

**ZONING ORDINANCE**

**ASTON TOWNSHIP**  
**Delaware County, Pennsylvania**

**2011**

# **ZONING ORDINANCE**

**FOR**

## **ASTON TOWNSHIP**

**December 21, 2011**

**Prepared by the Delaware County Planning Department**

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## **ACKNOWLEDGEMENTS**

The Delaware County Planning Department greatly appreciates the assistance given by the Upper Chichester Zoning Ordinance Revision Task Force in the preparation of this document.

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TOWNSHIP OF ASTON  
DELAWARE COUNTY, PENNSYLVANIA  
ORDINANCE No. 896

AN ORDINANCE TO ADOPT A NEW ASTON TOWNSHIP ZONING  
CODE, REPLACING PART TWELVE, TITLE SIX OF THE ASTON  
TOWNSHIP CODIFIED ORDINANCES

**WHEREAS**, the Board of Commissioners of the Township of Aston, Delaware County, Pennsylvania previously adopted Part Twelve, Title Six of the Aston Township Codified Ordinances entitled Zoning Code; and

**WHEREAS**, the Aston Township Board of Commissioners authorized a committee to participate in a Multi Municipal Task Force Committee, which also included representatives from Upper Chichester Township and the Delaware County Planning Department; and

**WHEREAS**, the Committee was charged with the responsibility of reviewing and updating all chapters of the Aston Township Zoning Code; and

**WHEREAS**, after two and a half years of work, the Committee has produced and recommended the adoption of a new Township Zoning Code, based on the goals and objectives identified in the Aston Township Comprehensive Plan and to guide and regulate the orderly growth and development of Aston Township; and

**WHEREAS**, the Aston Township Board of Commissioners, having held a public hearing on the proposed Zoning Code, believes that its adoption is in the best interest of the health, safety and welfare of the Township of Aston; and

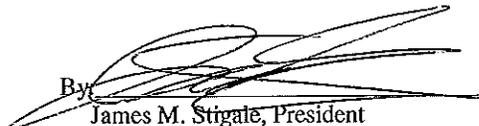
**WHEREAS**, the Aston Township Board of Commissioners desires to repeal Part Twelve, Title Six of the Aston Township Codified Ordinances, entitled Zoning Code and adopt the attached Zoning Code as its replacement.

Effective date - this Ordinance shall be effective January 1, 2012.

Repealer - any prior ordinance or parts thereof inconsistent with this ordinance are hereby repealed.

Severability - the provisions of this ordinance and code sections adopted hereby are severable, and if any clause, sentence or section thereof shall be adjudged invalid or unconstitutional, such decision or judgment shall not affect the validity of the remaining provisions.

**Now, Therefore, Be It Resolved and Adopted this 21<sup>st</sup> Day of December, 2011, By the Aston Township Board of Commissioners.**

By: 

James M. Stigale, President  
Board of Commissioners

Attest:

  
Richard D. Lehr  
Township Secretary Manager

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# CHAPTER 1250

## General Provisions and Definitions

### 1250.01 TITLE.

This Ordinance shall be known and may be cited as the Township of Aston Zoning Ordinance of 2011.

### 1250.02 PURPOSE.

The zoning regulations and districts set forth in this Ordinance are designed to achieve the following purposes as stated in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988.

- (a) To promote, protect, and facilitate any or all of the following: the public health, safety, morals, and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, and national defense facilities, the provision of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, recreational facilities, public rounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.
- (b) Prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life, or property from fire, flood, panic, or other dangers.
- (c) To provide for the use of land within the Municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings and a reasonable range of multi-family dwellings in various arrangements, mobile homes and mobile home parks.
- (d) To accommodate reasonable overall community growth, including population and employment growth and opportunities for development of a variety of residential dwelling types and nonresidential uses.

1250.03 COMMUNITY DEVELOPMENT OBJECTIVES.

The zoning regulations and districts set forth in this Ordinance are based on the goals and objectives stated in the Multi-municipal Comprehensive Plan for Aston, Lower Chichester, and Upper Chichester Townships, 2005.

This Ordinance is intended to implement the principles, policies, and objectives of the Comprehensive Plan and to guide and regulate the orderly growth and development of Aston Township.

1250.04 ESTABLISHMENT OF CONTROLS.

(a) Minimum and Uniform Regulations.

Unless specifically indicated otherwise, the regulations set forth in this Ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structures or land.

(b) Proposed Uses and Structures.

In all zoning districts, after the effective date of this Ordinance, any new building or other structure or any tract of land shall be constructed, developed, and used only in accordance with the regulations specified herein, except where a variance has been authorized by the Zoning Hearing Board in accordance with Chapter 1254.

(c) Existing Uses and Structures.

In all districts, after the effective date of this Ordinance any lawful, existing building or other structure or any tract of land which is not in conformity with the regulations of the district in which it is located shall be deemed to be nonconforming and subject to the regulations of Chapter 1294.

1250.05 INTERPRETATION.

In the interpretation and application of the provisions of this Ordinance, the said provisions shall be held to be the minimum requirements for the promotion and protection of the public health, welfare, and safety. Where the provisions of this Ordinance impose greater restrictions than those of any other ordinance or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance, or regulation impose greater restrictions than this Ordinance, the provisions of such statute, ordinance, or regulation shall be controlling.

1250.06 SEVERABILITY.

If any article, section, subsection, paragraph, clause, or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or of any other part.

1250.07 DEFINITIONS.

(a) Interpretation of Language.

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Ordinance to have the meaning indicated herein. Words used in the present tense include the future. The singular shall include the plural, and the plural shall include the singular. The word “building” includes the word “structure.” The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for,” or “occupied for.” The word “person” includes an individual, corporation, partnership, incorporated association, or any other similar entity. The word “includes” or “including” shall not limit the term to the specified examples but is intended to extend its meaning to all other instances of like kind and character. The words “shall” and “will” are mandatory and not discretionary, and the word “may” is permissive. Terms not defined herein shall have the meaning customarily assigned to them.

(b) Definition of Terms.

ABANDONMENT

The cessation of the use of a property by the owner or lessee for a period of six (6) consecutive months without the clear and verifiable intention of transferring rights to the property to another owner or resuming the use of the property.

ACCESSORY DWELLING UNIT (ADU)

A small, self-contained living unit that typically has its own kitchen, bedroom(s), and bathroom space. Often called, in-law quarters or secondary dwelling units, an ADU is an apartment which is located within the walls of an existing or newly-constructed single family detached home or as an addition to an existing single family detached home.

#### ACCESSORY STRUCTURE, INDIVIDUAL

A structure detached from a principal building on the same lot and incidental and subordinate to the principal building or use.

#### ACCESSORY STRUCTURE, COMMON

An accessory structure designed and intended to serve more than one dwelling or all dwellings in a residential development, such as a common garage or carport serving multiple dwellings in the Apartment district or Townhouse district.

#### ACCESSORY USE

A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

#### ACTIVE RECREATION AREA

An open space site developed specifically for leisure and sports activities performed with others, often requiring equipment and taking place on prescribed fields or courts. The area can include indoor gymnasium. The term “active recreation” refers to those recreational pursuits which require physical alteration to the area where they are performed. Such areas include, but are not limited to, baseball fields, basketball courts or play areas, soccer fields, swimming pools, golf courses, playgrounds, ball courts, and roller hockey rinks.

#### ADULT DAY CARE CENTER

A facility in which out-of-home care and is provided to four (4) or more elderly or disabled adults for less than 24 hour period per day, excluding care provided by relatives.

#### ADULT ENTERTAINMENT BUSINESS

Any establishment that permits patrons to hear, view, read, lease, purchase, trade, exchange, and/or participate in activities, publications, movies, and videotapes which have as their dominant theme explicit sexual activities and/or the exhibition of human anatomy which is not normally seen in public or in other commercial or club-type operations and which may or may not exclude minors by virtue of age.

## AGE-RESTRICTED FACILITIES (HOUSING)

Facilities or residences restricted to heads of households age 55 or over and with no children under age 18 residing on a permanent basis.

## ALTERATION

Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress and egress, or any enlargement to or diminution of a building or structure, or the moving of a building from one location to another.

## AVERAGE GROSS RESIDENTIAL DENSITY

The total number of dwelling units in a planned residential development (PRD) divided by the gross acreage of the tract as reduced by any areas to be devoted to commercial use.

## BASEMENT

An enclosed area located partly or completely below grade. A basement shall be considered a story for the purpose of height measurement if the basement ceiling is five (5) feet or more above the average grade level around the building.

## BIG BOX RETAIL

Retail store establishments in freestanding, industrial style, one-story buildings with floor areas of 60,000 square feet or more. Examples of such uses are Wal-Mart, Costco, various retail clubs such as Sam's, and similar establishments.

## BILLBOARD

A structure erected, operated, and maintained as the principal commercial use on a lot for the purpose of advertising a product, activity, or business not conducted on the lot.

## BUFFER/BUFFER AREA

A strip of land intended to separate one use or district from another by providing an open, unobstructed space intended to absorb, shield, or block noise, light, view, or other impacts of the use

having the greater impact. Buffers shall be planted with grass or other ground cover and may be part of the required yards. Buffers are often employed between a residential district and an abutting district having greater impacts. There shall be no structures, equipment, storage, parking, or trash disposal in buffer areas. Dimensions of buffers shall be as required by the zoning district.

#### BUILDING

Any structure used or intended for supporting or sheltering any use or occupancy.

#### BUILDING COVERAGE

The ratio obtained by dividing the ground floor area of all principal and accessory buildings on a lot by the total area of the lot upon which the buildings are located.

#### BUILDING HEIGHT

The vertical distance measured from the average level of the ground surrounding the structure to the highest point of the roof for flat roofs and to the ridge for gable, hip, and gambrel roofs; provided that chimneys, spires, towers, mechanical penthouses, tanks, antennas, and similar projections of the building not intended for human occupancy shall not be included in calculating the height.

#### BUILDING LINE

A line parallel to the street right-of-way line which establishes the actual location of the front wall of the principal building on the lot.

#### BUILDING SETBACK LINE

A line parallel to the street right-of-way line at a distance there from equal to the depth of the front yard required for the district in which the lot is located.

#### CELL SITE

A tract or parcel of land that contains the wireless, cellular, or personal communications service antenna, its antenna support structure, accessory buildings, and parking and may include other uses associated with and ancillary to providing wireless

communications, cellular communications, or personal communications services.

#### CELLULAR/WIRELESS COMMUNICATION FACILITY

Includes, but is not limited to, the antenna, antenna support structures, and cell sites (see also “cell site” above).

#### CHARITABLE OR NONPROFIT ORGANIZATION

A group organized for lawful purposes, other than generating a profit, such as charitable, educational, political, social, trade, cultural, scientific, professional, or any similar organization.

#### CHILD DAY CARE CENTER

A facility that is licensed to provide care and instruction for seven (7) or more children unrelated to the operator where the child care areas are not being used as a family residence.

#### COLLECTION FACILITY, LARGE

A facility for the collection of paper, glass, aluminum, or other officially designated recyclable materials. Such facility shall be larger than 500 square feet, located permanently on its own site, and have the capacity for aggregating and storing large amounts of material on site in preparation for shipping to the processing facility. Little or no power driven processing equipment is to be used on site.

#### COLLECTION FACILITY, SMALL

A facility for the collection of paper, glass, aluminum, or other officially designated recyclable materials. Such facility shall have an area of 500 square feet or less and shall be located either temporarily or permanently on the same lot with a principal or host use. No power-driven processing equipment is to be used on site. A permit from the Township shall be required prior to the establishment and operation of such facility.

#### COMMERCIAL MOTOR VEHICLE

A vehicle used in connection with a commercial enterprise, trade, profession, or industry by the owners or users of said vehicles and which may or may not bear any sign, lettering, or commercial advertising or ostensibly display items such as ladder racks, tool

racks, and the like which would indicate a commercial trade, professional, or industrial use or capability. Any vehicle other than a personal or recreational vehicle (as defined herein) which exceeds a gross vehicle weight of 9,500 pounds or is greater than 84 inches in height, whether or not engaged in a commercial enterprise, trade, profession, or industry and which may or may not bear commercial aspects such as signs or an attached ladder or tool racks, shall also be considered a commercial vehicle. Vehicles or trailers used to transport other vehicles, whether or not used in connection with a leisure time or recreational pursuit, and which are not defined as recreational vehicle shall be considered for the purpose of this ordinance as commercial vehicles.

#### COMMON OPEN SPACE

A parcel or parcels of land or an area of water, or a combination of land and water within a land development or a subdivision, designed and intended for the use or enjoyment of residents or occupants thereof, not including streets, off-street parking areas, and areas set aside for public facilities.

#### COMMUNITY RESIDENCE FACILITY, FAMILY-BASED

A residential facility licensed by the appropriate agency and used as living quarters by persons requiring special care and by their adult supervisors. A family-based community residence facility is specifically designed to create a residential environment for the following types of individuals: developmentally disabled, mentally ill, physically handicapped, elderly, dependent children, or similar types of individuals who are unable to live without supervision. The maximum number of residents in a facility shall not exceed four (4) which is the maximum number of unrelated persons permitted in a residential dwelling.

#### COMMUNITY RESIDENCE FACILITY, GROUP-BASED

An institutional facility intended and designed to accommodate persons recovering from alcohol, drugs, or similar addictions by providing counseling, therapy, and other rehabilitation programs designed to mainstream residents back into society by enabling them to live independently.

#### CONDITIONAL USE

A use permitted in a particular zoning district only upon showing that such use in a specific location will comply with all the

conditions and standards for the location or operation of such use as specified in this Ordinance and authorized by the Board of Commissioners.

#### CONDOMINIUM

Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested.

#### CONSUMER FIREWORKS

Any combustible or explosive composition or any substance or any combination of substances intended to produce visible and/or audible effects by combustion and which is suitable for use by the public that complies with the construction, performance, composition, and labeling requirements promulgated by the Consumer Products Safety Commission in 16 Code and Federal Regulations (CFR) or any successor regulation and which complies with the provisions for “consumer fireworks” as defined in the American Pyrotechnics Association (APA) Standard 87-1 or any successor standard thereto.

#### CONTINUING CARE FACILITY

A planned residential development intended for individuals or couples in which at least one occupant is 60 years of age or older. The continuing care facility for the elderly shall be distinguished from other forms of residential development by the fact that it shall provide skilled nursing for the residents as an integral part of the development and shall comply with the provisions of Section 1290.06.

#### CONVENIENCE STORE

A one-story, retail store containing less than 6,500 square feet of gross floor area, being open 15 to 24 hours per day. It is designed to attract and depends upon a large volume of stop-and-go traffic. Examples of convenience stores are those operated by the “Wawa” and “7-11” chains.

## CONVERSION

A change in the use of a building. For example, the change of a single-family dwelling to a multi-family dwelling or change of a retail use to office use. Such change may be accomplished without subdivision or the introduction of a new owner. Where the use and dimensional regulations of this Ordinance permit, such conversion may be accomplished by appropriate alteration upon the issuance of the necessary permits

## DENSITY, GROSS

The maximum number of dwelling units per acre. The term indicates all land within the boundaries of a particular area, including streets, rights-of-way, and easements.

## DENSITY, NET

This term refers to land within the boundaries of a particular area but excludes streets, rights-of-way, and easements in calculating net density.

## DESIGNATED FLOODPLAIN DISTRICTS

Those floodplain districts specifically designated in Chapter 1286 as being inundated primarily by the 100-year flood. Included are areas identified as the Floodway District (FW), the Flood-Fringe District (FF), and the General Floodplain District (FA).

## DEVELOPER

Any landowner, agent of such landowner, or tenant with the permission of such landowner who makes or causes to be made a subdivision, land development, or any other development.

## DEVELOPMENT

Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures; the placement of mobile homes; streets and other paving; utilities; mining; dredging, filling, grading, excavation, or drilling operations; and the subdivision of land.

## DORMITORY

A building that contains dwelling rooms that provide sleeping and living accommodations solely for students enrolled at a college or university and members of its faculty or staff, provided that the dormitory is owned or managed by the college or university where the students are enrolled, or in the case of a college or university owned or operated by a governmental unit, the dormitory is owned or operated, or both, by an entity that was formed to promote the interests of, and is operated for the benefit of, that college or university.

## DWELLING

A building designed and constructed for residential use.

## DWELLING, GARDEN APARTMENT

A multiple-family dwelling of two (2) stories in height designed for rental or condominium ownership of each housekeeping unit.

## DWELLING, SINGLE-FAMILY DETACHED

A building designed for and occupied exclusively as a residence for only one family, with yards on all sides of the dwelling, containing one dwelling unit and only one dwelling unit.

## DWELLING, SINGLE-FAMILY SEMI-DETACHED (TWIN)

Two (2) dwelling units, each accommodating one family, which are attached side by side by means of a party wall, with each dwelling unit having only one (1) side yard.

## DWELLING, TOWNHOUSE

A one family dwelling in a group of not less than four (4) or more than six (6) attached units. Each attached unit has at least one party wall in common with other dwellings in the same row.

## DWELLING, TWO-FAMILY DETACHED (DUPLEX)

Two (2) dwelling units, each accommodating one family, which are located one over the other, with the building having two (2) side yards.

## DWELLING, TWO-FAMILY SEMI- DETACHED (TWIN DUPLEX)

A two-family dwelling attached to one other two-family dwelling by a common vertical wall, with each dwelling usually on a separate lot and each dwelling having only one side yard.

## DWELLING UNIT

One (1) or more rooms designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

## FAMILY

Any group of individuals living together as the functional equivalent of a family where the resident may share living expenses, chores, eat meals together, and are a close group with social, economic, and psychological commitments to each other. A family includes, for example, the residents of residential care facilities and group homes for people with disabilities. A family does not include larger institutional group living situations such as dormitories, fraternities, sororities, monasteries, or nunneries.

## FAMILY CHILD DAY CARE HOME

A facility located in a single-family dwelling which provides care and supervision for four (4), five (5), or six (6) children at any one time within a 24- hour period. Any individual operating a family child day care home is required to have a registration certificate issued by the Pennsylvania Department of Public Welfare.

## FAMILY, IMMEDIATE

Immediate family shall include father, mother, stepfather, stepmother, wife, husband, mother-in-law, father-in-law, child, brother, sister, grandparent, grandchild, sister-in-law, and brother-in-law.

## FLOOD

A temporary inundation of normally dry land areas.

## FLOODPLAIN

A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; and/or an area subject to the unusual and rapid accumulation or run-off of surface waters from any source.

## FLOOR AREA, GROSS

The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet. Gross floor area also includes but is not limited to the following:

- a. Basement space, if it meets the requirements of a building story as defined herein.
- b. Elevator shaft, stairwell, and attic space providing headroom of six (6) feet or more.
- c. The floor areas of roofed terraces, exterior balconies, breezeways, or porches where over 50 percent of the perimeter is enclosed.
- d. Any floor space used for dwelling purposes no matter where located within a building.
- e. The floor areas of commercial outdoor decks, patios, and non-enclosed areas. Said area shall be included when calculating the parking requirements of this Ordinance.

## FLOOR AREA, NET

The total of floor areas of a building, excluding stairwells and elevator shafts, corridors, vestibules, toilet rooms, equipment rooms, interior vehicular parking or loading; and all floors below the first floor or ground floor, except when used or intended to be used for other than storage or mechanical purposes.

## FREE-STANDING BUILDING

Any building located within a development site which is separate from any group or cluster development on such site and which

shall comply with the regulations of the district in which it is located.

#### GROUP DAY CARE

A facility providing care, supervision, and organized educational and recreational activities for more than 16 children under the age of 16. This facility shall be located in a building or establishment designed or intended for day care or in a church or school as an accessory use. The hours of operation shall be less than a 24-hour period per day. All group day care facilities are required to have approval or licensure as specified by the Pennsylvania Department of Public Welfare.

#### HISTORIC STRUCTURE

Any structure on the Aston Township Historical Site Survey list prepared by Aston Township and approved by the Aston Township Board of Commissioners from time to time after consultation and advice with the Aston Township Historical Society.

#### HOMEOWNERS ASSOCIATION

A nonprofit organization comprised of homeowners or property owners, planned and operated under approved rules and regulations, for the purpose of administering the needs of residents through the maintenance of community-owned property and facilities.

#### IMPERVIOUS COVERAGE

The coverage of the lot area or tract area by materials that prevent the percolation of water into the soil and generate stormwater runoff, such as buildings, streets, parking areas, driveways, and any other similar surfaces.

#### INDUSTRIAL PARK

A large tract of land that has been planned, developed, and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

## INTERMEDIATE DAY CARE

A facility providing care, supervision, and organized educational and recreational activities for no more than 15 children, under the age of 16. This facility shall be located in a building or establishment designed or intended for day care or in a church or school as an accessory use. The hours of operation shall be less than a 24-hour period per day. All intermediate day care facilities are required to have approval or licensure as specified by the Pennsylvania Department of Public Welfare.

## LANDSCAPED PLANTING AREA

An area landscaped with grass, ground cover, shrubs or similar plantings placed where required by this Ordinance and permanently maintained.

## LOADING SPACE

A paved accommodation off the street for loading and unloading of trucks in the form of one or more truck berths located either within or outside a building on the same lot. The area of each berth shall be not less than 600 square feet and it shall have a minimum clearance height, including access to it from the street, of 14 feet.

## LOT

A parcel of land which is or may be occupied by a building and/or accessory structure or use, including open spaces and setbacks as are required within the district in which the lot is located.

## LOT AREA

The total horizontal area within the lot lines of a lot.

## LOT, CORNER

A lot bounded by streets on at least two (2) sides. Both yards adjacent to streets shall be considered front yards.

## LOT DEPTH

The distance along a straight line measured from the midpoint of the front lot line to the midpoint of the rear lot line.

#### LOT LINE

A line of public record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

#### LOT LINE, FRONT

The line separating the lot from the street right-of-way.

#### LOT LINE, REAR

Any lot line, except the front lot line that is parallel to or within 45 degrees of being parallel to, and does not intersect, any street line, except with respect to corner lots.

#### LOT LINE, SIDE

Any lot line that is not a front or rear lot line.

#### LOT, MINIMUM AREA OF

The smallest lot area established by this Ordinance on which a use or structure may be located in a particular district.

#### LOT WIDTH

The horizontal distance between the side lot lines measured at right angles to the lot depth at the building line.

#### LOWEST FLOOR

The lowest floor of the lowest enclosed area (including the basement).

#### MANUFACTURED HOME

In addition to the mobile home definition, the term “manufactured home” includes park trailers, travel trailers, and other similar vehicles placed on a site for more than 180 consecutive days, as defined in the national Flood Insurance Program.

#### MOBILE HOME

A transportable, single-family dwelling intended for permanent occupancy contained in one unit, or in two (2) or more units

designed to be joined into one integral unit capable again of being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. This definition is in accordance with the Pennsylvania Municipalities Planning Code.

#### MOBILE HOME LOT

A parcel of land improved with the necessary utility connections and other appurtenances necessary for the placement thereon of a single mobile home.

#### MOBILE HOME PARK

A parcel or parcels of land, at least ten (10) acres in area, under single or separate ownership, which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two or more mobile home lots.

#### NO-IMPACT HOME-BASED BUSINESS

A business or commercial activity that is clearly secondary to the residential use and in which no persons other than members of the resident family are employed. The use shall not provide for off-street parking in addition to that required for the residential use. No equipment shall be used other than that normally used for household or office use.

#### NONCONFORMING BUILDING OR STRUCTURE

A building or structure which does not comply with the provisions of this Ordinance, as amended, where such building or structure lawfully existed prior to the effective date of this Ordinance or amendments thereafter.

#### NONCONFORMING LOT

Any lawful lot which does not conform to one or more of the applicable provisions of the district in which it is located either on the effective date of this Ordinance or amendments thereafter.

#### NONCONFORMING USE

A use, whether of land or of a structure, which does not comply with the applicable provisions of this Ordinance, where such use

was lawfully in existence prior to the effective date of this Ordinance or amendments thereafter.

#### OFF SITE ADVERTISING

An off premises sign displaying advertising copy which pertains to a product, activity or business not principally located or sold on the premises upon which said sign is located.

#### ONE-HUNDRED YEAR FLOOD

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

#### OPEN SPACE (See COMMON OPEN SPACE)

#### PUBLIC PARK/RECREATIONAL FACILITY

Any recreational facility, natural or landscaped area, playground, park, building, or structure owned or operated by the Township or any other governmental agency including, but not limited to, the Penn Delco School District, County of Delaware, or the Commonwealth of Pennsylvania.

#### PARKING SPACE

A reasonably level space, having a surface slope not exceeding five (5) percent, available for parking of one motor vehicle, no less than nine (9) feet wide and 18 feet long, and having an area of not less than 162 square feet exclusive of passageways, driveways, or other means of circulation or access.

#### PASSIVE RECREATION AREA

An open space site supporting recreational activities that generally do not require any development or alteration of the site. These passive activities generally include, but are not limited to, walking, hiking, jogging, bicycling, picnicking, wildlife observation, and fishing. Passive recreation activities are generally low vehicle trip generators, and have a low potential for impact or nuisance to adjacent residential properties.

## PERMIT

Written municipal permission issued by the appropriate local official empowering the holder thereof to do some act not forbidden by law, but not permitted without such authorization.

## PLANNED RESIDENTIAL DEVELOPMENT

A contiguous area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which must comply with the lot size, bulk or type of dwelling, density, lot coverage, required open space and other provisions of Chapter 1270 of this Ordinance.

## PLANTED BUFFER

A strip of evergreen plantings or a mix of both evergreen and deciduous plantings which, at time of planting, are of the minimum height required by this Ordinance. Such plantings shall be spaced at not more than 15-foot intervals. The planted buffer is intended to provide visual beauty, reduce noise and dust and provide a partial visual screen. Such buffers shall be permanently maintained.

## PLANTED VISUAL SCREEN

A strip of evergreen plantings (or opaque fencing where permitted) adjacent to the boundary of a property which, at time of planting, are of the minimum height required by this Ordinance and which shall be of sufficient density to constitute an effective visual screen and thereby give visual protection to abutting properties. Such screen shall consist of dense evergreens which shall be planted not farther than eight (8) feet from one another. Such screens shall be permanently maintained.

## PRINCIPAL BUILDING OR USE

A building or use which is the primary building or use on a lot as distinguished from a building or buildings relating to an accessory, incidental or subordinate use. The primary purpose, for which land, a building, or a structure or the use thereof is designed, arranged or intended.

## PROCESSING FACILITY

A facility used for the collection and processing of officially designated recyclable materials. Processing is the preparation of material for efficient shipment or to the end-user's specifications. Such facility shall have an area large enough to accommodate collection and processing machinery and storage area, along with ample loading and unloading areas.

## PROFESSIONAL HOME OFFICE

A home occupation conducted by a practitioner of a recognized profession together with the primary residential use. Examples of such professions include: doctor, lawyer, accountant, architect, or member of a similar recognized profession. Insurance, real estate, or similar offices are not included in this grouping and are more appropriately located in commercial districts.

## PUBLIC PARK

Any recreational facility, natural or landscaped area, playground, park, building, or structure, owned and operated by the Township or any other governmental agency, including but not limited to the Penn Delco School District, County of Delaware, or the Commonwealth of Pennsylvania.

## RECREATION AREA

A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.

## RECREATIONAL VEHICLE

A vehicle which is (i) built on a single chassis; (ii) not more than 400 square feet, measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently tow-able by a light-duty truck; (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. Recreational vehicles include, but are not limited to, travel trailers, truck campers, camping trailers, and self propelled motor homes.

### RECREATION, INDOOR COMMERCIAL

An indoor recreation facility operated as a business and open to the public for a fee. Examples of such facilities are bowling alleys and batting cages.

### RECREATION, OUTDOOR COMMERCIAL

An outdoor recreational facility operated as a business and open to the public for a fee. Examples of such facilities are water parks and water slides.

### REGULATORY FLOOD ELEVATION

The 100-year flood elevation plus a freeboard safety factor of one and one half (1 ½) feet.

### RIGHT- OF- WAY (ROW)

Land acquired by reservation, dedication, prescription, condemnation, or other legal manner and occupied or intended to be occupied by a street, crosswalk, electric transmission line, oil or gas pipeline, water line, watercourse, or similar uses.

### RIGHT-OF-WAY LINE

The line that forms the boundaries of a right-of-way.

### SETBACK

The minimum distance from the street right-of-way line or any other lot line that establishes the area, commonly known as the “building envelope,” within which the principal structure must be erected or placed.

### SHOPPING CENTER

A group of commercial establishments planned, constructed, and managed as a total entity, including both attached buildings and freestanding buildings with customer and employee parking provided on-site.

## SIGN

Any object, device, display, or illustration which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, numbers, or symbols.

## SIGN, ACCESSORY USE

Sign which identifies a home occupation.

## SIGN, ADVERTISING CLOTH

A sign which has its letters or design applied to cloth, canvas or other flexible material which is durable and weather-resistant.

## SIGN AREA

The entire face of a sign including the advertising surface and any framing, trim or molding, but not including the supporting structure.

## SIGN, CURB OR SIDEWALK

A movable sign which is not secured or attached permanently to the ground.

## SIGN, DIGITAL

A sign whose content may be changed through the use of intermittent light or lights, including light emitting diodes (LED), liquid crystal display, and plasma image display.

## SIGN, DIRECTIONAL

A sign limited to directional messages, principally for pedestrian or vehicular traffic, such as entry or exit, one-way, loading or service area, fire lanes, parking, or a similar sign incidental to the primary use and not itself advertising or naming that use except as required by law.

## SIGN FACE

The area or display surface used for the message.

### SIGN, FREE-STANDING

A detached sign which shall include any sign placed upon or in the round, supported by a post, stake, etc., and not attached to any building.

### SIGN, GROUND

A free-standing sign other than a sign supported by a post or pylon, placed upon or supported by the ground, independent of any other structure, which is no higher than four (4) feet from round level.

### SIGN, IDENTIFICATION

A sign giving the nature, logo, trademark or other identifying symbol, address, or any combination of the name, symbol and address of a building, business, development or establishment on the premises where it is located.

### SIGN, ILLUMINATED

A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.

### SIGN, MARQUEE

A sign that is mounted or painted on any hood or awning or permanent construction projecting from the wall of a building above an entrance and extending over a sidewalk or driveway.

### SIGN, MENU

A sign which depicts the menu of food and/or drink for sale at an eating or drinking establishment.

### SIGN, PORTABLE

A signs that can either be attached or mounted on a mobile stand or transported by a trailer.

### SIGN, ROOF

A sign erected on, above or projecting above the eave, roof or parapet of any building.

### SIGN, TEMPORARY

A sign notifying or advertising a special event, situation or circumstance which is displayed for not more than 30 days.

### SIGN, WALL

A sign posted on, painted on, suspended from, or otherwise affixed to a wall or vertical surface of a building, which sign does not project more than twelve (12) inches from the wall or vertical surface to which it is attached.

### SIGN, WINDOW

A sign attached or affixed to a window or door.

### SLOPE

The face of an embankment or cut section or any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed as a percentage, based upon vertical difference in feet per 100 feet of horizontal distance.

### SLOPE, STEEP

Those areas of land that are characterized by a change in elevation of 15 percent or more but not exceeding 25 percent over the specified distance or contour.

### SLOPE, VERY STEEP

The area of land that is characterized by a change in elevation of 25 percent or more over the specified distance or contour.

### SPECIAL EXCEPTION

Permission, approval, or authorization granted by the Zoning Hearing Board in accordance with Chapter 1254 only in situations where such use is specifically permitted by the terms of this Ordinance.

### STREET

A public or private way used or intended to be used as a means of vehicular and pedestrian travel and access to abutting properties

and space for public utilities and improved to the satisfaction of the Township.

#### STREET LINE (STREET RIGHT-OF-WAY LINE)

The line dividing the street and the abutting property. The street line shall be the same as the right-of-way line.

#### TOWNHOUSE DEVELOPMENT

A contiguous area of land controlled by a landowner to be developed as a single entity for a number of townhouse buildings, the development plan for which corresponds with the specific regulations of Chapter 1264.

#### TRACT

An area, lot, parcel, site, or property which is the subject of a subdivision and/or land development.

#### TRACT AREA

The total acreage of a subdivision or land development.

#### VARIANCE

Permission, approval, or authorization granted by the Zoning Hearing Board in accordance with Chapter 1254, only in situations constituting modification of, or deviation from, the exact provisions of this Ordinance as applied to a specific lot and/or land development.

#### YARD

The required open, unoccupied space on the same lot with a building or, where provided for in this Ordinance, such open space in connection with a group or complex of buildings on a lot, which open space is unoccupied and unobstructed by any portion of a principal structure from the ground upward, except for projections permitted.

#### YARD, FRONT

A yard extending the full width of the lot along the street line with a minimum depth as required in each district, which yard is measured from the street line to the building line. In the case of a

corner lot there shall be a front yard on each street on which the lot abuts.

#### YARD, REAR

A yard extending the full width of the lot along the rear lot line with a minimum depth as required in each district, which yard is measured from the rear lot line. In the case of a corner lot, the owner or developer may, after consulting with the Township Engineer at the time of the application for a permit, specify which yard shall be the rear yard, taking into consideration the prevailing lot pattern when established.

#### YARD, SIDE

A yard extending along the side lot line from the front yard to the rear yard with a minimum depth as required in each district, which yard is measured from the side lot line. In the case of a corner lot, the owner or development may, after consulting with the Township Engineer at the time of application for a permit, specify which yard shall be the side yard, taking into consideration the prevailing lot pattern when established.

# CHAPTER 1252

## Administration, Enforcement and Penalty

### 1252.01 APPLICATION OF PENNSYLVANIA MUNICIPALITIES PLANNING CODE.

The administration, enforcement and amendment of this Ordinance shall be in accordance with the provisions of Chapter VI and any other applicable sections of the Pennsylvania Municipalities Planning Code, Act 247, as amended by Act 170.

### 1252.02 GENERAL AUTHORITY OF CODE ENFORCEMENT OFFICER AND BUILDING INSPECTOR.

The enforcement, administration, inspection and application of the codified Ordinances of the Township shall be performed by the Township Code Enforcement Officer (CEO) and/or the Township Building Code Officer (BCO), and where in this Ordinance either the BCO or CEO is referred to, it is understood that either the BCO or CEO may perform any and all the aforesaid duties set forth herein.

### 1252.03 CODE ENFORCEMENT OFFICER.

#### (a) Appointment and General Responsibility.

There shall be a Code Enforcement Officer (CEO) who shall be appointed by the Board of Commissioners and shall be, along with the Building Code Officer (BCO), responsible for the administration and enforcement of this Ordinance. The CEO and BCO shall not hold any elected office in the Township.

#### (b) Administration of Zoning Ordinance.

The CEO and/or BCO shall administer this Ordinance in accordance with its literal terms and shall not have the power to permit any construction, use or change of use which does not conform to this Ordinance.

#### (c) Civil Enforcement Proceedings.

The CEO and BCO may be authorized to institute civil enforcement proceedings as a means of enforcing this Ordinance.

(d) Duties.

The duties of the CEO and BCO shall include but not be limited to the following:

- (1) Enforce all provisions of this Ordinance and all amendments thereto.
- (2) Receive, examine, record and file all applications and fees for building permits and issue building permits only for any structure or use which conforms to this Ordinance.
- (3) Issue permits for uses and construction by special exception or variance, only after such uses or buildings are approved by the Zoning Hearing Board, in accordance with the provisions of this Ordinance. Permits requiring approval by the Board of Commissioners shall be issued only after receipt of an authorization from the Board.
- (4) Receive all required fees.
- (5) Regularly inspect all areas of the Township to determine if there are any violations of this Ordinance and to review the validity of any reported zoning violations.
- (6) Issue all necessary stop orders, and order in writing correction of all conditions found to be in violation of this Ordinance. It shall be unlawful for any person to violate any such order lawfully issued by the CEO and/or BCO, and any person violating such order shall be guilty of a violation of this Ordinance.
- (7) Maintain, or cause to be maintained, a map or maps showing the current zoning classifications of all land in the Township.
- (8) Identify and register all nonconforming uses, lots, structures and signs and keep filed a record of such nonconformities as a public record.
- (9) Upon request of the Board of Commissioners, Planning Commission or Zoning Hearing Board, present facts, records, and any similar information to such body on specific requests to assist these bodies in reaching their decisions.

- (10) An appeal from a decision or action of the CEO and/or BCO shall be made directly by a party in interest to the Zoning Hearing Board, and such appeal shall be made within 30 days after notice of the decision is made, or if no decision is made, 30 days after the date when a decision is deemed to have been made, in accordance with the Pennsylvania Municipalities Planning Code, as amended.

1252.04 COMPLAINTS REGARDING VIOLATIONS.

Whenever a violation of this Ordinance is alleged to have occurred, any person may file a written and signed complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the CEO and/or BCO who shall record such complaint promptly and immediately investigate and take action thereon as provided in this Ordinance.

1252.05 ADDITIONAL REGULATIONS.

(a) Enforcement Notice.

If it appears to the Township that a violation of this Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive an enforcement notice regarding that parcel, and to any other person requested in writing by the owner of record. An enforcement notice shall state at least the following:

- (1) The name of the owner of record and any other person against whom the municipality intends to take action.
- (2) The location of the property in violation.
- (3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.
- (4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- (5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.

(6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

(b) Causes of Action.

In case any building, structure, landscaping, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained, or used in violation of any ordinance enacted under the Pennsylvania MPC or prior enabling laws, the governing body or, with the approval of the governing body, an officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping, or land, or to prevent, in or about such premises, any act, conduct, business, or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least 30 days prior to the time the action is begun by serving a copy of the complaint on the governing body of the Township. No such action may be maintained until such notice has been given.

1252.06 PERMITS.

(a) Requirement for Permits.

A permit shall be required prior to the erection or alteration of any building, structure, or portion thereof, including signs; prior to the use or change in use of a building or land; and prior to the change or extension of a nonconforming use or structure.

(b) Application for Permits.

Application for permits shall be made to the Township Code Enforcement Office on such forms as may be furnished by the Township. Each application shall contain all information necessary to ascertain whether the proposed erection, alteration, use, or change in use complies with the provisions of this Ordinance.

(c) Issuance of Permits.

(1) No building or use permit shall be issued until the CEO and/or BCO has certified that the proposed building or

alteration and the proposed use of the property comply with the provisions of this Ordinance.

- (2) Permits shall be granted or refused within 45 days after the date of application. In case of refusal the applicant shall be informed of his right to appeal to the Zoning Hearing Board.

(d) Expiration of Permits.

Permits for the erection, razing, change, alteration, or removal of a building shall be valid or effective for a period of not more than six months from the date of issuance thereof and shall thereafter be void, unless the work authorized by such permit shall have been substantially commenced within that period and continues with due diligence from that time forward. In no event shall a zoning permit be construed to authorize the development activities for more than a three-year period of time, after which time a new permit must be sought. If, however, the applicant has been delayed in proceeding with the work for which the permit was granted for reasons beyond his or her control and demonstrably not due to his or her own negligence, at the discretion of the CEO and/or BCO the permit may be renewed without additional cost.

(e) Certificates of Occupancy.

- (1) Upon completion of the erection or alteration of any building or portion thereof authorized by any permit obtained in compliance with this Ordinance, the holder of the permit shall notify the CEO and/or BCO of completion. No permit shall be considered complete or permanently effective until the CEO and/or BCO has issued a certificate of occupancy certifying that the work has been inspected and approved as being in conformity with the permit and the provisions of this Ordinance.
- (2) Prior to the transfer of ownership, lease, or use of property, a certificate of occupancy must be obtained from the CEO and/or BCO.
- (3) A certificate of occupancy shall be granted or refused within 15 days after the CEO and/or BCO has been notified of completion of construction or within 15 days of application to occupy premises or land.

(f) Fees and Penalties.

- (1) The Board of Commissioners shall establish, by resolution, a schedule of fees, charges, expenses, and collection procedures for building permits, certificates of occupancy, sign permits, special exceptions, variances, appeals, amendments, and other matters pertaining to this Ordinance.
- (2) A schedule of fees shall be posted in the office of the CEO and/or BCO and may be altered or amended by the Board of Commissioners only.
- (3) No action shall be taken on any application for any special exception, variance, appeal, or other similar matter pertaining to this Ordinance until all application fees, charges, and expenses have been paid in full.

1252.07 AMENDMENTS.

(a) Power to Amend.

The regulations, restrictions, boundaries, and requirements set forth in this Ordinance may be amended, supplemented, changed, or repealed by the Board of Commissioners by amending this Ordinance in accordance with the provisions of Article VI of the Pennsylvania Municipalities Planning Code, as amended, and the terms of this chapter.

(b) Procedure for Amendment.

- (1) An Ordinance amending, supplementing, or changing the district boundaries (Zoning Map) or the regulations established herein may be initiated:
  - A. By the Board of Commissioners, upon its own initiative or upon recommendation of the Planning Commission.
  - B. Upon a petition to the Board of Commissioners signed by the owners of 50 percent or more of the frontage of any area, which shall be not less than the area contained between two streets, wherein a change of zoning regulations is being sought.

- C. By a landowner requesting an amendment or repeal. In the case of a curative amendment, the special requirements of the Pennsylvania MPC shall apply.
- (2) Before voting on the enactment of an amendment, the Board of Commissioners shall hold a public hearing thereon, pursuant to public notice. If the proposed amendment involves a map change, notice of said public hearing shall be conspicuously posted along the perimeter of the tract at least one week prior to the hearing.
  - (3) The Board of Commissioners shall submit each proposed zoning amendment, other than one prepared by the Township Planning Commission, to the Planning Commission at least 30 days prior to any hearing which is to be held on the proposed amendment to provide the Planning Commission with an opportunity to submit its recommendations prior to final action.
  - (4) If, after any public hearing held upon an amendment, the proposed amendment is revised, or further revised, to include land previously not affected by it, the Board of Commissioners shall hold another public hearing as required by law pursuant to public notice, before proceeding to vote on the amendment.
  - (5) As required by the Pennsylvania MPC, a copy of any proposed zoning amendment shall also be sent to the County Planning Commission at least 30 days prior to any hearing on the proposed amendment, in order to provide the County Planning Commission an opportunity to submit its recommendations prior to final action on the amendment.
  - (6) The Township may offer a mediation option as an aid in completing proceedings authorized in this section. In exercising such an option, the Township and mediating parties shall meet the stipulations of Section 908.1 of the Pennsylvania MPC, Act 247, as amended by Act 170, relating to the mediation option.
  - (7) Within 30 days after enactment, a copy of the amendment to this Ordinance shall be forwarded to the Delaware County Planning Commission.

(c) Fee.

A fee of \$1,000.00 shall accompany any application or petition for curative amendment filed by a landowner with the Township of Aston. If the actual costs as allowed by the Pennsylvania MPC exceed the aforementioned fee of \$1,000.00, those allowable costs referred to above shall be billed to the aforementioned landowner who shall be responsible for the allowable costs in excess of the \$1,000.00 fee.

1252.08

PENALTY.

- (a) Any person or corporation who has violated or permitted a violation of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500.00 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof, unless a different penalty is provided elsewhere in this Ordinance. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs, and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to the Township.
- (b) The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- (c) Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.
- (d) District Justices shall have initial jurisdiction over proceedings brought under this section.

- (e) In addition to any other penalties, remedies, revocations, or sanctions imposed by this Ordinance, whoever fails to have the necessary permits as set forth and required by this Ordinance shall be subject to the following:
- (1) For a first offense, the violator shall be given a warning;
  - (2) For a second offense, the violator shall be fined in an amount double the cost of the permit, with such fine not to exceed those limits as legislatively imposed by the Commonwealth; and
  - (3) For a third or subsequent offense, the violator shall be fined not more than \$300.00.

# CHAPTER 1254

## Zoning Hearing Board

### 1254.01 PURPOSE.

The purpose of this chapter is to list and describe the powers, duties, procedures, and standards for the Zoning Hearing Board, as required by the Pennsylvania Municipalities Planning Code (MPC), as amended.

### 1254.02 ESTABLISHMENT AND PROCEDURE.

#### (a) Creation of the Zoning Hearing Board.

A Zoning Hearing Board (ZHB) for the Township of Aston shall be appointed by the Board of Commissioners and shall be authorized to administer all procedures charged to such boards in accordance with the provisions of Article IX of the Pennsylvania MPC, as amended. Hereinafter, as used in this chapter, the term “Board” shall refer to the Zoning Hearing Board, and the term “Planning Code” shall refer to the Pennsylvania MPC, Act 247, as amended.

#### (b) Membership of the Board.

The Board shall consist of five (5) residents of the Township. Their terms of office shall be five years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Township Commissioners of any vacancies. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other elected or appointed office in the Township.

#### (c) Removal of Members.

Any member may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of Township Commissioners taken after the member has received 15 days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member requests it in writing.

(d) Organization of the Board.

- (1) The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than the majority of all members of the Board, but where a majority of members are disqualified to act in a particular matter, the remaining members may act for the Board. As provided for in the Planning Code, the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Board, as provided in Section 908 of the Planning Code.
- (2) The Board shall adopt rules and forms for its procedure in accordance with the provisions of this Ordinance. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman or, in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.
- (3) The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the Office of the Township Secretary and shall be a public record.
- (4) The Board shall submit a report of its activities to the Township Commissioners as requested.

(e) Expenditures for Services.

Within the limits of funds appropriated by the Township Commissioners, the Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Township Commissioners, but in no case shall it exceed the rate of compensation authorized to be paid to members of the Board of Commissioners.

## POWERS AND DUTIES.

(a) Appeals from the Code Enforcement Officer.

The Board shall hear and decide appeals where it is alleged that the Township Code Enforcement Officer (CEO) or Building Code Officer (BCO) has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of this Ordinance or the Zoning Map, or any valid rule or regulation governing the action of the CEO or BCO.

(b) Applications.

Applications for variances or special exceptions shall include as a minimum the following information:

- (1) A sketch plan, at scale, showing the layout of the property, the proposed improvements and alterations thereto, and the relationship of the tract to adjacent properties.
- (2) A reference to the section(s) of this Ordinance under which the variance or special exception is requested.

(c) Variances.

The Board shall hear requests for variances where it is alleged that the provisions of this Code inflict unnecessary hardship on the applicant. In granting a variance the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Planning Code and Zoning Code.

(d) Special Exceptions.

The Board shall hear and decide requests for special exceptions authorized by this Code in accordance with the standards and criteria set forth in Chapter 1290 and Section 1254.06. The Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Planning Code and Zoning Code.

(e) Challenge to the Validity of Ordinance or Map.

The Board shall conduct hearings and make decisions and findings in connection with challenges to the validity of any provision of this Zoning Code as authorized by Section 909.1 of the Planning Code.

## HEARINGS.

The Board shall conduct hearings and make decisions in accordance with the following requirements:

- (a) Upon the filing with the Board of an appeal, an application for a special exception, a variance from the terms of this Ordinance or a challenge, the Board shall fix a time and place for a public hearing thereon, subject to the provisions of the Planning Code, and shall give notice thereof in accordance with Section 1254.04.
- (b) The Board may establish reasonable fees, based on cost, to be paid by the applicant and by persons requesting any notice not required by the Zoning Code.
- (c) The hearing shall be held within 60 days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
- (d) The parties to the hearing shall be the Township and any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board.
- (e) The Chairman or acting Chairman of the Board, or the hearing officer presiding, shall have power to administer oaths and issue subpoenas, and to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- (f) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and to cross-examine adverse witnesses on all relevant issues. At the hearings, any party may appear in person, or by agent, or by attorney.
- (g) The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate; shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings with any party or his representatives unless all parties are given an opportunity to be present.

1254.05 NOTICE OF HEARINGS.

In any case where the Board shall hold a public hearing, the Board shall, at the minimum, give notice of such hearing as follows, which notice shall state the time and the place of the hearing and the particular nature of the matter to be considered at the hearing:

- (a) By publishing a notice thereof once each week for two successive weeks in a newspaper of general circulation in the Township, provided that the first publication shall be not more than 30 or less than seven days from the date of the hearing.
- (b) By mailing or delivering due notice thereof to the applicant and other parties in interest, who shall be at least those persons whose properties adjoin the property in question, or be within a 200 foot radius of the property in question.
- (c) By mailing or delivering notice thereof to the Township Commissioners, the Township Secretary, and the CEO or BCO.
- (d) By conspicuously posting notice of said hearing on the affected tract of land at least one week prior to the hearing.

1254.06 NOTICE OF DECISIONS.

- (a) The following requirements shall be observed in the reporting of decisions of the Board:
  - (1) The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board or hearing officer, subject to the requirements of the Planning Code. Where the Board has power to render a decision and the Board or the hearing officer, as the case may be, fails to render the same within the period required by the Planning Code or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing to an extension of time.
  - (2) A copy of the final decision, where such decision is called for, shall be delivered to the applicant personally or mailed to him not later than the day following its decision date. To all other persons who have filed their names and addresses

with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, a brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

- (b) The decision of the Board shall include the following elements:
  - (1) Findings of fact, including a brief summary of relevant testimony and information entered during the proceedings of the Board.
  - (2) Citation by quotation or by reference to the specific sections of the local ordinances and/or this Ordinance, which are relevant to the case in question.
  - (3) Conclusions of the Board, enumerating the reasons why such conclusions are deemed appropriate in light of the facts found.
  - (4) Ruling of the Board, indicating in writing any stipulations or conditions attached to the ruling.

1254.07

#### STANDARDS FOR ZONING HEARING BOARD ACTION.

In any instance where the Zoning Hearing Board is required to consider a variance or special exception, the Board shall, among other things, consider the following standards:

- (a) Planning Code Criteria for Variances.
  - (1) The Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship on the applicant.
  - (2) A variance from the terms of this Ordinance shall not be granted by the Board unless and until a written application for a variance is submitted by the applicant who shall have the burden of establishing:
    - A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the

provisions of this Ordinance in the neighborhood or district in which the property is located.

- B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of the variance is therefore necessary to enable the reasonable use of the property.
- C. That such unnecessary hardship has not been created by the applicant.
- D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

(3) In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Planning Code and Zoning Code.

(b) Standards for Review of Special Exceptions.

(1) In any instance where the Board is required to consider a request for a special exception, the Board shall consider the following factors where appropriate:

- A. That the proposed use is appropriate for the site in question in terms of size, topography, natural features, drainage, sewage disposal, water supply, accessibility, and availability of public services, and that adequate provisions will be made to protect sensitive environmental features such as streams, lakes, wetlands, slopes, and mature trees.
- B. That the proposed use is compatible with the character of the surrounding neighborhood and will

not interfere with or detract from legitimate uses and adjacent properties, and that adequate measures will be provided through building design, site layout, landscaping, planting, and operational controls to minimize any adverse impacts caused by noise, lights, glare, odors, smoke, fumes, traffic, parking, loading, and signage.

- C. That the proposed special exception will serve the best interest of the Township, and convenience of the community, and the public health, safety, and welfare.
  - D. That the proposed use is consistent with the most recently adopted Aston Township Comprehensive Plan.
  - E. That the proposed use promotes orderly development, proper population density, and the provision of adequate community facilities and services, including police and fire protection.
  - F. That the proposed use is suitable in terms of its effect on highway safety and traffic circulation, and that access, on-site circulation, and parking are adequate in view of anticipated traffic.
  - G. That the proposed use will provide for adequate off street parking, as required in Chapter 1284.
- (2) In cases where uses permitted by special exception are not accompanied by standards for such uses, the regulations in Section 1290.03 shall apply.
  - (3) Financial hardship shall not be construed as a basis for granting special exceptions.
  - (4) In granting any special exception, the Board may attach reasonable conditions and safeguards in addition to those expressed in this Ordinance as it may deem necessary to implement the purposes of this Ordinance, which conditions and safeguards may relate to, but not be limited to, screening, lighting, noise, safety, aesthetics, and the minimization of noxious, offensive or hazardous elements. Such special exception shall be clearly authorized by a provision in this Ordinance and shall comply with the more

specific standards relating to such special exception contained in sections of this Ordinance relating to uses by special exception.

1254.08 STANDARDS OF PROOF.

(a) For Variances.

An applicant for a variance shall have the burden of establishing both:

- (1) That a literal enforcement of the provisions of this Zoning Code will result in unnecessary hardship, as that term is defined by law, including court decisions; and
- (2) That the allowance of the variance will not be contrary to the public interest.

(b) For Special Exceptions.

An applicant for a special exception shall have the burden of establishing both:

- (1) That his application falls within the provisions of the Zoning Code which affords to the applicant the right to seek a special exception; and
- (2) That the allowance of a special exception will not be contrary to the public interest.

(c) Evaluation of the Impact of an Application on the Public Interest.

In determining whether the allowance of a special exception or variance is contrary to the public interest, the Board shall consider whether the application, if granted, will:

- (1) Adversely affect the public health, safety, and welfare due to changes in traffic conditions, drainage, air quality, noise levels, neighborhood property values, natural features, and neighborhood aesthetic characteristics;
- (2) Be in accordance with the most recently adopted Aston Township Comprehensive Plan;
- (3) Provide required parking in accordance with Chapter 1284;

- (4) Adversely affect the logical, efficient, and economical extension or provision of public services and facilities such as public water, sewers, refuse collection, police, fire protection, and public schools; and
- (5) Otherwise adversely affect the public health, safety, or welfare.

1254.09 EXPIRATION OF SPECIAL EXCEPTIONS AND VARIANCES.

Unless otherwise specified by the Board, a special exception or variance shall expire if the applicant fails to obtain a building permit within six (6) months from the date of authorization thereof.

1254.10 APPEALS.

See Article X-A of the Pennsylvania Municipalities Planning Code.

# CHAPTER 1256

## Districts Generally and Zoning Map

### 1256.01 ESTABLISHMENT OF DISTRICTS.

For the purposes of this Ordinance, Aston Township is hereby divided into the following zoning districts:

- R-1 Low Density Residential District
- R-2 Medium Density Residential District
- R-3 High-Medium Density Residential District
- TH Townhouse District
- APT Apartment District
- MH Mobile Home District
- PRD Planned Residential Development District (Overlay)
- PBC Planned Business Campus District
- SC Shopping Center Business District
- C Commercial District
- FSB Freestanding Business district
- LI Limited Industrial District
- ID Institutional District

### 1256.02 ZONING MAP, DISTRICT BOUNDARY LINES, AND TOLERANCES.

- (a) The zoning district locations and boundaries are those that exist on the legally adopted Official Zoning Map, a copy of which is attached hereto, and made a part of this Zoning Code. The original Zoning Map shall be kept on file in the office of the Township Secretary. Whenever changes are made in the boundaries or other matter included on said Zoning Map, such changes on the Map shall be made within five (5) days after the amendment has been approved by the Township Board of Commissioners.
- (b) The boundaries between districts shall follow natural or man-made boundaries and lines. Unless otherwise indicated, boundaries shall be the centerline or extension of the centerline of a street, alley, or highway; railroad rights-of-way; streams or other natural or man-made features which can form logical boundaries to districts.
- (c) Where a district boundary line divides a lot held in single and separate ownership at the effective date of this Zoning Code, the regulations of the less restricted district shall extend over the portion of the lot in the more restricted district a distance of not more than 50 feet from the district boundary.

- (d) Boundaries indicated as appearing to follow platted lot lines shall be construed as following such lot lines. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map. In any other circumstances not covered above or in the event of any uncertainty as to the boundary of any district, the Zoning Hearing Board shall interpret the district boundaries.

# CHAPTER 1258

## R-1 Low Density Residential District

### 1258.01 DISTRICT PURPOSE.

The purpose of this district is to provide for additional low density, suburban type, single-family residential development; preserve and protect existing low density residential development; preserve open spaces; and provide for and regulate home occupations and certain nonresidential uses permitted by means of special exception or conditional use.

### 1258.02 USES PERMITTED BY RIGHT.

Land, buildings, or premises shall be used by right only for one or more of the following uses:

- (a) Single-family detached dwelling.
- (b) Agriculture, including the sale of agricultural products grown on the land on which they are sold, subject to Section 1292.13.
- (c) Public park or passive recreation area, as defined in Chapter 1250.

### 1258.03 USES PERMITTED BY SPECIAL EXCEPTION.

The following uses shall be permitted by special exception, subject to the provisions of Chapters 1254 and 1290 and the specific Sections listed below:

- (a) Adult day care center, subject to Section 1290.09.
- (b) Charitable or non-profit organization.
- (c) Private club, subject to Section 1290.10.
- (d) Municipal or public use.
- (e) Active recreation area, as defined in Chapter 1250.
- (f) Professional home office, subject to Section 1290.04.

- (g) Accessory dwelling unit, as defined in Chapter 1250, provided it is part of or an addition to principal dwelling, subject to Section 1290.14.

1258.04      **CONDITIONAL USES.**

The following conditional uses shall be permitted, subject to Chapter 1290 and specific Sections listed below:

- (a) Educational and religious uses, subject to Section 1290.12.
- (b) Health clinic, subject to Section 1290.11.
- (c) Continuing care facility, subject to Section 1290.06.
- (d) Cemetery, subject to Section 1290.03.

1258.05      **ACCESSORY USES AND STRUCTURES.**

- (a) Off-street parking or private garage, subject to Chapter 1284.
- (b) Utility, tool shed, or temporary storage structure, subject to Chapter 1292.04 and Ordinance 836.
- (c) No impact home-based business, subject to Section 1292.25.
- (d) Family child day care home, subject to Section 1292.26.
- (e) Sign, subject to Chapter 1282.
- (f) Private swimming pool, subject to Section 1292.15.
- (g) Satellite antenna, subject to Section 1292.14.
- (h) Small collection facility for recycling provided it is located on public land and subject to Section 1290.08.
- (i) Any accessory use on the same lot with and customarily incidental any of the uses permitted above and not detrimental to the neighborhood.

## AREA AND BULK REGULATIONS.

Unless specifically stated otherwise, the following shall be minimum requirements:

Single-Family Detached Dwelling

- |     |                             |   |   |
|-----|-----------------------------|---|---|
| (a) | Lot size                    | - | 20,000 square feet                              |
| (b) | Lot width                   | - | 100 feet  |
| (c) | Street frontage             | - | 50 feet   |
| (d) | Building coverage           | - | 15 percent of lot, maximum                      |
| (e) | Front yard                  |   |   |
|     | (1) Interior lot            | - | 35 feet   |
|     | (2) Corner lot              | - | 35 feet at each street lot abuts                |
| (f) | Side yards                  | - | 45 feet, aggregate total with a 20-foot minimum |
| (g) | Rear yard                   | - | 40 feet   |
| (h) | Height                      | - | 35 feet or 2 stories, maximum                   |
| (i) | Accessory structures        |   |   |
|     | (1) Coverage                | - | 5 percent of lot area, maximum                  |
|     | (2) Distance from lot lines | - | 5 feet  |
|     | (3) Size                    | - | Structure not to exceed 20 ft x 20 ft           |

# CHAPTER 1260

## R-2 Medium Density Residential District

### 1260.01 DISTRICT PURPOSE.

The purpose of this district is to preserve and maintain existing medium density single-family development; provide controls for additional development consistent with the existing housing type and density; provide for adequate park areas and open spaces to ensure a desirable living environment; and provide for and regulate home occupations and certain non-residential uses permitted by means of special exception or conditional use.

### 1260.02 USES PERMITTED BY RIGHT.

Land, buildings, or premises shall be used by right only for one or more of the following uses:

- (a) Single-family detached dwelling.
- (b) Public park or passive recreation area, as defined in Chapter 1250.
- (c) Family-based community residence facility, subject to Chapter 1292.21.

### 1260.03 USES PERMITTED BY SPECIAL EXCEPTION.

The following uses shall be permitted by special exception:

All uses permitted by special exception in the R-1 District.

### 1260.04 CONDITIONAL USES.

The following conditional uses shall be permitted:

Educational and religious uses, subject to Section 1290.12.

### 1260.05 ACCESSORY USES.

All accessory uses permitted in the R-1 District.

## AREA AND BULK REGULATIONS.

Unless specifically stated otherwise, the following shall be minimum requirements:

Single-Family Detached Dwelling

- (a) Lot size - 10,000 square feet
- (b) Lot width - 70 feet
- (c) Street frontage - 35 feet
- (d) Building coverage - 25 percent of lot, maximum
- (e) Front yard
  - (1) Interior lot - 30 feet
  - (2) Corner lot - 30 feet at each street lot abuts
- (f) Side yards - 30 feet, aggregate total, with a 10 foot minimum
- (g) Rear yard - 35 feet
- (h) Height - 35 feet or 2 stories, maximum
- (i) Accessory structures
  - (1) Coverage - 8 percent of lot area, maximum
  - (2) Distance from lot lines - 5 feet
  - (3) Size - Structure not to exceed 20 ft x 20 ft

# CHAPTER 1262

## R-3 High-Medium Density Residential District

### 1262.01 DISTRICT PURPOSE.

The purpose of this district is to preserve and maintain existing high-medium density single-family development; furnish controls for additional development consistent with the existing housing type and density; provide for adequate open space; and permit home occupations and certain non-residential uses by means of special exception or conditional use.

### 1262.02 USES PERMITTED BY RIGHT.

Land, buildings, or premises shall be used by right only for one or more of the following uses:

All uses permitted by right in R-2.

### 1262.03 USES PERMITTED BY SPECIAL EXCEPTION.

The following uses shall be permitted by special exception, subject to the provisions of Chapters 1254 and 1290 and the specific Sections listed below.

- (a) Municipal or public use.
- (b) Professional home office, subject to Section 1290.04.
- (c) Active recreation area, as defined in Chapter 1250.
- (d) Adult day care, subject to Section 1290.09

### 1262.04 CONDITIONAL USES.

The following conditional uses shall be permitted:

Religious uses, subject to Section 1290.12.

### 1262.05 ACCESSORY USES.

All accessory uses permitted in the R-1 District.

Unless specifically stated otherwise, the following shall be minimum requirements:

Single-Family Detached Dwelling

- |     |                             |   |  |
|-----|-----------------------------|---|--|
| (a) | Lot size                    | - | 5,000 square feet                                      |
| (b) | Lot Width                   | - | 50 feet  |
| (c) | Street frontage             | - | 25 feet  |
| (d) | Building coverage           | - | 30 percent of lot, maximum                             |
| (e) | Front yard                  |   |  |
|     | (1) Interior Lot            | - | 20 feet  |
|     | (2) Corner Lot              | - | 20 feet from front street and 15 feet from side street |
| (f) | Side yards                  | - | 20 feet aggregate total with an 8-foot minimum         |
| (g) | Rear yard                   | - | 25 feet  |
| (h) | Height                      | - | 35 feet or 2 stories, maximum                          |
| (i) | Accessory structures        |   |  |
|     | (1) Coverage                | - | 12 percent of lot area, maximum                        |
|     | (2) Distance from lot lines | - | 5 feet   |
|     | (3) Size                    | - | Structure not to exceed 12 ft x 18 ft                  |

# CHAPTER 1264

## TH Townhouse District

### 1264.01 DISTRICT PURPOSE.

The purpose of this district is to provide for townhouse development at a medium density on sites with a minimum required tract area in selected locations of the Township, subject to compliance with the development requirements noted in this Chapter.

### 1264.02 USES PERMITTED BY RIGHT.

Land, buildings, or premises shall be used by right for the following use only:

- (a) Townhouses.
- (b) Public park or passive recreation area, as defined in Chapter 1250.

### 1264.03 USES PERMITTED BY SPECIAL EXCEPTION.

The following uses shall be permitted by special exception, subject to the provisions of Chapters 1254 and 1290 and the specific regulations listed below:

- (a) Active recreation area, as defined in Chapter 1250.

### 1264.04 ACCESSORY USES.

Accessory uses shall be as follows:

- (a) Off-street parking, subject to Chapter 1284.
- (b) No impact home-based business, subject to 1292.25.
- (c) Sign, subject to Chapter 1282.
- (d) Any accessory use customarily incidental to the above permitted uses and not detrimental to the neighborhood.

1264.05 AREA AND BULK REGULATIONS.

Unless specifically stated otherwise, the following shall be minimum requirements:

- (a) Tract area - 5 acres (Areas in the 100-year floodplain or on slopes of 15 percent or more shall be excluded from calculation of tract area.)
- (b) Density - 6 units per gross acre maximum
- (c) Setbacks
  - (1) From exterior road and tract boundaries - 75 feet
  - (2) From internal road - 25 feet
  - (3) From parking areas - 20 feet
- (d) Distance between principal buildings - 60 feet
- (e) Unit width - 20 feet minimum
- (f) Tract road frontage - 300 feet (Development shall be on collector or arterial road.)
- (g) Impervious surface - 65 percent, maximum
- (h) Height - 35 feet or 2 stories, maximum

1264.06 SPECIAL DEVELOPMENT REGULATIONS.

(a) Units in Row.

The number of units attached in a row shall be not less than four (4) or more than six (6).

(b) Buffer Area and Planted Visual Screen.

- (1) When a tract on which a townhouse development is proposed abuts single-family detached dwellings, the developer of the tract shall provide a 40 foot wide buffer area between the single-family detached lots and the townhouse development.
- (2) Such buffer area shall extend from the tract boundary line towards the interior of the tract and shall consist of ground

cover and other plantings. No structures, parking, or impervious surface shall be permitted in the buffer area.

- (3) When a tract intended for townhouse development abuts single-family dwellings, the developer shall provide a planted visual screen at the tract boundary.

(c) Open Space.

Not less than 35 percent of the tract area shall consist of usable open space suitable for recreational activities of the residents and their guests.

(d) Variations in Setback and Design.

In each townhouse development, units shall have a single architectural theme, and no more than two (2) consecutive units shall have the same front setback line. Variations in setback shall be not less than four (4) feet. Each dwelling unit shall be distinguished from the adjacent unit in some appropriate manner such as varying unit width, use of different exterior materials, or varying arrangement of entrances or windows. In order to avoid linear design and facilitate privacy, buildings shall not be placed parallel to one another.

(e) Architectural Plans.

Architectural plans shall be included as part of the final plan submittal for townhouse developments.

(f) Landscaping.

Any part of the site proposed for townhouse development which is not covered by buildings, parking, or other paved areas shall be landscaped with trees, shrubs, or ground cover in accordance with a landscaping plan which shall be reviewed by the Planning Commission and the Township Engineer. Trees and/or shrubs shall be planted in high visibility areas such as along the entrance drive and exterior road, in front of the dwelling units, and between parking areas. Landscaping shall be in accordance with Section 1292.19.

(g) Parking.

All parking shall be off-street in areas specifically designed for parking and shall comply with Chapter 1284.

(h) Refuse.

All refuse shall be placed in rigid, vermin proof containers which shall be screened by means of a planted visual screen or a privacy fence. Also see Section 1292.10.

(i) Lighting.

Lighting facilities shall be provided and arranged in a manner that will protect the internal roadway and the townhouses from excessive glare. All internal roads, driveways, parking, and pedestrian areas must be properly lighted to assure safe conditions and security for the residents.

(j) Signs.

Signs shall be provided in accordance with Chapter 1282.

(k) Open Space Ownership and Maintenance.

The developer shall restrict the open space areas so that their use will be limited to the use which is proposed and ensure that it will be appropriately maintained in perpetuity. The developer shall also identify who will own the open space.

(1) The Township Solicitor shall review the open space ownership and legal method used to ensure compliance with the provisions of this Ordinance and shall determine whether it is effective.

(2) If a homeowners association is formed, it shall be governed according to the following regulations:

A. The landowner or developer shall provide the Township Commissioners with the legal framework for the association, indicating its by-laws and methods for maintaining open space, which shall be acceptable to the Township Solicitor.

B. The association is to be organized by the landowner or developer and operating before the sale of any lots within the development.

C. Membership in the association is mandatory for all purchasers of dwelling units therein and their successors.

- D. The members of the association shall share equitably the costs of maintaining the open spaces. If a member fails to pay his pro rata share, then a lien against an individual property may be made in accordance with the provisions for same in the by-laws of the organization.
- E. The association shall be responsible for maintenance of insurance and taxes on open space.
- F. The association shall have or hire adequate staff to administer common facilities and maintain the open space to the satisfaction of the Township Commissioners.
- G. The association shall have the authority and ability to promptly correct hazardous conditions in the open space areas.

# CHAPTER 1266

## APT APARTMENT DISTRICT

### 1266.01 DISTRICT PURPOSE.

The purpose of this district is to provide for multi-family and two family developments at high and high-medium densities. In the case of apartment development, regulations are designed to require large site and moderate lot coverage development accommodate substantial population without placing an excessive burden on municipal service and provide effective buffer and screening requirements to protect abutting single-family developments from impacts of multi-family developments at higher densities.

### 1266.02 USES PERMITTED BY RIGHT.

A building or group of buildings may be erected, altered, or used, and a lot or premises may be used by right, for one or more of the following uses:

- (a) Garden apartment.
- (b) Two-family detached dwelling (detached duplex).
- (c) Two-family semi-detached dwelling (semidetached duplex).

### 1266.03 ACCESSORY USES.

Accessory uses shall be as follows:

- (a) Parking, subject to Chapter 1284.
- (b) Storage area provided that all storage is in enclosed structures.
- (c) Living accommodations for a watchman or caretaker employed upon the premises, provided that any such accommodations shall be located within an apartment house.
- (d) Rental/management office, to provide service exclusively for the on-site development.
- (e) Laundry, for exclusive use of residents on the site.
- (f) Swimming pool, subject to Section 1292.16.

- (g) Recreation building for the exclusive use of residents and their guests.
- (h) Refuse collection receptacles, provided they are screened from the adjoining property and public view by a visual screen.
- (i) Tennis court.
- (j) Sign, subject to Chapter 1282.
- (k) No-impact home-based business, subject to Section 1292.25.
- (l) Any accessory use on the same lot with and customarily incidental to any of the above permitted uses and not detrimental to the neighborhood.

1266.04 AREA AND BULK REGULATIONS.

Unless specifically stated otherwise the following shall be minimum requirements.

(a) Dimensions for Garden Apartments.

- (1) Tract size - 3 acres
- (2) Tract frontage - 150 feet
- (3) Gross density - 12 units per acre, maximum
- (4) Building coverage - 25 percent of total tract, maximum
- (5) Impervious surface - 60 percent of total tract, maximum
- (6) Setbacks - 50 feet from property lines and main roads
- (7) Distance between buildings - 35 feet
- (8) Height - 35 feet or two stories
- (9) Open space - 30 percent

(b) Special Regulations for Garden Apartments.

- (1) Buffer areas.

There shall be a ten (10) foot-wide buffer along the tract boundary, but the width of this buffer shall be increased to 20 feet where proposed townhouses would abut an existing single-family detached district or use. This buffer shall not include any impervious surfaces.

(2) Screening.

Where the property abuts a single-family district, there shall be a planted visual screen within the required buffer area.

(3) Landscaping.

Any part of the site proposed for apartment development which is not covered by buildings, parking, or other paved areas shall be landscaped with trees, shrubs or ground cover, in accordance with a landscaping plan which shall be reviewed by the Planning Commission and the Township Engineer. Trees and/or shrubs shall be planted in high visibility areas such as along the entrance drive and exterior road, in front of the dwelling units, and between parking areas.

(4) Private streets and driveways.

Streets and driveways shall be in accordance with the latest adopted Township Subdivision Regulations.

(5) Lighting.

All internal streets shall be properly lighted to assure safe driving conditions at night and security for the residents. Such lighting is to be designed so as not to create a nuisance for residents of adjacent properties.

(c) Dimensions for Two-Family Detached Dwellings.

- (1) Tract area - 3 acres
- (2) Lot area - 6,000 square feet for corner lots;  
5000 square feet for all other lots
- (3) Lot width - 50 feet at building line
- (4) Front yard - 25 feet
- (5) Side yard - 12 feet each
- (6) Rear yard - 25 feet
- (7) Height - 35 feet or 2 stories, maximum

(d) Dimensions for Two-Family Semi-Detached Dwellings:

- (1) Tract area - 3 acres
- (2) Lot area - 5,000 square feet for corner lots;  
4,000 square feet for all other lots
- (3) Lot width - 40 feet at building line
- (4) Front yard - 30 feet
- (5) Side yard - 12 feet each
- (6) Rear yard - 25 feet
- (7) Height - 35 feet or 2 stories, maximum

# CHAPTER 1268

## MH Mobile Home District

### 1268.01 DISTRICT PURPOSE.

The purpose of this district is to provide regulations for mobile homes on individual lots and mobile home parks at a medium density. In the case of mobile home parks, regulations are designed to assure good site development and a more efficient use of land, and to offer further opportunity for affordable housing.

### 1268.02 USES PERMITTED BY RIGHT.

Land, buildings, or premises shall be used by right only for the following uses:

- (a) Mobile homes on individual lots.
- (b) Mobile home parks.

### 1268.03 ACCESSORY USES.

Accessory uses shall be as follows:

- (a) Off-street parking, subject to Chapter 1284.
- (b) No-impact home-based business, subject to Section 1292.25.
- (c) Sign, subject to Chapter 1282.
- (d) Swimming pool, subject to Section 1292.16.
- (e) Recreation/community center building for the exclusive use of residents and their guests.
- (f) Refuse collection receptacles, provided they are screened from adjoining properties and from public view by a visual screen.
- (g) Any accessory uses or structures customarily incidental to the maintenance, servicing and safety of mobile home park residents, which shall be permitted only as part of an approved development plan for the site.

1268.04 AREA AND BULK REGULATIONS.

Unless specifically stated otherwise the following shall requirements:

(a) Mobile Homes on Individual Lots.

- (1) Lot size - 5,000 square feet
- (2) Lot width - 40 feet
- (3) Street Frontage - 25 feet
- (4) Front yard - 20 feet
- (5) Side yards - 25 feet aggregate and 10 feet minimum
- (6) Rear yard - 20 feet
- (7) Building coverage - 25 percent maximum
- (8) Building height - 15 feet or 1 story, maximum
- (9) Accessory structures
  - A. Coverage - 8 percent of lot, maximum
  - B. Setback from lot lines - 5 feet

(b) Mobile Home Parks.

- (1) Tract Size - 10 acres
- (2) Gross Density - 6 units per acre
- (3) Lot Size - 3,500 square feet
- (4) Lot width - 35 feet
- (5) Street frontage - 25 feet
- (6) Front yard - 20 feet
- (7) Side yard - 8 feet each
- (8) Rear yard - 10 feet
- (9) Building setback from exterior right of way - 50 feet
- (10) Building Height - 15 feet or 1 story, maximum
- (11) Building coverage - 30 percent maximum coverage
- (12) Accessory structures
  - A. Coverage - 8 percent maximum
  - B. Setback from lot lines - 3 feet

1268.05 SPECIAL DEVELOPMENT REGULATIONS FOR MOBILE HOME PARKS.

The development of mobile home parks shall comply with the provisions below:

- (a) The tract of land to be developed must be under single ownership.
- (b) Not less than 20 percent of the tract shall consist of common open space. Not less than 75 percent of this area shall be outside the flood plain or steep slopes.
- (c) There shall be a buffer area of not less than 25 feet along the perimeter of the tract.
- (d) Where applicable, there shall be a planted visual screen six (6) feet high within the buffer area. See Section 1292.20.
- (e) Fuel storage containers shall be securely placed and shall not be less than five (5) feet from any exterior window of a mobile home.
- (f) All utilities shall be installed underground unless such placement is deemed not feasible by the Board of Commissioners.
- (g) All mobile homes in a mobile home park must be served by both municipal water and public sewer.
- (h) Fire hydrants shall be installed by the developer to meet the requirements of the Middle Atlantic Fire Underwriters Association and the Township Fire Marshal.

1268.06

**OWNERSHIP AND MANAGEMENT REQUIREMENTS FOR MOBILE HOME PARKS.**

Permits Required.

- (a) It shall be unlawful for any person to construct, alter, extend, or operate a mobile home park within Aston Township unless and until he obtains:
  - (1) A mobile home park permit issued by the Aston Township Code Enforcement Officer in the name of the operator, which permit shall not be issued until a copy of the Department of Environmental Protection permit for all permits for water supply and sewage systems shall have been obtained, and all other requirements contained herein have been complied with and final approval of the application has been granted by the Township Commissioners.

- (2) A building permit issued by the Township Building Inspector after having paid a fee for each unit to be placed within the mobile home park.

(b) Annual Licenses.

In addition to the initial permits, the operator of a mobile home park shall apply to the Aston Township Code Enforcement Officer (CEO) on or before the first day of December of each year for an annual license to continue operation of the mobile home park during the following calendar year. The CEO shall issue the annual license upon satisfactory proof that the park continues to meet the standards prescribed by State, County, and Township agencies having jurisdiction over the standards of this Ordinance. The license so issued shall be valid for the calendar year applied for, or the part thereof remaining at the time of issuance.

(c) Fees.

- (1) Fees for the initial application and preliminary and final approvals shall be prescribed by resolution of the Township Commissioners.
- (2) The fee for the annual license shall be prescribed by resolution of the Township Commissioners and shall be submitted to the CEO with the application for the annual license.
- (3) Fees for the inspection of a mobile home park during and following construction shall be as specified by the Township Commissioners.

(d) Inspection.

- (1) The Township CEO or Building Inspector may inspect a mobile home park at reasonable intervals and at reasonable times to determine compliance with this Ordinance.
- (2) Whenever, upon inspection of any mobile home park, it is determined that conditions or practices exist which are in violation of any provision of this Ordinance, or any regulations adopted pursuant thereto, the Aston Township Secretary shall give notice in writing to the person to whom the certificate was issued, advising him that unless such conditions or practices are corrected within a reasonable period of time specified in the notice, the license to operate

in Aston Township shall be suspended at the end of such period. Such mobile home park shall be reinspected, and if such conditions or practices shall not have been corrected, the Township Secretary shall suspend the license and give notice in writing of such suspension to the person to whom the certificate is issued.

(e) Maintenance Requirements.

- (1) The operator/licensee of a mobile home park shall be responsible for the proper repair and maintenance of all common facilities, including, but not limited to, roads, parking areas, sidewalks or pathways, common open space, water supply and sewage disposal systems, and community buildings.
- (2) The operator/licensee of a mobile home park shall, prior to issuance of any certificate of occupancy pursuant to final approval of an application for a new development or expansion, post with the Township a maintenance bond in a form acceptable to the Township Solicitor in an amount sufficient to cover for a period of two years the costs of maintenance of all common areas and facilities. Said costs shall be estimated by the Township Engineer or other person designated by the Commissioners.

# CHAPTER 1270

## PRD Planned Residential Development District

### 1270.01 DISTRICT PURPOSES.

The Planned Residential Development (PRD) District is designed for the following purposes:

- (a) To encourage innovations in residential development so that the growing demand for housing may be met by greater variety in type, design, and layout of dwellings and by the conservation and more efficient use of open space ancillary to said dwellings.
- (b) To encourage more efficient allocation and maintenance of open space for conservation and active and passive recreation.
- (c) To provide greater opportunities for better housing and recreation for all who are or will be residents of the Township.
- (d) To encourage a more efficient use of land and public services and to reflect changes in the technology of land development so that the economies so secured may inure to the benefit of those who require housing.
- (e) To encourage sensitive land development which will respect and conserve such natural features and resources of the land as flood hazard and flood prone areas, important farmlands, steep and very steep slopes, watercourses and water bodies, groundwater and aquifer recharge areas, forested areas, terrestrial and aquatic wildlife habitats, historic and cultural sites, visual resources, and other features of importance to the vitality of natural and cultural resources.
- (f) To provide a procedure which can relate the type, design, and layout of residential development to the particular site and to the particular demand for housing existing at the time of development in a manner consistent with the preservation of the property values within existing residential areas, and to assure that the increased flexibility of regulations over land development established hereby is carried out pursuant to sound, expeditious, and fair administrative standards and procedures.

1270.02 ADMINISTRATION.

The administration of the procedures concerning the application for and approval of planned residential developments shall be vested solely in the Aston Township Board of Commissioners. All applications for tentative and final approval of plans for such developments shall be first referred to the Delaware County Planning Commission and the Aston Township Planning Commission for their review and comment.

1270.03 CONDITIONS OF ELIGIBILITY.

No application for a PRD shall be considered or approved unless the following conditions are met:

- (a) The tract proposed for a PRD shall contain not less than 25 contiguous acres of land.
- (b) The tract shall be located in the R-1 Residential District.
- (c) The development will be served by public sewer and municipal public water systems which shall be constructed and operational and have the assured capacity to serve the development at the time of occupancy of the structures in the development. The feasibility of such construction and operation shall be demonstrated to the satisfaction of the Board of Commissioners at the time of application for tentative plan approval.
- (d) All ownership interests shall be disclosed on the tentative and final plans.
- (e) If the owner or owners intend to develop said land over a delayed time schedule, said schedule and plan must be approved by the Board of Commissioners.
- (f) The tract must have frontage on a collector or arterial road.
- (g) Those portions of the tract in the 100-year floodplain, covered by wetlands, or located on very steep slopes, as described in Chapter 1288, shall be clearly marked on the tentative and final plans.

1270.04 USES PERMITTED BY RIGHT.

Land, buildings, or premises shall be used by right only for one or more of the following uses:

- (a) Single-family detached dwelling.

- (b) Single-family semi-detached dwelling (twin).
- (c) Single-family attached dwelling (townhouse).
- (d) Two-family dwelling (duplex).
- (e) Mobile home.

1270.05 USES PERMITTED BY SPECIAL EXCEPTION.

- (a) The following uses shall be permitted by special exception, subject to Chapters 1254 and 1290 and the regulations listed below:
  - (1) Retail Store.
  - (2) Personal Service Shop.
- (b) The above commercial uses shall:
  - (1) Be permitted only when a minimum of 150 units are proposed or existing in the PRD.
  - (2) Occupy not more than five (5) percent of the area of the PRD.
  - (3) Intended, designed, and operated principally for the use of the residents of the PRD.

1270.06 ACCESSORY USES.

Accessory uses shall be as follows:

- (a) Parking, subject to Chapter 1284.
- (b) Signs, subject to Chapter 1282.
- (c) Uses customarily incidental to those permitted in Sections 1270.04 and 1270.05 and not detrimental to the development.

1270.07 MINIMUM PERCENTAGE OF DWELLING TYPES IN PRD.

In order to assure a variety of dwelling types in the PRD, a minimum percentage of each dwelling type constructed shall be included in the development:

<u>Unit Type</u>	<u>Minimum Percentage of Total Units in PRD</u>
Single-family detached	10
Single-family semi-detached (twin)	15
Single-family attached (townhouse)	20
Two-family dwelling	15
Garden apartment	20
Mobile home	10

1270.08 REQUIRED MIX OF RESIDENTIAL USES.

- (a) Each PRD shall consist of not less than three (3) of the dwelling types listed in Sections 1270.04 and 1270.07. In all cases, single-family detached dwellings shall constitute one of the three required dwelling types.
- (b) The housing mix selected shall reflect the housing needs and marketplace realities of the community.

1270.09 DENSITY, OPEN SPACE, AND DWELLING UNIT COMPOSITION.

- (a) The average gross residential density, as defined in Chapter 1250, computed over the entire tract, shall not exceed five (5) units per acre.
- (b) Not less than 40 percent of the total area of the property shall be designated as and devoted to common open space.

1270.10 DIMENSIONS FOR DEVELOPMENT.

The following dimensional requirements shall apply. All requirements are minimum unless specifically noted otherwise:

(a) Single-Family Detached Dwellings.

- (1) Lot size - 10,000 square feet
- (2) Lot width at building line - 80 feet
- (3) Front yard (from all streets) - 30 feet
- (4) Side yards - 25 feet aggregate, 10 feet minimum
- (5) Rear yard - 40 feet

(b) Single-Family Semi-Detached Dwellings.

- (1) Lot size - 4,000 square feet
- (2) Lot width at building line - 35 feet
- (3) Front yard - 30 feet
- (4) Side yards - 15 feet aggregate, 10 feet minimum
- (5) Rear yard - 30 feet

(c) Single-Family Attached Dwellings.

- (1) Lot size - 2,000 square feet
- (2) Lot width at building line - 20 feet
- (3) Front yard - 30 feet
- (4) Rear yard - 30 feet
- (5) Distance between buildings - 60 feet
- (6) Units in a row - Between 4 and 6

(d) Two-Family Dwellings.

As required for two-family dwellings in Chapter 1266, APT Apartment District.

(e) Mobile Homes.

As required for mobile homes in Section 1268.04.

(f) Apartments.

As required for garden apartments in Section 1266.04.

1270.11 DESIGN STANDARDS.

The following regulations and standards shall apply to planned residential development.

(a) General Design Standards.

- (1) All housing and other areas shall be planned, designed, constructed, and made maximally usable, operable, and habitable with regard to the topography and natural features of the tract. The effects of prevailing winds and solar orientation on the physical layout and form of the proposed buildings and other structures shall be reflected in the development plan.
- (2) Variations in location of buildings and other structures shall be provided where necessary to create architectural interest and/or preserve areas of environmental concern and to further amenities of light and air, recreation and visual enjoyment. All dwelling units shall be based on a common architectural theme.
- (3) Every building and other structure shall be located and situated to promote pedestrian and visual access to common open space to the extent possible.
- (4) All utilities shall be placed underground unless such placement is deemed not feasible by the Board of Commissioners.
- (5) Fire hydrants shall be installed by the developer to meet the requirements of the Middle Atlantic Fire Underwriters Association and the Township Fire Marshal.
- (6) Refuse stations to serve residential and recreational areas shall be designed with suitable screening and located so as to be convenient for trash removal and not offensive to nearby residential areas.

b) Buildings.

- (1) No building shall be placed less than 75 feet from the perimeter property line of the PRD, except for signs and structures associated with ingress and egress.
- (2) No building shall be less than 50 feet from the street line of the exterior road except for signs, street trees, ingress and egress structures, and other like structure typically located in such setback area such as lighting standards, sidewalks, benches, and the like.

- (3) No building shall be less than 30 feet from access roads or parking areas.
  - (4) No principal building shall be less than 35 feet from any other principal building.
  - (5) No building shall exceed the length of 125 feet in any single direction.
  - (6) Development near the perimeter of the property shall be designed to be harmonious with neighboring areas and shall be screened from such areas with landscaping approved by the Township.
  - (7) Single-family attached dwellings shall be designed and arranged in staggered groups and not in long rows parallel to street lines. The arrangement of such units shall create a physical and visual distinction in the lines of the facades and the roofs. Such distinction can be achieved through the use of varied floor plans for adjoining units, alternating two-story and one-story structures within an attached group, the projections and angles of exterior walls and roofs, exterior fencing, and other diversified space articulating techniques.
  - (8) Individual residential driveways shall not have direct access to the exterior street.
  - (9) Buildings in a PRD shall not exceed 35 feet or two (2) stories in height.
- (c) Tree Conservation and Landscaping.
- (1) Existing trees shall be preserved wherever possible. The protection of trees 12 inches or more in caliper (measured at a height of four and one-half (4 ½) feet above the original grade) shall be a factor in determining the location of common open space, structures, underground utilities, walks, and paved areas. Areas in which trees are to be preserved shall remain at original grade level and in an undisturbed condition.
  - (2) Where extensive natural tree cover and vegetation does not exist and cannot be preserved on the PRD site, landscaping shall be regarded as an essential feature of the PRD. In these cases extensive landscaping shall be undertaken in

order to enhance the appearance of the PRD; aid in erosion control; provide protection from wind and sun; screen streets and parking areas; and enhance the privacy of the dwelling units in accordance with Section 1292.16 relating to landscaping.

- (3) Street trees shall be provided along all internal streets. Not less than two four-inch caliper trees shall be provided for each 50 foot increment of street, wherein one tree shall be placed on each side of the said street increment.
- (4) A planted buffer of not less than 20 feet in width shall be provided along all perimeter property lines except at points of vehicular ingress and egress and on pedestrian access ways.
- (5) Screening and landscaping requirements for parking areas shall comply with Section 1284.08.

(d) Stormwater Control.

- (1) The storm drainage system for a PRD shall be designed and constructed so as to minimize erosion and flooding, using as necessary drainage easements, swales, catchment basins, silt traps, and the design of cartways so as to minimize runoff.
- (2) Where existing storm sewers are deemed by the Board of Commissioners to be accessible, the Commissioners may require that the proposed development connect therewith.
- (3) All stormwater management design standards shall be in accordance with the latest adopted Aston Township Subdivision Regulations, as may be amended from time to time, and Chapter 1043 of the Streets, Utilities, and Public Services Code.
- (4) Storm sewer systems for the development shall be designed, constructed, and shall operate and be readily capable of being maintained to prevent concentration of stormwater runoff on adjacent developed or undeveloped properties and streets.
- (5) The design and construction of all storm drainage facilities and storm water systems shall be subject to the approval of the Township Engineer.

(e) Soil Erosion and Sedimentation Control.

Plans submitted for any PRD development shall conform to the guidelines for minimizing erosion and sedimentation as set forth in the Soil Erosion and Sedimentation Control Manual of the Pennsylvania Department of Environmental Resources, prepared by the State Conservation Commission and Bureau of Water Quality Management and the U.S.D.A. Soil Conservation service, as amended.

(f) Streets and Walkways.

- (1) The street system of the PRD shall be designed so as to relate harmoniously with land uses within and adjacent to the development through the establishment of a hierarchy of roadway functions, which includes internal collector and local streets, to create a separation of automobile and pedestrian traffic through the coordinated design of streets, dwelling units, common open space areas, and pedestrian walkways, to create efficient and safe connections with the existing road system of the Municipality in order to insure proper ingress and egress to and from the PRD and to minimize through traffic in residential areas.
- (2) In order to separate automobile and pedestrian circulation and to increase accessibility to common open space areas, pedestrian walkways shall be provided, unless the Board of Commissioners determines that they are not necessary.
- (3) The design and construction of streets must conform to the standards set forth in the latest adopted Aston Township Subdivision Regulations relative to paving specifications, cartway design, horizontal and vertical alignment, site distances, and the like.

(g) Lighting.

- (1) All streets, parking areas, and areas of intensive pedestrian use shall be adequately lighted. All such lighting shall be designed and located so as to direct light away from adjacent residences.
- (2) Appropriate lighting fixtures shall be provided for walkways and to identify steps, ramps, and signs.

(h) Parking.

Parking shall be in accordance with Chapter 1284 and with the latest adopted Aston Township Subdivision Regulations.

1270.12 COMMON OPEN SPACE.

In this section relating to common open space, the term ‘open space’ shall be construed to mean “common open space” as defined in Section 1250.

(a) General Regulations.

- (1) Areas agreed by the developer and the Township to be set aside for common open space shall be suitable for that purpose and consistent with the Township policy and plan for future land use.
- (2) Open space areas shall contain no major structures other than those related to the purpose of the open space.
- (3) Open space areas shall be arranged and located to serve the residents of the development adequately and conveniently, taking into consideration the characteristics of the site, and to preserve and enhance desirable natural features.
- (4) Any land designated as common open space shall be restricted to continue as such by an appropriate method approved by the Township Commissioners.

(b) Common Open Space Design Standards.

- (1) A minimum of 40 percent of the gross tract area of the tract shall be devoted to common open space.
- (2) Not less than 60 percent of the total common open space areas shall be outside the floodplain areas and areas with slopes of 25 percent or more.
- (3) Open space areas shall be not less than 70 feet wide and not less than 15,000 square feet of contiguous area, except when part of a trail system or path way network or tot lot.
- (4) Open space areas shall be undivided by any road crossings, except where necessary for proper traffic circulation, and then only upon recommendation of the Township Engineer and Planning Commission.

- (5) Such areas shall be suitably landscaped by retaining existing natural cover and wooded areas and/or by a landscaping plan which is consistent with the purposes of this section and which minimizes maintenance costs.
- (c) Performance Bond.
- (1) Designated planting and recreation facilities within the open space area shall be provided by the developer. A performance bond or other security shall be required to cover costs of installation.
  - (2) An appropriate portion of the performance bond or other security will be forfeited by the developer should he fail to install the planting or recreational facilities.
- (d) Ownership and Maintenance of Common Open Space.
- (1) An essential element of the tentative plan is a written description and plan for the disposition of ownership of common open space land designating those areas to be offered for dedication or to be owned by the specific form of organization proposed.
  - (2) The Board of Commissioners may, at any time and from time to time, accept the dedication of designated land and/or any interest therein for public use and maintenance, but the Board need not require as a condition of the approval of a PRD that land proposed to be set aside for common open space be dedicated or made available to public use.
  - (3) In the event that common open space is not dedicated or made available to public use, the landowner shall provide for and establish an organization for the ownership and maintenance of the common open space, and such organization shall not be dissolved nor shall it dispose of the common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space), except by dedication of the same to the public. Such agreements shall be subject to the approval of the Board and contain provisions respecting the right to lien property owners for maintenance charges incurred by the Township in event of default. In any case, the organization provided for the ownership of open space land not dedicated for public use shall be constituted of the

property owners within the PRD. The plan may provide that the property owners' association may lease back open space lands to the developer, his heirs or assigns, or to any other qualified person or corporation for operation and maintenance of open space lands, but such a lease agreement shall provide:

- A. That the residents of the PRD shall at all times have access to the open space lands contained therein.
  - B. That the common open space to be leased shall be maintained for the purpose set forth in this Zoning Code.
  - C. That the operation of open space facilities may be for the benefit of the residents only, or may be open to the general public in accordance with prior commitments to the Board.
- (4) The form of the lease shall be subject to the approval of the Board, and any transfer or assignment of the lease shall be further subject to the approval of the Board. Lease agreements shall be recited in the deed and shall be recorded with the Recorder of Deeds of Delaware County within thirty days of their execution, and a copy of the recorded lease shall be filed with the Secretary of the Township.
- (5) The plan to provide for the ownership and maintenance of common open space shall include:
- A. A complete description of the organization to be established for the ownership of open space, if any, and the methods by which this organization shall be established and maintained.
  - B. A method reasonably designed to give adequate notice to property owners within the PRD in the event of the sale or other disposition of common open space lands and in the event of assumption of the maintenance of common open space lands by the Township as hereinafter provided.
- (6) In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after establishment of the

PRD fail to maintain the common open space in reasonable order and conditions in accordance with the development plan, the Board may proceed as provided in the Pennsylvania Municipalities Planning Code to demand that deficiencies of maintenance be corrected or the Township will enter upon and maintain common open space. Notice to the affected property owners in accordance with the provisions of the Master Plan shall be deemed to be adequate notice by the Township. The cost of such maintenance by the Township shall be assessed ratably against the properties within the PRD that have a right of enjoyment of the common open space, and shall become a lien on said properties. The Township, at the time of entering upon said common open space for the purpose of maintenance, shall file a notice of lien in the office of the Prothonotary of the County upon the properties affected by the lien within the planned residential development.

1270.13 DEVELOPMENT IN STAGES.

The developer may construct a PRD in stages provided the following criteria are met:

- (a) The application for tentative approval covers the entire PRD and shows the location and approximate time of construction for each stage, in addition to other information required by this Zoning Code.
- (b) At least 25 percent of the dwelling units in the plan given tentative approval shall be included in the first stage.
- (c) The tentative and final plans shall designate the use of open space, a schedule for its phasing, the type of maintenance to be provided and a planting plan or schedule. No less than 25 percent of the total open space and recreational facilities shall be provided for each phase. In designating use and maintenance, the following classes may be used:

- (1) Lawn.

A grass area, with or without trees, which may be used by the residents for a variety of purposes and which shall be mowed regularly to insure a neat appearance.

(2) Natural area.

An area of natural vegetation undisturbed during construction or replanted; such areas may contain pathways. Meadows shall be maintained as such. Maintenance may be minimal but shall prevent the proliferation of undesirable plants. Litter, dead trees, and brush shall be removed and streams kept in free-flowing condition.

(3) Recreation area.

An area designated for a specific recreational use, including, but not limited to, tennis, swimming, shuffleboard, playfields, and tot lots. Such areas shall be located and maintained in such a manner as not to create a hazard or nuisance and shall perpetuate the proposed use.

- (d) The record and subsequent stages are completed consistent with the tentatively approved plan and are of such size and location, including a sufficient degree of completion of the road network and other infrastructure, that they constitute economically sound units of development. In no event shall such stages contain less than fifteen percent of the dwelling units receiving tentative approval.
- (e) Each stage shall include common open space in amounts and at locations deemed acceptable by the Board of Commissioners to meet, at minimum, the open space needs generated by that stage.
- (f) All improvements within the particular stage shall be completed contemporaneously with the completion of the dwellings of that stage.
- (g) Gross residential density may be varied from stage to stage, provided that final approval shall not be given to any stage if the gross residential density of the area, which includes stages already finally approved and the stage for which final approval is being sought, exceeds by more than twenty percent the gross residential density allowed for the entire PRD in the tentatively approved plan.

1270.14 APPLICATION FOR TENTATIVE APPROVAL.

- (a) The application for tentative approval shall be executed by or on behalf of the landowner and filed with the Township Secretary. If

the applicant is not the landowner, the executed consent of the landowner or evidence of the applicant's legal authority to make such an application shall be so filed. The application for tentative approval shall include all plans, documents, papers and submissions proving compliance with all of the standards of this chapter. The Board of Commissioners may require such additional documentation as needed to aid them in the review of the application and accompanying papers. Application for tentative approval shall include, but not be limited to, the following documents:

- (1) A statement indicating the nature of the applicant's and the landowner's interest in the project.
- (2) A written statement by the applicant setting forth the reasons why the project would be in the public interest and would be specifically consistent with the Comprehensive Plan's goals and objectives and its recommendations for land use, community facilities and utilities, circulation and other matters therein recommended.
- (3) A map indicating the location and size of the property and its relationship to surrounding properties, such map to be drawn at a scale of one inch equals 800 feet and showing all streets, roads, Municipal boundaries, subdivisions, adjoining properties, and designated open space within 2,500 feet of any part of the tract. In the case of development of a section of the entire tract, the key map shall show the relationship of the section to the entire tract.
- (4) A plan at a scale of one inch equals 100 feet delineating the topography of the tract. Such plan shall be based on a physical survey and shall contain contours with two-foot intervals and shall accurately and conspicuously depict slopes from zero to eight percent, eight to fifteen percent, fifteen to twenty-five percent, and greater than twenty-five percent.
- (5) A plan at a scale of one inch equals 100 feet accurately and conspicuously delineating, depicting, and otherwise noting in graphic fashion the vegetation of the tract. Such plan shall depict the location of all trees twelve inches in caliper and greater.
- (6) A plan at a scale of one inch equals 100 feet delineating the drainage characteristics of the tract. Such plan shall

accurately and conspicuously depict, delineate, and otherwise note in graphic fashion all perennial and intermittent streams and watercourses and their watersheds, as well as flood-prone and flood hazard areas.

- (7) A plan at a scale of one inch equals 100 feet accurately and conspicuously delineating, depicting, and otherwise noting in graphic fashion the soils of the tract. Such plan shall depict all soil types and shall include a table identifying soil characteristics pertinent to the proposed development and the tract.
- (8) A plan at a scale of one inch equals 100 feet accurately and conspicuously delineating, depicting, and otherwise noting in graphic fashion the proposed use areas by type, size, location, and gross density.
- (9) A plan at a scale of one inch equals 100 feet accurately and conspicuously delineating, depicting, and otherwise noting in graphic fashion the location, use, height, bulk, and location of buildings and other structures, and the location of streets, rights-of-way, cartways, parking areas, and other improvements.
- (10) A plan at a scale of one inch equals 100 feet accurately and conspicuously delineating, depicting, and otherwise noting in graphic fashion common open space. Such plan shall depict the location, function, and size of common open space areas and any existing natural and cultural features comprised within the common open space. In addition, the plan shall include any facilities or structures proposed. Accompanying the plan shall be a statement indicating the proposed means for ownership and maintenance of the common open space.
- (11) A detailed report indicating the feasibility and capability for operation and maintenance of water supply systems, sanitary sewage systems, stormwater systems and other utility systems. Such a report shall indicate the following:
  - A. With regard to water supply, there shall be an objective description of the ability of achieving a safe and efficient water supply system. The description shall reference geologic and hydro-geologic data relative to groundwater conditions, realistic potential yields, and quality. In addition,

the description shall indicate the demand by type of use for water from the proposed development and its related uses and users.

- B. With regard to sanitary sewage disposal, there shall be an objective description of the ability of achieving a safe and efficient system for sewage disposal. The description shall indicate all proposed measures and methods for conveying and treating the sewerage and the sizes of all pipes and direction and quantities of flow anticipated from the development, as well as all connections which will be required to tie into existing sanitary sewers.
  - C. Assurance of the availability of safe and efficient public water and public sewer facilities shall be reported. Such assurance shall include letters signed by an officer of the company or authority concerned, indicating its ability and willingness to provide such service within the timetable proposed for the development, including a statement of maintenance responsibilities and rates and charges for service.
  - D. With regard to stormwater systems, there shall be an objective description of the ability of achieving a safe and efficient stormwater management system. Such report shall be in complete conformance with the Aston Township Subdivision Regulations.
- (12) A detailed plan illustrating all connections to existing public utilities, streets, and rights-of-way, accompanied by documentation as to the impact of the proposed development on said public utilities, streets, and rights-of-way.
  - (13) A plan illustrating phasing, including a time schedule for all on-site and off-site improvements to be offered for dedication for public use which may be modified from time to time with approval of the Board of Commissioners.
  - (14) A fully detailed soil erosion and sedimentation control plan.

- (15) A fully detailed grading plan, at a scale of one inch equals 100 feet, accurately and conspicuously delineating proposed contours at intervals of two (2) feet.
  - (16) A fully detailed landscaping plan, at a scale of one inch equals 100 feet, wherein existing and proposed plant materials are accurately and conspicuously differentiated, delineated, depicted, or otherwise noted in a graphic fashion, and a plant list with botanical and common names as well as notations for the quantities and sizes of all proposed plant materials.
  - (17) A written report indicating the proposed methods and measures to be undertaken for energy conservation and the effective utilization of renewable energy resources.
  - (18) The documents containing covenants, grants of easements, or other restrictions to be imposed upon the use of land, buildings, and structures, including proposed grants and/or easements for utilities and the like.
  - (19) An Environmental Impact Assessment Report.
  - (20) In the case of plans which call for development in stages, a schedule showing the time within which applications for final approval of all parts of the project are intended to be filed, and which shall be updated annually on the anniversary of submission for final approval.
  - (21) A report which shall accompany the application and which shall, insofar as possible, indicate compliance with the provisions set forth for documentation herein.
  - (22) All other requirements for a preliminary plan as set forth in the latest adopted Aston Township Subdivision Regulations.
- (b) The nine (9) copies of every application for tentative approval shall be distributed for review and report to the following:
- (1) Township Engineer - One copy
  - (2) Building Inspector - One copy
  - (3) Township file - One copy

- (4) Township Planning Commission - Three copies
- (5) Delaware County Planning Department - Three copies
- (c) One copy of the reports of the respective planning commissions shall be furnished to the applicant upon receipt by the Board of Commissioners.

The applicant, the Board of Commissioners, the Township Planning Commission, and the Delaware County Planning Department may consult informally concerning the project for the proposed PRD District prior to the filing of an application for tentative approval, provided that no statement or representation by a member of the official review agency or of the planning agencies shall be binding upon the Township.

1270.15 PUBLIC HEARINGS.

- (a) Within 60 days after the filing of an application for tentative approval of a project pursuant to this chapter, a public hearing pursuant to the public notice on said application shall be held by the Board of Commissioners in the manner provided by this Zoning Code for the enactment of an amendment. The Chairman, or in his absence, the acting Chairman, of the Board of Commissioners may administer oaths and compel the attendance of witnesses. All testimony by witnesses at any hearing shall be given under oath and every party of record at a hearing shall have the right to cross-examine adverse witnesses.
- (b) A verbatim record of the hearing shall be caused to be made by the Board of Commissioners. Whenever such records are requested by any party to the proceedings, the cost of transcribing such a record shall be borne by the party requesting it and the expenses of copies of such record shall be borne by those who wish to obtain such copies. All exhibits accepted in evidence shall be identified and duly preserved or, if not accepted in evidence, shall be properly identified and the reason for the exclusion clearly noted in the record.
- (c) The Board of Commissioners may continue the hearing from time to time, and may refer the matter back to the Planning Commission for a report, provided, however, that in any event the public hearing or hearings shall be concluded within 60 days after the date of the first public hearing.

1270.16 FINDINGS.

- (a) The Board of Commissioners, within sixty days following the conclusion of the public hearing(s) provided for in this chapter, shall by official written communication to the applicant either:
  - (1) Grant tentative approval of the development plan submitted;
  - (2) Grant tentative approval subject to specified conditions not included in the development plan as submitted; or
  - (3) Deny tentative approval to the development plan.

Failure to do so within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, that tentative approval is granted subject to conditions, the applicant may, within thirty days after receiving a copy of the official written communication from the Board of Commissioners, notify the Board of Commissioners of his refusal to accept all said conditions, in which case, the Board of Commissioners shall be deemed to have denied tentative approval of the development plan. In the event the applicant does not, within said period, notify the Board of Commissioners of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.

- (b) The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial, and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest, including, but not limited to, findings of fact and conclusions on the following:
  - (1) Those respects in which the development is or is not consistent with the Multi-municipal Comprehensive Plan for Aston, Upper Chichester, and Lower Chichester Townships and the development of the Township.
  - (2) The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including, but not limited to, density,

bulk, and use, and the reasons why such departures are or are not deemed to be in the public interest.

- (3) The purpose, location, and amount of the common open space in the development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.
  - (4) The proposed systems for sanitary sewers, water supply, stormwater control, and soil erosion and sedimentation control, and the manner in which said proposals adequately or inadequately address the construction, operation, and maintenance of such systems.
  - (5) The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular and pedestrian traffic, and further the amenities of light and air, recreation, and visual enjoyment.
  - (6) The relationship, beneficial or adverse, of the proposed development to the neighborhood in which it is proposed to be established.
  - (7) In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the development in the integrity of the development plan.
- (c) In the event a development plan is granted tentative approval, with or without conditions, the Board of Commissioners may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the Board of Commissioners, the time so established between the grant of tentative approval and application for final approval shall be not less than three months nor more than one year and, in the case of development over a period of years, the time between applications for final approval of each part of the plan shall be not less than 12 months nor more than 18 months.

1270.17

STATUS OF PLAN AFTER TENTATIVE APPROVAL.

- (a) The official written communication provided for in Section 1270.16 shall be certified by the Township Secretary and shall be filed in his/her office, and a certified copy shall be mailed to the applicant. Where tentative approval has been granted the same shall be noted on the Zoning Map.
- (b) Tentative approval of a development plan shall not qualify a plot for recording nor authorize development or the issuance of any building permits. A development plan which has been given tentative approval with conditions which have been accepted by the applicant (and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the Township pending an application or applications for final approval, without the consent of the applicant, provided an application for final approval is filed or, in the case of development over a period of years, provided applications are filed, within the periods of time specified in the official written communication granting tentative approval.
- (c) In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the applicant shall elect to abandon said development plan and shall so notify the Board of Commissioners in writing, or in the event the applicant shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been given shall be subject to those local ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the Zoning Map and in the records of the Township Secretary.

1270.18

APPLICATION FOR FINAL APPROVAL.

- (a) An application for final approval may be for all the land included in a development plan or, to the extent set forth in the tentative approval, a section thereof. Said application shall be made to the Board of Commissioners and within the time or times specified by the official written communication granting tentative approval as in Section 1270.16 or as otherwise mutually agreed upon between the applicant and the Board of Commissioners and set forth in writing by the Board of Commissioners. If the application for final approval is in compliance with the tentatively approved

development plan, a public hearing need not be held. The application for final approval shall consist of a plan or plans and accompanying documents which shall show and shall include the following information:

- (1) Development name or identifying title.
- (2) Municipality in which the development is located.
- (3) North arrow, scale, and date.
- (4) Name of record owner of the tract and developer.
- (5) Name and seal of the registered professional engineer, landscape architect, land planner, architect, or surveyor responsible for the plan.
- (6) Boundaries of the tract determined by accurate survey in the field, which shall be balanced and closed with an error of closure not to exceed one foot in 10,000.
- (7) Property lines within the development.
- (8) Lot areas (if any) to one one-thousandth of an acre.
- (9) Street lines, lot lines, rights-of-way, easements, and areas dedicated to or proposed to be dedicated to public use. Profiles for all streets and for proposed sanitary and storm sewer mains, inlets, and manholes, and the location of all utilities.
- (10) The length of all straight lines, radii, curves, and tangent bearings for each street.
- (11) All dimensions and angles or bearings of the lines of each lot and of each area proposed to be dedicated to public use.
- (12) The designation of common open space, including the area contained therein.
- (13) Location, grades, length, and width of all private driveways and all parking facilities and type of paving and other surface to be used.
- (14) Names proposed to be given to all streets.

- (15) Location of all structures.
  - (16) Number of lots.
  - (17) Number of dwelling units by type and, where applicable, the number, location, and square footage of areas to be devoted to nonresidential use.
  - (18) Architectural drawings, floor plans, and elevations to scale of all buildings, said drawings to bear the seal of the architect who has prepared same.
  - (19) Total property area of the entire development tract and, in the case of development in sections, the size of the section for which plans are submitted.
  - (20) All permanent monuments.
  - (21) A final grading plan, including existing and proposed contours at vertical intervals of two (2) feet, the lines thereof to be conspicuously distinguishable.
  - (22) All existing watercourses, tree masses, and other significant natural features, including all trees 12 inches in caliper or greater to be retained and/or to be removed.
  - (23) A final soil erosion and sedimentation control plan
  - (24) A final landscaping plan, wherein existing and proposed plant materials are differentiated, a final plant list indicating the types, quantities and sizes of the proposed plant materials and typical planting details for tree planting and staking, shrub planting, and the like.
  - (25) A final Environmental Impact Assessment Report.
  - (26) Plan profile drawings of all streets meeting the design specifications of the latest adopted Township Subdivision Regulations.
- (b) The application for final approval shall also be accompanied by:
- (1) Copies of deed restrictions and/or easements, if any, and other documents relating to title, use or occupancy.

- (2) Copies of permits obtained under authority of statutes of the Commonwealth of Pennsylvania and/or the County of Delaware regarding the provision for construction, operation and maintenance of the proposed sanitary sewer system, water supply system, soil erosion and sedimentation control system, and highway occupancy system.
  - (3) An affidavit that the applicant is the owner of the land proposed to be developed, or has been authorized by the landowner to be the applicant, supported by a copy of the written authority therefore.
  - (4) Offers of dedication and covenants and other documents governing the reservation and maintenance of undedicated open space, provided that all such offers of dedication and covenants shall bear the certificate of approval of the Township Solicitor as to their legal sufficiency and compliance herewith.
  - (5) Copies of the homeowners' agreements for common open space not to be offered for dedication to the Township.
  - (6) A statement duly acknowledged before an officer authorized to take acknowledgment of deeds and signed by the owner or owners of the property to the effect that the development as shown on the application for final approval is made with his or their free consent and that it is desired to record the application and accompanying documents upon their approval.
  - (7) Such other related information as deemed necessary by the Board of Commissioners to make its determination.
- (c) Whenever a developer proposes to establish a street which is not offered for dedication and not required to be offered for dedication, he shall submit a copy of statements co-signed by the Township Solicitor, that he has made an agreement on behalf of his heirs and assigns with the Township. Said agreement shall be subject to the Township Solicitor's approval and shall be recorded with the plan. Said agreement shall establish the condition under which the streets may later be offered for dedication and stipulate among other things:
- (1) That the street shall be in a good state of repair as certified by the Township Engineer, or that the owner or owners of

the lots along it agree to include with the offer of dedication sufficient money, as estimated by the Township Engineer, to restore the street to conform with Aston Township design standards.

- (2) That an offer to dedicate the street shall be made only for the street as a whole.
  - (3) That the method of assessing repair costs shall be as stipulated.
  - (4) That, where applicable, agreement to offer the street for dedication by the owners of 60 percent of the lots shall be binding on owners of the remaining lots.
- (d) In the event the application for final approval has been filed, together with all drawings, specifications, covenants, easements, performance bonds, and other documents in support thereof, and as required by this Zoning Code and the official written communication for tentative approval, the Township shall, within forty-five days of such filing, grant such development plan final approval.
- (e) In the event the development plan as submitted contains variations from the development plan given tentative approval, the Board of Commissioners shall refuse to grant final approval and shall, within 45 days from the filing of the application for final approval, so advise the applicant in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. In the event of such refusal, the applicant may either:
- (1) Re-file his application for final approval without the variations objected to;
- Or
- (2) File a written request with the Board of Commissioners that it hold a public hearing on his application for final approval.
- (f) If the applicant wishes to take either of such alternative actions, he may do so at any time within which he shall be entitled to apply for final approval, or within 30 additional days of receipt of notice that the development plan was not in substantial compliance. In the event that the applicant shall fail to take either of these alternative

actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within 30 days after request for the hearing is made by the applicant, and the hearing shall be conducted in the manner prescribed in this Zoning Code for public hearings on applications for tentative approval. Within 30 days after the conclusion of the hearing, the Board of Commissioners shall, by official written communication, either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this section, be in the form and contain the findings required for an application for tentative approval set forth in this chapter.

- (g) A development plan, or any part thereof which has been given final approval, shall be so certified without delay by the Board of Commissioners and shall be filed by the landowner of record forthwith in the Office of the Recorder of Deeds before any development shall take place in accordance therewith. Upon the filing for record of the development plan, the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion within a reasonable time of said planned residential development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the landowner.
- (h) In the event that a development plan, or a section thereof, is given final approval and thereafter the applicant shall abandon such plan or the section thereof that has been finally approved, and shall so notify the Board of Commissioners in writing, or, in the event the applicant shall fail to commence the development project or section thereof within six months and complete it within two years after final approval has been granted, no development or further development shall take place on the property included in the development plan until after the said property is re-subdivided and is reclassified by enactment of an amendment to this Zoning Ordinance.

1270.19 LEGAL REMEDIES.

The Township may avail itself of any and all remedies provided by law, including, but not limited to, the Pennsylvania Municipalities Planning Code.

1270.20 BONDING/SECURITY FOR COMPLETION OF IMPROVEMENTS.

Security shall be provided which is acceptable to the Township in an amount to cover the costs of any improvements which may be required.

1270.21 INSURANCE AND INDEMNITY.

The Township shall require appropriate liability insurance and minimum limits of coverage in regard to any development in a PRD. The Township shall be a “named insured” under all such liability policies, without premium liability therefore; said policies shall further be written to exclude the operation of any “other insurance” clause. The Township shall also require from the applicant a defense, indemnity and hold harmless agreement in favor of the Township which shall be insured by the applicant to at least the minimum limits required by the Board of Commissioners for liability insurance.

1270.22 RECORDING.

The final plot plan will be recorded by the landowner in the Office of the Recorder of Deeds in and for Delaware County, Pennsylvania, within 90 days of the granting of final approval by the Board of Commissioners.

1270.23 FEES.

Fees for the review of the final plan shall be established by resolution of the Board of Commissioners, which fees shall not exceed costs incurred. Should any funds remain after the final plan is processed and reviewed, they will be returned to the applicant.

# CHAPTER 1272

## PBC Planned Business Campus District

### 1272.01 DISTRICT PURPOSE.

The purpose of this district is to provide an environment for the establishment of a variety of uses, including offices, laboratories and light industrial establishments in a campus-like setting. The provisions of the district are intended to promote the following:

- (a) Effective transition from adjacent development and reduction of development impacts through the use of screens, buffers, and landscaping.
- (b) Efficient use of land and service for a variety of uses by sharing of parking and loading facilities, common-access drives, and other facilities.
- (c) Project unity, through a single architectural theme or compatible themes.

### 1272.02 OWNERSHIP AND DEVELOPMENT.

- (a) A tract developed as an office park shall be individually owned, or be the subject of a single application filed jointly by the owners of the entire tract.
- (b) The entire tract shall be developed as a single project under a single development plan with a single application.
- (c) Development is permitted lot by lot or on an overall tract-wide basis and shall be free from impacts of noise, glare, smoke, vibration, and similar nuisances.
- (d) Each building shall be constructed on a lot of not less than two acres. More than one building may be placed on a lot only if such lot contains two acres of land for each building.
- (e) A subdivision or land development plan shall contain a minimum tract size of ten acres. No lot on the subdivision or land development plan shall be less than two acres.

1272.03 USES PERMITTED BY RIGHT.

Land, buildings, or premises shall be used by right for only one or more of the following uses:

- (a) Office or office building.
- (b) Light industrial establishment.
- (c) Warehouse or distribution facility.
- (d) Testing or experimental laboratory.

1272.04 USES PERMITTED BY SPECIAL EXCEPTION.

The following uses shall be permitted by special exception subject to the provisions of Chapters 1254 and 1290 and the specific sections listed below:

- (a) Large collection facility for recycling, subject to Section 1290.08.
- (b) Group day care facility subject to Section 1290.15.
- (c) Child day care center, subject to Section 1290.05.
- (d) Any use of the same general character as any of the uses hereinbefore specifically permitted when authorized as a special exception by the Zoning Hearing Board, provided, however, that before any application for a special exception shall be filed with the Zoning Hearing Board for any use alleged to be of the same general character as the uses hereinbefore specifically permitted, an application shall be first filed with the Board of Township Commissioners which shall determine that the use requested is of the same general character as the uses specifically permitted and is reasonably unlikely to create any substantial amount of noise, vibration, smoke, dust, odors, heat, glare, and other objectionable influences. The Board shall approve the application, and the applicant shall then file an application for special exception with the Zoning Hearing Board, attaching to such application a copy of the application filed with the Board of Township Commissioners and a statement of the action taken by the Board on such application. No special exception shall be permitted for a use for which the application has been refused by the Board of Commissioners.

1272.05 ACCESSORY USES.

- (a) Accessory uses shall be as follows:
  - (1) Restaurant, cafeteria, coffee shop, or tobacco shop.
  - (2) Mail service, secretarial service.
  - (3) Beauty or barbershop.
  - (4) Storage.
  - (5) Recreational facilities for occupants or employees.
  - (6) Living quarters for watchmen.
  - (7) Off-street parking subject to Chapter 1284.
  - (8) Signs, subject to Chapter 1282.
  - (9) Small collection facility for recycling, subject to Section 1290.08.
- (b) Accessory uses provided in paragraphs (a)(1) to (4) hereof shall be for the use of the occupants and employees or their clients or customers, and shall be housed in one of the principal buildings of the development.

1272.06 AREA AND BULK REGULATIONS.

Unless specifically stated otherwise, the following shall be minimum requirements:

- (a) Area for subdivision/land development and planning purposes - 10 acres
- (b) Tract frontage - 600 feet on collector or arterial road
- (c) Building setback
  - (1) From tract/lot boundaries adjacent to Residential district - 100 feet
  - (2) From tract/lot boundary adjacent to nonresidential district - 75 feet
  - (3) Front and side yard at internal street - 60 feet
  - (4) From rear property line - 60 feet
  - (5) From parking area - 10 feet

- (d) Distance between buildings - 35 feet when there is more than one building on a lot
- (e) Height - 2 stories or 35 feet, maximum

1272.07 DESIGN AND DEVELOPMENT REGULATIONS.

(a) Buffer Areas.

- (1) The following buffer areas, which shall be devoted only to ground cover, planting, or a free-standing sign as permitted in Chapter 1282 shall be observed:
  - A. Along exterior road and adjacent to residential district - 50 feet
  - B. Adjacent to nonresidential district - 25 feet
  - C. Along all other property lines and - 15 feet
  - D. Between building and parking areas - 5 feet
- (2) Buffer areas may be part of the setbacks/yards required in Section 1272.06.
- (3) If land in the buffer area is naturally wooded, it may continue in its natural state. Maximum use should be made of existing trees and other plantings.

(b) Coverage.

Not more than thirty percent of the area of the tract or of the lot (in the case of lot-by-lot development) shall be occupied by buildings and not more than seventy percent of the tract or lot shall be covered with impervious surfaces.

(c) Planted Buffer.

Within the buffer area adjacent to residential districts required in paragraph (a)(1) hereof, there shall be a planted buffer which shall be at least six feet high at the time of planting, as defined in Section 1250.

(d) Landscaping.

- (1) Landscaping shall be provided in accordance with a landscaping plan reviewed by the Township Engineer, Planning Commission, and Board of Commissioners.

(2) Landscaping consisting of shrubs, trees, or other ground cover shall be provided in high visibility areas such as along the exterior and interior roads, between the principal buildings, between individual parking areas, and to break up continuous rows of parking as noted in paragraph (f)(2) hereof.

(e) Walkways.

Walkways shall be provided to connect building entrances and parking areas. Such walkways shall not be less than four feet wide.

(f) Parking.

(1) Parking shall comply with Chapter 1284.

(2) There shall be not more than 20 parking spaces in a row. At such intervals there shall be a planted area, the size of not less than one parking space. Such area shall contain a shade tree which shall be not less than three inches in caliper at the time of planting.

(g) Streets.

Streets in the Planned Business Campus District shall be either held in private ownership or dedicated to the Township. Such streets shall have right of-way widths of 50 feet and a cartway width of 32 feet.

(h) Storage.

Storage shall be in a completely enclosed structure or area in conjunction with a permitted use.

(i) Refuse.

All organic refuse or trash of any kind shall be contained in closed, rigid, and vermin-proof containers which shall be fully screened.

(j) Signs.

Signs shall comply with Chapter 1282.

(k) Performance Standards.

All uses shall comply with the performance standards in Chapter 1280.

(l) Covenants.

At the time of submittal of final development plans, the applicant shall provide the Township Solicitor with copies of the covenant regulating the planned business campus development. Such covenant shall describe the organization of the governing board for the development and the general policies for its operation and enforcement. Such covenant shall also address specific items, including but not limited to, architectural form, signage, landscaping, etc.

# CHAPTER 1274

## SC SHOPPING CENTER DISTRICT

### 1274.01 DISTRICT PURPOSES

The purpose of this district is to provide opportunities for neighborhood and/or community shopping centers in areas directly accessible by a major roadway. The district is intended to meet the shopping and service needs of the residents of the Township, adjacent and nearby communities, and transients. It is intended that establishments be constructed in an attached fashion to comprise the shopping center, although individual detached buildings are permitted by special exception.

### 1274.02 USES PERMITTED BY RIGHT

Land, buildings, or premises shall be by right only for one or more of the following uses:

- (a) Retail store, including general merchandise store, hardware, pharmacy, variety, or similar retail store, but not including sale of automobiles, trucks, and heavy equipment.
- (b) Food store, including grocery, delicatessen, convenience store or supermarket, liquor store, bakery sales, or ice cream shop.
- (c) Eating and drinking place, including sit down or fast food restaurant, pizza, or sandwich shop or tavern.
- (d) Personal service shop, including barber or beautician, shoe repair, laundromat or laundry where actual cleaning and pressing are done off premises, tailor, or similar personal service.
- (e) Office, office building, studio, bank, or other financial institution.
- (f) Medical or dental office or clinic.
- (g) Family child day care home, subject to Section 1292.26

### 1274.03 USES PERMITTED BY SPECIAL EXCEPTION

The following uses shall be permitted by special exceptions, subject to the provisions of Chapters 1254 and 1290 and the conditions and standards noted immediately below:

- (a) Place of amusement or recreation.
- (b) General service or repair facility.
- (c) Catering establishment.
- (d) Health club or spa.
- (e) Hotel or motel, with related facilities such as restaurants or banquet rooms.
- (f) Large collection facility for recycling, subject to section 1290.08.
- (g) Free-standing buildings housing a use permitted in Section 1274.02, but not attached to the row of establishments comprising the shopping center.
- (h) Adult day care center, subject to 1290.09.
- (i) Child day care center, subject to 1290.05.

1274.04 ACCESSORY USES

Accessory uses shall comply with Chapter 1292.06 and the requirements below:

- (a) Off street parking, subject to Chapter 1284.
- (b) Small collecting facility for recycling, subject to Chapter 1290.08.
- (c) Sign, subject to Chapter 1282.
- (d) Satellite antenna, subject to Section 1292.15.
- (e) Any accessory use on the same lot with and customarily incidental to any of the principal uses permitted above and not detrimental to the neighborhood.

1274.05 TRACT DIMENSIONAL REQUIRMENTS

Unless specifically stated otherwise, the following shall be minimum requirements.

- (a) Area (tract size) - 3 acres
- (b) Tract width - 300 feet at building line on major road.

- (c) Building setback - 100 feet from Public Street
- (d) Distance from property line - 100 feet
- (e) Impervious surface - 75 feet maximum
- (f) Building coverage - 30 percent maximum
- (g) Distances between buildings - 35 feet
- (h) Height - 35 feet or 2 stories, maximum

1274.06 SPECIAL DEVELOPMENT REGULATIONS

(a) Buffer Area

- (1) Where properties in this district abut a residential district, a buffer area, consisting only of ground cover or other plantings, shall be provided on the property zoned SC Shopping Center District where it abuts the residential property. Such buffer area shall be provided in accordance with Section 1276.08, relating to buffer area widths in the C Commercial District.
- (2) Where the side yard of a property in this district abuts a residentially zoned property, a planted visual screen, as defined in Section 1250.07(b), shall be provided on the property in the Shopping Center District.

(b) Screening.

There shall be a planted visual screen, as defined in Section 1250.07(b) within the buffer zone required in subsection (a) hereof. This planted screen shall not be less than six feet high in time of planting.

(c) Landscaping.

- (1) Any part or portion of a site which is not used for buildings, other structures, parking or loading spaces and aisles, sidewalk, and designated storage areas shall be planted with an all-season cover and shall be landscaped according to an overall plan. Maximum advantage shall be taken of existing natural plantings in landscaping.
- (2) All landscaping and screening requirements in Section 1284.08 relating to the screening and landscaping of parking areas shall be complied with.
- (3) Where buildings in a shopping center are proposed to be constructed in attached fashion, the minimum floor area of

such buildings shall be not less than 15,000 square feet, in order to avoid small-scale, fragmented development. However, such smaller scale development shall be permitted, provided it constitutes the first stage of a larger development which is shown to take place within one year after completion of the first stage. The total floor area after completion of the second stage shall be not less than 20,000 square feet.

1274.07 REGULATIONS FOR INDIVIDUAL BUILDINGS

- (a) In addition to construction in an attached fashion, free-standing buildings shall be permitted by special exception. Also see Section 1274.03.
- (b) Such buildings shall have a setback from the street of not less than 50 feet.
- (c) A landscaped area of not less than three feet in width shall be provided on all sides of the building.
- (d) The applicant must provide the Planning Commission and Township Engineer with data regarding all existing uses in the shopping center and their parking requirements. The inventory must show that the required parking for the proposed individual building will be provided and that such required parking will not use spaces designated for existing uses in the shopping center.

1274.08 PARKING AND LOADING

Parking and loading requirements shall be as required in Chapter 1284.

1274.09 SIGNS

Signs shall be as required in Chapter 1282.

1274.10 PERFORMANCE STANDARDS.

All uses shall comply with the performance standards in Chapter 1280.

1274.11 SITE PLAN REVIEW REQUIREMENTS.

For site plan review requirements, see the Township Subdivision Regulations.

# CHAPTER 1276

## C Commercial District

### 1276.01 DISTRICT PURPOSE.

The purpose of this district is to provide for and regulate a variety of neighborhood-related retail, service and other commercial uses which usually require main highway locations and cater principally to local customers.

### 1276.02 USES PERMITTED BY RIGHT.

Land, buildings, or premises shall be used by right for only one or more of the following uses:

- (a) All uses permitted by right in the SC Shopping Center District.
- (b) General Service and repair including furniture, radio and television, or appliance repair.
- (c) Tradesman's shop, including carpenter, electrician, plumber, cabinetmaker, or similar establishment.
- (d) Municipal building or use.
- (e) Health club or spa.
- (f) Club, lodge, or other nonprofit establishment, subject to Section 1290.10.
- (g) Veterinarian.
- (h) Fast food restaurant, caterer, or bakery.
- (i) Place of amusement or recreation.

### 1276.03 USES PERMITTED BY SPECIAL EXCEPTION.

The following uses shall be permitted by special exception, subject to the provisions of Chapters 1254 and 1290 and the specific sections listed below:

- (a) All uses permitted by special exception in the SC Shopping Center District.

- (b) Repair and service of motor vehicles.
- (c) Rental storage establishment.
- (d) Wholesale establishment.
- (e) Laundry.
- (f) Private commercial education.
- (g) Funeral home.
- (h) Publishing or printing.
- (i) Conversion, subject to Section 1294.05.
- (j) Adult day care facility, subject to 1290.09.
- (k) Child Day Care Center, subject to 1290.05.

1276.04      **CONDITIONAL USES.**

The following conditional uses shall be permitted subject to the provisions of Chapter 1290 and the specific sections listed below:

- (a) Gasoline dispensing station, subject to Section 1290.07.
- (b) Processing facility for recycling, subject to Section 1290.08.

1276.05      **ACCESSORY USES AND STRUCTURES**

Accessory uses shall be all accessory uses permitted in Section 1274.04 in the SC Shopping Center District.

1276.06      **AREA AND BULK REGULATIONS.**

Unless specifically stated otherwise, the following shall be minimum requirements:

- (a) Lot size - 11,250 square feet
- (b) Lot width - 75 feet
- (c) Front yard - 40 feet
- (d) Side yards - 12 feet each
- (e) Building coverage - 30 percent maximum
- (f) Impervious surface - 80 percent maximum

- (g) Rear yard - 30 feet
- (h) Height - 35 feet or 2 stories, maximum

1276.07 SPECIAL DIMENSIONAL REGULATIONS.

For reasons of traffic safety, properties along Pennell Road, north of Knowlton Road, which have access from Pennell Road, shall be subject to the following special lot area and lot width requirements:

- (a) Lot area 15,000 square feet.
- (b) Lot width: 150 feet.

1276.08 SPECIAL DEVELOPMENT REGULATIONS.

(a) Buffer Area.

- (1) Where properties in this district abut a residential district, a buffer shall be provided on the commercial property, between such property and the abutting residential property. Such buffer area, defined in Chapter 1250, shall vary in width depending on the depth of the lot, as indicated below:
- (2) Where a property in this district abuts a residentially zoned property, a planted visual screen, as defined in Chapter 1250, shall be provided on the property in the Commercial District.

<u>Lot Depth (feet)</u>	-	<u>Required Width of Buffer Area (feet)</u>
Less than 150	-	10
150 to 199	-	15
200 to 249	-	20
250 to 299	-	25
300 or more	-	30

(b) Screening.

There shall be a planted visual screen (as defined in Section 1250.07) within the buffer area required above. This screen shall be not less than six (6) feet high and shall comply with Section 1292.19. A privacy-type fence or wall, which shall be six (6) feet high, may be substituted for the planted visual screen when authorized by the Planning Commission and Township Engineer.

(c) Landscaping.

There shall be a landscaped area provided in accordance with Section 1292.19.

(d) Storage.

No permanent storage of merchandise, articles, or equipment shall be permitted outside a building, and no goods, articles, or equipment shall be stored, displayed, or offered for sale beyond the front line of a building.

(e) Attached Buildings Prohibited.

Buildings constructed in a row or attached fashion shall be prohibited.

1276.09 CONVERSION TO NON-RESIDENTIAL USE.

An existing residential use may be converted to a non-residential use permitted in Section 1276.02, provided that such conversion complies with the requirements of Section 1294.05.

1276.10 PERFORMANCE STANDARDS.

All uses shall comply with the performance standards in Chapter 1280.

1276.11 SITE PLAN REVIEW REQUIREMENTS.

For site plan review requirements, see the Township Subdivision Regulations.

1276.12 COMMERCIAL DISTRICT RESTRICTIONS.

(a) Permit Required

(1) No commercial establishments such as restaurants, bars, cafes, and taverns shall be allowed to operate from or at any outdoor area unless a permit has been approved by the Township BCO.

(2) Any request for the use of such an area for such purposes shall be made in writing to the Township BCO in the form of a permit application and a letter of intention.

(b) Application for Permit

- (1) Any request or application for a permit to operate an outdoor commercial establishment such as restaurants, bars, cafes or taverns shall be made to the Township BCO, in writing, on the application form provided by the Township BCO.
- (2) The request/application shall contain the following information.
  - A. Name, address, and telephone number of the applicant.
  - B. Name, address, and telephone number of the establishment to be the subject of the application.
  - C. The days and hours for which the permit is requested.
  - D. If alcoholic beverages are to be served, proof that the applicant has received permission from the Pennsylvania Liquor Control Board for an extension of the retail license to cover additional premises.
  - E. Two (2) sets of a proposed layout plans prepared by a registered engineer containing scale drawings clearly illustrating the number, types of tables, and other structures intended to be located on the commercial outdoor deck.

(c) Change In Ownership

The permit is personal to the applicant and any change or transfer of ownership of the restaurant, bar, cafe or tavern shall terminate the permit and shall require a new application and new permit in conformance with all the requirements of this Code.

(d) Outdoor Deck Regulation

Commercial establishments such as Restaurants, Bars, Cafes or Taverns, shall not operate, occupy, serve food or liquor, nor provide for the playing of music, live or otherwise, on any outdoor deck or non-enclosed area after the hours of 10:00 p.m. within the Township of Aston.

(e) Noise Regulations

In addition, Section 1280.03 (e) applies in its entirety to the above commercial establishments such as restaurants, bars, cafes, and taverns.

# CHAPTER 1277

## FSB Freestanding Business District

### 1277.01 DISTRICT PURPOSE.

The purpose of this district is to provide freestanding retail, commercial, and small office buildings for neighborhoods and/or communities in areas directly accessible by an arterial street. The district is intended to meet the shopping and service needs of the residents of the Township, adjacent and nearby communities and transients. It is intended that all buildings be constructed in a detached fashion.

### 1277.02 USES PERMITTED BY RIGHT.

Land, buildings, or premises shall be used by right for only one or more of the following uses:

- (a) Offices.
- (b) Medical or dental office or clinic.
- (c) Retail store, including general merchandise store, hardware, pharmacy, or variety store, not including retail sale of automobiles, trucks, and heavy equipment.
- (d) Food store, including grocery, delicatessen, convenience store or supermarket, liquor store, bakery sales or ice cream shop.
- (e) Restaurant, including sit down or fast food restaurant.
- (f) Bank or financial institution.

### 1277.03 CONDITIONAL USES.

The following uses shall be permitted by conditional use, subject to the provisions of Chapters 1290 and the conditions and standards noted below:

- (a) Child day care centers and adult day care center, subject to Sections 1290.05 and 1290.09, respectively.
- (b) Health club or Spa.
- (c) Hotel, subject to Section 1277.07 below.

- (d) Personal service shop, including barber or beautician, shoe repair, tailor, or similar personal service.

1277.04 ACCESSORY USES.

Any accessory use on the same lot with and customarily incidental to any of the above permitted uses and not detrimental to the neighborhood.

1277.05 AREA AND BULK REGULATIONS.

Unless specifically stated otherwise, the following shall be minimum requirements:

- (a) Area (tract size) - 3 acres
- (b) Tract width - 300 feet at building line on major road
- (c) Lot size - 10,000 square feet
- (d) Front yard building setback - 100 feet from public street
- (e) Building setback from other property lines - 75 feet
- (f) Impervious surface - 75 percent maximum
- (g) Building coverage - 30 percent maximum
- (h) Building height - 35 feet or 2 stories

1277.06 SPECIAL DEVELOPMENT REGULATIONS.

(a) Buffer Area

- (1) Where properties in this district abut a residential district or use, a buffer area shall be provided on the property zoned FSB Freestanding Business District where it abuts the residential district or use. Such buffer area shall be provided in accordance with Section 1276.08 and perpetually maintained by the owner.
- (2) Buildings in a freestanding detached fashion shall have a minimum floor area of 2,500 square feet.

(b) Screening

There shall be a planted visual screen, as defined in Section 1250, within the buffer zone required in subsection (a) hereof. This planted screen shall be not less than six feet high at the time of planting.

(c) Landscaping

- (1) Any part or portion of a site which is not used for buildings, other structures, parking, or loading spaces and aisles, sidewalk and designated storage areas shall be planted with an all-season cover and shall be landscaped according to an overall plan. Maximum advantage shall be taken of existing natural plantings in landscaping.
- (2) All landscaping and screening requirements in Section 1284.08 relating to the screening and landscaping of parking areas shall be complied with.

1277.07 REGULATIONS FOR INDIVIDUAL BUILDINGS.

- (a) Each building shall be individually designed and constructed as a free-standing building.
- (b) Minimum distance between buildings shall be 35 feet.
- (c) Maximum height shall be 35 feet or 2 stories except that the maximum height of a Hotel may be 45 feet or 4 stories.
- (d) Retail sales leasing shall have a minimum of 1,000 square feet of floor area.

1277.08 PARKING

Parking and loading requirements shall be as required in Chapter 1284, but in no case shall it be necessary for the parking rate to exceed 6 spaces per 1,000 square feet of gross floor area for the entire tract.

1277.09 SIGNS

Signs shall be as required in Chapter 1282.

1277.10 PERFORMANCE STANDARDS.

Performance standards shall be as required in Chapter 1280.

1277.11 SITE PLAN REVIEW REQUIREMENTS.

For site plan review requirements, see the Township Subdivision Regulations.

# CHAPTER 1278

## LI Limited Industrial District

### 1278.01 DISTRICT PURPOSE.

The purpose of this district is to allow a variety of industrial uses as a matter of right and larger scale, more intense industrial uses by condition. Special development regulations relating to buffering, screening, and landscaping are included to minimize the environmental impact of industrial establishments on adjacent neighborhoods and assure sound development and appearance within the Limited Industrial.

### 1278.02 USES PERMITTED BY RIGHT.

Land, buildings, or premises shall be used by right for only one or more of the following uses:

- (a) Office or office building.
- (b) Laboratory.
- (c) Wholesale, distribution, or warehouse facility.
- (d) Printing, publishing, photofinishing, lithographing, and binding.
- (e) Manufacture, compounding, assembly, treatment, processing, or packaging of articles or merchandise from previously prepared materials.
- (f) Manufacture, compounding, processing, packaging or treatment of products such as candy, drugs, pharmaceuticals and food products.
- (g) Manufacture of ceramic products, using only previously pulverized clay, paper, or cardboard boxes, containers, and novelties from previously prepared paper or cardboard.
- (h) Manufacture and assembly distribution, service of electrical or electronic devices, such as appliances and instruments not in excess of 50 cubic feet.
- (i) Manufacture and assembly of small home, commercial, and industrial electrical appliances, supplies, and equipment (not including electrical machinery); electrical or electronic instruments and devices, such as precision instruments and measuring and

control devices; medical, dental, drafting and similar scientific and professional instruments; optical goods and equipment; clocks and watches; and jewelry, cameras, and photographic equipment.

- (j) Light metal processes, including metal finishing, grinding, polishing, and heat treatment, metal cutting and extrusion of small products (such as costume jewelry and pins); assembly and manufacture of radio and television receivers; manufacture of light machinery (such as business machines).
- (k) Laundry, laundry service, and cleaning and dyeing facility.
- (l) Cold storage plant, frozen food plant and lockers.
- (m) Machine, plumbing, heating, roofing, carpentry, electrical, upholstery, welding, painting, or similar type of shop or facility.
- (n) Mail order business or facility.
- (o) Cinema, radio, and television station.
- (p) Building materials storage and sales.
- (q) Public garage, gasoline sales, and service station.
- (r) Rental storage facility.
- (s) Government or public utility use or building.
- (t) Processing recycling facility, subject to Section 1290.08.
- (u) Wireless communication facility, subject to Section 1293.
- (v) Industrial park.

1278.03

#### CONDITIONAL USES.

The following conditional uses shall be permitted subject to the provisions of Section 1290.02:

- (a) Storage of petroleum or petroleum products or fuel oil for sale and distribution, excluding gasoline and other highly volatile or explosive fluids.
- (b) Food products processing.

- (c) Chemical processes not involving noxious odors or danger from fire or explosion; compounding of perfumes and pharmaceutical products.
- (d) Manufacturing, processing, assembly, service testing, and repair of goods, products, or materials which are clearly larger, more intense, or produce greater impact than the uses permitted by right in Section 1278.02, but provided that such facilities, processes, or operations are demonstrated by the applicant not to be materially injurious or offensive to the occupant and the Township as a whole by the emission or creation of noise, vibration, smoke, dust, or other particulates, toxic or noxious materials, odors, fire, explosive hazards, heat, or glare and are in full compliance with Chapter 1280 relating to performance standards.
- (e) Automobile and track sales, service and repair, including body repair, painting, towing, varnishing, undercoating and detailing.
- (f) The display and sale of consumer fireworks.
  - (1) The building in which the sale of such fireworks may take place shall not be located within 1,000 feet of any school, hospital, child care facility, common open space, community center, public park, recreational facility, or residential dwelling or within 250 feet from any pipeline carrying or entity which sells or dispenses gasoline, propane, or other such flammable products.
  - (2) All sales shall take place in a stand alone enclosed building which maintains a central station monitored burglar and fire alarm system. No temporary structures or tents of any kind are permitted.
- (g) Billboards, when authorized by the Aston Township Board of Commissioners as a Conditional Use subject to the Regulations, Standards and Criteria set forth in Section 1282.09 of the Aston Township Zoning Code.

1278.04 USES PERMITTED BY SPECIAL EXCEPTION.

- (a) Child day care center, subject to Section 1290.05.
- (b) Group-based community residence facilities, subject to Section 1290.13.

- (c) Indoor and outdoor commercial recreation, subject to Section 1290.03.
- (d) Adult Entertainment uses, subject to Section 1298.
- (e) Any use of a similar nature and character as the uses permitted by right in Section 1278.02.

1278.05 ACCESSORY USES

The following accessory uses shall be permitted:

- (a) Storage within a completely enclosed structure in conjunction with a permitted use.
- (b) Outdoor storage, provided the area used for such storage is located in the rear yard and is completely screened from adjoining properties by a solid fence or wall not less than six (6) feet in height. No materials shall be stored in a manner to project above the fence or wall with the exception of vehicles and mechanical equipment.
- (c) A dining hall or similar facility for the exclusive use of the occupants and employees of the building.
- (d) Recreation area for employees.
- (e) Living quarters for watchmen or caretakers.
- (f) Parking, subject to Chapter 1284.
- (g) Signs, subject to Chapter 1282.
- (h) Satellite antenna, subject to Section 1292.15.
- (i) Any accessory use on the same lot with and customarily incidental to any of the above permitted uses and not detrimental to the area.

1278.06 AREA AND BULK REGULATIONS

Unless specifically stated otherwise, the following shall be minimum requirements:

- (a) Size - 80,000 square feet
- (b) Lot width (at building line) - 175 feet

- (c) Front yard - 100 feet
- (d) Side yards - 50 feet
- (e) Rear yard - 75 feet
- (f) Building coverage - 30 percent maximum (principal and accessory buildings)
- (g) Impervious surface area - 75 percent of lot, maximum
- (h) Height - 50 feet or 2 stories, maximum

1278.07 SPECIAL DEVELOPMENT REGULATIONS.

(a) Buffering, Screening and Landscaping.

- (1) Prior to the use, development, or expansion of a building or facility in this district in areas where such use abuts a residential district or use, a buffer area or zone shall be provided on the industrial property at its boundary with the residential use or district. The width of such buffer shall be no less than 50 feet. No buildings or parking shall be permitted in the buffer area.
- (2) There shall be a planted visual screen within the buffer area required immediately above between any industrial use or facility and any residential use.
- (3) There shall be a landscaped planting area not less than four feet in width at the front and at one other side of any principal building hereafter erected.
- (4) All requirements in Sections 1292.19 and 1292.20 relating to landscaping and screening, respectively, shall be followed where applicable.

(b) Access.

- (1) All accessways to any public street shall be hereafter located not less than 250 feet from the intersection of any other public street lines and shall be designed so as to provide safe and convenient ingress and egress.
- (2) No industrial use shall be hereafter located so as to have access to or from a local street.
- (3) Access roads carrying non-residential traffic, especially truck traffic, shall not be extended to the boundaries of adjacent residential properties or residentially zoned areas.

(c) Parking and Loading.

- (1) Parking and loading shall be in accordance with Chapter 1284.
- (2) Parking shall be permitted in required yards provided that such parking is at no point closer than ten feet from a right-of-way line or a principal building.

(d) Signs.

Signs shall be in accordance with Chapter 1282.

(e) Illumination.

All spaces between buildings and all parking, loading and unloading, access and service areas shall be adequately illuminated at night. Such illumination, including sign lighting, shall be arranged so as to protect the surrounding streets and adjoining properties from direct glare or hazardous interference of any kind.

(f) Storage and Waste Disposal.

- (1) No highly flammable or explosive liquid, solid, or gas shall be stored in bulk aboveground, with the exception of tanks or drums of fuel directly connecting with energy devices, heating devices or appliances located on the same lot as the tanks or drums of fuel. Above-ground tanks shall be surrounded by a dike or moat as a safeguard to adjacent facilities.
- (2) All outdoor storage facilities for fuel, raw materials and products, and all fuel, raw materials and products stored outdoors, shall be enclosed by a fence that is a minimum of six (6) feet in height. Said enclosed fence shall be kept closed through either electronic or manually closed gate, which shall remain closed except for ingress or egress of the property's vehicles or personnel.
- (3) No materials or wastes shall be deposited upon a lot in such a form or manner that they may be transferred off the lot by natural causes or forces.
- (4) All materials or wastes that might cause fumes or dust or that constitute a fire hazard or that may be edible or otherwise attractive to rodents or insects shall be stored

outdoors only in closed containers, adequate to eliminate such hazards.

- (5) Trailers or vehicles may be used for storage purposes provided that such trailers or vehicles are located in the rear yard and are effectively screened from public streets. A permit must be obtained from the Township prior to using trailers or vehicles for storage purposes for three (3) or more consecutive days.

1278.08 OTHER DEVELOPMENT REGULATIONS.

- (a) Each building shall be designed so as to minimize its industrial appearance and shall, insofar as practicable, afford minimum external evidence of the operation conducted therein.
- (b) All utilities shall be placed underground.

1278.09 PERFORMANCE STANDARDS.

Performance standards shall be in accordance with Chapter 1280.

1278.10 SITE PLAN REVIEW REQUIREMENTS.

For site plan review requirements, see the latest adopted Aston Township Subdivision and Land Development Regulations.

# CHAPTER 1279

## ID Institutional District

### 1279.01 DISTRICT PURPOSE.

The district established under this chapter is intended to achieve the following:

- (a) To preserve the open character of large areas of the Township which are now dominated by or are particularly suited to institutional and quasi-public uses.
- (b) To encourage a harmonious pattern of institutional development; this can mutually benefit the Township and the institutions themselves.
- (c) To provide suitable areas for recreation and open space for residents of Aston Township and to protect the same from encroachment from other types of developments.

### 1279.02 USES PERMITTED BY RIGHT.

In any Institutional District, land, buildings, or premises shall be used by right for only one or more of the following:

- (a) Governmental uses or buildings and public utility uses or buildings.
- (b) Community centers, public libraries, and public parks.
- (c) Churches, chapels, convents, or similar religious institutions, including rectories or parish houses.
- (d) Child day care center, subject to the applicable provisions of Section 1290.05.

### 1279.03 CONDITIONAL USES.

In any Institutional District, the following conditional uses shall be permitted subject to the provisions in Chapter 1290 and specific sections listed below:

- (a) Colleges or universities, private or public elementary, secondary or nursery schools, or other educational institutions for academic

instruction, not to include business or trade schools, dance studios, or similar uses, subject to Section 1290.03.

- (b) Private outdoor recreational uses, including country clubs, swim clubs, golf courses, or similar uses, subject to Section 1292.13, the Uniform Construction Code and International Property Maintenance Code. Also see Chapter 1450 relating to swimming pools.
- (c) Hospitals, medical centers, subject to section 1290.03.
- (d) Extended care facilities, age restricted facilities, and age restricted housing and similar facilities, subject to Section 1290.06.
- (e) Owner occupied condominiums, subject to the limitations contained in 1279.06.
- (f) Dormitory.
- (g) Commercial establishments intended to serve student needs and to provide convenience to students.

1279.04 ACCESSORY USES.

In any Institutional District, the following accessory uses shall be permitted:

- (a) Playfields or recreational facilities in conjunction with a permitted main use.
- (b) Living accommodations for watchmen, caretakers, or the staff or employees of a permitted institution.
- (c) Cafeteria, dining hall, snack bar or similar facility for the use of students, staff, employees, or members in conjunction with a permitted main use.
- (d) Pro shop, book store, or gift shop in conjunction with a permitted main use.
- (e) Office in conjunction with a permitted main use.
- (f) Infirmary in conjunction with a permitted main use.
- (g) Parking and loading, subject to Chapter 1284.

- (h) Storage within a completely enclosed structure in conjunction with a permitted use.
- (i) Outdoor storage, provided the area used for such storage is located in a rear yard and is completely screened from adjoining properties by a solid fence or wall not less than six (6) feet in height. No materials shall be stored in a manner to project above the fence or wall with the exception of vehicles and mechanical equipment.
- (j) Signs, subject to Chapter 1282.
- (k) Satellite antennas, subject to Section 1292.15.
- (l) Cemeteries.
- (m) Any accessory use on the same lot with and customarily incidental to any of the above permitted uses and not detrimental to the area.

1279.05 AREA AND BULK REGULATIONS.

Unless specifically stated otherwise, the following shall be minimum requirements:

- (a) Lot size - 2 acres
- (b) Lot width (at building line) - 200 feet
- (c) Street frontage - 50 feet
- (d) Building coverage - 50 percent of the lot, maximum
- (e) Impervious surface coverage (including building and paving) - A maximum of 70 percentage of the lot
- (f) Front yard - 50 feet on each street which the lot abuts
- (g) Side yards - 30 feet each
- (h) Rear yards - 50 feet
- (i) Height - 50 feet maximum

With respect to certain uses permitted by conditional use permit: extended care facilities, age-restricted facilities, and age-restricted housing, permitted in 1279.03, the following minimal requirements shall apply.

- (a) Lot size - 5 acres
- (b) Lot width (at building line) - 200 feet
- (c) Street frontage - 200 feet
- (d) Building coverage - a maximum of 30 percentage of the lot
- (e) Impervious surface coverage (including building and all paving) - a maximum of 65 percentage of the lot
- (f) Front yard - 75 feet on each street that the lot abuts
- (g) Side yards - 50 feet each
- (h) Rear yards - 75 feet
- (i) Height - 50 feet maximum
- (j) Parking - 1.15 parking spaces for each residential unit and 1 parking space for each employee
- (k) Distance - 50 feet between buildings

1279.06 SPECIAL DEVELOPMENT REGULATIONS.

This Section shall not apply to extended care facilities, age restricted facilities, and age restricted housing and other such facilities when such facilities are not accessory to but are the main institutional use.

The following regulations shall be observed:

- (a) In the case of living accommodations, the lot area shall not be less than 1,200 square feet per apartment and not less than 10,000 square feet per individual house intended for occupancy by the family of a resident staff member or other employee of an institution.
- (b) The tract of land on which each permitted use is conducted shall, in its entirety, be owned and operated as a single or common management and maintenance unit, with common open spaces, parking, utility, maintenance, and service facilities and services.
- (c) The land surrounding any permitted use shall be landscaped except for paved areas, such as walkways, accessways, play areas, and necessary parking or service areas, and not less than ten feet of the required open space along each side or rear property line which directly abuts a residence district shall be used only as a buffer planting strip as defined in Section 1250. The area of the lot unpaved and devoted to landscaping shall in no case be less than 30 percent. All landscaping and screening requirements in Section

1284.08 relating to the screening and landscaping of parking areas shall be complied with.

- (d) Any accessory building or structure which is industrial or nonresidential in appearance, such as a boiler room or maintenance shop, shall be suitably screened or shall be located so as to be least observable from a public street or property line.
- (e) Lots for which conditional uses are sought pursuant to sections 1279.03 shall conform to the following area and bulk regulations:
  - (1) Lot size - 0.5 acres
  - (2) Lot width (at building line) - 150 feet
  - (3) Street frontage - 50 feet
  - (4) Building coverage - 75 percent of the lot, maximum
  - (5) Impervious surface coverage (including building and all paving) - 90 percent of the lot, maximum
  - (6) Front yards - 20 feet on each street which the lot abuts
  - (7) Side yards - 12 feet each
  - (8) Rear yards - 12 feet
  - (9) Height - 40 feet maximum
- (f) Buildings originally constructed in whole or in part in accordance with Sections 1279.05 (f) or (g) may be converted to Owner Occupied Condominiums. In the event of such conversion, the following requirements will apply:
  - (1) The property, when converted, shall satisfy the parking requirements contained in Section 1284.03 for multi-family dwellings;
  - (2) Prior to conversion, the applicant shall comply with the provisions of the Pennsylvania Uniform Condominium and Planned Community Act. In addition to any other requirements, the Declaration of Condominium shall contain a restriction prohibiting the owners of any of the condominium units from entering into leases of any portion of a condominium unit, or from allowing anyone other than the owners and the owners' family members from occupying the condominiums;

- (3) No conversion of any building under this section shall occur prior to five years after the building is first occupied as a Student Home or as a Commercial Establishment;
- (4) Prior to conversion, the applicant shall obtain a conditional use per Section 1279.03. Conversion into rental units of any kind is strictly prohibited.

1279.07 PARKING.

Parking shall be provided in accordance with Chapter 1284.

1279.08 FUTURE USE OF INSTITUTIONAL LANDS.

- (a) Because of the unique character of institutional land, it is not necessarily true that land zoned so as to permit one institutional use by right or by condition may be suitable to permit another use of a different character, even though that use may also be permitted as a use by right or by condition in the Institutional District.
- (b) It is the intent of this section that provision be made to ensure a reasonable choice of appropriate uses for a property presently zoned for institutional use. In the event of the nonuse, abandonment, or change in the current use of any institutionally zoned land, the Planning Commission, on its own motion or upon petition for rezoning, shall review the specific site and make a recommendation to the Board of Township Commissioners concerning the most appropriate use for the site and shall recommend a zoning district classification for the Zoning Map to accommodate such use.

1279.09 PERFORMANCE STANDARDS.

Performance standards shall be in accordance with the requirements of Chapter 1280.

1279.10 SITE PLAN REVIEW REQUIREMENTS.

For site plan review requirements, see the latest adopted Aston Township Subdivision and Land Development Regulations.

# CHAPTER 1280

## Performance Standards

### 1280.01 PURPOSE.

The purpose of this chapter is to ensure adequate protection for the residents of the Township against the possible negative effects of certain uses, processes or activities applicable to all districts but particularly to the LI Limited Industrial District.

### 1280.02 ADMINISTRATION.

#### (a) Interpretation and Application of Standards.

- (1) The performance standards contained herein shall be the minimum standards to be met and maintained by all uses established after the effective date of these standards established by the Pennsylvania Department of Environmental Protection or the United States Environmental Protection Agency shall apply where those standards are more restrictive than the standards set forth below.
- (2) If any existing use or building or other structure is extended, enlarged, or reconstructed, the performance standards herein shall only apply to such extended, enlarged, or reconstructed portion or portions of such use, building or other structure.

#### (b) Application Submittal.

Applications for industrial uses shall be accompanied by a certification from a professional engineer registered in the Commonwealth of Pennsylvania that the proposed use can meet the performance standards set forth in this Ordinance. All applications shall include, but shall not be limited to, the following informational items:

- (1) Plans of existing or proposed construction and development;
- (2) A description of existing or proposed machinery, processes, and products;

- (3) Specifications for the mechanisms and techniques used or proposed to be used in restricting possible dangerous or objectionable conditions as set forth in this Ordinance; and
- (4) A measurement or estimate of the amount or rate of emission of any dangerous or objectionable elements as set forth in this Ordinance.

(c) Application Review

All applications for industrial use shall be reviewed by the Township Engineer for compliance with these performance standards. No application for industrial use shall be approved until it is certified in writing by the Township Engineer that the proposed use can meet these performance standards.

(d) Enforcement and Costs.

- (1) The Code Enforcement Officer (CEO) or Building Code Officer (BCO) shall investigate any purported violation of the performance standards noted below. Enforcement procedures shall be in accordance with Chapter 1252.
- (2) If violations, as alleged, are found, costs of such determinations shall be charged against those responsible for the violations, in addition to such other penalties as may be appropriate. If, however, it is determined that no violation exists, the costs of the determination shall be paid by the Township.

1280.03 PERFORMANCE STANDARDS.

(a) Air Quality.

There shall be no emission of smoke, ash, dust, fumes, vapors, gases, or other matter toxic or noxious to air which violates the Pennsylvania Air Pollution Control Laws, including the standards set forth in Chapter 123 (Standards for Contaminants), and Chapter 131 (Ambient Air Quality Standards), Article 111, Title 25, Pennsylvania Department of Environmental Protection , Rules and Regulations.

(b) Fire and Explosive Hazards.

All activities and all storage of flammable and explosive material at any point shall be provided with adequate safety devices against

the hazard of fire and explosion, and adequate fire fighting and fire suppression equipment and devices as detailed and specified by the laws of the Commonwealth of Pennsylvania. All buildings and structures and activities within such buildings and structure shall conform to the Uniform Construction Code and the International Fire Code. Any explosive material shall conform to the requirements of Chapter 211, Title 25, Rules and Regulations, Pennsylvania Department of Environmental Protection, for storing, handling, and use of explosives.

(c) Glare and Heat.

No direct or sky-reflected glare, whether from floodlights or high temperature processes such as combustion or welding or otherwise, so as to be visible at the lot line, shall be permitted. These regulations shall not apply to signs or floodlighting of parking areas otherwise permitted by this Ordinance. There shall be no emission or transmission of heat or heated so as to be discernible at the lot line.

(d) Liquid and Solid Waste.

There shall be no discharge at any point into any public or private sewerage system or watercourses or into the ground of any materials in such a way or such a nature as will contaminate or otherwise cause the emission of hazardous materials in violation of the laws of Aston Township and the Commonwealth of Pennsylvania, and specifically of Chapters 73, 75, 95 and 97, Title 25, Pennsylvania Department of Environmental Protection, Rules and Regulations.

(e) Noise.

(1) No person shall operate or cause to be operated on private or public property any source of continuous sound (any sound which is static, fluctuating or intermittent with a recurrence greater than one time in any 15-second interval) in such a manner as to create a sound level which exceeds the limits set forth in the following table when measured at or within the property boundary of the receiving land use.

<u>Receiving Land Use Category</u>	<u>Time</u>	<u>Sound Level Limit (dBA)</u>
A. Residential, Public Space, Open Space	7:00 a.m.- 10:00 p.m.	60
B. Agricultural or Institutional	10:00 p.m.-7:00 a.m.	50
C. Commercial or Business	7:00 a.m.- 10:00 p.m., plus Sundays and legal holidays	65
D. Industrial	At all times	60

(2) For any source of sound which emits a pure tone, the maximum sound level limits set forth in the above table shall be reduced by five dBA. For any source of sound which emits an impulsive sound (a sound of short duration, with an abrupt onset and rapid decay and an occurrence of not more than one time in any 15 second interval) the excursion of sound pressure level shall not exceed twenty dBA over the ambient sound level, regardless of time of day or night of receiving land use, using the "fast" meter characteristics of a Type II Meter, meeting the ANSI specifications 51.4-1971.

(3) The maximum permissible sound levels as listed in the previous table shall not apply to any of the following noise sources:

- A. The emission of sound for the purpose of alerting persons to the existence of an emergency or associated practice drills.
- B. Emergency work to provide electricity, water or other public utilities when public health or safety is involved.
- C. Domestic power tools.
- D. Agriculture.
- E. Public celebrations specifically authorized by the Township.

- (4) Motor vehicle operations shall not exceed the noise levels established in Chapter 157 of Title 67 of the Pennsylvania Code of Regulations, Subchapter B, Established Sound Levels.
- (5) No person shall use, operate, or permit to be played any radio, receiving set, musical instrument, television set, phonograph, drum, or other such machine or device for the production or reproduction of sound, with the exception of any school-sponsored activity and band, in such a manner as to be plainly audible 25 feet from the vehicle or source of said sound and/or as measured in the manner prescribed in this subsection. The operation of any such radio, phonograph, or similar device in such a manner as to be plainly audible 25 feet from the vehicle or source of the sound shall be prima-facie evidence of a violation of this paragraph.
- (6) Any person in violation of this subsection or any part hereof shall be subject to the following fines and penalties:
  - A. For the first offense, violators shall be subject to a fine of \$50.00, minimum.
  - B. For the second offense within the same calendar year, the violator shall be subject to a fine of \$100.00, minimum.
  - C. For the third offense within the same calendar year, the violator shall be subject to a fine of \$200.00, minimum.
  - D. For the fourth or more offenses within the same calendar year, the violator shall be subject to a fine of \$500.00, minimum.

(f) Odors.

No uses except agricultural operations shall emit odorous gases or other odorous matter in such quantities to be offensive at any point on or beyond its lot lines. The guide for determining such quantities of offensive odors shall be the 50 percent response level of Table 1 (Odor Thresholds in Air), "Research of Chemical Odors: Part I . Odor Thresholds for 53 Commercial Chemicals," October, 1986, Manufacturing Chemists Association, Inc., Washington, D.C.

(g) Vibration.

No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or at any point beyond the lot line.

(h) Radioactivity or Electrical Disturbances.

There shall be no activities which emit dangerous radioactivity at any point. There shall be no radio or electrical disturbances adversely affecting the operation of equipment belonging to someone other than the creator of the disturbance. If any use is proposed which incorporates the use of any radioactive material, equipment or supplies, such use shall be in strict conformity with Chapters 221, 223, 225, 227 and 229, Title 25, Article V, Pennsylvania Department of Environmental Protection, Rules and Regulations.

(i) Public Health and Safety.

No use shall create any other objectionable condition in an adjoining area which will endanger public health and safety or be detrimental to the public use of the surrounding area.

# CHAPTER 1282

## Signs

### 1282.01 PURPOSE.

The purpose of this chapter is to regulate the type and dimensions of signs in the various zoning districts of Aston Township; to recognize the commercial communication requirements of all sectors of the business community; to protect the public from damage or injury caused or attributable to distractions and obstructions caused by improperly designed or located signs; to safeguard property values; and to assure that signs are consistent and harmonious in relation to the buildings and areas where they are placed.

### 1282.02 SCOPE AND APPLICABILITY.

- (a) Any sign hereafter erected or maintained shall conform with the provisions of this chapter and any other ordinance or regulations of the Township relating thereto. Any sign not specifically authorized by the provisions of this chapter shall not be erected or maintained in the Township.
- (b) It shall be unlawful for any person, firm, corporation, or individual to erect and maintain signs, ground signboards, roof signboards, wall bulletins, projecting signs, marquees, and marquee signs without first obtaining a permit from the Township, except those listed specifically in Section 1282.06.
- (c) No sign shall hereafter be erected or attached to, suspended from, or supported on a building or structure, and no display sign shall hereafter be altered, rebuilt, enlarged, extended or relocated until a permit for the same has been obtained, except those listed specifically hereafter in Section 1282.06.
- (d) Application for such permits shall be made in writing to the Township in accordance with Section 1282.08 and shall present full particulars as to size, shape, material, supports, location, and height above the sidewalk or ground, together with the written consent of the owner of the property on which the sign is to be located. All applications shall be accompanied by a plan drawn to scale, showing the sign, its size, and its location with respect to the building and to the boundaries of the lot upon which it is situated.

- (e) Signs and their respective illumination existing at the time of the passage of this Ordinance and which do not conform to the requirements of this chapter shall be considered nonconforming signs and once discontinued for 60 days, or damaged more than 50 percent of its market value, or removed for any reason, shall be replaced with conforming signs. Nonconforming signs may be painted, repaired (including lighting), and altered in their wording, provided such modifications do not exceed the dimensions of the existing signs.
- (f) No person shall maintain or permit to be maintained on any premises owned or controlled by him, a sign which has been abandoned. An abandoned sign for the purpose of this chapter is a sign erected on and/or related to the use of a property which becomes vacant and unoccupied for a period of 60 days or more; or any sign which was erected for a prior occupant or business; or any sign which relates to a time or event or purpose which is past. Any such abandoned sign shall be removed by the landowner or person controlling the property within ten (10) days of the abandonment as described above.
- (g) The building inspector is hereby authorized and empowered to revoke any permit issued by the Township, upon failure of the holder thereof to comply with any provision of this Chapter.
- (h) The provisions of this chapter shall not apply where signage is erected and maintained by the Township for Township purposes, provided that all other required governmental permits are obtained by the Township prior to such Township use.

#### 1282.03

#### DETERMINATION OF SIZE OF SIGNS.

The size of any sign shall be determined in accordance with the provisions of this chapter and the following:

- (a) When a sign consists of letters, numbers, and/or logos and not a lettered board and such sign is erected on or attached to a building wall or other similar surface, the size of such sign shall be measured by the geometric shape formed by the extreme outside edge of the largest letters, numbers, or logos contained in the sign.
- (b) When a sign consists of a lettered board and such sign is erected on or attached to a building wall or other similar surface, the size of such sign shall be determined by calculating the area of the lettered board.

- (c) When a sign is a free standing sign or ground sign, the size of such sign shall be determined by calculating the area of the lettered board or the area of the combinations of letters, numbers, and/or logos without a lettered board.

1282.04 SIGN RESTRICTIONS AND STANDARDS.

- (a) Prohibited Signs.

It is unlawful to erect or maintain the following signs:

- (1) Flashing, blinking, twinkling, spinning, animated, inflatable, aerial, crane signs, or lighted moving signs, including automatic color changing and rotating lamps and other moving objects that call attention to the sign. The use of rotating search lights for advertising is allowed. Permits for the same will be treated the same as the temporary signs in the Uniform Construction Code (UCC).
- (2) Advertising cloth or paper banners or signs of any similar character suspended or hung on any property, except for temporary banners which may be permitted through special permission of the Township to be determined by the building inspector and/or Code Enforcement Officer (CEO). Permits for the same will be treated the same as the temporary sign in the UCC.
- (3) Wall bulletins or any other signs painted directly on the facade of a building or other structure.
- (4) Curb or sidewalk signs or signs painted, attached, or suspended from any outdoor bench, chair or other structure.
- (5) Swinging and hanging signs.
- (6) Signs, letters, posters and advertisements which are tacked, pasted, tied, or otherwise affixed to poles, posts, buildings, fences, or other structures located on public property or within public right-of-way in the Township of Aston.
- (7) Signs temporarily or permanently placed, erected, attached or painted on any vehicle if such a sign identifies, advertises, or gives information with respect to premises or a part thereof, or any sale or special event or other circumstances. A sign is permitted on a vehicle when:

- A. Such sign is required by law;
- B. Such sign is in transit, for a time not to exceed three (3) days, from one location to another for permanent installation.
- C. The sign is permanently painted or affixed to a vehicle and is incidental to the use of a currently licensed vehicle when that use is a means of transportation; or
- D. The vehicle, capable of sheltering a use or occupancy, is used as a construction shed or is located as prescribed for buildings in the zoning provision regulating the premises and is used and occupied for a purpose permitted by the zoning regulation. In such a case, the sign shall otherwise comply with this chapter.

(8) Signs placed, inscribed, or supported upon the roofline or any structure which extends above the roofline of any building.

(b) Unsafe and Unlawful Signs.

If the building inspector shall find that any sign or other advertising structure regulated herein is unsafe or insecure or is a menace to the public or has been constructed or erected or is being maintained in violation of the provisions of this Ordinance, he shall give written notice thereof to the permittee. If the permittee fails to remove or alter the structure so as to comply with the standards set forth herein within ten (10) days after such notice, such sign or other advertising structure may be removed or altered to comply by the building inspector at the expense of the permittee or owner of the property upon which it is located. The building inspector shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed. The building inspector may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.

(c) Inspections and Fees.

The building inspector shall cause a routine inspection of all signs in the Township to be made at least twice a year and at any other time when he deems such inspection necessary. He shall report to

the Board of Township Commissioners all unsafe signs, all signs failing in any respect to conform to the requirements of this chapter and all signs not licensed by the Township. To cover the cost of inspection of all signs, as required by this section, the owner of every sign located in the Township annually, on or before January 1, shall pay a license or inspection fee to the Township. The rate of such fee which shall be determined by the Board of Commissioners from time to time by resolution and in each case shall be based upon the area of such sign.

(d) General Restrictions and Standards.

The following restrictions shall apply to all permitted signs:

- (1) No sign shall be located, arranged, or placed in a position where it will cause danger to traffic or will interfere with traffic through glare; blocking of required sight lines for streets, sidewalks, or driveways; confusion with a traffic control device by reason of color, location, shape, or other characteristics; or through any other means.
- (2) All signs constructed or erected under the provisions of this chapter shall comply with the standards set forth in the UCC.
- (3) No sign shall be erected within the right-of-way of any public street, nor shall any such sign be closer than five (5) feet to the right-of-way line of a public street, unless specifically authorized by other ordinances and regulations of Aston Township or other governmental bodies or agencies having jurisdiction or regulatory authority in the matter.
- (4) No sign shall be designed or lighted in such a manner or placed in such a position or location that it will cause danger to traffic on a street by obstructing or hindering the view.
- (5) No sign shall be designed or lighted in such a manner or placed in such a position or location where it will present an unreasonable risk of injury to persons or property.
- (6) All external illuminated signs shall be turned off not later than one-half hour after closing of the business or entity which they identify or advertise.

- (7) No illuminated sign shall be lighted on days when the business or permitted use is not open for business.
- (8) Every sign must be constructed of durable materials and shall be solidly and firmly attached, supported, and/or anchored to the supports or framework.
- (9) Every sign must be kept in good condition and repair. Any sign which is allowed to become dilapidated shall be removed by and at the expense of the landowner or lessee of the property on which it is located.

(e) Double-Faced Signs.

- (1) A sign may be double-faced providing it has two (2) parallel surfaces that are directly opposite and matching in size and shape and are not over 24 inches apart. Should the two (2) surfaces deviate from being parallel, the sign shall be considered as two (2) signs.
- (2) Should the faces of a double-faced sign be parallel, the sign shall be considered as one sign and only one (1) face shall be used to calculate the total size of the sign.
- (3) Each face of a double-faced sign shall be equal in size. Should the faces of a double-faced sign differ in size, then the area of both faces shall be used to calculate the size of the sign.

(f) Multi-Faced Signs.

A free-standing sign may be multi-faced beyond two (2) faces provided that:

- (1) The combined area of all of the sign faces is no more than 50 percent greater than the combined area of both faces of a permitted double-faced sign in that district.
- (2) No plane or planes of any multi-faced signs shall be open.
- (3) All sign faces shall be of the same dimensions.

(g) Free-Standing Signs.

- (1) The bottom or lowest edge of any free-standing sign shall be no closer to the ground than seven (7) feet. At least five

(5) feet of the upper portion of the seven-foot space shall be open and unobstructed. No more than two (2) feet above the ground level can be devoted to and maintained for flowers, ground covers, and low spreading shrubs. If such plantings are installed, they shall be maintained at the maximum height of two (2) feet and shall be free of weeds, debris, and other undesirable material.

- (2) All single post free-standing signs shall be made of metal, except for those used in residential districts which may be made of pressure treated timbers. All such posts shall be embedded in the ground at least three (3) feet six (6) inches unless otherwise directed by the CEO.
- (3) Free-standing signs will be permitted in residential areas only when set back a minimum distance of ten (10) feet from the front property line.

(h) Ground Signs.

- (1) The top edge of a ground sign shall be a maximum of six (6) feet above ground level and shall have an area of not more than 45 square feet.
- (2) Ground signs shall be supported and permanently placed by embedding, anchoring, or connecting the sign in such a manner as to incorporate it into the landscape or architectural design scheme. The base for each such sign shall be uniform for each office park or complex.
- (3) Ground signs shall be permitted in Commercial, Planned Business Campus, Limited Industrial Districts, Institutional, and Free Standing Business Districts, only.

(i) Projecting Signs.

Such signs may be erected and maintained provided that:

- (1) No such sign shall project more than twelve (12) inches beyond the building line if internally illuminated and not more than four (4) inches if it is not internally illuminated, except that no sign shall project over a public sidewalk area.

- (2) All projecting signs shall be rigidly affixed to the building and to all supporting and framing structures, attachments, and hardware.
- (3) No part of the projecting sign shall be less than eight (8) feet or more than 14 feet above the ground or walkway level.
- (4) No projecting sign shall be permitted within 25 feet of any other projecting sign.

(i) Removal.

Each sign shall be removed within ten days of the time when the circumstances leading to its erection no longer apply, or as provided otherwise herein. No person shall maintain or permit to be maintained on any premises owned or controlled by them a sign which has been abandoned. An abandoned sign, for purposes of this chapter, is a sign erected on and/or related to the use of a property which becomes vacant and unoccupied for a period of three (3) months or more or any sign which was erected for a prior occupant or business or any sign which relates to a time event or purpose which is past. Any such abandoned sign shall be removed by the landowner or person controlling the property within ten (10) days of the abandonment described above.

(j) Application to Smoke Stacks, Water Towers, and other similar structures and protrusions.

All sign provisions of this chapter shall apply to smoke stacks, water towers, silos, and other similar structures.

(k) Off-site Advertising.

No more than one (1) offsite advertising sign is permitted for any parcel of land. No offsite sign shall exceed ten (10) square feet. All other regulations contained in this chapter shall apply.

(l) Miscellaneous Regulations.

A sign that is not expressly permitted in any given zoning district is prohibited by this section.

1282.05

**SIGNS FOR WHICH A PERMIT ARE REQUIRED.**

The following signs, exactly as described under each specific district, are permitted, provided a sign permit has been obtained for such sign.

(a) Signs in Residential Districts.

The following types of signs and no others shall be permitted in R-1, R-2, R-3, Apartment, Townhouse, Mobile Home, and Planned Residential Development Districts.

- (1) Professional, accessory use, or name signs indicating the name, profession, or activity of the occupant of a dwelling, provided that:
  - A. The size of any such sign shall not exceed 288 square inches.
  - B. Not more than one (1) such sign shall be erected for each permitted use or dwelling.
  - C. No such sign shall be illuminated except by lighting, concealed or indirect, attached to the sign itself.
- (2) Identification signs for apartment complexes, schools, colleges, churches, hospitals, sanitariums, and other permitted uses other than dwellings, provided that:
  - A. The size of any such signs shall not exceed 20 square feet.
  - B. Not more than one such sign shall be erected on the premises.
  - C. No such sign shall be illuminated, except by lighting, concealed or indirect, attached to the sign itself.
- (3) Signs advertising the development of the premises upon which they are erected, provided that:
  - A. The size of any such sign shall not exceed 20 square feet.
  - B. Not more than one (1) such sign shall be erected on the premises or lot unless such premises fronts on more than one street, in which case one such sign may be erected on each street frontage.
  - C. No such sign shall be illuminated.

- D. All such signs shall be removed upon settlement of all lots on the premises in all approved phases of the development.
- (4) Signs indicating the location and direction of premises in the process of development, provided that:
- A. The size of any such sign shall not exceed six (6) square feet.
  - B. Not more than one such sign shall be erected on each 500 feet of street frontage.
  - C. No such sign shall be illuminated.
  - D. All such signs shall be removed upon settlement of all lots in all approved phases of development.
- (b) Signs in the Commercial, Limited Industrial, Shopping Center, Planned Business Campus, Freestanding Business, and Institutional Districts.

(1) General provisions.

The following types of signs shall be permitted in the Commercial, Limited Industrial, Shopping Center, and Planned Business Campus Districts.

- A. Any sign permitted in a residential district which relates to a use permitted in such district.
- B. Real estate signs advertising the sale or rental of the premises upon which they are erected, provided that:
  - 1. Not more than one (1) such sign shall be erected for any premises held in single and separate ownership, unless such premises fronts on more than one (1) street, in which case one such sign may be erected on each street frontage.
  - 2. The size of any such signs shall not exceed 20 square feet.
  - 3. No such sign shall be illuminated.

4. All such signs shall be removed not later than on the date of settlement.
  5. Any such sign, less than six (6) square feet, shall require no permit pursuant to this Ordinance.
- C. Real estate development signs advertising the development of the premises upon which they are erected, provided that:
1. Not more than one (1) such sign shall be erected on any premises held in single and separate ownership, unless such premises fronts on more than one (1) street, in which case one (1) sign may be erected on each street frontage.
  2. The size of any such sign shall not exceed 48 square feet nor be more than six (6) by eight (8) feet.
  3. No such sign shall be illuminated.
  4. All such signs shall be removed when all the buildings, stores, or lots on the premises have been rented or sold or within one (1) year from the date the application for such signs was approved, whichever occurs first. Such signs shall be permitted for additional periods of six (6) months upon application to the CEO provided that at the time said application is filed not more than 90 percent of the buildings, stores, or lots on the premises have been rented or sold.

(2) Signs in the Commercial District.

- A. The following signs, in addition to those in Section 1282.05(b)(1)A, B, and C above, shall be permitted in the C Commercial district.
1. Signs permitted in residential districts.
  2. Freestanding signs, ground signs, wall signs, awning or canopy signs, projecting signs,

window signs, and freestanding digital signs that meet the size, setback, and other requirements for signs in the district and comply with the provisions of Section 1282.09(d)(4) relating to digital signs.

- B. Except as provided in paragraphs (b)(2) C and D hereof, not more than one (1) freestanding or ground sign for each building or combination of buildings on the premises held in single and separate ownership shall be erected regardless of the number of uses or businesses in each building or combination of buildings, provided that:
1. No free-standing sign shall be less than seven (7) feet or more than 15 feet in height above the grade of the center line of the nearest public roadway. Nor shall such sign exceed 25 square feet.
  2. No ground sign shall be more than four (4) feet in height nor shall the sign area exceed 32 square feet.
  3. No such sign shall be illuminated except by lighting, concealed or indirect, attached to the sign itself.
  4. No projecting sign shall have an area in excess of six (6) square feet.
- C. Signs on mobile stands which can be moved from place to place and which are therefore not permanently affixed to the ground, and other portable signs, be they freestanding, on the ground, or temporarily attached to a building or other support, shall be permitted. Said signs shall require a permit, and a permit fee shall be established in an amount which shall be determined by the Board of Commissioners from time to time by Resolution. Such temporary mobile signs may be erected for a period not to exceed seven (7) days in succession and must be removed from the premises for a period of at least 30 days prior to applying for a new and subsequent permit for said temporary mobile signs. The permit for such signs shall be limited in

issuance to no more than six (6) times in any calendar year. In addition, only one temporary mobile sign per business shall be permitted in addition to those signs already permitted in Section 1282.05.

Said temporary mobile signs shall be permitted pursuant to these provisions only in Commercial, Limited Industrial, Planned Business Campus, and Institutional Districts and may not be erected or installed in any other district.

- D. A restaurant with drive-through service may erect one additional free standing sign which is a menu sign provided that:
  - 1. Such sign shall not exceed 25 square feet.
  - 2. Directional signs are not included.
  
- E. Each occupant in the building or combination of buildings on the premises with a direct public entrance from a parking lot or street shall be permitted one (1) sign, provided that:
  - 1. Such sign shall be a wall sign.
  - 2. The size of any such sign shall not exceed 25 square feet.
  - 3. No such sign shall be illuminated except by lighting, concealed or indirect, attached to the sign itself.
  
- F. All occupants in the building or combination of buildings on the premise with no direct public entrance from a parking lot or street shall be permitted one (1) sign, which sign shall identify all such occupants, provided that:
  - 1. Such sign shall be a wall sign attached to a building or combination of buildings on the premises and shall be located in the immediate vicinity of the public entrance of the building or combination of buildings.

2. The size of any such sign shall not exceed 15 square feet.
3. No such sign shall be illuminated except by lighting, concealed or indirect, attached to the sign itself.

(3) Signs in the Shopping Center District.

The following signs, in addition to those in Section 1282.05(b)(1)A, B, and C above, shall be permitted in the Shopping Center District:

- A. Freestanding signs, ground signs, wall signs, awning or canopy signs, projecting signs, and window signs.
- B. Not more than one (1) freestanding sign advertising and identifying each shopping center held in single and separate ownership shall be erected for each street upon which the shopping center has frontage, provided that:
  1. No such freestanding sign shall be less than seven (7) feet nor more than 15 feet in height above the grade of the centerline of the nearest public roadway.
  2. The size of any such sign shall not exceed 50 square feet.
  3. No such sign shall be illuminated except by lighting, concealed or indirect, attached to the sign itself.
  4. Signs on mobile stands which can be moved from place to place and thereby not permanently affixed to the ground and other portable signs, be they freestanding, on the ground, or temporarily attached to a building or other support, are prohibited within this district.
- C. Each occupant in the shopping center with a direct public entrance to a parking lot or street shall be permitted one sign, provided that:

1. The sign shall be a wall sign attached to a building or combination of buildings on the premises.
  2. The size of any such sign shall not exceed 15 square feet.
  3. No such sign shall be illuminated except by lighting, concealed or indirect, attached to the sign itself.
- D. Each occupant in the shopping center with no direct public entrance to a parking lot or street shall be permitted one sign, which sign shall identify all such occupants, provided that:
1. Such sign shall be a wall sign attached to a building or combination of buildings on the premises and shall be located in the immediate vicinity of the public entrance to the shopping center.
  2. The size of any such sign shall not exceed 15 square feet.
  3. No such sign shall be illuminated except by lighting, concealed or indirect, attached to the sign itself.
  4. No projecting sign shall have an area in excess of six (6) square feet.
- E. Each occupant of a multi-occupancy building occupying 100,000 square feet or more of floor space shall be permitted signs on the exterior of said building, provided that:
1. Not more than two (2) such signs shall be permitted for any one occupant.
  2. Such signs shall be wall signs.
  3. No sign shall exceed 50 square feet.

4. No such sign shall be illuminated except by lighting, concealed or indirect, attached to the sign itself.
- F. Each occupant of a multi-occupancy building occupying 2,000 square feet or more of floor space and having direct public access to a parking area shall be permitted one sign on the exterior of said building, provided that:
1. Such sign shall be a wall sign.
  2. Such sign shall be located in the immediate vicinity of said occupant's direct public access to the parking area.
  3. The size of any such sign shall not exceed 50 square feet.
  4. No such sign shall be illuminated except by lighting, concealed or indirect, attached to the sign itself.
- G. All occupants in a multi-occupancy building which do not have a direct public access to a parking area shall not be permitted an exterior sign. The Township may permit such an occupant to have an exterior sign upon the showing by such occupant of undue hardship and special need.
- H. Each occupant in a multi-occupancy building occupying 30,000 square feet or more of floor space, shall be permitted one sign on the exterior of said building, provided that:
1. Such sign shall be a wall sign.
  2. The size of any such sign shall not exceed 30 square feet.
  3. No such sign shall be illuminated except by lighting, concealed or indirect, attached to the sign itself.
- I. The principal occupant in a multi-occupancy building as described in paragraph (b)(3)G. hereof

shall be permitted signs on the exterior of said building, provided that:

1. Not more than one sign shall be permitted on each of three (3) sides of said building.
2. Such signs shall be wall signs.
3. The size of any such sign shall not exceed 50 square feet.
4. No such sign shall be illuminated except by lighting, concealed or indirect, attached to the sign itself.
5. In the case of a movie theatre or auditorium, the Township may, as a conditional use, authorize the number and size of signs per building wall to be modified to reduce the number of walls utilized for signage, so long as the total square footage for signage on the building does not exceed 300 feet.

J. At each public entrance to a multi-occupancy building as described in paragraph (b)(3)F. hereof, there shall be permitted one sign on the exterior of the building identifying the occupants of said building, provided that:

1. Such sign shall be a wall sign.
2. Such sign shall be located in the immediate vicinity of the public entrance to said building.
3. The size of any such sign shall allow each occupant of the building not more than six (6) square feet.
4. No such sign shall be illuminated except by lighting, concealed or indirect, attached to the sign itself.

K. Exterior signs are permitted on a single occupancy building with 50,000 square feet or more of floor space, provided that:

1. Not more than one sign shall be permitted on two (2) sides of the building.
  2. All signs shall be wall signs.
  3. No sign shall exceed 50 square feet.
  4. No such sign shall be illuminated except by lighting, concealed or indirect, attached to the sign itself.
  5. No sign may be used to advertise any goods, businesses, or services which are not sold in or conducted in the building to which the sign is attached.
- L. Where “entrance,” “exit,” “pick-up,” and “loading area” signs are desired, such signs shall be permitted by the Building Inspector if shown to be necessary for the safety and protection of the public. No such sign shall be greater than six (6) square feet in area, and no such sign shall contain any advertising.
- M. Signs shall be permitted on the interior of any single or multiple occupancy building.
- N. Exterior signs are permitted on a single occupancy building with floor space of at least 10,001 square feet but not more than 99,999 square feet, provided that:
1. Not more than two (2) signs shall be permitted on any such building.
  2. All signs shall be wall signs.
  3. The total size of all signs shall not exceed 50 square feet.
  4. No sign shall be illuminated except by lighting, concealed or indirect, attached to the sign itself.
  5. No sign may be used to advertise any goods, businesses, or services which are not sold in

or conducted in the building to which the sign is attached.

- O. Exterior signs are permitted on a single occupancy building with floor space of 10,000 square feet or less, provided that:
  - 1. Not more than one (1) sign shall be permitted on each side of the buildings.
  - 2. No more than two (2) such signs shall be permitted on any such building.
  - 3. Such signs shall be wall signs.
  - 4. The total size of all signs shall not exceed 50 square feet.
  - 5. No such sign shall be illuminated except by lighting, concealed or indirect, attached to the sign itself.
  - 6. No such sign may be used to advertise any goods, businesses, or services which are not sold in or conducted in the building to which the sign is attached.

(4) Signs in Freestanding Business District

A. Ground signs.

Whenever a site is established as a free standing business establishment, as further explained and regulated in Chapter 1277, no more than one (1) ground sign may be erected for each building to advertise and identify the business for such building, or in the case of a multi occupancy building, the principal occupant for such building. Such sign shall be erected not less than five (5) feet from the right-of-way line and shall otherwise be governed by Section 1282.04 herein.

- B. Freestanding signs are prohibited in this district. Additionally, signs on mobile stands which can be moved from place to place and thereby not permanently affixed to the ground and other

portable signs, whether they are free standing, on the ground, or temporarily attached to a building or other support, are prohibited within this district.

C. Exterior wall signs.

1. In the case of a single occupancy building, exterior wall signs may be erected on no more than two (2) sides of the main building, the size of which shall not exceed 50 square feet.
2. No portion of any wall sign shall extend above the wall or roof of any building. No other wall signs shall be erected on any wall or other surface of the building except that a sign shall be erected indicating entrances or exits or other service areas of the building. Such signs shall not exceed two (2) feet by two (2) feet or be higher than six (6) feet from the ground.
3. For multi occupancy buildings, each occupant in a building with direct public entrance from a parking lot or street shall be permitted one exterior wall sign, provided that:
  - a) Such sign shall be a wall sign.
  - b) The size of the sign shall not exceed 25 square feet.
  - c) No such sign shall be illuminated except by lighting concealed or indirect attached to the sign itself.
4. Occupants in a multi-occupancy building which do not have a direct public access to a parking area, shall be permitted one sign, which shall identify all such occupants, provided that:
  - a) Such sign shall be a wall sign and shall be in the immediate vicinity of the public entrance to the building.

- b) The size of such sign shall not exceed 15 square feet.
    - c) No such sign shall be illuminated except by indirect or concealed lighting attached to the sign itself.
    - d) Exterior signs are not permitted. The township may permit an exterior sign upon showing by such occupant of undue hardship and special need.
  - D. Where “entrance,” “exit,” and “pick-up” and “loading area” signs are desired, such signs shall be permitted by the Building Inspector if shown to be necessary for the safety and protection of the public. No such sign shall be greater than six (6) square feet in area, and no such sign shall contain any advertising.
  - E. Signs shall be permitted on the interior of any single or multiple occupancy building.
  - F. Window signs are permitted and shall comply with Chapter 1282.06.
- (5) Signs in the Planned Business Campus District, Limited Industrial District, and Institutional Districts.
- A. Planned Business Campus District.
    - 1. Free-standing signs.
 

Whenever a site is established as an industrial park containing not less than three (3) separate offices, shops, warehouses, or other buildings permitted in accordance with Chapters 1272 and 1278, a sign may be erected at the main entrance of such site. Such sign shall designate the name of the park or site and the names of all tenants or owners within the site. The sign shall not exceed 30 feet in height and shall be of sufficient length or width to permit the listing of all tenants or owners. The area of each sign shall not exceed one (1) foot by

two (2) feet for each tenant or owner and plus the name of the park which may extend the full width of the sign but not over three (3) feet high.

2. Ground signs.

Ground signs shall be erected not less than five (5) feet from the right-of-way line. Such signs shall not exceed four (4) in height and 32 square feet in area.

3. Wall signs.

Wall signs may be erected on the front of the main building, the size of which shall not exceed 48 square feet. No portion of any wall sign shall extend above the wall or roof or any building. No other wall signs shall be erected on any wall or other surface of the building, except that a sign may be erected indicating entrances or exits or other service areas of the building. Such signs shall not exceed two (2) feet by two (2) feet or be higher than seven (7) feet from the ground.

4. Illumination.

Illumination for free-standing signs and ground signs shall be by indirect lighting. Any illuminated sign shall be wired in accordance with applicable regulations and provided with non-glare style illumination.

5. Signs on mobile stands are prohibited in the Limited Industrial and the Planned Business Campus Districts.

B. Limited Industrial District.

1. Free-standing signs.

The lowest edge of a free-standing sign shall be no closer than seven (7) feet from the ground and such a sign shall not exceed 48 square feet in area.

2. Ground signs.

Ground signs shall be erected not less than 15 feet from the curb line and shall not exceed four (4) feet in height and 32 square feet in area.

3. Wall signs.

See subsection (5) A 3, relating to Limited Industrial district and Planned Business Campus district.

4. Illumination. See subsection (b)(2) B 3.

5. Digital, freestanding signs that meet the size, setback, and other requirements in the district and comply with the provisions of Section 1282.09(d)(4) relating to digital signs.

6. Billboards that meet the requirements of Section 1282.09.

C Signs in the Institutional District

1 Free-standing signs.

Whenever a site is designated for an institutional or quasi public use, as regulated in Chapter 1279, a sign may be erected at the main entrance of such entrance of such establishment. Such sign shall designate the name of the business or entity occupying the site. The sign shall not exceed 30 feet in height.

2 Ground signs.

Ground signs shall be erected not less than five (5) feet from the right of way line. The size of such signs is governed by Chapter 1282.04.

- 3 Wall signs.  
  
See Paragraph (5) A 3, relating to Limited Industrial district and Planned Business Campus district.
- 4 Illumination. See paragraph (b)(2) B 3 above.
- 5 Signs in mobile stands are prohibited in the Institutional District.
6. Digital, freestanding signs that meet the size, setback, and other requirements for signs in the district and comply with the requirements of Section 1282.09(d)(4) relating to digital signs.

1282.06 SIGNS FOR WHICH A PERMIT IS NOT REQUIRED (EXEMPT SIGNS)

The following signs are exempt from the need to secure a permit.

- (a) Public notice, warning or official traffic sign required by a federal, state, or local law, regulation, or ordinance.
- (b) Any sign inside a building, not attached to a window or door that is not legible from a distance of more than three (3) feet beyond the lot line of the property on which such sign is located.
- (c) Building markers that only include building name, date of construction, or historical data on an historic site, provided that there is only one (1) per building with a maximum area of six (6) square feet.
- (d) Flags of the United States, the Commonwealth of Pennsylvania, foreign nations having diplomatic relations with the United States, or any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such flag does not exceed 60 square feet in area and shall be flown from a pole not more than 40 feet in height.
- (e) Incidental signs containing no commercial message of any kind, provided that such signs do not exceed eight (8) square feet.

- (f) Signs advertising the sale or rental of the premises or lot upon which they are erected, provided that there is no more than one (1) such sign per street frontage. Such sign shall be neither illuminated nor exceed eight (8) square feet in residential districts and 20 square feet in nonresidential districts.
- (g) Signs advertising the development of the premises where they are erected. Such signs shall not exceed eight (8) square feet in residential districts and 20 square feet in nonresidential districts.
- (h) Nameplate signs on private residences, provided that they do not exceed 288 square inches.
- (i) Decorations for a recognized officially designated holiday, provided that they do not create a traffic or fire hazard.
- (j) Yard sale or garage sale signs, provided that they do not exceed two (2) square feet and shall be removed within 24 hours after such sales.
- (k) Signs announcing a political, educational, charitable, civic, religious, athletic, or similar campaign or event, provided that such signs are erected for a period not to exceed 30 days or more than four (4) times in any calendar year for a maximum annual total of 120 days. Such signs shall not exceed eight (8) square feet.
- (l) Temporary banners advertising or denoting special events.
- (m) Changeable copy signs. These signs shall be permitted for churches, schools, and other uses which by their nature require changeable copy signs, provided that only one (1) such sign shall be permitted. However, in the case of a corner property with a frontage in excess of 100 feet, one (1) additional sign is permitted on the side of the property. The size of such signs shall not exceed 16 square feet.
- (n) Window signs, used to serve as accessory sign to the signs associated with the principal use.
  - (1) Window signs shall be permitted in commercial zoning districts.
  - (2) Area of window sign(s) shall not exceed 25 percent of the glass area of the window in which it is placed.
- (o) Official traffic signs.

- (p) Trespassing signs or signs indicating the private nature of a driveway or property provided that the size of such sign shall not exceed six (6) square feet.
- (q) Signs of contractors, mechanics, and artisans, provided that:
  - (1) Such signs shall be erected only upon the premises or lot where such work is being performed.
  - (2) The size of such sign shall not exceed twelve (12) square feet.
  - (3) No such sign shall be illuminated.
  - (4) Such signs shall be removed within 24 hours after completion of the work.
- (r) Signs advertising the sale of farm products grown on the premises provided that:
  - (1) The size of any such sign shall not exceed six (6) square feet.
  - (2) Not more than one (1) such sign shall be erected on each street frontage.
  - (3) No such sign shall be illuminated.
  - (4) Such sign shall be displayed only when farm products are being sold.

1282.07 NONCONFORMING SIGNS.

- (a) Signs which are nonconforming and signs which identify and advertise nonconforming uses shall be permitted in accordance with the following regulations, except as otherwise provided in this Ordinance.
  - (1) A sign which is nonconforming at the effective date of this Ordinance may be continued although such sign does not conform to the provisions of this Chapter.
  - (2) A nonconforming sign may be changed to or replaced by another nonconforming sign, when authorized as a special exception by the Zoning Hearing Board. Whenever a nonconforming sign has been changed to a more restricted

nonconforming sign, such sign shall not thereafter be changed to a less restricted nonconforming sign.

- (3) No nonconforming sign which has been dismantled, damaged, or otherwise destroyed to the extent of more than 75 percent of its value shall be repaired or rebuilt except as a conforming sign, except when authorized to be repaired or rebuilt as a nonconforming sign as a special exception by the Zoning Hearing Board.
  - (4) If a nonconforming use of a building ceases or is discontinued for a continuous period of one (1) year or more and such nonconforming use is deemed to be abandoned by virtue of the applicable provisions of other ordinances and regulations of the Township, any nonconforming sign on the premises shall also be considered abandoned and any subsequent signs erected or maintained on the premises shall be in conformity with the provisions of this Chapter.
- (b) The following types of signs advertising nonconforming uses on conforming lots, or conforming uses on nonconforming lots, or nonconforming uses on nonconforming lots shall be permitted provided that:
- (1) Not more than one (1) free-standing sign designating the name and address of the building or combination of buildings on the premises held in single and separate ownership and identifying the occupants of said building or combination of buildings shall be erected provided that:
    - A. No such free-standing sign shall be more than 15 feet in height above the grade of the centerline of the nearest public street.
    - B. The size of such sign shall not exceed 25 square feet.
    - C. No such sign shall be illuminated except by lighting, concealed and indirect, attached to the sign itself.
  - (2) Each occupant in the building or combination of buildings on the premises with a direct public entrance from a parking lot or street shall be permitted one (1) sign provided that:

- A. The sign shall be a wall sign.
  - B. The size of such sign shall not exceed 25 square feet.
  - C. Illumination. As per (1) C above.
- (3) All occupants in the building or combination of buildings on the premises with no direct entrance from a parking lot or street shall be permitted one (1) sign which shall identify all such occupants and tenants, provided that:
- A. Such sign shall be a wall sign and shall be located in the immediate vicinity of the public entrance of the building or combination of buildings.
  - B. The size of such sign shall not exceed 25 square feet.
  - C. Illumination. As per (1) C above.

1282.08 PERMITS AND INSPECTIONS

- (a) Except as otherwise provided in Section 1282.06 relating to exempt signs, no sign shall be erected in the Township until a permit therefore has been obtained in the following manner:
- (1) An application in writing shall be made to the Code Enforcement Officer (CEO) by the person desiring the permit.
  - (2) The application submitted to the CEO shall give full particulars regarding the size, shape, material, and supports of the sign as well as a sketch or sketches showing the location of the sign on the building or lot, the distance from the curb line, and the height of the sign. The application shall be sufficiently specific to enable the CEO to determine if the sign complies with this Ordinance as well as any other ordinance or regulation of the Township relating thereto. Such application shall be accompanied by a fee as Township Commissioners may establish from time to time by Resolution, which shall be one and one-half percent of the cost of the sign and its erection, with a minimum fee of fifty dollars (\$50.00) which shall be for the use of the Township and is hereby imposed in order to cover or partially cover the

cost of inspection of the work of construction/erection of such sign.

- (3) If the person submitting the application is not the owner of the property upon which the sign is to be erected, the written consent of the owner of the property on which the sign is to be erected shall accompany the application.
- (4) Except as otherwise provided in Section 1282.06 (exempt signs), whenever any sign or sign face is replaced by another sign, enlarged in any manner, or altered, dismantled, damaged, or otherwise destroyed, a permit shall be required as provided in this Section before the sign is replaced, enlarged, altered, or repaired.

## 1282.09 BILLBOARDS

### (a) Purpose.

It is the intent of this Section to recite the purposes of permitting Billboards as Conditional Uses in the LI District subject to the Area and Bulk Regulations, Conditional Use standards, and Criteria for Approval of Billboards as set forth Herein.

The purposes are:

- (1) To support the First Amendment rights of advertisers to promote legal products and services while retaining the sense of community and protecting the character of the Township;
- (2) To ensure Billboards are provided for in the Township and located safely and appropriately where they can be viewed by the traveling public with the least distraction and degradation in driving performance.
- (3) To place reasonable limits on the size and total number of Billboards within the Township; and
- (4) To promote quality, appearance, and safety of Billboards through the use of the latest digital technology.

### (b) Location.

Billboards are permitted in the Limited Industrial (LI) district only, as a Conditional Use. The said Billboard shall be the principal use

of the parcel on which it is located and be subject to the Area and Bulk Regulations set forth herein.

(c) Area and Bulk Regulations.

- (1) The minimum lot size for a Billboard shall be 20,000 square feet.
- (2) Only one (1) Billboard shall be permitted on any one lot. The lot shall be free from all other buildings, structures, and improvements except those required for the operation, maintenance, and security of the Billboard.
- (3) A Billboard structure shall have a maximum height above the curb or a roadway, from which it is intended to be of 35 feet; provided, however, that the height of a Billboard structure oriented to a depressed roadway shall be measured from the grade at the base of the Billboard.
- (4) The minimum lot width at both the street line and the front yard setback line shall be 100 feet.
- (5) The minimum setback from the street line shall be 35 feet, and the minimum setback from all other property lines shall be 25 feet.
- (6) Billboards shall have no more than two display faces, neither of which may exceed 150 square feet. The display faces shall be back to back and shall not be more than four (4) feet apart. The sign area for Billboards shall be calculated including all trim and border area but shall exclude the main supporting structure, base, and apron.
- (7) No Billboard shall be located closer than 1,000 feet to any other Billboard, measured in all directions.
- (8) No Billboard may be located closer than 100 feet from the boundary line of any Residential district. The required distance shall be measured from a point perpendicular to the centermost point of the Billboard structure along the front line parallel to the center line of the roadway to which the sign is erected.
- (9) Billboards are not permitted on sewer rights of way, including water, electric, gas, or petroleum pipelines, and floodplain areas or within 500 feet of a bridge crossing.

- (10) Billboards may not be mounted on a roof.
- (d) In addition to Standards and Criteria for Approval of Conditional Uses set forth in Section 1290, the following Standards and Criteria shall apply to Billboard Conditional Use:
- (1) No Billboard may be constructed within the clear sight triangle of the public street or road on which it is situated and shall not in any manner impede traffic safely including ingress or egress.
  - (2) No Billboard may be erected in such a manner as to block the view from the road, street of any existing business sign, logo sign, residential or nonresidential structure or limit, or reduce the lighting and ventilation requirements under the Township Building Code.
  - (3) No Billboard shall be located within the safe clear sight distance or safe stopping distance of a signalized intersection, which distance shall be determined in accordance with applicable Pennsylvania Department of Transportation Standards.
  - (4) All Billboards shall be stationary and utilize digital technology to produce static images which may be changeable. Billboards shall not flash, twinkle, feature motion pictures, moving images, moving lights, or have mechanical or animated movement.
  - (5) Only one advertisement, display, or message may appear on a Billboard face at any one time. When a Billboard has two sides, each of the two sides of a Billboard may contain a separate advertisement.
  - (6) Changes from one advertisement, display or message to another may occur no more frequently than three (3) times per side in any 24 hour period and no more than one (1) time per six (6) hour period, with transitions that do not have the effect of moving text images or lights.
  - (7) Each face of a Billboard shall be demonstrated to be oriented toward the road upon which the Billboard fronts or faces to cause the least visual impact upon neighboring properties.

- (8) The Billboard shall not be used to advertise, display, or otherwise direct attention to a product activity, message, or business within the LI district where in the Billboard is located, except where the advertisement, display, attention, or message is not for the local product, activity, message, or business but is part of an off –site regional or national campaign or program.
- (9) All Billboards shall be internally lit. No exterior lighting shall be permitted, except in connection with safety or maintenance and as approved by the Township. Illumination of Billboard signs shall, at a minimum, follow the standards and requirements of the Illuminating Engineering Society of North America (IESNA) and shall be subject to review and approval by the Township.
- (10) All Billboards shall have an automatic light output adjustment to minimize light output or brightness to necessary levels for surrounding ambient light conditions. Light intensity shall not exceed 0.3 foot candles above ambient lighting, as measured by a foot-candle meter.
- (11) Where Billboards are visible from a Residential District, use of the Billboard shall be extinguished automatically by a form of programmable controller, with eastern standard time and day light savings time control and spring or battery outage reset, from 11:00 P.M. until 6:00 A.M. on the following day.
- (12) Billboards shall be freestanding and self-supporting. No part or portion of a Billboard shall be attached or connected to any other building or structure. All utilities serving the Billboard shall be located below the ground.
- (13) A Billboard structure shall have a maximum of one (1) vertical support without bracing, which shall have a minimum diameter of 48 inches with one half (1/2) inch wall or width.
- (14) A Billboard sign face shall be independently supported and have vertical supports of metal which are galvanized or otherwise treated to prevent rust or corrosion.
- (15) Billboards must comply with all applicable federal and state regulations concerning permissible wind pressure and construction.

- (16) The entire base of the Billboard structure shall be permanently landscaped with suitable shrubbery and/or bushes of minimum height of three (3) feet placed in such a manner as to screen the foundation of the structure. A landscaping plan shall be submitted for review and approval by the Code Enforcement Officer. Said landscaping shall be maintained by the sign owner in an attractive and healthy manner. Landscaping shall form a base and backdrop to the Billboard sign when practical.
  - (17) Billboards shall be properly and adequately secured to prevent unauthorized access.
  - (18) There shall be no objects or other structures attached to a Billboard or its support structure except as may be necessary for the proper and safe operation and maintenance of the Billboard.
  - (19) The provisions of the Township's Subdivision and Land Development Ordinance, as amended, shall apply.
  - (20) A bond or other security acceptable to the Township in form and amount satisfactory to the Township shall be posted with the Township to ensure that the Billboard will be properly removed upon termination of use for a period of one (1) year.
  - (21) Billboards shall require a Building Permit and related permits and shall be constructed in accordance with the applicable provisions of the Aston Township Building Code and Uniform Construction Code.
  - (22) To the extent of any conflict between the provisions of this Section and any other Section of the Zoning Ordinance, the provisions of this Section shall be controlling as to Billboards.
- (e) General Billboard Regulations.
- (1) The Billboard structure shall be entirely repainted every three (3) years.
  - (2) Every five (5) years the owner of the Billboard shall have a structural inspection made of the Billboard by a qualified Pennsylvania registered engineer or architect and shall

provide to the Township a certificate from the engineer or architect certifying that the Billboard is structurally sound.

- (3) Annual inspections of the Billboard shall be conducted by the Township Code Enforcement Officer to determine compliance, and Billboards found to be in violation of this section shall be brought into compliance within thirty (30) days of notice or ordered to remove upon proper notification by the Township. The cost of such inspection shall be borne by the Billboard owner.

#### 1282.10 CAUSES OF ACTION

If any sign is in violation of this Chapter, the Township or any owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute an appropriate action or proceeding to prevent, restrain, correct, or abate such violation. When any such action is instituted by an owner or tenant, notice of that action is begun by serving a copy of the complaint on the Township, at least thirty days prior to the time the action is commenced, by way of filing the complaint with the applicable court. No such action may be maintained until such notice has been given.

# CHAPTER 1284

## Parking Regulations

### 1284.01 PURPOSE.

The purpose of this chapter is to adequately provide for the parking needs of all uses in the Township, reduce traffic congestion on public streets by getting parking off streets, and allow faster emergency access. The secondary purposes include minimizing development problems with neighboring uses, providing for special parking needs of handicapped drivers, and providing flexibility in meeting the Township's parking problems and needs by methods such as shared parking arrangements.

### 1284.02 APPLICABILITY.

#### (a) Basic Requirements.

Off-street parking shall be provided in accordance with the requirements in Section 1284.03 below.

#### (b) Existing Structures and Uses.

No building or use of land lawfully in existence prior to the effective date of this Ordinance shall be subject to the following requirements so long as the kind or extent of use is not changed so as to require additional parking.

#### (c) Provision and Retention of Facilities.

All required parking facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total extent except when such reduction is in conformity with this chapter.

#### (d) Construction or Extension of Use.

No building or structure shall hereinafter be constructed, enlarged, or modified and no use or activity shall be conducted or expanded unless provision is made on the same or approved adjacent lot for off-street parking facilities, either within a structure or in the open, and with proper and safe access from a street, to adequately serve the use(s) within the district according to the provisions of this Chapter in its entirety.

1284.03 REQUIRED PARKING RATIOS.

Spaces for off-street parking shall be provided as required below:

<u>Use</u>	<u>Parking Space Requirements</u>
<b>Agricultural</b>	1 space for every 200 square feet of sales area and not less than three (3) spaces

<b>Residential</b>	
Single-family dwelling units	2 spaces for every unit
Townhouses	2 for every dwelling unit plus 1 for every 4 dwelling units for guests
Multi-family dwellings and two-family dwellings	1 per dwelling unit for 1 bedroom units 2 per dwelling unit for 2 bedroom units Plus 1 for every 4 dwelling units for guests in multi-family development of 16 or more units
Professional home offices	1 for every 200 square feet of space devoted to office use or home occupation, plus residential requirements
Mobile homes and mobile home parks	2 for each dwelling unit, plus 1 for every 4 dwelling units for guests in developments of 16 or more units
Community residence facilities	1 for every 4 residents and 1 for every employee on the shift of greatest employment

<b>Public and private recreational</b>	
Private clubs	1 for every 150 square feet of floor area devoted to member or patron use
Bowling alley	4 for each lane
Gymnasium, stadium	1 for every 4 seats
Outdoor commercial recreational	1 for every 150 square feet of gross floor area devoted to such use
Indoor commercial recreation	1 for every 150 square feet of gross floor area

<b>Governmental, Institutional, and Education</b>	
Auditoriums, churches, and other places or public assembly	1 for every 5 seats, plus 1 for every 150 square feet of meeting room area
Community center, library, or similar use	1 for every 250 square feet of gross floor area
Continuing care facility	1 for every dwelling unit, plus 1 for every 2 employees on the shift of greatest employment
Convalescent home, nursing home	1 for every 4 beds, plus 1 for each employee on shift of greatest employment
Intermediate day care center and group day care center	1 for every 500 square feet of gross floor area, plus 1 for each adult attendant. This shall be in addition to the parking requirements of the primary use such as a school or church if applicable
Adult day care center	1 for every 5 clients, plus one for each employee on the shift of greatest employment
Primary and secondary schools	1 for each faculty member or other full time employee, plus 2 for each classroom, plus 1 for every 12 students aged 16 years or older
Colleges or universities	1 for every 2 faculty members and full time employees plus 1 for every three students
Dormitories	1 for every 2 residents, plus 1 for every 4 units (apartments, rooms etc.)
<b>Recycling Facilities</b>	
Small collection facility	2 per facility under 400 square feet
Large collection facility	1 for every 400 square feet of area occupied by the facility, but in no case less than 4
Processing facility	1 for every 750 square feet of gross floor areas plus 1 for every employee on the shift of greatest employment

<b>Retail, commercial, and other business</b>	
Retail store of shop	1 for every 200 square feet of gross floor area
Furniture or appliance store	1 for every 300 square feet of gross floor area
Convenience store	1 for every 125 square feet of gross floor area
Supermarkets	1 for every 125 square feet of gross floor area
Personal service business such as barber shops, beauticians, tailor, shoe repair, and similar uses	1 for every 150 square feet of gross floor area
Shopping center	1 for every 250 square feet of gross floor area
Professional and other offices	1 for every 200 square feet of gross floor area
Banks, credit unions, and savings and loans	1 for every 200 square feet of gross floor area
Medical, dental, or veterinary offices or clinics	1 for every 100 square feet of waiting room space plus 2 for each practitioner
Restaurant, sit-down without banquet facilities	1 for every 100 square feet of gross floor area, plus 2 for every 3 employees on shift of greatest employment
Restaurant with banquet facilities or dinner theater	1 for every 150 square feet of gross floor area, plus 1 space for every 2 banquet seats and 2 for every 3 employees on shift of greatest employment
Restaurant with drive through service or restaurant/retail food service with walkup or counter service	1 for every 75 square feet of gross floor area, plus 2 for every 3 employees on the shift of greatest employment
Movie theater or place of amusement	1 for every 4 seats, plus 1 for every employee on the shift of greatest employment
Health club	1 for every 100 square feet of gross floor area
Funeral home	1 for every 75 square feet of floor area in viewing room or parlors, plus 1 for each official funeral care, plus 2 for the resident family, plus 1 for every 2 employees exclusive of the family of residence

Hotel, motel, or inn	1 for every guest room, plus 1 for every 2 employees exclusive of the resident family members
<b>Car Wash</b>	
Standard	10 per bay for stacking, plus 4 for standing between the exit of the facility and the street, plus 1 for each employee on the greatest shift
Self service	4 per bay for stacking, plus 1 for standing between the exit of the facility and the street
Laundromat, self service	1 for every 2 washing machines or 100 square feet whichever is greater
Automobile service and repair	2 spaces, either within or outside the structure, for every 200 square feet of floor or ground area devoted to repair or service facilities and, in addition, such space as is necessary for vehicles purchasing gasoline or being stored. In no case shall the space for permitted motor vehicle storage in conjunction with a service station be less than 5 spaces
Temporary places where Christmas trees, flowers, produce, and other goods are sold	1 for every 200 square feet of sales space, but in no case less than 6 spaces

1284.04 GENERAL REGULATIONS FOR OFF-STREET PARKING.

- (a) Where a use is not specifically listed in this Ordinance, the Code Enforcement Officer (CEO) shall apply the standards of the most similar use listed to determine the number of parking spaces required.
- (b) If the computation of the parking ratios listed in Section 1284.03 results in a fraction, an additional parking space shall be required.
- (c) All parking areas, loading areas, and driveways shall be graded and surfaced with asphalt or other suitable materials to prevent dust and erosion. Such areas shall also be drained in conformance with Township standards to prevent excessive water flow onto streets or adjoining properties.

- (d) In parking areas with five (5) or more spaces, each space shall be clearly line-striped and maintained.
- (e) Free-standing establishments located adjacent to shopping centers or strip plazas shall have adequate parking as required in Section 1284.03 and will not rely on any common parking to meet the aforementioned requirements.
- (f) All parking areas with five (5) or more spaces shall be adequately lighted so as to assist in the safe maneuvering of motor vehicles and to provide security for users of the lot. All lighting shall be arranged to avoid glare on adjacent properties.
- (g) No commercial motor vehicle with more than single rear wheels may be stored on a lot in a residential district, unless such vehicle is stored in a private garage. Only one such commercial vehicle may be stored on a lot in a residential district.
- (h) Parking or storage of disabled, partially dismantled, or junk cars, trucks, boats, or other vehicles shall be permitted on a lot for a continuous period of not more than seven (7) days.
- (i) Parking of any vehicle in the front yard of all residential districts is prohibited except for emergency parking that will be allowed for a period not to exceed 48 hours for times such as holidays.

1284.05 DESIGN REGULATIONS.

- (a) All parking areas shall be designed in accordance with the Aston Township Subdivision regulations in addition to this Ordinance.
- (b) The size of a standard parking space shall be 9 feet wide and 18 feet long, an area of 162 square feet.
- (c) Parking spaces for the handicapped shall be 8 feet wide by 18 feet long with a minimum of a 5 feet wide access aisle on both sides. Access aisles may serve and be located between two adjacent handicapped spaces.
- (d) Spaces for the handicapped must be located as close as possible to public entrances and ramps to buildings. Each space must be clearly marked with proper signage including any penalties for non-compliance.
- (e) Handicapped spaces shall be provided in the amounts required below:

**Total Parking Spaces**

**Number of Required Handicapped Spaces**

1 - 25	1
26 - 50	2
51 - 75	3
76 - 100	4
101 - 150	5
151 - 200	6
201 - 300	7
301 - 400	8
401 - 500	9
501 - 1000	2 percent of total
<i>Plus a minimum of 1 van accessible space is required for every 8 handicapped spaces.</i>	

- (f) All parking areas for three (3) or more vehicles shall be designed so that vehicles need not back directly into a public street but can enter and leave the area in a forward motion.
- (g) All parking areas shall be accessible from either a street or driveway.
- (h) Every parking lot or area with ten (10) or more off-street spaces shall be separated from the street or highway by a raised curb, planting strip, wall or other suitable barrier against unchanneled motor vehicle entrance or exit, except for necessary accessways or exits.
- (i) Drive-through establishments such as fast-food order and pick-up, automatic bank teller, drug stores, and similar uses shall provide not less than five (5) waiting spaces for each drive-through lane. This is in addition to the space for the car being serviced.
- (j) Two-way driveways shall be a minimum of 22 feet wide and a maximum of 36 feet wide. One-way driveways shall be a minimum of twelve (12) feet wide.

1284.06 COMMON PARKING.

- (a) Two or more non-residential uses may provide for required parking in a common parking area provided such area is on or

adjacent to such uses. The number of spaces required in such a common parking area may be reduced below the sum of the total requirements if it can be demonstrated to the Code Enforcement Officer that the hours or days of peak parking demand for the uses are so different that a lower overall total of parking spaces will adequately provide for the uses to be served. In such case sufficient parking shall be provided to meet the minimum needs of the use which requires the greater parking area.

- (b) Nothing in this chapter shall be construed to prevent collective provision of off-street parking facilities for two (2) or more nonresidential buildings or uses, provided that the total of such off-street parking facilities provided collectively shall be not less than the sum of requirements for the various uses compiled separately.
- (c) Uses within the Institutional District (Chapter 1279) may satisfy parking requirements by adding parking spaces to other nearby Institutional uses, so long as no net decrease in parking results. The applicant must evidence compliance with this provision by submitting a site plan that shows:
  - the parking requirements of the proposed use;
  - the parking provided on-site of the proposed use; and
  - the specific location at a nearby Institutional Use where the remaining required parking will be located.

1284.07 DESIGN AND LAYOUT OF OFF-STREET LOADING FACILITIES.

- (a) In addition to the off-street parking space required in this Chapter, any building erected, converted, and/or enlarged for any nonresidential use shall provide off-street areas for loading and unloading and commercial vehicle parking spaces.
- (b) The minimum size loading space shall be 50 feet long and twelve (12) feet wide, with an overhead clearance of 14 feet, exclusive of drives and maneuvering space, and located entirely on the lot being served. Any overhead canopy should extend a minimum of four (4) feet beyond a loading dock.
- (c) All loading space shall have adequate access from a street or way which does not block or interfere with the required parking as specified in Section 1284.03. This required space will be provided in addition to established requirements for patron and employee parking.

- (d) In no case shall public rights-of-way be used for loading or unloading of materials. Furthermore, no loading dock or space shall be located or arranged in such a way that it is necessary to back any vehicle into or off any public right-of-way or require the use of any public right-of-way for maneuvering space.
- (e) All accessory driveways and entrance ways shall be graded, paved, and drained to Township standards to the extent necessary to prevent nuisance of dust, erosion, or excessive water flow across streets and adjoining properties.
- (f) All off-street loading berths shall be provided on either the side or rear of the lot. In no case shall off-street loading berths be provided in the front of the lot.
- (g) Such facilities shall be designed and used in such a manner as to at no time constitute a nuisance, a hazard, or an impediment to traffic.

1284.08

#### SCREENING AND LANDSCAPING REQUIREMENTS.

- (a) Screening between any parking area and the street line shall be effective at the time of occupancy, subject to the following provisions:
  - (1) All off-street parking areas which provide more than five (5) parking spaces shall be screened from any abutting property in a more restrictive zoning district.
  - (2) Effective screening may be accomplished through the use of the following: plant materials, fencing, or walls and/or mounding through the use of an earthen berm forming a continuous visual buffer.
  - (3) The area for planting and fencing, walls or earthen berms shall not extend beyond the street line.
  - (4) When planted visual screens are employed, the following shall apply:
    - A. A buffer planting strip shall be provided. It shall be a minimum of ten (10) feet in width unless specifically required otherwise in this Ordinance.
    - B. Planted visual screens shall be of sufficient height and sufficient density to constitute a continuous visual screen six (6) feet in height at the time of

planting except as provided below. The type and spacing of plant materials shall be subject to review and approval by the Township Commissioners.

- (5) Whenever fencing or walls are employed, the effective height of the continuous visual buffer shall be not less than five (5) or more than six (6) feet.
  - (6) Whenever earthen berms are employed, the effective height of the continuous visual buffer shall be not less than five (5) feet.
  - (7) In the case of a parking lot which is the main use, such lot shall be enclosed, except for entrances and exits, by an ornamental fence or wall or by a compact evergreen hedge not less than four (4) feet high, except when the boundary of such parking lot is an adjoining building.
- (b) Landscaping within any parking area which provides 20 or more parking spaces shall be subject to the following provisions:
- (1) Off-street parking areas shall be landscaped to reduce wind and air turbulence, heat and noise, and the glare of automobile lights; to reduce the level of carbon dioxide; to provide shade; to improve stormwater drainage problems; to replenish the groundwater table; and to provide for a more attractive setting.
  - (2) The interior of each parking lot shall have at least one three-inch caliper deciduous shade tree for every ten parking spaces if there are no existing shade trees to satisfy this requirement. Shrubs and other plant materials are encouraged to be used to complement the trees but shall not be the sole contribution to the landscaping. These trees shall be in addition to those required as an effective screen. Trees selected for landscaping in parking areas shall be of a species proven to be salt and dust resistant.
  - (3) Landscaped areas at least five (5) feet wide shall be provided around the periphery of parking areas. Such areas shall, at a minimum, extend the full length and width of the parking areas, except for necessary accessways, to prevent the encroachment of moving vehicles into parking areas.
  - (4) Landscaped islands between every 20 parking spaces or at the end of each parking row, whichever is less, shall be

provided and shall be not less than the length and width of the parking spaces.

- (5) Existing plant material and trees with a caliper of six inches or more shall be preserved wherever possible during construction. Such existing plants may be credited toward the amount of required plantings.

# CHAPTER 1286

## Floodplain Conservation District

### 1286.01 PURPOSE.

The purpose of this district is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax bases by:

- (a) Regulating uses, activities, construction, and development which, acting alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
- (b) Restricting or prohibiting certain uses, activities, construction, and development from locating within areas subject to flooding;
- (c) Requiring all those uses, activities, construction, and developments that do occur in flood-prone areas to be protected and/or floodproofed against flooding and flood damage;
- (d) Regulating all construction, subdivision, and/or development of land within any designated floodplain district in order to promote the general health, welfare, and safety of the community; and
- (e) Requiring that each subdivision lot in flood prone areas be provided with a safe building site with adequate access and that public facilities which serve such uses be designed and installed to preclude flooding at the time of initial construction.

### 1286.02 GENERAL PROVISIONS.

- (a) Applicability. This district shall apply to all lands within the jurisdiction of the Township and shown as being located within the boundaries of the designated floodplain districts which are considered to be a part of the Official Zoning Map.
- (b) Compliance. No structure or land shall hereafter be used and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered, except in full compliance with the provisions of this district and any other applicable ordinance or

regulation which applies to uses within the jurisdiction of this district.

- (c) Conflict of Laws. In the event of a conflict between any of the provisions or requirements of this district and those of any other ordinance or regulation of the Township, the more restrictive provision or regulation shall apply.
- (d) Municipal Liability. The grant of a permit or approval of a plan for any proposed construction, subdivision, and/or land development to be located within any designated floodplain district shall not constitute a representation, guarantee, or warranty of any kind by the Township as to the safety of the proposed use, and shall create no liability upon the Township, its officials or employees.
- (e.) Within any FW (Floodway Area), manufactured homes shall be prohibited.
- (f) Where permitted within any floodplain area, all manufactured homes, and any improvements thereto, shall be:
  - (1) Placed on a permanent foundation.
  - (2) Elevated so that the lowest floor of the manufactured home is one and one half (1 ½) feet or more above the elevation of the 100-year flood.
  - (3) Anchored to resist flotation, collapse, or lateral movement.
- (g) Installation of manufactured homes shall be done in accordance with the manufacturer's installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2003 International Residential Building Code or the U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto shall apply and 34 PA Code Chapter 401-405.

1286.03

#### APPLICATION PROCEDURES AND REQUIREMENTS.

- (a) Pre-Application Procedures.
  - (1) Prior to the preparation of any plans, it is suggested that prospective developers consult with the Pennsylvania Department of Environmental Protection concerning soil

suitability when on-site sewage disposal facilities are proposed.

- (2) Prospective developers shall consult the County Conservation District representative concerning erosion and sediment control and the effect of geologic conditions on the proposed development. At the same time, a determination should be made as to whether or not any flood hazards either exist or will be created as a result of the subdivision or development.

(b) Preliminary Plan Requirements. The following information is required as part of the preliminary plan and shall be prepared by a registered engineer or registered surveyor:

- (1) The name of the engineer, surveyor, or other qualified person responsible for providing the information required in this section;
- (2) A map showing the location of the proposed construction, subdivision and/or land development with respect to any designated floodplain district, including information on the 100-year flood elevations; and
- (3) Where the construction, subdivision, and/or land development lies partially or completely within any designated floodplain district, or where such activities border on any designated floodplain district, the preliminary plan map shall include the following information:
  - A. The 100-year flood elevations; and
  - B. Areas subject to special deed restrictions.

(c) Final Plan Requirements. The following information is required as part of the final plan and shall be prepared by a registered engineer or registered surveyor:

- (1) All information required for the submission of the preliminary plan, incorporating any changes requested by the Township; and
- (2) A map showing the exact location and elevation, including lowest floor, of all proposed buildings, structures, roads, and public utilities to be constructed within any designated

floodplain district. All such maps shall show contours at intervals of two feet and identify accurately the boundaries of the flood-prone areas.

When the final plan is submitted, it shall be accompanied by all required permits and related documentation from the Pennsylvania Department of Environmental Protection and any other Commonwealth agency, and from any municipality, where any alteration or relocation of a stream or watercourse is proposed. In addition, documentation shall be submitted indicating that all affected adjacent municipalities have been notified of the proposed alteration or relocation. The Department of Community and Economic Development and the Federal Emergency Management Agency shall also be notified whenever any such activity is proposed.

- (d) Elevation Certification. The Township shall maintain on file the elevation of the lowest floor (including basement) of new and substantially improved structures in all special flood hazard areas, except in those instances where base flood elevation data from other sources are utilized (e.g., as provided in Section 60.3(b)(4) of NFIP criteria).
- (e) Flood proofing Certification. Where a non-residential structure is intended to be made watertight below the base flood level:
  - (1) A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the application provisions of (c)(3)(ii) or (c)(8)(ii) of the NFIP; and
  - (2) A record of such certificates, which includes the specific elevation (in relation to the mean sea level) to which such structures are floodproofed, shall be maintained by the Township or designated by the community under Section 59.22(a)(9)(iii) of the NFIP.

1286.04 ESTABLISHMENT OF ZONING DISTRICTS.

- (a) The identified floodplain area shall be any areas of Aston Township, subject to the 100-year flood, which is identified as Zone A (Area of Special Flood Hazard) in the Flood Insurance Study (FIS) dated November 18, 2009, and the accompanying

maps or the most recent revision thereof as issued by the Federal Emergency Management Agency including all digital data developed as part of the Flood Insurance Study.

- (1) The Floodway District (FW) is delineated for purposes of this chapter using the criteria that a certain area within the floodplain must be capable of carrying the waters of the 100-year flood without increasing the water surface elevation of that flood more than one foot at any point. The areas included in this district are specifically defined in the Floodway Data Table of the above referenced Flood Insurance Study and shown on the accompanying Flood Boundary and Floodway Map.
- (2) The Flood-Fringe District (FF) shall be that area of the 100-year floodplain not included in the Floodway District. The basis for the outermost boundary of this district shall be the 100-year flood elevations contained in the flood profiles of the above referenced Flood Insurance Study and as shown on the accompanying Flood Boundary and Floodway Map.
- (3) The General Floodplain District (FA) shall be that floodplain area for which no detailed flood profiles or elevations have been provided. They are shown on the maps accompanying the Flood Insurance Study prepared by the Federal Insurance Administration. Where the specific 100-year flood elevation and floodway cannot be determined for this area using other sources of data, such as the U.S. Army Corps of Engineers Floodplain Information Reports, the U.S. Geological Survey Floodplain Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.
- (4) Also included shall be those floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.

(b) Overlay Concept.

- (1) The floodplain districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Map, and as such the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.
- (2) In the case of a conflict between any of the provisions or requirements of any of the floodplain districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.
- (3) If any provision concerning a floodplain district is declared inapplicable as a result of any legislative or administrative action or judicial discretion, the basic underlying district provision shall remain applicable.

1286.05 CALCULATIONS.

The applicant must provide calculations showing the limits of the floodplain district as described in Section 1286.04 within the applicant's proposed area. Where the areas within the 100-year flood are not shown on the official Flood Insurance Study and maps, it shall be the responsibility of the applicant to show the floodplain district limits within his proposed area. In all cases the applicant's calculations must be approved by the Township Engineer.

1286.06 DISTRICT BOUNDARY CHANGES.

The delineation of any of the floodplain districts may be revised by the governing body where natural or man-made changes have occurred and/or more detailed studies are conducted or undertaken by the U.S. Army Corps of Engineers, a River Basin Commission, or other qualified agency and where such agency or any individual documents the notification for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

1286.07 INTERPRETATION OF DISTRICT BOUNDARIES.

Initial interpretation of the boundaries of the floodplain districts shall be made by the Code Enforcement Officer. Should a dispute arise concerning the boundaries of any of the districts, the Zoning Hearing Board shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given reasonable opportunity

to present his or her case to the Board and to submit his or her own technical evidence if he or she so desires.

1286.08 COMPLIANCE WITH MUNICIPAL, STATE, AND FEDERAL LAW;  
ALTERATION OR RELOCATION OF DRAINAGE COURSES.

- (a) All uses, activities, and development occurring within any floodplain district shall be undertaken only in strict compliance with the provisions of this chapter and all other applicable codes and ordinances, such as the Township Building Code, as amended, and the Township Subdivision Regulations. In addition, all such uses, activities and development shall be undertaken only in compliance with Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (b) Under no circumstances shall any use, activity, construction and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or other drainage facility or system.
- (c) Prior to any proposed alteration or relocation of any stream, watercourse, etc., within the Township, a permit shall be obtained from the Department of Environmental Protection, Bureau of Dams and Waterway Management. Further, notification of the proposal by the Township shall be given to all affected adjacent municipalities. Copies of such notifications shall be forwarded to both the Federal Insurance Administration and the Department of Community and Economic Development.

1286.09 FLOODWAY DISTRICT (FW).

- (a) With any FW (Floodway Area), the following provisions apply:
  - (1) Any new construction, development, use, activity, or encroachment that would cause any increase in flood heights shall be prohibited.
  - (2) No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection Regional Office.
- (b) Permitted Uses - In the Floodway District, the following uses and activities are permitted, provided that they are in compliance with the provisions of the underlying district and are not prohibited by

any other ordinance and provided that they do not require structures, fill, or storage of materials and equipment:

- (1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck fanning, forestry, sod farming, and wild crop harvesting;
  - (2) Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming area, hiking and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges, and hunting and fishing areas;
  - (3) Accessory residential uses such as yard areas, gardens, play areas, and pervious parking areas; and
  - (4) Accessory industrial and commercial uses such as yard areas, pervious parking and loading areas, airport landing strips, etc.
- (c) Uses Permitted by Special Exception. The following uses and activities may be permitted by special exception, provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance:
- (1) Structures, except for manufactured homes, accessory to the uses and activities referred to in subsection (b) hereof;
  - (2) Utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipelines, water and sewage treatment plants, and other similar or related uses;
  - (3) Water-related uses and activities such as marinas, docks, wharves, piers, etc.
  - (4) Extraction of sand, gravel, and other materials;
  - (5) Temporary uses such as circuses, carnivals, and similar activities;
  - (6) Storage of materials and equipment, provided that they are not buoyant, flammable, or explosive and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to prevent flotation or

movement and/or can be readily removed from the area within the time available after flood warning; and

- (7) Other similar uses and activities, provided that they cause no increase in flood heights and/or velocities. All uses, activities and structural developments shall be undertaken in strict compliance with the flood proofing provisions contained in all other applicable codes and ordinances.

1286.10 FLOOD-FRINGE DISTRICT (FF) AND GENERAL FLOODPLAIN DISTRICT (FA).

In the Flood-Fringe and General Floodplain Districts, the development and/or use of land shall be permitted in accordance with the regulations of the underlying district, provided that all such uses, activities, construction, and/or development shall be undertaken in strict compliance with the flood proofing and related provisions contained in all other applicable codes and ordinances.

1286.11 DESIGN STANDARDS AND IMPROVEMENTS IN DESIGNATED FLOODPLAIN DISTRICTS.

(a) In General.

- (1) Where not prohibited by this district or any other law or ordinance, land located in any designated floodplain district may be platted for development with the provision that the developer construct all buildings and structures to preclude flood damage in accordance with this district and any other law or ordinance regulating such development.
- (2) Building sites for residences or any other type of dwelling or accommodation shall not be permitted in any designated floodway district. Sites for these uses may be permitted outside the floodway district if the sites or dwelling units' lowest floors are elevated up to the regulatory flood elevation. If fill is used to raise the elevation of a site, the fill area shall extend out laterally for a distance of at least fifteen feet beyond the limits of the proposed structures.
- (3) Building sites for structures or buildings other than for residential uses shall also not be permitted in any designated floodway district. Also, such sites for structures or buildings outside the floodway shall be protected as provided for in paragraph (a)(2) hereof. However, the Board of Commissioners may allow the subdivision and/or

development of areas or sites for commercial and industrial uses at an elevation below the regulatory flood elevation if the developer otherwise protects the area to that height or assures that the buildings or structures will be flood proofed at least up to that height.

- (4) If the Township determines that only a part of a proposed plat can be safely developed, it shall limit development to that part and shall require that development proceed consistent with this determination.
- (5) When a developer does not intend to develop the plat himself and the Township determines that additional controls are required to ensure safe development, it may require the developer to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on every recorded plat.
- (6) The Township shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source as criteria for requirements for new construction, substantial improvements, or other development.
- (7) Space below the lowest floor.
  - a. Fully enclosed space below the lowest floor (including basement) is prohibited.
  - b. Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term “partially enclosed space” also includes crawl spaces. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
  - c. A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.

- d. The bottom of all openings shall be no higher than one (1) foot above grade.
  - e. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (b) Excavating and Grading. Where any excavation or grading is proposed or where existing trees, shrubs, or other vegetative cover will be removed, the developer shall consult the County Conservation District representative concerning plans for erosion and sediment control and also to obtain a report on the soil characteristics of the site so that a determination can be made as to the type and degree of development the site may accommodate. Before undertaking any excavation or grading, the developer shall obtain a grading and excavation permit if such is required by the Township (see Erosion and Sediment Control, Chapter 1224 of these Codified Ordinances).
- (c) Drainage Facilities. Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall ensure drainage at all points along streets and provide positive drainage away from buildings and on-site waste disposal sites. Plans shall be subject to the approval of the Township. The Township may require a preliminary underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff on to adjacent properties.
- (d) Streets. The finished elevation of proposed streets shall not be more than one foot below the regulatory flood elevation. The Township may require, where necessary, profiles and elevations of streets to determine compliance with the requirements. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.
- (e) Sewer Facilities. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters. No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

- (1) The Township shall prohibit installation of sewage disposal facilities requiring soil absorption systems where such systems will not function due to high groundwater, flooding, or unsuitable soil characteristics or are proposed for location in designated floodplain districts. The Township may require that the developer note on the face of the plat and in any deed of conveyance that soil absorption fields are prohibited in designated areas.
  - (2) The Township may prescribe adequate methods for waste disposal. If a sanitary sewage system is located on or near the proposed subdivision and/or land development, the Township may require the developer to provide sewage facilities to connect to this system, where practical, and shall prescribe the procedures to be followed by the developer in connecting to the system.
- (f) Water Facilities. All water systems located in any designated floodplain district, whether public or private, shall be flood proofed up to the regulatory flood elevation. If there is an existing public water supply system on or near the subdivision, the Township shall require the developer to connect to this system, where practical, and shall prescribe the procedures to be followed by the developer in connecting to the system.
- (g) Other Utilities and Facilities. All other public and private utilities and facilities, including gas and electricity, shall be elevated or flood proofed up to the regulatory flood elevation.
- (h) Fill.
- (1) If fill is used, it shall:
    - a. Extend laterally at least fifteen (15) feet beyond the building line from all points;
    - b. Consist of soil or small rock materials only – Sanitary Landfills shall not be permitted;
    - c. Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
    - d. Be no steeper than one (1) vertical to two (2) horizontal, feet unless substantiated data, justifying steeper slopes are submitted to, and approved by the Building Permit Officer; and,

- e. Be used to the extent to which it does not adversely affect adjacent properties. The provisions contained in the 2003 IBC (Sec. 1801.1 and 1803.4) shall be utilized.
- (i) All new or replacement water and sanitary sewer facilities and systems shall be located, designed, and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
- (1) Placement of Buildings and Structures.
    - a. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.
  - (2) Anchoring.
    - a. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
    - b. All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.
  - (3) Floors, Walls, and Ceilings.
    - a. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
    - b. Plywood used at or below the Regulatory Flood Elevation shall be of a “marine” or “water-resistant” variety.
    - c. Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are “water-resistant” and will withstand inundation.

- d. Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other “water-resistant” material.

(4) Paints and Adhesives.

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

(5) Electrical Components.

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

(6) Equipment.

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

(7) Existing Structures in Identified Floodplain Areas.

(a) Improvements.

The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:

- (1) No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the 100-year flood.

- (2) Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.

1286.12 DEVELOPMENT WHICH MAY ENDANGER HUMAN LIFE.

- (a) The provisions of this section shall be applicable in addition to any other applicable provisions of this Zoning Code, the Codified Ordinances, or any regulation.
- (b) In accordance with the Pennsylvania Floodplain Management Act and the regulations adopted by the Department of Community Affairs as required by the Act, any new or altered structure which will be used for the production, handling, or storage of any of the following materials or substances, or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume in total, or any amount of radioactive substances) of any of the following materials or substances on the premises, shall be subject to the provisions of this section, in addition to all other applicable provisions.

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

- (c) Within any (FW)/Floodway Area, any structure of the kind described in subsection (b) hereof shall be prohibited.
- (d) Where permitted within any (FF)/Flood-Fringe Area or (FA)/General Floodplain Area, any structure of the kind described in subsection (b) hereof shall be:
  - (1) Elevated or designed and constructed to remain completely dry up to at least one and one half feet above the 100-year flood; and
  - (2) Designed to prevent pollution from the structure or activity during the course of a 100-year flood.

Any such structure or part thereof that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry flood proofing contained in the publication “Flood-Proofing Regulations” (U.S. Army Corps of Engineers, June 1972), or with some other equivalent watertight standard.

- (e) Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements of this section.

1286.13      **ACTIVITIES REQUIRING SPECIAL PERMITS.**

- (a) Interpretation. The provisions of this section shall be applicable in addition to any other applicable provisions of this Zoning Code or any other ordinance, code, or regulation.
- (b) Identification of Activities Requiring a Special Permit. In accordance with the Pennsylvania Floodplain Management Act (Act 1978-166) and regulations adopted by the Pennsylvania Department of Community and Economic Development as required by the Act, the following obstructions and activities are permitted only by special permit if located partially or entirely within any identified floodplain area:
  - (1) Hospitals, public or private;
  - (2) Nursing homes, public or private;
  - (3) Jails; and
  - (4) New manufactured home parks and manufactured home subdivisions, and substantial improvements to existing manufactured home parks.

- (c) Application Requirements. Applicants for special permits shall provide five copies of the following items:
- (1) A written request including a complete building permit application form.
  - (2) A small scale map showing the vicinity in which the proposed site is located.
  - (3) A plan of the entire site, clearly and legibly drawn to a scale of one inch being equal to 100 feet or less, showing the following:
    - A. North arrow, scale, and date;
    - B. Topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two feet;
    - C. All property and lot lines, including dimensions, and the size of the site expressed in acres or square feet;
    - D. The location of all existing streets, drives, other access ways, and parking areas, with information concerning widths, pavements, types of construction, and elevation;
    - E. The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;
    - F. The location of the floodplain boundary line, information and spot elevations concerning the 100-year flood elevations, and information concerning the flow of water, including direction and velocities;
    - G. The location of all proposed buildings, structures, utilities, and any other improvements; and
    - H. Any other information which the Municipality considers necessary for adequate review of the application.

- (4) Plans of all proposed buildings, structures, and other improvements, clearly and legibly drawn at suitable scale showing the following:
- A. Sufficiently detailed architectural or engineering drawings including floor plans, sections, and exterior building elevations, as appropriate;
  - B. For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
  - C. Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the 100-year flood;
  - D. Detailed information concerning any proposed flood proofing measures;
  - E. Cross-section drawings for all proposed streets, drives, other access ways and parking areas, showing all right-of-way and pavement widths;
  - F. Profile drawings for all proposed streets, drives and vehicular access ways including existing and proposed grades; and
  - G. Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems and any other utilities and facilities.
- (5) The following data and documentation:
- A. Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;
  - B. Certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the 100-year flood;
  - C. A statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and

accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a 100-year flood, including a statement concerning the effects such pollution may have on human life;

- D. A statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on 100-year flood elevations and flows;
- E. A statement, certified by a registered professional engineer, architect or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose, buoyant materials or debris that may possibly exist or be located on the site below the 100-year flood elevation and the effects such materials and debris may have on 100-year flood elevations and flows;
- F. The appropriate component of the Department of Environmental Protection “Planning Module for Land Development”;
- G. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;
- H. Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166; and
- I. An excavation plan which fully explains the manner in which the site will be safely excavated before or during the course of a 100-year flood.

(d) Application Review Procedures.

Upon receipt of an application for a special permit by the Township, the following procedures shall apply in addition to all other applicable permit procedures which are already established:

- (1) Copies of the application shall be forwarded to the Township Planning Commission and Township Engineer for review and comment.
  - (2) If an application is received that is incomplete, the Township shall notify the applicant, in writing, stating in what respect the application is deficient.
  - (3) If the Township decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
  - (4) If the Township approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development by registered mail, within five (5) working days after the date of approval.
  - (5) Before issuing the special permit, the Township shall allow the Department of Community and Economic Development thirty days, after receipt of the notification by the Department, to review the application and the decision made by the Township.
  - (6) If the Township does not receive any communication from the Department of Community and Economic Development during the thirty-day review period, it may issue a special permit to the applicant.
  - (7) If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Township and the applicant, in writing, of the reasons for the disapproval, and the Township shall not issue the special permit.
- (e) Technical Requirements for Development Requiring a Special Permit. In addition to any other applicable requirements, the following provisions shall also apply to the activities requiring a special permit. If there is any conflict between any of the following requirements and any otherwise applicable provision, the more restrictive provision shall apply.
- (1) No application for a special permit shall be approved unless it can be determined that the structure or activity will be located, constructed, and maintained in a manner which will:

- A. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:
  - 1. The structure will survive inundation by waters of the 100-year flood elevation without any lateral movement or damage to either the structure itself or to any of its equipment or contents below the 100-year flood elevation.
  - 2. The lowest floor elevation (including basement) will be at least one and one-half feet above the 100-year flood elevation.
  - 3. The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the 100-year flood.
- B. Prevent any significant possibility of pollution, increased flood levels or flows or debris endangering life and property.

(2) All hydrologic and hydraulic analysis shall be undertaken by professional engineers or others of demonstrated qualification, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analysis, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township and the Department of Community and Economic Development.

(f) Variations. Except for a possible modification of the freeboard requirement involved, no variance shall be granted for any of the other requirements of this section.

1286.14 SPECIAL EXCEPTIONS AND VARIANCES; ADDITIONAL FACTORS TO BE CONSIDERED.

(a) In passing upon applications for special exceptions and variances, the Zoning Hearing Board shall consider all relevant factors and procedures specified in other sections of this Zoning Code and the following:

- (1) The danger to life and property due to increased flood heights or velocities caused by encroachments. No special exception or variance shall be granted for any proposed use, development, or activity that will cause any increase in flood levels in the Floodway District;
  - (2) The danger that materials may be swept onto lands or downstream to the injury of others;
  - (3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions;
  - (4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
  - (5) The importance of the services provided by the proposed facility to the community;
  - (6) The requirements of the facility for a waterfront location;
  - (7) The availability of alternative locations not subject to flooding for the proposed use;
  - (8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
  - (9) The relationship of the proposed use to the comprehensive plan and the floodplain management program for the area;
  - (10) The safety of access to the property in times of flood of ordinary and emergency vehicles; and
  - (11) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- (b) The Zoning Hearing Board may refer any application and accompanying documentation pertaining to any request for a special exception or variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matters.

- (c) Special exceptions and/or variances shall only be issued after the Zoning Hearing Board has determined that the granting of the same will not result in unacceptable or prohibited increases in flood heights, additional threats to public safety, or extraordinary public expense, and will not create nuisances, cause fraud or victimization of the public, or conflict with local laws or ordinances.

1286.15 PERMIT REQUIRED FOR CONSTRUCTION AND DEVELOPMENT.

A zoning permit shall be required for all construction and development, including but not limited to, paving, filling, grading, excavation, mining, dredging, or drilling operations.

1286.16 EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

- (a) The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Section 1286.16(b) shall apply.
- (b) The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:
  - 1. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the 100-year flood.
  - 2. No expansion or enlargement of an existing structure shall be allowed within any FE area that would, together with all other existing and anticipated development, increase the 100-year flood elevation more than one (1) foot at any point.
  - 3. Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of 50 percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.
- (c) The above activity shall also address the requirements of the 34 PA Code Chapters 401-405, as amended and the 2003 IBC (Sec. 3402.1 and 1612.4) and the 2003 IRC (Sec. 323.1.4).

4. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or flood proofed to the greatest extent possible.
5. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of “repetitive loss” shall be undertaken only in full compliance with the provisions of this Ordinance.
6. The requirements of 34 PA Code Chapter 401-405, as amended and the 2003 IRC (Secs. R102.7.1, R105.3.1 and Appendices E and J) or the latest revision thereof and the 2003 IBC (Secs. 101.3, 3403.1 and Appendix G) or the latest revision thereof shall also be utilized in conjunction with the provisions of this section.

# CHAPTER 1288

## Steep Slope Conservation District

### 1288.01 DISTRICT PURPOSE.

The purpose of this district is to expand upon the Community development objectives associated with environmental protection and preservation of natural resources as expressed in Section 1250.02 by:

- (a) Conserving and protecting those areas having steep slopes from excessive and inappropriate development.
- (b) Preventing development that would cause excessive erosion and consequently promote increased flood crests and associated hazards both upstream and downstream.
- (c) Protecting the quality of stream water that would be threatened by excessive grading and development in the Steep Slope Conservation District.
- (d) Protecting the natural vegetative cover in the Steep Slope Conservation District, thereby reducing runoff and flooding potential.

### 1288.02 GENERAL PROVISIONS.

- (a) Compliance. No area within the Steep Slope Conservation District shall hereafter be used without full compliance with the terms of this district and other applicable regulations.
- (b) Repeal and Greater Restrictions. This district is not intended to repeal or impair any existing easements, covenants, or deed restrictions. However, when this district imposes greater restrictions, its provisions shall prevail.
- (c) Municipal Liability. Any determination that a proposed use complies with this district, or any approval of a subdivision or land development plan, or any issuance of a building permit within or near the Steep Slope Conservation District, shall not constitute a representation, guarantee, or warranty of any kind by the Township, or by any official or employee thereof, of the practicability or safety of the proposed use and shall create no liability upon the Township, its officials, or employees. This Zoning Code does not imply that areas outside the Steep Slope

Conservation District boundaries or land uses permitted within said district will always be totally free from the adverse effects of erosion, or other effects of nearby steep slopes.

1288.03 ZONING MAP OVERLAY.

- (a) The Steep Slope Conservation District shall not be an independent zoning district but shall be a district overlay.
- (b) The district shall have no effect on the permitted uses in the underlying zoning district, except when such uses are in conflict with the permitted uses enumerated in Section 1288.05.
- (c) In areas where this overlay district applies, its requirements shall supersede the requirements of the underlying zoning district(s).

1288.04 DEFINITION AND INTERPRETATION OF DISTRICT BOUNDARIES.

- (a) The Steep Slope Conservation District is comprised of areas of steep and very steep slopes.
- (b) The applicant shall use an actual field topographic survey as a source of contour information and the basis for depicting steep and very steep slopes as described below. This field survey must depict the subject site's topography at the time the plan is submitted for review under this chapter.
- (c) Areas of steep slope have a vertical slope greater than or equal to 15 percent, and up to 25 percent.
- (d) Areas of very steep slope have a vertical slope of greater than or equal to twenty five percent.
- (e) All contours must be shown at a two-foot vertical change interval. All areas of steep slope and areas of very steep slope must be depicted clearly using hatching or shading to differentiate between the two areas.
- (f) The use regulations of Section 1288.05 below are only applicable where contiguous areas of steep or very steep slopes, or of any combination of these two categories, continue over a vertical grade change of ten feet or more.

## USE REGULATIONS.

- (a) Areas of Very Steep Slope (Greater Than or Equal to Twenty-Five Percent).
- (1) Uses permitted by right. The following uses shall be permitted by right:
- A. Agricultural use not requiring structures or cultivation.
  - B. Woodland preserve.
  - C. Conservation and recreation not requiring structures.
  - D. Open space associated with Planned Residential Developments.
- (2) Conditional uses, subject to Chapter 1290. The following uses shall be conditional uses, subject to Chapter 1290:
- A. Conservation and recreation requiring structures.
  - B. Agricultural structures or cultivation.
  - C. Utilities, easements, and rights-of-way.
  - D. Accessory structures to any uses permitted in paragraph (2) hereof.
  - E. Roads and driveways.
  - F. Front, side or rear yards, provided that no structure is located less than Twenty feet from the edge of a very steep or steep slope.
  - G. Structures associated with any of the uses in Section 1288.05(a) (1).
- (3) Prohibited uses or activities. Prohibited uses or activities shall be as follows:
- A. Cut and fill, other than that related to uses permitted in paragraphs (1) and (2) hereof.

- B. Soil or rock extraction, other than that relating to uses permitted in Paragraphs (a) (1) and (2) hereof.
- (b) Areas of Steep Slope (Fifteen up to Twenty-Five Percent).
- (1) Uses permitted by right. The following uses shall be permitted by right: Any use permitted by right in paragraph (a)(1) hereof.
  - (2) Conditional uses. The following uses shall be conditional uses, subject to Chapter 1290:
    - A. Conditional uses listed in paragraph (a)(2) hereof.
    - B. Single-family detached dwelling.
    - C. Storm water management facility.
    - D. Sanitary sewer and sewage pumping station.
    - E. Buildings or other structures permitted in Industrial Districts.
    - F. Accessory uses and structures customarily incidental to the above conditional uses.
  - (3) Prohibited uses or activities. Prohibited uses or activities shall be as follows:
    - A. Cut and fill, other than that related to uses permitted in paragraphs (b) (1) and (2) hereof.
    - B. Soil or rock removal, other than that related to uses permitted in paragraphs (b) (1) and (2) hereof.

1288.06 STANDARDS FOR APPROVAL OF CONDITIONAL USES.

- (a) In addition to the standards described in Chapter 1290 relating to conditional uses, the Township Commissioners shall consider the following aspects of a conditional use application when considering requests for a conditional use under this chapter:
  - (1) The extent to which the proposal would impact the topography, soils, and vegetation and the methods proposed to mitigate potential adverse environmental impacts.

- (2) The potential impact of the proposal on adjacent properties.
  - (3) The degree to which the proposal is consistent with the objectives in Section 1288.01.
- (b) Prior to approval of a conditional use application, the applicant shall provide evidence that:
- (1) The development or use is being proposed in the Steep Slope Conservation District because no other location is feasible.
  - (2) Earthmoving activities and vegetation removal will be conducted only to the extent necessary to accommodate proposed uses and structures and in a manner that will not cause excessive surface water runoff, erosion, sedimentation, and unstable soil conditions.
  - (3) Mitigation techniques will be utilized, including, but not limited to, retaining walls, tree wells, the establishment of ground covers and/or low spreading shrubs, the use of erosion control fabric and the like. Such techniques shall be evidenced through the submission of plans and construction details which depict, delineate, and otherwise describe the land development proposal.
  - (4) Proposed buildings and structures will be of sound geotechnical engineering design, and footings will be designed in response to the site's slope, soil, and bedrock characteristics. Such design shall be evidenced through the submission of plans and construction details, which depict, delineate, and otherwise describe the land development proposal.

1288.07 ADMINISTRATION.

All applications for any use of land in the Steep Slope Conservation District shall be submitted to the Township Commissioners and the Township Engineer and shall include the following materials and information:

- (a) Site survey of the tract in question, leading to the submittal of a site plan of the property indicating existing grades with contour lines of two-foot intervals based on the United States geodetic datum.

- (b) Proposed grades within the area proposed for development or use.
- (c) Landscape plan indicating proposed paved areas, storm drainage facilities, retaining walls, ground cover, and shrubbery location. The modifications proposed to the existing land cover shall also be indicated.
- (d) Architectural plans of the exterior and foundation of the proposed structure.
- (e) Plan, profile and typical cross-sections of the entrance drive and street providing public access with the seal of a registered professional engineer thereon.
- (f) A statement indicating all methods to be used in overcoming any structural or physical problems created by steep slopes, how the existing environment will be protected and how materials will be delivered to the site without disrupting the environment, signed and sealed by a registered architect or engineer.
- (g) A statement signed by the applicant at the time of subdivision, land development, or building permit application stating that there is a full understanding of all difficulties associated with access to sites containing or being near steep or very slopes.
- (h) A waiver of municipal or other liability for failure to provide, or difficulty in providing emergency vehicle access to the subject site, granted by the applicant. This waiver shall be in accordance with Section 1288.02(c), and it shall be approved by the Township Solicitor prior to any grant of a conditional use under this chapter.

# CHAPTER 1290

## Conditions and Standards for Special Exceptions and Conditional Uses

### 1290.01 PURPOSE.

The purpose of this chapter is to provide conditions and standards for uses permitted by special exception or by condition. In the case of both methods, the governing body or the Zoning Hearing Board, as the case may be, may attach reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may deem necessary to implement the purposes of this Ordinance and those of the Planning Code, Act 247, as amended.

### 1290.02 GENERAL STANDARDS FOR CONDITIONAL USES.

- (a) In any instance where the Board of Commissioners is required to consider a request for a conditional use, the Board shall consider the following factors where appropriate:
  - (1) That the proposed use is appropriate for the site in question in terms of size, topography, natural features, drainage, sewage disposal, water supply, accessibility and availability of public services, and that adequate provisions will be made to protect sensitive environmental features such as streams, lakes, wetlands, slopes, and mature trees.
  - (2) That the proposed use, if compatible with the character of the surrounding neighborhood, will not interfere with or detract from legitimate uses and adjacent properties, and that adequate measures will be provided through building design, site layout, landscaping, planting, and operational controls to minimize any adverse impacts caused by noise, lights, glare, odors, smoke, fumes, traffic, parking, loading, and signage.
  - (3) That the proposed conditional use will serve the best interest of the Township, convenience of the community, and the public health, safety, and welfare.
  - (4) That the proposed use is consistent with the Multi-municipal Comprehensive Plan for Aston, Lower Chichester, and Upper Chichester Townships, 2005.

- (5) That the proposed use promotes orderly development, proper population density, and the provision of adequate community facilities and services, including police and fire protection.
- (6) That the proposed use is suitable in terms of its effect on highway safety and traffic circulation, and that access, on-site circulation, and parking are adequate in view of anticipated traffic.
- (7) That the proposed use will provide for adequate off-street parking, as required in Chapter 1284.
  - (a) In allowing a conditional use, the Board of Commissioners may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance and those of the Planning Code.
  - (b) Financial hardship shall not be construed as a basis for granting a conditional use.

1290.03

**GENERAL STANDARDS FOR SPECIAL EXCEPTIONS AND CONDITIONAL USES WHERE SPECIFIC DIMENSIONAL STANDARDS ARE NOT PROVIDED.**

In cases where this Ordinance Code does not provide specific dimensional standards for uses permitted by special exception or conditional use, the following general dimensional standards will be applied by the Zoning Hearing Board (ZHB) or the Board of Commissioners:

- (a) In residential districts, the area, bulk, and any other applicable requirements shall be not less than those for single-family dwellings in that district or in the next more restrictive district in which single-family dwellings are permitted.
- (b) In non-residential districts, the area, bulk, and any other applicable requirements shall be not less than those for the use which requires the greatest dimensions in the applicable nonresidential district.
- (c) The governing body or the ZHB, whichever has jurisdiction, may require additional, reasonable, but more stringent requirements than those required in subsection (a) or (b) hereof, provided that the Board of Commissioners or the Zoning Hearing Board makes one or more of the following determinations:

That the requirements of subsections (a) and (b) hereof are clearly:

- (1) Insufficient to accommodate the proposed building, facility, or use, and that larger dimensional requirements would substantially alleviate that condition.
  - (2) Insufficient to provide adequate area for parking and loading, as required by Chapter 1284, and that larger dimensional requirements would substantially alleviate that condition.
  - (3) Insufficient to provide for lot areas and dimensions necessary to protect the adjacent area from the potential adverse impacts of the proposed use, such as noise, vibration, air pollution, and similar impacts, and that larger dimensional requirements would substantially alleviate that condition.
- (d) All parking requirements of Chapter 1284 must be followed.

1290.04 PROFESSIONAL HOME OFFICES.

Professional home offices shall be permitted only by special exception in the R-1 and R-2 districts, subject to the following requirements:

- (a) The professional home office shall be located only within a single family detached dwelling, situated on a lot having not less than 12,500 square feet.
- (b) There shall be not more than one (1) practitioner and not more than two (2) employees at any given time.
- (c) The office shall not occupy more than 40 percent of the gross floor area of the dwelling.
- (d) Except for signs, there shall be no external alterations/additions inconsistent with the residential character of the structure.
- (e) Signs shall be in accordance with Chapter 1282.
- (f) Off-street parking shall comply with Chapter 1284.
- (g) There shall be no outdoor display or storage of products.
- (h) The office shall in no case be operated before 8:00 a.m. or after 9 p.m.

- (i) The practitioner must reside on the property.
- (j) All professional offices shall be subject to periodic inspection by a local official.
- (k) A special exception shall not be granted when it appears to the Zoning Hearing Board that the proposed professional home office will constitute a fire hazard to neighboring residences, adversely affect neighboring property value, or constitute a nuisance or otherwise be detrimental to the neighborhood because of excessive traffic, parking, noise, odor, or other negative impacts.

1290.05 CHILD DAY CARE CENTERS.

Child day care centers shall be permitted by right in the ID Institutional district and as a special exception in SC Shopping Center district, C Commercial District, and the LI Limited Industrial district.

- (a) Child Day Care Centers shall accommodate seven (7) or more children, as defined in Chapter 1250.
- (b) Where permitted in a given district, the child day care center may be part of a church, school, or other institution. In all districts where permitted, the facility may be an independent use. These facilities are not permitted as part of a residence.
- (c) Minimum lot size shall be not less than 750 square feet per child, and shall in no case be less than that required by the district in which the facility is located.
- (d) Not less than 75 square feet of outdoor play area per child shall be provided, excluding parking areas, garage areas, or other areas not suited for play.
- (e) Not less than 40 square feet of indoor play area per child shall be provided, excluding bathrooms, hallways, and other areas not suited for play.
- (f) No day care center shall be placed closer than 750 feet from another day care center.
- (g) A fence at least four (4) feet high shall be placed around all outdoor play areas. Such fences must reach the ground to prevent children from crawling underneath.

- (h) The Zoning Hearing Board may require planting and screening consistent with the character of uses adjacent to the facility.
- (i) Outdoor play activities shall be limited to the hours between 8:00 a.m. and 7:00 p.m.
- (j) Signs shall comply with Chapter 1282.
- (k) Parking shall be provided in accordance with Chapter 1284.
- (l) Each facility shall be fully protected by smoke detectors and fire extinguishers.
- (m) Each facility shall provide for the discharge and pick up of children on a driveway, approved parking area or directly in front of the facility. In any case, the area selected for discharge and pick up must be free from traffic hazards to children.
- (n) No part of a facility may be located within 300 feet of gasoline pumps or underground gasoline storage tanks or any other storage area for explosive materials.
- (o) Each facility must hold an approved Pennsylvania Department of Public Welfare license and meet all current DPW regulations and any applicable State or local building and fire safety codes.
- (p) Where the foregoing regulations differ from those of the Pennsylvania Department of Public Welfare, the more stringent regulation shall apply.
- (q) A permit for operation shall be obtained from the Township.

1290.06 CONTINUING CARE FACILITIES.

Continuing care facilities shall be permitted as a conditional use in the R-1 District only.

- (a) Permitted Uses.
  - (1) Residential living units.
  - (2) Skilled nursing facilities.
- (b) Accessory Uses.
  - (1) Common dining facilities.

- (2) Physical therapy facilities.
- (3) Auditoriums.
- (4) Recreational facilities.
- (5) On-site service shops, e.g. barber/beauty shop.
- (6) Administrative offices.
- (7) Other ancillary facilities deemed appropriate by the Board of Commissioners.

(c) Tract Size.

A minimum tract size of 20 acres shall be provided.

(d) Density.

Gross density shall not exceed six (6) units per acre.

(e) Spacing.

No continuing care facility shall be located within one mile of an existing facility.

(f) Building Coverage and Impervious Surfaces.

Areas covered by buildings shall not exceed 20 of the tract area and areas covered with impervious surface shall not exceed 45 percent of the tract area.

(g) Perimeter Setbacks.

Where the perimeter of the tract abuts a single-family district, a 75 foot perimeter setback shall be required for all structures. Where the perimeter of the tract abuts any other district, a 50 foot perimeter setback shall be required.

(h) Planted Buffer.

A planted buffer, as defined in Section 1250.07(b)(71), shall be placed around the entire facility except where breaks in such buffer are necessary for pedestrian or vehicular access.

(i) Distance Between Buildings.

There shall be a minimum distance between buildings of not less than 35 feet.

(j) Height.

No building shall exceed two (2) stories or 35 feet.

(k) Parking.

Parking shall be provided in accordance with Chapter 1284.

1290.07 GASOLINE DISPENSING STATIONS.

Gasoline dispensing stations shall be permitted as a conditional use in the C Commercial District.

(a) A set of plans, specifications, and plot plans shall be submitted to the Board of Commissioners showing all structures, pumps, storage tanks, parking areas, and driveways for ingress and egress.

(b) All pumps shall be located outside of buildings, on private property and in no case within 20 feet of any street right-of-way line, subject to such conditions and safeguards as the Board of Commissioners may impose with respect to, among other matters, the location and adequacy of entrances and exists.

(c) All automobile parts, dismantled vehicles and similar articles shall be stored within a building; all fuel, oil, or other similar substances shall be stored at least 35 feet from any street right-of-way and ten (10) feet from any lot line; and all volatile fuel containers in excess of 100 gallons shall be located underground.

(d) In no event shall a permit be granted for such a use located within 500 feet of a school, hospital, infirmary, church, museum, club, or place of public assembly having the capacity of over 100 persons; a gasoline dispensing station shall not be deemed nonconforming through the subsequent erection of the above uses.

1290.08 RECYCLING FACILITIES.

Large collection facilities shall be permitted by special exception in the C Commercial, SC Shopping Center, and PBC Planned Business Campus Districts. Processing facilities shall be permitted by conditional use in the C Commercial District and by right in the LI Limited Industrial District.

Small collection facilities shall be permitted as accessory uses as listed in individual districts.

- (a) Collection facilities shall be located not less than 25 feet from the road in order to assure safety.
- (b) Small collection facilities may be located in surplus parking spaces.
- (c) Parking shall be provided in accordance with Chapter 1284.
- (d) No recycling facility shall be closer than 150 feet from a residential property.
- (e) Trash and debris shall be cleaned up on a daily basis.
- (f) The name and phone number of the person responsible for the collection facility will be displayed on the containers.
- (g) Overnight collection areas shall be adequately lighted, well kept, and secure from unauthorized entry.
- (h) Collection facilities and processing facilities shall provide sufficient room to accommodate customers and business traffic.
- (i) Large collection facilities and processing facilities will operate in an enclosed building or be screened from public view by a planted visual screen or opaque fence.
- (j) Certification and permits shall be obtained as required from the appropriate local, State, or Federal agencies.

1290.09 ADULT DAY CARE CENTERS.

Adult day care centers shall be permitted as a special exception in the R-1, R2, R-3, and SC Shopping Center Districts.

- (a) There shall be a distance of at least 750 feet between adult day care centers (ADCs) in the R-1 Residential District.
- (b) Each ADC shall contain not less than 50 square feet of indoor floor area.
- (c) Parking shall be in accordance with Chapter 1284.

- (d) There shall be an area designated for the discharge and pick up of clients which shall be free of hazards and which shall not interfere with street traffic.
- (e) There shall be a planted buffer not less than five (5) feet high along rear and side property lines adjacent to a residential district.
- (f) Any alterations or additions to the exterior of an ADC shall be compatible with the existing structures and in keeping with the character of the neighborhood. Upon the closing of the facility, all safety required modifications shall be removed.
- (g) Each facility shall be licensed and approved in accordance with the Pennsylvania Public Welfare Code and shall comply with the applicable regulations of the Pennsylvania Department of Public Welfare and with those of any other applicable agency.

1290.10 PRIVATE CLUBS.

Private clubs shall be permitted by right in the C Commercial District and by special exception in the R-1 and R-2 Residential Districts, subject to the following regulations:

- (a) Private clubs shall be operated for civic, cultural, educational, social, or recreational purposes.
- (b) The activity shall be non-commercial, nonprofit, and clearly one not customarily carried on as a business.
- (c) Each building or facility shall be for members or their guests only.
- (d) No club shall provide for eating or dining except on an incidental basis.

1290.11 HEALTH CLINICS.

Health clinics shall be permitted as a conditional use in the R-1 Residential District.

- (a) A tract area of not less than ten (10) acres shall be provided.
- (b) The site shall have direct access to an arterial or collector road, as designated in the Multi-municipal Comprehensive Plan for Aston, Lower Chichester, and Upper Chichester Townships, 2005, as amended.

- (c) Front yard setbacks shall be not less than 50 feet for each principal building.
- (d) Lot frontage shall be not less than 150 feet.
- (e) Parking shall be provided in accordance with Chapter 1284.

1290.12 EDUCATIONAL AND RELIGIOUS USES.

Educational and religious uses shall be permitted as a conditional use in the R-1 and R- 2. Religious uses shall be permitted as a conditional use in the R-3 High-Medium Density Residential District, subject to compliance with the following Minimum requirements:

- (a) Lot size - 2 acres
- (b) Lot width (at the Building line) - 150 feet
- (c) Street frontage - 150 feet
- (d) Building coverage - 25 percent of the lot, maximum
- (e) Impervious surface coverage (including building and all paving) - 75 percent of the lot, maximum
- (f) Front yard - 50 feet on each street which the lot abuts
- (g) Side yards - 30 feet each for buildings having a height of 35 feet or less. Each side yard setback shall increase by one additional foot for each additional foot that a building exceeds 35 feet in height.
- (h) Rear yards - 50 feet
- (i) Height - 50 feet maximum
- (j) Parking shall be provided in accordance with Chapter 1284

1290.13 GROUP BASED COMMUNITY RESIDENCE FACILITES.

Group-based community residence facilities shall be permitted as a special exception in the LI Limited Industrial district only, subject to the following requirements:

- (a) Group-based facilities shall provide appropriate rooms and areas to hold group meetings and to administer examinations and therapies for treatment of individuals recovering from the influence of drugs, alcohol, or other addictions.
- (b) Health care professionals shall be available on a regular basis to administer the treatments noted in (a) above.

- (c) These facilities must be approved by the appropriate state agency.

1290.14 ACCESSORY DWELLING UNITS (ADUs).

Accessory dwelling units (ADUs) shall be permitted as a special exception only in the R-1, R-2, and R-3 districts.

- (a) The accessory dwelling unit (ADU), as defined in Chapter 1250, shall be a part of the principal dwelling or an addition to the principal dwelling. The ADU shall not be located in a building detached from the principal dwelling.
- (b) The owner of the principal dwelling shall reside in the principal dwelling.
- (c) The occupant of the ADU must be a member of the immediate family of the owner of the principal dwelling or property.
- (d) There shall be a connecting doorway between the principal dwelling and ADU.
- (e) The gross floor area of the ADU shall not be greater than 25 percent of the principal dwelling.
- (f) In order to be eligible for construction of an ADU, the lot shall have a minimum area of 10,000 square feet.
- (g) Not more than one (1) ADU shall be created on a lot.
- (h) If the ADU is in form of an addition, such addition shall not cause the combined buildings on the lot to exceed the maximum building coverage or impervious surface limitations.
- (i) Not more than four (4) occupants shall inhabit the ADU, and the ADU shall not contain more than two (2) bedrooms.
- (j) The property on which the ADU is located may contain only one (1) professional home office.
- (k) There shall be two (2) off-street parking spaces serving the ADU, in addition to the requirement for the principal dwelling.

1290.15 GROUP DAY CARE FACILITIES.

Group day care facilities shall be permitted by special exception in the SC Shopping Center district, the C Commercial district, and the PBC Planned Business Campus district, subject to the following requirements:

- (a) A fence not less than four (4) feet high shall be placed around all outdoor play areas. The bottom end of such fence must reach the ground to prevent children from crawling underneath.
- (b) No part of a facility may be located within 200 feet of gasoline pumps or underground storage tanks or any other storage area for explosive or hazardous materials.
- (c) Each facility shall provide for the discharge and pick-up of children on a drive way, approved parking area, or directly in front of the facility. In any case, the area selected for discharge and pick-up must be free from traffic hazards to children.
- (d) Outdoor play activities shall be limited to the hours between 8:00 a.m. and 7:00 p.m.
- (e) Parking shall be in accordance with Chapter 1284.
- (f) Signs shall be in accordance with Chapter 1282.
- (g) All facilities shall comply with the requirements of the district in which they are located.
- (h) All group day care facilities must be licensed by the Pennsylvania Department of Public Welfare (DPW).
- (i) All such facilities must comply with all current regulations of the DPW and any other applicable state and local building and fire safety codes.
- (j) The operator of the facility will allow the local Code Enforcement Officer to enter the property at reasonable times to inspect for compliance with the requirements of this section and all other applicable municipal and state ordinances or regulations.

1290.16 EXPIRATION OF CONDITIONAL USE APPROVAL.

An approved conditional use shall be implemented within twelve (12) months following the date of approval. However, the Board of Commissioners may grant an extension of time if the landowner or his

agent requests such an extension and if good cause for the extension is shown. There are no other exceptions to this rule. If, at the end of the 12 month period, the conditional use is not implemented, and if no extension has been granted, the approval of the conditional use shall be null and void.

# CHAPTER 1292

## Supplemental Regulations

### 1292.01 PURPOSE.

The purpose of this chapter is to identify certain regulations and standards which are generally either common to all zoning districts or applicable to more than one district.

### 1292.02 OVERALL REQUIREMENTS.

- (a) No building or structure, or part thereof, shall hereafter be erected, constructed, or altered, and no new use or change shall be made or maintained of any building, structure, or land, or part thereof, except in conformity with the provisions of this Ordinance.
- (b) Every principal building shall hereafter be built on a lot with frontage on a public or private street.
- (c) No lot or premises shall hereafter be subdivided or reduced in area or size in any manner so as to violate the provisions of this Ordinance.

### 1292.03 SIDEWALKS AND CURB CUTS.

All new construction on lots where there is currently no sidewalk shall install a sidewalk with handicapped curb cut ramps at the crosswalks.

### 1292.04 PROJECTIONS INTO REQUIRED SETBACKS.

No principal building or part thereof shall be erected within, or shall project into, any required yard in any district, except for unenclosed process, decks, one-steps; and none of these or similar projections shall encroach more than three feet into the required yard. However, unenclosed decks may extend into required yards as noted below:

#### **Extension of Decks into Required Yards**

<u>District</u>	<u>Rear Yard (ft.)</u>	<u>Side Yard (ft.)</u>
R-1	10	5
R-2	7	3
R-3	5	0

In TH Districts, unenclosed decks may extend twelve feet from the rear wall of the principal building and no farther.

1292.05 VISIBILITY AT CORNER LOTS.

- (a) On any corner lot, no wall, fence, or other structure shall be erected or maintained, and no hedge, tree, shrub, or other growth shall be planted, grown, or maintained which may cause danger to vehicular traffic by obscuring the view or in any other way be a source of danger.
- (b) In residential districts, where a lot is located at the intersection of two streets, no obstruction or any kind whatsoever of a height greater than 24 inches shall be maintained or permitted within a triangle the legs of which measured from the intersection of the curb lines at the corner shall be 25 feet.
- (c) The Township shall have the right to declare any obstruction to vision within the line of the sight triangle to be a safety hazard and shall direct the owner of the property to have it removed. If the owner fails to do so within 30 days of written notice, the township shall remove the obstruction and bill the owner and lien the property for the expense involved.

1292.06 ACCESSORY STRUCTURES.

- (a) Accessory structures shall be located, erected, and maintained in side or rear yard areas only.
- (b) Unless specifically noted otherwise in this Ordinance, no accessory structure shall be more than one story or 15 feet in height, except when a greater height is permitted by special exception in the case of an accessory to a non-residential use.
- (c) Accessory structures shall comply with Aston Township's Storm Water Management Ordinance.
- (d) Accessory structures shall cover not more than the following percentages of the lots on which they are located and shall have the minimum setbacks listed below:

<u>District</u>	<u>Setback from Side and/or Rear Lot Lines (ft.)</u>	<u>Size (ft)</u>
R-1	5	20x20
R-2	5	20x20
R-3	5	12x18

1292.07 STORAGE SHEDS.

- (a) Utility sheds shall not be considered an accessory structure. A utility shed shall not exceed 144 square feet, 10 feet in height, and shall be governed by the following set backs.

<u>District</u>	<u>Setback from Side and/or Rear Lot Lines (ft.)</u>
R-1	3
R-2	2
R-3	2

- (b) Installation requirements for utility sheds shall be as follows:
- (1) A utility shed may be installed or erected on any property within the Township without the placement of footers or foundations beneath the utility sheds, provided that, for the purpose of rodent and vermin control, the utility shed is placed on a concrete slab not less than four inches thick, and further provided that the utility shed complies with all other requirements of the Building and Housing Code.
  - (2) Four inches of crushed stone can be used in lieu of a concrete slab in the event that the shed is of the fabricated wooden variety with a treated wooden floor system. Such a system must contain treated skids that elevate the floor of the building a minimum of four inches above grade for air circulation beneath the structure. Wire must be secured to the perimeter skids as a rodent and vermin control.
  - (3) The concrete slab or stone must be no less than two inches larger than the maximum length and width of the shed.

- (4) Compliance with Aston Township's Storm Water Management Ordinance.
- (c) Temporary storage structures are permitted and may be located in the driveway, notwithstanding subparagraph 1292.06(a) herein. The number of storage structures on a lot shall be limited to one (1) and shall not remain on the lot in excess of 30 days. If additional time is needed for the structure, a permit must be obtained from the Code Enforcement Office.

1292.08 WALLS, FENCES, AND VEGETATION.

- (a) In all districts, except LI Limited Industrial Districts, no wall, fence, hedge, or other similar structure or growth shall extend into any front yard.
- (b) In all residential districts no wall, fence, hedge, or similar growth shall exceed six (6) feet in height, with the exception of fences required around swimming pools, in which case said fence may be no less than five (5) feet and no more than six (6) feet in height. In addition, an above-ground pool 24 inches high or greater shall not require a separate fence if said above-ground pool comes with a fence already attached to the top of the pool, so long as said fence contains a ladder that folds up and locks so as to prevent further access to the swimming pool.
- (c) In all non-residential districts, no structures or growths noted in subsections (a) and (b) hereof shall exceed eight (8) feet in height when any residential district abuts any non-residential district. If a fence is to be erected, then that fence shall not exceed eight (8) feet in height unless approved by the Aston Township New Construction Committee as a waiver of this subsection.
- (d) However, fences surrounding public or semipublic uses, tennis courts, or ball fields may have a height of not more than twelve (12) feet.
- (e) Applications for a fence permit shall be submitted to the Building Inspector, together with two sets of plans and specifications setting forth the details, area, and depth of the proposed construction in all of its parts, together with a plot plan showing the location of the buildings on a lot, the fencing, existing and planned, and the height and aperture dimensions thereof, and all open spaces required by this Ordinance, drawn to scale and dimensioned.

- (f) All fences erected within the Township that have a decorative side shall be erected so that such decorative side faces the outside of the property or forms the exterior side of such fence.
- (g) With regard to post and rail-type fencing, if such fencing has no more than one upright post and is less than ten (10) feet in length, then such fence shall be considered as landscaping or decorative in nature and will not be regulated by this section. However, if such post and rail-type fencing contains more than one upright post and is ten (10) feet in length or greater, then such fencing shall be regulated as provided in this section and all other regulations and provisions of this Zoning Code.

1292.09 PUBLIC UTILITY BUILDINGS.

- (a) The minimum lot area and maximum coverage regulations of this Ordinance shall apply to public utility facilities, unless the Pennsylvania Public Utility Commission decides the proposed building is reasonably necessary for the convenience or welfare of the public. Provided, however, that all yard and maximum height regulations shall apply, except for necessary towers, poles, lightning rods, arresters, and similar extensions.
- (b) In residential districts, the permitted public utility facilities shall not include storage of maintenance vehicles or equipment.
- (c) No equipment creating unreasonable noise, vibration, smoke, odor, or other nuisance, as specified in Chapter 1280 relating to performance standards, shall be installed.

1292.10 REFUSE.

- (a) Unless specifically stated otherwise for a particular zoning district, all refuse shall be placed in closed, rigid, vermin-proof containers. In the case of townhouses, multi-family dwellings and nonresidential buildings, all refuse receptacles shall be effectively screened from the view of the residents and from public streets and sidewalks by means of a fence, wall, or plantings. All such refuse receptacles shall be placed on the property responsible for such refuse.
- (b) Where a C Commercial District or an SC Shopping Center District abuts a residential district, all trash and refuse containers and trash dumpsters shall be placed on the commercial property a minimum of 20 feet from the property line, and all such receptacles shall be

effectively screened from the view of residents and from public streets and sidewalks by means of a fence, a wall, or plantings.

1292.11 LIGHTING.

In the case of multi-family dwellings and nonresidential buildings, lighting facilities shall be provided and arranged in a manner that will protect the street and neighboring properties from excessive glare and hazardous interference of any kind. Lighting facilities shall be provided for the safety and convenience of the residents of multi-family dwellings or patrons of nonresidential buildings. All driveways and parking areas must be properly lighted to assure safe driving conditions at night and security for residents and patrons.

1292.12 CONDOMINIUMS.

In the event that multi-family dwellings are converted or developed as condominiums, such condominiums shall be owned and operated in accordance with the Pennsylvania Unit Property Act of 1963, as amended.

1292.13 RESTRICTIONS ON KEEPING OF ANIMALS.

No lot or premises in any part of the Township shall be used to keep or raise chickens, ducks, pigeons, or other fowl, or any rabbits, hares, guinea pigs, white mice, hamsters, or any other small animals with the exception of specimens kept as household pets, provided the keeping of same shall not cause a nuisance. No lot or premises in any part of the Township shall be used to keep or raise any horses, cows, sheep, or any other farm animals or wild animals or reptiles, whether domesticated or not. In connection with both the small and large animals mentioned above, the owner may continue to keep or raise such animals if this activity was in progress before the adoption of this Ordinance, provided that such activity does not cause a nuisance.

1292.14 AGRICULTURE.

Standards for structures for the sale of agricultural products shall be as follows:

- (a) No roadside stand used for the sale of agricultural products shall remain on the property during seasons when such products are not sold.
- (b) Off-street parking shall be provided in accordance with requirements of Chapter 1284.

- (c) The building for the sale of agricultural products shall be located not less than 35 feet from the right-of-way line.

1292.15 SATELLITE ANTENNAS.

The following provisions shall regulate satellite antennas. In this section, the words "antenna" or "antennas" refer to satellite antennas.

- (a) Satellite antennas shall be permitted in all zoning districts.
- (b) Satellite antennas shall be permitted as accessory uses subject to this section and Section 1292.06. However, where such antennas are proposed for non-residential uses in residential districts, they shall be permitted only by special exception.
- (c) Ground based antennas shall not be placed in the front yard.
- (d) Ground based antennas shall not exceed a diameter of 10 feet.
- (e) The height of ground-based antennas shall not exceed 15 feet, as required for accessory structures in Section 1292.06.
- (f) All wiring for ground-based antennas shall be underground.
- (g) Residential, roof-mounted antennas shall not exceed four (4) feet in diameter.
- (h) Where possible, roof-mounted antennas shall be placed on the portion of the roof sloping away from the front of the lot.
- (i) Applications for roof-mounted antennas shall be submitted to the BCO and shall be accompanied by a specific mounting and stress analysis report prepared by a professional engineer.
- (j) Satellite antennas should be of a color that blends with the surrounding landscape. They should have an open mesh rather than a solid surface to reduce visual blockage.
- (k) A planted visual screen or other effective visual barrier shall be planted or erected and maintained in order to reduce visibility of a ground-based antenna from a public street.
- (l) In residential districts, not more than one (1) antenna shall be permitted on a lot with its use limited to that lot.

- (m) Every antenna must be adequately grounded for protection against a direct strike of lightning.
- (n) A permit must be obtained from the Township BCO prior to the installation of a satellite antenna.
- (o) The installation of a satellite antenna must comply with all applicable local, State, and Federal regulations.

1292.16 PRIVATE, NON-COMMERCIAL SWIMMING POOLS.

- (a) Swimming pools are intended to be used solely for the enjoyment of the occupants of the principal permitted use of the property on which it is located and their guests.
- (b) Swimming pools, where permitted, must be located not less than ten (10) feet from the principal building and not less than five (5) feet from any property line. All swimming pools shall be located behind the building line.
- (c) No swimming pool shall be located under electrical lines or over existing utility lines.
- (d) Swimming pools shall comply with all other applicable local regulations.
- (e) A plan showing the type, quality, and construction of swimming pools shall be submitted to the Township.
- (f) All applications for swimming pools must include a topographical survey plan with existing and proposed grades which shall be prepared by a registered engineer or surveyor and approved by the Township Engineer prior to consideration.
- (g) All fencing regulations as set forth in Section 1292.08 shall be complied with and shall be included on the application, plan, and topographical surveys required to be submitted to the Township Engineer as stated above.

1292.17 STORMWATER MANAGEMENT.

All activities and uses shall be in accordance with Chapter 1043 of the Streets, Utilities, and Public Services Code.

1292.18 FIRE PROTECTION.

Conditions relating to hazards from fire or explosion shall be in accordance with International Fire Code.

1292.19 LANDSCAPING REQUIREMENTS.

- (a) Any part or portion of a site which is not used for buildings or other structures, loading and parking spaces and aisles, sidewalks, and designated storage areas shall be planted and maintained with landscaping. Maximum advantage shall be taken of existing trees and shrubs in landscaping.
- (b) All landscaped planting areas, as defined in Section 1250.07, shall be planted with grass seed, sod, or other ground cover and shall be maintained and kept clean of all debris, rubbish, weeds, and tall grass; provided, however, that if such land is naturally wooded, it may continue in its natural state.
- (c) Unless otherwise specified, landscaped planting areas may be part of the required front, side, and rear yards.
- (d) Except for single-family and two-family dwellings, any part or portion of a site which is not used for loading and parking spaces, aisles, sidewalks, and designated storage areas shall be landscaped according to an overall plan, prepared and approved as part of the development plan or shall be left in its natural state. A replacement program for non surviving plant material should be included.
- (e) General requirements for landscape plans shall be as follows:
  - (1) Landscaping shall be installed and maintained in accordance with a landscape plan prepared by a registered landscape architect and approved by the Township Board of Commissioners. The landscape plan shall depict all proposed plantings as required within planted buffers and planted visual screens and in other landscaped areas which relate to, complement, screen, or accentuate buildings, roads, parking areas, sidewalks, walkways, sitting areas, service or maintenance structures, courtyards, and other site features.
  - (2) The landscape plan shall be based on and reflect the following:

- A. Respect for and incorporation of existing topographic, landscape, and other natural features.
  - B. The functional and aesthetic factors which relate to the tract and to the principal and accessory buildings and other structures.
  - C. Enhancing views from and within the tract.
  - D. Screening and complementing proposed buildings and other structures.
  - E. Creating visual interest for the users and/or residents of the proposed project.
  - F. Using plant materials which are hardy and acclimated to the conditions at the tract and within the Township.
- (3) The landscape plan shall include notes, diagrams, sketches, or other depictions to present the consideration and analysis of the following:
- A. An analysis of the site in terms of the existing views to and from the areas which are proposed for development; existing topography and vegetation conditions; and other existing conditions which are relevant to the site.
  - B. An analysis of proposed planting and other landscaping needs as related to screening views of buildings; screening parking areas and other areas where vehicles are parked; screening storage areas; screening site utilities; and other appropriate types of screening.
  - C. The consideration of locations where plantings and other landscaping are needed to provide visual interest; define outdoor spaces; complement the proposed architectural style; and achieve other functional and aesthetic requirements for buffer areas.
  - D. Existing trees shall be preserved wherever possible. The protection of trees 12 inches or more in caliper (measured at a height four (4) feet above the

original grade) shall be a factor in determining the location of buildings, open space, structures, underground utilities, walks, and paved areas. Areas in which trees are to be preserved shall remain at original grade level and in an undisturbed condition.

- (f) Design criteria for landscape plans shall be as follows:
- (1) Parking lots shall be landscaped and screened as required in Chapter 1284.
  - (2) Landscaping shall be provided in association with each principal building in accordance with the following criteria:
    - A. A combination of evergreen and deciduous trees and shrubs shall be used as “foundation” plantings, i.e., plantings to be installed in reasonably close proximity to the facades.
    - B. At least one three and one-half (3 ½) to four (4)-inch caliper specimen deciduous tree of eleven to thirteen feet in height at the time of planting, and one eight (8) to ten (10)-foot specimen evergreen tree, shall be planted for every 50 feet of length of building facade. These specimen trees shall be clustered or grouped to provide a pleasing, naturalistic effect, and existing trees to be retained may be utilized to satisfy this requirement.
    - C. Four evergreen and/or deciduous shrubs shall be planted for every 20 feet of length of building facade.
    - D. Trees and shrubs shall be grouped in accordance with specific needs and objectives.
  - (3) Other landscaping, including trees, shrubs, and ground covers, shall be provided along walkways, in courtyards, around sitting areas, at the entrance to the site, and in other highly visible locations, especially on the outer side of any internal access roads which are visible from a public street which may adjoin a tract, at the entrance to buildings, and around structures used for service, storage, or maintenance purposes.

- (4) The location, type, size, height, and other characteristics of landscaping shall be subject to review and approval by the Board of Commissioners upon recommendations of the Planning Commission and Township Engineer.
- (g) Minimum standards for the quality and maintenance of plant material shall be as follows:
  - (1) All plants shall conform to the standards for nursery stock of the American Association of Nurserymen.
  - (2) Trees and shrubs shall be typical of their species and varieties, have normal growth habits, shall be well developed, and have densely foliated branches and vigorous, fibrous root systems.
  - (3) Trees and shrubs shall be free from defects and injuries and certified by appropriate Federal and State authorities to be free from disease and insect infestations.
  - (4) Trees and shrubs shall be freshly dug and nursery grown. They shall have been grown under climatic conditions similar to those in the locality of the project or properly acclimated to the conditions of the locality of the project.

1292.20 SCREENING REGULATIONS.

- (a) A planted visual screen, as defined in Section 1250.07, shall be provided and continually maintained under the following circumstances:
  - (1) Where a proposed commercial or industrial use abuts an existing residential use or residential district and where a proposed institutional use abuts a residential use.
  - (2) Where any proposed multi-family, townhouse, or mobile home use abuts an existing single-family dwelling.
  - (3) In any other instance where screening is required by this Ordinance or by the Township.
- (b) Screening shall comply with the following requirements:
  - (1) The planted visual screen shall include a variety of evergreen species (but no more than three) which are

indigenous to the area so as to provide a year round visual barrier.

- (2) Planted visual screens shall incorporate earthen mounds or berms, wherever possible, to improve sound as well as visual buffering and shall be broken at points of vehicular or pedestrian access.
- (3) Plant materials used in screening shall be at least six (6) feet in height when planted, and no plantings shall be placed with their center closer than five (5) feet from the property line of the tract.
- (4) All existing trees within the required planted visual screen greater than three (3) inches in caliper and/or eight (8) feet in height shall be preserved wherever possible.
- (5) Screening shall be designed so as not to obstruct sight distances at intersections.
- (6) Screening design, including the type of plant materials to be used, spacing of plant materials, and the location of earthen berms, shall be subject to review and approval by the Board of Commissioners upon the recommendation of the Planning Commission and Township Engineer.
- (7) Screens shall be perpetually maintained during the period the principal use causing the need for screening is in operation. Any plant material which does not survive shall be replaced within six months.
- (8) Water towers, storage tanks, processing equipment, fans, skylights, cooling towers, vents, and any other structures or equipment which rise above the roof line shall be architecturally compatible or effectively shielded from view from any public or private dedicated street by an architecturally sound method which shall be approved, in writing, by the Township before construction or erection of said structures or equipment.
- (9) All mechanical equipment not enclosed in a structure shall be fully and completely screened in a manner compatible with the architectural and landscaping style of the remainder of the lot. Such screening shall be subject to site plan and architectural review by the Township.

- (c) In case of a conflict between any regulation in this section and that in any individual district, the regulation in the individual district shall prevail.

1292.21 FAMILY-BASED COMMUNITY RESIDENCE FACILITIES.

Family based community residence facilities shall be permitted by right in the R-1, R-2, and R-3 districts.

- (a) Supervision, on a twenty-four hour basis, shall be available by adults qualified in the field for which the facility is intended.
- (b) The maximum number of residents in a community residential facility shall be four (4) and the maximum number of residents per bedroom shall be two (2).
- (c) Parking shall be in accordance with Chapter 1284.
- (d) All new facilities shall meet the dimensional requirements of the district in which they are located.
- (e) Any alterations or additions to the exterior of a community residential facility shall be compatible with the existing structure and in keeping with the neighborhood character, excluding safety required modifications. Upon the closing of a community residential facility all safety required modifications shall be removed.
- (f) Each facility must receive all pertinent certificates/or licenses from the appropriate State agencies.
- (g) All other applicable requirements of the Zoning Code, PA Uniform Construction Code, and all other applicable Township codes and State regulations and statutes shall be met.
- (h) All facilities must supply the Township (and keep current) the name of a person responsible for responding to a complaint filed by the Township.
- (i) All community residential facilities will be available for reasonable periodic inspections by appropriate Township officials.
- (j) A record of all community residential facilities and their locations shall be maintained by the Township Building Inspector.

- (k) Any applicant proposing to use a single family dwelling as a community residential facility shall first obtain a permit from the Code Enforcement Office. The applicant shall submit a site plan to the Code Enforcement Office which shows compliance with the following criteria:
  - (1) Applicant shall provide as a minimum, the following square footage in each bedroom:
    - (A) Provide 100 square feet of space per bedroom.
    - (B) To house two (2) persons per bedroom, the dwelling unit must provide 120 square feet of space per bedroom.
    - (C) Any single family dwelling unit that is proposed to be used as a community residential facility shall provide for a separate bedroom for the care provider or providers.
    - (D) The Code Enforcement Office shall promptly approve all applications and issue a permit upon a showing of compliance with the provisions of this Chapter.
    - (E) No community residence facility as defined under 1250.07 shall be located within a radius of 1,000 feet of another community residence facility, an intermediate day care center, an adult day care center or a continuing care facility.

1292.22 AIRPORT ZONING.

See Appendix B.

1292.23 LOT SIZES WHERE PUBLIC SEWER OR PUBLIC WATER NOT PROVIDED.

In the R-1 and R-2 Residential Districts, lots without public water and/or sewage disposal systems may be developed for residential use provided the following minimum areas are provided:

- (a) Fifteen thousand (15,000) square feet for lots without public sewer; and

- (b) Thirty thousand (30,000) square feet for lots without both public sewer and public water.

1292.24 DESIGN STANDARDS.

The applicable Design Standards for all subdivision and land development regulations within the Township of Aston shall be applied to existing buildings and/or development where there is an encroachment into a right-of-way and/or an Aston Township 360/grading permit is required.

1292.25 NO-IMPACT HOME-BASED BUSINESSES.

No-impact home-based businesses shall be permitted as an accessory use in all residential districts, subject to the following requirements:

- (a) The business activity shall be compatible with the residential use of the property.
- (b) The business shall employ no employees other than family members residing in the dwelling.
- (c) There shall be no display or sale of retail goods and no stockpiling of inventory.
- (d) The business may not use any process or equipment that creates noise, vibration, glare, fumes, odors, or electrical or electronic interference with radio or television reception.
- (e) The business may not discharge any solid waste or sewage discharge that is not normally associated with residential use.
- (f) The business may not occupy more than 25 percent of the gross floor area of the dwelling.
- (g) There shall be no outside appearance of a business within the residence.
- (h) There shall be no off-street parking for the occupation, in addition to that required for the residential use.

1292.26 FAMILY CHILD DAY CARE HOMES

Family day care homes shall be permitted as an accessory use in the R-1, R-2, and R-3 districts subject to the requirements listed below:

- (a) Any outdoor play area must be enclosed with a fence that shall be not less than four (4) feet high and shall extend to the ground to prevent children from crawling underneath.
- (b) Outdoor play activities shall be limited to the hours between 9 a.m. and 7 p.m.
- (c) The area for pick-up and discharge of children must be free from traffic hazards.
- (d) The appearance and exterior design of the facility shall be compatible with the surrounding neighborhood.
- (e) There shall be screening and planting consistent with the character of the surrounding uses.
- (f) The facility shall display no sign that is inconsistent with the residential character of the neighborhood and shall be subject to Section 1282 relating to Signs.
- (g) No portion of the dwelling shall be within 200 feet of a gasoline dispensing station, underground gasoline storage tanks, heavy industrial operations, truck-loading areas, or other hazardous uses or activities.
- (h) Each facility must have the appropriate certificates as required by the Pennsylvania Department of Public Welfare (DPW) that shall be prominently displayed in the main entrance of the facility. All day care homes must meet all current DPW regulations and any applicable Federal, State, or local laws, ordinances, and regulations, including building and fire safety codes.
- (i) The operator of the facility shall allow the BCO or CEO to enter the property at reasonable times, subject to 24-hour notice, to inspect the facility for compliance with this Section and other applicable ordinances or regulations.

#### 1292.27

#### ALTERNATIVE ENERGY SOURCES.

Alternative energy sources, which include but are not limited to ground source heat pumps (geothermal), solar energy systems, and wind energy systems are permitted in all districts by conditional use only.

In addition to Standards and Criteria for Approval of Conditional Uses set forth in Section 1290, the following Standards and Criteria shall apply to Alternative Energy Conditional Use:

- (a) The applicant shall submit data to establish that the alternative energy system proposed will have a net energy gain.
- (b) The alternative energy system shall not adversely affect solar access to adjacent properties.
- (c) The alternative energy system shall comply with all applicable engineering, structural, building, safety, and fire regulations.
- (d) The alternative energy system must comply with all applicable federal and state regulations.
- (e) The alternative energy system shall not have an adverse impact on the area, including the health, safety, and general welfare of occupants of neighboring properties and users of public rights-of-way.
- (f) The alternative energy system shall require a Building Permit and any other associated permits and shall be constructed in accordance with the applicable provisions of the International Building Code (IBC) or International Residential Code (IRC) of the prevailing year.
- (g) Equipment associated with an alternative energy system shall not be installed in the front yard of any lot or the side yard of a corner lot adjacent to a public right-of-way and shall meet all required setbacks for the applicable zoning district.
- (h) Alternative energy systems shall not encroach on public drainage, utility, or right of way easements.
- (i) If an alternative energy system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after a demolition permit has been obtained.

# CHAPTER 1293

## Wireless Communication Facilities

### 1293.01 PURPOSE.

The purpose of this chapter and the standards established herein is to govern the use, construction, and siting of towers, cellular and wireless towers, facilities, and equipment, so as to:

- (a) Accommodate the need for wireless communications, cellular communications and personal communications services towers, cellular and wireless towers, facilities, and equipment while regulating their location and number in Aston Township;
- (b) Minimize adverse visual effects of towers, cellular and wireless towers, facilities, and equipment through careful design, siting, and vegetative screening;
- (c) Avoid potential damage to adjacent properties from antenna support structure failure and falling ice and debris through engineering and careful siting of antenna support structures; and
- (d) Maximize the use of any new or existing antenna support structures or other tail structure(s) so as to reduce the number of antenna support structures needed in the future.

### 1293.02 DEFINITIONS.

The following terms, used in this section, shall be interpreted as follows:

- (a) Antenna - Any device or mechanism used in the collection, transmitting, routing, or receiving of telecommunications transmissions, radio signals or radio frequency energy, including, but not limited to, use by or in the provision of wireless communications, cellular communications, and personal communications services.
- (b) Antenna Height - The vertical distance measured from the base of an antenna support structure at grade to the highest point of the antenna support structure, including any antenna affixed thereto. If the antenna support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

- (c) Antenna Support Structure - Any pole, telescoping mast, monopole, tower, tripod, or other structure which supports or has attached to it, an antenna or antennas.
- (d) Cell Site - A tract or parcel of land that contains the wireless, cellular, or personal communications service antenna, its antenna support structure, accessory building(s), and parking, and that may include other uses associated with and ancillary to providing wireless communications, cellular communications, or personal communications services.
- (e) Tower - Any pole, telescoping mast, monopole, tower, tripod, or any other like structure to be erected within the Township of Aston.
- (f) Towers, Cellular and Wireless Towers, Facilities and Equipment include, but are not limited to, antennas, antenna support structures, and cell sites.

1293.03 PERMITTED USES.

A cell site is a permitted use, by right, in the following zoning districts or in conjunction with the following uses and no other:

- (a) LI, Limited Industrial District.
- (b) Any parcel used exclusively as a Municipal use.
- (c) Use by special exception in any district when completely enclosed within an existing steeple, dome, bell tower, or similar building feature provided that:
  - (1) The wireless communication facility is not the primary use on the property;
  - (2) The existing building in which the facility is proposed to be located is not used for residential purposes but rather is used for commercial, institutional, religious, school, or other similar purpose; and
  - (3) The lot on which such facility is proposed to be located has an area of at least one acre.

1293.04 USE, AREA AND HEIGHT REGULATIONS.

- (a) An antenna that is attached to a support structure such as a telephone, electric, or utility pole, existing wireless communications, cellular communications or personal communications services tower, smokestack, water tower, or other similar tall structure, together with any antenna support structure, shall not exceed the height of the existing structure by more than ten (10) feet.
- (b) A cell site with an antenna that is not mounted on an existing antenna support structure shall not have an antenna height or tower height in excess of 120 feet.
- (c) All other uses ancillary to the towers, cellular and wireless tower, facilities and equipment (including, but not limited to, a maintenance depot, etc.) are prohibited from the cell site unless otherwise permitted in the zoning district in which the cell site is located. Such other ancillary uses shall not be considered accessory uses.
- (d) The distance between the base of any antenna support structure and any property line or right of-way line shall be not less than 100 percent of the height of the proposed support structure.
- (e) Any provisions of the Zoning Code or any other Township ordinance which are not addressed hereunder, shall remain in effect and shall not be considered altered or modified by this section, and shall apply to any proposed tower, cellular and wireless tower, facilities and equipment.

1293.05 STANDARDS OF APPROVAL.

The following standards of approval shall apply to all towers, cellular and wireless towers, facilities and equipment:

- (a) The applicant shall demonstrate, using accepted technological evidence, that the antenna and antenna support structure must be located where proposed in order to satisfy its function in the applicant's grid system.
- (b) If the applicant proposes to build an antenna support structure, the applicant shall provide written evidence that it first contacted the owners of tall structures within a one-quarter mile radius from the proposed cell site, requested permission to install the antenna on those structures, and was denied for reasons other than economic

ones. Tall structures shall include, but not be limited to, smoke stacks, water towers, buildings in excess of six stories, antenna support structures of other wireless communications, cellular communications and personal communications service providers, other communications towers (fire, police, etc.), and other similar tall structures.

- (c) The applicant shall demonstrate that the antenna height is the minimum required to function satisfactorily. No antenna height taller than this minimum height shall be approved, unless the applicant provides proof that another provider of wireless, cellular or personal communications services has already agreed to co-locate on the applicant's antenna support structure at a greater height than is required by the applicant.
- (d) The applicant shall demonstrate that the proposed antenna and antenna support structure are safe and the surrounding properties will not be negatively affected by an antenna support structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. All antenna support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.
- (e) In order to reduce the number of antenna support structures needed in the Township in the future, the proposed antenna support structure shall be required to accommodate, where possible, other users, including other wireless communication, cellular communications and personal communication service provider companies, and local police, fire and ambulance companies. The applicant shall provide evidence that all other authorized users have been contacted by the applicant with an offer of co-location on the applicant's proposed antenna support structure.
- (f) The applicant must demonstrate that it is licensed by the Federal Communication Commission (FCC) to provide wireless communications, cellular communications, and/or personal communications services.

1293.06

#### ANTENNA SUPPORT STRUCTURE SAFETY

- (a) The applicant shall demonstrate that the proposed antenna(s) and antenna support structure are designed and constructed in accordance with all applicable national building standards for such facilities and structures, including but not limited to, the standards developed by the Electronics Industry Association, Institute of Electrical and Electronics Engineers, Telecommunications Industry

Association, American National Standards Institute, and Electrical Industry Association. The applicant shall demonstrate that the proposed wireless communication facility is designed in such a manner so that no part of the facility will attract/deflect lightning onto adjacent properties.

- (b) When an antenna(s) is to be located on an existing structure and the general public has access to that structure, the applicant shall provide engineering details showing what steps have been taken to prevent microwave binding to wiring, pipes, or other metals.
- (c) The applicant proposing to allocate an antenna shall certify that the proposed installation shall not exceed structural capacity of the building or existing structure considering wind and other loads associated with the antenna location and shall meet all applicable building codes and other Township regulations.
- (d) The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed communication tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association and applicable requirements of the Township's Building Code.
- (e) The applicant shall demonstrate that the proposed antenna and antenna support structure and entire wireless communication facility are safe and are in accordance with applicable Township codes and that the surrounding properties will not be affected negatively by antenna support structure failure, falling ice or other debris. All antenna support structures shall be fitted with anti-climbing devices that comply with the industry standards.
- (f) The applicant shall submit a copy of its current Federal Communications Commission license; the name, address, and emergency telephone number for the operator of the communications tower; and a certificate of insurance evidencing general liability coverage in the minimum amount of \$2,000,000.00 per occurrence and property damage coverage in the minimum amount of \$2,000,000.00 per occurrence covering the communications tower and communications antennas.
- (g) The owner of an antenna support structure shall submit to the Township Engineer proof of the annual inspection of the antenna support structure and antenna(s) by an independent professional engineer as required by the ANSI/EIA/TIA-222- ECode. Based

upon the results of such an inspection, the Board of Commissioners may require removal or repair of the wireless communications facility.

- (h) All guy wires associated with guyed communications towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.
- (i) All utilities and wiring communications towers shall be located underground or within a building or other enclosure whenever possible.
- (j) No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration, or other governmental agency which has jurisdiction.
- (k) A full site plan shall be required for all wireless communications facilities, showing all existing and proposed structures and improvements, including but not limited to the antenna(s), antenna support structure, building, fencing, landscape, buffering and ingress and egress; the plan shall include all necessary elevations and photo-overlays demonstrating the illustrated appearance of all facilities against actual photographic backgrounds in each of the four directions. The plan shall comply with the Subdivision and Land Development Ordinance, as amended, and Uniform Construction Code, as adopted.
- (l) Antenna support structures shall be painted silver or have a galvanized finish or may be painted green up to the height of the nearby trees to disguise its appearance. All wireless communications equipment buildings and other accessory facilities shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of the like facades to blend with the existing surroundings and neighboring buildings to the greatest extent possible.
- (m) In the case of a newly constructed antenna support structure, a soil report complying with the standards of the Geotechnical Investigations, ANSI/EIA-222E, as amended, shall be submitted to the Township Engineer to document and verify the design specifications of the foundation for the antenna support structure and anchors for the guy wires, if used.

1293.07 LANDSCAPING.

- (a) Existing vegetation on a cell site shall be preserved to the maximum extent possible.
- (b) Landscaping shall be required to screen and buffer as much of the towers, cellular and wireless towers, facilities and equipment as possible, as well as the fence surrounding the towers, cellular and wireless towers, facilities and equipment, and any other ground level features of the cell site, from the abutting properties.
- (c) Where the cell site abuts residentially developed land, Residential Zoning Districts, public land or streets, the cell site perimeter shall be landscaped with at least one row of deciduous trees, not less than three and one-half inches in caliper, spaced not more than 30 feet apart, on center, and within 25 feet of the cell site boundary, as well as at least one row of evergreen trees or shrubs, at least fourteen (14) feet high when planted and spaced not more than fifteen (15) feet apart and within 40 feet of the cell site boundary. Alternatives, such as walls or solid fences constructed of wood or stone, of at least eight (8) feet in height, may be permitted by the Board of Commissioners based on security or other reasons.
- (d) Antenna support structures shall be painted gray or have a galvanized finish retained in order to reduce the visual impact. Notwithstanding the foregoing, all antenna support structures shall meet all Federal Aviation Administration (FAA) regulations. No antenna support structure may be lighted except when required by the FAA.

1293.08 FENCING.

A security fence shall be required around the cell site, unless the antenna is mounted on an existing structure. The security fence shall be minimum of eight feet in height and shall otherwise comply with the height regulations set forth in Section 1292.08 of the Planning and Zoning Code. The said fence shall be a cyclone fence with plastic inserts secured with barbed wire.

1293.09 PARKING.

If the cell site is fully automated, adequate parking shall be required for maintenance workers, with a minimum of two parking spaces provided. If the cell site is not automated, the number of required parking spaces shall equal the number of people present at the cell site on the largest shift.

1293.10 MAINTENANCE REQUIREMENTS.

The cell site 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, and all Township ordinances not inconsistent therewith.

1293.11 ABANDONMENT.

It being the finding of the Board of Commissioners of Aston Township that any antenna and antenna support structures which have been abandoned presents a danger to the health, safety, and welfare of the general public, all abandoned structures shall be removed from any cell site not more than one year after abandonment. The cell site owner shall be responsible for any demolition costs related to the antenna and antenna support structures.

1293.12 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

# CHAPTER 1294

## Nonconforming Uses, Structures, and Lots

### 1294.01 PURPOSE.

- (a) Within the districts established by this Ordinance or amendments thereto, there exist certain uses, structures, and lots which were lawful before this Ordinance was enacted or amended, but which do not conform to the provisions of this Ordinance or amendments thereto. These uses, structures, or lots are referred to as nonconformities.
- (b) The regulations governing existing nonconforming uses, structures, and lots are set forth in this chapter and are intended to provide a gradual remedy for the undesirable conditions resulting from such nonconformities. While such nonconformities are generally permitted to continue, these regulations are intended to restrict further investment in such nonconformities and to bring about their gradual reduction.

### 1294.02 CONTINUATION.

All structures, lots, uses of structures and uses of land that do not conform to the regulations of the district in which they are located after the effective date of this Ordinance or amendments thereto, shall be regarded as nonconforming and may be continued so long as they remain otherwise lawful, including subsequent sales of property. Such uses must comply with all safety related and other applicable regulations.

### 1294.03 ENLARGEMENT.

A nonconforming use or structure may be extended, enlarged, or altered when so authorized as a special exception provided that the following conditions are met:

- (a) It is clear that such enlargement or extension is not materially detrimental to the health, safety, and welfare of the surrounding area or the interest of the Township.
- (b) The proposed enlargement or extension only occurs on the tract where the nonconformity is currently located.

- (c) The nonconforming structure, or the area devoted to the nonconforming use, shall be increased by not more than 50 percent.
- (d) Any extension or enlargement of a building shall conform to the area, height, and setback regulations of the district in which it is located.
- (e) No more than one extension or enlargement to a nonconforming use or structure shall be granted.

1294.04 CHANGE OF USE.

Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to another equally restrictive or more restrictive nonconforming use only if permitted as a special exception and subject to the following conditions:

- (a) The applicant shall show that the nonconforming use cannot be reasonably changed to a conforming use.
- (b) The applicant shall show that the proposed change will be no more objectionable in external effects than the existing nonconforming use, or will be more appropriate than the existing nonconforming use with regard to:
  - (1) Traffic generation and congestion.
  - (2) Parking.
  - (3) Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare, or vibration.
  - (4) Outdoor storage.
  - (5) Sanitary sewage disposal.

1294.05 CONVERSION OF DWELLINGS TO NON-RESIDENTIAL USE.

In the C Commercial District a dwelling in existence at the time of the adoption of this Ordinance may be converted to a non-residential use permitted in the district when such conversion is authorized by the Zoning Hearing Board as a special exception, provided that:

- (a) The proposed use shall comply with the yard, area, and off-street parking requirements of the district.

- (b) No existing yards or required open space shall be reduced to less than the requirement of the district.
- (c) The proposed conversion shall be in keeping with the predominant character of the area in which the conversion would take place and shall not detract from the use of an adjoining property.
- (d) All requirements of this ordinance and other applicable State and Township building, safety, and housing codes or regulations shall be followed.
- (e) No dwelling shall be converted unless the Zoning Hearing Board and Township Engineer are assured that, when completed, the building will comply with sound, present-day standards for the proposed use.
- (f) The Zoning Hearing Board may require any reasonable, additional conditions it may deem appropriate in connection with the proposed conversion and use.

1294.06 ENCLOSURE.

Where a nonconforming use is conducted entirely on unenclosed premises, no structure to house or enclose such use, whether or not such structure would otherwise conform to zoning regulations, shall be permitted to be erected on the premises.

1294.07 ABANDONMENT.

If a nonconforming use of a building or land is abandoned for six (6) consecutive months or more, whereby the owner discontinues the use, the subsequent use of such a building or land shall conform with the regulations of the district in which it is located, unless another nonconforming use is approved by the Zoning Hearing Board. Such approved use shall be initiated within 90 days after the end of the six-month period.

1294.08 RESTORATION.

- (a) Except for residential structures, a nonconforming structure or a conforming structure devoted to a nonconforming use which has been destroyed by fire or other cause to an extent of not more than 50 percent of the value of the structure, or a nonconforming structure which has been legally condemned may be reconstructed and used for the same nonconforming use provided that:

- (1) The reconstructed structure shall not exceed the height, area, and volume of the building destroyed or condemned.
  - (2) Reconstruction of the structure shall commence within one (1) year from the date the structure was destroyed or condemned, unless the Zoning Hearing Board shall authorize a special exception for an extension of this time limit.
- (b) A nonconforming residential structure which is destroyed or damaged by fire or other casualty or act of God may be restored to its condition prior to the occurrence.

1294.09 REPAIRS AND MAINTENANCE.

- (a) On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of six (6) consecutive months on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased.
- (b) If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by the Code Enforcement Officer (CEO) to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.
- (c) Nothing in this Ordinance shall be construed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by the CEO or other official charged with protecting the public safety

1294.10 DISPLACEMENT.

No nonconforming use shall displace a conforming use.

1294.11 NONCONFORMING LOTS.

A lot held in single and separate ownership on the effective date of this Ordinance which does not contain the required minimum area or width may be used for the construction, alteration, or reconstruction of a building, or may be otherwise used if the construction, alteration,

reconstruction or other use is in compliance with the use, yard, setback, and other pertinent provisions of this Ordinance.

1294.12 REDUCTION OF LOT AREA.

No lot area shall be so reduced that the area of the lot or the dimensions of the open space shall be smaller than herein prescribed.

1294.13 NONCONFORMING SIGNS.

Regulations for nonconforming signs are in Chapter 1282 relating to signs.

1294.14 REGISTRATION OF NONCONFORMING USES.

The CEO shall prepare, or cause to be prepared, within three (3) years after the effective date of this Ordinance, a complete list of all nonconforming uses, structures, lots, and signs in the Township.

1294.15 OWNERSHIP.

Whenever a lot is sold to a new owner, a previously lawful nonconforming use may be continued by the new owner.

1294.16 VIOLATIONS.

A nonconforming structure altered or a nonconforming use created in violation of any previous provisions in this chapter shall be regarded as continuing in such violation and shall not enjoy the privilege of legal continuance conferred by Section 1294.02 upon other nonconforming structures and uses.

# CHAPTER 1296

## Airport Hazard Overlay District

### 1296.01 PURPOSE.

The purpose of this Ordinance is to create an airport district overlay that considers safety issues around the Airport; regulates and restricts the heights of constructed structures and objects of natural growth; creates appropriate zones, establishing the boundaries thereof and providing for changes in the restrictions and boundaries of such zones; creates the permitting process for use within said zones; and provides for enforcement, assessment of violation penalties, an appeals process, and judicial review.

### 1296.02 RELATION TO OTHER ZONING DISTRICTS.

The Airport District Overlay shall not modify the boundaries of any underlying zoning district. Where identified, the Airport District Overlay shall impose certain requirements on land use and construction in addition to those contained in the underlying zoning district.

### 1296.03 DEFINITIONS.

The following words and phrases when used in this Ordinance shall have the meaning given to them in this section unless the context clearly indicates otherwise.

**Airport Elevation:** The highest point of an airport's useable landing area measured in feet above sea level. The airport elevation of the Airport is 36.1 feet.

**Airport Hazard:** Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous as defined in 14 CFR Part 77 and 74 Pa. Cons. Stat. §5102.

**Airport Hazard Area:** Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this Ordinance and the Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).

**Approach Surface (Zone):** An imaginary surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to

each end of the runway based on the planned approach. The inner edge of the approach surface is the same width as the primary surface and expands uniformly depending on the planned approach. The approach surface zone, as shown on Figure 1, is derived from the approach surface.

**Conical Surface (Zone):** An imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) feet horizontally to one (1) foot vertically for a horizontal distance of 4,000 feet. The conical surface zone, as shown on **Figure 1**, is based on the conical surface.

**Department:** Pennsylvania Department of Transportation.

**FAA:** Federal Aviation Administration of the United States Department of Transportation.

**Height:** For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

**Horizontal Surface (Zone):** An imaginary plane 150 feet above the established airport elevation that is constructed by swinging arcs of various radii from the center of the end of the primary surface and then connecting the adjacent arc by tangent lines. The radius of each arc is based on the planned approach. The horizontal surface zone, as shown on Figure 1, is derived from the horizontal surface.

**Larger Than Utility Runway:** A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

**Nonconforming Use:** Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto.

**Non-Precision Instrument Runway:** A runway having an existing instrument approach procedure utilizing air navigation facilities, with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

**Obstruction:** Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth by this Ordinance.

**Precision Instrument Runway:** A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a

Precisions Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

**Primary Surface (Zone):** An imaginary surface longitudinally centered on the runway, extending 200 feet beyond the end of paved runways or ending at each end of turf runways. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The primary surface zone, as shown on Figure I, is derived from the primary surface.

**Runway:** A defined area of an airport prepared for landing and takeoff of aircraft along its length.

**Structure:** An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

**Transitional Surface (Zone):** An imaginary surface that extends outward and upward from the edge of the primary surface to the horizontal surface at a slope of seven (7) feet horizontally to one (1) foot vertically (7:1). The transitional surface zone, as shown on Figure 1, is derived from the transitional surface.

**Tree:** Any object of natural growth.

**Utility Runway:** A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

**Visual Runway:** A runway intended solely for the operation of aircraft using visual approach procedures.

1296.04

#### ESTABLISHMENT OF AIRPORT ZONES.

There are hereby created and established certain zones within the Airport District Overlay Ordinance, defined in Section 3 and depicted on Figure 1 and illustrated on the Airport Hazard Area Map, hereby adopted as part of this Ordinance, which include:

1. Approach Surface Zone
2. Conical Surface Zone
3. Horizontal Surface Zone
4. Primary Surface Zone
5. Transitional Surface Zone

1296.05 PERMIT APPLICATIONS.

As regulated by Act 164 and defined by 14 Code of Federal Regulations Part 77.13(a) (as amended or replaced), any person who plans to erect a new structure, to add to an existing structure, or to erect and maintain any object (natural or manmade), in the vicinity of the airport, shall first notify the Department's Bureau of Aviation (BOA) by submitting PENNDOT Form AV-57 to obtain an obstruction review of the proposal at least thirty (30) days prior to commencement thereof. Any new structure with a proposed height of two hundred (200) feet or less shall be exempt from the foregoing. The Department's BOA response must be included with this permit application for it to be considered complete. If the Department's BOA returns a determination of no penetration of airspace, the permit request should be considered in compliance with the intent of this Overlay Ordinance. If the Department's BOA returns a determination of a penetration of airspace, the permit shall be denied, and the project sponsor may seek a variance from such regulations as outlined in Section 6.

No permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure.

1296.06 VARIANCE.

Any request for a variance shall include documentation in compliance with 14 Code of Federal Regulations Part 77 Subpart B (FAA Form 7460-1 as amended or replaced). Determinations of whether to grant a variance will depend on the determinations made by the FAA and the Department's BOA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. In particular, the request for a variance shall consider which of the following categories the FAA has placed the proposed construction in:

- (a) No Objection - The subject construction is determined not to exceed obstruction standards and marking/lighting is not required to mitigate potential hazard. Under this determination a variance shall be granted.
- (b) Conditional Determination -The proposed construction/alteration is determined to create some level of encroachment into an airport hazard area which can be effectively mitigated. Under this determination, a variance shall be granted contingent upon implementation of mitigating measures as described in Section 9 - Obstruction Marking and Lighting.

- (c) Objectionable - The proposed construction/alteration is determined to be a hazard and is thus objectionable. A variance shall be denied and the reasons for this determination shall be outlined to the applicant.

Such requests for variances shall be granted where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and that relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the intent of this Ordinance.

1296.07 USE RESTRICTIONS.

Notwithstanding any other provisions of this Ordinance, no use shall be made of land or water within the Airport District Overlay in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise endanger or interfere with the landing, takeoff, or maneuvering of aircraft utilizing the Airport.

1296.08 PRE-EXISTING NON-CONFORMING USES.

The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of a non-conforming use. No non-conforming use shall be structurally altered or permitted to grow higher, so as to increase the non-conformity, and a non-conforming use, once substantially abated (subject to the underlying zoning ordinance,) may only be reestablished consistent with the provisions herein.

1296.09 OBSTRUCTION MARKING AND LIGHTING.

Any permit or variance granted pursuant to the provisions of this ordinance may be conditioned according to the process described in Section 6 to require the owner of the structure or object of natural growth in question to permit the municipality, at its own expense, or require the person requesting the permit or variance, to install, operate, and maintain such marking or lighting as deemed necessary to assure both ground and air safety.

1296.10 CONFLICTING REGULATIONS.

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulation applicable to the same area, the more stringent limitation or requirement shall govern and prevail.

1296.11 SEVERABILITY.

If any of the provisions of this overlay district or the application thereof to any person or circumstance are held invalid, such invalidity shall not affect other provisions or applications of this overlay district which can be given effect without the invalid provision or application, and to this end, the provisions of this overlay district are declared to be severable.

# CHAPTER 1298

## Adult Entertainment Uses

### 1298.01 FINDINGS, PURPOSE, INTENT.

It is hereby determined that adult entertainment uses, as defined in this Chapter, tend to bring with them secondary concerns that affect the health, safety, and general welfare of the Township. These associated concerns include difficulties for law enforcement, Municipal maintenance, trash, deleterious effects on business and residential property values, and increased crime, particularly the corruption of the morals of minors and prostitution. In addition, such uses encourage residents and businesses to move elsewhere.

With these concerns in mind, the Township is amending this Zoning Code to establish restrictions and limitations on the location of said activities within the Township. The Township has concluded that a permit and/or license requirement is a legitimate and reasonable means of accountability to ensure that the operators of adult entertainment uses comply with reasonable regulations and do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation. The Township does not intend by this Chapter to affect or suppress any activities protected by the First Amendment of the United States Constitution, but only to address the secondary concerns referred to above.

### 1298.02 DEFINITIONS.

As used in this Chapter:

- (a) “Adult arcade” means any place to which the public is permitted or involved wherein coin-operated, slug-operated, or electronically or mechanically controlled still or motion-producing devices are maintained to show images to five or fewer persons per machine at any one time, or where the image is to be displayed, distinguished, or characterized by depicting or describing specified sexual activities or specified anatomical areas.
- (b) “Adult cabaret,” “adult dance hall,” “adult club,” “adult bar,” “adult tavern” and “nightclub, restaurant or similar commercial establishment offering adult entertainment” mean any cabaret, dance hall, club, tavern, bar, nightclub, restaurant, or similar commercial establishment offering entertainment that presents material distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or specified

anatomical areas for observation by patrons therein, whether or not liquor is sold on the premises. Such presentation of material may be live or through films, motion pictures, video cassettes, slides, or other photographic reproductions depicting or describing specified sexual activities or specified anatomical areas.

(c) “Adult entertainment” means live or non-live entertainment containing specified sexual activities or displaying or presenting specified anatomical areas. This is a broad overall definition which includes the activities offered, displayed, or presented by an adult cabaret, adult dance hall, adult club, adult bar, adult tavern, adult materials sale, adult mini-motion picture theater, adult motion picture theater, and peep show.

(d) “Adult materials sales” means:

(1) Book, video, or magazine sales, or sales and/or rentals of other printed matter, photographs, films, motion picture videos, production slides, or other visual representations, where either the materials, the advertising or the displays, or the signs in or out of the locations, offer written material showing, displaying, or presenting material distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities, or are displayed in such a way that only the name of the book or magazine appears.

(2) Those instruments, devices or paraphernalia which are used for presenting material distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or specified anatomical areas.

Commercial establishments described herein may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be characterized as adult material sales establishments. Such other business purposes will not serve to exempt such a commercial establishment from being categorized as an adult material sales establishment so long as one of its principal business purposes is the offering for sale or rental for consideration of materials distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or specified anatomical areas.

- (e) “Adult mini-motion picture theater” means any enclosed or semi-enclosed building which houses a commercial establishment with a capacity for fewer than 50 persons and used for presenting material distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or specified anatomical areas for observation by patrons therein.
- (f) “Adult motel” means a hotel, motel, or similar commercial establishment which offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are used for presenting material distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or specified anatomical areas.
- (g) “Adult motion picture theater” means any enclosed or partially enclosed building which houses a commercial establishment, with a capacity of 50 or more persons, used for presenting material distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or specified anatomical areas for observation by patrons therein.
- (h) “Applicant” means a person who applies, by filling out an application, for a permit for an adult entertainment business.
- (i) “Certification” occurs when the Code Enforcement Officer, after inspection of any premises for adult entertainment, writes a report to the Zoning Officer regarding compliance or noncompliance of said premises with the provisions of this Chapter.
- (j) “Establishment” means:
  - (1) The opening or commencement of any adult entertainment business as a new business;
  - (2) The conversion of an existing business, whether or not it is an adult entertainment business, to an adult entertainment business;
  - (3) The addition of any adult entertainment business to any other existing adult entertainment business; or
  - (4) The relocation of any adult entertainment business.

- (k) “Nudity” and “state of nudity” means the appearance of specified anatomical areas without any coverings on the body area.
- (l) “Peep show” means any enclosed, semi-enclosed, or unenclosed building/enclosure which houses a commercial establishment, with a capacity for one person, used for presenting material distinguished or characterized by an emphasis on matter depicting or describing specified sexual activity or specified anatomical areas for observation by persons therein.
- (m) “Permittee” and “licensee” mean a person who has been issued a permit and/or license to operate an adult entertainment business, as well as any individual listed as the applicant on the application for a permit and/or license.
- (n) “Person” means an individual, proprietorship, partnership, corporation, association, or other legal entity.
- (o) “Seminude” and “semi nudity” mean the state of dress in which clothing partially or opaquely covers specified anatomical areas.
- (p) “Sexual encounter center” means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:
  - (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
  - (2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi nudity.
- (q) “Specified anatomical areas” means human genitals, the pubic region, the anus, the buttocks, female breasts below a point immediately above the top of the areola, and/or female breasts partially or completely covering the areola.
- (r) “Specified sexual activities” means:
  - (1) Human genitals in a state of sexual stimulation or arousal;
  - (2) Acts or simulated acts of human masturbation, sexual intercourse, sodomy, or oral copulation;
  - (3) Fondling or other erotic touching of human genitals, the pubic region, the buttocks, the anus, or female breasts; or

- (4) Excretory functions as part of or in connection with any activities described in paragraphs (r)(1) to (3) hereof.
- (s) “Transfer of ownership or control” means:
  - (1) The sale, lease, or sublease of a business;
  - (2) The transfer of securities that constitute a controlling interest in the business, whether by sale, exchange or similar means; or
  - (3) The establishment of a trust, gift, or other similar device that transfers the ownership or control of the business, except for transfer by a bequest or other operation of law upon the death of a person possessing the ownership or control.
- (t) “Zoning Officer” means any Township official authorized to enforce the ordinances of the Township, including, but not limited to, the Building Inspector.

1298.03 SPECIAL EXCEPTION USES; PERMIT PROCESS.

- (a) Special Exception Uses. In LI Limited Industrial Districts, the following uses of land, buildings or premises shall be by special exception only:
  - (1) Adult arcade;
  - (2) Adult cabaret, adult dance hall, adult club, adult bar, adult tavern, nightclub, restaurant, or similar commercial establishment;
  - (3) Adult entertainment;
  - (4) Adult materials sales;
  - (5) Adult mini-motion picture theater;
  - (6) Adult motel;
  - (7) Adult motion picture theater;
  - (8) Peep shows; and
  - (9) Sexual encounter center.

These uses are allowed by permit only in LI Districts if the property on which the use is carried out is greater than 500 feet from the property line of a school, house of worship, Township-owned park, Residential District, or any other adult use establishment as listed above.

For purposes of this Chapter, measures shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult entertainment business is conducted, to the nearest property line of a school, house of worship, Township-owned park and/or Residential District.

(b) Permit Process. The Zoning Officer upon submission to the Township of an application shall present the applicant with a building permit for an adult entertainment business, as follows:

- (1) In LI Districts, a permit shall be issued only if the applicant is successful in obtaining a special exception for the proposed type of adult entertainment and the application successfully meets all health, use, and occupancy and/or building permit requirements, as set forth in pertinent ordinances, and the location of the use is demonstrated to comply with subsection (a) hereof.
- (2) The application for a permit to operate an adult entertainment business must be made on the form provided by the Zoning Officer. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of the total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but at least be drawn to a designated scale or drawn with marked dimensions on the interior and exterior of the premises to an accuracy of plus or minus six inches.
- (3) The applicant must be qualified, according to the provisions of this Chapter, and the premises must be inspected and found to be in compliance with the law by the Zoning Officer, the Fire Marshal and the Police Department.
- (4) If a person wishes to operate an adult entertainment business as an individual, he or she must sign the application for the permit as an applicant. If a person who wishes to operate an adult entertainment business is other

than an individual, each individual who has a ten percent or greater interest in the business must sign the application for the permit as an applicant. If a corporation is listed as the owner of an adult entertainment business or as the entity which wishes to operate such a business, each individual having a direct or indirect interest of ten percent or greater in the corporation must sign the application for the permit as an applicant.

- (5) The fact that a person possesses other kinds of Township permits does not exempt that person from the requirement of obtaining an adult entertainment business permit.
- (6) The Zoning Officer shall approve the issuance of a permit to an applicant within 30 days after the applicant is awarded a special exception by the Zoning Hearing Board. The Zoning Officer will not approve a permit if he or she finds one or more of the following to be true:
  - A. The applicant is under eighteen years of age.
  - B. The applicant or the applicant's spouse is overdue on his or her payment to the Township of taxes, fees, fines or penalties assessed against him or her or imposed upon him or her in relation to an adult entertainment business.
  - C. The applicant has failed to provide information reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the application form.
  - D. The permits to be used for the adult entertainment business have been reviewed and have been disapproved by either the Zoning Officer, the Fire Marshal, or the Police Department as not being in compliance with applicable laws.
  - E. The permit fee required by this Chapter has not been paid, or the requirements for health, use, and occupancy and/or building permits have not been complied with, or the fees for the same were not paid.

- F. The applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this Chapter.
- (7) The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the adult entertainment business. The permit shall be posted in a conspicuous place at or near the entrance of the adult entertainment business so that it may be read at any time.
- (8) The permit, if granted, shall have a life of one year from the date of issuance. The applicant must file another application before the expiration of the permit in order to continue doing business without interruption. Application for renewal should be made at least 30 days before the expiration date. When an application is made less than 30 days before the expiration date, the pendency of the application will not prevent the expiration of the permit. All of the provisions of this Chapter must be complied with as if a new permit were being issued.
- (9) The Zoning Officer, the Fire Marshal, and the Police Department shall, within 20 days of receipt of the application by the Zoning Officer, complete their certification that the premises are in compliance or not in compliance with the provisions of this Chapter. This certification shall be promptly presented to the Zoning Officer.
- (10) If the Zoning Officer denies the renewal of a permit, the applicant shall not be issued a permit for one year from the date of denial, except that after 90 days from the date of denial, the applicant shall be granted a permit if the Zoning Officer finds that the basis of the denial has been corrected or abated.

1298.04 RIGHT OF INSPECTION OF PREMISES.

- (a) An applicant or permittee shall permit representatives of the Police Department, the Fire Marshal, the Zoning Officer, or other Township departments or agencies to inspect the premises of an adult entertainment business for the purpose of ensuring compliance with the law at any time the adult entertainment business is occupied or open for business. These inspection

departments/agencies shall certify in writing to the Code Enforcement Officer whether compliance is achieved.

- (b) A person who operates an adult entertainment business or his or her agent or employee shall be deemed to be in violation of this Zoning Code if he or she refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

1298.05 PERMIT FEE.

The annual fee for an adult entertainment business permit shall be determined by the Board of Commissioners from time to time by resolution. (Ord. 730. Passed 9-21-94.)

1298.06 SUSPENSION OF PERMIT.

The Zoning Officer shall suspend a permit for a period not to exceed 30 days if he or she determines that an employee of the permittee has:

- (a) Violated or is not in compliance with any Section of this Chapter or other provisions of this Zoning Code;
- (b) Engaged in excessive use of alcoholic beverages while on the adult entertainment premises; or
- (c) Refused to allow an inspection of the adult entertainment premises as authorized by this Chapter.

1298.07 REVOCATION OF PERMIT.

- (a) The Zoning Officer shall revoke a permit if a cause for suspension as set forth in Section 1298.06 occurred and the permit has been suspended within the preceding twelve months.
- (b) The Zoning Officer shall also have the power to revoke a permit if he or she determines that:
  - (1) A permittee or any of the persons specified has given false or misleading information or materials to the Township during the application process.
  - (2) A permittee or employee of the permittee has knowingly allowed prostitution on the premises as defined by the Pennsylvania Crimes Code.

- (3) A permittee or employee of the permittee knowingly operated the adult entertainment business during a period of time when the permittee's permit was suspended or revoked.
  - (4) A permittee or employee of the permittee knowingly allowed any action of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted premises.
  - (5) A permittee is delinquent in payment to the Township or State for any taxes or fees past due.
- (c) When the Zoning Officer revokes a permit, the revocation shall continue for one year and the permittee shall not be issued an adult entertainment business permit for one year from the date the revocation became effective. If, subsequent to revocation, the Zoning Officer finds that the basis for the revocation has been corrected or abated, the applicant may be granted a permit if at least 90 days have passed since the date the revocation became effective.
  - (d) After denial of an application or denial of a renewal of an application, or suspension or revocation of a permit, the applicant or permittee may seek prompt judicial review of such administrative action in any court of competent jurisdiction. The administrative action shall be promptly reviewed by the court.

1298.08 TRANSFER OF PERMIT.

A permittee shall not transfer his or her permit to another person, nor shall a permittee operate an adult entertainment business under the authority of a permit at any location other than on the address designated on the application.

1298.09 EXEMPTIONS.

It shall be a defense to a prosecution under this Chapter that any person appearing in a state of nudity did so in a modeling class, operating as follows:

- (a) By a proprietary school licensed by the Commonwealth or a college, junior college, or university supported entirely or partly by taxation.

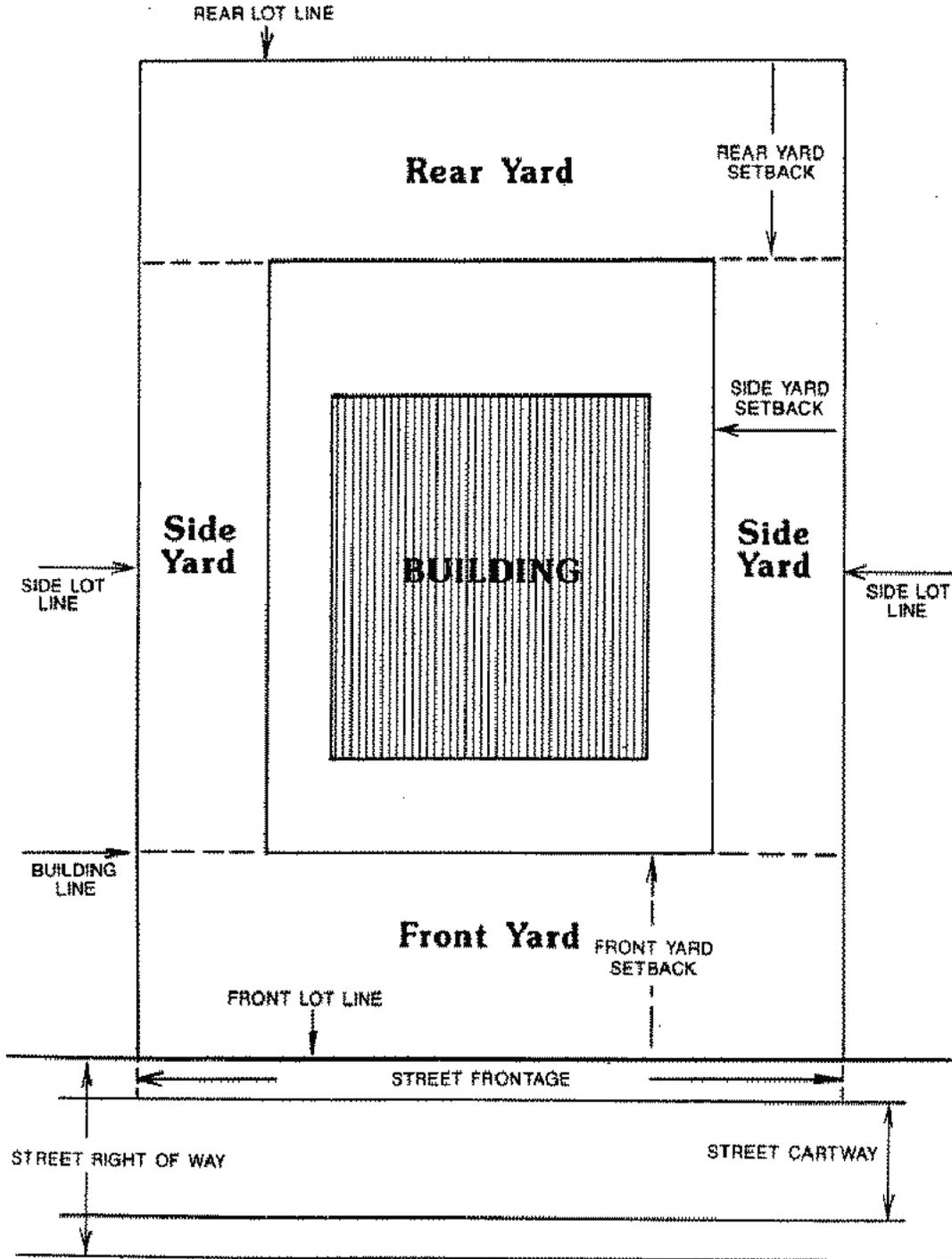
- (b) By a private college or university which maintains and operates educational programs in which credits are transferable to any college, junior college, or university supported entirely or partly by taxation.

1298.10 ACTION AGAINST VIOLATORS.

Any person who operates or causes to be operated an adult entertainment business without a valid permit or in violation of this Chapter is subject to an action in equity or a suit for injunction as well as citations for violations of this Zoning Code.

# APPENDIX A

## Sketch Depicting Dimensional Terms



# ASTON TOWNSHIP LAND USE ZONING MAP

2011  
SCALE: 1" = 1650'



Chester Heights Borough

Middletown Township

Concord Township

Bethel Township

Brookhaven Borough

Upper Chichester Township

Chester Township

Upper Chichester Township

## ZONING DISTRICTS

- R-1 Low Density Residential District
- R-2 Medium Density Residential District
- R-3 High Density Residential District
- TH Townhouse District
- APT Apartment District
- MH Mobile Home District
- C Commercial District
- LI Limited Industrial District
- SC Shopping Center District
- PBC Planned Business Campus District
- ID Institutional District
- FB Freestanding Business District
- PRD Planned Residential Development Overlay

05/26/09 - REZONE PORTION OF PROPERTY ON CONVENT ROAD FROM "R-1" TO "ID" : APPROVED AND ENACTED ON MAY 20, 2009 BY ORDINANCE NO. 873.  
 06/18/08 - REZONE PORTION OF PROPERTY ON CONCORD ROAD FROM "C" TO "ID" : APPROVED AND ENACTED ON JUNE 18, 2008  
 01/23/08 - REZONE PORTION OF PROPERTY ON CONVENT ROAD FROM "R-1" TO "ID" : APPROVED AND ENACTED ON JANUARY 16, 2008 BY ORDINANCE NO. 856.  
 06/22/07 - REZONE PORTION OF PROPERTY ON PENNELL ROAD FROM "PBC" TO "FB" : APPROVED AND ENACTED ON JUNE 20, 2007 BY ORDINANCE NO. 851.  
 03/29/07 - REZONE PORTION OF PROPERTY ON PENNELL ROAD FROM "C" TO "ID" : APPROVED AND ENACTED ON MARCH 21, 2007  
 12/20/05 - REZONE PORTION OF PROPERTY ON PENNELL ROAD FROM "R-1" TO "C" : APPROVED AND ENACTED ON DECEMBER 15, 2004  
 12/20/05 - REZONE PORTION OF PROPERTY ON MARIONVILLE ROAD AND PENNELL ROAD FROM "SC" TO "C" : APPROVED AND ENACTED ON NOVEMBER 15, 2004  
 12/20/05 - REZONE PORTION OF PROPERTY ON SPRINGBROOKE BOULEVARD FROM "PBC" TO "TH" : APPROVED AND ENACTED ON JUNE 16, 2004  
 12/20/05 - REZONE PORTION OF PROPERTY ON ROBIN HOOD LANE FROM "R-2" TO "C" : APPROVED AND ENACTED ON APRIL 21, 2004  
 01/28/04 - REZONE PORTION OF PROPERTY ON LEGION ROAD FROM "R-1" TO "ID" : APPROVED AND ENACTED ON NOVEMBER 25, 2003  
 10/21/02 - REZONE COMMERCIAL DEVELOPMENT ON PENNELL ROAD AND CONCORD ROAD FROM "SC" TO "C" : APPROVED, ENACTED AND ORDAINED ON OCTOBER 16, 2002 BY ORDINANCE NO. 801  
 01/18/01 - REZONE 779 BIRNEY HIGHWAY FROM "R-1" TO "R-2" : APPROVED, ENACTED AND ORDAINED ON AUGUST 15, 2000 BY ORDINANCE NO. 784.  
 11/20/96 - "ID", "INSTITUTIONAL DISTRICT" : APPROVED, ENACTED AND ORDAINED ON NOVEMBER 20, 1996 BY ORDINANCE NO. 753.

2/18/98 - PORTIONS OF CHESTNUT AVENUE VACATED PER ORDINANCE NO. 768  
 2/18/98 - PORTIONS OF HICKORY AVENUE VACATED PER ORDINANCE NO. 767



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REVISION DATE : 03/09/11 PROJECT NO. : 9680557  
 DRAWING DATE : 2/13/94 AST-ZONE  
 BASE DRAWING REV. : 07/03/02 BASE DRAWING DATE : 3/16/94 BASE DRAWING : AST\_BASE