(1) A topographical drawing, prepared by a registered engineer to a scale no greater than 1" = 200', showing:

(a) Location of site relative to public roads.

(b) Owners of adjacent properties.

(c) Proposed fencing and improvement.

(d) Proposed complete vegetative screening in conformance with §1502. [Ord. 5/8/1995]

(2) A statement on erosion and sedimentation control provisions in accordance with the requirements of the Pennsylvania Department of Environmental Resources (DER) and the West Nottingham Township Erosion and Sedimentation Control Regulation.

(3) Identity of the owner of the site, and relationship to the owner and a notarized statement of the property owner that a quarry is permitted on the property.

(4) An estimate of the expected useful life of the site as a quarry.

(5) Plan for restoration of the site upon completion of operation.

(6) An estimate of the estimated 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.

(7) A statement of the applicant's prior experience, if any, in operating quarries.

C. Requirements and Standards Applicable to Quarry Operation. Prior to approving a site for a quarry operation, the Board of Supervisors and the Planning Commission, acting in conformity with §1408 of this Chapter 27, shall require that:

(1) Any application for a quarry be in compliance with the requirements of the Pennsylvania DER and that, prior to the onset of site utilization, a permit be obtained from the Pennsylvania DER for said operations.

(2) Any such be so located that safe and adequate access is available over public roads at all times. The Board of Supervisors may require that any Township road providing access to the proposed site. be a minimum of twenty-four (24) feet in width and paved with surface and base course of sufficient depth to withstand traffic loads to be determined by the number and weight of trucks anticipated in the operation of the proposed site. The Board of Supervisors may further require that the cost of improvement of any Township road to provide this standard of access may be charged against the applicant either by requiring contribution of monies sufficient to pay for the improvement of the road or by charging truck usage fees on the operation of the

site sufficient to pay for the improvement and maintenance of access roads.

(3) The proposed operation will not create a nuisance in the Township or otherwise impose a hardship on adjoining property owners or with the Township in general.

(4) That provision be made by the applicant to fence and secure the quarry site from the public so as to adequately prevent trespass and potential acts of vandalism. It shall be the responsibility of the quarry site and equipment contained therein.

(5) That quarry operations be such that dust, noise and other potential nuisance be minimized from affecting adjoining properties.

(6) When quarry operations have been completed, the site be restored or otherwise renovated so that continuing future use for other activities as determined by the Board of Supervisors can occur. Such renovation, as a minimum, shall conform to the following requirements:

(a) All vertical cuts greater than ten (10) feet in height shall be cut back, filled or otherwise sloped to a slope not to exceed 3:1.

(b) All pits or depressions shall be designed so as to not collect and retain water following quarry operations.

(c) All exposed rock shall as much as possible, be covered with topsoil and seeded with grass or other suitable ground cover.

D. It is the intent of the Board of Supervisors to prevent said quarry from becoming a public nuisance or a danger to the public during operation or following its useful life. To this end, the Board of Supervisors reserves the right to require more stringent safety or restoration requirements than the minimum specified herein.

E. Minimum Acreage. No site shall be approved for a quarry which contains less than ten (10) contiguous acres. In computing site sizes, properties divided by public roads shall not be deemed contiguous.

F. Performance Bond. In order to assure the Township that the various tests and duties imposed upon an applicant by this Chapter 27 are fully performed, the Board of Supervisors shall require that a sufficient surety for such performance shall be posted by an applicant before issuing any conditional use approval or permit. The applicant shall assure the Township by means of a corporate bond or the deposit of funds or securities in escrow sufficient to cover the cost, as estimated by the Township Engineer, of performing the various tests and duties imposed upon him by this Chapter over the expected useful life of the site plus five (5) years. The bond shall be furnished under such conditions and form and with surety as shall be approved by

the Board to guarantee and secure that all such tests and duties are fully and adequately performed and are paid for by the applicant and that the Township shall, in no event, be held liable for the cost of any such duties or tests. In lieu of a bond, the applicant may deposit cash or securities with the Township in a bank or trust company to guarantee and secure the same requirements as set forth above. In the event that such cash or securities are deposited, said deposit must be made pursuant to an escrow agreement prepared or approved by the Township Solicitor and the Board of Supervisors. The escrow agent for the deposit of such cash or security shall be located in Chester County and shall be subject to approval by the Board.

G. Indemnification. In addition to the foregoing requirements, all applicants to operate a quarry upon property within the Township of West Nottingham shall, prior to the utilization of any site, deliver to the Township Board of Supervisors a liability indemnification, on a form to be prepared by or approved by the Township Solicitor, pursuant to the terms of which, the applicant specifically agrees to fully indemnify and hold harmless the Township of West Nottingham and all of its officers, agents, and employees from any and all liability and litigation defense costs accruing to any person(s) as a result of any use of any land in the Township permitted by the Board of Supervisors pursuant to this §1408.

4. Agricultural Utilization or Other Land Application of Sludge, Sewage Sludge, or other Waste Material as a Conditional Use.

A. Conditional Use. Agricultural utilization or other land application of sludge, sewage sludge or other waste material (hereby referred to as sludge) is permitted only as a conditional use in the XXX and XXX Zoning Districts within the Township, subject to the provisions of this Chapter 27.

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 §1408 of this Chapter 27, which shall 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 1" = 200', 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 (NH<sub>4</sub>-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 DER or its successor 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 sanitary landfill is permitted on the property.

(7) An estimate of the expected useful life of the site as a sanitary landfill and condition of the site upon completion of operation.

(8) An estimate of the estimated 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.

(9) A statement of the applicant's prior experience, if any, with sanitary landfill operation.

C. Requirements and Standards Applicable to Sanitary Landfill Operation. Prior to approving a site or a sanitary landfill, the Board of Supervisors and the Planning Commission, acting in conformity with §1408 of this Chapter 27, shall require that:

(1) Any application for a sanitary landfill be in compliance with the requirements of the Pennsylvania DER and that, prior to the onset of site utilization, a permit be obtained from the Pennsylvania DER for said operations.

(2) Any such be so located that safe and adequate access is available over public roads at all times. The Board of Supervisors may require that any Township road providing access to the proposed site be a minimum of twenty-four (24) feet in width and paved with surface and base course of sufficient depth to withstand traffic loads to be determined by the number and weight of trucks anticipated in the operation of the proposed site. The Board of Supervisors may further require that the cost of improvement of any Township road to provide this standard of access may be charged against the applicant either by requiring contribution of monies sufficient to pay for the improvement of the road or by charging truck usage fees on the operation of the site sufficient to pay for the improvement and maintenance of access roads.

(3) The proposed operation will not create a nuisance in the Township or otherwise impose a hardship on adjoining property owners or with the Township in general.

(4) The applicant maintain records of quantities, dates, and locations of sludge application and furnish copies of such records to the Township upon request.

(5) When the utilization of the site for sludge is completed, the aforementioned groundwater monitoring system remain in place and water quality analysis be continued for a period of not less than five (5) years, in conformity with Subsection (4)(C)(3)(A) herein.

D. Storage. In no event and under no circumstances shall any person be permitted to store or otherwise retain or keep sludge on any

property within the Township for any purpose for any period of time except that: A person who has obtained approval for a conditional use to utilize sludge may retain or store on the site, for which the conditional use approval has been granted, a quantity of sludge equivalent to one (1) day's usage, provided, that, at the expiration of twenty-four (24) hours after the commencement of the storage period, the said sludge must either be applied or removed from the property.

E. Minimum Acreage. No site shall be approved for a sludge utilization which contains less than ten (10) contiguous acres. In computing site sizes, properties divided by public roads shall not be deemed contiguous.

F. Performance Bond. In order to assure the Township that the various tests and duties imposed upon an applicant by this Chapter 27 are fully performed, the Board of Supervisors shall require that a sufficient surety for such performance shall be posted by an applicant before issuing any conditional use approval or permit. The applicant shall assure the Township by means of a corporate bond or the deposit of funds or securities in escrow sufficient to cover the cost, as estimated by the Township Engineer, of performing the various tests and duties imposed upon him by this Chapter over the expected useful life of the site plus five (5) years. The bond shall be furnished under such conditions and form and with surety as shall be approved by the Board to guarantee and secure that all such tests and duties are fully and adequately performed and are paid for by the applicant and that the Township shall, in no event, be held liable for the cost of any such duties or tests. In lieu of a bond, the applicant may deposit cash or securities with the Township or a bank or trust company to guarantee and secure the same requirements as set forth above. In the event that such cash or securities are deposited, said deposit must be made pursuant to an escrow agreement prepared or approved by the Township Solicitor and the Board of Supervisors. The escrow agent for the deposit of such cash or security shall be located in Chester County and shall be subject to approval by the Board.

G. Indemnification. In addition to the foregoing requirements, all applicants to utilize sludge upon property within the Township of West Nottingham shall, prior to the utilization of any sludge, deliver to the Township Board of Supervisors a liability indemnification, on a form to be prepared by or approved by the Township Solicitor, pursuant to the terms of which, the applicant specifically agrees to fully indemnify and hold harmless the Township of West Nottingham and all of its officers, agents, and employees from any and all liability and litigation defense costs accruing to any person(s) as a result of any use of any land in the Township permitted by the Board of Supervisors pursuant to this §1408.

##### 5. Nonresidential Communication Facilities as Conditional Use.

A. Purpose. To ensure that legitimate demands for nonresidential communication facilities are met without the unsightly intrusion of an unlimited number of facilities in West Nottingham Township.

B. Applicability. Subject to subsection (D)(1) below, communications facilities shall be permitted as conditional uses where specified in the individual zoning districts. This subsection shall apply to all completed applications with required fees accepted by the

Township for erection of any communication facility after the date of this amendment.

C. Definitions. Refer to Part 2, "Definitions," for applicable definitions relating to this subsection.

D. Siting Criteria. Communication facilities shall be permitted as a conditional use as specified in the individual zoning districts provided they comply 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.

(c) The following locations as shown on the named maps in the Comprehensive Plan of West Nottingham Township, adopted 12 January 1982:

1) Historic Areas - Map 1

2) Nottingham Pine Barrens and Goat Hill Area Pine Barrens - Map 8

(2) The communications facility shall be located on a separate parcel. Additional towers or antennae can be colocated 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: The primary use of the parcel is agricultural 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 must meet the area and bulk standards set forth in subsection (5)(H) below. Further, the owner must 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.

E. Conditional Use Approval. Where communication towers or antennae are permitted by conditional use, the application for the facility shall be submitted in conformance with the procedures outlined in this Section. In addition to the requirements imposed by subsection

(1) all communication facility conditional use applications shall also comply with the following requirements:

(1) The application, for a conditional use, shall contain the following:

(a) A topographical drawing, prepared by a registered engineer to scale no greater than one (1) inch equals two hundred (200) feet showing:

1) Location of the site relative to the public roads.

2) Owners of adjacent properties.

3) 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.

4) Proposed screening.

(b) 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:

1) That a satisfactory lease agreement for the site has been executed by the owner and the applicant.

2) That the owner is familiar with subsection (I)(8)(b) of this Section 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.

(c) A landscaping plan demonstrating compliance with the screening Sections of this Chapter, including §1502, "Screening," and Screening Zoning Ordinance Amendment enacted May 8, 1995.

(d) An artist's rendering showing the proposed antenna(e), antenna(e) support structure and buildings.

(e) Demonstrable evidence, using technology as required, that the tower or antenna must go where it is proposed in order to satisfy its function in the company's grid system.

(f) If the applicant proposes to build a tower that is intended to collapse upon itself, this information shall be included in the application.

(g) If the applicant proposes to build a tower (as opposed to mounting the antenna on an existing structure), the applicant must demonstrate that he contacted the owners of tall architectural structures within one (1) mile of the site proposed and he 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:

1) The cost to locate the antenna on an existing structure, including purchase/lease and legal services:

a) Is greater than the cost to purchase or lease available open land and construct a new communication facility.

2) Costs 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.

(h) A plan for removal of the communication facilities from the property in the event of:

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 ("removal plan").

To be acceptable\* to the Board, the removal plan must provide for removal within six (6) months of the occurrence of (1), (2) or (3), above; contain plans for the transport and disposition of removed facilities, contain estimates for the cost of such removal and provide a certain method of payment for such removal.

(2) 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 direct or indirect competition with the applicant) so long as the following apply:

(a) There is space available on the tower or the existing site.

(b) The additional user(s) will not cause interference with the existing user(s).

(c) The additional user(s) will not cause any health or safety problems or be hazardous to the surrounding area.

(d) The tower has the structural capability to safely contain the communication transmitting and receiving device(s) which may be installed by any additional user(s) on the tower.

(e) The Township approves that additional user(s) and the attendant facilities per its ordinances.

(f) 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.

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\* Editor's note: Ord. 3-1999 reads "accepted."

(g) Any additional user(s) agrees to comply with all Township ordinances.

F. Requirement of Subdivision and/or Land Development Application. Before issuance of any permits listed in subsection (G), the applicant must submit an application for subdivision and/or land development as applicable.

G. Requirement of Permits. Building and occupancy and use permits shall be required in accordance with Part 13, "Administrative and Amendment Provisions." 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 a building permit.

H. 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
  - Single use parcel 2 acre
  - Single use easement the minimum area required to satisfy the remainder of this §1607.
- (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:
  - One hundred (100) percent of the tower and antennae height combined.
- (d) Accessory use setback 25 feet
- (e) Maximum building height 35 feet
- (f) Communication tower height limitation See subsection (I)(2), "Height Limitation," below.

(2) Since the Township seeks to encourage the placement of multiple antennae on any one tower or any one site there is no

limit to number of same which may be placed on any site, subject to 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 antenna 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 subsection (I), "Standards and Regulations," (3), "Structural, Electrical and Other 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.

#### I. 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 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.

(a) 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. If the Board of Supervisors approves the conditional use, 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 subsection (H), "Area and Bulk Standards," above.

(b) At conditional use hearing, the applicant shall present evidence to justify that the proposed height of any commercial tower is the minimum necessary to accomplish the

purpose of satisfactory service for the proposed type of communications.

(3) Structural, Electrical and Other Building Code Requirements.

(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 failure, a structural report must 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 BOCA Building Code as per Chapter 4, "Buildings."

(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 must 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 must 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.

(4) Fencing and Security.

(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 nonauthorized 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.

(6) Lighting.

(a) The communication tower or antenna shall be lighted 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 must secure an operating permit from the Township. The operating permit is separate, distinct and in addition to the permits required under subsection (5)(G) above. The operating permit shall be issued for a period of two (2) years and completed applications for two (2) year renewal permits must 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 must have been conducted within the three (3) month period preceding the application.

2) Certificate of general liability insurance coverage of at least one million dollars (\$1,000,000) covering the entire communication facility. Said certificate shall cover the two (2) year permit period or current certificates must be supplied to the Township annually. Each such certificate of insurance must 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 nonuse of the facility (after start-up) for its primary purpose for six (6) months or longer.

(c) 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.

(8) Demolition/Removal of Nonpermitted Communication Facilities and Enforcement.

(a) Within six (6) months of any one of the following occurrence 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 nonuse 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 subsection (5)(I)(7) and (8) above, the Township may enforce the requirements of subsection (5)(I)(7) and (8) in an action at law or in equity and/or may proceed by enforcement procedures and remedies set forth in §§1312 through 1314 of this Chapter 27.

(9) General Requirements and Adherence to Other Township Ordinances.

(a) Chapter 22, "Subdivision and Land Development," shall be used for the standards and requirements for ingress and egress to the facility site, parking and site lighting.

(b) Any other applicable Chapter of the Code of Ordinances shall be adhered to by the applicant.

[Ord. 3-1999]

(Ord. 1-3-1983, 1/3/1983; as added by Ord. 3-1991, 12/30/1991; as amended by Ord. 5/8/1995, §8; and by Ord. 3-1999, 7/20/1999, §1)

§1409. Travel Trailers. Permanent residency in a travel trailer shall be prohibited in all zoning districts. Temporary residency in a travel trailer shall be allowed only on a parcel where a recreational use is the permitted use, and there does not exist, on that same parcel, another

existing permitted residential use such as a dwelling, whether single-family detached or attached, garden apartment, townhouse, condominium or other multifamily building. (Ord. 1-3-1983, 1/3/1983; as added by Ord. 2-1999, 7/20/1999, §4b)

Part 15

Design Standards

§1501. Applicability. The following standards shall apply to uses where required by the regulations of the various zoning districts created by this Chapter and amendment thereto. (Ord. 1-3-1983, 1/3/1983, §1600)

§1502. Screening Standards.

1. Definition. Screening is the use of vegetation, walls 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 four (4) different classifications of screening:

- A. Complete vegetative screening.
- B. Partial vegetative screening.
- C. Limited vegetative screening.
- D. Complete structural screening.

2. The following describe each of the four classifications and provide schematics of minimum configurations. Screens shall be placed to achieve a 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 structure. Figure A-1, Appendix A, provides a schematic of this concept.

A. 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 A-2, Appendix A, provides a schematic of the minimum requirements for a complete vegetative screen.

(1) For a list of acceptable trees and shrubs for vegetative buffers, see Appendix A. All planting plans shall be subject to review and approval by the West Nottingham Township Board of Supervisors.

(2) The landowner, and any subsequent landowner, shall maintain the screen planting and replace any plant that does not live.

(3) An earthen berm shall be used in conjunction with vegetation to provide additional screening.

(4) The complete vegetative screen shall provide three levels of visual barriers: 1) high level; 2) low level; and 3) ground level.

- (a) High Level.

1) 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.

2) 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.

(b) Low Level.

1) 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.

(c) Ground Level.

1) Earthen mounding, a minimum of two (2) feet in height, shall be used 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.

B. 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 A-3 provide a schematic of the minimum standards for a partial vegetative screen.

(1) The vegetative 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 plant 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.

(2) For a list of acceptable trees and shrubs for vegetative buffers, see Appendix A. All planting plans shall be subject to review and approval by the West Nottingham Township Board of Supervisors.

(3) The landowner shall maintain the screen planting and replace any plant material that does not live.

(4) A structure or earthen berm may be used in conjunction with vegetation to provide additional screening.

C. 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 thirty (30) percent) visual barrier in a maximum time frame of 1-3 years. Figure A-4 provides a schematic of the minimum standards for a vegetative screen.

(1) 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.

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

(3) The use of a row of homogeneous tree species (i.e., white pine) shall be encouraged.

(4) All planting plans may be subject to review by the West Nottingham Township Board of Supervisors.

(5) A structure or earthen berm may be used in conjunction with the vegetation to provide additional screening, but is not required.

C. Complete Structural Screening. A complete 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 shall be eight (8) feet. No maximum height shall be established, however, sound engineering judgement 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 West Nottingham Township ordinance, a detailed design shall be submitted to the Township Engineer for approval.

(Ord. 1-3-1983, 1-3-1983, §1601; as amended by Ord. 5/8/1995, §10)

§1503. Storage. All storage shall be completely screened or hidden, from view from any public right-of-way and contiguous residential use. Screening shall consist of evergreen plantings or an architectural screen. (Ord. 1-3-1983, 1/3/1983, §1602)

§1504. Landscaping.

1. Any part of the site which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks, and designated storage areas shall be planted with an all season ground cover approved by the Board of Supervisors. It shall be maintained to provide an attractive appearance, and all non-surviving plants shall be replaced promptly. Landscaping shall be in accordance with an overall landscaping plan as outlined in the subdivision and land development plan for West Nottingham Township.

2. No less than three (3%) percent of a parking area must be landscaped and continually maintained. Planting along the perimeter of a parking area, whether for required screening or general beautification will be considered as part of the three (3%) percent parking area requirement. In complying

with this requirement, planting beds must be distributed throughout the parking area as evenly as possible.

(Ord. 1-3-1983, 1/3/1983, §1603)

§1505. Access and Traffic Control. Accessways to any public street or highway shall conform with design, setback, and all other requirements of the West Nottingham Subdivision Chapter. (Ord. 1-3-1983, 1/3/1983, §1604)

§1506. 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 and 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. (Ord. 1-3-1983, 1/3/1983, §1605)

§1507. Lighting. Loading, ingress and egress and parking areas shall be provided with a minimum of .75 footcandles at any point. All light shall be shielded from traffic on any public right-of-way and from residential uses. (Ord. 1-3-1983, 1/3/1983, §1606)

§1508. Shopping Cart Storage. Any establishment which furnishes carts or mobile baskets as an adjunct to shopping, shall provide definite areas within the required parking space areas for storage of said carts. Each designated storage area shall be clearly marked for storage of shopping carts. Such signs indicating storage shall not be considered as regulated by the Sign Controls listed in Part 12. (Ord. 1-3-1983, 1/3/1983, §1607; as amended by Ord. 3-1991, 12/30/1991)

§1509. Off-Street Loading Regulations. 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 the West Nottingham Subdivision and Land Development Chapter. (Ord. 1-3-1983, 1/3/1983, §1608)

§1510. Off-Street Parking Regulations. 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. Spaces shall be constructed in size and number to meet the requirements of the West Nottingham Subdivision and Land Development Chapter. (Ord. 1-3-1983, 1/3/1983, §1609)

§1511. Basements/Foundations. All one (1) and two (2) family dwellings shall have a basement under eighty (80%) percent of the first habitable floor and a perimeter foundation or slab under the remaining portion of the structure, designed in accordance with the appropriate section of Chapter 5. (Ord. 1-3-1983, 1/3/1983; as added by Ord. 3-1991, 12/30/1991)

§1512. Agricultural Standards.

1. Sale of Agricultural Products. The display and sale of agricultural products shall be permitted in any district wherein agriculture is a permitted use. Should agricultural be a specially excepted use, so shall the

display and sale of agricultural products be specially excepted. The display and sale of agricultural products shall conform to the following regulations.

A. At least fifty (50%) percent of such products shall have been produced on the property on which they are offered for sale.

B. The display and sale of farm products shall be conducted from a portable stand, dismantled at the end of growing season, or from a permanent building under the following conditions:

(1) Such building shall be located at least fifty (50') feet from the right-of-way line of the road, and

(2) Parking space for at least three (3) cars shall be

[Text continued on following page.]



provided behind the highway right-of-way line. One (1) additional parking space shall be provided for every two hundred (200) square feet of building floor area in excess of six hundred (600) square feet.

2. In the event that a new livestock or mushroom operation shall be established in any zoning district, the following shall apply:

A. All buildings shall be set back at least two hundred (200') feet from a residential lot;

B. Mushroom houses and animal shelters shall be screened by a vegetative buffer from surrounding non-agricultural uses. This buffer shall consist of evergreen trees, planted no more than ten (10') feet apart at some point between the farm building and the non-agricultural use so as to obscure the building from the use.

3. Agricultural Accessory Uses. All storage of unused or infrequently used equipment or machinery shall be screened or hidden from view from a street or an 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.

(Ord. 1-3-1983, 1/3/1983, §1610)

§1513. Accessory Use Standards. All accessory uses standards shall be conducted in rear or side yards only.

1. Agricultural Accessory Uses. See §1512(3). [Ord. 3-1991]

2. Residential Accessory Uses.

A. The keeping of domestic animals as pets (e.g. dogs and cats), or the raising of one (1) animal generally considered livestock (e.g. horse, cow, steer, goat), shall be considered a permitted accessory use provided that:

(1) The animals are properly housed and cared for;

(2) The animals do not cause a nuisance by way of odor, noise, or other means for neighbors.

(3) The animals are not permitted to roam outside of the owners property.

B. Other typical and permitted accessory uses include, but are not limited to the following: garage, swimming pool, tennis court, storage shed, parking area, potting shed, barbeque or picnic area, garden, and playground or windmill.

C. Where accessory uses include buildings or structures, such buildings or structures shall be securely anchored and shall not pose a hazard to surrounding uses.

D. 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.

E. Where storage constitutes an accessory use, storage standards, §1503 shall apply.

F. Where other than conventional accessory buildings are used for storage or for any reason, they shall be attractively decorated to complement the principal building, 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.

3. Commercial Accessory Uses.

A. No commercial accessory use shall constitute a single and separate commercial use.

B. Commercial storage shall comply with storage regulations, §1503.

C. No commercial 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.

D. Where commercial accessory uses include buildings and structure, such buildings or structures shall be securely anchored, and shall not pose a hazard to surrounding uses.

E. Where other than conventional accessory buildings are used for storage or for any reason, they shall be attractively decorated to complement the principal building, 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.

4. Industrial and Other Accessory Uses.

A. No industrial or other accessory use shall constitute a single and separate industrial or other use.

B. Industrial or other storage shall comply with storage regulations, §1503.

C. Where industrial or other accessory uses include buildings or structures, such buildings or structures shall be securely anchored and shall not pose a hazard to surrounding uses.

D. No industrial or other 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.

E. Where other than conventional accessory buildings are used for storage or for any reason, they shall be attractively decorated to complement the principal building, 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.

5. Airport Accessory Uses.

A. Airport accessory uses may include the following types of limited commercial activity:

(1) The rental of hangar space or other facilities for the storage and maintenance of aircraft.

(2) The sale of fuel, oil, lubricants, and other items essential to the storage, maintenance, and operation of aircraft at a volume consistent with the level of air traffic at the airport.

B. Where accessory uses include buildings or structures, such buildings or structures shall be securely anchored and shall not pose a hazard to surrounding uses.

C. Where storage constitutes an accessory use, storage standards, §1503 shall apply.

(Ord. 1-3-1983, 1/3/1983, §1611; as amended by Ord. 3-1991, 12/30/1991)

§1514. Height Standards.

1. The following structures shall be exempted from the thirty-five (35) foot height limitation established in each of the zoning districts, except that no exemption shall be made for any structure in the airport district.

- A. Residential radio or television antennae
- B. Silo
- C. Windmill

2. Any other height exemption shall be secured through a proper variance.

3. The height of buildings or structures shall be measured from the foundation to the peak of the highest roof. Where different measurements might result on different sides of a building or structure, the largest measurement shall govern.

(Ord. 1-3-1983, 1/3/1983, §1612)

§1515. Recreation Standards.

1. All recreation facilities, whether public or private constructed after the adoption of this Chapter shall:

- A. Demonstrate adequate off-street parking facilities.
- B. Demonstrate adequate ingress and egress.
- C. Not cause a burden for Township roads and streets. The Township may require the developer to submit a traffic study to demonstrate this.
- D. Not cause a nuisance by way of odor, noise, or other means.
- E. Not cause any threat to the health, safety, or welfare of area residents.

F. Be buffered from surrounding uses by an evergreen planting strip at least fifteen (15') feet wide and twenty (20') feet high.

(Ord. 1-3-1983, 1/3/1983, §1613)

§1516. Home Occupation Standards.

1. No home occupation shall comprise in excess of twenty-five (25%) percent of the floor space of any dwelling.

2. No home occupation shall involve the display of goods either outside the dwelling, or in any showcase or window.

3. All home occupations shall provide for at least two (2) off-street parking spaces in addition to what is required for the dwelling.

4. Signs shall conform in size to regulations in §1204(9). [Ord. 3-1991]

(Ord. 1-3-1983, 1/3/1983, §1614; as amended by Ord. 3-1991, 12/30/1991)

§1517. Quarry Standards.

1. A buffer of evergreen trees at least twenty-five (25') feet deep shall be placed around the quarry operation to shield those parts of it which are visible from a public road or an adjoining property.

2. No aspect of the operation, or the quarry itself shall be visible from any public road or adjoining property.

3. The entire quarry property, (not just the operation itself), shall be fenced with a six (6) foot chain link fence and capped with barbed wire.

4. The ingress and egress to the property shall be on an arterial or collector highway as defined by the West Nottingham Township Comprehensive Plan.

5. The developer or his agent shall produce statistics generated by an independent geologist indicating the estimated distance from the quarry operation that damage to buildings may occur due to blasting or other aspects of the quarry operation.

6. The developer shall covenant with the Township for liability for damages to any building within the zone described in §1517(5).

(Ord. 1-3-1983, 1/3/1983, §1615)

§1518. Slope Controls.

1. Use Regulations. The following uses are the only uses permitted in the areas where the grade of slope exceeds twenty-five (25%) percent.

A. Parks and outdoor recreational uses shall be permitted so long as their activities do not conflict with the use of the land as a watershed.

B. Tree farming, forestry, and other agricultural uses when

conducted in conformance with conservation practices that ensure adequate protection against soil erosion.

C. When authorized as a special exception by the Zoning Hearing Board, single family dwellings or a portion thereof may be constructed on a slope whose grade exceeds twenty-five (25%) percent if the building is constructed in such a manner which does not substantially alter the existing grade and natural soil conditions. In addition, the applicant shall supply the following:

(1) Site plan of the property indicating existing grades with contour lines at two (2) foot intervals and proposed grades within the area of the proposed construction.

(2) Landscaping plan indicating proposed paved areas, storm drainage facilities, retaining walls, and ground cover, as well as trees and ornamental shrub locations.

(3) Architectural plans, elevations and sections.

(4) A statement prepared by a registered architect or engineer stating in explanation of the building methods to be used in overcoming foundation and other structural problems created by slope conditions, preserving the natural watersheds, and preventing soil erosion.

(5) A Plan for the provision of specially designed on lot sewage disposal systems, as reviewed and approved by the Pennsylvania Department of Environmental Resources and the Chester County Health Department.

(Ord. 1-3-1983, 1/3/1983, §1506)

§1519. Storm Drainage. A plan shall be prepared to adequately provide for drainage of all buildings and paving including grades, inlets and piping. Drainage shall discharge into natural swales and streams. Provisions shall be made where necessary to retard or limit excessive flows onto adjoining properties. Drainage calculations shall be based upon a minimum of a one hundred (100) year storm as specified by the Pennsylvania Department of Transportation Highway Design Criteria. (Ord. 1-3-1983, 1/3/1983, §1507; as amended by Ord. 3-1991, 12/30/1991)

§1520. Leg Lots.

1. In general, residential lots shall front on an existing or proposed municipal street. Where it is absolutely necessary for the proper utilization of tracts of land that exist prior to the date of adoption of this Section, to create lots without direct frontage on a street, such interior lots shall have an access with a minimum width of fifty (50) feet. Two (2) leg lots are permitted in major subdivisions. Two (2) leg lots are permitted in a minor subdivision only as a conditional use.

2. It should be noted that it is the intent of this Part that leg lots shall be permitted only in the subdivision of tracts of land that existed prior to date of adoption of this Section. Leg lots shall not be

permitted in tracts of land that are created for the purposes of further subdivision utilizing leg lots.

(Ord. 1-3-1983, 1/3/1983; as added by Ord. 3-1991, 12/30/1991)

§1521. Pools and Ponds. No swimming pool shall be built within ten (10) feet horizontally of a utility line. (Ord. 1-3-1983, 1/3/1983; as added by Ord. 2-1999, 7/20/1999, §5)

Part 16

Zoning Hearing Board

§1601. Zoning Hearing Board.

1. There is hereby created for the Township of West Nottingham a Zoning Hearing Board in accordance with the provisions of Article IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §10901 et seq.

2. 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. 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. Members of the Board shall hold no other office in the Township of West Nottingham.

3. 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 which appointed the member, 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.

4. 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 this Chapter.

5. The Board may make, alter and rescind rules and forms for its procedure, consistent with 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.

6. 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 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.

(Ord. 1-3-1983, 1/3/1983, §§1700-1702; as amended by Ord. 3-1991, 12/30/1991)

§1602. Hearings. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:

1. Public notice shall be given and written notice shall be given to the applicant, the zoning officer 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 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.

2. The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

3. The hearings shall be conducted by the Board or the Board may appoint any member 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.

4. 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 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.

5. 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.

6. 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.

7. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

8. 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.

9. 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.

10. 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. 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. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his 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. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing 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 subsection (1) of this Section. 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.

11. 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 to him 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 or findings and a statement of the place at which the full decision or findings may be examined.

12. The Board of Supervisors shall establish, by resolution, fees with respect to hearings before the Zoning Hearing Board.

(Ord. 1-3-1983, 1/3/1983, §1703; as amended by Ord. 3-1991, 12/30/1991)

§1603. Jurisdiction.

1. The Zoning Hearing Board shall have exclusive jurisdiction to hear

and render final adjudications in the following matters:

A. Substantive challenges to the validity of any land use ordinance, except those brought before the Board of Supervisors pursuant to §§609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §§10609.1, 10916.1.

B. 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. Where the ordinance appealed from is the initial zoning ordinance of the Township of West Nottingham and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to court.

C. 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.

D. Appeals from a determination by the Township Engineer or the zoning officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.

E. Applications for variances from the terms of this Chapter and flood hazard ordinance or such provisions within a land use ordinance, pursuant to §910.2 of the MPC, 53 P.S. §10910.2.

F. Applications for special exceptions under this Chapter or floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to §912.1 of the MPC, 53 P.S. §10912.1.

G. 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.

H. Appeals from the zoning officer's determination under §916.2 of the MPC, 53 P.S. §10916.2.

I. Appeals from the determination of the zoning officer or Township 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 V or VII of the MPC, 53 P.S. §§10501 et seq., 10701 et seq.

2. The Board of Supervisors, shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

A. All applications for approvals of planned residential developments under Article VII of the MPC pursuant to the provisions of §702 of the MPC, 53 P.S. §10702.

B. All applications pursuant to §508 of the MPC, 53 P.S. §10508,

for approval of subdivisions or land developments under Article V of the MPC, 53 P.S. §10501 et seq.

C. Applications for conditional use under the express provisions of this Chapter.

D. Applications for curative amendment to this Chapter or pursuant to 609.1 and 916.1(a) of the MPC, 53 P.S. §§10609.1, 10916.1(a).

E. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in §609 of the MPC, 53 P.S. §10609.

F. Appeals from the determination of the zoning officer or the Township Engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to applications for land development under Articles V and VII of the MPC, 53 P.S. §§10501 et seq., 10701 et seq. Where such determination relates only to development not involving an Article V or VII application, the appeal from such determination of the zoning officer or the Township Engineer shall be to the Zoning Hearing Board pursuant to this Section. Where the applicable land use ordinance vests jurisdiction for final administration of subdivision and land development applications in the Township Planning Commission, all appeals from determinations under this subsection shall be to the Township Planning Commission and all appeals from the decision of the Township Planning Commission shall be to court.

(Ord. 1-3-1983, 1/3/1983, §§1704, 1705; as amended by Ord. 3-1991, 12/30/1991)

§1604. Board's Functions; Variances.

1. 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.

A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Chapter in the neighborhood or district in which the property is located.

B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

C. That such unnecessary hardship has not been created by the appellant.

D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

2. In granting any variance, the 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. ¶10101 et seq.

(Ord. 1-3-1983, 1/3/1983, §1706; as amended by Ord. 3-1991, 12/30/1991)

§1605. Parties Appellant Before the Board. Appeals raising the substantive validity of any land use ordinance (except those to be brought before the Board of Supervisors pursuant to the Pennsylvania Municipalities Code, procedural questions or alleged defects in the process of enactment or adoption of a land use ordinance; or 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; 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; 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; from the determination of the zoning officer or Township 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 subdivision and land development or planned residential development 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 and for special exception may be filed with the Board by any landowner or any tenant with the permission of such landowner. (Ord. 1-3-1983, 1/3/1983, §1707; as amended by Ord. 3-1991, 12/30/1991)

§1606. Special Exceptions. 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 Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq. [Ord. 3-1991]

1. Consideration shall be given the size, scope, and extent of the special exception requested, and assurances that it is consistent with the development plan and the objectives of this Chapter may be requested.

2. Consideration shall be given to the suitability of the proposed site for the special exception as well as the impact the exception may have on surrounding land uses.

3. The demand for parking, and the anticipated traffic impact of the proposed special exception shall be considered.

4. Consideration will be given to the need for public services arising from the proposed special exception.

5. The special exception shall be evaluated in terms of its effect on property values and the general welfare of the area.

(Ord. 1-3-1983, 1/3/1983, §1708; as amended by Ord. 3-1991, 12/30/1991)

§1607. Time Limitations.

1. 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. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. 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.

2. 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.

(Ord. 1-3-1983, 1/3/1983, §1709; as amended by Ord. 3-1991, 12/30/1991)

§1608. Stay of Proceedings.

1. 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 thereunder, 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.

2. 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.

3. 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.

4. 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.

(Ord. 1-3-1983, 1/3/1983, §1710; as amended by Ord. 3-1991, 12/30/1991)

## APPENDIX A

## Vegetation For Screening Buffers

<u>Scientific Name</u>	<u>Common Name</u>
<u>Trees</u>	
<i>Acer rubrum</i>	Red Maple
<i>Carpinus</i> spp.	Ironwood
<i>Cercis</i> spp.	Redbud
<i>Cornus</i> spp.	Dogwood
<i>Cypress</i> *	False Cypress
<i>Fraxinus americana</i> , <i>Fraxinus</i> spp.	White ash, Autumn purple ash
<i>Gymnocladus dioica</i>	Kentucky coffeetree
<i>Juniperus virginiana</i> *	Red cedar
<i>Juniperus</i> spp.*	Junipers
<i>Liquidambar styraciflua</i>	Sweet gum
<i>Pinus Strobus</i> *	White pine
<i>Quercus rubra</i>	Red oak
<i>Quercus alba</i>	White oak
<b>Shrubs</b>	
<i>Cornus racemosa</i>	Red-panicle dogwood
<i>Hex opaca</i> *	American holly
<i>Ilex glabra</i> *	Inkberry
<i>Kalmia latifolia</i> *	Mountain laurel
<i>Lindera benzoin</i>	Spicebush
<i>Lonicera</i> spp.	Bush honeysuckle
<i>Myrica pensylvanica</i>	Northern bayberry
<i>Rhododendron maximum</i> *	Great rhododendron
<i>Viburnum prunifolium</i>	Smooth blackhaw
<i>Viburnum dentatum</i>	Southern arrowwood

\* - Evergreen species

Figure A-1 Placement of Screens

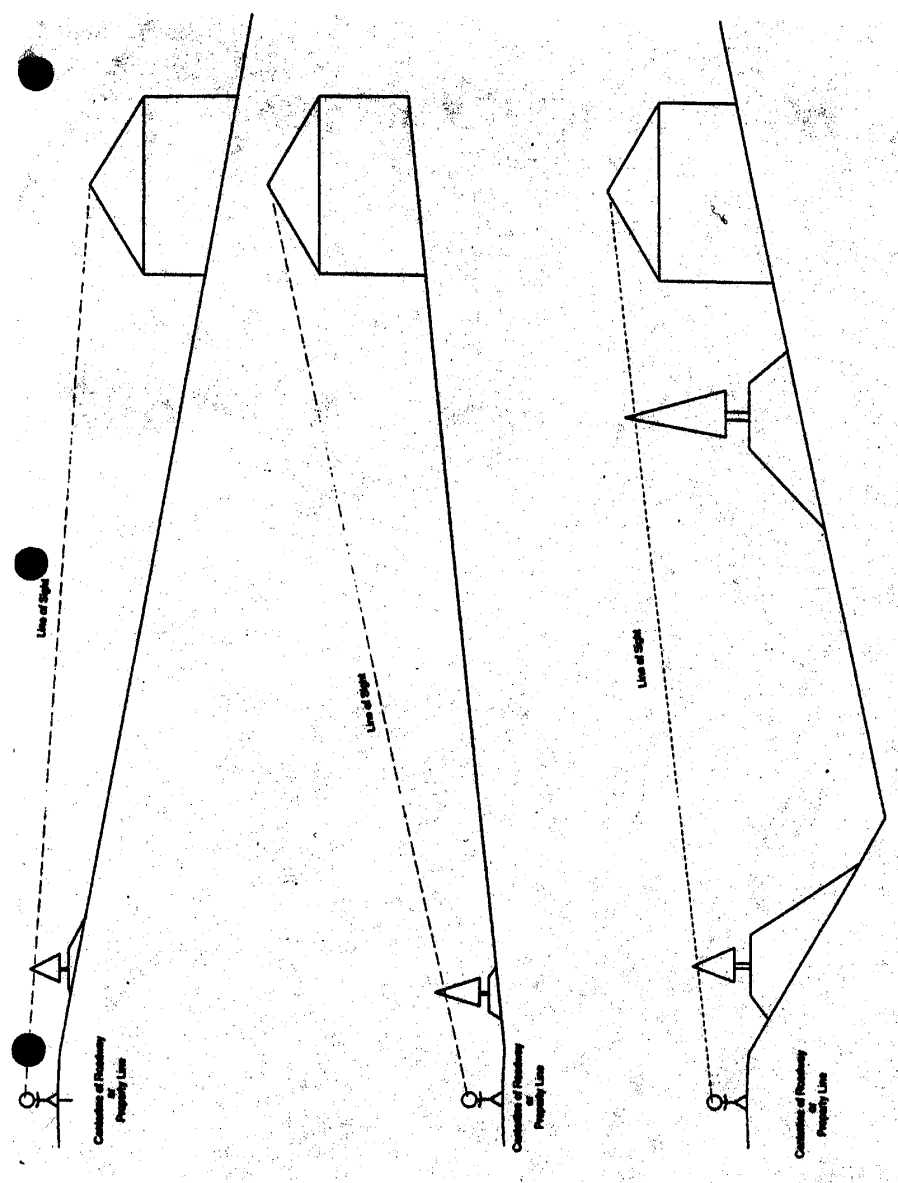


Figure A-2 Complete Vegetative Screening Schematic

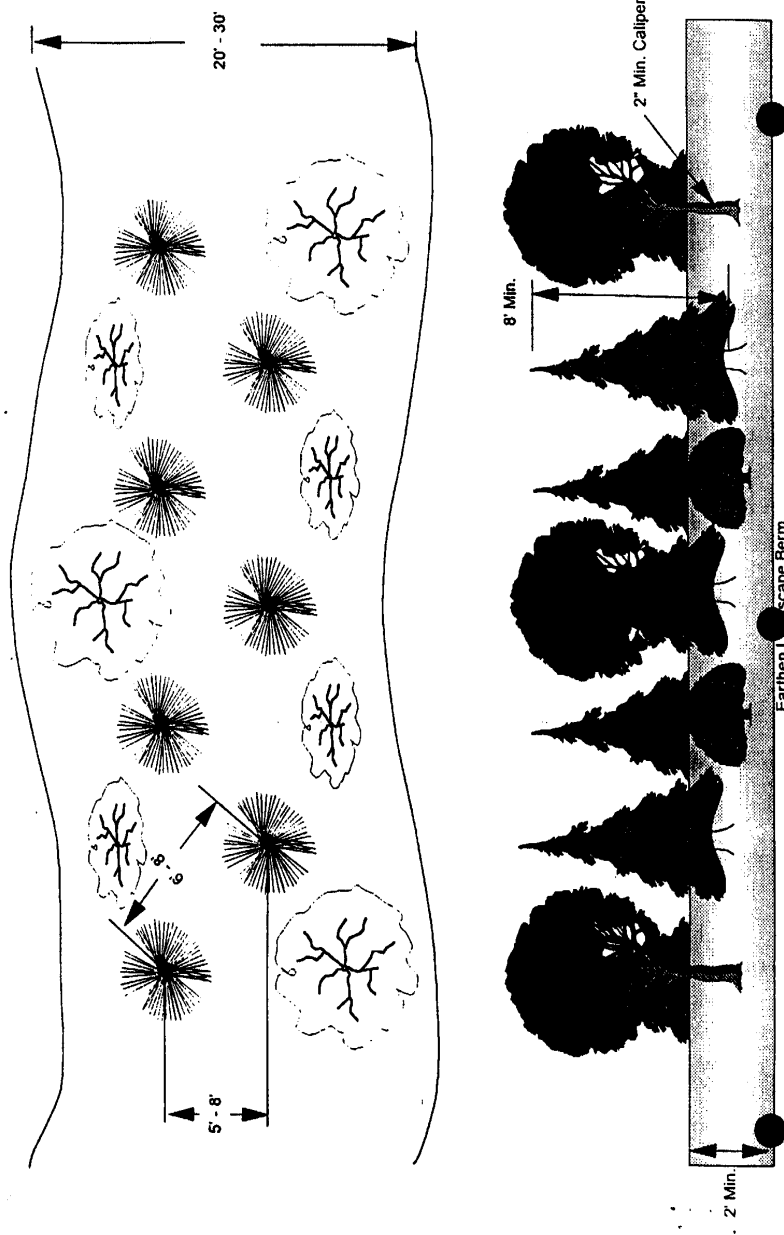


Figure A-3 Partial Vegetative Screening Schematic

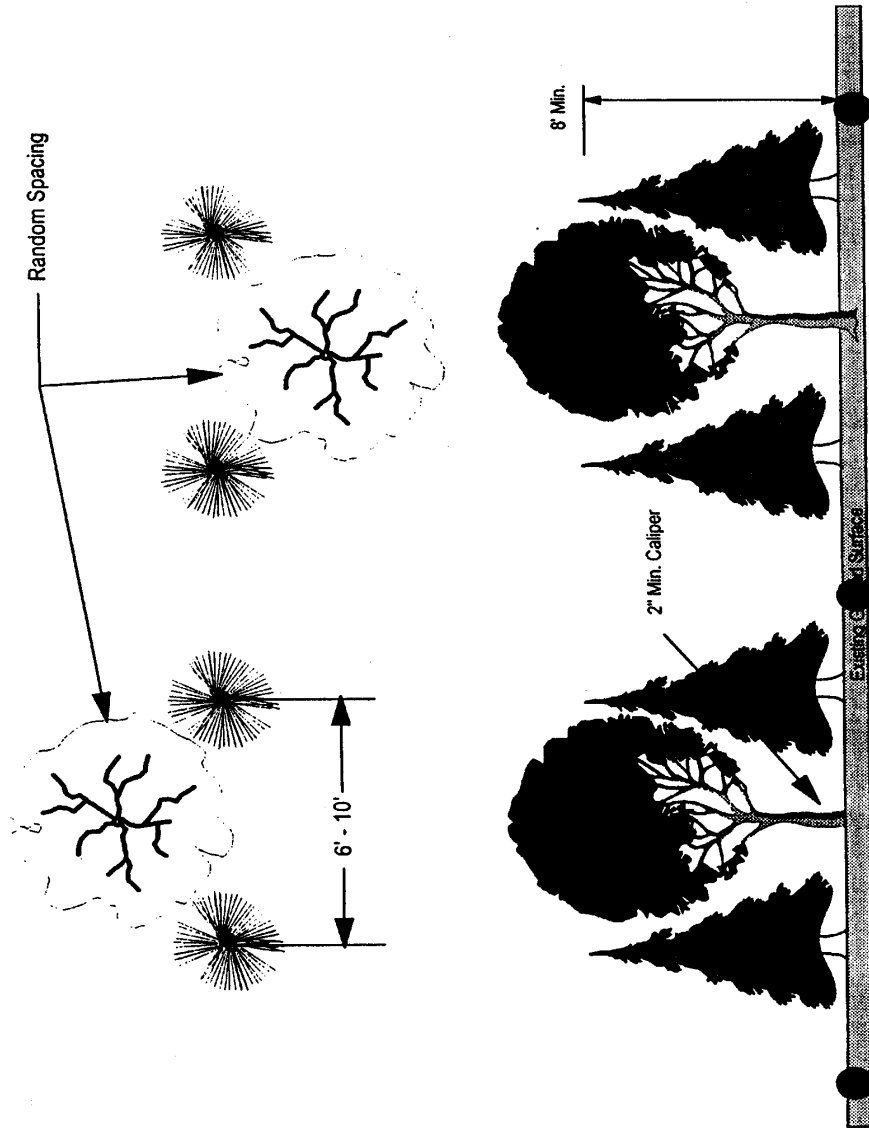


Figure A-4 Limited Vegetative Screening Schematic

