

**EAST NOTTINGHAM TOWNSHIP
ZONING ORDINANCE**

**ARTICLE XVI
SPECIFIC USE DEVELOPMENT REQUIREMENTS**

SECTION 1601 STATEMENT OF INTENT

It is the intent of this article to provide specific standards for individual uses permitted in this ordinance by right, special exception, or conditional use. These standards should be addressed and adhered to by applicants for the uses, and utilized for guidance by Township decision-makers reviewing applications. The standards are designed to mitigate the particular impacts that may be associated with an individual use, and to supplement other applicable requirements of this ordinance.

SECTION 1602 USES PERMITTED BY RIGHT

The following uses, where permitted by right in one or more of the zoning districts in this ordinance, shall comply with the applicable standards presented in this section in addition to those requirements specified in the zoning district provisions including, as applicable, minimum lot or tract sizes; minimum side, front, and rear building setback distances or yards; maximum heights of buildings or structures; and maximum impervious surface area on a lot or tract.

- A. All uses regulated by the terms of this section shall also be in compliance with any other applicable standards of this ordinance, including but not limited to those in the following articles:
 - 1. Article XVII, General Regulations, including but not limited to standards for lighting, landscaping, screening, internal circulation, access and traffic control, storage, and noise control.
 - 2. Article XVIII, Signs.
 - 3. Article XIX, Off-Street Parking and Loading.

B. Accessory Structures

Accessory structures shall comply with the minimum yard, setback, and height requirements for principal structures in the base zoning district in which they are located, except as otherwise specified below:

- 1. A detached structure accessory to a residential use shall not exceed a height of fifteen (15) feet or one and one-half (1-1/2) stories.
- 2. No accessory structure shall have a building footprint greater than fifty percent (50%) of the building footprint of the principal structure.

3. No accessory structure shall be located within a minimum required front yard area or closer to the front lot line than any portion of the principal structure.
4. A structure accessory to a residential use may be located within a side or rear yard but not closer than ten (10) feet from the side or rear lot line.
5. Structures accessory to agriculture
 - a. Detached structures accessory to agriculture, including but not limited to barns, silos, and garages, shall be exempt from the building coverage limits of this section, but shall not exceed the maximum building coverage limit established for the zoning district in which the structure is located.
 - b. Agricultural accessory structures shall comply with the minimum side and rear yard setback requirements for principal structures in the zoning district in which they are located.
 - c. A barn and/or silo may exceed the otherwise applicable maximum height limit, provided that for every foot of height in excess of the applicable height limit, the required setback of such structure from a side or rear property line shall be increased by one foot. In no case shall such structure exceed a height of ninety (90) feet.
6. A tennis court shall be permitted in a rear and/or side yard, but shall not be closer to a side or rear property line than ten (10) feet. Tennis court fences shall be permitted, but shall not be closer to a side or rear property line than (10) feet.

C. Accessory Uses

No non-residential accessory use shall be permitted in any residential zoning district except where specifically permitted by this ordinance. Nothing in this section shall be construed to limit other uses not specifically mentioned, so long as such uses are clearly accessory to the permitted principal use of the property and do not create a threat to the public health, safety, and/or welfare.

1. Farm-related business

- a. Intent. This section establishes standards for farm-related business uses, where such uses are permitted by this ordinance. In providing opportunities for such uses, it is the Township's intent that:
 - [1] any farm-related business shall be compatible with other existing and permitted uses on the property and within the surrounding neighborhood;
 - [2] the farm-related business shall impose no negative impacts upon the residential and agricultural character of the neighborhood.

b. General Standards

- [1] A farm-related business may only be conducted on a property on which the principal use is agriculture, as that term is defined by this ordinance, and that has a minimum gross area of 10 acres. The business shall be incidental and secondary to the principal agricultural use of the property.
- [2] A permit to operate a farm-related business shall be obtained from the Township prior to commencing operation. The party applying for the permit to allow a farm-related business must be the owner of the farm property, whether or not the owner operates the farm or will operate the farm-related business.
- [3] The party proposing to conduct the farm-related business shall be the owner of the property and/or the operator of the farm on the property, and either he/she or a member of his/her immediate family must reside on the property on which the business is to be located. For purposes of this section, "immediate family member" shall be defined as parent, grandparent, child, grandchild, great grandchild, aunt, uncle, niece, or nephew.
- [4] More than one farm-related business may be permitted on an eligible property, providing compliance is achieved with all applicable standards of this section.
- [5] The right to conduct a farm-related business will cease if the principal use of the property changes from agricultural to a more intensive non-agricultural use that converts some or all of the property, whether on a temporary or permanent basis, from open to developed land.
- [6] No building used for a farm-related business shall be constructed or used on lands restricted by an agricultural easement, except those uses which also are considered farm enterprises under statutory authority for establishing said easement.

c. Permitted Uses

Uses permitted as a farm-related business shall include the following:

- [1] Blacksmith, farrier, harness making, tinsmithing, and tool sharpening shop;
- [2] Candle maker, baker;
- [3] Processing of locally-produced agricultural products;
- [4] Preparation of food or food products to be sold and served off-site;
- [5] Veterinary office, where the practice focuses on farm animals;

- [6] Manufacturing, assembly, warehousing, repair, and/or servicing of household articles, including such items as: chairs, tables, clocks, cabinets, and similar items involving carpentry, decorative iron work, pottery; and other articles of a similar nature for use in the home;
- [7] Repair and service of farm equipment, appliances, and small engines, provided that such activities shall not involve parts stripping for resale from derelict vehicles or any similar practices characteristic of a salvage yard or junk yard;
- [8] Greenhouse;
- [9] Taxi, limousine, and hauling service provided all vehicles are housed inside a building used for the farm-related business;
- [10] Plumbing shop, upholstery shop, shoe repair, printing shop, tailoring/sewing/dressmaking/quilting; etc. shop;
- [11] Homebuilding and remodeling business;
- [12] Bed and breakfast establishment.

d. Scale and Intensity of Use

[1] The maximum scale and intensity of use permitted for a farm-related business shall be determined as follows:

Property Size (gross acres)	Max. Building Coverage	Max. # of Employees (non-family members)	Max. Land Area Devoted to Use
10 to 15	2,000 sq. ft.	2	0.5 acres
> 15 to 20	3,000 sq. ft.	3	0.75 acres
> 20	4,000 sq. ft.	4	1.0 acres

- [2] The property owner is permitted additional building coverage, not to exceed 1,000 sq. ft., for fully enclosed storage of materials used in the farm-related business.
- [3] Occupations requiring more building coverage and/or land area than that permitted in Subsect. (e-1), above, shall locate within commercial or industrial districts as provided for in this ordinance.

e. Design Standards

[1] A farm-related business must be conducted within a completely enclosed accessory building, and may also utilize a separate building for the storage of materials. The building(s) may be an existing accessory building(s) or a newly constructed, conforming accessory building(s). If a new building is constructed for the farm-related business, it shall be not be located closer than eighty-five (85) feet to a

front property line nor closer than fifty (50) feet to a side or rear property line or right-of-way. Each building shall be designed to be consistent with traditional farmsteads and shall afford minimal external evidence of the nature of the business.

- [2] Materials, products, supplies, or vehicles comprising any part of the farm-related business shall be contained, stored, and/or parked within an enclosed building, unless outdoor storage is permitted as a conditional use by the Board of Supervisors. In no case shall outdoor storage be permitted in the front yard of the building containing the farm-related business, nor shall materials be stacked to a height greater than six feet.
- [3] All off-street parking and loading spaces shall comply with the applicable standards in Article XIX of this ordinance. Parking lots shall be provided only at the side or to the rear of a farm-related business structure.
- [4] One non-illuminated sign, not exceeding six square feet in area, shall be permitted for a farm-related business. Such sign shall be located no closer than 10 feet to any lot line and shall not interfere with any necessary sight distance.
- [5] A farm-related business may be conducted only between the hours of 7:00 a.m. and 8:00 p.m., except that there shall be no restriction on the hours of operation for a bed-and-breakfast establishment.
- [6] When a farm-related business is proposed to involve retail sales, the sales and display area shall not exceed 15% of the first floor area of the structure devoted to the business.
- [7] The applicant shall provide documentation of the necessary approval for the proposed means of sewage treatment and disposal.
- [8] Any trash dumpster or similar solid waste facility shall be located only to the side or rear of the building in which the farm-related business is operated, and shall be completely enclosed within a masonry wall or other fencing equipped with a self-latching door or gate.
- [9] Any change in ownership or occupancy of the property containing a farm-related business, or any proposed change in the type of farm-related business, shall be reviewed under the terms of Article XXI of this ordinance regarding use and occupancy permits.

2. Farm-related school

- a. A farm-related school, where permitted in one or more zoning districts, shall be deemed a use that is accessory to the principal agricultural use of the property.

- b. To be eligible for a farm-related school, a property must contain a gross lot area of least twenty (20) acres and be actively involved in agriculture as defined by this ordinance.
- c. The site devoted to the farm-related school shall be limited to not more than two (2) acres within the boundary of the agricultural property.
- d. It is not required that a child of the farm family residing on the property on which the school is located be a student of the school, but in no event shall the owners of the property earn a financial profit from the school being on the property.
- e. The population of the farm-related school shall not exceed fifty (50) students.
- f. The farm-related school shall be a day school only, and in no case shall permit the boarding of pupils.

3. Keeping of small domestic animals

The raising or keeping of small animals on lots of less than ten (10) acres shall be permitted provided the following standards are met:

- a. Small animals refers to those normally kept in a hutch or animal house, including but not limited to rabbits, chickens, ducks, and turkeys.
- b. Any lot on which the raising or keeping of small animals is to be practiced shall have a minimum gross and net lot area of one (1) acre.
- c. The total number of small animals shall not exceed one (1) per each one-fifth (1/5) acre of lot area. .
- d. Fencing or an enclosed animal house structure shall be installed. An animal house structure shall comply with the setback requirements for accessory structures in the applicable base zoning district.
- e. Household pets which generally are kept within a dwelling unit, including but not limited to dogs, cats, hamsters, and birds, shall not exceed ten (10) such animals on the property. In addition, no lot shall contain: [i] more than six (6) cats; [ii] more than four (4) dogs, except that puppies from a litter born on the property shall not be included in this limit until four (4) months following birth.. The keeping of such household pets shall not be subject to the terms of Subsections a-d, above.
- f. Where dogs are being: [1] bred and raised commercially for resale, and/or [2] commercially boarded for another owner, such operation shall be considered a kennel, as defined and regulated by this chapter.
- g. The terms of this section are intended to be separate and distinct from those of Section 1602-C-_ regarding small-scale keeping of livestock.

- h. On properties of ten (10) acres or greater, the regulations in Subsections a-e, above, shall not apply and the keeping of such animals shall be subject to applicable regulations for agricultural use.

4. No-impact home occupation

No-impact home occupations shall meet all of the following requirements:

- a. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- b. No exterior evidence of the activity, including signs, lighting, or the display, inventorying, or stockpiling of goods, shall be visible.
- c. No retail sales, exclusive of telephone and/or internet solicitation, may be conducted.
- d. Only residents of the dwelling may be engaged or employed in the activity.
- e. The activity may be conducted only within the dwelling unit and may not occupy more than twenty-five percent (25%) of the habitable floor area.
- f. The activity shall not require the delivery of materials and goods by trucks larger than standard panel trucks equipped with no more than one rear axle.
- g. The activity may not use any equipment or process that creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception, that is detectable in the neighborhood.
- h. The activity may not generate any solid waste or sewage discharge in volume or type that is not normally associated with residential use in the neighborhood.
- i. There shall be no customer or client traffic, whether vehicular or pedestrian, and no pickup, delivery, or removal functions to or from the premises, in excess of those normally associated with residential use.
- j. There shall be no more than one (1) home occupation per dwelling unit.
- k. Prior to initiating the operation of a home occupation, the resident practitioner shall be required to obtain a permit from the Township and pay a fee in an amount as established by resolution of the Board of Supervisors. The Township may, as it deems necessary, conduct an inspection of the premises as part of the review of the permit application. Such permit must be renewed every two years for continued operation of the home occupation, but no additional fee or inspection shall be required.

5. Small-scale keeping of livestock

A non-agricultural use involving the small-scale keeping of large domesticated animals, including horses, cows, llamas, goats, pigs, or

sheep for private non-commercial and/or recreational use shall be practiced in the R-1, R-1A, R-2, R-3, and I-2 Districts only in accordance with the terms of this section.

- a. Maximum gross lot area. Small-scale keeping of livestock may be practiced in accordance with the terms of this section on lots with a gross area of ten (10) acres or less. On properties of more than ten (10) acres, the keeping of such animals shall be regulated as an agricultural use under the terms of this ordinance.
- b. For non-agricultural use involving the keeping of only one horse, the minimum gross lot area shall be two (2) acres. For the keeping of 2-4 horses, the minimum lot requirements of Subsection [c], below, shall apply.
- c. A minimum gross lot area of three (3) acres shall be required for the keeping of one large domesticated animal other than a horse. A minimum gross lot area of four (4) acres shall be required for keeping two (2) large domesticated animals. A minimum gross lot area of five (5) acres shall be required for keeping three (3) large domesticated animals. A minimum gross lot area of six (6) acres shall be required for keeping four (4) large domesticated animals. The keeping of four (4) large domesticated animals shall be the maximum number permitted on a lot with a gross area of between six (6) and ten (10) acres.
- d. Any lot used for the keeping of one or more large domesticated animals shall contain a minimum of one (1) acre of land, exclusive of buildings and impervious surfaces, for each such animal that is housed or pastured on the lot. The land designated as qualifying acreage for each such animal shall be used exclusively for such animal(s), and such open area shall be covered and maintained entirely in natural vegetation.
- e. All animals shall be kept within a fenced enclosure at all times when said animals are not leashed, haltered, or bridled and under the direct control of the owner or an authorized agent of the owner of the animals. Fences shall be a minimum of three (3) feet from lot lines unless the fence is part of a mutually agreeable property boundary between two properties housing animals, in which case it may be along the property line.
- f. No large domesticated animal shall have direct access to a jurisdictional wetland, watercourse, spring, or well on the lot on which the animal is kept. Stabilized stream crossing areas designed and constructed as such shall be exempted from this requirement.
- g. Lots shall be graded so that animal waste from stables and/or barns is confined to the lot on which the stable or barn is located.
- h. Manure piles shall be not less than fifty (50) feet from any lot line.
- i. The keeping of large domesticated animals shall not constitute a nuisance with regard to noise, odor, vectors, dust, vibration,

running-at-large, or other nuisance effects beyond the property lines of the property on which the use is located.

6. Swimming pool

- a. A swimming pool shall be located in the rear yard or side yard of the dwelling to which it is accessory, and shall be located not less than ten (10) feet from any lot line.
- b. A swimming pool shall be separately enclosed with a continuous barrier not less than four (4) in height, made of solid wood, wire mesh, or a similar material to guarantee inaccessibility.

7. Temporary home for family members

A mobile home may be placed upon any lot on a temporary basis for use and occupancy by a family member, under the following restrictions and conditions:

- a. Use of the same water and/or sewer system may be accomplished only with approval of the Chester County Health Department.
- b. Annual status reports shall be provided to the Board of Supervisors.
- c. The mobile home shall be removed within thirty (30) days after death or vacation thereof by the family member.
- d. A mobile home will be a secondary or supplemental residence for the occupant in accordance herewith and the principal residence must have been previously occupied primarily by another family member for a period of not less than two (2) years.
- e. Area and bulk regulations shall be complied with where physically possible and there shall be permitted only a minimum variance from the terms and conditions thereof.
- f. The mobile home shall be located so that there shall be no adverse aesthetic effect on the neighborhood.
- g. The mobile home shall be located in a manner which shall not adversely affect the health, safety, and welfare of the residents of East Nottingham Township and will not add increased traffic or fire hazard.

8. Temporary use

- a. A temporary permit may be issued by the Zoning Officer, in accordance with Section 2108 of this ordinance, for an accessory use necessary during construction or other special circumstances of a non-recurring nature.
- b. A mobile home may be permitted as a temporary dwelling unit where the existing residence on a property has been damaged by

fire, natural disaster, or similar circumstance and is undergoing repair or restoration.

- [1] The Zoning Officer shall grant a temporary use permit only where the applicant demonstrates that the repair of the permanent dwelling on the property is being pursued in compliance with all applicable regulations and with due diligence, and that the temporary dwelling will be utilized for the minimum practical time period and removed immediately upon the expiration of that period.
 - [2] The temporary use permit shall expire eight (8) months from the date of issuance.
 - [3] The temporary dwelling unit shall be set back a minimum of fifteen (15) feet from any lot line or in accordance with the applicable setback requirement for accessory structures, whichever is greater.
 - [4] Where the property owner fails to remove the temporary dwelling unit in accordance with the terms of this ordinance, the Township shall be authorized to remove the temporary dwelling unit and take appropriate action against the property owner to recover the costs incurred by such action.
- c. An occupied travel trailer will be permitted as a temporary use for a period not to exceed two (2) weeks.
 - d. Non-residential temporary uses include temporary tract offices and fairgrounds.
 - e. A temporary tract office, located on a tract undergoing development, that is utilized for construction management purposes may, while serving that function, remain on the tract only during active development of the property. Removal shall occur immediately upon completion of the development process. Sales trailers may be located on such a tract only during active development of the property, but shall be removed no later than one year following the start of construction.

D. Automobile/farm equipment sales and service

1. All service and/or repair activities shall be conducted within a single, wholly-enclosed building.
2. No outdoor storage of parts, lubricants, fuel, or other materials used or discarded as part of the service operation shall be permitted. Materials discarded as part of the service operation shall be contained within wholly-enclosed dumpster equipment.
3. All ventilation equipment associated with fuel storage tanks shall be at least one hundred (100) feet from, and oriented away from, any residential property.

4. All vehicles shall be repaired and removed from the premises as promptly as possible. Any vehicle not receiving repair work within the preceding seven (7) days shall be removed.
5. The demolition or storage of junked vehicles and mobile homes and parts thereof is prohibited.

E. Club, fraternal, civic organization

1. Minimum net lot area shall be two (2) acres.
2. No more than one permanent dwelling unit may be maintained or developed as part of the facilities.
3. All sales of goods and services provided are exclusively to the members of the club or organization owning and developing the facilities.
4. All activities and facilities shall be screened and buffered from adjacent residential uses in accordance with the terms of Section 1714 of this ordinance.
5. All facilities and activities shall be set back a minimum of seventy-five (75) feet from any property boundary or road right-of-way, unless a greater setback is required by the applicable zoning district.

F. Day care facility for children or adults

1. The provisions of this section shall apply to child or adult day care facilities as a principal use providing service, primarily for less than eighteen (18) hours per day, for children under sixteen (16) years of age, or for persons who otherwise have some form of disability.
2. Day care facilities, as defined by this ordinance, are subject to the applicable standards of the Pennsylvania Department of Public Welfare's social service regulations. This section does not apply to:
 - a. Family day care
 - b. Day care as an accessory use
3. The following provisions shall apply only to child day care centers:
 - a. Child drop-off areas shall be designed to eliminate the need for pedestrians to cross traffic lanes within or adjacent to the site.
 - b. An outdoor play area, as required by DPW regulations, shall be provided for child day care facilities and shall not be located in the front yard.
 - c. Outside play shall be limited to the hours of 8:00 a.m. until sunset, as defined by the National Weather Service.
 - d. Play equipment shall be located not less than ten (10) feet from any abutting property line.
 - e. The outdoor play area shall be enclosed by a fence with a minimum height of four (4) feet.
4. The following provisions shall apply to both child and adult day care centers:

- a. If the day care facility will be subject to DPW requirements, evidence of the ability to comply with said requirements must be presented as part of the zoning permit application.
- b. Sewage facilities shall be provided to the site in accordance with the requirements of the Pennsylvania Department of Environmental Protection and the Chester County Health Department.
- c. Fencing shall be provided, as necessary, to protect occupants from hazardous areas, such as open drainage ditches, wells, holes, and arterial and major collector roads. Natural or physical barriers may be used in place of fencing, so long as such barriers functionally restrict occupants from these areas.
- d. Adult and child day care facilities shall not provide medical or personal care services which extend beyond simple first aid and assistance with dressing, bathing, diet, and medication prescribed for self-administration, unless the facility is licensed by the DPW to provide such additional services.
- e. The applicant shall submit a plan showing existing or proposed outdoor play areas, outdoor play equipment, fencing, access drives, adjacent streets, adjacent hazardous land uses, on-site hazardous areas (as described above), delivery areas, parking spaces, and the child or adult drop-off circulation pattern.
- f. Lighting shall be provided, in accordance with the terms of Section 1512 of this ordinance, for areas of the site to be used during non-daylight hours. Such areas shall include, but need not be limited to, entrance ways, pedestrian access to the outdoor play areas, sidewalks, drop-off areas, and all parking lots.
- g. Off-street parking shall be provided on the basis of:
 - [1] one space per employee;
 - [2] one space for each ten (10) child or adult clients.

G. Dwelling in Conjunction With a Non-Residential Use

- 1. One dwelling unit may be permitted in conjunction with a permitted, approved nonresidential use in the C-1 and C-2 Districts.
- 2. If the dwelling unit is located within the same structure or building as the non-residential use, not less than twenty thousand (20,000) square feet of lot area shall be provided for use by the occupants of the dwelling unit in addition to the lot area required by this ordinance for the non-residential use. Separate entrances and exits shall be provided. All applicable codes regarding fire, safety, and housing shall be met.
- 3. If the dwelling unit is located within a structure or building separate from the non-residential use, not less than the minimum lot area required for a single-family dwelling in the zoning district shall be provided in addition to the lot area required for the non-residential uses. All district requirements for yards, setbacks, and building height and density shall be met.

H. Hotel, inn

1. Minimum lot size required for such use within the district where it is permitted shall be two thousand (2000) square feet of lot area for each single room with bath but without kitchen facilities accommodations and five thousand (5000) square feet of lot area for each apartment or unit with kitchen facilities.
2. Where on-lot subsurface sewage disposal systems are proposed for such use, the lot shall contain suitable area for an alternate or second subsurface disposal system.

I. Restaurant, including fast-food restaurant and drive-thru service

1. The applicant shall present a working plan for the clean-up and disposal of litter. Dumpsters or similar large-scale outdoor trash receptacles shall be completely screened from view, and access gates shall be closed at all times when not in use.
2. Exterior seating and/or play areas shall be completely enclosed by a three (3) foot high fence.
3. No part of any structure on the subject property shall be located within two hundred (200) feet of any residential district boundary.
4. All lighting within the subject tract shall be designed and located so as not to produce a glare or direct illumination onto abutting properties or street rights-of way.
5. Prior to the issuance of a use and occupancy permit, the applicant shall demonstrate compliance with any and all state and federal regulations.
6. For any fast-food restaurant, noise shall be controlled to avoid any impact on nearby residential properties.
7. For any restaurant with drive-thru service, outside loud speakers shall be audible only to persons in the immediate vicinity of the order-placing or pick-up areas.

J. Self-service storage warehouse:

1. All storage shall be located within an enclosed building except for any boat or recreational vehicle, which may be stored outside in designated areas. The storage of partially dismantled, wrecked, inoperable, unlicensed, or unregistered vehicles is prohibited.
2. All self-service storage warehouse facilities shall be enclosed by an open metal fence of not less than six (6) feet in height. Said fencing may be placed outside the building setback lines provided that all screening required by this ordinance is between the fence and the property lines.
3. All driveways that have traffic traveling in two (2) directions shall be at least thirty (30) feet in width. Any driveway that has traffic proceeding in one (1) direction shall be at least twenty-four (24) feet in width if it services self-storage facilities on both sides of the driveway. If the driveway with

traffic traveling in one (1) direction services self-storage facilities on only one (1) side, it shall be a minimum of twenty (20) feet in width. Driveway designations, locations, and interior circulation shall be set forth on the plans accompanying the land development application.

4. The storage of flammable liquids (except in the gas tanks of boats or recreational vehicles stored outside), highly combustible or explosive materials, or hazardous chemicals shall be prohibited. The use of property utilized for self-storage shall be limited to the storage of residential, commercial, or professional goods or records to which access is needed on a limited basis, i.e., general wholesale or retail distribution or sales are prohibited.
5. The exterior fencing shall be provided with a lockable gate, and said gate shall be kept locked except during such time that the premises is open to the public or lessees of the facilities. During such time that the premises are so open to the public, there shall be an on-site manager provided, or his designee, who shall remain on the premises during all hours that the facility is open. A manager's quarters shall be permitted on the facility as an accessory use.

K. Truck freight terminal

1. All tractor trailer parking, outdoor storage, and loading/unloading areas visible from a public street or an adjacent residential use shall be screened by a twenty-five (25) foot vegetated buffer. Plantings within the buffer shall comply with the terms of Section 1714-A of this ordinance. Trees shall be selected, in part, for resistance to diesel exhaust
2. Township requirements for landscaping the interior of parking areas shall not be applicable to this use.
3. Any truck entrance, loading/unloading area, outdoor storage, or truck parking area shall be a minimum of two hundred fifty (250) feet from any residential use.
4. There shall be an appropriate system to contain and properly dispose of any fuel, grease, oils, or similar pollutants that may spill or leak where such substances are stored or where vehicles are fueled, repaired, or maintained.

L. Veterinary clinic

1. All activities shall be provided within a fully-enclosed building, with the exception of exercise runs and outdoor space to be used for similar purposes.
2. The owner/operator of the veterinary clinic shall be responsible to exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor.
3. Short-term boarding of animals shall be permitted when necessary in conjunction with other services being provided to an animal by the clinic. Such boarding operation shall not be conducted as a kennel.

SECTION 1603

USES PERMITTED BY SPECIAL EXCEPTION

The following standards shall be addressed by the applicant and applied by the Zoning Hearing Board in evaluating an application for use by special exception, where such special exception is authorized in one or more of the base zoning districts of this ordinance. Any such proposed use also shall comply with the applicable standards and regulations of the base zoning district.

A. All uses regulated by the terms of this section shall also be in compliance with any other applicable standards of this ordinance, including but not limited to those in the following articles:

1. Article XVII, General Regulations, including but not limited to standards for lighting, landscaping, screening, internal circulation, access and traffic control, storage, and noise control.
2. Article XVIII, Signs.
3. Article XIX, Off-Street Parking and Loading.

B. Bed-and-breakfast establishment

1. Where permitted as a special exception under the terms of one or more of the base zoning districts, a bed-and-breakfast establishment may be operated only within a single-family detached residential structure that is in compliance with all applicable area and bulk requirements.
2. Operation of a bed-and-breakfast establishment shall require a minimum net lot area of one (1) acre or the minimum net lot area required for a single-family detached dwelling in the applicable zoning district, whichever is greater.
3. No external modifications that would alter the residential character of the dwelling, with the exception of fire escapes, are permitted.
4. All floors above ground level shall have an emergency exit providing access to ground level.
5. One off-street parking space shall be provided for each guest room, in addition to the required spaces for the existing dwelling.
6. All parking areas shall be at least twenty-five (25) feet from all property lines.
7. One (1) sign may be erected which shall be no larger than six (6) square feet in size and which shall be no less than ten (10) feet from all property lines.
8. A bed and breakfast shall not include more than three (3) rooms for rent.
9. In the absence of public or community sewage facilities, the applicant shall provide: [a] written notice from the Chester County Health Department that the existing sanitary sewage facilities are adequate to treat the anticipated sewage, or [b] a permit for a modified or alternative sewage disposal system.
10. At least one bathroom shall be provided for the first guest room, plus one additional bathroom for each two additional guest rooms. The living

- quarters for the resident/operator shall have its own bathroom. Bathrooms shall be equipped with a toilet, washbasin, and bath and/or shower.
11. Guests shall not remain in the same bed-and-breakfast establishment for more than fourteen (14) consecutive days.
 12. The bed-and-breakfast establishment shall be conducted only by the owner/occupant of the single-family dwelling. The owner/occupant's family member(s) residing on the property, and not more than two (2) full-time equivalent employees who are non-residents, may be employed. As applied to the property, ownership shall comprise not less than a majority interest.
 13. Meals shall consist of breakfast only, and only for the guests of the facility. Owners shall comply with all federal, state, and county regulations for the preparation, handling, and serving of food. There shall be no separate cooking facilities in any guest room.
 14. Any amenities, such as a tennis court or swimming pool, shall be solely for the use of the residents and guests of the facility.
 15. Each bed-and-breakfast establishment shall be equipped, at minimum, with smoke detectors and fire extinguishers in accordance with the requirements of the Pennsylvania Department of Labor and Industry. Guests shall be provided information regarding the floor plan of the dwelling and the location of emergency exits."

C. Home occupation, major

Where permitted as a special exception under the terms of this ordinance, a major home occupation shall meet the following requirements:

1. Purpose. The purpose of the standards in this section is to provide opportunity for certain home occupation uses that do not comply fully with the criteria in Section 1602-C for home occupations permitted by right, primarily due to the proposed employment of non-residents and/or the nature of the proposed use. It is the intent of this section to assure that any home occupation is:
 - a. Compatible with other uses permitted in the respective zoning districts.
 - b. Incidental and secondary to the use of the property as a residential lot.
 - c. Helping to maintain and preserve the character of the neighborhood.
2. In addition to the standards contained in this subsection, any applicant seeking approval of a home occupation as a special exception shall comply with the standards in Sections 1602-C-(1), (5), (6), (7), (8), and (10)
3. No exterior evidence of the activity in the form of lighting, or the display, inventorying, or stockpiling of goods, shall be visible. Any sign associated with a home occupation shall comply with the standards in Section 180_ of this ordinance.
4. If the resident conducting the home occupation is a tenant and not the owner of the property, the owner shall be party to the application for special exception approval.

5. No more than two (2) non-resident employees shall be permitted. However, where a home occupation is an office in the building trades and similar fields, the business may have additional employees for off-site activities provided they are not employed on-site, they do not park on or near the property, and they do not normally visit the property during the course of business.
6. Major home occupations shall be limited to those occupations customarily conducted within a single-family detached dwelling. Major home occupations shall include, but not be limited to, the following activities:
 - a. Medical, dental, or legal office.
 - b. Family child/adult day care involving no more than six (6) children or adults unrelated to the operator, and provided the following criteria are met:
 - [1] Passenger drop-off and pick-up areas shall be provided on-site and arranged so that passengers are not required to cross traffic lanes on or adjacent to the site and vehicles are not required to back out onto the abutting street.
 - [2] There shall be suitable outside activity/recreation area which shall be buffered from all adjoining properties with screening by evergreens, walls, fencing or other materials acceptable to the Zoning Hearing Board. Any wall or fence shall not be constructed of corrugated metal, corrugated fiberglass, woven chain link, or sheet metal. Screening shall be arranged to block the ground level views between grade and the height of six (6) feet. Landscape screens shall achieve this visual blockage within two (2) years following installation.
 - [3] The owner must be registered with the Pennsylvania Department of Public Welfare (DPW) and must demonstrate compliance with all DPW regulations for such homes.
 - [4] The family day care use may operate on weekdays only. Outside play shall be limited to the hours between 9 a.m. and 5 p.m.
 - c. Preparation of food or food products to be sold or served off-site.
 - d. Other accessory uses that do not qualify as no-impact home occupations under the terms of Section 1602-C but, in the determination of the Zoning Hearing Board, are considered to be of the same general character as the home occupations listed herein and meet all the requirements for major home occupations contained in this ordinance.
7. The applicant shall demonstrate that adequate off-street parking shall be provided for both the home occupation and the dwelling unit. In no event shall the parking spaces provided be less than two (2) for the dwelling unit and one (1) for each non-resident employee. For any office use permitted, a minimum of one (1) parking space per one hundred fifty (150) square feet of gross leasable floor area devoted to such use shall be provided, in addition to two (2) spaces for the dwelling unit.
8. Retail sale of merchandise, supplies, or products shall not be conducted on the property except for the following:

- a. The sale of items that are clearly incidental and subordinate to the conduct of the home occupation or items used in the home occupation such as the sale of beauty supplies used by the proprietor is permitted.
 - b. Orders previously made by telephone, internet, appointment, or other prior contact may be filled at the site of the home occupation. There shall be no direct sales of products from display shelves or racks, but a person may pick up an order placed earlier as described above.
9. Unless otherwise determined by the Zoning Hearing Board, an approved home occupation may be conducted only during the hours of 8 a.m. to 6 p.m., and shall not operate on Sundays or legal holidays.
 10. Where the proposed home occupation will include non-resident employees, in accordance with the terms of this ordinance, the Zoning Hearing Board may require appropriate documentation that the sewage facilities serving the property will be adequate to meet the wastewater treatment and disposal needs that will be generated on the property. Where such facilities cannot be provided, the Board may deny the request for special exception.
 11. Prior to initiating the operation of a major home occupation, the resident practitioner shall be required to obtain a permit from the Township and pay a fee in an amount as established by resolution of the Board of Supervisors. The Township shall conduct an inspection of the premises as part of the review of the permit application. Such permit must be renewed annually for continued operation of the home occupation, and the Township may conduct an inspection, as it deems necessary, in conjunction with the permit renewal process.

D. Junkyard

1. Where a junkyard is located on a property adjacent to a residential zoning district or residential use, there shall be a setback from the adjacent residential zoning district boundary or residential use lot line of at least one hundred (100) feet, screened in accordance with Subsection [12].
2. Wherever the property containing a junkyard abuts a public or private street, the portion(s) of the property abutting the public or private street shall contain screening material that complies with the standards in Subsection [12]
3. The area where junk or any other material is stored outside shall be enclosed within a wall or fence at least eight (8) feet in height and which is designed and constructed so as to be at least ninety percent (90%) solid or opaque.
4. Storage piles shall not exceed eight (8) feet in height, and no more than two (2) adjoining rows of junked cars shall be stored together.
5. There shall be provided at least a twelve-foot-wide accessway which shall be kept clear and free at all times to provide for access to all parts of the premises for fire-fighting and other safety or emergency purposes.

6. No explosive, toxic, radioactive, or highly flammable materials shall be kept on the property. Gasoline, oil, freon, vehicle batteries, and other flammable or toxic substances shall be removed from any junk or other items stored on the premises. Such materials shall be removed and disposed of in accordance with applicable federal, state, and local regulations and shall not be released into the air or deposited on or into the ground or watercourses
7. No junk or other material shall be burned on the premises.
8. No garbage or other waste liable to give off a foul odor or attract vermin or insects shall be kept on the premises.
9. All junk shall be stored or arranged to prevent accumulation of water.
10. A junkyard shall obtain any applicable license or permit and shall remain in compliance with those requirements.
11. There shall be no processing or sale of materials at a junkyard on Sundays, legal holidays, and between the hours of 6:00 p.m. and 7:00 a.m. prevailing time.
12. Where a landscaped screen is required under the terms of this section, such screen shall be located within a planting strip that has a minimum width of ten (10) feet. Plant material shall be a minimum of eight (8) feet in height at the time of installation, and shall be an evergreen hedge unless alternative plant materials and/or the incorporation of existing vegetation are specifically approved by the Zoning Hearing Board.

E. Residential Conversions

1. Purpose. The intent of this section is to provide an alternative use for structurally sound, primarily older single-family detached dwellings. This section also is intended to allow an increase in the supply of smaller dwelling units and provide for more efficient use of the existing housing stock, while protecting the character of sound, stable residential neighborhoods and preserving the basic character of dwellings that might otherwise become obsolete.
2. Applicability. The provisions established under this section shall apply to all residential conversions where permitted by the appropriate zoning district.
3. Standards. A single-family detached dwelling, existing on the effective date of this section, may be converted into and used as a two-family or multi-family dwelling, when authorized as a special exception in accordance with the terms of Section 2203 of this ordinance and the following requirements of this section:
 - a. A site plan for the conversion of said dwelling shall be submitted as part of the application for special exception. The applicant also shall submit a copy of the floor plan, indicating all dimensions prior to and following conversion, and copies of any necessary permits from other agencies, as required by law, or documentation that such permits have been applied for.

- b. The resulting dwelling units shall have a minimum floor area of 800 square feet.
 - c. Such dwellings shall be subject to the height, width, yard, and other applicable regulations effective in the zoning district where the existing single-family structure is located. Minimum required lot area for the structure, following conversion, shall be calculated as follows:
 - [1] Where the converted dwelling units will be served by individual on-site sewage facilities, 50% of the product of the minimum lot area for a single-family dwelling with on-site sewage times the number of dwelling units (existing and proposed) to be contained in the converted structure:
 - [2] Where the converted dwelling units will be served by a community or public sewage system, the minimum lot area shall be 50% of the product of the minimum lot area for a single-family dwelling when served by such a sewage system times the number of dwelling units (existing and proposed) to be contained in the converted structure
 - d. The existing building may be reduced in size during conversion, but shall not be enlarged except for the creation of fire escapes and outside stairways. Such additions shall be located at the rear of the building unless clearly impractical.
 - e. The off-street parking requirements of this ordinance shall apply.
 - f. Regardless of the size of the existing structure, the total number of dwelling units following conversion shall not exceed five (5).
 - g. The resulting dwelling units shall be provided with appropriate sewage systems and water supply systems. The applicant shall submit to the Township a permit for an individual on-site sewage disposal system issued by the Chester County Health Department, where a community or public sewage system is not available. Where a shared well is used for water supply, an agreement of use and maintenance shall be prepared and submitted to the Township.
 - h. Each resulting dwelling unit shall meet the definition of dwelling unit contained in this ordinance and shall comply with all applicable Township codes and regulations regarding building, housing, plumbing, electric, fire safety, and the like.
 - i. The Zoning Hearing Board may specify the maximum number of dwelling units to be created within any such structure, and may prescribe such further conditions and restrictions with respect to the conversion and use of such dwelling, and to the use of the lot, as the Board may consider appropriate.
4. The Zoning Officer shall review all applications for residential conversions to determine compliance. Upon approval of the completion or alteration involved in a conversion, the Zoning Officer shall inspect the premises, prior to issuing an occupancy permit, to verify compliance with this ordinance and the terms of the special exception approval.

F. Sanitary landfill

1. Any landfill approved under the terms of this section shall be owned and operated by East Nottingham Township or by an Authority of which East Nottingham Township is an active participating member. The proposed facility shall conform to all requirements of the Pennsylvania Department of Environmental Protection.
2. All solid waste processing operations shall be conducted within a wholly-enclosed building.
3. No refuse shall be deposited or stored, and no building or structure shall be located, within five hundred (500) feet of any lot line.
4. Any area used for the unloading, transfer, storage, processing, incineration, or deposition of refuse must be completely screened from ground-level view at the property line. The use of an earthen berm is recommended whenever possible. In addition, such areas must also be completely enclosed by an eight (8) foot-high fence, with no openings greater than two (2) inches in any direction.
5. The application for special exception approval must include written documentation demonstrating how the applicant will comply with all applicable State and Federal standards and regulations.
6. All driveways into the site shall be paved for a distance of at least two hundred (200) feet from the street right-of-way line. In addition, a fifty (50) foot-long gravel section of driveway should be placed beyond the preceding paved section to collect any mud that may have accumulated on the wheels of any vehicles.
7. Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against indiscriminate and unauthorized dumping, all areas of the site shall be protected by locked barricades, fences, gates, or other means to prohibit access to the area at unauthorized times or locations.
8. Hazardous waste, as identified by the Pennsylvania Department of Environmental Protection, shall not be disposed of within the subject property.
9. The application for special exception approval must include a working plan to prevent the scattering of debris and litter, as well as clean-up of the same.
10. The facility shall employ qualified facility operators responsible for supervising all activities relating to unloading, processing, transfer, and deposition of solid waste.
11. Leak-proof and vector-proof containers shall be provided for the storage of: [a] any waste that cannot be used in any disposal process, or [b] material that is to be recycled. Such containers shall be designed to prevent their being carried by wind and/or water and shall be stored within a wholly-enclosed building.
12. No more solid waste shall be stored on the property than is necessary to keep the facility in constant operation. Under no circumstance shall such waste be stored longer than seventy-two (72) hours.

13. Any application for special exception approval shall include a contingency plan for the disposal of solid waste in the event of a facility shutdown.
14. Leachate from the solid waste shall be disposed of in a manner in compliance with all applicable State and Federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with Department of Environmental Protection regulations.
15. Water needs and supply
 - a. Any application for special exception approval shall include an analysis of the quantity of raw water needs (groundwater or surface water) from either private or public sources. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed.
 - b. A water system which does not provide an adequate supply of water for the proposed landfill, considering both quantity and quality, or does not provide for adequate groundwater recharge considering the water withdrawn by the proposed landfill, shall not be approved as a special exception.
 - c. The applicant also shall submit a water feasibility study to enable the Zoning Hearing Board to evaluate the impact of the proposed landfill on the groundwater supply and on existing wells. The study shall be prepared, submitted, and evaluated in accordance with the Township's regulations that address groundwater and the commercial use of water.
16. Any application for special exception approval shall provide an analysis of the physical conditions of the primary road system serving the proposed landfill. The analysis shall include information on the current traffic flows on this road system and projections of the amount and type of traffic generated by the proposed landfill. Improvements to the road or roads shall be provided by the applicant to assure safe turning movements to and from the site and safe through-movements on the existing roads.
17. A perimeter landscaped buffer area not less than one-hundred (100) feet in width shall be located along all property lines. No structures, storage, parking, or any other related activity or operation shall be permitted within this landscaped area. Any fence or other non-vegetative screening erected on the site shall not be located within this landscaped area.

SECTION 1604

USES PERMITTED BY CONDITIONAL USE

The following standards shall be addressed by the applicant and applied by the Board of Supervisors in evaluating an application for conditional use, where such conditional use is authorized in one or more of the base zoning districts of this ordinance. Any such proposed use also shall comply with the applicable standards and regulations of the base zoning district.

A. All uses regulated by the terms of this section shall also be in compliance with any other applicable standards of this ordinance, including but not limited to those in the following articles:

1. Article XVII, General Regulations, of this ordinance, including but not limited to standards for lighting, landscaping, screening, internal circulation, access and traffic control, storage, and noise control.
2. Article XVIII, Signs.
3. Article XIX, Off-Street Parking and Loading.

B. Billboard

1. Billboards shall be permitted only within the C-1 Special Limited Business District and only when approved as a conditional use by the Board of Supervisors. To be eligible to contain a billboard, a property in the C-1 District must directly abut, and/or be contained within, the right-of-way of the U.S. Rt. 1 Bypass.
2. Any application for approval of a billboard as a conditional use shall be evaluated in terms of the potential impact of the proposed billboard's location and dimensions on:
 - a. Sight distance and other highway safety aspects that could affect motorists, pedestrians, or other travelers.
 - b. Visual quality, natural features, or historic resources, as identified in the East Nottingham Township Open Space, Recreation, and Environmental Resources Plan.
3. Any application for approval of a billboard as a conditional use shall demonstrate compliance with the following requirements:
 - a. A billboard may only be constructed as a freestanding sign.
 - b. The maximum sign area of any billboard shall be 300 square feet.
 - c. The maximum height of any billboard shall be 25 feet, as measured from the ground surface to the top of the sign.
 - d. No billboard shall be located closer than 50 feet to any property line.
 - e. There shall be a minimum separation distance of 300 feet between any two billboards.
 - f. The lighting of any billboard shall be in compliance with the requirements of Section 1706 of this ordinance.

C. Car wash

1. All washing of vehicles shall be performed within an enclosed building. All materials and parts shall be stored within an enclosed building.
2. Materials discarded as part of the operation shall be contained within completely enclosed dumpster equipment. The applicant for conditional use approval shall demonstrate compliance with all applicable county, state, and/or federal regulations governing the intended use.
3. There shall be no deleterious impacts from noise, odor, vibration, light, or electrical interference on adjacent properties.

4. No outdoor storage of vehicles shall be permitted in any portion of a required minimum yard area.
5. Access points shall be limited to two (2) on each street abutting the lot.
6. The property shall be served by a public water system. The car wash facility shall include a system to collect and recycle the water used in the car washing operation.
7. Each car wash bay shall allow for a stacking of three (3) vehicles.

D. Cemetery

1. The following standards shall apply to any commercial cemetery or cemetery that is accessory to a church or similar place of religious worship, but shall not be applicable to a private family cemetery that is a use accessory to a dwelling or an agricultural property.
2. A minimum net lot area of ten (10) acres shall be provided for any commercial cemetery.
3. The application for a zoning permit shall be accompanied by an informal sketch landscape plan, including narrative, that indicates the general landscape design intended, approximate type and amount of vegetation to be installed, etc.
4. In addition to the installation of landscape material, natural buffer areas shall be retained to the greatest degree feasible to mitigate impacts to scenic landscape qualities and water recharge capacity. Use of plant material in lieu of fencing is encouraged to provide privacy, screening, and access control.
5. The applicant shall provide sufficient hydrologic and other information to satisfy the Board of Supervisors that potential for groundwater contamination from development of burial grounds shall not be hazardous to any neighboring water supply wells. As a condition of approval, the Board may require the installation of monitoring well(s) where potential hazard to neighboring well(s) is suspected.
6. No burial ground or plot or any structure related to the cemetery operation shall be located within:
 - a. one hundred (100) feet of any property line or street line;
 - b. two hundred (200) feet of any dwelling or existing well; or
 - c. twenty-five (25) feet of the cartway of any private vehicular accessway within the tract or any parking area.
7. In no case shall any structure, burial ground, or burial plot be located within a one hundred (100) year flood plain.
8. The maximum height of cemetery structures shall be:
 - a. for a grave stone, monument, or statue marking an individual burial site: six (6) feet
 - b. for a mausoleum: fifteen (15) feet
 - c. for any other structure: thirty-five (35) feet
9. The placement of burial vaults within burial ground areas shall comply with the following standards:
 - a. Multiple burial vaults may be placed in a single plot (i.e., one above

- the other)
- b. No vault shall be located less than three (3) feet beneath the ground surface after development, except where completely enclosed within a mausoleum
 - c. No vault shall be located where, at its greatest depth below the ground surface, it may intrude upon the seasonal high water table
 - d. In order to provide for adequate percolation of groundwater, all burial vaults shall be placed such that minimum horizontal separation between vaults is no less than two (2) feet. This provision shall not apply to burial vaults completely enclosed within a mausoleum.

E. Commercial Composting Processing Operation

An applicant seeking to establish a commercial compost processing operation must show compliance with the following:

- 1. COMPLIANCE – The applicant must demonstrate compliance, and continue to comply, with all applicable state and federal standards and regulations.
 - a. An Environmental Impact Statement will be prepared and submitted in accordance with Federal and State standards.
 - b. A water feasibility study will be provided to enable the Township to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. The water feasibility study shall be reviewed by the Township Engineer and appropriate federal and state agencies. A water system which does not provide an adequate supply of water for the proposed development, considering both quantity and quality, or does not provide for adequate groundwater recharge considering the water withdrawn by the proposed development, shall not be approved by the Township. A water feasibility study shall include the following information:
 - [1] Calculations of the projected water needs;
 - [2] A geologic map of the area with a radius of at least one mile from the site;
 - [3] The location of all existing and proposed wells within 1,000 feet of the site and all known point sources of pollution;
 - [4] Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined;
 - [5] A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table, including a baseline

analysis of water quality and water quantity within a one mile radius of the proposed facility; and

- [6] A statement of the qualification and signature(s) of the person(s) preparing the study.
2. **DRIVEWAYS** – All driveways onto the site must be paved for a distance of at least one hundred (100) feet from the street right-of-way line. In addition, a fifty (50) foot-long gravel section of driveway shall be placed just beyond the preceding one-hundred-foot paved section to dislodge any mud that may have become attached to a vehicle’s wheels.
3. **LANDSCAPING** – A landscape strip with a minimum width of 50 feet shall be located along all property lines. No structures, storage, parking or any other related activity or operation shall be permitted within this landscape strip. Fences or other screening erected on the site must be located on the interior of this landscape strip.
4. **LEACHATE** – Leachate shall be disposed of in compliance with any applicable state and federal laws or regulations. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the Department of Environmental Protection regulations.
5. **MINIMUM SETBACK** – No processing or storage of compost shall be permitted within two hundred (200) feet of any lot line or five hundred (500) feet of any residential district or use.
6. **NUISANCE CONTROL** – The applicant shall submit a plan demonstrating safe access to the site, control of odors, and control of blowing litter.
7. **OPERATIONS** – All composting activities including the processing, preparation, curing, loading, material handling, unloading, storing (including long-term storage) and packaging operations of compost for commercial purposes must be conducted within a completely enclosed building. The enclosed structure shall be located on a concrete slab with a proper drainage collection system so that no materials or liquids leak onto or beneath the ground surface. The structure will also be vector-proof and utilize state of the art technology for aerobic, thermophilic decomposition of the materials involved in the compost preparation. At all stages the operation must utilize the best available air scrubbing technology to control odor and air pollution. Loading and unloading must occur on a concrete or asphalt surface. All composting activities must take place on the concrete impermeable pad, the size of which shall be determined by the Board of Supervisors during the conditional use hearing.
8. **SCREENING** – The use shall be screened from all roads and adjoining properties by fencing or evergreen planting as determined by the Board of Supervisors.
9. **SUPERVISION** – Unloading, processing and transfer operations shall be continuously supervised by a qualified facility operator. Hours of operation are limited to 7:00 a.m. to sunset Monday through Saturday.
10. **UNAUTHORIZED DUMPING** – Access to the site shall be controlled to prevent unauthorized dumping.

11. VEHICLE STACKING LANES – All uses shall provide sufficiently-long stacking lanes into the facility, so that vehicles waiting to be weighed or loaded/unloaded will not back-up onto public roads.
12. Hay and straw utilized in the processing and preparation of compost may be stored outside.
13. No hazardous materials as defined in the Hazardous Material Emergency Planning and Response Act 35 P.S. § 6022.103 may be utilized at any stage of the composting process, including materials to be incorporated into the process. The operator shall be required to supply Material Safety Data Sheets as identified in the Worker and Community Right to Know Act 35 P.S. § 7305 for any substance included therein.
14. Construction of the lagoons to contain the water used in the processing of the compost and of the berms to hold the leachate wastewater must comply with all state and federal regulations and with state of the art technology.
15. All local water surface bodies and designated ground water downgrading\side gradient, monitoring well locations (to be installed by applicant if not otherwise available) are to be tested for pollutants once a month at the sole expense of the operator. Such tests will include, but not be limited to, levels of ammonia, chloride, fecal coliform, lead and other hazardous substances that are associated with composting operations in accordance with the Pennsylvania Department of Environmental Protection and the Chester County Department of Health regulations. Air sampling for hazardous pollutants and pathogens will occur on a monthly basis as the sole expense of the operator. Tests for hazardous pollutants and pathogens will be consistent with constituents that are associated with composting operations in accordance with the Pennsylvania Department of Environmental Protection and the Chester County Health Department. Copies of said reports shall be forwarded to East Nottingham Township and, where appropriate, to federal and state agencies on a monthly basis. Testing shall be at the sole expense of the operator.
16. If leachate is to be discharged into a municipal sewage facility, appropriate permits shall be obtained from the applicable agencies and authorities.
17. Minimum Setback: No processing shall be permitted within five hundred (500) feet of any wells, springs, lakes and/or streams. In addition, any ventilation outlets must be oriented away from land within a residential zone. The setbacks contained in this section shall not be reduced for any reason.
18. Application. A person wishing to establish a compost operation in the Township shall present an application for a conditional use, pursuant to the procedures specified in this ordinance, which shall contain the following:
 - a. A topographical drawing, prepared by a registered engineer to a scale no greater than one (1) inch equals two hundred (200) feet, showing:
 - [1] Location of site relative to public roads.

- [2] Owners of adjacent properties.
 - [3] Proposed fencing and improvements.
 - [4] Proposed screening.
- b. The identity of the owner of the site and relationship of applicant to the owner(s). The application shall include a description of all composting activities in which the owner(s) of the site and/or the applicant and/or their principals have been engaged under any business entity including fictional name registrations, partnership names and corporate names. The description of all composting activities shall include a history of all Notices of Violations, Cease and Desist Orders, and Civil and Criminal citations under any prior business entity name in which the owner/applicant(s) were previously engaged.
 - c. If the proposed use is contiguous to another property being used for the processing or preparation of compost, the applicant shall establish that the proposed use and location will not contribute to or compound any existing adverse safety, health and welfare conditions as a result of the increased concentration of composting usage. The Board of Supervisors may deny outright or impose additional conditions arising out of problems caused by the over concentration of composting activities in the area in question.
19. Requirements and Standards Applicable to Compost Operation. In considering the application for a commercial compost operation as a conditional use, the Board of Supervisors, shall require that:
- a. Any application for compost operation be in compliance with the requirements of the Pennsylvania Department of Environmental Protection and that, prior to the onset of site utilization, a permit be obtained from the Pennsylvania Department of Environmental Protection for said operations if the Pennsylvania Department of Environmental Protection so requires.
 - b. An application must provide an analysis of the physical conditions of the primary road system serving the proposed use, including information on current traffic flows on the road system including ingress and egress to and from East Nottingham Township and projections of traffic generated by the proposed use to include anticipated increased noise level, as well as the projected weight and number of vehicles. Any such site must have direct access to either an arterial or collector highway, or a township road that is paved with a surface and base course of sufficient depth to withstand traffic loads as established by the above traffic analysis.
 - c. 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.
 - d. That provision be made by the applicant that all trucks entering and leaving the site shall be covered and that as part of the daily operation of the site roads used for access to the site be patrolled

daily to pick up and dispose of scattered and blowing papers or other refuse.

- e. That the site be properly fenced to prevent blowing papers and other nuisances on adjoining properties.
 - f. 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 abandoned.
20. Minimum Acreage. No site shall be approved for a compost operation which has a gross tract area less than ten (10) contiguous acres. In computing site sizes, properties divided by public roads shall not be deemed contiguous. No site shall be larger than 15 acres.
21. Any commercial composting site shall apply for and secure the land development approval by East Nottingham Township in accordance with the Municipalities Planning Code.
22. Performance Bond. In order to assure the Township that the various tests and duties imposed upon an applicant 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 financial security sufficient to cover the cost, as estimated by the Township Engineer, of performing the various tests and duties imposed upon him by the ordinance.
23. Indemnification. In addition to the foregoing requirements, all applicants to operate a compost operation upon property within the Township of East 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 East 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 section.

F. Communications towers, antennas, and equipment

- 1. Communications antenna. A communications antenna may be attached to or mounted on an existing public utility building or structure, or an existing communications tower, water tower, silo, or other non-residential building or structure when approved as a conditional use by the Board of Supervisors, if the height of the antenna does not exceed the height of the existing structure by more than ten (10) feet. Any such antenna shall be constructed to simulate the architectural façade and/or color of the building or object to which it is attached, and shall comply with the Uniform Construction Code and all other applicable requirements. A

communications antenna may not be attached to a flag pole, as that term is defined in this ordinance.

2. Communications tower. A communications tower may be constructed in the C-1 or C-2 Districts, or on any property owned by the Oxford Area Sewer Authority or the Oxford Area Recreation Authority, when approved as a conditional use by the Board of Supervisors, in accordance with the terms of this section. A communications tower also may be constructed on property owned by East Nottingham Township. Height of the communication tower shall not exceed one hundred fifty (150) feet.
3. Communications equipment building. A communications equipment building may cover no more than three hundred fifty (350) square feet of ground. The applicant shall locate as much of the associated equipment below the ground surface as feasible.
4. Notification of property owners. An applicant seeking to construct, relocate, or alter a communications tower and/or antenna shall file a written certification with the Board of Supervisors that all property owners within a one thousand (1,000) foot radius of the proposed site have been notified by the applicant, in writing by certified (return receipt) and regular mail at least fourteen (14) days prior to the date of the hearing, of the applicant's proposed construction, relocation, or alteration. The certification shall contain the name, address, and tax parcel number of each property owner so notified. Such notice also shall contain the date, time, and place of the public hearing at which the applicant shall appear.
5. Prohibited uses. All other uses ancillary to the tower, antenna, and/or communications equipment building (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the antenna or tower site unless otherwise permitted in the zoning district in which the site is located, in which case the area and bulk requirements for such use in that district shall be applicable.
6. Personnel and parking. Except where ancillary uses are permitted in the zoning district in which the site is proposed, the communications tower and/or antenna shall be fully automated and require only occasional or periodic on-site attention from maintenance or operational personnel. Unless specifically required for the ancillary use, off-street parking at the site shall not exceed two spaces.
7. Site plan. A full site plan shall be required and shall accompany the application for conditional use for any communications facility, showing all existing and proposed improvements, including but not limited to proposed antennas, towers, structures, fencing, buffering, and ingress and egress. The plan shall comply with the requirements for a preliminary plan under the Township Subdivision and Land Development Ordinance.
8. Standards for review of conditional use requests. In addition to the applicable requirements of this section and other sections of the ordinance, the Board of Supervisors shall review a conditional use request to construct a communications antenna or tower and only approve same if the following standards are complied with.

- a. Subject also to the height limitation for a communications tower, as defined, the applicant shall demonstrate that the proposed communications tower and/or communications antennas proposed to be mounted thereon is/are the minimum height required to function satisfactorily. No antenna taller than this minimum height shall be approved unless the applicant proves that another provider of wireless, cellular, or personal communications services has already agreed to co-locate on the applicant's communications tower at greater height than the applicant requires.
- b. The applicant must demonstrate that the distance between the communications tower, including all supporting equipment and structures, and any property line or right-of-way shall be greater than or equal to the height of the communications tower. These setback requirements may be modified by the Board of Supervisors if it finds that placement of a communications tower and/or antenna in a particular location will reduce its visual impact.
- c. The applicant shall provide a plan prepared by a landscape architect showing landscaping to be installed to screen and buffer as much of the support structure as possible. Vegetative screening material shall be evergreen, balled and burlapped, and shall be a minimum of six (6) feet in height at the time of installation and capable of reaching a minimum height of thirty (30) feet at maturity. The landscape plan shall incorporate existing features where appropriate.
- d. Existing vegetation on and around the proposed site shall be preserved to the greatest extent feasible. Removal of any tree of one (1) foot dbh or greater shall require approval from the Board of Supervisors, and such approval shall be granted only upon demonstration by the applicant that such removal is reasonably required to clear an area for construction of the tower.
- e. In order to reduce the number of communication towers needed in the Township in the future, the applicant shall demonstrate that the proposed communication tower shall be designed to accommodate other users, including other cellular communications companies and/or local police, fire, and emergency responders. The applicant shall produce specific documentation of contact made with the Chester County Department of Emergency Services for purposes of avoiding potential interference with emergency communications.
- f. No communications tower, antenna, or equipment building may be lighted except when required by the Federal Aviation Administration (FAA).
- g. The applicant shall provide for a removal bond, in an amount deemed appropriate by the Board of Supervisors, to assure that proper security is provided to accomplish removal of the communications tower and/or communications antennas if the

permitted communications use is abandoned, as required in Subsection 13, below.

- h. The applicant shall provide with its application to the Board of Supervisors:
 - [1] a copy of its current Federal Communications Commission (FCC) license;
 - [2] where a communications antenna is proposed to be mounted on a structure owned by a party other than the applicant, the current name, address, and emergency telephone number of the owner or operator of the structure;
 - [3] a certification signed by a duly authorized officer of the applicant providing that, after due inquiry, the information being supplied is true and correct to the best of his knowledge, information, and belief; and
 - [4] copies of all applicable federal regulations with which it is required to comply and a schedule of estimated FCC inspections.
- i. The applicant shall present a certificate of insurance, issued to the owner/operator of the communications tower and/or antennas, evidencing that there is adequate current liability insurance in effect insuring against liability for personal injuries and death and property damage caused by communications facilities.
- j. Communications towers and/or antennas shall either have a galvanized finish or be painted silver or other colors, such as green and blue, or a combination thereof (e.g., painted green up to the height of nearby trees and the remainder blue or blue gray to blend with the sky), as shall be required and approved by the Board of Supervisors. All such facilities, including associated equipment, shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like façade to blend with the existing surroundings and neighborhood buildings.
- k. No sign or similar structure shall be mounted on a communications facility, except as may be required by the FCC, FAA, or other governmental agency.
- l. In the event that a communications antenna is attached to an existing structure, vehicular access to the antenna and any accessory equipment shall not interfere with the parking or vehicular circulation on the site for the existing principal use.

9. Structural standards.

- a. Prior to issuance by the Township of a permit authorizing construction and erection of a communication tower, a structural engineer registered in Pennsylvania shall issue to the Township a written certification of the tower's ability to meet the structural standards of either the Electronic Industries Association or the Telecommunication Industry Association, including but not limited

to the ability of the tower to withstand wind gusts of one hundred (100) mph. Further, the engineer shall certify the proper construction of the foundation, adequacy of the soils relative to the design of the foundation and location of any guy wires, and the erection of the tower.

- b. Where antennas are proposed to be attached to an existing structure, such engineer shall certify that both the structure and the antennas and their appurtenances meet the minimum industry standards for structural integrity.
 - c. The certifications required by this section shall constitute a condition of any conditional use approval granted by the Board of Supervisors for the proposed use.
10. Maintenance and repair. All communications towers, antennas, and associated equipment shall be maintained and kept in good repair as required by federal law H.R. 6180/S.2882, the Telecommunications Authorization Act of 1992, including amendments to Sections 303(q) and 503(B)(5) of the Communications Act of 1934, all other governmental regulations as from time to time amended, and all Township ordinances consistent therewith.
 11. Annual inspection and report. The applicant for approval to erect a communications tower, or the owner of the tower, shall submit annually to the Township Engineer, within sixty (60) days following inspection, a copy of the annual inspection report for the tower, prepared by a structural engineer registered in Pennsylvania as required by the ANSI/EIA/TIA-222-E Code or other applicable regulations. Based upon the results of such an inspection, the Zoning Officer may require removal or repair of the communications tower or part thereof if public safety so requires. Such removal or repair shall be completed within thirty (30) days after the Township's written notice requiring same to the owner of the facility. In the event the annual inspection referred to above is not performed and/or the required annual report is not filed with the Township Engineer in a timely manner, the owner shall be subject to the enforcement remedies of Article XXIII of this ordinance.
 12. Interference with existing reception. In the event that a communications tower and/or antenna causes interference with: [1] the radio or television reception on any property within the Township, or [2] any police, fire, or similar emergency services communication, for a period of three (3) consecutive days, the property owner or emergency service provider may notify the applicant of such interference and the applicant, at the applicant's sole expense, shall thereafter ensure that any interference problems are promptly corrected. In the event the applicant fails or refuses to take the necessary steps to correct the interference in a timely manner, the applicant shall be subject to the enforcement provisions of this ordinance.
 13. Abandonment and removal. If use of the communications facility or any part thereof is abandoned or if the facility is not in use for its originally

intended purpose for a period of one (1) year or longer, the owner of the facility shall demolish and/or remove the facility from the site within six (6) months of such abandonment or non-use. Abandonment shall be presumed after one (1) year of non-use, and the owner of the facility shall have the burden of proving non-abandonment. In the event the demolition or removal is not performed in a timely manner, the owner shall be subject to the civil enforcement proceedings of Article XXIII of this ordinance.

G. Convenience store

1. The following standards shall apply to any convenience store, as defined and specifically permitted under the terms of this ordinance. The standards in this section shall supercede similar standards that may be contained in this ordinance. Standards elsewhere in this ordinance that are not addressed in this section shall be applicable to the convenience store use.
2. A gross lot area of not less than two (2) acres shall be required for any convenience store.
3. There shall be no limit on the operating hours of a convenience store. During the hours of 10 p.m. to 6 a.m. and on Sundays and legal holidays, however, there shall be no deliveries to the site or trash removal from the site, no operation of a vehicle in excess of 8600 pounds on the property nor the idling of any motor of such vehicle, and no operation of any powered equipment or mobile refrigeration unit.
4. Where a convenience store operation includes the retail sale of automotive fuel, the standards in Subsection __, below, shall be met.
5. Where a convenience store offers the retail sale of automotive fuel, the maximum number of fueling positions, each containing one dispensing hose, shall be limited to one per 500 square feet, or portion thereof, of convenience store floor area. In no case, however, shall the number of fueling positions exceed twelve (12).
6. In addition to screening and landscaping as may be required by Sections 1714 and 1715, respectively, the Board may require supplemental fencing, consisting of materials and dimensions it deems appropriate, along any property line that abuts an agricultural or residential use or an agriculturally-zoned or residentially-zoned property.
7. To assure satisfactory management of the property and the mitigation of potential off-site impacts:
 - a. Food and beverage shall not be consumed within the parking area or any other exterior portion of the site.
 - b. Trash disposal shall be managed to prevent any problem of littering on or off the site. Dumpsters or similar large-scale outdoor trash receptacles shall be completely screened from view, and access gates shall be closed at all times when not in use
 - c. Noise and lighting shall be controlled to avoid any impact on nearby residential properties.

- d Outside loud speakers shall be audible only to persons in the immediate vicinity of the fueling positions.
- 8. The applicant shall demonstrate that the proposed design of the building façade and related canopy or other structural elements on the property will minimize incompatibility with the rural and agricultural character of the Township.

H. Gasoline service station

- 1. Any building or other area of the property in which the use is conducted shall be at least three hundred (300) feet from the lot line of any parcel containing a school, day care facility, playground, or library.
- 2. Gasoline fueling positions shall be at least thirty (30) feet from the street right-of-way line.
- 3. Entrances and exits shall be a minimum of thirty (30) feet in width.
- 4. All ventilation equipment associated with fuel storage tanks shall be at least one hundred (100) feet from any agriculturally-zoned or residentially-zoned property.
- 5. A maximum of twelve (12) fueling positions shall be permitted as part of any retail fuel sales operation.
- 6. No delivery tanker shall park within the public right-of-way during gasoline delivery, nor shall any hose be permitted within the public right-of-way.
- 7. During any hours of operation when a fuel sales site is unattended, it shall have:
 - a. Outdoor lighting at levels sufficient to see each fueling station from the adjoining street; and
 - b. An emergency cutoff mechanism, accessible to the fueling positions, that is prominently placed and immediately visible to customers at all times.
- 8. No temporary or seasonal sales shall be conducted outside a building.

I. Golf course

- 1. The minimum lot area for a golf course shall be as follows:
 - a. Regulation eighteen (18) hole - one hundred thirty (130) acres.
 - b. Executive eighteen (18) hole - ninety (90) acres.
 - c. Nine (9) hole - fifty (50) acres.
 - d. Par three (3), eighteen (18) hole - forty-five (45) acres.
 - e. Par three (3), nine (9) hole - twenty-five (25) acres.
- 2. No building shall be located within one hundred (100) feet of any lot line.
- 3. As a condition of approval, the Board may specify hours of operation and may require protective mesh fencing when necessary to provide protection to abutting properties and roads.
- 4. The applicant shall provide a traffic impact study for the proposed use. The traffic impact study shall be prepared in accordance with the requirements of Section 513 of the Township Subdivision and Land Development Ordinance.

5. Water needs and supply
 - a. Any application for conditional use approval shall include an analysis of the quantity of raw water needs (groundwater or surface water) from either private or public sources. If the source is from a municipal or municipal authority system, the applicant shall submit documentation that the public authority will supply the water needed.
 - b. A water system which does not provide an adequate supply of water for the proposed golf course, considering both quantity and quality, shall not be approved as a conditional use.
 - c. The applicant also shall submit a water feasibility study to enable the Board to evaluate the impact of the proposed golf course on the groundwater supply and on existing wells. The study shall be prepared, submitted, and evaluated in accordance with the terms of Section 510 of the Township Subdivision and Land Development Ordinance.
6. The application for conditional use approval shall include a description of the intended means of sewage treatment and disposal. The proposed system shall be consistent with the preferred treatment and disposal methods stipulated in the Township Act 537 Sewage Facilities Plan, and shall comply with all applicable requirements of the Township Subdivision and Land Development Ordinance, the Oxford Area Sewer Authority, the Chester County Health Department, and the Pennsylvania Department of Environmental Protection.

J. Kennel

1. Kennels which are contained in a completely enclosed building shall be soundproofed and shall not be located closer than one hundred fifty (150) feet to any residential lot line or street right-of-way line.
2. Kennels for housing more than six (6) dogs, or that are not contained in a completely enclosed building, shall be a minimum of three hundred (300) feet from any residential lot line or street right-of-way line.
3. Animal boarding buildings that are not completely enclosed, and any outdoor animal pens, stalls, or runways, shall be located only within the rear yard.
4. The kennel shall have all outdoor exercise yards entirely fenced to prevent animals from leaving the property.
5. The applicant shall provide a plan for the disposal of animal wastes generated by the operation.
6. The owner/operator of the kennel shall be responsible to exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor.
7. The applicant shall provide the Board with a plan for the disposal of animals that perish while on the property, either by controlled incineration or removal from the premises in a sanitary manner within twenty-four (24) hours of their death.

8. All animals shall be housed in an enclosed all-weather protective structure between the hours of 8:00 p.m. and 7:00 a.m.
9. The applicant shall provide the appropriate Department of Agriculture license and obtain a use and occupancy permit prior to opening the operation.
10. The sale of related products shall remain accessory to the kennel, and any area devoted to such sales shall comprise no more than twenty-five percent (25%) of the floor area of the principal building.
11. There shall be no outdoor storage of materials unless fully screened from adjoining properties used for residential purposes, in accordance with Section 1714.

K. Place of religious worship

1. No person shall temporarily or permanently reside within a place of religious worship structure. Religious quarters associated with the place of religious worship shall be within a separate structure which meets all lot, setback, and building requirements for the structure as a separate use.
2. In any zoning district in which a place of religious worship is permitted, the minimum lot area shall be two (2) acres and the minimum lot width shall be two hundred (200) feet.
3. Side yard and rear yard setbacks of not less than fifty (50) feet shall be provided on any property.
4. Off-street parking facilities shall be located not less than twenty-five (25) feet from the street right-of-way line and from the side and rear property lines. The Board may require additional screening of any parking facility, if it is determined necessary.
5. A maximum of sixty percent (60%) of the lot area may be covered by impervious surface.
6. Related educational or day care facilities:
 - a. Where educational facilities and programs are offered below the college level, the applicant shall include a plan for outdoor recreation that is acceptable to the Board. Such plan shall include appropriate screening and buffering from adjacent residential properties.
 - b. Student and child drop-off areas shall be designed to eliminate the need to cross traffic lanes within or adjacent to the site.
 - c. The applicant shall provide a parking plan which demonstrates that the proposed parking facilities are sufficient for the intended use and in compliance with the terms of this ordinance.

L. Planned commercial village

1. Minimum net lot area per individual use shall be fourteen thousand (14,000) square feet.

2. Floor area: First floor/ground floor building footprint shall not be less than ten thousand (10,000) square feet in gross floor area and shall not be greater than forty thousand (40,000) square feet in gross floor area.
3. Minimum front yard depth shall be fifteen (15) feet.
4. Minimum side and rear yards
 - a. Where the tract abuts a non-residential zoning district and/or non-residential use, the minimum side and rear yard dimension shall be fifteen (15) feet.
 - b. Where the tract abuts a residential zoning district or a property used for agricultural or residential purposes, the minimum side and rear yard dimension shall be fifty (50) feet.
5. Minimum setback of parking areas from any side or rear property line shall be five (5) feet.
6. There shall be a landscaped perimeter buffer along all side and rear property lines that abut a residential zoning district or a residential or agricultural use. The buffer area shall have a minimum depth of ten (10) feet and plantings shall comply with the applicable terms of Section 1714 of this ordinance.
7. Except as otherwise required by PennDOT or approved by the Board of Supervisors, the tract shall be served by a single, shared point of access. Access shall take the form of an internal road or driveway that directs traffic to a single entrance point with divided lanes.
8. Landscaped walkways within parking lots shall be provided. Landscaping and variations in pavement shall be used to better define walkways and ensure safety.
9. Loading and unloading spaces for delivery trucks shall not block major pedestrian ways or create blind spots.
10. The tract proposed for development shall be in one ownership, or shall be the subject of an application filed jointly by the owners of the entire tract, and shall be under unified control. If ownership of the tract is held by more than one person or entity, the application shall identify and be filed on behalf of all the said owners. Approval of the conditional use application shall be contingent upon agreement by the applicant or applicants that the tract shall be developed under single direction in accordance with the terms of Board approval.
11. The language, terms, and conditions of any proposed covenant or restriction shall be subject to review and recommendation by the Township Solicitor.

M. Public or Private School

1. The minimum net lot area for development or expansion of any such use where permitted as a special exception shall be five (5) acres plus one (1) acre per each one hundred (100) pupils for which the facility is designed.
2. Maximum impervious surface coverage of the lot shall be fifty percent (50%).
3. All structures shall be set back at least one hundred (100) feet from any residentially-zoned land.

4. Off-street parking areas shall not be utilized as recreation areas, and recreation areas shall not be located within the front yard and must be set back at least twenty-five (25) feet from all other lot lines. Except where separated by a minimum of three hundred (300) feet, outdoor recreation areas shall be screened from adjoining agriculturally-zoned or residentially-zoned properties and properties in agricultural or residential use by means of fences, plantings, or decorative enclosures sufficient to screen activities from adjacent lots. Any vegetative materials located within the recreation area shall be non-harmful (i.e., not thorny, poisonous, allergenic, etc.).
5. All applicable state and federal regulations for structures and operations shall be met. Copies of any required licenses and permits shall be provided to the Township.
6. Where on-lot subsurface sewage disposal systems are proposed, a replacement seepage bed area tested as suitable shall be designated and preserved for that use.

N. Residential conversion to commercial use

1. The provisions of this section shall apply to any existing residential property in the C-2 District that is proposed to be converted to commercial, office, or similar non-residential use and for which an application for conditional use has approval has been submitted.
2. A site plan for the conversion of the residential structure shall be submitted as part of the conditional use application. The site plan shall include all existing and proposed features, including buildings, parking areas, driveways, sidewalks, etc. The applicant also shall submit a copy of the floor plan, indicating all dimensions prior to and following conversion, and copies of any necessary permits from other agencies, as required by law, or documentation that such permits have been applied for.
3. Following conversion, the commercial property shall be subject to the height, width, yard, impervious surface, and other applicable regulations effective in the C-2 District. Minimum net lot area for the structure, following conversion, shall be as required in the C-2 District. Where a lot exists with less net area than required, it may be converted for a commercial purpose so long as it is a legal nonconforming lot.
4. The existing residential building shall not be enlarged by an amount greater than 10% of its floor area at the time of application, except for the creation of fire escapes and outside stairways which shall be located at the rear of the building unless clearly impractical.
5. The off-street parking requirements of this ordinance shall apply.
6. To the maximum extent feasible, the proposed conversion shall comply with the applicable standards in Article XVII, General Regulations, of this ordinance.
7. The resulting commercial use shall be provided with an appropriate sewage system and water supply system. The applicant shall submit to the Township a permit for an individual on-site sewage disposal system issued by the Chester County Health Department, where a community or public

sewage system is not available. Where a shared well is used for water supply, an agreement of use and maintenance shall be prepared and submitted to the Township.

8. Upon conversion, the commercial use shall comply with all applicable Township codes and regulations regarding building, housing, plumbing, electric, fire safety, and the like.
9. The Board of Supervisors may specify the maximum amount of commercial floor area to be created within the existing residential structure, and may prescribe such further conditions and restrictions with respect to the conversion and use of the structure, and to the use of the lot, as the Board may consider appropriate.
10. The Zoning Officer shall review all applications for such residential conversions to determine compliance. Upon completion of the alterations involved in the conversion, the Zoning Officer shall inspect the premises, prior to issuing an occupancy permit, to verify compliance with this ordinance and the terms of conditional use approval.
11. Where the plan for a residential conversion complies with the terms of this section, the Board of Supervisors, at its sole discretion, may subsequently waive the requirement for a land development plan under the terms of the Township Subdivision and Land Development Ordinance where the Board deems the potential for off-site impacts to be minimal.

O. Retained Open Space Development

In the I-2 Limited Industrial District, where Retained Open Space Development is permitted as a conditional use, the Board of Supervisors shall evaluate any application for such development in relation to the following:

1. The Statement of Intent for the I-2 District
2. Opportunities that may exist for developing the tract with a use permitted by right in the district, and the potential importance of such development in furthering the Township's community development objectives
3. The degree to which the proposed development would be compatible with, or would present deleterious impacts on, existing land uses adjacent to the tract
4. The terms of Article XXI of this ordinance pertaining to conditional uses.

P. Single-family detached dwellings proposed on tracts with a gross area of five (5) acres or more as of Nov. 18, 2002 and not using the Retained Open Space Development option

1. Any application for conditional use approval for single-family dwelling units, where authorized in the applicable base zoning district, shall be evaluated and decided upon by the Board of Supervisors in relation to the requirements of this section and the standards and procedures set forth in Article XXI.

2. Prior to submitting a formal application for conditional use approval, the applicant shall submit a generalized site plan to the Township Planning Commission and shall meet with the Planning Commission to discuss the proposed plan's relationship to the Township's community development objectives and to matters of recreation, open space, resource conservation, traffic and access management, agricultural preservation, and/or visual quality and rural character. In its subsequent recommendation to the Board of Supervisors concerning the formal application for conditional use approval, the Planning Commission will note any issues raised during its review of the generalized site plan and the degree to which the formal application has addressed and resolved those issues.
3. In reviewing any application for conditional use approval for single-family dwellings, the Board shall examine and weigh the degree to which it complies with the specific purposes, area and bulk regulations, and site design and development standards of the base zoning district in which it is permitted as a conditional use.
4. The Board also shall review any such application in relation to the following factors:
 - a. Protection of existing site resources and features

The applicant shall submit for the Board's review an Existing Features Plan as prescribed in Sections 402.03-A and 402.03-E of the Township Subdivision and Land Development Ordinance. Based on this plan, the applicant must demonstrate, to the Board's satisfaction, how the proposed design and development of the site using conventional lot layout and not employing the Retained Open Space Development option, will protect, to the maximum extent practical, the identified site resources.
 - b. Compatibility with adjacent agricultural lands.

The applicant shall demonstrate how the proposed site design will produce a residential development that minimizes potential incompatibilities with existing agricultural lands and uses in the vicinity of the subject tract. The site plan will be evaluated in terms of how well the siting of new dwelling units protects existing farmland and prime agricultural soils on adjacent tracts from the impacts of development. Proposed dwellings shall be located on the least productive farmland wherever practical.
 - c. Retention of visual quality and character

The Board shall review the site plan in terms of how the proposed retention of existing vegetation and the installation of new landscaping materials will protect traditional views of and across the proposed tract. As a condition of approval, the Board may require deeper front or side yard setback dimensions, the installation of vegetation or other screening material, or other measures to protect the visual quality of existing road frontages that it deems essential to the Township's visual character.
 - d. Ability to utilize the Retained Open Space Development option

The applicant shall document site characteristics that make the use of the Retained Open Space Development option infeasible or inappropriate in terms of the objectives to be achieved by that option.