

Chapter 1

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Part 1**Preamble****§1-101. Short Title, Effective Date.**

This Chapter shall be known and may be cited as the "New London Zoning Ordinance of 1982," as amended. This Chapter shall become effective 5 days following its official adoption.

(Ord. 2003-9-1, 9/4/2003)

§1-102. Purpose.

This Chapter is enacted for the purpose of promoting the health, safety, morals and general welfare of Township residents. The Chapter is designed:

- A. To lessen congestion on roads and highways.
- B. To secure safety from fire, panic, and other dangers.
- C. To provide adequate light and air.
- D. To prevent the overcrowding of uses on the land.
- E. To avoid undue concentrations of population.
- F. To encourage the most appropriate use of land throughout the Township.

(Ord. 2003-9-1, 9/4/2003)

§1-103. Community Development Objectives.

To implement the purposes set forth in §1-102, the New London Comprehensive Plan has been formulated. The following community development objectives are in accordance with the plan and should be used when interpreting provisions of this Chapter:

- A. Guide the future development of the Township in accordance with the goals, objectives and planning strategies identified in the New London Township Comprehensive Plan. This includes planning for land use and population density which reflects the most beneficial and desirable relationship between nature and development, and between land uses.
- B. Protect and conserve the rural character of the Township through orderly and planned development which enhances the social and economic stability of the Township and by maintaining significant amounts of land in open space.
- C. Protect and conserve the natural resources and the value of land and buildings in the Township.
- D. Regulate land use so as to bring about the most beneficial relationship between land use and the existing road network, having particular regard to traffic

circulation, to the avoidance of congestion and to provide safe and convenient access to all tracts and land uses.

E. Promote and encourage energy conservation in new development.

F. Bring about through proper timing the gradual conformity of land use to the Comprehensive Plan and to minimize conflicts among uses of land and buildings.

(Ord. 2003-9-1, 9/4/2003)

§1-104. Establishment of Controls.

New London Township has enacted this Chapter in accordance with the provisions of the Pennsylvania Municipalities Planning Code, Act 247, Article V, 53 P.S. §10501 *et seq.* The Township has established the following controls:

A. *Uniform Regulations.* The regulations established by this Chapter with each district shall apply uniformly to each class or type of structure or land.

B. *Application to New Uses and Structures.* Following the effective date of this Chapter, any new structure on any tract of land shall be constructed, developed and used only in accordance with regulations specified for a given district.

C. *Application to Existing Uses and Structures.* Following the effective date of this Chapter, any existing use or structure, or extensions to existing uses and structures, which is not in conformance with the regulations for the district in which it is located shall be deemed nonconforming, and subject to the regulations of Part 18.

D. *Violations Under the Zoning Ordinance of 1968.* Any use of land, building, structure or lot which was created between 1968 and the date of adoption of this Chapter which is in violation of the Zoning Ordinance of 1968 shall be deemed an invalid use, lot or structure under this Chapter, notwithstanding the provisions of subsections .A through .C.

(Ord. 2003-9-1, 9/4/2003)

§1-105. Interpretation.

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare of the residents of New London Township.

(Ord. 2003-9-1, 9/4/2003)

§1-106. Conflict.

This Chapter has not been designed to repeal, abrogate, annul or interfere with any existing ordinance or enactment or with any rule, regulation or permit adopted or issued except when the same may be inconsistent or in conflict with any of the provisions of this Chapter. The provisions of this Chapter shall control when this

Chapter imposes greater restrictions upon the use of land or structures.

(Ord. 2003-9-1, 9/4/2003)

§1-107. Validity.

Should any Section or provision of this Chapter be declared invalid by a court of competent jurisdiction, such a decision shall not affect the validity of the Chapter as a whole or any part thereof.

(Ord. 2003-9-1, 9/4/2003)

§1-108. Repealer.

All ordinances or parts of this ordinance inconsistent with the provisions of this Chapter are hereby repealed.

(Ord. 2003-9-1, 9/4/2003)

Part 2**Establishment of Districts****§1-201. Classes of Districts.**

For the purposes of this Chapter, New London Township is hereby divided into classes of districts which shall be designated as follows:

- A. Part 3 - R-A Rural Agricultural District.
- B. Part 4 - R-1 Low Density Residential District
- C. Part 5 - R-2 Medium Density Residential District
- D. Part 6 - R-3 High Density Residential District
- E. Part 7 - C-1 Commercial District
- F. Part 8 - LI Limited Industrial District
- G. Part 9 - NLV - New London Village District
- H. Part 10 - I - Institutional District
- I. Part 11 - FH Flood Hazard District
- J. Part 12 - SSC Steep Slope Conservation District

(Ord. 2003-9-1, 9/4/2003)

§1-202. Zoning Map.

The location and boundaries of districts shall be shown on the map attached to and made part of this Chapter, which shall be designated as the "New London Township Zoning Map." The said map and all notations, references and other data shown thereon shall be as much a part of this Chapter as if fully described herein.

(Ord. 2003-9-1, 9/4/2003)

§1-203. Interpretation of District Boundaries.

1. The boundaries between districts are, unless otherwise indicated, either the centerlines of streets, lanes, water courses, property lines and rights-of-way of power lines, railroads and other public utilities or such lines extended as parallel lines.

2. Where boundaries of a single district are indicated as including directly opposite sides of a street, lane, watercourse, or right-of-way of a power line or other public utility, the district so indicated shall be construed to apply on the entire bed of such street, lane, watercourse or right-of-way.

3. The following rules shall apply where uncertainty exists as to the location of any boundary on the Zoning Map:

- A. Where a district boundary is indicated as approximately following the centerlines of a street, lane, watercourse, or right-of-way of a power line or other public utility, such centerline shall be construed to be such boundary.

B. Where a district boundary is indicated as approximately following a lot or other property line, such lot or property line shall be construed to be such boundary.

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

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

(Ord. 2003-9-1, 9/4/2003)

§1-204. District Boundary Tolerances.

Where a district boundary line divides a lot held in single and separate ownership at the effective date of this Chapter, the use regulations applicable to the less restricted district shall extend over the portion of the lot in the more restrictive district a distance of 25 feet beyond the district boundary line.

(Ord. 2003-9-1, 9/4/2003)

Part 3**RA - Rural Agricultural Districts****§1-301. Purpose.**

The Rural Agricultural District has been created to encourage the preservation of agriculture and the rural lifestyle in New London Township, specifically the prime agricultural soils and its active farmlands, while at the same time providing for low density residential uses that would be compatible with the rural character of the area and farmlands.

(Ord. 2003-9-1, 9/4/2003)

§1-302. Use Regulations.

1. *Uses Permitted by Right.* Any one of the following uses is permitted by right on a parcel in this district:

- A. Agricultural and buildings related to agriculture.
- B. Single family detached dwellings.
- C. Golf course and golf house including practice ranges as part of the same establishment, but excluding miniature golf courses.
- D. Nonprofit public or private park, nature center or arboretum.
- E. Municipal, County, State and Federal uses, excluding dumps, sanitary landfills and correctional or penal institutions.
- F. Cemeteries.
- G. Nonprofit recreational uses.
- H. Forestry in accordance with the terms of §1-1430 of this Chapter. [Ord. 2010-02]

2. *Permitted Accessory Uses.*

- A. Customary accessory agricultural and residential uses and buildings.
- B. Private swimming pool provided that it is located in the rear or side yard of the dwelling to which it is an accessory use, subject to the provision of §1-1418, "Swimming Pools."
- C. No-impact home occupations, subject to the provisions of §1-1413, "Home Occupation." [Ord. 2004-03]
- D. The sale of farm products, subject to the provisions of §1-1406, "Sale of Farm Products."
- E. Signs, subject to the provisions of Part 17, "Signs."

3. *Conditional Uses.*

- A. Public utility structures and facilities, provided no outdoor storage of equipment, housing of construction or repair crews, or above ground storage of

gaseous or liquid fuel shall be permitted.

B. Private club, lodge or nonprofit recreational use, provided that a particular activity shall not be one which is customarily carried on as a business, and provided that all services shall be for members and their guests.

C. Hospital.

D. Modification of agricultural products, by enzymatic action, chemical, microbial or thermal means.

4. *Uses by Special Exception.*

A. Major home occupations, subject to the provisions of §1-1413, "Home Occupations."

[Ord. 2004-03]

(Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2004-03, 11/18/2004, §X(a); and by Ord. 2010-02, 7/1/2010, §1)

§1-303. Height Restrictions.

The maximum height of buildings erected or enlarged shall be 35 feet.

(Ord. 2003-9-1, 9/4/2003)

§1-304. Area and Bulk Regulations.

The following area and bulk regulations shall apply to all use permitted within this district:

A. *Agricultural Use Requirements.*

(1) To qualify as agricultural use, the minimum lot shall be 4 acres.

(2) No barn, mushroom house or areas for the deposit, curing or storage of compost or manure shall be established closer than 100 feet from any property line or right-of-way line. Composting operations shall comply with the provisions of §1-1407, "Composting Operations."

(3) The number of dwellings permitted on a lot used for agricultural purposes shall be based on the acreage as follows:

4 acres	One dwelling
6 acres or more	Two dwellings provided that at least one of the dwellings is a frame structure

provided that all dwellings are separated by at least 100 feet. Although approval by the Board of Supervisors is not required, a letter from the Board will be required by the Chester County Board of Health in order to process well and septic permit applications.

(4) Silos and bulk bins shall be exempted from height, area and bulk regulations when associated with a farm operation.

(5) Farm dwellings and buildings shall not be constructed closer than 50 feet from all property lines.

B. *Non-Agricultural Use Requirements.*

(1) Lot area	4 acre minimum
(2) Lot width at building line	150 feet minimum line
(3) Lot width at street line	50 feet minimum line
(4) Building coverage	10% maximum
(5) Total lot coverage	15 % maximum
(6) Building setback line	50 feet minimum
(7) Side yard	25 feet minimum
(8) Rear yard	50 feet minimum
(9) Accessory structure setback	10 feet minimum

(Ord. 2003-9-1, 9/4/2003)

§1-305. Design Standards.

The following design standards shall apply:

A. Residential Uses.

(1) Off-street parking regulations as established in §1-1311, "Residential Off-Street Parking Requirements."

B. All Other Uses Permitted in This District.

(1) Other uses permitted in this district may be subject to additional design standards in Part 13 of this Chapter where applicable.

(Ord. 2003-9-1, 9/4/2003)

§1-306. Area and Bulk Exceptions.

Any lot created under these provisions shall meet the setback and width requirements for non-agricultural uses described in §1-304.B, "Non-Agricultural Use Requirements."

A. In order to allow for the interests of landowners yet promote the goals of this Chapter, waiver of lot size and bulk regulations in the Rural Agricultural zoning district is applicable according to the following items:

The following schedule has been adopted to allow landowners flexibility without compromising the integrity of this Chapter. A landowner in the Rural Agricultural zoning district may subdivide lots of not less than 1 acre in area by presenting to the Supervisors a plan showing the subdivision as follows:

Size of Parcel Before Waiver	Subdivision and Time Frame	Limitations
50 acres or more	2 lots/year of 1 acre each, plus one additional lot for each 50 acres over the minimum	Maximum of 20% of tract before waiver may be subdivided under these terms.
25-50 acres	1 lot/year of 1 acre	Maximum of 20% of tract before waiver may be subdivided under these terms.
10-25 acres	1 lot/ 2 years	Maximum of 25% of tract before waiver may be subdivided under these terms.
10 acres	1 lot/3 years	Maximum of 25% of tract before waiver may be subdivided under these terms.

B. The following additional limitations and requirements shall apply to the waiver of lot size and bulk regulations in the R-A zoning district:

(1) No further subdivision pursuant to this Section shall be permitted by the landowner, or their assigns or successors, whereby the residential lot shall be reduced to less than the applicable area and bulk requirements of the residential district wherein the residential parcel is located.

(2) No building permit shall be approved for lots which do not directly access public roads.

(3) Said subdivision activity shall comply with §1-404, "Area and Bulk Regulations," of the R-1 zoning district relating to area and bulk regulations.

(4) The granting of waiver shall not be construed as a departure from the terms of this Chapter and will in no way affect the granting of variances or amendments to the zoning text or map.

(5) Residential lots subdivided pursuant to this waiver shall be considered as a use by right. Other uses shall be governed by the appropriate regulations in this Chapter.

(6) The waiver process shall be initiated by filing a letter with a sketch plan. The Zoning Officer will determine if said application is in order. The applicant will be notified in the manner outlined in the Township Subdivision and Land Development Ordinance [Chapter 2] whether the application is in order and waiver has been granted.

(7) At the discretion of the Board of Supervisors, the rate at which subdivision may take place can be accelerated 1 year; provided, that a hardship can be proven and that the following year's right to subdivide be

waived.

(8) If the hardship still exists and the accelerated spin-off lots are all sold within 1 year, the Supervisors may consider a second year of accelerated spin-off.

(9) For the purposes of this Section of this Part, all contiguous land under a single ownership shall be considered as one parcel.

(10) The landowner must notify the Board of Supervisors in writing of the intent to have his land or a part thereof be in the R-A zoning district. The desire to revoke this option and remove land from the R-A zoning district for all part of a property owner's land must also be given to the Board in writing.

(11) In order to promote long term planning of the development of land under this spin-off provision, land owners are encouraged to plan the development in its entirety incorporation phases which will coincide with the permitted number of lots that are permitted under subsection .A, above. Performance escrows would have to be established prior to final plan approval for all planned public improvements, not when phases are actually implemented.

(Ord. 2003-9-1, 9/4/2003)

Part 4**R-1 Low Density Residential Districts****§1-401. Purpose.**

The R-1 Low Density Residential District has been created to accommodate housing types which typify the rural residential character of the Township. Properties in the R-1 District may be served by individual on-lot water supply and individual on-lot sewage systems. They may utilize the lot-averaging option to achieve some site design flexibility.

(*Ord. 2003-9-1*, 9/4/2003; as amended by *Ord. 2004-03*, 11/18/2004, §II(a); and by *Ord. 2008-2*, 7/16/2008, §4)

§1-402. Use Regulations.

1. *Uses Permitted by Right.* Any one of the following uses is permitted by right on a parcel in this district:

A. Lot averaging of residential lots, on tracts with a minimum area not less than 5 contiguous acres and not more than 25 contiguous acres, subject to the provisions of §1-1313, "Residential Lot Averaging Design Options."

B. Single-family detached dwelling on an existing lot, or single-family detached dwellings on lots proposed to be created through subdivision of a tract into not more than three lots and not utilizing the lot averaging option.

C. Agriculture.

D. Municipal, County, State and Federal uses excluding dumps, sanitary landfills and correctional or penal institutions.

E. Forestry in accordance with the terms of §1-1430 of this Chapter. [*Ord. 2010-02*]

2. *Permitted Accessory Uses.*

A. Customary accessory residential uses and buildings exclusive of the raising and boarding of farm animals except where the provisions of §1-304.A, are met.

B. Customary accessory agricultural uses and buildings.

C. Private swimming pool, provided it is located in the rear yard or side yard of the dwelling lot, subject to the provisions of §1-1418, "Swimming Pools."

D. No-impact home occupations, subject to the provisions of §1-1413, "Home Occupation." [*Ord. 2004-03*]

E. The sale of farm products, subject to the provisions of §1-1406, "Sale of Farm Products."

F. Signs, subject to the provisions of Part 17 of this Chapter.

G. Keeping of large animals in accordance with §1-1422, "Keeping of Large Animals on Residential Lots."

3. *Conditional Uses.*

A. Single-family detached dwellings on a tract to be subdivided into more than three lots not utilizing lot averaging option, subject to the standards in §1-406.1 of this Part and requirements of §1-2013, "Conditional Use."

B. Lot averaging of residential lots, on tracts with a minimum area greater than 25 contiguous acres, subject to the standards in §1-406.1 of this Part and the provisions of §§1-1313 and 1-2013 of this Chapter.

C. Residential conversion of single-family detached dwellings, subject to the provisions of §1-1417.

D. Cultural, educational or religious use.

E. Private club, lodge or nonprofit recreational uses, provided that a particular activity shall not be one which is customarily carried on as a business, and provided that all services shall be for members and their guests.

F. Public utility structures or facilities provided that non exterior storage of equipment, housing of construction or repair crews, or above ground storage of gaseous or liquid fuels shall be permitted.

G. Cemeteries.

H. Single access residential developments subject to the provisions of §1-1316.

4. *Uses by Special Exception.*

A. Convalescent or nursing home.

B. Residential conversion of a single-family dwelling, subject to the provisions of §1-1417. [Ord. 2004-03]

C. Major home occupations, subject to the provisions of §1-1413, "Home Occupations." [Ord. 2004-03]

(Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2004-03, 11/18/2004, §§IX(a), X(b); by Ord. 2008-2, 7/16/2008, §4; and by Ord. 2010-02, 7/1/2010, §2)

§1-403. Height Restrictions.

The maximum height of all buildings erected or enlarged shall be 35 feet.

(Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2008-2, 7/16/2008, §4)

§1-404. Area and Bulk. Regulations.

The following area and bulk regulations shall apply to all uses permitted within the district, with the exception of the residential lot average design option, which shall be governed by §§1-1314 and 1-1313, respectively:

A. *Residential and Nonresidential Use Requirements.*

- | | |
|--------------------------------|------------------|
| (1) Lot area | 2 acre minimum |
| (2) Lot width at building line | 150 feet minimum |
| (3) Lot width at street line | 50 feet minimum |
| (4) Building coverage | 15% maximum |
| (5) Total lot coverage | 25% maximum |
| (6) Building setback line | 50 feet minimum |
| (7) Side yard | 25 feet minimum |

- (8) Rear yard 50 feet minimum
- (9) Accessory structure setback 10 feet minimum

B. *Agricultural Use Regulations.*

- (1) Agricultural use shall comply with the provisions established under §1-304.A.

(Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2004-03, 11/18/2004, §II(b); and by Ord. 2008-2, 7/16/2008, §4)

§1-405. Design Standards.

The following design standards shall apply:

A. *Residential Use Regulations.*

- (1) Off street parking regulations as established in §1-1311.

B. *Nonresidential Use Regulations.*

- (1) Other uses permitted in this district may be subject to additional design standards in Part 13, where applicable.

(Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2008-2, 7/16/2008, §4)

§1-406. Standards for Criteria for Conditional Uses.

- 1. Specific review criteria and application requirements for conditional uses, as permitted in §1-402.3:

A. Any application for conditional use approval for (1) single-family detached dwellings on a tract to be subdivided into more than three lots and not utilizing the lot averaging option, or (2) lot averaging of residential lots on a tract greater than 25 acres, shall be evaluated and decided upon by the Board of Supervisors in relation to the requirements of this Section and the standards and procedure of §1-2013.

B. The application for conditional use approval shall include a proposed plan, as required by §1-2013.2 of this Chapter. Prior to the public hearing on the application, the applicant is strongly encouraged to meet with the Planning Commission to discuss the proposed plan's relationship to the Township's community development objectives and to matters of recreation, open space, resource conservation, traffic and access management, agricultural preservation, and/or visual quality and rural character. In its subsequent recommendation to the Board of Supervisors concerning the application for a conditional use permit, the Planning Commission will note any issues raised during its review of the proposed plan and the degree to which the application has addressed and resolved these issues.

C. In reviewing any application for conditional use approval, the Board shall examine and weigh the degree to which it furthers or hinders the specific purposes and site design and development objective that are inherent in the provisions in Part 13 for lot averaging of residential lots.

D. The Board also shall review any such application in relation to the following factors:

(1) *Protection of Natural, Historic, and Scenic Resources; Mitigation of Potential Impacts.* The applicant shall submit for the Board's review a preliminary resource impact and conservation plan as prescribed in §2-403.F of the New London Township Subdivision and Land Development Ordinance [Chapter 2]. This plan must demonstrate, to the Board's satisfaction, how the proposed design and development of the site will protect, to the maximum extent practical, the identified site resources.

(2) *Compatibility with Adjacent Properties and Uses.* The applicant shall demonstrate how the proposed site design will produce a residential development that is consistent with permitted and existing uses on adjacent tracts. In particular, any she plan will be evaluated in terms of:

(a) How well the siting of new dwelling units protects existing farm land and open space resources on adjacent tracts from the impacts of development.

(b) How the retention of existing vegetation and the installation of new landscaping materials protects traditional views of and across the proposed tract.

(c) How the size, configuration, and location of the proposed lots achieves compatibility with adjoining residential development. As a condition of approval, the Board may require deeper front or side yard setback dimensions, the installation of vegetation or other screening material, or other measures to protect the visual quality of existing road frontages that it deems an essential component of the Township traditional landscape character.

(3) *Ability to Utilize Alternative Design Options.* The applicant shall document the absence of site characteristics that make use of the lot averaging option infeasible or inappropriate.

(Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2008-2, 7/16/2008, §4)

Part 5**R-2 Medium Density Residential Districts****§1-501. Purpose.**

The R-2 Medium Density Residential District is designed to provide a density of development consistent with existing residential development. Properties in the R-2 District may only be served by individual on-lot or public water supply and individual on-lot sewage systems. Medium density development will be located in areas that are accessible to commercial areas and along collector or arterial roads.

(*Ord. 2003-9-1*, 9/4/2003; as amended by *Ord. 2004-03*, 11/18/2003, §I(a); and by *Ord. 2008-2*, 7/16/2008, §5)

§1-502. Use Regulations.

1. *Uses Permitted by Right.* Any one of the following uses is permitted by right on a parcel in this district:

A. Single-family detached dwelling on an existing lot, or single-family detached dwellings on lots proposed to be created through subdivision of an existing tract.

B. Nonprofit recreational uses including public and private parks.

C. Agriculture.

D. Forestry in accordance with the terms of §1-1430 of this Chapter. [*Ord. 2010-02*]

2. *Permitted Accessory Uses.*

A. Customary accessory residential uses and buildings.

B. Customary accessory agricultural uses and buildings.

C. Private swimming pool, provided it is located in the rear yard or side yard of the dwelling lot, subject to the provisions of §1-1418.

D. No-impact home occupations subject to the provisions of §1-1413. [*Ord. 2004-03*]

E. Keeping of large animals in accordance with §1-1422.

3. *Conditional Uses.*

A. Rooming house, provided that not more than four rooms of a residence are used for such purpose, and that no more than four individuals in addition to the family unit reside in the dwelling.

B. Municipal, County, State and Federal uses, excluding dumps, sanitary landfills, and correctional or penal institutions.

C. Single access residential developments, subject to the provisions of §1-1316.

4. *Uses by Special Exception.*

A. Residential conversion of a single-family dwelling, subject to the provisions of §1-1417.

B. Cultural, educational or religious uses.

C. Medical clinics.

D. Veterinary hospital.

E. Major home occupations, subject to the provisions of §1-1413, "Home Occupations." [Ord. 2004-03]

(Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2004-03, 11/18/2004, §§I(b), X(c); by Ord. 2008-2, 7/16/2008, §5; and by Ord. 2010-02, 7/1/2010, §3)

§1-503. Height Restrictions.

The maximum height of all buildings erected or enlarged shall be 35 feet.

(Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2008-2, 7/16/2008, §5)

§1-504. Area and Bulk Regulations.

The following area and bulk regulations shall apply to all uses permitted within the district:

A. Single-family detached dwellings.

(1)	Minimum lot area	1 acre
(2)	Minimum lot width	
	(a) Building line	150 feet
	(b) Street line	50 feet
(3)	Minimum side yard	25 feet
(4)	Minimum rear yard	50 feet
(5)	Maximum building coverage	10%
(6)	Maximum total lot coverage	15%
(7)	Minimum building setback line	
	(a) Residential road	40 feet
	(b) Collector road	50 feet
	(c) Arterial road	60 feet
(8)	Minimum accessory structure setback	10 feet

B. Nonresidential Use Requirements.

(1)	Lot area	1 acre minimum
(2)	Lot width at building line	150 feet minimum
(3)	Lot width at street line	50 feet minimum
(4)	Maximum building coverage	20% maximum
(5)	Maximum lot coverage	25% maximum
(6)	Building setback line	

- | | |
|----------------------------------|-----------------|
| (a) Collector road | 50 feet minimum |
| (b) Arterial road | 60 feet minimum |
| (7) Side yard | 25 feet minimum |
| (8) Rear yard | 50 feet minimum |
| (9) Accessory structural setback | 10 feet minimum |

C. *Agricultural Use Regulations.*

- (1) Agricultural uses shall comply with the provisions established under §1-304.A.

(*Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2004-03, 11/18/2004, §1(c); and by Ord. 2008-2, 7/16/2008, §5*)

§1-505. Design Standards.

The following design standards shall apply:

A. *Residential Use Regulations.*

- (1) Off street parking regulations as established in §1-1311.

B. *Nonresidential Use Regulations.*

- (1) Other uses permitted in this district may be subject to additional design standards in Part 13, where applicable.

(*Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2008-2, 7/16/2008, §5*)

Part 6

[Reserved]¹

¹Editor's Note: Former Part 6, "R-3 High Density Residential Districts," enacted by *Ord. 2003-9-1*, 9/4/2003, deleted by *Ord. 2004-03*, 11/18/2004, §III.

Part 7**C-1 Commercial District****§1-701. Purpose.**

The C-1 Commercial District is intended to provide opportunities for commercial activities that meet the needs of Township residents and, as appropriate, a broader customer base within the region of which New London is a part. The district offers direct access to a major collector road and is designed primarily for vehicular traffic. The scale and intensity of uses, together with its highway orientation, distinguish the C-1 District from other non-residential zoning within the Township.

(Ord. 2003-9-1, 9/4/2003)

§1-702. Use Regulations.

1. *Uses Permitted by Right.* Any one of the following uses is permitted by right on a parcel in this district:

- A. Gift, art, craft and antique shops.
- B. Automotive and farm equipment sales and services.
- C. Offices and/or financial institutions.
- D. Medical clinics.
- E. Eating establishments with indoor seating for a minimum of 20 patrons.
- F. Single family detached dwelling.
- G. Agriculture.
- H. Gasoline service station.
- I. Forestry in accordance with the terms of §1-1430 of this Chapter. [Ord. 2010-02]

2. *Permitted Accessory Uses.*

- A. Customary accessory commercial uses and buildings.
- B. One single family dwelling unit in any single building housing a commercial use.
- C. Keeping of large animals in accordance with §1-1422, "Keeping of Large Animals on Residential Lots."

3. *Uses by Special Exception.*

- A. Multiple use on a single lot within a unified development.
- B. Animal hospital.
- C. Hotel or boarding house.
- D. Funeral parlor or undertaker's establishment.
- E. Major home occupations, subject to the provisions of §1-1413, "Home

Occupations.” [Ord. 2004-03]

(Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2004-03, 11/18/2004, §X(e); and by Ord. 2010-02, 7/1/2010, §4)

§1-703. Height Restrictions.

The maximum height of all buildings erected or enlarged shall be 35 feet.

(Ord. 2003-9-1, 9/4/2003)

§1-704. Area and Bulk Regulations.

The following area and bulk regulations shall apply to all uses permitted in the district. Requirements listed on following page.

1. *Commercial Use Requirements.*

Provision	On-Site Sewer Off/On-site Water	Off-site Sewer On-site Water	Off-site Sewer Off-site Water
<i>A. Minimum Lot Area</i>	43,560 square feet	18,000 square feet	10,000 square feet
<i>B. Minimum Lot Width</i>			
Building line	100 feet	75 feet	60 feet
Street line	50 feet	50 feet	50 feet
<i>C. Minimum Side Yard</i>			
Individual	15 feet	10 feet	10 feet
Aggregate	30 feet	25 feet	25 feet
<i>D. Minimum Rear Yard</i>	50 feet	50 feet	50 feet
<i>E. Maximum Lot Coverage</i>	20%	25%	30%
<i>F. Maximum Paved Area</i>	25%	30%	35%
<i>G. Minimum building set-back line</i>	40 feet	40 feet	40 feet
<i>H. Minimum accessory structure setback</i>			
Side yard	10 feet	10 feet	10 feet
Rear yard	15 feet	15 feet	15 feet
<i>I. Minimum landscaped open space</i>	15%	10%	10%

2. *Residential Use Requirements.*

Provision	On-Site Sewer Off/On-site Water	Off-site Sewer On-site Water	Off-site Sewer Off-site Water
<i>A. Minimum Area for Dwelling Unit</i>	43,560 square feet	18,000 square feet	10,000 square feet
<i>B. Minimum Lot Width</i>			
Building line	150 feet	80 feet	75 feet
Street line	50 feet	50 feet	50 feet
<i>C. Minimum Side Yard</i>			
Individual	25 feet	15 feet	10 feet
Aggregate	50 feet	30 feet	25 feet
<i>D. Minimum Rear Yard</i>	50 feet	50 feet	50 feet
<i>E. Maximum Lot Coverage</i>	10%	20%	20%
<i>F. Maximum Paved Area</i>	15%	25%	25%
<i>G. Minimum Building Set-back Line</i>	60 feet	60 feet	60 feet
<i>H. Minimum Accessory Structure Setback</i>	10 feet	10 feet	10 feet

(Ord. 2003-9-1, 9/4/2003)

§1-705. Design Standards.

The following design standards shall apply:

- A. Off-street parking as established in §1-1312.
- B. Storage standards as established in §1-1304.
- C. Landscaping standards as established in §1-1303.
- D. Access and traffic control standards established in §1-1305.
- E. Screening and buffering provisions and established in §1-1302, where applicable.
- F. Interior circulation as established in §1-1306.
- G. Lighting standards as established in §1-1308.
- H. Pedestrian access standards as established in §1-1307.

(Ord. 2003-9-1, 9/4/2003)

Part 8**LI Limited Industrial District****§1-801. Purpose.**

The LI Limited Industrial District provides opportunities for uses considered light industrial and with relatively slight off-site impacts. The uses permitted in this district are viewed as potentially important components of the local community and regional economy. The selected uses do not include heavy industrial uses whose potential impacts on adjacent properties and neighborhoods are deemed incompatible with the character and land use needs of New London Township. The district's location is proximate to, but appropriately distinct from, the Township's principal village.

(Ord. 2003-9-1, 9/4/2003)

§1-802. Use Regulations.

1. *Uses Permitted by Right.* Any one of the following uses is permitted by right on a parcel in this district:

- A. Light manufacturing, including printing, assembly of previously prepared components and packaging.
- B. Laboratory for scientific research or testing.
- C. Professional, commercial or institutional office.
- D. Indoor storage facility or warehouse.
- E. Public utility office or operating facility.
- F. Storage, maintenance, and/or repair of vehicles, farm equipment, and/or similar machinery.
- G. Agriculture and agricultural accessory uses and buildings.
- H. Waste water treatment and/or disposal facilities or area, regardless of whether the source of the waste water is located on the same tract or in the same zoning district.

[Ord. 2007-5]

- I. Forestry in accordance with the terms of §1-1430 of this Chapter. [Ord. 2010-02]

2. *Permitted Accessory Uses.*

- A. Customary accessory industrial uses and buildings.
- B. Storage within a completely enclosed building.
- C. Cafeteria designed to serve employees only.
- D. Recreational facility.
- E. Keeping of large animals in accordance with §1-1422, "Keeping Large Animals on Residential Lots."

3. *Conditional Uses.*

- A. Single-family detached dwelling.
- B. Two-family detached dwellings.
- C. Solar farm, in accordance with the terms of §1-1432 of this Chapter. [*Ord. 2014-4*]

4. *Uses by Special Exception.*

- A. Retail sales as an accessory use.
- B. Mobile home park, subject to the provisions of Part 15.
- C. Sewage sludge storage facility, in accordance with the provisions under §1-1409.
- D. Cable TV operations.
- E. Major home occupations, subject to the provision of §1-1413, "Home Occupations." [*Ord. 2004-03*]

(*Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2004-03, 11/18/2004, §X(f); by Ord. 2007-5, 3/21/2007, §3; by Ord. 2010-02, 7/1/2010, §5; and by Ord. 2014-4, 6/5/2014, §3*)

§1-803. Height Restrictions.

The maximum height of all buildings erected and enlarged shall be 35 feet.

(*Ord. 2003-9-1, 9/4/2003*)

§1-804. Area and Bulk Regulations.

The following area and bulk regulations shall apply to all uses permitted in the district:

A. *Industrial Use Regulations.*

- | | |
|--------------------------------|------------------|
| (1) Lot area | 2 acres minimum |
| (2) Lot width at building line | 150 feet minimum |
| (3) Lot width at street line | 100 feet minimum |
| (4) Lot coverage | 30% maximum |
| (5) Paved area | 50% maximum |
| (6) Landscaped open space | 25% minimum |
| (7) Building setback line | |
| Arterial street | 100 feet minimum |
| Internal street | 80 feet minimum |
| (8) Side yard | |
| Individual | 50 feet minimum |
| Aggregate | 100 feet minimum |
| (9) Rear yard | |
| Abutting non-industrial use | 100 feet minimum |

Abutting industrial use 50 feet minimum

(10) Accessory structure setback 10 feet minimum

B. *Office or Industrial Park.*

(1) Lot area--the average area of all lots within an office or industrial park shall not be less than 2 acres, but no lot shall be less than 1 acre.

(2) Lot width at building line	150 feet minimum
(3) Lot width at street line	75 feet minimum
(4) Lot coverage	
1.00 - 1.99 acres	35% maximum
2.00 - 4.99 acres	30% maximum
5.00 acres +	25% maximum
(5) Paved area	
1.00 - 1.99 acres	60% maximum
2.00 - 4.99 acres	55% maximum
5.00 acres +	50% maximum
(6) Landscaped open space	
1.00 - 1.99 acres	25% minimum
2.00 - 4.99 acres	20% minimum
5.00 acres +	15% minimum
(7) Building setback line	
Arterial street	100 feet minimum
Internal street	60 feet minimum
(8) Parking area setback line	
Arterial street	50 feet minimum
Internal street	20 feet minimum
Side yard lines	10 feet minimum
(9) Side yard	
Individual	20 feet minimum
Aggregate	50 feet minimum
(10) Rear yard	
Abutting non-industrial use	100 feet minimum
Abutting industrial use	50 feet minimum
(11) Accessory structure setback	10 feet minimum
(12) Park landscape buffer/screen	
Arterial street	100 feet minimum
Non-industrial use	75 feet minimum

C. *Non-Industrial Use Regulations.*

(1) Lot area	1 acre minimum
(2) Lot width at building line	150 feet minimum
(3) Lot width at street line	50 feet minimum
(4) Lot coverage	25% maximum
(5) Paved area	30% maximum
(6) Building setback line	
Arterial road	60 feet minimum

Internal road	50 feet minimum
(7) Side yard	
Individual	20 feet minimum
Aggregate	50 feet minimum
(8) Rear yard	50 feet minimum
(9) Accessory structure setback	10 feet minimum

D. *Agricultural Use Regulations.*

(1) Agricultural use shall comply with the provisions established under §1-304.A.

(Ord. 2003-9-1, 9/4/2003)

§1-805. Design Standards.

The following design standards shall apply:

- A. Storage standards as established in §1-1304.
- B. Landscaping standards as established in §1-1303.
- C. Access and traffic control standards as established in §1-1305.
- D. Interior circulation as established in §1-1306.
- E. Off-street parking regulations as established in §1-1312.
- F. Screening and buffering provisions as established in §1-1302.
- G. Lighting regulations as established in §1-1308.
- H. Loading regulations as established in §1-1310.
- I. Performance standards as established in §1-1309.

(Ord. 2003-9-1, 9/4/2003)

Part 9**NLV - New London Village District****§1-901. Purpose.**

The NLV New London Village District is designed to recognize and complement the development patterns and uses in this traditional village area of the Township and to assure compatible infill and expansion at this location. The NLV District accommodates a mix of commercial activities, oriented to serving the day-to-day needs of Township residents, and residential uses. The district is designed to retain the mixed-use village character by regulating land use, density, building and parking locations, streetscapes, and pedestrian opportunities, by encouraging architectural compatibility, and by facilitating the retention and productive use of historic structures within the village. The standards and procedures of the Traditional Neighborhood Development (TND) Overlay District are applied to the NLV District to accommodate residential use other than single-family detached dwellings and any nonresidential use, and to further assure the retention and continuation of uses and design features that characterize New London Village.

(Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2008-3, 7/16/2008, §1)

§1-902. Use Regulations.**1. Permitted Principal Uses.**

A.. Single-family detached dwellings are permitted as of right on any tract or lot of less than 3 acres, in accordance with the terms of this Part.

B. On any tract or lot of less than 3 acres, uses other than single-family detached dwellings are permitted in accordance with the terms of Part 22, Traditional Neighborhood Development District, §1-2204.

C. On any tract or lot of 3 acres or greater, the only uses permitted in the NLV District shall be as prescribed in §1-2207.

2. Permitted Accessory Uses.

A. Any use customarily accessory to a single-family detached dwelling.

B. No-impact home occupation, subject to the provisions of §1-1413 of this Chapter.

C. Accessory uses permitted under applicable provisions of Part 22 of this Chapter.

3. Uses Permitted as Conditional Uses. Any of the following uses shall be permitted when approved as a conditional use by the Board of Supervisors, consistent with the terms of this Part, Part 22, and §1-2013 of this Chapter.

A. The proposed use of any tract for single-family detached dwellings in which the gross lot size of any lot is proposed to be in excess of 20,000 square feet.

B. Any request to modify otherwise applicable provisions of this Part affecting historically significant structures, as provided in §1-905.K(3)(c).

C. Any lot or lots proposing frontage solely on a private street or alley, private

parking area, or private accessway interior to a tract, and containing no frontage on a public street.

D. Uses permitted as conditional uses under the applicable provisions of Part 22 of this Chapter.

4. *Uses by Special Exception.*

A. Major home occupation, subject to the provisions of §1-1413 of this Chapter.

B. Uses permitted as special exceptions under the applicable provisions of Part 22 of this Chapter.

(*Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2004-03, 11/18/2004, §§IX(b), X(d); by Ord. 2007-02, 1/2/2007, §§2, 4, 9; and by Ord. 2008-3, 7/16/2008, §1*)

§1-903. Height Restrictions.

1. The maximum height of all buildings erected or enlarged shall be 35 feet.

2. The minimum height of all buildings shall be 20 feet.

3. No principal building shall have a flat roof, unless it has a parapet wall to screen all mechanical equipment from public view along streets, sidewalks, and publicly accessible parking areas.

(*Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2007-02, 1/2/2007, §4; and by Ord. 2008-3, 7/16/2008, §1*)

§1-904. Area and Bulk Regulations.

1. The following area and bulk regulations shall apply to single-family detached dwellings in the NLV District where the provisions of the Traditional Neighborhood Development Overlay District in Part 22 are not utilized.

A. Minimum lot area - 10,000 square feet.

B. Maximum lot area - 20,000 square feet, unless (1) a larger area is approved as a conditional use by the Board of Supervisors, as authorized in §1-902.3.A.; or (2) a lot larger than 20,000 square feet and less than 3 acres exists as of July 21, 2008, in which case such lot may be used for a single-family detached dwelling in its existing configuration.

C. Minimum lot width at street line - 75 feet.

D. Minimum front yard setback - 5 feet, except where this dimension is superseded by the establishment of a build-to line under the terms of §1-905.G.

E. Minimum distance between principal buildings - 15 feet.

F. Minimum rear yard - 50 feet.

G. Maximum lot coverage - 40%.

2. Any permitted accessory structure shall be set back a minimum of 10 feet from any side or rear property line.

(*Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2004-03, 11/18/2004, §§XI(a), (c); by Ord. 2007-02, 1/2/2007, §2; and by Ord. 2008-3, 7/16/2008, §1*)

§1-905. Design Standards.

The following design standards, as applicable, shall govern all uses permitted in the NLV District, except as otherwise noted:

A. *Storage*. As required in §1-1304.

B. *Lighting*. As required in §1-1308.

C. *Access and Traffic Control*.

(1) Lots in the NLV District shall not be required to meet the standards for reverse frontage and double frontage contained in §1-1305.1 and .2, unless the Board finds that they must be imposed for purposes of safety and traffic circulation. The use of alleys and shared driveways is encouraged.

(2) Streets and alleys shall form an interconnected vehicular circulation network to the maximum extent feasible.

(3) Alleys, where provided, should enable vehicular access to the rear of properties and produce an enhanced streetscape by enabling buildings to be placed closer to the street and moving garage doors and curb cuts away from the street.

(4) Alleys, where provided, shall have a minimum cartway width of 12 feet and a minimum right-of-way width of 18 feet. Alleys shall be dedicated to the Township unless the Board of Supervisors chooses not to accept dedication.

D. *Driveways*. As required in §1-1320, except that the minimum 10-foot setback of a driveway from a property line, as required in §1-1320.4.M, shall not apply in the NLV District.

E. *Landscaping*.

(1) Landscaping shall be consistent with the terms of §1-1303 of this Chapter.

(2) Shade trees, as required in §2-517, shall be provided along all street frontages, whether the street is existing or proposed.

(3) Landscaping shall emphasize native species of trees, shrubs, and flowers to reduce maintenance and help assure longevity. Species should be selected, in part, on the basis of visual interest at different times of the year.

F. *Parking*.

(1) The amount of off-street parking for a single-family detached dwelling in the NLV District shall be as required in §1-1311.

(2) Parking shall be located in a side or rear yard only.

(3) The Board of Supervisors, upon consultation with the Township Engineer, may approve surfacing materials for parking areas other than paving. Such alternatives may include, among others, porous paving, concrete lattice blocks, and gravel. The applicant shall demonstrate the net benefits that support consideration of the alternative materials.

G. *Building/Street Frontage Relationship*.

(1) On any block where existing building facades have established a dominant front setback dimension, the Township may stipulate a build-to line as the required front facade location of new buildings.

(2) Building facades shall be parallel to the public street on which they

front. Except where clearly impractical or inconsistent with the existing streetscape, major roof ridges shall either be parallel or perpendicular to the street.

H. *Water and Sewage Facilities.* Properties on which new or expanded uses are proposed in the NLV District shall be served by and connected to off-site water service and off-site sewer service, whenever such facilities are available. Prior to such availability, an applicant for use of any property in the NLV District shall demonstrate a satisfactory temporary means of water and/or sewer service that meets the applicable requirements of New London Township (including consistency with the Township's Act 537 Plan), the Chester County Health Department, and/or the Pennsylvania Department of Environmental Protection. Once the off-site water and/or sewer service becomes available, the temporary means of service shall be abandoned and the property shall be connected to the off-site system.

I. *Pedestrian Access.*

(1) Except as otherwise noted herein, every property shall provide a sidewalk along its entire street frontage. The standards contained in this Section shall supercede the standards for sidewalks contained in §§1-1307 and 2-513. Where applicable, the Township may require pedestrian connection to an existing trail.

(2) For properties fronting on Rt. 896 and/or State Rd., sidewalks as required by this Section shall be provided. Where the applicant demonstrates, to the satisfaction of the Board of Supervisors, that an alternative route and/or surfacing material will better serve the Township's pedestrian circulation objectives (e.g., due to conflicts with vehicular traffic, topographic constraints, public safety concerns, etc.), the Board may approve such alternative if it provides continuous pedestrian access to contiguous properties.

(3) Sidewalks shall have a minimum width of 4 feet. Except as provided in subparagraph (2), above, they shall be located within the street right-of-way and shall be separated from the curb or cartway of the street by a landscaped strip 4 feet in width.

(4) The sidewalk surface shall be stamped or scored concrete representing a brick surface, unless the applicant demonstrates, to the satisfaction of the Board of Supervisors, that an alternative surface (e.g., rectangular flagstone, etc.) is suitable and maintains compatibility with other design features of the village.

(5) Where an existing lot frontage is occupied by a paved parking surface, the sidewalk requirement may be met by painting a 4-foot wide pedestrian corridor on the paved surface and connecting to sidewalks where they exist on adjacent properties.

(6) Ownership and maintenance responsibilities for any sidewalk or other pedestrian corridor shall be those of the property owner.

(7) Depending on the materials approved, the sidewalk shall be constructed in accordance with the specifications in §2-513 of the Subdivision/Land Development Ordinance [Chapter 2] or as specified by the Township Engineer.

(8) Sidewalks shall be required in the NLV District as part of any approved subdivision or land development application, as a condition of issuance of any building permit for new construction of a principal building, and as a condition of issuance of any use and occupancy permit.

J. *Signs.* As required in Part 17.

K. *Protection of Historic Structures.*

(1) Any proposal to demolish a structure within the NLV District that is deemed historically significant by New London Township must be specifically approved by the Board of Supervisors, following review and recommendation by the Township Historical Committee. The basis for a determination of historical significance shall be identification as a contributing resource in Appendix D of the New London Township Comprehensive Plan. The Board may impose a 60-day delay of demolition, from the date of the applicant's request to demolish, for the purpose of identifying and pursuing alternative courses of action. Where a structure is listed in, or deemed eligible for, the National Register of Historic Places, the Board may deny an application to demolish the structure.

(2) Where a historically significant structure is demolished without the Board's specific approval, the Board may take other appropriate legal action, which may include equitable and injunctive relief, to enforce the provisions of this Part.

(3) Notwithstanding the otherwise applicable terms of this Part, historically significant structures within the NLV District shall be permitted the following:

(a) On a property containing a historically significant structure, a second principal use permitted in §1-2204.1 may be conducted. Such use may be located within the principal structure, in compliance with the area and bulk regulations in §1-904, or in an accessory structure on the property, whether such accessory structure is existing or proposed for construction.

(b) A property containing a historically significant structure shall be allowed a maximum lot coverage of 80%.

(c) Modifications may be requested to the otherwise applicable area and bulk regulations in §1-904, the design standards in this Section of this Part, or applicable standards in Part 22 of this Chapter, where the Traditional Neighborhood Development overlay district is utilized, for plans affecting historically significant structures in the NLV District, when approved as a conditional use by the Board of Supervisors, as authorized in §1-902.3.B.

(4) Any approval for conditional use, where granted under the terms of §1-902.3.B, shall be in accordance with the standards in §1-906 of this Part and §1-2013 of this Chapter, and shall meet the following criteria:

(a) Granting of the conditional use is deemed by the Board of Supervisors to be necessary to the preservation of the historically significant structure.

(b) Granting of the conditional use is deemed by the Board of Supervisors to have minimal detrimental effect on neighboring properties.

(c) Any plan for the rehabilitation, alteration, or enlargement of the structure shall be in substantial compliance with the U.S. Secretary of the Interior's currently adopted "Standards for Rehabilitation," as revised.

(5) Any new addition to an existing building that is deemed historically significant in accordance with the terms of subparagraph (1), above, shall be at the rear of the building, including any fire escape or similar feature not part of the original building. The front and side facades and rooflines of the building, where their style and character were deemed by the Township as important elements in the building being classified as a contributing resource in the village's determination of eligibility for or listing in the National Register of Historic Places, shall be retained to the maximum extent feasible, especially the porches, pent eaves, stoops, and other building entryways.

(*Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2004-03, 11/18/2004, §XI(b); by Ord. 2007-02, 1/2/2007, §§3-10; and by Ord. 2008-3, 7/16/2008, §1*)

§1-906. Standards and Criteria for Conditional Uses.

For any use, design, or dimensional alternative authorized by this Part for approval as a conditional use, the Board of Supervisors shall evaluate the application against the following standards and criteria in reaching its decision and, as it deems appropriate, attaching reasonable conditions and safeguards to any approval:

A. The request for conditional use, if granted, will result in uses and/or designs that are consistent with the purposes of the NLV District, as articulated in §1-901. The design of any new or modified facade, including the proposed choice of building materials, shall demonstrate compatibility with the traditional historical and architectural character of New London Village to the maximum extent feasible, as determined by the Board of Supervisors. In reaching its determination, the Board shall give consideration to any recommendation as may be presented by the New London Township Historical Committee. The applicant shall have the burden of demonstrating how the proposal will satisfy this standard.

B. The proposal will not generate such increases in traffic volumes or require such expansive parking as to conflict with the orientation of the district toward local traffic and pedestrian access.

C. The scale and intensity of any proposed conditional use shall not detract from traditional village qualities characterized by existing and permitted uses.

D. Noise levels, lighting, hours of operation, and other attributes of the proposed conditional use shall be compatible with surrounding uses, taking explicit account of the density, lot sizes, mix of residential and nonresidential uses making up the district, proximity of uses on adjacent lots, and relationships to sidewalks and street frontage.

E. The proposed pattern, type, and design of new lots and dwelling units shall be consistent with the design standards and goals of the district regarding size, layout, setbacks, street configuration, streetscape, etc.

F. The proposal shall represent no threat of negative impact to historic

structures within or adjacent to the village.

G. Where the conditional use request is for specific relief from ordinance standards, as authorized in §1-905.K(3)(c) on behalf of historic properties, the applicant shall demonstrate how the requested relief will benefit the historic property and that, if granted, the modification will have no deleterious impacts on neighboring properties or the district as a whole.

H. In considering a request for approval of a lot or tract size larger than the maximum established in §1-904, the Board of Supervisors may review with the applicant the proposed placement of buildings on the lot or tract. In general, the Board's policy will be to encourage building placement such that future subdivision of the property would remain feasible under the terms of this Part, particularly where off-site water and/or sewer service does not exist but is expected to become available in the future.

(*Ord. 2003-9-1*, 9/4/2003; as amended by *Ord. 2007-02*, 1/2/2007, §§1, 3; and by *Ord. 2008-3*, 7/16/2008, §1)

Part 10**I - Institutional District****§1-1001. Purpose.**

It is the purpose of the I-Institutional District to recognize and provide appropriate opportunities and regulatory protections for land in public or quasi-public use. The existing and potential uses of the lands within this district may have attributes or potential impacts which require special considerations, due to traffic generation, water and sewer needs, the needs of special population groups, the use or zoning of surrounding lands, and the like. The district provisions also are intended to assure smooth transition where a change of use or an additional use is proposed, thereby avoiding future land uses and offsite impacts that are incompatible with Township land use policy.

(*Ord. 2003-9-1*, 9/4/2003; as amended by *Ord. 2008-2*, 7/16/2008, §6)

§1-1002. Use Regulations.

1. *Uses Permitted by Right.* Any one of the following uses is permitted by right on a parcel in this district:

A. Educational use, except that an outdoor sports stadium associated with such a use shall be permitted only as a conditional use as provided in subsection .2.

B. Religious use.

C. Woodland, game preserve, arboretum, or similar open space use.

D. Noncommercial park or recreation facility.

E. Agriculture, including nursery operation.

F. Public or non-profit facility for scientific research or testing.

G. Museum or similar cultural or philanthropic use.

H. Cemetery.

I. Hospital or outpatient clinic.

J. Veterinary clinic, including boarding of animals.

K. Residential facility providing professional care to children, aged, handicapped, and/or disabled persons.

2. *Uses Permitted as Conditional Uses.* Any of the following uses shall be permitted when approved as a conditional use by the Board of Supervisors, consistent with the terms of this Part and §1-2013 of this Chapter:

A. Single-family detached dwellings.

B. Outdoor sports stadium when associated with a permitted educational use.

3. *Uses Permitted by Special Exception.*

A. Major home occupations, subject to the provisions of §1-1413, "Home Occupations." [*Ord. 2004-03*]

(*Ord. 2003-9-1*, 9/4/2003; as amended by *Ord. 2004-03*, 11/18/2004, §X(g); and by *Ord. 2008-2*, 7/16/2008, §6)

§1-1003. Height Restrictions.

The maximum height of any single-family dwelling shall be 35 feet. For any other building or structure permitted by right or conditional use in this district, the maximum height shall be 4 stories or 50 feet, whichever is less.

(*Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2008-2, 7/16/2008, §6*)

§1-1004. Area and Bulk Regulations.1. *Uses Permitted by Right.*

- | | |
|----------------------------------|----------|
| A. Minimum lot area | 5 acres |
| B. Minimum lot width | |
| (1) At street line | 100 feet |
| (2) At building setback line | 300 feet |
| C. Maximum building coverage | 25% |
| D. Maximum lot coverage | 45% |
| E. Minimum landscaped open space | 15% |
| F. Minimum front yard | 150 feet |
| G. Minimum side yards | 75 feet |
| H. Minimum rear yard | 100 feet |

2. *Single-family Detached Dwellings.*

- A. The area and bulk requirements of §1-504.1 of this Chapter shall apply to the development of single-family detached dwellings approved as a conditional use.

(*Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2008-2, 7/16/2008, §6*)

§1-1005. Design and Development Standards.

The following design standards shall apply to uses in the I-District unless otherwise noted:

A. *Uses Permitted by Right.*

- (1) Off-street parking as established in §1-1312.
- (2) Landscaping standards as established in §1-1303.
- (3) Storage standards as established in §1-1304.
- (4) Access and traffic control standards as established in §1-1305.
- (5) Screening and buffering provisions as established in §1-1302, where applicable.
- (6) Interior circulation as established in §1-1306.
- (7) Lighting standards as established in §1-1308.
- (8) Pedestrian access standards as established in §1-1307.

B. *Single-family Detached Dwellings.*

- (1) Off-street parking as established in §1-1311.

C. *Water and Sewage Facilities.* All properties in the I-Institutional District shall be served by and connected to off-site water service and off-site sewer service, wherever such facilities are available. Prior to such availability, an applicant for use of any property in the Institutional District shall demonstrate a satisfactory temporary means of water and/or sewer service that meets the applicable requirements of New London Township (including consistency with the Township's Act 537 Plan), the Chester County Health Department, and/or the Pennsylvania Department of Environmental Protection. Once the off-site water and/or off-site sewer service becomes available, the temporary means of service shall be abandoned and the property shall be connected to the off-site system.

(Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2008-2, 7/16/2008, §6)

§1-1006. Conditional Use Standards and Criteria.

For any use authorized by this Part for approval as a conditional use, the Board Supervisors shall evaluate the application against the following standards and criteria, as well as the criteria in §1-2013.5, in reaching its decision and, as it deems appropriate, attaching reasonable conditions and safeguards to any approval:

A. *Single-Family Detached Dwellings.*

- (1) The proposed use is compatible with the uses of land adjacent to the subject property and will not present off-site impacts (e.g., noise, lighting, traffic) that may be detrimental to the use of adjacent property.

- (2) Vehicular traffic volumes, generally and/or at peak hours, will not pose safety hazards on existing roads and at proposed intersections. The Board, as it deems necessary, require a traffic impact analysis from the applicant.

- (3) Use of the tract for single-family detached dwellings shall not represent the elimination of land otherwise available and suitable for institutional uses permitted by right in the district.

B. *Outdoor Sports Stadium.*

- (1) Where such a stadium is intended to be the site of evening athletic events or other activities requiring lighting facilities, the applicant shall have the burden of demonstrating how such proposed lighting will be configured, installed, operated, and maintained in a manner that will not adversely affect the use and enjoyment of neighboring properties. The Board may, as it deems necessary, impose specific conditions and safeguards regarding the height, positioning, and intensity of lighting fixtures, hours of operation, proximity to existing residential neighborhoods and/or areas zoned for residential use, and any other aspect it considers appropriate.

- (2) In addition to a satisfactory means of lighting the field area of the stadium, the applicant shall demonstrate compliance with all other lighting requirements contained in §1-1308.

- (3) Noise generated during events at the stadium facility shall not exceed the standards in §1-1309.2. The Board may require additional safeguards, as it deems necessary, to prevent negative impacts on adjoining properties.

(4) The applicant shall demonstrate a satisfactory means of managing stormwater runoff from parking areas and other impervious surfaces associated with the stadium.

(5) The applicant shall demonstrate adequate means of access and traffic control in relation to unusual traffic demands generated by events to be held at the stadium.

(Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2008-2, 7/16/2008, §6)

Part 11**FH Flood Hazard District****§1-1101. Purpose and Applicability.**

1. *Purpose.* The Flood Hazard District has been designed to minimize the threat to public health, safety and welfare of flood hazard areas in the Township associated with periodic inundation which results in loss of property, loss of life, damage to structures, injury to people, disruption of activities and services, public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this Part to:

A. Minimize danger to public health by protecting water supplies and natural drainage patterns in the Township.

B. Minimize danger to public safety by regulating or preventing the erection of buildings and other structures on lands unsuitable for development by reason of periodic flooding.

C. Minimize the financial burden imposed on the Township, its governing body and its residents by preventing activities from locating in areas subject to flooding.

D. Prevent added downstream damage from increased volume and rate of flow associated with flooding, and to permit uses of the floodplain compatible with the preservation of natural resources and the maintenance of unimpeded stream flow throughout the year.

2. *Applicability.* These provisions shall apply to all lands within the jurisdiction of New London Township shown as being located within the boundaries of any identified flood hazard district that are considered as a part of the Official Zoning Map. (*Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2006-1, 9/20/2006*)

§1-1102. Delineation of Flood Hazard District.

1. The Flood Hazard District is defined and established to be those areas of the Township that are subject to inundation by a flood having a frequency of recurrence of one in 100 years.

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

3. For the purposes of this Chapter, the 100-year flood elevation shall be used as the basis for regulation. When available, information from Federal, State and other acceptable sources shall be used to determine the 100-year elevation, as well as a floodway area, if possible. When no other information is available the 100-year elevation shall be determined by using a point on the boundary of the identified floodplain area that is nearest the construction site in question.

In lieu of the above, the Township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualification 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. In cases where more than one source is used, the Flood Hazard District boundary shall consist of the more extensive area between sources subject to the provisions of §1-1105.

(*Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2006-1, 9/20/2006*)

§1-1103. Changes in District Boundaries.

The delineation of any of the identified floodplain areas may be revised by the Board of Supervisors where natural or man-made changes have occurred and more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, river basin commission or other qualified agency document such changes. Prior to any change, approval must be obtained from the Federal Emergency Management Agency (FEMA).

(*Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2006-1, 9/20/2006*)

§1-1104. District Overlay.

1. The Flood Hazard District, based on the delineations cited in §1-1102, shall be deemed an overlay on the existing applicable zoning districts as delineated on the New London Township Zoning Map, and as such, the provisions for the Flood Hazard Districts shall serve as a supplement to the underlying district provisions. Should the Flood Hazard District be determined as inapplicable to any tract by reason of amendment by the Board of Supervisors, interpretation of the Zoning Hearing Board, or the decision of a court of competent jurisdiction, the underlying zoning provisions shall be deemed applicable.

2. Where there happens to be any conflict between the provisions or requirements of any of the Flood Hazard Districts and those of any underlying district, the more restrictive provision shall apply.

(*Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2006-1, 9/20/2006*)

§1-1105. Rules of Interpretation of District Boundaries.

1. Initial interpretations of the boundaries of a Flood Hazard District shall be made by the Township Zoning Officer. Where interpretation is needed as to the exact location of such boundaries, as in the case of a conflict between mapped boundaries and actual field conditions, such interpretation shall be made by the Township Engineer with a written report submitted to the Board of Supervisors.

2. Any party aggrieved by any determination by the Township Engineer may appeal their case before the Zoning Hearing Board. The party contesting the location of a Flood Hazard District boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence in accordance with §1-1103 (above). The burden of proof shall be on the party filing for the hearing.

(*Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2006-1, 9/20/2006*)

§1-1106. Compliance.

All structures, tracts of land and water shall hereafter be used or developed in full compliance with the provisions of this Chapter and any other ordinances and regulations which apply to uses within the jurisdiction of this Chapter. Any land altering activity shall not commence without first obtaining a zoning permit as defined in §1-2009.

(*Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2006-1, 9/20/2006*)

§1-1107. Abrogation and Greater Restrictions.

This Chapter supersedes any other conflicting provisions which may be in effect prior to its adoption. This Chapter shall not repeal, abrogate or impair any existing easements, covenants or deed restrictions.

(*Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2006-1, 9/20/2006*)

§1-1108. Warning, Disclaimer of Liability and Provisions.

1. *Warning and Disclaimer of Liability.*

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

B. This Part shall not create liability on the part of the Township of New London, or any officer or employee thereof, for any flood damages that result from reliance on this Chapter or any administration decision lawfully made thereunder.

2. *District Provisions.*

A. All uses, activities and development occurring within any flood hazard district shall be undertaken only in strict compliance with the provisions of this Chapter and with all other applicable codes and ordinances, such as the New London Township Subdivision and Land Development Ordinance [Chapter 2].

B. Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels of floodplains of any watercourse, drainage ditch or any other drainage facility or system.

C. In the Flood Hazard District any new construction and/or development that would cause any increase in flood height shall be prohibited.

(*Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2006-1, 9/20/2006*)

§1-1109. Use Regulations.

1. *Uses Permitted by Right.* In the Flood Hazard District the following uses and activities are permitted provided 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.

A. Agriculture, provided no structures are located within the Flood Hazard District.

B. Recreational use, provided no structures are located within the Flood Hazard District.

C. Accessory residential uses, such as yards and parking, provided that no more than one-third of the total lot area for any lot is situated within the Flood Hazard District, provided that no sewage disposal system is located within 50 feet of the Flood Hazard District.

D. No more than one-fourth of the open space designated for a cluster development, as required under Part 11, provided the Flood Hazard District is contiguous to the development.

E. Accessory industrial and commercial uses such as yard areas, parking and loading areas, airport landing strips, etc.

2. *Uses by Special Exception.*

A. The following uses are permitted only upon the granting of a special exception, by the Zoning Hearing Board, in accordance with §§908 and 913 of the Pennsylvania Municipalities Code, as amended, 53 P.S. §§10908, 10913, and upon the condition that no use permitted as a special exception shall increase the elevation of the 100-year flood.

(1) Accessory uses customarily incidental to any of the foregoing permitted uses.

(2) Circuses, festivals, and similar transient amusement enterprises.

(3) Roadside stands and signs.

(4) Railroads, roads, bridges, and utility transmission lines.

(5) Sealed water supply wells and water pipelines.

(6) Storm and sanitary sewer outlets, which shall take the shortest route across the district to the point of discharge.

(7) Grading or fill provided that the effect is not to alter the cross-sectional profile of the stream basin at the point of the proposed use and will not cause an increase in the 100-year flood elevation.

(8) Dams and impoundment basins where approved by appropriate private and public agencies.

B. *Administration of Special Exceptions.*

(1) *Special Exception Procedures.* Upon receiving an application for a special exception permit, the Zoning Hearing Board shall, prior to rendering a decision thereon, require the applicant to furnish the following materials to the Board:

(a) Plans in triplicate drawn to scale showing the nature, location, dimensions and elevation of the lot and existing and proposed uses; soil types and other pertinent information.

(b) A series of cross-sections at 25-foot intervals along the lot shoreline, showing the stream channel or the lake or pond bottom, and

elevation of adjoining land areas, to be occupied by the proposed uses, and high water information.

(c) Profile showing the 100-year water surface elevation and slope of the bottom of the channel, lake or pond.

(d) Specifications for building materials and construction, flood proofing, filling, dredging, grading storage, water supply and sanitary facilities.

(e) Computation of the increase, if any, in height of flood stages which would be attributable to any proposed uses.

(f) Site location including address.

(g) Brief description of proposed work and estimated cost, including a breakdown of the flood-related cost and the market value of the building before the flood damage occurred.

(h) Plans of all proposed buildings, structures and other improvements, drawn at a suitable scale showing the following:

1) The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929/North Atlantic Vertical Datum of 1998.

2) The elevation of the 100-year flood.

3) Detailed information concerning any proposed elevation and floodproofing measures.

4) Supplemental information as may be necessary under 34 Pa.Code, Chapters 401–405, as amended, and §§1612.5.1, 104.7 and 109.3 of the 2003 IBC and §§R106.1.3 and R104.7 of the 2003 IRC.

5) The following data documentation:

a) A document, certified by a registered professional engineer or architect, which states that the proposed construction of development has been adequately designed to withstand the 100-year flood elevations, pressures, velocities, impact and uplift forces associated with the 100-year flood.

b) Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.

(2) *Consultation by the Zoning Hearing Board.* In considering any application for a special exception, the Zoning Hearing Board shall consult with the Board of Supervisors of New London Township, the Planning Commission of New London Township, the New London Township Engineer and other technical experts to determine the extent to which the proposed use would (a) diminish the capacity of the flood hazard area to store and absorb flood waters, to moderate flood velocities, and to accommodate sediment; (b) be subject to flood damage; and (c) cause erosion and impair the amenity of the flood hazard area. In proceedings before the Zoning Hearing Board, the burden of proof shall be on the applicant to show that the use will be in general conformity with the objectives of this Part and that proper safeguards will be

observed.

(3) *Factors to Be Considered by the Zoning Hearing Board.* In passing upon each application the Zoning Hearing Board shall consider:

- (a) The danger to life and property due to increased flood heights or velocities caused by encroachments.
- (b) The danger that materials may be swept onto other lands or downstream to the injury of others.
- (c) The probability of proposed water supply and sanitation systems, causing disease, contamination and unsanitary conditions.
- (d) The susceptibility of the proposed use to flood damage and the effect of such damage on the owner.
- (e) The importance of the proposed use to the community.
- (f) The requirements of the use for a water-front location.
- (g) The availability of alternative locations not subject to flooding for the proposed use.
- (h) The compatibility of the proposed use with existing and foreseeable nearby use.
- (i) The relationship of the proposed use to the Comprehensive Plan and floodplain management program for the area.
- (j) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (k) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwater expected at the site.
- (l) Such other factors which are relevant to the purposes of this Chapter.

(4) *Conditions.* Upon consideration of the factors listed above, and the purposes of this Chapter, the Zoning Hearing Board may attach such conditions to the granting of a special exception permit as it deems necessary to further the purposes of this Part. Among such conditions, without limitation because of specific enumeration, may be included:

- (a) Modification of waste disposal and water supply facilities subject to approval by Pennsylvania Department of Environmental Protection, Regional Office (PADEP).
- (b) Limitations on periods of use and operation.
- (c) Imposition of operational controls, sureties and deed restrictions.
- (d) Flood proofing measures such as the following, without limitation because of specific enumeration:
 - 1) Anchorage to resist flotation and lateral movement.
 - 2) Installation of watertight doors bulkheads and shutters (nonresidential only).
 - 3) Reinforcement of walls to resist water pressures.
 - 4) Use of paints, membranes or mortars to reduce seepage of

water through walls.

5) Addition of mass or weight to structures to resist flotation.

6) Installation of pumps to lower water levels in structures (nonresidential only).

7) Construction of water supply and waste treatment systems so as to prevent the entrance of flood waters.

8) Pumping facilities for subsurface external foundation wall and basement floor pressures.

9) Construction to resist rupture or collapse caused by water pressure or floating debris.

10) Cutoff valves on sewer lines or the elimination of gravity flow basement drains.

11) Elevation of structures to reduce likelihood of flood damage.

3. *Prohibited Uses.* The following uses shall be prohibited from locating entirely or partially within an identified flood hazard area:

A. The commencement of any of the following activities, or the construction, enlargement, or expansion of any structure used or intended to be used for any of the following activities:

- (1) Hospitals.
- (2) Nursing homes.
- (3) Jails or prisons.

B. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision or substantial improvement to an existing manufactured home park or manufactured home subdivision.

C. Any new or substantially improved structure which will be used for the production or storage of any of the following dangerous 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 or any amount of radioactive substances) of any of the following dangerous materials or substances on the premises:

- (1) Acetone
- (2) Ammonia.
- (3) Benzene.
- (4) Calcium carbide.
- (5) Carbon disulfide.
- (6) Celluloid.
- (7) Chlorine.
- (8) Herbicides.
- (9) Hydrochloric acid.
- (10) Hydrocyanic acid.
- (11) Magnesium.

- (12) Nitric acid and oxides of nitrogen.
- (13) Petroleum products (gasoline, fuel oil, etc.).
- (14) Phosphorus.
- (15) Potassium.
- (16) Sodium.
- (17) Sulfur and sulfur products.
- (18) Pesticides (including insecticides, fungicides, and rodenticides).
- (19) Radioactive substances, insofar as such substances are not otherwise regulated.

D. The construction or expansion of any on-site sewage disposal system or component of such a system.

(*Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2006-1, 9/20/2006*)

§1-1110. Existing Structures and Uses.

Existing structures and uses of land within the Flood Hazard District which do not conform to the provisions of this Part shall comply with the following regulations:

A. Existing structures located within the floodplain shall not be enlarged or altered more than 50% of its present lot coverage figure.

B. Any modification, alteration, enlargement or improvement of any kind to an existing structure in the floodplain shall be elevated and/or floodproofed, as defined in §1-1112.

(*Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2006-1, 9/20/2006*)

§1-1111. Variance Regulations.

1. The Zoning Hearing Board may, upon request, grant relief from a requirement under this Part, should compliance with said requirement result in an exceptional hardship to a prospective applicant.

2. The review of the Zoning Hearing Board on variance requests shall follow the guidelines established in Part 19. In addition, the following factors shall be considered. No variance shall be granted for any use or structure within the Flood Hazard District until:

A. The impact of the proposed activity or structure on the floodplain is offset by stream improvements.

B. The importance of a waterfront location by the proposed use is demonstrated to be essential.

C. The accessibility of the tract to emergency vehicles in times of flooding is ensured.

D. The danger of materials being swept onto lands downstream has been removed.

3. No variance shall be granted for any uses prohibited in §1-1109.3 of this Part.

A. No variance shall be granted for any construction, development or use that would cause any increase in the 100-year flood elevation.

B. The granting of a variance will (1) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety or extraordinary public expense, (2) or create nuisances, cause fraud on or victimize the public, or conflict with other applicable state, or local ordinances and regulations.

C. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the 100-year flood.

4. No variance shall be granted for the construction of a jail, nursing home, nursery school or other institutional facility, hospital, manufactured home park or other use regulated under the Pennsylvania Floodplain Management Act of 1978-166, 32 P.S. §679.101 *et seq.*

5. The Zoning Hearing Board shall notify the applicant in writing that granting a variance to allow an activity or structure in the Flood District may result in increased premium rates for flood insurance, and that such activity or structure increases risk to life and property.

6. The Zoning Hearing Board shall maintain a record of all decisions, and shall report all affirmative decisions to the Federal Emergency Management Agency on an annual basis.

(*Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2006-1, 9/20/2006*)

§1-1112. Performance Criteria for Special Exceptions and Variances.

The Zoning Hearing Board shall attach the following conditions to the granting of a special exception or variance where applicable:

A. Any modification, enlargement, alteration or improvement to an existing residential structure shall be elevated not less than 1½ feet above the 100-year flood at the site. Modifications to nonresidential structures shall be elevated not less than 1½ feet above the 100-year flood elevation or shall conform with the waterproofing requirements set forth in paragraph .L(2) of this Section.

B. Any and all fill materials shall:

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

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

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

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

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

C. *Drainage Facilities.* Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall ensure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess run-

off onto adjacent properties.

D. *Sanitary Sewer Facilities.* All sanitary sewer facilities and private package sewer treatment plants, including all pumping stations and collector systems, shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

E. *Water Facilities.* All water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system and be located and constructed to minimize or eliminate flood damages.

F. *Streets.* The finished elevation of proposed new streets shall be equal to or higher than the 100-year flood elevation.

G. *Utilities.* All utilities, such as gas lines, electrical and telephone systems, being placed in an identified floodplain area should be located, elevated and constructed to minimize the chance of impairment during a flood.

H. *Storage.* All materials that are buoyant, flammable, explosive or in times of flooding could be injurious to human, animal or plant life, shall be stored above the 100-year flood elevation and/or floodproofed to the maximum extent possible.

I. *Buildings and Structures.* 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. All buildings and structures on or adjacent to floodplain areas shall make the following improvements:

(1) Paints or other finishes used at or below the 100-year flood elevation shall be of water resistant quality.

(2) Adhesives used at or below the 100-year flood elevation shall be finished with water-resistant paint or other finishing material.

(3) All wooden components shall be finished with a water-resistant paint or other finishing material.

(4) Electric water heaters, furnaces, air conditioning and ventilating systems, and other electrical equipment or apparatus shall not be located below the 100-year flood elevation.

(5) Electrical distribution panels shall be at least 3 feet above the 100-year flood elevation.

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

J. *Anchoring.* All structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement.

K. *Residential Structures.* Within any Flood Hazard District, the lowest floor (including basement) of any new or substantially improved residential structure shall be at least 1½ feet above the 100-year flood elevation. Enclosed areas below the lowest floor are prohibited.

L. *Nonresidential Structures.*

(1) Within any Flood Hazard District, the lowest floor (including basement) of any new or substantially improved nonresidential structure shall

be at least 1½ feet above the 100-year flood elevations or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height. Enclosed areas below the lowest floor are prohibited.

(2) Any nonresidential structure, or part thereof, having a lowest floor which is not elevated to at least 1½ feet above the 100-year flood elevation shall be floodproofed in a completely or essentially dry manner in accordance with the WI or W2 space classification standards contained in the publication entitled, "Flood-Proofing Regulations," published by the U.S. Army Corps of Engineers (June 1972), or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards. The Engineer shall certify and file with the Township the elevation of the 100-year flood.

M. Manufactured Homes.

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

- (a) Placed on a permanent foundation.
- (b) Elevated so that the lowest floor of the manufactured home is 1.5 feet or more above the elevation of the 100-year flood.
- (c) Anchored to resist flotation, collapse, or lateral movement.

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

N. Uniform Construction Code Coordination.

(1) The standards and specifications contained in 34 Pa.Code, Chapters 401–405, as amended, and not limited to the following provisions shall apply to the above and other Sections and subsections of this Chapter, to the extent that they are more restrictive and/or supplement the requirements of this Chapter.

- (a) International Building Code (IBC) 2003 or latest edition thereof: §§801, 1202, 1403, 1603, 1605, 1612, 3402 and Appendix G.
- (b) International Residential Building Code (IRC) 2003 or latest edition thereof: §§R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

O. Fully enclosed and partially enclosed space below the lowest floor (including basement) is prohibited.

(*Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2006-1, 9/20/2006*)

§1-1113. Administration.

1. In addition to building and use permits that may be otherwise required, a zoning permit shall be required for any man-made change to improved or unimproved real estate in the Flood Hazard District. Application for a zoning permit shall be filed

with the Zoning Officer. A permit will only be issued after it has been determined that the proposed use and/or structure will be in conformance with the provisions of this Part. A zoning permit shall be valid for 1 year from the date of issuance. In no event shall any fees paid to the Township for a zoning permit be refundable. The documentation suggested as part of the zoning permit application shall contain the same information that is required as part of the special exception and variance application.

2. 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 shall be given to all affected adjacent municipalities. Copies of such notifications shall be forwarded to both the Federal Emergency Management Agency and the Department of Community and Economic Development.

3. Prior to the issuance of any building permit, the Permit Officer shall obtain, review and reasonably utilize base flood elevation and floodway data available from Federal, State or other sources to regulate construction in a flood prone area. The Permit Officer shall also review the application for permit to determine if all other necessary governmental permits such as those required by Federal, State, County and municipal laws have been obtained including those required by Act 537, the Pennsylvania Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, the Dam Safety and Encroachment Act, 32 P.S. §692.1 *et seq.*, and the Federal Water Pollution Control Amendments of 1972, §404, 33 U.S.C. §1334. No permit shall be issued until these documents have been made.

(Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2006-1, 9/20/2006)

§1-1114. Specific Definitions.

For the purpose of this Part, the following definitions shall be added:

Accessory use or structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Basement - any area of the building having its floor subgrade below ground level on all sides.

Building - a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

Completely dryspace - a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

Construction - the construction, reconstruction, renovation, repairs, extension, expansion, alteration, or relocation of a building or structure, including the placement of manufactured homes.

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

Essentially dry space - a space which will remain dry during flooding except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

Flood - a temporary inundation of normally dry land areas.

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

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

Floodway the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Chapter, the floodway shall be capable of accommodating a flood of the 100-year magnitude.

Historic structure - any structure that is:

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

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

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

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

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

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

Identified floodplain area - the floodplain area specifically identified in this Chapter as being inundated by the 100-year flood.

Land development - any of the following activities:

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

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

(b) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective

occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums building groups or other features;

(c) A subdivision of land.

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

Manufactured home - a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational, and other similar vehicles placed on a site for more than 180 consecutive days.

Manufactured home park - a parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for nontransient use.

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

New structure - structures for which the start of construction commenced on or after November 12, 1982, and includes any subsequent improvements thereto.

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

Obstruction - any wall, dam, wharf, embankment, levee, dike, pile, abutment projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same downstream to the damage of life or property.

Person - an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

Recreational vehicle - a vehicle which is (1) built on a single chassis; (2) not more than 400 square feet, measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light-duty truck; (4) not

designed for use as a permanent dwelling but as temporary living quarter for recreational, camping, travel or seasonal use.

Regulatory flood elevation - the 100-year flood elevation plus a freeboard safety factor of 1½ feet.

Repetitive loss - flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25% of the market value of the structure.

Structure - anything constructed or erected on the ground or attached to the ground including, but not limited to, buildings, sheds, manufactured homes and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.

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

Substantial Damage - damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% or more of the market value of the structure before the damage occurred.

Substantial Improvement - any reconstruction, rehabilitation, or addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" or "repetitive loss" as defined herein, regardless of the actual repair work performed. The term does not, however, include either:

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

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

Uniform Construction Code (UCC) - the Statewide building code adopted by the Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, the Code adopted the International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the

IRC and the IBC.

(*Ord. 2003-9-1*, 9/4/2003; as amended by *Ord. 2006-1*, 9/20/2006)

Part 12**Steep Slope Conservation District****§1-1201. Purpose.**

The Steep Slope Conservation District has been designed to promote public health, safety and welfare of the Township residents through limiting environmental disturbance on steep slopes. The district is intended to protect and conserve hillsides from excessive development which would cause accelerated erosion and increased runoff, resulting in increased flood hazards downstream. The district attempts to protect natural vegetation so as to maintain a high quality of water in the various streams flowing through the Township.

(Ord. 2003-9-1, 9/4/2003)

§1-1202. Identification of District Boundaries.

1. The Steep Slope Conservation District includes lands bearing slopes of 15% or greater. Slope shall be measured as the amount of vertical distance (rise) which occurs over 100 feet of horizontal distance (run). Slope shall be calculated by field survey and from data on the United States Geological Survey Topographic Maps for the West Grove, Oxford, Bay View and Newark West Quadrangles.

2. The Steep Slope Conservation District is further divided and defined as follows:

A. *Low Intensity Slope District.* This district includes all lands with slope measuring between 15% and 25%.

B. *Conservation Slope District.* This district includes all lands with slope measuring 25% or greater.

(Ord. 2003-9-1, 9/4/2003)

§1-1203. District Overlay.

The Steep Slope Conservation District, based on the delineations cited in §1-1202, shall be deemed an overlay to the otherwise applicable zoning district, as defined by the New London Township Zoning Map. Should the Steep Slope Conservation District be determined as inapplicable to any tract by reason of amendment by the Board of Supervisors, or a court of competent jurisdiction, the underlying zoning provisions shall be deemed applicable and shall be enforced independent of this Part.

(Ord. 2003-9-1, 9/4/2003)

§1-1204. Interpretation of District Boundaries.

To assist in the interpretation of steep slope conservation district boundaries, any application for subdivision or land development shall delineate slopes from 15-25% and slopes 25% and greater, using 2-foot contour intervals. Areas with slope of 25% or

greater shall be identified on the plan through shading or some other means. Initial interpretations shall be made by the Zoning Officer. Appeals shall be made to the Zoning Hearing Board. The burden of proof shall be on the party filing for the hearing.

(Ord. 2003-9-1, 9/4/2003)

§1-1205. Use Regulations.

1. *Low Intensity Slope District.*

A. *Uses by Right.*

(1) Tree farming, forestry and other agricultural uses when conducted according to conservation practices which prevent soil erosion and increased stormwater run-off than occurs prior to the use.

(2) Arboretum, woodland preserve, or conservation and recreation uses including open space associated with cluster development, governed by §1-1314.

(3) Single-family dwelling.

(4) Lot averaging of residential lots, as established in §1-1313.

(5) Private yard area.

B. *Permitted Accessory Uses.*

(1) Customary accessory agricultural uses and buildings.

(2) Customary accessory residential uses and building.

(3) Parking areas to serve recreational areas, using permeable paving.

(4) Stormwater management facilities.

C. *Area and Bulk Requirements.* The provisions of the underlying district shall govern area and bulk requirements except for the following regulations:

(1) Maximum Gross Density 1 dwelling unit per 2 acres

(2) Maximum Lot Coverage 5%

(3) Maximum Paved Area 6%

2. *Conservation Slope District.*

A. *Uses by Right.*

(1) Tree farming, forestry and other agricultural uses, provided such activities do not involve tilling or clear cutting operations, and that such uses conform with conservation practices which prevent soil and erosion and increased stormwater runoff than occurs prior to the use.

(2) Arboretum, woodland preserve, or recreational use, provided the proposed use presents no conflict with the continued function of the land as a watershed.

(3) Open space associated with cluster development provided that no

more than 25% of the open space contains slopes of 25% or greater.

(4) Yard areas of residences, provided all buildings and structures are no less than 50 feet from any conservation slope district.

B. *Uses by Special Exception.*

- (1) Agricultural structures and cultivation.
- (2) Conservation and recreation uses requiring structures.
- (3) Utility easements and rights-of-way.
- (4) Single-family dwelling.
- (5) Enlargement or alteration to an existing dwelling.

C. *Performance Criteria for Special Exceptions and Variances.* In addition to the provisions established in Part 18 for special exception or variance, the following criteria shall be considered by the Zoning Hearing Board for applications which involve the Conservation Slope District:

(1) The applicant shall demonstrate that the proposed use shall not substantially alter the existing grade nor remove more than 5% of the existing vegetation.

(2) The applicant shall demonstrate the importance of steep slope with respect to the proposed use.

(3) The applicant shall demonstrate how emergency vehicles can reach the site.

(4) The applicant shall submit the following information to assist the Board in its evaluation:

(a) A site plan of the property indicating existing grades with contour lines at 2-foot intervals, including proposed final grades.

(b) A cross-section of the property indicating the location of buildings, structures and grading operations, including proposed, final grades.

(c) A landscaping plan which identifies all trees with a diameter exceeding 8 inches, measured 3 feet high, and locates trees and shrubs to be removed and replaced.

(d) Architectural plans, where applicable, including materials and type of foundation to be used to overcome structural problems associated with the slope conditions. The plan shall also include how sewage disposal and water supply will be accommodated.

D. *Area and Bulk Regulations.* The provisions of the underlying district shall govern area and bulk requirements, except for the following regulations:

- (1) Maximum Gross Density 1 dwelling unit per 4 acres
- (2) Maximum Lot Coverage 5%

(3) Maximum Paved Coverage 5%

(Ord. 2003-9-1, 9/4/2003)

§1-1206. Prohibited Uses.

The following uses shall be prohibited in the Steep Slope Conservation District:

- A. Cut and fill operations other than specifically associated with a permitted use or special exception.
- B. Soil, rock or mineral extraction.
- C. Structures other than those specified as a permitted use or special exception.
- D. Sanitary sewers using on-site subsurface disposal fields on slopes of 25% or greater.
- E. Streets, parking lots and other impervious surfaces on slopes of 25% or greater, excluding private driveways associated with an approved residential lot when soil erosion and sedimentation practices have been incorporated.

(Ord. 2003-9-1, 9/4/2003)

§1-1207. Compliance.

All structures and tracts of land shall hereafter be used in full compliance with the provisions of this Chapter. Any land altering activity shall not commence without first obtaining a zoning permit as defined in §1-1908.

(Ord. 2003-9-1, 9/4/2003)

§1-1208. Abrogation and Greater Restrictions.

1. This Part supersedes any other conflicting provisions which may be in effect prior to its adoption. This Part shall not repeal, abrogate or impair any existing easements, covenants or deed restrictions on lands in the steep Slope Conservation District.

2. In the event of conflicting regulations between ordinances, the provisions of this Part shall prevail where this Part imposes greater restrictions.

(Ord. 2003-9-1, 9/4/2003)

§1-1209. Existing Structures and Uses.

Existing structures and uses of land within the Steep Slope Conservation District which do not conform to the provisions of this Part shall comply with the following regulations:

- A. Existing structures located within the Conservation Slope District shall not be enlarged or altered more than 50% of its present lot coverage figure.
- B. Any modification, alteration, enlargement or improvement of any kind to

an existing structure in the Conservation Slope District shall be reviewed by the Township Engineer to insure its environmental and structural soundness.

(Ord. 2003-9-1, 9/4/2003)

§1-1210. Administration.

1. In addition to building and use permits which may be otherwise required, a zoning permit shall be required for any manmade change to improved or unimproved real estate in the Conservation Slope District. Application for a zoning permit shall be filed with the Zoning Officer. A permit will only be issued after it has been determined that the proposed use or structure will be in conformance with the provisions of this Part.

2. A zoning permit shall be valid for 1 year from the date of issuance. In no event shall any fees paid to the Township for a zoning permit be refundable.

(Ord. 2003-9-1, 9/4/2003)

§1-1211. Modifications to District Boundaries.

1. The delineation of the Steep Slope Conservation District boundaries may be modified by the Board of Supervisors should doubt arise as to the proper location. Modifications shall involve a recommendation by the Township Zoning Officer, the Township Planning Commission and the validation of any other agency having regulatory or advisory jurisdiction.

2. In the event an alleged discrepancy in district boundaries is upheld by the Zoning Hearing Board, the tract(s) in question shall not be bound by the regulations in this Part, but to the regulations of the underlying zoning.

(Ord. 2003-9-1, 9/4/2003)

Part 13**Design Standards****§1-1301. Common Regulations.**

The following standards shall apply to uses where required by the regulations of the various zoning districts created by this Chapter.

(Ord. 2003-9-1, 9/4/2003)

§1-1302. Screening.

1. *Applicability.* Vegetative screens and buffers may be required at the discretion of the Board of Supervisors under the following circumstances:

- A. Where a proposed industrial or commercial use abuts an existing residential or agricultural use.
- B. Where an activity has been granted as a conditional use.
- C. Where an activity has been granted as a special exception.
- D. Where a proposed use is incompatible with uses on adjacent tracts either by density or intensity of use.
- E. Where an outdoor storage activity is proposed.

2. *Design.* Vegetative screening shall be designed to:

- A. Include a variety of deciduous and evergreen species which are indigenous to the area, so as to provide a year round buffer.
- B. Include no less than 50% of all plantings incorporated into a vegetative screen as evergreens.
- C. Provide a screen with a minimum depth of 20 feet, having no planting closer than 5 feet to any property line, and no planting located to obstruct motorist visibility at intersections.
- D. Incorporate earthen mounds into the planting scheme to improve sound as well as visual buffering.
- E. Meet with the approval of the Board of Supervisors prior to obtaining a building permit.

3. *Maintenance.* Vegetative screens and buffers shall be continually maintained. The applicant shall be responsible for plantings for a period of 1 year after conveyance. The landowner shall be responsible for maintenance after the 1-year period has expired. All non-surviving plantings shall be replaced within 6 months. Violation of this provision will result in a citation by the Zoning Officer.

(Ord. 2003-9-1, 9/4/2003)

§1-1303. Landscaping.

1. *Applicability.* Any portion of a site which is not used for buildings or other structures, loading or parking spaces and aisles, access roads, sidewalks, and designated storage areas shall be landscaped with an all-season cover according to an overall plan.

2. *Parking Lot Design.* An area not less than 10% of the paved area of a proposed parking area shall be landscaped with trees and shrubs. Planting along the perimeter of a parking lot, whether for required screening or aesthetic purposes, shall be considered as part of the required parking area landscaping.

3. *Shade Tree Requirements.* Any development proposing the creation of a new public road(s) shall provide shade trees along its length. The design of such landscaping shall be as follows:

A. Trees shall be separated by no more than 50 feet, measured parallel to the street, and no more than 100 feet measured diagonally across the proposed street. Trees are not to be located with the Township right-of-way.

B. All trees shall be a minimum of 15 feet in height, from good nursery stock, and of a species indigenous to the area, and having a deep root system.

C. Planting species may be mixed, provided they grow to a height which will provide adequate shade during the summer, along the entire cartway.

4. *Maintenance.* Shade trees shall be continually maintained. The applicant shall be responsible for plantings for a period of 1 year upon dedication of the road(s). All non-surviving trees shall be replaced within 6 months. Violation of this provision will result in a citation by the Zoning Officer. The landowner would be responsible for maintenance after the 1-year period expires.

(Ord. 2003-9-1, 9/4/2003)

§1-1304. Storage.

1. *Applicability.* All activities involving storage for periods in excess of 60 days shall be required to take place within a building or structure. Temporary storage may occur outdoors provided that all storage is completely screened from view from any public right-of-way and any contiguous residential use. Screening shall consist of evergreen plantings, or include an architectural screen. No storage shall be permitted within the front yard of any lot.

2. *Storage of Garbage.* All organic rubbish and garbage shall be contained in tight, vermin-proof containers. The location selected for these containers shall be screened from view from any public right-of-way or any continuous residential use. In multiple family developments, garbage storage shall be centralized to expedite its collection. Storage containers shall be enclosed on three sides by an architectural screen.

3. *Prohibited Uses.* No flammable or explosive liquids, solids or gases shall be stored in bulk above the ground, except for tanks of fuel directly connected to energy or heating devices.

(Ord. 2003-9-1, 9/4/2003)

§1-1305. Vehicular Access and Traffic Controls.

1. *Street Access.* Every building and lot shall have access to a public street or an approved private street. Unless clearly impractical, all residential lots shall have direct access only to a local street. Where lots are created having frontage along existing collector or arterial roads, the proposed street pattern shall provide reverse frontage access to a local street within the development, rather than access onto the collector or arterial road. Front yard setback shall be calculated from the local road.

2. *Double Frontage.* Where a lot is created between two parallel roads, access from both roads shall be prohibited. In such cases, the provisions of subsection .1 shall apply.

3. *Frontage on a Cul-de-sac.* No more than four lots shall front along the turning circle of a cul-de-sac unless clearly impractical, all lot lines shall radiate from the center of the turn around.

4. *Access Intersection Distance.* All access ways from lots to a public street shall locate a minimum distance from an intersection, based on the classification of a road as defined by the Comprehensive Plan:

- | | |
|---------------------------------|----------|
| A. Local Intersecting Local | 50 feet |
| B. Local Intersecting Collector | 75 feet |
| C. Local Intersecting Arterial | 100 feet |

5. *Parking Lot Setback.* Parking lots shall be set back from any public road a minimum of 10 feet. Where practical, access to parking lots shall be provided by a common service driveway or minor street to avoid direct access onto a collector or arterial road. Access driveways should be separated by 100 feet, and set back a minimum of 200 feet from any intersection.

6. *Responsibilities.* The applicant shall be held responsible for the construction of any necessary traffic control devices, including acceleration lanes as required by the Pennsylvania Department of Transportation.

(Ord. 2003-9-1, 9/4/2003)

§1-1306. Interior Circulation.

Interior drives shall be designed so as to prevent blockage of vehicles entering or leaving a site. Separate areas shall be designed for loading, unloading and refuse collection so that these activities will not block or interfere with the use of accessways or parking areas. Internal drives shall be clearly marked by signs, curbing and painting.

(Ord. 2003-9-1, 9/4/2003)

§1-1307. Pedestrian Access.

1. *Parking Lot Access.* Parking lots in excess of 25 spaces shall be required to

provide walkways between parking rows to provide safe pedestrian access.

2. *Sidewalks.* The Board of Supervisors shall determine the need for incorporating sidewalks into the design of a proposed development. The location, type and level of activity being proposed shall be taken into account. Sidewalks shall be considered mandatory under the following situations:

- A. Residential development adjacent to a school.
- B. Multiple family development between common areas, including parking lots and dwellings.
- C. Along all street frontages in the New London Village District, as prescribed in §1-905. [Ord. 2007-02]
- D. Industrial activity in the Limited Industrial District.

3. The sidewalk requirement may be waived by the Board of Supervisors in the event that these provisions are found inappropriate and place undue hardship on the applicant.

(Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2007-02, 1/2/2007, §6)

§1-1308. Lighting.

1. *Purpose.* The purpose of this Section is to require and set minimum standards for outdoor lighting to:

- A. Provide lighting in outdoor public places where public health, safety and welfare are potential concerns.
- B. Protect drivers and pedestrians from the glare of non-vehicular light sources that shine into their eyes and thereby impair safe traverse.
- C. Protect neighbors and the night sky from nuisance glare and stray light from poorly aimed, placed, applied, maintained, or shielded light sources.
- D. Protect and retain the characteristic landscape qualities of the Township.

2. *Applicability.*

A. Outdoor lighting shall be required for safety and personal security for uses that operate during hours of darkness where there is public assembly and traverse including, but not limited to, the following uses: multi-family residential, commercial, industrial, public recreational, and institutional.

B. The Board of Supervisors of New London Township may require that lighting be provided for other uses or locations, as the Board deems necessary.

C. The requirements of this Section for glare control shall apply to lighting in all abovementioned uses as well as, but not limited to, sign, architectural, landscape, and residential lighting.

3. *Definitions.*

Footcandle - a unit of light intensity stated in lumens per square foot and measurable with a luminance meter, which also may be referred to as a footcandle or light meter.

Glare - the sensation produced by lighting that causes an annoyance,

discomfort, or loss in visual performance and visibility to the eye.

Illuminance - the quantity of light measured in footcandles or lux.

Light Trespass - light emitted by a lighting installation, which extends beyond the boundaries of the property on which the installation is sited.

Luminance - the physical and measurable quantity corresponding to the brightness of a surface (e.g., a lamp, luminaire, reflecting material) in a specific area and measurable with a luminance meter.

Lux - a unit of light intensity stated in lumens per square meter. There are approximately 10.7 lux per footcandle.

4. *Illumination Levels.*

Lighting shall provide an illumination level within the following range of values.

Pedestrian Walkways	0.2 - 0.5 Foot candles
Multi-Family Common Areas	0.2 - 0.4 Foot candles
Direct Illuminated Signs	0.6- 0.8-Foot-candles
Recreation/Institutional	1.0 - 1.2 Foot candles
Indirect Illuminated Signs	1.0 - 1.2 Foot candles
Parking Lots - Multi-Family	0.2 - 0.6 Foot candles
Parking Lots - Industrial	1.0 - 1.2 Foot candles
Parking Lots - Commercial	0.2 - 0.9 Foot candles
Street Intersections*	0.2 - 0.4 Foot candles
Building entrances: Commercial, Industrial, Institutional	1.0 - 5.0 Foot candles
Athletic Fields/Stadium	x.x-x.x Foot candles

Note: illumination levels are maintained horizontal footcandles on the task, e.g., pavement or area surface.

5. *Lighting Fixture Design.*

A. Fixtures shall be of a type and design appropriate to the lighting application and aesthetically acceptable to the Township.

B. For lighting horizontal tasks such as roadways, sidewalks, entrances and parking areas, fixtures shall meet IESNA "full-cutoff" criteria (no light output emitted above 90° at any lateral angle around the fixture).

C. The use of floodlighting, spotlighting, wall-mounted fixtures, decorative globes and spheres, and other fixtures not meeting IESNA "full-cutoff" criteria shall be permitted only with the approval of the Township, based upon applicability in retaining the characteristic landscape qualities of the Township and achieving acceptable glare control.

D. Fixtures shall be equipped with, or shall be capable of being modified to incorporate, light directing and/or shielding devices such as shields, visors, skirts, or hoods to redirect offending light distribution and/or reduce direct or reflected glare.

E. For residential applications, omni-directional fixtures, e.g., post top, wall bracket, wallpack, globe, and sphere, shall meet IESNA "full-cutoff" criteria.

F. NEMA-head fixtures including, but not limited to, "barn lights" or "dusk-to-dawn lights," shall not be permitted unless fitted with a reflector to render them full-cutoff.

6. *Control of Nuisance and Disabling Glare.*

A. All outdoor lighting, whether or not required by this Chapter, on private, residential, commercial, industrial, municipal, recreational or institutional property, shall be aimed, located, designed, fitted, and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely travel and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.

B. All outdoor lighting fixtures shall be shielded in such a manner that the edge of the shield shall be level with or below the light source, so that direct light emitted above the horizontal is eliminated. Floodlights and spotlights shall be installed or aimed so that they do not project their output into the windows of neighboring residences, adjacent uses, skyward, or onto a public street.

C. Unless otherwise permitted by the Township, e.g., for safety or security or all-night operations, lighting for commercial, industrial, public recreational, and institutional applications shall be controlled by automatic switching devices such as time clocks or combination motion detectors and photocells to permit extinguishing offending sources between 11 p.m. and dawn, for the purpose of mitigating nuisance glare and sky-lighting consequences.

D. Lighting approved by the Township for use after 11 p.m. or the otherwise normal closing hours for commercial, industrial, institutional, or municipal applications shall be reduced by 75% from the approved hour until dawn, unless supporting a specific purpose and approved by the Township.

E. Stadium or other athletic field lighting shall be permitted only during hours of active practice or competition.

F. All illumination for advertising signs, buildings and/or surrounding landscapes for decorative or advertising purposes is prohibited between 11 p.m. and dawn, except that such lighting situated on the premises of a commercial establishment may remain illuminated while the establishment is actually open for business, and until 1 hour after closing.

G. Flagpole lighting may not exceed 10,000 lumens. Flagpole lighting shall be aimed so as not to extend beyond the object intended to be illuminated, and shall be extinguished between the hours of 11 p.m. and dawn.

H. Vegetative screens shall not be employed as the primary means to control glare. Glare control shall be achieved through such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle, and fixture placement.

I. The intensity of illumination projected onto a residential use or roadway from another property shall not exceed 0.1 vertical footcandles, measured 30 inches above the ground at the property line.

J. Except as specifically approved by the Township, fixtures meeting IESNA "full-cutoff" criteria shall not be mounted in excess of 20 feet above finished grade and fixtures not meeting IESNA "cutoff" criteria shall not be mounted in excess of 16 feet above grade.

K. Fixtures used for architectural lighting, such as facade, fountain, feature, and landscape illumination, shall be aimed so as not to project their output beyond the objects intended to be illuminated, and shall be extinguished between the hours of 11 p.m. and dawn.

L. Canopy lighting associated with the retail sale of automotive fuels shall be accomplished using flat-lens full-cutoff downlighting fixtures, shielded in such a manner that the edge of the fixture shield shall be level with or below the light source envelope.

M. The use of white strobe lighting for tall structures such as smokestacks, chimneys, and radio/communications/television towers is prohibited.

7. Installation.

A. Where required by this Chapter, the applicant shall install or cause to be installed all lighting fixtures. Fixtures shall be at the expense of the applicant, and shall be in accordance with a lighting plan prepared by the applicant and approved by the Board of Supervisors and, where applicable, the appropriate utility company.

B. For new installations, electrical feeds for fixtures mounted on poles shall be run underground, not overhead.

C. Poles supporting lighting fixtures for the illumination of parking areas and located directly behind parking spaces shall be placed a minimum of 5 feet outside the paved area, or on concrete pedestals at least 30 inches high above the pavement, or suitably protected by other approved means.

8. Maintenance.

A. Lighting fixtures and ancillary equipment shall be maintained by the applicant or assigns so as always to meet the requirements of this Part.

B. Street lights, when required by the Township, shall be maintained at the expense of the applicant or assigns.

9. Street Lighting.

A. Where deemed necessary by the Board of Supervisors, street lights shall be installed at intersections of existing public streets with new subdivision/land development streets at the expense of the applicant and subject to the provisions of this Part.

B. Street lights within the interior of subdivisions and land developments shall be installed at the discretion of and at the expense of the applicant and shall be subject to the provisions of this Part.

10. Plan Submission.

A. Where lighting is required by this Part, preliminary and final lighting

plans shall be submitted to the Township for review as part of the subdivision or land development application. Such plans shall include:

- (1) Layout of the proposed fixture locations.
- (2) Isofootcandle plots of individual fixture installations and 10 x 10 illuminance-grid plots for multi-fixture installations, that demonstrate compliance with the intensities and uniformities set forth in this Part.
- (3) Description of the equipment, including fixture catalog cuts, photometrics, glare reduction devices, lamps, control devices, mounting heights, and mounting methods proposed.

B. The lighting plan must demonstrate that there is no conflict between the location of light standards and the location of trees, and that trees will not adversely affect lighting patterns.

C. When deemed necessary by the Board of Supervisors, the applicant shall submit a visual impact plan that demonstrates appropriate steps have been taken to mitigate on-site and offsite glare.

11. *Changes to Approved Plans.* Post-approval alterations to lighting plans or intended substitutions for approved lighting equipment shall be submitted to the Township for review and approval.

12. *Compliance.*

A. The Township reserves the right to conduct a post-installation inspection to verify compliance with the requirements of this Part, and if appropriate, to require remedial action at no expense to the Township.

B. Authority for determination of correct lighting installation shall rest with the Zoning Officer. If the Zoning Officer determines that any lighting installation creates a safety or personal security hazard due to insufficient illumination levels, or produces unacceptable levels of nuisance glare, light pollution, or skyward light, the landowner or other person/entity then responsible for the use, maintenance, and operation of the lighting shall be so notified and required to take remedial action at the expense of the landowner or other responsible person.

C. If the appropriate corrective action has not been effected within 30 days of notification, the Township may take appropriate action as authorized by this Part to address the violation.

13. *Nonconforming Lighting.*

A. Any lighting fixture or lighting installation existing on the effective date of this Part that does not conform with the requirements of this Part shall be considered a lawful nonconformance.

B. A nonconforming lighting fixture or lighting installation shall be made to conform with the requirements of this Part when:

- (1) It is deemed to create a safety hazard.
- (2) It is replaced or relocated.

(Ord. 2003-9-1, 9/4/2003)

§1-1309. Performance Standards.

1. *Applicability.* The standards established in this Section are designed to prevent dangerous or objectionable hazards or conditions which would be adverse to the health, safety and welfare of the residents of New London Township. The standards apply to all uses in all districts in the Township.

2. *Noise Control.* The sound level generated on a premises by an activity shall not exceed the standards established by this Section. The operation of motor vehicles, farm operations, temporary activities involved in the construction or demolition of structures, and emergency alarm signals shall be excluded from this regulation. Sound levels shall be measured at the property lines housing the activity by a sound level meter which conforms to the specifications published by the American Standards Association.

Receiving Lane Use Category	Time	Sound Level Limit (dBA)
Residential/ Industrial	7:00 a.m. - 9:00 p.m. 9:00 p.m. - 7:00 a.m. Plus Sundays & Holidays	5040
Commercial/ Industrial	7:00 a.m. - 9:00 p.m. 9:00 p.m. - 7:00 a.m.	6550
Industrial	At all times	70

For any source which emits a continual sound, the maximum sound level limits shall be reduced by ten decibels (10 dBA). For any source which emits a pulsating sound, repeating no more than once every 15 seconds, the maximum sound level shall not exceed ambient noise levels by more than 10 decibels (10 dBA).

4. *Air Pollution Control.* No use shall be permitted to emit or produce the following:

- A. Obnoxious, toxic or corrosive fumes or gases.
- B. Odors perceptible at the property lines or down wind from the source of any odor, other than produced by farm operations.
- C. Dust or other particulate other than associated during farm operations, construction or demolition activities.
- D. Unfiltered smoke and exhaust emissions.
- E. Specific contaminants shall be regulated by the Pennsylvania Department of Environmental Protection, under Title 25, Pa. Code, Rules and Regulations.

5. *Vibration.* No vibration shall be produced which transmits through the ground and is detectable beyond the property line, without use of measuring instruments.

6. *Heat and Glare.* No direct or sky reflected glare shall be visible from adjacent lots and public streets. There shall be no emission of heat capable of being detected 50

feet from any source.

(Ord. 2003-9-1, 9/4/2003)

§1-1310. Off-Street Loading Regulations.

1. *Applicability.* Any building or structure in commercial or industrial districts which requires the delivery and/or distribution of materials by truck shall be provided with a sufficient number of off-street loading berths.

2. *Location.* All required loading berths shall be located in the side or rear yard area of the use to be served. No portion of a delivery vehicle shall extend into any traffic lane. Loading berths shall be located a minimum of 100 feet from nearest point to residence, from any adjacent residence and no closer than 50 feet from any property line.

3. *Design.* Each loading berth shall be a minimum of 12 feet wide and 45 feet long, with a minimum vertical clearance of 14 feet. Loading berths shall have all-weather surfaces to provide safe and convenient access year round. Pavement shall consist of compacted macadam base no less than 6 inches thick and asphaltic-concrete surfaces no less than 2 inches.

4. *Calculations.* No loading berth shall be used in the calculation of parking space requirements. Required off-street parking spaces cannot substitute for loading berths.

(Ord. 2003-9-1, 9/4/2003)

§1-1311. Residential Off-Street Parking Requirements.

1. *Applicability.* All residential units shall be provided with a minimum of two off-street parking spaces having proper and safe access to a public street.

2. *Substitution.* Single-family dwellings can substitute driveways and garages in the calculation for parking spaces.

3. *Design.* Each parking space shall be at least 9.5 feet by 18 feet in size.

(Ord. 2003-9-1, 9/4/2003)

§1-1312. Off-Street Parking Regulations.

1. *Applicability.* The regulations established under this Section apply to all uses other than residential. Except as otherwise provided under the terms of this Section, off-street parking spaces, with proper and safe access from a public street, shall be provided on the same lot as the use to be served. [Ord. 2007-02]

2. *Parking Lots.* Parking lots, consisting of more than 25 spaces shall be divided by permanent raised curbing and planting strips, which help to define access lanes from parking bays. Such parking lots shall be landscaped in accordance with §1-1303.2.

3. *Design.* There shall be sufficient spaces provided for each use so that there is a minimum of one space per employee, plus additional parking to be provided. The number of additional spaces shall be calculated using the formula listed below. All uses

not specified shall provide a minimum of one space per employee.

Activity or Use	A Minimum of One Parking Space for Each
Driving Range	One Tee
Golf Course	Three Tees
Theater and Churches	Three Seats
Convalescent/Nursing Home	Two Patient Beds
Retirement Community	One Dwelling and Three Patient Beds
Hospital	Two Patient Beds
Eating and Drinking Places	Four Seats
Elementary School	20 Students
All Other Schools	10 Students and 10 Fixed Seats in Auditorium
Gift/Apparel/Hardware Stores	300 Square Feet of Sales Area
Offices/Clinics/Financial Institutions	200 Square Feet of Sales Area
Wholesale Sales/Storage	1,000 Square Feet of Floor Area
Department and Variety Store	200 Square Feet of Sales Area
Food Stores and Pharmacies	100 Square Feet of Sales Area
Gasoline Service Station	Two Pumps of Service
Personal Service Establishment	100 Square Feet of Service Area
Industry	200 Square Feet of Gross Floor Area
All Other Uses	500 Square Feet of Floor Area

4. *On-Street Parking.* No on-street parking shall be permitted on any public street or within its right-of-way during snow storms so as to facilitate snow removal.

5. *Off-Site Parking* The parking spaces required by this Section may be located elsewhere than on the same lot, subject to compliance with the following requirements:

A. The owners of two or more establishments shall submit with their application for off-site parking a site plan showing use, location, and number of spaces available at the off-site parking area.

B. Some portion of the off-site parking area shall lie within 500 feet of an

entrance, regularly used by patrons, into all buildings served thereby.

C. The applicant for the proposed use shall submit an agreement or contract demonstrating terms of use, duration of the agreement to use the second property for parking, and maintenance responsibilities. The contract shall have an initial term of not less than 5 years, and shall be subject to approval by the Township Solicitor.

[Ord. 2007-02]

(Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2007-02, 1/2/2007, §9)

§1-1313. Residential Lot Average Design Option.

1. *Applicability.* The residential lot averaging option shall be available on qualifying properties in the R-1 District, in accordance with the terms of Part 4 and the standards of this Section.

2. *Intent.* The residential lot averaging option is designed to provide flexibility in lot design in order to:

A. Permit a more attractive management of dwelling units and lots.

B. Protect sensitive environmental, visual, and cultural features, particularly those primary conservation areas and secondary conservation areas, as defined by this Part, that may be located on the site.

C. Allow land to be developed more efficiently and economically than possible under conventional lot development.

3. *Area and Bulk Regulations.*

A. The maximum number of dwelling units permitted on a tract to be developed under the residential lot averaging option in the R-1 District shall be determined as follows:

(1) Where dwellings will be supplied with individual on-site water service and individual on-site sewer service, multiply the tract area by 0.5.

(2) Where dwellings will be supplied with off-site water service and individual on-site sewer service, multiply the tract area by 0.55.

B. Minimum lot and yard requirements shall be as follows:

- | | |
|---|--------------|
| (1) Lot area: | 1 acre |
| (2) Lot width at building setback line: | 120 feet |
| (3) Lot width at street line: | 50 feet |
| (4) Front yard: | 40 feet |
| (5) Side yards: | 25 feet each |
| (6) Rear yard: | 50 feet |
| (7) Accessory structure setback: | 10 feet |

C. Maximum impervious surface coverage shall be 15% of the lot area

4. *Design.* The site shall be suitable for development in the manner proposed without hazards to persons or property. Overall site design, lot layout, and house sitting shall provide maximum protection for primary conservation areas, as defined in this Chapter, and shall incorporate the protection of secondary conservation areas to the maximum extent feasible.

5. *Effect of Approval.* Upon receiving approval for a lot averaging design, no revision to the resulting lots shall occur without resubmitting the plan for review. No additional stages or phases of a project shall use the calculations of a previously approved lot average design unless part of an overall plan.

6. *Further Subdivisions.* No lot of such size as to be capable of further subdivision or of development shall be included in determining the average lot area calculation unless such lot is permanently restricted against any such further subdivision or development by conservation easement or deed restriction. Such restriction must be approved by the Township Solicitor and duly recorded in the County Recorder of Deeds office.

(Ord. 2003-9-1, 9/4/2003)

§1-1314. [Reserved].

(Ord. 2003-9-1, 9/4/2003; as amended by Ord. 03-9-01, 9/24/2003; by Ord. 2004-03, 11/18/2004, §§VI, VII; by Ord. 2007-5, 3/21/2007, §2; and by Ord. 2008-2, 7/16/2008, §7)

§1-1315. Leg Lots.

1. In general residential lots shall front on an existing or proposed municipal street. Where it is absolutely necessary, for the proper utilization of tracts of land that exist prior to June 6, 1988, to create lots without direct frontage on a street, such interior lots shall have an access with a minimum width of 50 feet. Two leg lots are

permitted in major subdivisions. Two leg lots are permitted in a minor subdivision only as a conditional use.

2. It should be noted that it is the intent of this Chapter that leg lots shall be permitted only in the subdivision of tracts of land that existed prior to June 6, 1988. Leg lots shall not be permitted in tracts of land that are created for the purposes of further subdivision utilizing leg lots.

(Ord. 2003-9-1, 9/4/2003)

§1-1316. Single Access Residential Developments as a Conditional Use.

1. *Applicability.* Single access residential developments as a conditional use shall apply to single access residential developments not conforming to design specifications set forth in §2-504 of the New London Township Subdivision and Land Development Ordinance, "Cul-de-sac Streets," under specified zoning districts.

2. *Intent.* Approval of single access residential developments as a conditional use is intended to provide flexibility in lot design for parcels requiring a more intensive review in order to:

- A. Provide for an acceptable margin of safety for ingress and egress.
- B. Provide for development of irregularly shaped parcels having limited access to a public street.
- C. Protect critical environmental areas including wetlands, steep slopes and woodlands.

3. *Eligibility.* To be eligible for a single access residential development as a conditional use, a tract must be located within a zoning district that includes single access residential developments as a conditional use.

4. *Design Standards.* The following design standards shall apply to any single access residential development approved as a conditional use:

A. The maximum number of residential lots using a single access shall not be greater than 24 lots. However, the Board of Supervisors may increase the number of lots by up to 25%, for a total of 30 lots, if in the opinion of the Board the proposed subdivision configuration and design warrants the increase.

B. All single access streets shall be provided with either or both of the following provisions for turning around:

(1) *Cul-de-sac.* A paved turnaround having a minimum diameter to the outer pavement edge of 80 feet at the closed end. The right-of-way shall have a minimum diameter of 100 feet within the turnaround. In the event the proposed cul-de-sac is greater than 1,000 feet in length, a paved turnaround shall be provided no more than 1,000 feet from the centerline of an existing or proposed through street or previous turnaround.

(2) A continuous looped paved street with an interior intersection designed in accordance with §2-508 of the Subdivision and Land Development Ordinance of New London Township. Said intersection shall be no more than

1,000 feet from the intersection with the centerline of an existing through street.

C. To accommodate for future expansion, the Board may require a stub right-of-way to the adjacent the tract boundary with sufficient additional right-of-way width provided along the boundary line to permit extension of the street at full width.

D. Fifty foot turning radii shall be required at the intersection of all single access residential streets with collector roads.

E. Acceleration and/or deceleration lanes may be required at the intersection of all single access residential streets with-existing streets.

F. Single access residential developments must comply with this Section of this Chapter even if future additional access to adjoining parcels is planned.

(Ord. 2003-9-1, 9/4/2003)

§1-1317. Village Extension Overlay District.

1. *Applicability and Effect of Overlay.* Village extension development shall be available on properties shown on the New London Township Zoning Map as eligible for the Village Extension Overlay District, when in compliance with the terms of this Section. Properties so designated shall be developed only in accordance with the terms of this Section, which shall supercede the provisions of the base zoning district.

2. *Purpose.* The Village Extension Overlay District is intended primarily to enhance and build upon the pattern of residential development within New London Village and to help establish appropriate transition between the village and the surrounding residential districts and agricultural and other uses. As an alternative to the underlying zoning district provisions, Village Extension Development, including design standards, densities, and dwelling types, is a use permitted by right in accordance with the terms of this Section; uses permitted by right, special exception, or conditional use in the underlying base district are permitted only by conditional use on properties covered by the Village Extension Overlay District. In making such provisions, the Board finds that Village Extension Development can effectively extend the village-scale pattern of development, can be properly served by off-site sewage and off-site water supply systems that are consistent with overall Township plans for such facilities, and can present effective open space buffering for the remainder of the underlying district.

3. *General Standards and Criteria for Village Extension Development.* In addition to complying with all other applicable requirements of this Section, any application for approval as a village extension development must satisfy the following standards and criteria:

A. The tract to be developed shall be in one ownership or, if in multiple ownerships, shall be developed according to a single plan with common authority and common responsibility.

B. The applicant shall demonstrate the availability of, and the tract shall be served by, off-site water supply and of site sewage systems that are consistent with

Township plans for such facilities. The only alternative to these requirements shall be as provided in §1-905.J of this Chapter.

C. The proposed design of the development shall represent optimal consistency with the existing and proposed village pattern of development within the NLV District. Measures of consistency, documented by the applicant as part of a subdivision or land development application, may include the degree to which:

(1) The existing pattern of village development will be extended on the proposed tract (taking account, as appropriate, of topographical or other natural constraints).

(2) The proposed development is practically integrated into the broader village development pattern and relates to uses within the NLV District.

(3) Some or all of the open space created on the tract serves to protect important views from the existing village, facilitates pedestrian circulation between the tract and the village, affords other recreational opportunities, and/or is situated in locations furthest from the NLV District so as to provide an effective transition to other lands in the R-2 District.

(4) Pedestrian and bicycle connections are practical and, unless clearly infeasible, will be provided between the proposed tract and the existing village development and to community park land and/or existing trail networks.

4. *Use Regulations.*

A. Any one of the following uses is permitted by right in this overlay district:

(1) Any one of the following residential uses, when designed and developed as a village extension development in accordance with the terms of subsection .5:

(a) Single-family detached dwellings.

(b) Two-family dwellings, detached and attached.

(c) Multi-family dwellings.

(2) Customary accessory residential uses and buildings.

(3) Common open space.

B. *Conditional Uses.* Any use permitted by right, conditional use, or special exception in the underlying base zoning district, when developed conventionally in accordance with the applicable area and bulk requirements, design standards, and other applicable standards of that district, the terms of subsections .6.C and .8 of this Section, and the terms of §1-2013 of this Chapter.

5. *Area and Bulk Requirements.*

A. The following area and bulk regulations shall apply to the uses permitted in the Village Extension Overlay District:

(1) *Single-Family Detached Dwellings.*

- a) Minimum lot area - 6,000 square feet
- b) Maximum lot area - 20,000 square feet unless a larger area is approved as a conditional use by the Board of Supervisors, as authorized by §1-902.3.F
- c) Minimum lot width at street line - 60 feet
- d) Minimum front yard setback - 5 feet, except where this dimension is superceded by the establishment of a build-to-line under the terms of §1-905.1
- e) Minimum distance between principal buildings - 15 feet
- f) Minimum rear yard - 20 feet, 15 feet in cluster developments where the lot backs up to open space
- g) Maximum lot coverage - 70%

[Ord. 2007-5]

B. The following additional standards shall apply to a village extension development:

(1) Maximum gross density:

- (a) R-2 base zoning district: 2.0 dwelling units per acre

[Ord. 2004-03]

(2) Minimum protected open space:

- (a) R-2 base zoning district: 40% of the tract area

[Ord. 2004-03]

(3) There shall be no requirement for a maximum tract or lot area.

6. *Design Standards.*

A. The design standards contained in §1-905 of this Chapter shall be applicable to a village extension development.

B. The applicant proposing a village extension development must demonstrate that the design of the site will be consistent with the purpose statement contained in subsection .2 and the general standards and criteria contained in subsection .3 of this Section.

C. Design standards for any use permitted as a conditional use shall be the applicable standards for such use in the base zoning district. Design of the tract or lot shall reflect and be consistent with any conclusions reached during discussion of the applicant's generalized site plan, as stipulated in subsection .8.

7. *Protected Open Space.* [Ord. 2004-03]

A. The standards for protected open space contained in §1-1314 of this Part shall apply to any village extension development. [Ord. 2004-03]

B. A pathway and trail network suitable for pedestrians and bicyclists, both within the tract and as connectors to New London Village and any existing or potential Township park land or trail system, shall be provided as part of any residential use in the overlay district. The pathway and trail network also shall be designed to permit appropriate connections to any sidewalk system on the property.

8. *Conditional Use Review Procedures and Application Requirements.*

A. Any application for conditional use approval in the Village Extension Overlay District shall be evaluated and decided upon by the Board of Supervisors in relation to the requirements of this Section and the standards and procedures set forth in §1-2013.

B. The content of any application for conditional use approval authorized by this Section shall be as prescribed in §1-2013.

C. Prior to formal submission of an application for conditional use approval, the applicant shall prepare a generalized site plan, as prescribed in §1-2013.2, and shall review the plan with the Planning Commission.

D. The applicant shall demonstrate proposed steps to prevent traffic congestion and hazards that could result from development of the tract as proposed. The applicant shall submit a traffic impact study, prepared in accordance with the following minimum guidelines:

(1) Traffic impact on all roadways and intersections within a study area covering a ½ mile radius of the site.

(2) Traffic volumes for average daily traffic at peak highway hour(s) and peak development-generated hours for all roadways in the study area.

(3) Documentation of the sources of trip generation rates used.

(4) Documentation of any on-site or off site improvements proposed by the applicant to mitigate any projected adverse impacts.

E. The applicant shall submit an inventory and analysis of the site's natural features in accordance with the terms of §2-403.D. of the Township Subdivision and Land Development Ordinance [Chapter 2]. The site plan must demonstrate its compatibility with and responsiveness to the natural features inventory. The Board shall evaluate the relationship of the site plan to the inventory and may, as it deems necessary, impose reasonable conditions and safeguards.

F. In reviewing an application, the Board shall apply the standards for special exceptions contained in §1-1908 of this Chapter. In addition, the applicant shall demonstrate how the proposed use and design of the site supports the purpose statement in subsection .2 and how it is compatible with the planning relationships articulated by the Township for the New London Village and Village Extension Overlay Districts.

G. As part, of the Township's review process, the Board may seek comments on any, conditional use application, or selected portions thereof, from the Township Engineer, Township Solicitor or other professionals. The cost of any such review

shall be borne by the applicant.

(*Ord. 2003-9-1*, 9/4/2003; as amended by *Ord. 2004-03*, 11/18/2004, §V; and by *Ord. 2007-5*, 3/21/2007, §1)

§1-1318. Elder Cottage Housing Units as a Conditional Use.

1. *Applicability.*

A. Elder cottage housing units (ECH unit) shall be permitted in all residential districts as a conditional use.

B. The minimum lot size required to install an ECH unit is 2 acres.

C. To be eligible for an ECH unit, the installation of the unit must conform to all legitimate deed restrictions.

D. Conditional uses granting ECH units shall not be transferable, however, the property will be eligible for re-application.

2. *General Requirements of ECH Unit.*

A. At least one of the proposed occupants of the elder cottage housing unit (ECH unit) shall be related (by blood, marriage, adoption or legal guardianship) to the owner or one of the owners of the lot where the ECH unit is to be situated.

B. At least one occupant of the ECH unit shall be at least 62 years of age.

C. There shall be no more than two occupants of the ECH unit. In no event shall a nurse/caregiver be deemed to be an occupant of the ECH unit when that said nurse/caregiver is providing medically necessary nursing care for the occupant or one of the occupants of the ECH unit.

D. The owner or at least one of the owners of the lot shall live either in the principal dwelling unit or ECH unit on a permanent basis.

E. The right to utilize the ECH unit shall terminate upon any one of the following events: (1) the death of the qualifying occupants of the ECH unit; (2) the date of the conveyance or other transfer of the lot by the owner or owners; (3) the failure to comply with any of the requirements specified herein; or (4) the failure to comply with any of the conditions imposed by the Board of Supervisors.

F. Upon termination under either subsections .2.E(1) or .2.E(2), the owner or owners shall give written notice of such event to the Zoning Officer within 10 days of the date thereof. The ECH unit, as well as any breezeways, attachments, and connections thereto shall be removed from the lot within 120 days of said date of termination. Alternatively, the ECH unit may be converted to another legal use such as an accessory structure.

G. The date of termination under subsections .2.E(3) or .2.E(4) shall be the date of receipt of written notice of said failure to comply. The owner or owners of the lot shall have 30 days from said date to cure all violations specified in said written notice. In the event that compliance is not accomplished within said 30 day period, then the ECH unit, as well as any breezeways, attachments and connections thereto shall be removed from the lot within 120 days of the date of

termination. Alternatively, the ECH unit may be converted to another legal use such as an accessory building.

H. One off-street parking space shall be provided for each motor vehicle owned by the proposed occupant or occupants, which parking spaces shall meet all requirements of this Chapter.

3. *Location, Size, Height and Area Requirements.*

A. The ECH unit shall have a minimum floor area of 200 square feet and a maximum floor area of 800 square feet.

B. The ECH unit shall not exceed 16 feet in height measured from the bottom of the main floor to highest point of the roof.

C. The ECH unit shall not be permanently attached to the existing dwelling unit nor shall the ECH Unit be located more than 50 feet from the existing dwelling unit.

D. The ECH unit shall be self-contained (i.e., bathroom, kitchen, etc.) for independent living.

E. The ECH unit shall be located in the rear of the lot unless the Board of Supervisors determines that it would be impractical to so locate the ECH unit due to sewage drainfields or surface water drainage, in which event the ECH unit may be located in the side yard. The ECH unit when located in the rear of the lot shall comply, with all side yard, rear yard and lot coverage requirements of the zoning district wherein the lot is located. The ECH unit, when located in the side yard, shall comply with all front yard, side yard, rear yard and lot coverage requirements of the zoning district wherein the lot is located.

4. *Design Requirements.*

A. The ECH unit shall be constructed of materials that allow for the removal of the unit upon an event of termination such that the lot can be restored to its original condition prior to removal.

B. No permanent walls, fences or other similar structures shall be installed connecting the ECH unit to the principal residence. The ECH unit may be temporarily connected to the existing dwelling unit by the construction of a breezeway subject to the approval of the Board of Supervisors.

C. The exterior of the ECH unit shall be compatible with the architecture of the existing dwelling unit as determined by the Board of Supervisors.

D. The ECH unit shall be designed in such a manner so that the existing sewer and water service may be utilized for servicing the ECH unit without providing additional sewer or water facilities. All such designs shall be subject to the approval of the Chester County Sewage Enforcement Officer.

5. *Additional Regulations.* In addition to the requirements for an ECH unit identified above, the following additional regulations shall apply and, at the discretion of the Board of Supervisors, be used to determine the appropriateness of the ECH unit:

A. The compatibility of the use, structure or development with the purpose and intent of the applicable zoning district and with the Comprehensive Plan of the Township.

B. The suitability of the site for the use, structure or development.

C. The compatibility of the use, structure or development with the existing adjacent properties, with the community as a whole, and with the anticipated development in the foreseeable future.

D. The effect the use, structure or development will have on existing streets, transportation patterns, public services and public facilities, and the logical and economical extension of such streets, services and facilities.

E. The compatibility of the site for on-lot sewer and water facilities.

F. The importance of the use, structure or development and the availability of alternate locations.

G. The Board of Supervisors may require screening, if deemed necessary, to provide privacy for neighboring residences.

6. *Application Procedures.* In addition, to all other requirements of this Chapter,

all property owners who desire to install an ECH unit on a lot shall submit a written application to the Board of Supervisors, which shall contain the following information:

- A. The names and addresses of all owners of the lot.
- B. The names and addresses of the proposed occupants of the ECH unit as well as a statement of their relationship to the owners of the lot.
- C. A plan of the lot showing the dimensions and location of all existing structures on the lot as well as all paved areas and square footage of the existing dwelling unit.
- D. A floor plan for the ECH unit as well as a drawing depicting where the same shall be located on the lot.
- E. An architectural drawing (photos or renderings acceptable) showing the design and landscaping of the ECH unit in conjunction with existing dwelling unit.
- F. A brief description of the water and sewer systems to be utilized for the purpose of serving the ECH unit.
- G. A copy of all applicable deed restrictions that may impact the decision of the Board of Supervisors to authorize the installation of the ECH unit.
- H. The decision of the Board of Supervisors granting approval shall specifically prescribe all of the conditions applicable to the ECH unit, including those herein enumerated, and shall be acknowledged in writing by the applicant before a permit is issued.

(Ord. 2003-9-1, 9/4/2003)

§1-1319. Communications Antennas, Towers and Equipment.

New communications antennas, towers and equipment shall be permitted by conditional use in all Township zoning districts, except that this use shall be permitted as a use by right on municipally owned parcels of land. This conditional use shall be subject to the requirements set forth herein and §1-2013 of this Chapter and any additional requirements established in the following Sections:

- A. *Purpose.* The purpose of this Part is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of this Part are to:
 - (1) Encourage the location of towers in non-residential areas, where possible.
 - (2) Minimize the total number of towers throughout the community.
 - (3) Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers.
 - (4) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community and environment is minimal.
 - (5) Encourage users of towers and antennas to configure them in a way

that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening and innovative camouflaging techniques.

(6) Enhance the ability of providers of telecommunications services to provide such services to the community quickly, effectively and efficiently.

(7) Protect the public health and safety of inhabitants of the community.

(8) Promote the safety of communications towers.

(9) Avoid potential damage to adjacent properties from structural failure of the tower through engineering and careful siting of tower structures.

(10) Permit and manage reasonable access to the public ways for telecommunications purposes on a competitively neutral basis.

(11) Encourage the adaptive reuse of historic structures.

(12) Create public services for New London Township.

B. *Definitions.*

Alternative Tower Structure - man-made trees, clock towers, bell steeples, light poles, flagpoles, silos, transmission towers and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

AM Array - one or more tower units and supporting ground system which functions as one AM broadcasting antenna. For the purposes of implementing this Chapter an AM array shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

Antenna - see "communications antenna."

Backhaul Network - the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switches telephone network.

Communications Antenna - any transmitting or receiving device, including omnidirectional or whip antenna, directional or panel antenna, and microwave dish antennae, and including the accessory equipment cabinet necessary to operate the antenna, mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communications signals.

Communications Facility - any communications antenna or communications tower, as defined herein, which is operated by any agency or corporation, including a public utility regulated by the Public Utility Commission (PUC) or any agency or franchisee of New London Township,

or any police, fire, emergency medical or emergency management agency, but not including satellite dish antennae, defined as parabolic dishes designed for "receive-only" viewing of satellite programs for private viewing, or radio and TV antenna, defined as freestanding or building-mounted antennae located on residential property designed to enhance radio or television reception for the residents of the dwelling.

Communications Tower - any structure, whether freestanding or attached to a building, designed to support one or more communications antennae including, but not limited to, self-supporting lattice towers, monopole towers, and guyed towers, or one or more of the following mounts for antennae: rotatable platform, fixed platform, multi-point, side arm and pipe mounts for microwave dishes. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

EIA - Electronics Industry Association.

Height of Communications Tower - the vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

Structure - any form or arrangement of building materials, involving the necessity of providing proper support, bracing, tying, anchoring or other protection against the forces of the elements. The term "structure" shall include buildings, sheds, garages, communications towers and the like.

Tower - see "communications tower."

C. *Conditional Use Requirements.* A conditional use may be granted for the installation of a new communications facility provided an applicant can satisfactorily satisfy all of the following requirements:

(1) The location of the tower and equipment building shall comply with all natural resource protection standards of this Chapter and the Subdivision and Land Development Ordinance [Chapter 2].

(2) An antenna may not be located on a building or structure that is listed on a historic register, or is in a historic district unless it is determined by the Board of Supervisors that such a location would help insure the structural and financial integrity of the historic resource.

(3) The principal existing use on the property may be any permitted use in the district or any lawful nonconforming use, and need not be affiliated with the communications provider.

(4) The communications facility shall be fully automated and unattended on a daily basis, and shall be visited only for inspection and periodic maintenance.

(5) The minimum lot area, as described as a fee-simple lot or as defined

by an easement, shall be the area for a telecommunications facility and shall be such area needed to accommodate the tower, the equipment building, security fence, required setbacks and buffer planting. If the communications facility is to be established on a property with an existing use, the remaining land associated with the primary use after deduction of the lot area required for the telecommunications facility must meet the minimum lot area for the zoning district in which the property is located.

(6) Availability of suitable existing towers, other structures, or alternative technology.

(a) No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Board of Supervisors of New London Township that no existing tower, building, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. Each applicant for an antenna and/or tower shall provide to New London Township an inventory of existing towers, antennae, or sites approved for towers or antennae, or other structures which include but are not limited to smoke stacks, water towers, tall buildings, farm silos or other tall structures on which a communications antenna could be installed, that are either within the jurisdiction of New London Township or within 1 mile of the border thereof, including specific information about the location, height, and design of each tower.

(b) Evidence to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

1) No existing towers, buildings or structures are located within the geographic area that can physically and legally accommodate the addition of an antenna which will meet the minimal technical standards as required to satisfy its function in the applicant's grid system.

2) The applicant's proposed antenna would cause electromagnetic or RF (Radio Frequency) interference with the antenna on the existing towers, buildings or structures, or the antenna on the existing towers, buildings or structures would cause interference with the applicant's proposed antenna, and the interference cannot be prevented.

3) Addition of the proposed equipment would result in NIER (Non-Ionizing Electromagnetic Radiation) levels that exceed adopted Federal or State emissions standards.

4) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

5) The applicant demonstrates that an alternate technology that does not require the use of towers or structures, such as cable microcell network, using multiple low-powered transmitters/receivers

attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

(7) In order to reduce the number of towers in New London Township in the future, the proposed tower, if required by the Township, shall be designed to accommodate future other communications users including, but not limited to, commercial wireless communications companies, local police, fire and ambulance companies.

(8) Proof shall be provided that the proposed communications facility complies with safety standards and electromagnetic field limits established by the Federal Communications Commission (FCC). In the event that more stringent standards are imposed by the FCC at a later date, those standards shall apply.

(9) Owners and/or operators of towers or antennae shall certify that all licenses or franchises required by law for the construction and/or operation of a wireless communications system in New London Township have been obtained and shall file a copy of all required licenses with the Township.

(10) The application shall demonstrate that it is licensed by the Federal Communications Commission (FCC) to operate a communications facility.

(11) Proof shall be provided that the communications facility has been reviewed, and has not been determined to be a hazard by the Federal Aviation Administration (F.A.A.). The communications tower shall meet all F.A.A. regulations and any airport zoning regulations.

(12) At any time during the calendar year that an amendment(s) to the license(s) are issued, copies of the amended licenses shall be submitted to New London Township within 30 days of issuance.

(13) The applicant shall submit expert testimony that the tower or an antenna addition to an existing tower or structure, and its method of installation, has been designed by a civil or structural engineer registered in the Commonwealth of Pennsylvania and is certified by that engineer to be structurally sound and able to withstand wind gusts of at least 125 miles per hour and other loads, and to prevent toppling of any structure onto other adjoining properties and/or roads, and wind-borne scattering of ice onto adjoining properties and/or roads in accordance with applicable building codes.

(14) Towers shall be designed and constructed to all applicable standards of the American National Standards Institute, ANSI/EIA-222 E manual, as amended from time to time.

(15) The owner of any communications tower shall be required to conduct periodic inspections of the tower to ensure structural integrity. Inspection reports shall be filed with New London Township.

(16) Towers shall not be artificially lighted, unless required by the Federal Aviation Administration (FAA) or other applicable authority. If

lighting is required it shall be shielded and reflected away from adjoining properties and the lighting alternative and design chosen must, to the extent possible, cause the least disturbance to the surrounding views.

D. *Standards and Criteria.* If a new communications facility is proposed the following minimum standards and criteria apply:

(1) The applicant shall prove that the tower is the minimum height necessary to meet the service needs. However, the Board of Supervisors of New London Township may allow additional height if the goals of this Chapter would be better served thereby. However, in no event shall a tower or antenna exceed 200 feet in height from ground level.

(2) A cellular communications facility with antenna that is attached to an existing 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 20 feet.

(3) For all towers, antennas or other structures used for a communications facility proposed to be constructed (as opposed to mounting the antenna on an existing tall structure), the minimum distance between the base of any structure (excluding any guy wire anchors) and any property line shall be the largest of the following:

- (a) 100% of the height of the tower.
- (b) The minimum setback in the underlying zoning district.
- (c) 100 feet.

(4) Towers and antennas shall meet the following requirements:

(a) Communications towers shall, to the extent possible, be finished so as to reduce the visual impact. Support structures may be painted green up to the height of nearby trees, then painted a neutral blue or gray color, or subject to any applicable standards of the F.A.A..

(b) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.

(c) If an antenna is installed on a structure or a tower, the antenna and supporting electrical and mechanical equipment must be of neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(5) The height of any associated equipment building shall be limited to the maximum building height permitted for the applicable zoning district.

(6) The vehicular access to the communications facility shall be provided, whenever feasible, along the circulation driveways of the existing use, if applicable.

(7) *Separation.* The following separation requirements shall apply to all towers and antennas for which a conditional use is required; provided, however, that Board of Supervisors of New London Township may reduce the standard separation requirements if the goals of this Section would be better served thereby:

(a) Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided.

Table 1

Residential uses or residentially zoned land	400 feet or 200% of height of tower, whichever is greater
Non-residentially zoned lands	None only setbacks apply

(8) All free-standing communications facilities shall be enclosed by an 8 foot high fence.

(9) No signs shall be allowed on an antenna or tower, except as required by law.

(10) The following landscaping shall be required to screen as much as possible of the support structure of a free-standing communications facility, the fence surrounding the support structure, and any other ground level features including, but not limited to, a building:

(a) A vegetative screen shall be required to surround the site. The screen can be either trees and/or shrubs of suitable, non-invasive species for this region. The screen plants shall be at least 60% evergreen trees and at least 20% deciduous trees. Shrubs shall be added for interest and color. A minimum of five species will be required to protect the Township from the risk of monocultural planting.

(b) All existing vegetation on and around the site shall be preserved to the greatest extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be considered a sufficient buffer by the Board of Supervisors of New London Township.

(c) Additional plantings may be required by the Board of Supervisors if such plantings would serve to mitigate the visual impacts of the proposed antenna or tower from important Township structures or locations as determined by elevation studies as defined below.

(d) The minimum width of the planted buffer strip shall be 10 feet. An informal, naturalistic planting arrangement is recommended by the Township.

(e) The use of irregular earthen berms in conjunction with the required screen planting is encouraged.

(f) The minimum height of evergreen trees shall be 6 feet in height at planting to a minimum of 15 feet at maturity. The minimum size of deciduous trees shall be 2½ inches in caliper at the time of planting to a minimum of 20 feet at maturity. The minimum size of shrubs shall be 3 feet in height at the time of planting to a minimum of 6 feet in height at maturity.

(g) Plant spacing shall be determined by the species selected and at the approval the Township. The intent of this Section is to provide an opaque vegetative screen within 5 years of plant installation.

(h) A landscape plan showing plant locations, botanical and common names, planting sizes shall accompany any submission for installation of a communications facility. The plan shall be prepared and certified by a landscape architect registered in the Commonwealth of Pennsylvania.

(i) All proposed plant material must meet or exceed the American Standard for Nursery Stock, of the American Association of Nurserymen, latest edition.

(j) All plant material shall be guaranteed for 2 years. Any plant which is dead or in decline shall be replaced. Screen planting shall be maintained permanently by the owner or lessee of the property.

(11) All other lighting, parking and general design standards under the provisions of this Section shall be applied in the zoning district in which the proposed use will be located.

E. Additional Requirements.

(1) In addition to any information required for applications for a conditional use pursuant to §1-2013 of this Chapter, applicants for a new tower shall submit the following information:

(a) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), separation distances as set forth above, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, landscaping and other information deemed by New London Township to be necessary to assess compliance with this Section.

(b) Legal description of the parent tract and leased parcel (if applicable).

(c) Setback distance between the proposed tower and the nearest residential unit and residentially zoned properties.

(d) Separation distance from other towers as described above. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.

(e) Method of fencing and finished color and, if applicable, the

method of camouflage and illumination.

(f) An elevation diagram showing sight lines to the proposed tower from an important Township structure or location including, but not limited to, schools, places of worship, historic structures, residential areas, and recreation areas.

(g) A description of compliance with all applicable Federal, State or local laws.

(h) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennae for future users.

(i) Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned and operated by the applicant in the municipality.

(j) A description of the feasible location(s) of future towers or antennae within New London Township based upon existing physical, engineering, technological, or geographical limitations in the event the proposed tower is erected.

(2) In addition to any information required for applications for a building permit pursuant to §1-2007 of this Chapter, applicants for an additional antenna to be co-located on an existing communications structure shall submit the following information to the Planning Commission or Township Zoning Officer as described in Table 2 below:

Table 2

Placement of Proposed Antenna/Tower	Township Review Procedure
Additional antenna on existing tower/alternative tower structure	1. Building Permit Procedure
Additional tower on a site with an existing tower/alternative tower structure	1. Land Development Procedure 2. Building Permit Procedure
New tower on a new site	1. Conditional Use Procedure 2. Land Development Procedure 3. Building Permit Procedure Note: The conditional use and land development procedures can occur concurrently. However, land development approval will be contingent upon conditional use approval.

(a) A scaled site plan clearly indicating the location, type and height of the existing tower with proposed additions and alterations, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), separation distances as set forth above, adjacent

roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, landscaping and other information deemed by New London Township to be necessary to assess compliance with this Section.

(b) Legal description of the parent tract and leased parcel (if applicable).

(c) Setback distance between the proposed tower and the nearest residential unit and residentially zoned properties.

(d) Separation distance from other towers as described above. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.

(e) Method of fencing and finished color and, if applicable, the method of camouflage and illumination.

(f) A description of compliance with all applicable Federal, State or local laws.

(g) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennae for future users.

(h) Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the Township.

F. *Facilities.* The facilities that are erected to maintain a communications facility may not include offices, long-term vehicle storage, other outdoor storage, broadcast studios, or other uses that are not needed to send or receive signals, unless such facilities are permitted by right in the zoning district.

G. *Verification of Status.* In January of each year, the owner of a communications tower shall submit written verification to the Township that there have been no changes in the operating characteristics of the communications tower as stated at time of approval of the use by conditional use, including, at a minimum: 1) copy of current FCC license; 2) name, address, and emergency telephone number for the operator of the communications tower; 3) copy of certificate of insurance at a level of coverage acceptable to the Township Solicitor, with New London Township added as a named insured on the policy.

H. *Failure to Comply.*

(1) If at any time New London Township concludes that a tower fails to comply with all applicable codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower at the owner's expense.

(2) All conditional uses approved under this Section will automatically

lapse if the communications facility is not used for 6 continuous months. In such case, all portions of the communications facility will be removed by the party responsible for erecting the facility, with costs of removal to be borne by that party, within 30 days of receipt of notice from New London Township. Failure to remove an abandoned tower or antenna within said 30 days shall be grounds for the Township to cause the removal of the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

(3) Prior to receipt of a permit for the construction of a tower, the applicant shall provide to the Township financial security sufficient to guarantee the removal of the tower. Said financial security shall remain in place until the tower is removed.

(4) *Annual Permit.* In January of each year, the owner of a communications tower shall submit to the Township an annual communications antennas, towers and equipment permit fee as defined by resolution.

(*Ord. 2003-9-1, 9/4/2003*)

§1-1320. Driveways.

All requirements for driveways, as defined in Chapter 4, shall be as provided in the "New London Township Driveway Ordinance," *Ord. 2010-06*, as amended [Chapter 3, Part 6].

(*Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2010-01, 7/1/2010, §1*)

Part 14**General Standards****§1-1401. Common Regulations.**

Unless otherwise noted, the following provisions are applicable to all districts.

(Ord. 2003-9-1, 9/4/2003)

§1-1402. Reduction of Lot Area.

No lot shall be reduced so that the area of the lot or its dimensions shall be less than the net lot area herein.

(Ord. 2003-9-1, 9/4/2003)

§1-1403. Yard Calculations.

No yard or other space provided surrounding any building or structure for the purpose of complying with this Part shall be considered as a yard or other open space for another building or structure.

(Ord. 2003-9-1, 9/4/2003)

§1-1404. Roadway Visibility.

1. No obstruction shall be permitted on any lot, wall or fence, and no vegetative planting shall be permitted which obstructs the vision of traffic. Landscaping shall not be located within the right-of-way of collector and arterial roads.

2. On a corner lot or at a point of entry on a public road, nothing shall be erected, placed or allowed to grow in a manner which obstructs vision:

A. Above the height of 2.5 feet measured from the centerline grades of the intersecting streets.

B. Within the area bounded by the street lines of such corner lots and a line joining points of these street lines 50 feet from their point of intersection.

(Ord. 2003-9-1, 9/4/2003)

§1-1405. Stripping of Topsoil and Excavation.

1. *Conditions.* The stripping of topsoil and the excavation of clay, sand, gravel or rock shall be permitted only under the following conditions:

A. As part of construction operations or grading activities, provided the least amount of disturbance occurs.

B. As part of landscaping and lawn care activities.

C. As part of a farm operation.

2. *Standards for Stripping of the Soil.* A maximum of 7 inches of topsoil may be removed, provided the site is graded and a stand of grass or other appropriate ground cover is established within 6 months in such a manner to prevent erosion. In all cases, a minimum of 2 inches of topsoil, technically known as the "A" Horizon, shall remain.

3. *Standards for Excavation.* Excavation operations shall be permitted in accordance with the provisions of this Part. The material thus excavated may be sold only under the following situations:

A. As part of the construction of a building or street.

B. The finished grade shall not be below that of adjoining properties or adjoining streets.

C. No loose boulders shall be exposed upon completion of excavation.

(Ord. 2003-9-1, 9/4/2003)

§1-1406. Sale of Farm Products.

1. *Applicability.* Where the display and sale of farm products are permitted, they will be designed as an accessory use, incidental to an agricultural activity.

2. *Standards.* The sale and display of farm products shall comply with the following standards:

A. A minimum of 50% of all farm products shall be grown and produced on the tract for which they are being offered for sale.

B. No more than 1% of a farm tract or 4 acres, which ever is less, shall be used for the sale of farm products.

C. Parking space for a minimum of three cars shall be provided on the tract to serve a sales area.

D. Sale of farm products shall be conducted from a portable stand, dismantled at the end of each growing season, or from a permanent building under the following conditions:

(1) The sales area shall not exceed 500 square feet of floor area.

(2) Such building shall be located a minimum of 50 feet from the right-of-way line of the road.

(3) Additional parking spaces shall be provided outside of the road right-of-way line at a ratio of one space for each 100 square feet of floor area.

(Ord. 2003-9-1, 9/4/2003)

§1-1407. Composting Operations.

1. *Applicability.* The provisions of this Section shall apply to the preparation, pasteurization, storage, use and disposal of compost. Compost shall include organic (animal and/or plant) and inorganic materials when prepared for agricultural use.

2. *Standards.* The preparation and storage of composting shall only be permitted in those cases where it is incidental to and in support of other agricultural activities. Commercial composting operations, that is, composting operations where the compost produced is not intended primarily for use on the premises where it is being prepared, are prohibited.

3. *Disposal.* Disposal of used compost shall use one of the following methods:

A. Fill material, provided the fill is stabilized and seeded to prevent erosion and sedimentation.

B. Surface application on fields, provided the slope of any tract used does not exceed 15%, and is no closer than 100 feet to any flood hazard district in the Township.

C. Transported to a facility for processing into another form.

(Ord. 2003-9-1, 9/4/2003)

§1-1408. Land Application of Sludge.

To insure the natural resources of the Township are protected against environmental hazards and to protect the health and safety of township residents, the following regulations have been established with respect to the application of sewage sludge to land:

A. *Authorization.* The provisions of this Section are enacted pursuant to the authority granted to the Township under the Municipalities Planning Code, Act 247, Article VI, 53 P.S. §10101 *et seq.*, and the Pennsylvania Solid Waste Management Act, Act 97, 35 P.S. §6018.101 *et seq.*, with respect to protecting health and public safety of Township residents through the proper use of land and natural resources.

B. *Filing an Application.* An applicant proposing to utilize sludge on any property in the Township shall submit to the Township an application for a special exception pursuant to the provisions of Part 20 of this Chapter. Each site proposed for land application shall require a separate special exception. Applications shall include the following information to assist the Zoning Hearing Board review of each application, and to supply the Township with adequate data on which to base input into the Department of Environmental Protection review for sewage permitting.

(1) A description of the proposed application program including the source(s) of the sludge and how it is to be transported to the site, a timetable for application, a description of any storage operations, the proposed utilization rate and the total acreage involved.

(2) A copy of the application for a sewage sludge transporting and disposal permit submitted to the Pennsylvania Department of Protection, and the feasibility of the site for sludge application.

(3) A survey of the property prepared by a professional surveyor at a scale no greater than 1 inch to 200 feet indicating:

- (a) Topographic features of the tract using 2 foot contour lines.
- (b) Soil types and their boundaries.
- (c) Identification of adjacent property owners.

(d) Location of all public and private water supplies within one quarter of a mile of the site boundaries, including wells, springs and other water bodies.

(4) A soils and geologic report indicating the physical characteristics of the site with respect to its suitability for application of sludge. The report shall be based on available soil survey and geologic data and accompanied by field test analysis. Field tests shall include:

(1) Soil borings by a soil scientist to confirm actual soil profile characteristics are consistent with published soil survey data.

(2) Groundwater monitoring well shall be established to test water quality prior to, during, and after the application program. Groundwater composition shall be included in the application, along with subsequent quarterly monitoring during the application program. The location of the monitoring well shall be approved by the Township prior to drilling. In the event that groundwater is found to flow in several directions, a monitor well for each direction may be required.

(5) A chemical analysis of the sludge from each proposed source. The analysis shall be done by an independent laboratory approved by the Township, and shall involve a minimum of three samples. The analysis shall include the following items:

- (1) Total moisture content.
- (2) Percent total nitrogen (dry weight).
- (3) Percent ammonia (dry weight).
- (4) Percent heavy metals (dry weight).
- (5) Biological oxygen demand content.
- (6) pH rating.

Additional analysis may be required by the Township from time to time during the application program to insure sludge content remains within the limits established by this Part, but shall include a minimum of four samples a year as part of a monitoring program.

(6) A notarized statement from the owner of the tract indicating his or her awareness of the proposed sludge project.

C. *Standards.* The following standards have been established for all proposed sludge programs, based on the guidelines for sewage sludge use by the Department of Environmental Protection and the Pennsylvania State University.

- (1) *Area.* No site shall be approved for land application of sludge which

is less than 10 contiguous areas.

(2) *Isolation Distances.* Application of sludge should be designed a minimum setback distance of:

- (a) 300 feet from any dwelling, well or other water supply.
- (b) 100 feet from any stream or floodplain limit.
- (c) 100 feet from any property line.
- (d) 25 feet from any rock outcropping.

(3) *Slope Considerations.* Application shall not take place on slopes exceeding 15%.

(4) *Application Rates.* The maximum amount of sludge to be applied shall not exceed 5000 gallons per acre per day. The total annual application rate shall not exceed 30,000 gallons per acre per year. Application rates should be adjusted in accordance with the following vegetative considerations.

Vegetation Type	Maximum Application Rate (Gal/A-C/YR)
Corn	30000
Sudan Grass	30000
Mixed Grass/Hay	20000
Wheat	4000
Barley	4000
Oats	4000

(5) *Permitting.* Any requests for sludge application shall be in compliance with the requirements of the Department of Environmental Protection, and shall have obtained a permit from the Department prior to commencing the program. Evidence of the permit shall be placed on file with the Township for each site.

(6) *Access.* All sites to be considered for sludge application shall have direct access to a collector road with an improved, mud-free driveway to insure safe access of delivery trucks, and to prevent potential congestion, and excessive wear and tear on local roads. In the event access to a site is along a local road, as defined in the Comprehensive Plan, the Township may require the applicant to bear the cost of upgrading the road to collector road standards in order to accommodate the number and weight of trucks anticipated to visit the site. In no case shall the access road be less than 24 feet is width.

(7) *Records.* All applicants shall maintain records on each application and be submitted to the Township upon request.

(8) *Method of Application.* Sludge shall be applied using subsurface

injection apparatus. Surface application shall be prohibited.

(Ord. 2003-9-1, 9/4/2003)

§1-1409. Storage of Sludge.

Storage of sludge shall be governed by the following regulations:

A. *Sewage Lagoons.* No open, sewage lagoons shall be permitted in the Township.

B. *Storage Facilities.* A storage facility shall be designed to hold no more than a quantity of sludge equivalent to one day's usage, provided the facility is lined and covered with an impervious material to prevent leakage or runoff.

C. *Site Requirements.* A storage site must have a minimum of 10 contiguous acres, having a minimum of 100 feet setback from any property line.

D. *Fencing.* A storage facility shall be enclosed by a fence having a minimum height of 6 feet which prevents trespassing.

E. *Access.*

(1) A storage facility shall have direct access to a collector road with an improved, mud-free driveway to insure safe access for delivery trucks, and to prevent potential congestion and excessive wear and tear on local roads. In the event access to a site is along a local road, as defined in the Comprehensive Plan, the Township may require the applicant to bear the cost of upgrading the road to collector road standards in order to accommodate the number and weight of trucks anticipated to visit the facility. In no case shall the access road be less than 24 feet in width.

(2) A delivery schedule shall be submitted to the Township prior to the issuance of a zoning permit. The schedule shall indicate the number of deliveries and types of trucks to be used. All deliveries shall occur during daylight hours.

F. *Monitoring.* A groundwater monitoring well may be required to test water quality during the storage program. The location of monitoring wells shall be approved by the Township prior to drilling.

G. *Performance Bonds.* A performance bond shall be posted by the applicant prior to the issuance of a permit by the Township. The amount of the performance bond shall be established by the Township Engineer, and shall be an amount which will adequately cover the transportation of sludge and the removal of all storage facilities in the event the applicant cannot complete the sludge program. Such performance bond shall not be used by the Township for any other purpose. Upon completion of the sludge program, and all facilities removed to the satisfaction of the Board of Supervisors, the bond shall be released to the applicant.

(Ord. 2003-9-1, 9/4/2003)

§1-1410. Projections Into Required Yards.

All required yards shall be unobstructed except as follows:

A. An arbor, open trellis, flagpole, unroofed steps or terrace, recreational facilities, and alternative energy system components shall be permitted with no restriction.

B. Roofed terraces or porches, and carports not included in the area calculation of a building may project into any yard area no more than 15 feet, provided such projections shall be no closer than 10 feet from any lot line to provide access to firefighting equipment.

C. Except as provided below for the NLV District, no accessory structure shall be located in any minimum required front yard, other than a roadside stand for the sale of farm products, in accordance with §1-1406. [Ord. 2008-2]

D. For properties in the NLV District, no accessory structure shall be located closer to the front lot line than the front facade of the principal building on the lot. [Ord. 2008-2]

(Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2008-2, 7/16/2008, §1)

§1-1411. Exception to Height Restriction.

1. *Applicability.* Height regulations shall not apply to church steeples, barns, and silos for agricultural use, flagpoles, and alternative energy system components including solar panels and electrical generating windmills.

2. *Standards.* Any and all exceptions shall not be raised to a height greater than the distance between the base and the nearest property line. Foundations for any tower shall be constructed in accordance with the standards for foundations, footings and wind-load calculations under the Building Officials and Code Administrators (BOCA) Basic Building Code, as amended.

(Ord. 2003-9-1, 9/4/2003)

§1-1412. Access Requirements.

Every building and structure shall be located on a lot adjacent to a public street, or have access to an approved private street. Lots having no direct access shall remain vacant until an access established by this Section is provided. Access standards are contained in the New London Township Subdivision and Land Development Ordinance of 1983 [Chapter 2].

(Ord. 2003-9-1, 9/4/2003)

§1-1413. Home Occupations.

1. *Applicability.* The provisions established under this Section shall apply where home occupations are permitted under the terms of the applicable zoning district.

2. *Classes of Use.* Home occupations shall be classified as either:

A. No-impact home occupation, as defined in Chapter 4 and where permitted by right under the terms of the applicable zoning district.

B. Major home occupation, as defined in Chapter 4 and where permitted as a special exception under the terms of the applicable zoning district.

3. *Standards for No-impact Home Occupations.* No-impact home occupations shall meet all of the following requirements:

A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.

B. No exterior evidence of the activity, including signs, lighting, or the display, inventorying, or stockpiling of goods, shall be visible.

C. No retail sales, exclusive of telephone and/or internet solicitation, may be conducted.

D. Only residents of the dwelling may be engaged or employed in the activity.

E. The activity may be conducted only within the dwelling unit and may not occupy more than 25% of the habitable floor area.

F. The activity shall not require the delivery of materials and goods by trucks larger than standard panel trucks equipped with no more than one rear axle.

G. The activity may not use any equipment or process that creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception, that is detectable in the neighborhood.

H. The activity may not generate any solid waste or sewage discharge in volume or type that is not normally associated with residential use in the neighborhood.

I. There shall be no customer or client traffic, whether vehicular or pedestrian, and no pickup, delivery, or removal functions to or from the premises, in excess of those normally associated with residential use.

J. There shall be no more than one home occupation per dwelling unit.

K. Any dwelling unit in which a home occupation is conducted shall have its own direct access to ground level.

L. Prior to initiating the operation of a home occupation, the resident practitioner shall be required to obtain a permit from the Township and pay a fee in an amount as established by resolution of the Board of Supervisors.

4. *Standards for Major Home Occupations.* Major home occupations shall be subject to approval by the Zoning Hearing Board as a special exception and shall meet all of the following requirements:

A. *Purpose.* The purpose of the standards in this Section is to provide opportunity for certain home occupation uses that do not comply fully with the criteria in subsection .3 for home occupations permitted by right, primarily due to the proposed employment of non-residents and/or the nature of the proposed use. It is the intent of this Section to assure that any home occupation is:

- (1) Compatible with other uses permitted in the applicable zoning district.
- (2) Incidental and secondary to the use of the property as a residential lot.
- (3) Helping to maintain and preserve the character of the neighborhood.

B. In addition to the standards contained in this subsection, any applicant seeking approval of a home occupation as a special exception shall comply with the standards in paragraphs .A, .F, .G, .H, .J, and .K.

C. No exterior evidence of the activity in the form of lighting, or the display, inventorying, or stockpiling of goods, shall be visible. No more than one sign shall be permitted in association with a home occupation, and the area of any such sign shall not exceed 2 square feet.

D. A home occupation approved under the terms of this subsection may be located only within a single-family detached dwelling, or in a garage attached to the dwelling when specifically approved by the Zoning Hearing Board as part of an approval of the special exception application.

E. The total floor area devoted to the home occupation shall not exceed 25% of the floor area of the single-family detached dwelling or 600 square feet, whichever is less.

F. If the resident conducting the home occupation is a tenant and not the owner of the property, the owner shall be party to the application for special exception approval.

G. No more than two non-resident employees shall be permitted. However, where a home occupation is an office in the building trades and similar fields, the business may have additional employees for off-site activities provided they are not employed on-site, they do not park on or near the property, and they do not normally visit the property during the course of business.

H. Major home occupations shall be limited to those occupations customarily and reasonably conducted within a dwelling. Major home occupations shall include, but not be limited to, the following activities:

(1) Office for medical, dental, legal, architect, engineer, or similar profession, provided that the maximum number of patient or client visits per day shall not exceed an average of two.

(2) Family child/adult day care involving no more than six children or adults unrelated to the operator, and provided the following criteria are met:

(a) The minimum size of the lot containing the day care facility shall be 15,000 square feet.

(b) Passenger drop-off and pick-up areas shall be provided on-site and arranged so that passengers are not required to cross traffic lanes on or adjacent to the site and vehicles are not required to back out onto the abutting street.

(c) There shall be suitable outside activity/recreation area buffered from all adjoining properties with screening by evergreens, walls, fencing or other materials acceptable to the Zoning Hearing Board. Any wall or fence shall not be constructed of corrugated metal, corrugated fiberglass, woven chain link, or sheet metal. Screening shall be arranged to block the ground level views between grade and the height of 6 feet. Landscape screens shall achieve this visual blockage within 2 years following installation.

(3) Preparation of food or food products to be sold or served off site.

(4) Beauty shop, barber, or hairdresser, provided that the maximum number of client visits per day shall not exceed an average of two.

(5) Other accessory uses that do not qualify as no-impact home occupa-

tions under the terms of subsection .3 but, in the determination of the Zoning Hearing Board, are considered to be of the same general character as the home occupations listed herein and meet all the requirements for major home occupations contained in this Chapter. In no event, however, shall an auto body repair business or automotive engine repair business, or any other business with similar characteristics and potential off-site impacts, be deemed a major home occupation.

I. The applicant shall demonstrate that adequate off-street parking shall be provided for both the home occupation and the dwelling unit. In no event shall the off street parking spaces provided be less than two for the dwelling unit and one for each non-resident employee; a maximum of three off-street parking spaces may be created on the lot to serve the home occupation.

J. Retail sale of merchandise, supplies, or products shall not be conducted on the property except for the following:

(1) The sale of items that are clearly incidental and subordinate to the conduct of the home occupation or items used in the home occupation such as the sale of beauty supplies used by the proprietor is permitted.

(2) Orders previously made by telephone, internet, appointment, or other prior contact may be filled at the site of the home occupation. There shall be no direct sales of products from display shelves or racks, but a person may pick up an order placed earlier as described above.

K. Unless otherwise determined by the Zoning Hearing Board, an approved home occupation may be conducted only during the hours of 7 a.m. to 9 p.m., Monday through Friday and exclusive of holidays. There shall be no client, patient, or delivery traffic outside normal business hours of 8 a.m. to 5 p.m., unless otherwise approved by the Zoning Hearing Board.

L. Where the proposed home occupation will include non-resident employees, in accordance with the terms of this subsection, the Zoning Hearing Board may require appropriate documentation that the sewage facilities serving the property will be adequate to meet the wastewater treatment and disposal needs that will be generated on the property. Where such facilities cannot be provided, the Board may deny the request for special exception.

M. The resident practitioner of any major home occupation shall provide the Township with the names of all non-residents employed by the business constituting the home occupation, and shall report all additions or deletions among those employed as they occur.

N. Prior to initiating the operation of a major home occupation, the resident practitioner shall be required to obtain a permit from the Township and pay a fee in an amount as established by resolution of the Board of Supervisors. Where deemed necessary and specified by the Zoning Hearing Board as a condition of approval, the Township shall conduct an inspection of the premises as part of the review of the permit application; the applicant shall pay a fee, in an amount as established by resolution of the Board of Supervisors, for such inspection. Such permit must be renewed annually for continued operation of the home occupation, and the Township may conduct an inspection, as it deems necessary, in conjunction with the permit renewal process. Fees for the permit renewal and inspection shall

be as established by resolution of the Board of Supervisors.
(*Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2004-03, 11/18/2004, §X(h)*)

§1-1414. Refuse Disposal.

Refuse disposal shall be the responsibility of the individual dwelling unit and lot owners. In all instances refuse shall be stored in durable, rust resistant, watertight and rodent proof containers. In no event shall refuse disposal be stored outdoors for more than 7 days.

(*Ord. 2003-9-1, 9/4/2003*)

§1-1415. Community Living Arrangements.

1. *Applicability.* The provisions established by this Section shall govern the housing of mentally retarded and emotionally disturbed in the Township, where permitted by special exception.

2. *Standards.* In addition to criteria established for the review of special exceptions, the following standards shall apply to all community living arrangement applications:

A. The arrangement shall satisfy the definition of family as established under this Chapter.

B. The arrangement shall be provided with 24 hour live-in supervision to insure clients receive proper care and that the arrangement will function as a family unit.

C. The arrangement shall not generate noise or other disturbances incompatible with residential neighborhoods, which may endanger the public health, safety and welfare of Township residents.

D. The arrangement shall have a fenced-in rear yard area.

E. The arrangement shall comply with guidelines established by the Chester County Mental Health and Mental Retardation Department.

3. *Process.* As part of the review process, all residents within 1,000 feet of the proposed arrangement shall be notified of the proposed use prior to establishing a date for a hearing before the Zoning Hearing Board.

(*Ord. 2003-9-1, 9/4/2003*)

§1-1416. Rooming Houses.

1. *Applicability.* The provisions established under this Section shall apply to all boarding homes where permitted as a special exception.

2. *Standards.* The following standards shall apply to all boarding houses:

A. A rooming house shall contain no less than three nor more than nine rooming units.

B. No more than one person shall be housed in each rooming unit.

C. Each rooming unit shall have a minimum of 200 square feet of habitable floor area.

D. For every three rooming units there shall be a complete bathroom facility.

E. Each rooming house shall contain a communal kitchen with all facilities.

F. A minimum of one all weather off-street parking space shall be provided per rooming unit.

3. *Process.* The Zoning Officer shall review all applications for rooming houses to determine compliance. As part of the review process, all residents within 1,000 feet shall be notified prior to establishing a date for a public hearing. Upon approval and completion or alteration of a rooming house, the Zoning Officer shall inspect the premises, prior to issuing an occupancy permit, to verify compliance with this Chapter. An occupancy permit shall be effective for 1 year, with annual renewals predicated on inspections. Owners shall be given a 10 day advance notice of the inspection date.

(Ord. 2003-9-1, 9/4/2003)

§1-1417. Residential Conversion.

1. *Purpose.* The intent of this Section is to provide an alternative use for structurally sound, large and primarily older single-family detached dwellings. This Section also is intended to allow an increase in the supply of smaller dwelling units and provide for more efficient use of the existing housing stock, while protecting the character of sound, stable residential neighborhoods and preserving the basic character of dwellings that might otherwise become obsolete.

2. *Applicability.* The provisions established under this Section shall apply to all residential conversions where permitted by the appropriate zoning district.

3. *Standards.* A single-family detached dwelling, existing on the effective date of this Section, may be converted into and used as a two-family or multi-family dwelling, when authorized as a special exception in accordance with the terms of §1-1908 of this Chapter and the following requirements of this Section:

A. A site plan for the conversion of said dwelling shall be submitted to the Zoning Hearing Board. The applicant also shall submit a copy of the floor plan, indicating all dimensions prior to and following conversion, and copies of any necessary permits from other agencies, as required by law, or documentation that such permits have been applied for.

B. The resulting dwelling units shall have a minimum floor area of 800 square feet.

C. Such dwellings shall be subject to the height, width, yard, and other applicable regulations effective in the zoning district where the existing single-family structure is located. Minimum required lot area for the structure, following conversion, shall be calculated as follows:

(1) Where the converted dwelling units will be served by individual on-site sewage facilities.

(a) In the R-1 District, 50% of the product of the minimum lot area for a single-family dwelling times the number of dwelling units (existing and proposed) to be contained in the converted structure.

(b) In the R-2 District, 75% of the product of the minimum lot area for a single-family dwelling times the number of dwelling units (existing and proposed) to be contained in the converted structure.

(c) In the NLV District, 100% of the product of the minimum lot area for a single-family dwelling times the number of dwelling units (existing and proposed) to be contained in the converted structure.

(2) Where the converted dwelling units will be served by a community or public sewage system, the minimum lot area shall be 50% of the product of the minimum lot area for a single-family dwelling when served by such a sewage system times the number of dwelling units (existing and proposed) to be contained in the converted structure.

D. The existing building may be reduced in size during conversion, but shall not be enlarged except for the creation of fire escapes and outside stairways. Such additions shall be located at the rear of the building unless clearly impractical.

E. The off-street parking requirements of this Chapter shall apply.

F. Regardless of the size of the existing structure, the total number of dwelling units following conversion shall not exceed five.

G. The resulting dwelling units shall be provided with appropriate sewage systems and water supply systems. The applicant shall submit to the Township a permit for an individual on-site sewage disposal system issued by the Chester County Health Department, where a community or public sewage system is not available. Where a shared well is used for water supply, an agreement of use and maintenance shall be prepared and submitted to the Township.

H. Each resulting dwelling unit shall meet the definition of dwelling unit contained in Chapter 4 of the Code and shall comply with all applicable Township codes and regulations regarding building, housing, plumbing, electric, fire safety, and the like.

I. The Zoning Hearing Board may specify the maximum number of dwelling units to be created within any such structure, and may prescribe such further conditions and restrictions with respect to the conversion and use of such dwelling, and to the use of the lot, as the Board may consider appropriate.

4. The Zoning Officer shall review all applications for residential conversions to determine compliance. Upon approval of the completion or alteration involved in a conversion, the Zoning Officer shall inspect the premises, prior to issuing an occupancy permit, to verify compliance with this Chapter.

(*Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2004-03, 11/18/2004, §IX(c)*)

§1-1418. Swimming Pools.

1. *Applicability.* The provisions established under this Section apply to all swimming pools as defined in §1-202, where permitted as an accessory use.

2. *Standards.* All swimming pools shall comply with the following standards:

A. The pool is intended, and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.

B. The pool and any pool-related structure, including fences or walls, shall be set back from any property line a minimum of 10 feet. [*Ord. 2014-2*]

C. The pool shall be enclosed by a chain link, stockade, or similarly protective fence that is a minimum of 4 feet in height and has a self-latching gate. A pool

fence shall not be required where the entire perimeter of the property, or a portion of the property that includes the pool, is enclosed by a fence that meets the standards of a pool fence, as prescribed herein. [Ord. 2014-2]

D. The pool shall be located in the side or rear yard of a lot.

(Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2014-2, 6/5/2014, §2)

§1-1419. Public Utilities.

1. *Exemptions.* The provisions of this Part shall apply to any existing or proposed

building or their extension, used or to be used by a public utility corporation, unless upon petition of the corporation, the Pennsylvania Public Utility Commission (PUC) shall decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

2. *Lot Area and Coverage Requirements.* The minimum lot area and maximum coverage regulations of this Part shall apply to public utility facilities, unless the Pennsylvania Public Utility Commission decides the proposed building is reasonably necessary. All yard and maximum height regulations shall apply, except for necessary towers, poles and lightning rods.

(Ord. 2003-9-1, 9/4/2003)

§1-1420. Minimum Floor Area.

Any single family dwelling hereafter erected, altered, or located upon any lot in the Township shall have a minimum habitable floor area of 800 square feet.

(Ord. 2003-9-1, 9/4/2003)

§1-1421. Storm Drainage.

All stormwater management improvements shall discharge into natural swales. Improvements shall be designed to prevent any increase in stormwater runoff volume or velocity than experienced prior to development of a tract. Drainage calculations shall be based upon a minimum of a 50 year frequency storm. Improvements design shall comply with the provisions of the New London Township Subdivision and Land Development Ordinance of 1983 [Chapter 2].

(Ord. 2003-9-1, 9/4/2003)

§1-1422. Keeping of Large Animals on Residential Lots.

1. *Purpose.*

A. This Part is designed to establish reasonable regulations regarding the keeping of large animals in order to protect both human and animal health, prevent unsightly land use conditions, prevent the contamination of ground and surface waters, reduce the safety hazards of straying animals, and to prevent the possibility of large animals being a public nuisance, or a nuisance to any neighboring property owner.

B. In any district, all large animals including, but not limited to, horses, cows, ponies, llamas, or any other large animal of similar character weighing in excess of 300 pounds, and not normally classified as household pets, shall be kept in accordance with the following standards.

2. *Standards and Provisions.*

A. No large animal shall be kept in any structure or enclosure anywhere on the property which may result in unhealthy or unsanitary conditions for humans or animals, or cause noise which may be classified as a nuisance.

B. All large animals shall have appropriate and adequate facilities for food

and water. Adequate loafing sheds or other appropriate facilities shall be provided.

C. The minimum land area for the keeping of large animals as defined in this Part shall be 2 acres. The first acre shall be dedicated to the house and yard with additional acreage available for the keeping of large animals. "Total land area" may be defined as any cumulative land, whether owned or leased by the animal owner, so long as the total land area being used is comprised of "continuous" land.

D. Any structure used for the keeping of large animals shall be constructed and located a minimum of 50 feet from any street or property line.

E. A fenced or otherwise enclosed area shall be provided which is capable of containing the animals intended to be contained. Materials used for fencing shall be of sufficient sturdiness and properly designed, installed, and maintained so as to prevent straying.

F. No uncovered manure and used bedding material storage shall be permitted within 100 feet of any neighboring lot line or stream.

G. Any resident wishing to keep more than one large animal as defined in this Chapter shall have use of a minimum of at least 1 additional acre per large animal over and above the minimum requirement. Any resident with at least 4 acres may qualify by this Chapter as "agricultural use" and therefore no further restrictions may apply to the keeping of large animals.

H. Large animals should not be permitted to graze over shallow or mound type on-site sewage drainfields.

3. *Violations.*

A. Any violations noted or citations issued by any governing agency, whether it be by Federal State, County, or local officials, shall be remedied immediately. Failure to remedy any such unsatisfactory condition may result in a directive to remove any and/or all large animal(s) from the property and/or large animal owner.

B. Any large animal owner found to be in violation of this Part "may" be given a minimum of 30 days but in no case no more than 1 year from the date of citation in which to eliminate the violations or dispose of the animals.

4. *Nonconformities.* Any resident in prior possession of large animals on any property which does not meet the area and/or distance provisions set forth in this Chapter may continue to operate as a lawful existing use. Any continuance, changes and/or modifications to such nonconforming uses shall be handled and/or enforced in accordance with Part 18 of this Chapter.

(Ord. 2003-9-1, 9/4/2003)

§1-1423. Household Pets.

It shall be unlawful for any person to keep any house hold pet except as provided in this Section:

A. If any such pet shall be kept in a dwelling owned or occupied by its owner,

such owner shall be required to follow such procedures and practices, as to the number of such pets to be kept there, and as to sanitation, to insure that no public nuisance shall be created or maintained and no threat to the health of any person living elsewhere than in such dwelling shall be created.

B. If any such pet shall be kept in an enclosure outside the dwelling no owner shall permit any household pet to make noise continuously and/or incessantly for a period of 15 minutes or make such noise intermittently for ½ hour or more to the disturbance of any person.

C. In areas of residential use, not in agricultural use, a limit of three dogs over 12 weeks of age, and/or five other household pets, except as a conditional use, shall be imposed.

(Ord. 2003-9-1, 9/4/2003)

§1-1424. Kennels.

The following standards shall apply to kennels:

A. The kennel must provide at a minimum a weather free building and fenced concrete exercise yard.

Small Breeds (under 20 lbs.)	6 square feet (per animal)-building 12 square feet (per animal)-yard
Medium Breeds (20-60 lbs.)	8 square feet (per animal)-building 24 square feet (per animal)-yard
Large Breeds (over 60 lbs.)	16 square feet (per animal)-building 80 square feet (per animal)-yard

Depending upon the breed of the animal the building shall be heated in cold months. Water shall be kept from freezing and be provided at all times.

B. Space requirements for cats shall be the same as for small breeds of dogs. Outside exercise yards for cats must be enclosed; sides, ends and top with wire mesh fine enough to contain the animals. Heat and water requirements shall be the same as specified for dogs. Other small animals shall be housed in a similar manner as dogs and cats, with a reduction or increase in space appropriate to the size of the animal.

C. No kennel and/or exercise yard may be closer than 100 feet to the closed boundary line of the real property on which it is located.

D. The kennel and exercise yard must be entirely fenced and the fence must not be less than 6 feet high.

E. The operation of a kennel must not produce any sounds which can be heard beyond the boundary of the real property on which it is located.

F. Prior to the operation of a kennel, a plan must be provided for the method by which the animal feces will accumulate and be disposed.

G. If any such pet shall be kept in an enclosure outside the dwelling no owner shall permit any household pet to make noise continuously and/or incessantly for a period of 15 minutes or make such noise intermittently for ½ hour or more to the disturbance of any person.

H. The Board of Supervisors may add conditions as deemed necessary to protect the well being of the animals housed.

(Ord. 2003-9-1, 9/4/2003)

§1-1425. Regulating Vegetation.

1. *Applicability and Purpose.* In order to control the growth within the Township of all types of vegetation that may impact upon the health, safety, cleanliness and welfare of residents, New London Township hereby recognizes the need to control noxious weeds and other types of vegetation which may grow within the Township.

2. *Definitions.*

Agricultural Crops - those kinds of vegetation, including grasses, cereal grains, corn, beans and other crop plants that are harvested.

Agricultural Lands - those lands used for the propagation of agricultural crops or for pasture and/or meadowland.

Grass - any of the various plants with blade-like leaves that are sometimes eaten by grazing animals or are cultivated for lawns or pastures.

Noxious Weeds - this phrase shall have the meaning and context assigned to it as it is more fully explained in the Pennsylvania Noxious Weed Control Law of April 7, 1982, P.L. 228, No. 74, 3 P.S. §255.1 *et seq.* At a minimum it shall include the following:

Scientific Name	Common Name
Cirsium arvenge	Canada Thistle
Rosa Multiflora	Multiflora Rose
Sorghum halepense	Johnson grass
Polygonum perfoliatum	Mile-a-minute
Pueraria Lobata	Kudzu-vine
Cirsium Vulgare	Bull or Spear Thistle
Carduus nutans	Musk or Nodding Thistle
Sorghum bicolor	Shattercane
Datura stramonium	Jimsonweed
Lythrum salicaria	Purple Loosestrife

Vegetation - plant life in general, not including trees, ornamental shrubs or flowers.

3. *General Requirements; Height and Cuttings.*

A. Except as hereinafter provided, no person, firm or corporation owning any property within New London Township shall permit any noxious weeds to spread and/or disperse seeds. In most cases, the maximum permitted height is 18 inches, but if noxious plants of a lesser height are reseeding, they must be cut or spot treated with an herbicide.

B. For best results in controlling noxious weeds, vegetation must be cut.

(1) For best weed control, one cutting should occur on or before the fifteenth of June of every year and a second should occur on or before the fifteenth of September of each year. If more than two cuttings are needed, more than two cuttings are required.

(2) Owners of any plot of ground granted an exception as a habitat for nesting birds and/or small game may refrain from mowing (clear-cutting) a plot between April 1 and July 15. However, within this time frame, spot mowing or spot weed treatment is required where necessary to control the spread of noxious and/or invasive weeds.

(3) Owners of any plot of ground granted an exception as a habitat for butterflies are required to mow (clear-cut) once a year only, either prior to April 1 or after September 30. However, within this time frame, spot mowing or spot weed treatment is required where necessary to control the spread of noxious and/or invasive weeds.

4. *Violations Constitute Nuisance.* Any noxious grass, weeds or other vegetation growing upon any premises within New London Township and allowed to grow to a height to disperse seeds is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and welfare of the inhabitants of New London Township.

5. *Owner of Land Responsible.* Every owner of land within New London Township is hereby declared to be the responsible person for ensuring complete compliance with the provisions of this Section. This shall be so regardless of whether the owner resides on the premises.

6. *Allowable Exemptions and Non-Allowable Exemptions.*

A. *Agricultural Land Uses Exemptions.* All agricultural land uses shall be exempt from the application of this Section. If in the interpretation of the Codes Enforcement Officer the use of the land in question is an agricultural use, regardless of the current vegetative condition, the exemption shall apply. However, all agricultural land including land, devoted to agricultural plants as defined herein, shall comply in every respect with the Pennsylvania Noxious Weed Control Law, 3 P.S. §255.1 *et seq.*

B. *Other Exemptions.* Property owners may apply to the Board of Supervisors for exemption from application of this Section for the other types of land cover, provided that they meet one of the following criteria:

(1) The property to be exempted from this Section is within the one of the following environmental resources as identified in the New London Township Open Space, Recreation and Environmental Resources Plan:

(a) Woodlands.

- (b) Wetlands.
- (c) Hydric soils.
- (d) Floodplain.
- (e) Steep slopes.

and no adverse impact to adjoining properties exists.

(2) The property to be exempted from this Section is under a conservation easement (i.e., Brandywine Conservancy, Natural Land Trust, or equivalent agency) and no noxious plant impacts adjoining property owners.

(3) The property to be exempted from this Section can be demonstrated to be an area designated for the protection and/or propagation of birds, butterflies, and/or small game, or as a boundary hedgerow (without annual mowing, if appropriate for the plantings in question).

C. *Non-allowable Exemptions.* The following types of land do not qualify for an exemption:

(1) Parcels of land situated within the right-of-way at the intersection of public roads where tall vegetation may interfere with sight distances.

(2) Parcels of land situated within the right-of-way alongside public roads where tall vegetation may interfere with sight distances.

(3) Any areas identified by other Township ordinances that need to be maintained to provide clear sight distances.

7. *Application Procedure for Exemptions.*

A. The property owner shall make application to the Board of Supervisors for an exemption from this Section on a form provided by the Township. The application shall include the following information:

(1) A parcel plan showing the following:

(a) Area to be covered under the exemption.

(b) Limit and nature of the environmental resources qualifying the parcel for the exemption.

(c) All manmade features (i.e., buildings, roads, stormwater facilities, etc.).

(2) A completed application form.

(3) Any fee established by resolution by the Board of Supervisors for filing the application.

B. In all cases, properties granted an exemption to this Section shall comply in every respect with the Pennsylvania Noxious Weed Control Law, 3 P.S. §255.1 *et seq.*

8. *Enforcement.*

A. The Board of Supervisors of New London Township, or any officer or employee of the Township designated by the Board of Supervisors, is hereby authorized to take the appropriate actions to enforce compliance with the provisions of this Section.

B. If at any time the Board of Supervisors becomes aware of a violation, the Board shall, through its designated representative, give notice by personal service

or by the United States mail to the owner or occupant, or both, of any premises whereon grass or weeds or vegetation is growing or remaining in violation of the provisions of this Section. Such notice shall direct or require such occupant or owner to bring that person's property into compliance with the provisions of this Section within 20 days of the date of notification or to face prosecution hereunder. In case any person, firm or corporation shall neglect, fail or refuse to comply with such notice within the period of time stated therein, the New London Township Board of Supervisors may remove, trim, or cut such grass, weeds or vegetation and the cost thereof, together with any additional penalty authorized by the law, may be collected by the Township from such person, firm or corporation in the manner provided by law.

9. *Violations and Penalties.*

A. The Township must notify the property owner of record when a violation of this Chapter is observed and allow 15 days from the date of notification for the violation to be corrected.

B. After the notification period has expired, the Township may either:

(1) Mow the vegetation and charge the cost of mowing to the property owner.

(2) Upon failure of the property owner to reimburse the Township for all cost incurred (within 30 days of the Township's demand for payment sent to the owner in writing) the Township may file and enforce a municipal lien against the property in accordance with Pennsylvania law governing municipal liens.

(3) File a complaint against the property owner in district court to require that mowing or other weed control measures be implemented. Any person who shall be convicted of a violation of any of the provisions of this Section shall be sentenced to pay a fine of not more than \$300 plus the costs of prosecution. Each day of violation shall constitute as separate offense.

(Ord. 2003-9-1, 9/4/2003)

§1-1426. Convenience Store.

The following standards shall apply to any convenience store, as defined and specifically permitted by this Chapter. The standards in this Section shall supersede similar standards that may be contained in the zoning district in which a convenience store is permitted. Standards in the base zoning district that are not addressed in this Section shall be applicable to the convenience store use.

A. A gross lot area of not less than 2 acres shall be required for any convenience store.

B. The maximum floor area of a convenience store shall be 8,000 square feet. The minimum floor area of a convenience store that includes the retail sale of automotive fuel shall be 3,000 square feet.

C. During the hours of 10 p.m. to 6 a.m. and on Sundays and legal holidays, there shall be no deliveries to the site or trash removal from the site, no operation of a vehicle in excess of 8,600 pounds on the property nor the idling of any motor of such vehicle, and no operation of any powered equipment or mobile refrigeration

unit.

D. In addition to screening and landscaping as may be required by Sections §1-1302 and §1-1303, respectively, of this Chapter, the Board may require supplemental fencing, consisting of materials and dimensions it deems appropriate, along any property line that abuts an agricultural or residential use or a residentially-zoned property.

E. To assure satisfactory management of the property and the mitigation of potential off-site impacts:

(1) Trash disposal shall be managed to prevent any problem of littering on or off the site. Dumpsters or similar large-scale outdoor trash receptacles shall be completely screened from view, and access gates shall be closed at all times when not in use.

(2) Noise shall be controlled in accordance with §1-1309.2. Outside loud speakers shall be audible only to persons in the immediate vicinity of the fueling positions.

(3) Lighting shall be in accordance with §1-1308.

F. Where a convenience store operation includes the retail sale of automotive fuel, the standards in §1-1427 of this Part shall be met.

G. Where a convenience store offers the retail sale of automotive fuel, the maximum number of fueling positions, each containing one dispensing hose, shall be limited to one per 500 square feet, or portion thereof, of convenience store floor area. In no case, however, shall the number of fueling positions exceed twelve.

H. The applicant shall demonstrate that the proposed design of the building facade and related canopy or other structural elements on the property will minimize incompatibility with the character of immediately adjacent properties.

I. Public rest room facilities shall be provided.

(Ord. 2003-9-1, 9/4/2003)

§1-1427. Retail Sale of Automotive Fuels.

1. Any building or other area of the property in which the use is conducted shall be at least 300 feet from the property line of any parcel containing a school, day care facility, playground, library, or nursing, rest, or retirement home.

2. Gasoline pump islands shall be set back at least 30 feet from the street right-of-way line.

3. Entrances and exits shall be a minimum of 30 feet in width.

4. All ventilation equipment associated with fuel storage tanks shall be at least 100 feet from any residentially-zoned property.

5. A maximum of twelve fueling positions shall be permitted as part of any retail fuel sales operation.

6. No delivery tanker shall park within the public right-of-way during gasoline delivery, nor shall any hose be permitted within the public right-of-way.

7. During any hours of operation when a fuel sales site is unattended, it shall have:

A. Outdoor lighting at levels sufficient to see each fueling station from the adjoining street.

B. An emergency cutoff mechanism, accessible to each fueling position, that is prominently placed and immediately visible to customers at all times.

(Ord. 2003-9-1, 9/4/2003)

§1-1428. Wetlands.

1. *Indication of Wetlands on a Property.* The existence of wetlands shall be indicated by any one or more of the following:

A. National Wetlands Inventory mapping, as prepared by the U.S. Fish and Wildlife Service or any other governmental agency having jurisdiction.

B. Hydric soils or soils with hydric inclusions, as depicted in the *Soil Survey of Chester and Delaware Counties* and/or in USDA NRCS Hydric Soils Lists.

C. Where the above wetland indicators are not found on the site, but the Township nonetheless believes wetlands may exist on the site, the Township may require a determination of whether hydrophytic vegetation or hydrologic conditions exist, based upon on-site investigations performed by a qualified professional meeting the criteria in subsection .2.A, below, in accordance with the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands* dated January 10, 1989, or as later amended.

2. *Need and Basis for Delineation.* Where the existence of wetlands on a property is indicated on the basis of subsection .1, above:

A. A wetlands delineation shall be performed on any site where a determination of net tract or net lot area is required.

B. A wetlands delineation shall be performed and, as determined necessary, a jurisdictional determination shall be obtained for any site where required by any other applicable permit or plan review process.

Delineation of the wetlands boundary shall be conducted in accordance with the terms of §2-525 of the Township Subdivision and Land Development Ordinance [Chapter 2].

(Ord. 2003-9-1, 9/4/2003; as added by Ord. 2004-03, 11/18/2004, §VIII)

§1-1429. Accessory Dwelling Unit.

1. *Specific Intent.* In allowing opportunities for accessory dwelling units within owner-occupied single-family detached dwellings, the primary intent of this Section is to respond to the temporary housing needs of resident families. The Township seeks to balance the desires of extended families to provide a discrete residence for a family member with the need to protect the single-family residential character of the surrounding neighborhood. In allowing accessory dwelling units to be created under the terms of this Section, the Township also recognizes the desirability of diversifying the mix of dwelling types available to residents and of expanding opportunities for owners of large, older single-family dwellings to gain income from their properties that can support the cost of necessary maintenance.

2. *Eligibility.* An accessory dwelling unit may be a permitted as a special exception in the R-1, R-2, C-1, and NLV Zoning Districts, subject to the conditions set

forth in this Section and all other applicable provisions of this Chapter.

3. *Standards for Accessory Dwellings.* Any proposed accessory dwelling unit must be in compliance with the following standards:

A. One of the two dwelling units shall be occupied by the owner of the lot on which both proposed dwelling units are to be located.

B. The maximum number of occupants of the non-owner occupied dwelling unit shall be two.

C. There shall not be more than one accessory dwelling unit created within any single-family dwelling.

D. Where a central sewage system is available to serve the property, the accessory dwelling unit shall be connected to and served by such system. Where a central sewage system is not available, the applicant shall submit to the Township a permit issued by the Chester County Health Department for an individual on-site sewage system. Such permit shall certify that the sewage system is adequate for the projected number of residents. Where the existing on-site system is found by the Chester County Health Department to be inadequate to serve the projected demand, no approval shall be given for the accessory dwelling unit until the system is improved to meet the requirements of, and a permit is issued by, the Chester County Health Department.

E. The lot on which an accessory dwelling unit is proposed to be located shall have minimum lot area not less than that required for a single-family detached dwelling in the zoning district in which it is located.

F. *Changes to Existing Structures.*

(1) The exterior of a single-family detached dwelling proposed to contain an accessory dwelling unit may be altered to add windows and/or doors necessary in the design and construction of the accessory dwelling unit. Such windows and doors may be added only to the side or rear walls of the structure.

(2) No other alterations to the exterior of the structure shall be permitted unless necessary for health or safety reasons. No exterior changes shall be made which, in the judgment of the Zoning Hearing Board, are not in conformance with the existing single-family character of the neighborhood.

G. The existing structure shall be inspected by the Township Building Inspector, who will determine if it possesses sufficient structural integrity and suitability for adding the accessory dwelling unit. Where the Building Inspector finds insufficient structural integrity, he shall identify improvements that will be necessary prior to creation of the accessory dwelling unit. The applicant shall pay the required fee for this inspection, as established by resolution of the Board of Supervisors.

H. One off-street parking space shall be required for the accessory dwelling unit, in addition to those utilized by the principal dwelling. The Zoning Hearing Board, in its consideration of the special exception application, may waive or modify this provision upon satisfactory evidence from the applicant that the occupant or occupants of the accessory dwelling unit will not generate the need for an additional parking space.

I. To ensure compliance with this Chapter, an architectural plan shall be

submitted as part of a building permit application, accurately drawn to scale, indicating the relationship and size of the two dwelling units within the existing structure, as well as parking areas and any proposed exterior alterations.

J. The minimum size of an accessory dwelling shall be 500 square feet of gross habitable area and the maximum size shall be not more than 33% of the gross habitable area of the single-family dwelling prior to creation of the accessory dwelling.

K. Attachment of a mobile home or travel trailer to an existing structure shall not be a permissible addition for the purposes of creating an accessory dwelling unit.

L. The accessory dwelling unit shall not have a separate postal address different from that of the principal single-family dwelling, and shall not have separate utility connections, meters, or billing.

M. A use and occupancy permit shall be required prior to the occupancy of an accessory dwelling unit. The permit form, as provided by the Township, and accompanying required fee shall be submitted by the property owner. An application to renew the permit shall be submitted annually prior to the intended continuation of occupancy. It shall be unlawful for the accessory dwelling unit to be occupied beyond the operative period of a permit. The accessory dwelling unit shall be subject to inspection by the Zoning Officer prior to issuance of the initial use and occupancy permit, and then at least once every 3 years thereafter while the dwelling unit is occupied, on or about the date of initial occupancy.

(Ord. 2003-9-1, 9/4/2003; as added by Ord. 2008-2, 7/16/2008, §3)

§1-1430. Forestry and Logging Standards.

1. *Statement of Intent.* It is the purpose of this Section to provide for the regulation of logging operations to ensure:

- A. Long-term production of forest crops and benefits is encouraged.
- B. The right to harvest trees is exercised with due regard for the protection of the physical property of adjacent landowners.
- C. The potential for negative environmental impacts resulting from improper logging operations is minimized and sound forest stewardship is practiced.
- D. Unreasonable and unnecessary restrictions on the right to undertake logging operations are avoided.

2. *Scope and Applicability.*

A. The provisions and requirements of this Section shall apply to any logging operation, as defined by this Part, where the harvest area in which the logging operation will occur occupies 1 acre or more of woodland within New London Township.

B. A zoning permit in accordance with the terms of this Section shall be required for all logging operations, except as noted in paragraph .D, below.

C. It is not the intent of this Section to regulate timber harvest for home use, normal property maintenance and upkeep, or in conjunction with a land use change.

D. The following operations are specifically exempt from the requirement to obtain a zoning permit:

- (1) Removal of dead or diseased trees.
- (2) Removal of trees which are in such a condition or physical location as to constitute a danger to the occupants of a property or the structures thereon, or to a public right-of-way.
- (3) Removal of up to five trees per acre of woodland per year for the purpose of timber stand improvement where the harvested trees are not part of a commercial sale.
- (4) Christmas tree farming.
- (5) Orchard operations.
- (6) Removal of nursery stock.

3. *Responsibility.*

A. It shall be the responsibility of each landowner on whose land a logging operation is to be carried out to develop or have developed a written forestry/logging plan, in form and content as specified by this Section, and to submit such plan to the Zoning Officer as part of the application for a zoning permit. No logging operation shall occur until the plan has been reviewed and approved by the Township. It shall be the joint responsibility of the landowner and the operator to see that the provisions of the forestry/logging plan are carried out. The plan shall be available at the harvest site at all times during the logging operation and shall be provided to the Zoning Officer upon request.

B. For any logging operation, the landowner shall notify the Zoning Officer at least 10 business days prior to commencement of the operation and within 5 business days of completion of the operation. Notification shall be in writing and shall specify the land on which the operation will occur and the anticipated starting or completion dates of the operation.

4. *Preparation and Content of Forestry/Logging Plan.*

A. Each forestry/logging plan for a logging operation within New London Township shall be prepared by a professional forester, forest technician, or similar professional acceptable to the Township.

B. Any logging plan shall, at minimum, include the following:

- (1) Property description, including location and brief description of each stand on the property.
- (2) Goals and objectives of the logging operation.
- (3) A narrative stand analysis describing stocking (in terms of basal area or relative density), species composition, and average diameter of stand.
- (4) Narrative description of the residual stand.
- (5) The following appendices:
 - (a) Proof of current general liability and/or workers' compensation insurance.
 - (b) Copy of erosion and sedimentation control plan with a letter of adequacy from the Chester County Conservation District, and including

all associated permits and reports, as applicable.

(c) Copy of a PennDOT highway occupancy permit or a New London Township driveway permit for temporary access, and any other required government agency permits, as applicable.

(6) A site map containing the following information:

(a) Site location and boundaries, including both the boundaries of the property on which the logging operation will take place and the boundaries of the proposed harvest area within the property.

(b) Location of all earth disturbance activities such as roads, landings, and water control measures and structures.

(c) Location of all proposed crossings of watercourses.

(d) The general location of the proposed operation in relation to Township and State roads, including proposed access to those roads.

(e) Topography and soils of the property and harvest site. Any area with slope 15% or greater shall be indicated, and may be based on area delineated as such on United States Geological Survey Topographic Maps.

(7) Demonstration of compliance with all applicable State laws and regulations including, but not limited to:

(a) Erosion and sedimentation control regulations contained in 25 Pa.Code, Chapter 102, promulgated pursuant to the Clean Streams Law, 35 P.S. §691.1 *et seq.*

(b) Stream crossing and wetland protection regulations contained in 25 Pa.Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act, 32 P.S. §693.1 *et seq.*

(c) Stormwater management plans and regulations issued pursuant to the Storm Water Management Act, 32 P.S. §680.1 *et seq.*

(8) Demonstration of compliance with all applicable Federal laws and regulations including, but not limited to, the best management practices (BMPs) as set forth at 33 CFR 323.4(a)(6)(i-xv).

(9) The plan shall propose appropriate measures for the retention of sufficient numbers of younger, healthy trees. The plan shall be consistent with accepted forest management practices including, but not limited to, the use of deer fencing and herbicides. The plan also shall address appropriate measures to use and/or dispose of downed trees and other slash.

(10) Where a logging operation is proposed on land with a slope of 15% or greater, the plan shall identify those trees that are proposed for harvesting as part of the logging operation.

5. *Forestry Practices in Relation to Logging Operations.* The following requirements shall apply to all logging operations:

A. Felling or skidding on or across any public road is prohibited without the express written consent of the Township or the Pennsylvania Department of Transportation, whichever party is responsible for maintenance of the road. The Board of Supervisors may require financial security to insure the quality and integrity of the public roads as existed prior to use by any applicant. The Township

Engineer shall review the then condition of the public roads and scope of requested use and types of vehicles/equipment accessing the public roads. The Board may approve or create the format and content of the financial security agreement/security by resolution.

B. In any of the following locations:

(1) Within 50 feet of a property line or a public road right-of-way.

(2) On land with slope in excess of 25%, even-aged management shall be practiced such that the residual stand must contain not less than 70 square feet of basal area per acre consisting of trees 10 inches or greater dbh.

C. No tops, slash, or wood chips shall be left within 25 feet of any public road or any property line.

D. All tops, slash, and wood chips located between 25 and 50 feet of a public road or property line shall be lopped to a maximum height of 4 feet above the surface of the ground.

E. No tree shall be felled across a property line, and no tops or slash shall be left on or across any property line without the consent of the adjoining landowner.

F. Litter resulting from any logging operation shall be cleaned up and removed from the site before it is vacated by the operator.

G. The applicant shall execute an agreement requiring the applicant to maintain, repair, and/or replace any public road permitted for use under this Section. The applicant must provide financial security to insure compliance. The financial security may consist of a funded escrow account or letter of credit, subject to the review and approval of the Township Solicitor. The Township Engineer may inspect the public road and require additional financial security in the event the Township Engineer determines the then amount of financial security is insufficient to maintain and/or restore the public road. The applicant must cease use of and/or access to the public road upon the Township's written notice that such damage and/or potential damage exists and/or the applicant fails to provide adequate financial security, which the Township Engineer then determines is inadequate. The applicant agrees to pay and provide sufficient financial security to insure payment of all inspections and/or professional consultant fees necessary for the inspection and/or enforcement of the agreement.

H. Upon completion of the logging operation, the applicant shall notify the Township Engineer, who shall be authorized to inspect the completed logging site and the roads within the Township used for the logging operation. Based upon the inspection, the Township Engineer shall either recommend release of the performance guarantee by the Board of Supervisors or shall document actions that must be taken by the applicant at the site and/or on the roads prior to release of the performance guarantee.

I. Where a logging operation is conducted for a period in excess of 12 months, the landowner or operator shall submit proof, at the beginning of each new 12-month period, to the Township that the guarantee bond remains in existence for an amount that will then be required to correct damage to any public road.

J. In no case shall a clear-cutting operation be permitted.

(*Ord. 2003-9-1, 9/4/2003; as added by Ord. 2010-02, 7/1/2010, §8*)

§1-1431. Fences and Walls.

1. The standards and requirements of this Section shall apply to all fences in the Township except fencing on agricultural properties. Fencing on an agricultural property may be located on a property line or, where adjacent to a street, on the street right-of-way line.

2. Fencing required to enclose a residential swimming pool shall comply with the standards of §1-1418 of this Chapter, which shall supersede the otherwise applicable standards of this Section.

3. No portion of any fence or wall shall be located between the curb or cartway of a street and any adjacent sidewalk.

4. No fence or wall shall be located within two feet of any sidewalk or the edge of the cartway of any alley.

5. A fence or wall may be located within the required minimum front yard area of a lot, provided it is in compliance with the standards of §1-1404 of this Chapter.

6. Fencing on a corner lot shall be in compliance with the standards of §1-1404 of this Chapter.

7. Where the requirements of this Section are in conflict with the yard or setback provisions of the NLV New London Village District, the terms of the NLV District shall govern.

(Ord. 2003-9-1, 9/4/2003; as added by Ord. 2014-2, 6/5/2014, §2)

§1-1432. Solar Energy Facilities.

1. *Statement of Intent.* It is the intent of this Section to allow for the safe use of solar energy systems within the Township while providing simple guidelines to minimize any negative impacts on residents or properties throughout the Township. These may include, but are not limited to, matters of public safety, glare, and stormwater management. The requirements of this Section are not intended to hinder the ability of citizens to supplement their energy supply through the proper use of solar energy systems. Use of solar energy systems, in accordance with these regulations, is supported and encouraged within the Township. This Section also establishes standards for the safe and appropriate operation of solar farms.

2. The following development and design standards shall be applied to the construction and installation of any solar energy system:

A. Solar energy systems are permitted in all zoning districts as an accessory use.

B. A building permit specific to a solar energy system is required for the installation of any such system. The applicant shall reimburse the Township for any administrative costs and legal fees incurred during the application process, and for inspection costs incurred by the Township during installation of the system.

C. Energy produced by a solar energy system shall be primarily for personal use on the property where the system is located. Energy produced in excess of personal or business needs on the property may be sold to a local electric provider, but only as an ancillary and secondary result of the solar energy system.

D. The local electrical distribution utility company shall be contacted

concerning the connection of a system to the grid and to address any further issues. The applicant shall provide written proof to the Township as part of the permit application that the local electrical distribution utility company was contacted and informed of the applicant's intent to install a solar energy system. Contacting the local electric company is not necessary for off-grid systems.

E. Advertising on solar energy systems, other than reasonable identification of manufacturer and operator, is prohibited. This includes any signage, streamers, ribbons, flags, banners, or similar materials, but does not include the posting of appropriate warning signs.

F. All solar energy systems shall be professionally constructed and shall be installed in accordance with all applicable codes and manufacturer's specifications. Solar energy systems shall be certified by Underwriters Laboratories, Inc., and the National Renewable Energy Laboratory, the Solar Rating and Certification Corporation, or other certifying agency determined acceptable by the Township. The Township reserves the right to deny a building permit for proposed solar energy systems deemed to have inadequate certification.

G. A solar energy system may be placed on the roof (roof-mounted) or on the ground (ground mounted).

H. *Additional Standards for Roof-Mounted Solar Energy Systems.*

(1) A roof-mounted solar energy system may be mounted on a principal or accessory building. The system shall in no place hang off or extend beyond the edge of the roof. For sloped roofs, the system shall not extend higher than the current peak of the roof. For flat roofs, the system shall not extend higher than 5 feet vertically above the roof and shall not be higher than the maximum allowable height for buildings in the applicable zoning district. The system shall not be placed on a front roof unless the Zoning Officer determines that this represents the only feasible location where a solar energy system would be functional.

(2) An application for any roof-mounted solar energy system must, as part of the building permit application, submit justification for the proposed design and demonstrate: (a) how the design will accommodate potential impacts from snow and wind; and (b) how any potential off-site impacts from glare will be mitigated. Such documentation shall be prepared by a professional or professionals acceptable to the Township.

(3) For any proposed roof-mounted solar energy system, the building permit application shall include certification of its structural integrity, prepared by a professional or professionals acceptable to the Township.

(4) For roof-mounted systems, an effort shall be made to make the wiring and hardware blend in with the roof and building facade.

I. *Additional Standards for Ground-Mounted Solar Energy Systems.*

(1) A ground-mounted solar energy system shall comply with the same setback requirements as an accessory building in the applicable zoning district. The system shall not be taller than 15 feet.

(2) A ground mounted solar energy system shall not be located in a front yard.

(3) Where a ground mounted solar energy system is proposed to be located in a residential zoning district and/or adjacent to a residential use, such system shall be screened from view from adjacent properties or any other properties in the neighborhood that could be impacted by glare from the system. Screening may be accomplished by vegetation, fences, or walls in accordance with the terms of this Chapter. The Township may require the applicant to submit a glare study in sufficient detail to determine whether screening will be required, and may further require such study to address specific areas of concern, such as road segments or neighborhoods that could be particularly susceptible to glare from the proposed system.

(4) All wiring for ground mounted solar energy systems carrying electric current shall, to the maximum extent practicable, be buried underground to ensure safety. All wiring shall comply with the appropriate version of the National Electric Code.

(5) The surface area of a ground mounted solar energy system shall be considered impervious surface and subject to the applicable terms of this Chapter. The surface area of the panel or panel array shall be calculated as the area of the shadow cast on the ground by the panel(s) (the vertical projection). Impervious areas constructed as part of the solar installation that are outside of the calculated shadow area shall be added to the impervious calculation to determine total impervious area.

3. Passive solar energy systems installed during the construction of a building that do not include solar panels are not subject to the terms of this Section. If improvements are being made to a building to increase its use of passive solar energy, a building permit may be required.

4. Solar energy systems installed prior to enactment of this Section are not required to comply with the terms of this Section. However, any expansion of these systems at any point shall then require the updated system to be in compliance with this Section.

5. The following standards shall be applied to the installation and construction of any solar farm:

A. A solar farm shall be permitted as a principal use in the LI Limited Industrial District when approved as a conditional use by the Board of Supervisors in accordance with the terms of this Chapter.

B. A solar farm may be permitted on any Township-owned property at the sole discretion of the Board of Supervisors.

C. A solar farm shall comply with the minimum net lot area, minimum setback, and maximum impervious surface coverage requirements for an industrial use in §1-804.A of this Chapter.

D. A security fence of at least 8 feet in height must enclose the perimeter of any solar farm site. Such fence shall be landscaped with vegetative material to screen views of the interior of the property.

E. All appropriate warning signage and signage identifying operators shall be clearly posted at the site.

F. All wiring and on-site power lines shall be placed underground, to the

maximum extent practicable. Any wiring carrying live current that is above ground shall be clearly labeled as such.

G. The following shall be included in any application for conditional use approval:

(1) A descriptive plot plan that includes setbacks, property lines, roads/rights-of-way, buildings, number of solar panels, solar panel size, and impervious surface coverage calculation.

(2) An application for a solar farm that is to be connected to the electric grid may not be approved until written evidence is provided to the Township showing a written notice has been provided to the local electrical distribution utility company notifying them of the applicant's intentions to build an interconnected customer-owned solar farm.

(3) If the applicant is not the property owner, an affidavit or other satisfactory evidence of agreement between the applicant and property owner confirming that the former, has the permission to apply for conditional use approval is required.

(4) The applicant shall provide any other relevant studies, reports, or approvals as may be reasonably requested by the Township.

(5) A decommissioning plan, detailing the expected duration of the solar farm and how the facility will be deconstructed once it is no longer in use, shall accompany the application. The applicant shall provide financial security in a form and amount suitable to the Township to guarantee the removal of the equipment when its useful lifespan has been reached.

(6) Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto any property or roadway. The Township may require the applicant to submit a glare study in sufficient detail to demonstrate that this standard can be met. The glare study shall be consistent with the terms of subsection .2.I(3) of this Section, and may be a basis to deny the conditional use application if deemed inadequate by the Board of Supervisors.

(7) A solar farm shall be sited in such a way that it presents no threat to traffic or to public health and safety.

H. If any solar farm has stopped operating for longer than 1 year, the Township may require that the facility be decommissioned at the owner's expense. A bond or other surety, satisfactory to the Township, shall be provided to cover the anticipated cost of deconstruction of the solar farm.

I. Upon the granting of conditional use approval by the Board of Supervisors, the applicant shall submit for approval a land development plan in accordance with the terms of the Township Subdivision and Land Development Ordinance [Chapter 2].

(Ord. 2003-9-1, 9/4/2003; as added by Ord. 2014-4, 6/5/2014, §2)

§1-1433. Wind Energy Conversion Systems.

1. *Statement of Intent.* The intent of this Section is to allow for the safe installation and use of wind energy conversion systems (WECS) for residents and businesses in New London Township. Large-scale industrial wind farms are not

considered suitable in New London Township; certain locations in the Township, however, may have the potential for enough wind power to make smaller systems useful. This Section seeks to address the safety and aesthetic issues associated with wind energy conversion systems, so as to integrate any systems into the community responsibly. It is intended to preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of wind energy conversion systems. The Township encourages the use of alternative energy sources, including wind energy conversion systems.

2. The following development and design standards shall be applied to the construction and installation of all WECS:

A. The design of the wind energy conversion system shall conform to applicable industry standards, including those of the American National Standards Institute. The applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.

B. To the extent applicable, the wind energy conversion system shall comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999, as amended, and the regulations adopted by the Pa. Department of Labor and Industry.

C. All electrical components of the wind energy conversion system shall conform to relevant and applicable Township, State, and national codes, and relevant and applicable international standards.

D. Maximum height, as defined by this Chapter, of a WECS structure, including all moving and rotating parts, shall be 72 feet. If a device is attached to an existing structure, then the maximum height of the attached wind energy device shall not exceed 72 feet, including the height of the existing structure. No WECS blade in any position shall be less than 12 feet from the ground surface.

E. No wind energy conversion system shall be installed until the Township is given proof that the local electric company is aware that a customer intends to install an interconnected, customer owned generator. If the system is not connected to the grid, it is exempt from this requirement.

F. All WECS structures shall be painted a non-reflective, neutral color.

G. No advertising, streamers, flags, or other objects shall be attached to any part of the WECS, except for required warning signs, identification of the owner, or objects specifically allowed in this Chapter.

H. Unless required by the FAA or other authorized body, wind energy conversion systems shall not be illuminated.

I. On-site transmission and power lines shall, to the maximum extent practicable, be placed underground.

J. Noise associated with any WECS shall meet the standards contained in §1-1309.2 of this Chapter.

K. A wind energy conversion system shall not be located in any front yard and must be set back from any side or rear lot line in accordance with the requirements for a principal structure in the applicable zoning district or in accordance with the setback requirements of subsection .3 or .4, below, whichever is greater.

L. A WECS shall be a monopole structure and shall be installed without the

use of guy wires or supports other than the foundation.

M. The owner or operator of any WECS shall be responsible for conducting an annual inspection of the WECS with regard to its structural integrity, safety, potential impacts on neighboring properties, and any other applicable standards of this Section. The inspection shall be performed by a professional acceptable to the Township. The inspection report shall be submitted to the Township and reviewed by the Township Engineer, who will consult with the owner or operator with respect to any deficiencies identified by the inspection that require mitigation.

3. The following development and design standards shall be applied to the construction and installation of all residential wind energy systems:

A. Residential wind energy systems (RWES) shall be an accessory use in all zoning districts. A building permit specific to an RWES is required for the installation of any system. The applicant shall reimburse the Township for any administrative costs and legal fees incurred during the application process, and for inspection costs incurred by the Township during installation of the system.

B. *Setbacks.*

(1) Any RWES shall be set back a distance not less than the wind energy conversion system's height from all power lines, occupied buildings, and any other wind energy conversion system.

(2) Any RWES shall be set back a distance equal to 1½ times the wind energy conversion system's height or 100 feet, whichever is greater, from any public road right-of-way or property line.

(3) Setback distance shall be measured from the outer edge of the rotor, blade, or similar moving part at its closest point to the structure or line cited in subparagraphs (1) and (2), above.

C. Wind energy conversion systems shall be provided with fixed access ladders that shall meet OSHA regulations for fall arrest systems. The lowest fixed access ladder rung shall be located 8 feet above the ground, and the fixed access ladder shall be provided with a lockable anti-climb shield that shall remain locked when not in use.

4. The following development and design standards shall be applied to the construction and installation of any large wind energy system (LWES):

A. A large wind energy system (LWES) shall be permitted in the LI Limited Industrial District only when approved as a conditional use by the Board of Supervisors in accordance with the terms of this chapter.

B. A large wind energy system (LWES) may be permitted on any Township-owned property at the sole discretion of the Board of Supervisors.

C. A large wind energy system (LWES) shall comply with the minimum net lot area, minimum setback, and maximum impervious surface coverage requirements for an industrial use in §1-804.A of this Chapter.

D. *Setbacks.*

(1) Any LWES shall be set back a distance equal to 1½ times the wind energy conversion system's height from all property lines, power lines, public roadways, and occupied buildings.

(2) Each LWES shall be separated by a distance at least equal to the height of its monopole structure from other LWES structures.

E. Wind energy systems shall be provided with fixed access ladders that shall meet OSHA regulations for fall arrest systems. The lowest fixed access ladder rung shall be located 8 feet above the ground, and the fixed access ladder shall be provided with a lockable anti-climb shield that shall remain locked when not in use.

F. A development plan including the following shall accompany any application for conditional use approval of an LWES:

(1) A site plan showing the planned location of each LWES structure, property lines, setback lines, access roads and turnout locations, substation(s), electrical cabling from the large wind energy facility to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.

(2) A short narrative, including where in the Township the system will be located, the purpose of the system, the intended lifespan of the system, and a brief decommissioning plan for when this lifespan is reached.

(3) The applicant shall provide financial security in a form and amount suitable to the Township to guarantee the removal of the equipment when its useful lifespan is reached.

G. Upon the granting of conditional use approval by the Board of Supervisors, the applicant shall submit for approval a land development plan in accordance with the terms of the Township Subdivision and Land Development Ordinance [Chapter 2].

5. Any physical modification to an existing, permitted wind energy conversion system that materially alters the size, type, and/or number of wind turbine generators or other equipment appurtenant thereto shall require a building permit under the terms of this Chapter.

6. Any wind energy conversion system existing prior to the enactment of this Section is exempt from its terms. Any replacement of or physical modification to such existing system that materially alters the size, type, and/or number of wind turbine generators or other equipment appurtenant thereto shall require a permit under the terms of this Chapter.

7. If a wind energy conversion system is inoperable for 6 consecutive months, the Township shall notify the property owner, who shall, within 3 months, either restore the system to operating condition or remove it at the owner's expense. The Township may impose this restoration or removal requirement following any 6-month period of inoperability of the system, or may, at its sole discretion, grant an extension in response to a request submitted in writing by the operator.

(*Ord. 2003-9-1, 9/4/2003; as added by Ord. 2014-3, 6/5/2014, §2*)

Part 15**Mobile Home Park Standards****§1-1501. General Regulations.**

1. *Applicability.* The provisions established under this Part shall apply to all mobile home parks as defined in §1-202 of this Chapter. No person shall establish a mobile home park within New London Township except as provided under this Part.

2. *Temporary Parking of Mobile Homes.* No person shall allow any mobile home to stand upon any street or right-of-way in New London Township, without being attached to a motor vehicle. Temporary parking of a mobile home on any street or right-of-way shall not exceed the time limit established by pertinent State laws, but in no way shall exceed 48 hours.

3. *Occupancy.* No person shall occupy any mobile home in a mobile home park in New London unless in a mobile home park licensed under the provisions of §1-1505, unless such mobile home complies with the provisions of §1-1507.

(Ord. 2003-9-1, 9/4/2003)

§1-1502. Use Provisions Within a Mobile Home Park.

1. *Uses by Right.*

A. Mobile home units when self-contained including cooking, sleeping, living and lavatory facilities.

B. Mobile home park office.

C. Mobile home park service buildings.

2. *Permitted Accessory Uses.*

A. Recreational facilities.

B. Signs in accordance with Part 17.

C. Uses which are customarily incidental to a mobile home.

(Ord. 2003-9-1, 9/4/2003)

§1-1503. Design Standards.

1. *Density.* A mobile home park shall not exceed 4 units per acre, provided adequate off site sewer and water services are utilized.

2. *Building Separation.* Mobile home lots within a mobile home park shall be so designed that no mobile home shall be located less than 25 feet from another mobile home.

3. *Setback.* All mobile homes, park offices or service structures shall be located a minimum of 100 feet from any park boundary. Mobile homes shall be setback a

minimum of 50 feet from collector roads and a minimum of 60 feet from arterial roads. Mobile homes shall be setback a minimum of 25 feet from any internal park street.

4. *Coverage Provisions.* The lot coverage and paved area provisions of the district in which the mobile home is located shall apply. A minimum of 20% of a park shall be landscaped.

5. *Installation of Mobile Homes.* All mobile homes shall be placed on and secured to a level foundation. A foundation shall consist of a 6 inch stone base under a 6 inch thick poured concrete base. The length and width of which shall be dependent upon the size of the mobile home it is to accommodate. An enclosure skirting of a suitable weather resistant material shall be placed around the entire base of the mobile home.

6. *Anchoring.* All mobile homes shall be anchored to the ground by means of steel anchors placed no more than 14 feet apart. The mobile home shall be secured to the anchors by acceptable materials and practices.

7. *Minimum Habitable Floor Area.* All mobile homes shall have a minimum of 800 square feet, exclusive of additions and accessory structures.

8. *Applicable Design Standards.* The following design standards under Part 13 shall apply to all mobile home parks.

- A. Screening standards as established in §1-1302.
- B. Landscaping standards as established in §1-1303.
- C. Storage standards as established in §1-1304.
- D. Vehicular access and traffic controls as established in §1-1305.
- E. Interior circulation standards as established in §1-1306.
- F. Pedestrian access standards as established in §1-1307.
- G. Lighting standards as established in §1-1308.
- H. Off-street parking standards as established in §1-1311.

(Ord. 2003-9-1, 9/4/2003)

§1-1504. Utilities.

1. *Sewage Disposal.* In all cases, an off-site sewage system is required. The sanitary sewage disposal standards established in the New London Township Subdivision and Land Development Ordinance [Chapter 2] shall apply. All systems shall be subject to the approval by the Pennsylvania Department of Environmental Protection.

2. *Water Supply.* In all cases, an off-site water supply system is required for both potable and fire protection purposes. Fire hydrants and their location shall meet the specifications of the Association of Fire Underwriters. Potable water supply system shall be subject to approval by the Pennsylvania Department of Environmental Protection. The water supply standards in the New London Township Subdivision and Land Development Ordinance [Chapter 2] shall apply.

3. *Fuels.* The following provisions shall apply to the use of fuels within a mobile home park:

A. *Natural Gas.* Any mobile home provided with piped gas shall be required to have an emergency shutoff valve installed out of doors. The connection shall be fitted with an approved cap for use when a mobile home is not located on the site.

B. *Liquid Gas.* Any mobile home provided with liquid gas tanks shall be installed and maintained as per standards established by the National Liquid Petroleum Gas Association.

C. *Fuel Oil.* Any mobile home provided with fuel oil shall have all pipes and tanks securely placed. An emergency shutoff valve shall be installed out of doors.

(Ord. 2003-9-1, 9/4/2003)

§1-1505. Licenses, Plans and Permits.

1. *Municipal Licensing.* All mobile home parks shall be required to obtain a license from New London Township prior to the installation and commencement of a new mobile home park, or extension of an existing mobile home park. A mobile home license shall be effective for 12 months upon its issuance.

2. *License Renewal.* An annual renewal shall be required for the continuation of a mobile home park. An inspection of a mobile home park by the Zoning Officer shall be required prior to obtaining a renewal.

3. *License Application.* Any person desiring to establish, construct, operate, maintain or extend a mobile home park shall make a written application to New London Township on the appropriate forms supplied by the Zoning Officer. All applications shall be accompanied by the following, and conform to the procedures established by the New London Township Subdivision and Land Development Ordinance [Chapter 2].

A The appropriate filing fee.

B. A development plan detailing the installation or extension of a mobile home park in accordance with the application standards of the New London Township Subdivision and Land Development Ordinance [Chapter 2].

C. Evidence of plan submittal to the Chester County Health Department for review.

D. Evidence of plan submittal to the Pennsylvania Department of Environmental Protection for review.

4. *Issuance of An Operating License.* Upon completion or extension of a mobile home park, the applicant shall request the Township Zoning Officer to undertake a final inspection of the park. Upon satisfactory inspection of all facilities by the Zoning Officer, a license to operate the mobile home park shall be issued.

5. *County Certification.* No person shall operate a mobile home park without a certificate of registration from the Chester County Health Department.

6. *State Certification.* No person shall operate a mobile home park without a

certificate of registration from the Pennsylvania Department of Environmental Protection.

(Ord. 2003-9-1, 9/4/2003)

§1-1506. Fees.

Fees for building permits, operating licenses, transfer of ownership or management, and filing fees shall be established by resolution of the Board of Supervisors. The adopted fee schedule shall be made available to the public upon request.

(Ord. 2003-9-1, 9/4/2003)

§1-1507. Mobile Home Park Management.

1. *Registration.* Every mobile home park shall include an office for the person in charge of such park. A copy of the operating permit shall be posted at all times in such office along with the register of such mobile home park. The register shall at all times be open for inspection by any Township official. The register shall include, but not be limited to, the following information:

- A. A number assigned to each mobile home lot or site.
- B. Names and addresses of all residents of the park
- C. The arrival date of each mobile home to the park.

2. *Management Responsibilities.* The following responsibilities shall apply to all mobile home park managers:

- A. Maintenance of the mobile home park in a clean and sanitary condition.
- B. Report all violations of this Part to the Township Zoning Officer.
- C. Prohibit open fires upon the premises.
- D. Notify the Township Zoning Officer a minimum of 24 hours in advance of any entry or departure of a mobile home unit.

(Ord. 2003-9-1, 9/4/2003)

§1-1508. Mobile Homes Outside of a Mobile Home Park.

1. *Conformance to District Regulations.* All mobile homes located outside a mobile home park shall be subject to treatment as a single-family, detached dwelling. A mobile home treated as a single-family, detached dwelling shall conform to all requirements of the zoning district within which it is located. There shall be no distinction between those mobile homes intended to be temporary and those to serve as permanent dwellings.

2. *Placement of Mobile Homes on a Single-Family Lot.* Placement or installation of a mobile home on a single-family lot shall be treated the same as placement or installation of a mobile home in a mobile home park under §1-1503.5.

3. *Utilities.* Each mobile home on a single-family lot shall have an approved

water supply and sewage disposal system by the Chester County Health Department.
(*Ord. 2003-9-1, 9/4/2003*)

Part 16

[Reserved]²

²Editor's Note: Former Part 16, "PRD - Planned Residential Development," enacted by *Ord. 2002-9-1*, 9/4/2003, deleted by *Ord. 2004-03*, 11/18/2004, §IV.

Part 17**Signs****§1-1701. Purpose.**

The intent of this Part is to provide for the regulation of signs in New London Township as a proper exercise of the municipal police power, to protect the public health, safety, and general welfare in accordance with the following objectives:

A. To control the size, location, and illumination of signs in the Township in order to reduce hazards to pedestrian and vehicular traffic.

B. To encourage signs which are well-designed and pleasing in appearance, and to provide latitude for variety, in order to enhance the economic value, as well as the visual character, of properties within the Township.

C. To establish standards designed to encourage signs that are compatible with their surroundings, appropriate to the type of activity to which they pertain, expressive of the identity of individual proprietors, and legible in the circumstances in which they are seen; and to prohibit the erection of signs that do not meet these criteria and which are incompatible with the landscape and visual character of the Township.

D. To prohibit the construction of and require the removal of signs which constitute a hazard or a blighting influence.

(*Ord. 2003-9-1, 9/4/2003*)

§1-1702. General Regulations.

1. Except as otherwise noted, the regulations in this Part shall be observed in all districts.

2. Permanent signs shall be constructed in accordance with the requirements of the Township Building Code [Chapter 3, Part 4]. In all other respects, the regulations in this Part shall take precedence over any regulations affecting signs in the Township Building Code, with the following clarification and exception:

A. A sign classification, type, or style defined or regulated in the Building Code, but not listed or regulated in this Part, shall not be allowed.

B. A sign and supporting structure greater than 6 feet high, or placed at a height of at least 6 feet above ground, shall be subject to the requirements of the Building Code.

3. Sign illumination shall be arranged so that the source of light is not visible from any point off the lot and that the sign is illuminated by a light source that is directed upon the sign from above. The lighting of all signs, including billboards, shall be in compliance with the applicable terms of §1-1308 of this Chapter. [*Ord. 2010-01*]

4. All distances provided for in this Part shall be measured along straight lines between signs and from the near edge of a sign, sign faceplate or sign structure. This subsection shall apply in all cases, including locating new signs in relationship to current existing non-conforming signs.

5. No sign, other than official street signs, shall be erected or maintained nearer

to a street line than a distance equaling the height of the sign, unless attached to a building. In addition, all signs shall be placed in accordance with the accessory use setback dimensions of the particular zoning district.

6. Freestanding signs shall be limited to the following quantities, unless otherwise specifically stated in §1-1706, below:

- A. One per parcel or lot.
- B. One per entrance to a parcel or lot.
- C. One per single-family dwelling unit.

7. Every sign permitted by this Part shall be constructed of durable materials and shall be kept in good condition and repair, as determined by the Township. [*Ord. 2010-01*]

(*Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2010-01, 7/1/2010, §2*)

§1-1703. Prohibited Signs.

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

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

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

4. No artificial light or reflecting device shall be used as a part of a sign where such light or device interferes with, competes for attention with, or may be mistaken for, a traffic signal.

5. No sign shall be erected containing information which states or implies that a property may be used for any purpose not permitted in the zoning district in which the property is located.

6. No sign shall be erected in any zoning district without a permit, unless so stated in §1-1705, below.

7. No sign that is not specifically identified or described in this Part shall be erected in any zoning district.

8. With the exception of billboards, as governed by the terms of §1-1711 of this Part, all signs which advertise goods and services shall only be erected on the property where the goods and services are sold. Therefore, no sign other than a billboard shall be erected on any property where the goods and services advertised on that sign are not sold on the property. [*Ord. 2010-01*]

9. No sign shall have graphics, illustrations or words which are determined to be pornographic by any court of applicable jurisdiction or which are offensive to community standards of civility regarding race, creed, religion, gender or national origin.

10. No sign except removable political campaign signs and yard or garage sale signs shall be placed on any official sign or on any tree, rock, or other natural feature.

11. No sign shall obscure or interfere with the line of sight at any street intersection or traffic signal, or at any other point of vehicular access to a street.

12. No sign shall be erected or maintained so as to prevent free ingress or egress from any door, window, or fire escape.

(*Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2010-01, 7/1/2010, §2*)

§1-1704. Assignment of Temporary or Permanent Sign Classification.

The sign classifications in §§1-1705 and 1-1706 are assigned to be temporary or permanent signs in the table below, in accordance with the definitions of temporary sign and permanent sign contained in Chapter 4, "Definitions," of this Compilation of Land Use Ordinances.

Temporary Signs	Permanent Signs	Temporary or Permanent Signs
Real estate signs: residential and nonresidential	Traffic signs	Trespassing signs
Temporary duration professional signs	Identification signs: all classifications	Agricultural signs
Temporary and 72-hour duration limit non-professional signs	Non-commercial directional signs	
	Billboards	

(*Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2010-01, 7/1/2010, §2*)

§1-1705. Exempt Signs.

No permit shall be required for the following signs. These signs shall conform to all other regulations set forth in §§1-1701 and 1-1706. Such signs are deemed not to create nuisance situations that would threaten the health, safety, or welfare of persons in the Township. All owners of such signs, however, must still comply with all applicable standards of this Chapter, including the responsibility for maintenance of signs in good and safe repair.

A. Directional, Information, or Public Service Signs.

- (1) Includes signs which advertise the availability of rest rooms, telephone, accessibility to the disabled, or similar public conveniences.
- (2) Includes signs which advertise meeting times and places of nonprofit service or charitable clubs and organizations.
- (3) Includes the following types of signs at business, commercial, or industrial premises.
 - (a) Those which indicate pedestrian and vehicular traffic control, such as "entrance," "exit," "enter only," "one-way traffic," and graphics painted on paving surfaces, such as arrows and crosswalks.
 - (b) Those which are listed in §1-1704, above.
 - (c) Those which indicate hours of operation.
 - (d) Those which indicate methods of payment, such as "pay with cash," "pay with credit card," credit card logos or symbols.
- (4) Does not include signs which advertise any commercial establishment, activity, organization, product, good, or any service other than services

indicated in subsections (3)(b), (3)(c), and (3)(d), above.

B. Trespassing signs.

C. Real estate signs, small residential advertisement style only, as specified in §1-1706.

D. Home occupation signs.

E. Agricultural signs.

F. Traffic signs officially erected by the Commonwealth of Pennsylvania or New London Township.

G. Temporary roadwork signs that warn or provide notice. These signs may be erected by the Commonwealth of Pennsylvania, New London Township, a contractor possessing a valid Township road or highway occupancy permit for the work, or a contractor specifically authorized by the Township.

H. Non-professional signs with a 72-hour removal limit only. Any other temporary signs, as per §1-1707, shall require a permit in accordance with the terms of §1-1710.

I. Temporary duration professional signs that are no larger than 6 square feet in area.

(Ord. 2003-9-1, 9/4/2003)

§1-1706. Sign Classification, Size, and District Applicability.

Signs shall be classified, regulated, and permitted as follows:

A. *Real Estate Signs.* Real estate signs include signs which advertise the sale, rental, or lease of the property on which they are placed. Real estate signs do not include commercial signs on real estate offices advertising and identifying real estate services; these types of signs shall be regulated in §1-1706.C, "Identification Signs," below.

(1) Permitted in all districts.

(2) *Permitted Styles and Dimensional Requirements.*

(a) *Small Residential.* Sign faceplate not to exceed 6 square feet and overall height not to exceed 6 feet. Signs in this category include "metal yard" and "mailbox post" styles. These signs can be transported easily in the trunk of an automobile.

(b) *Large Residential.* Sign faceplate not to exceed 32 square feet, and overall height not to exceed 10 feet. These signs are more permanent, but are still erected for a temporary period of time.

(c) *Small Nonresidential.* Sign faceplate not to exceed 6 square feet and overall height not to exceed 6 feet. Signs in this category include "metal yard" and "mailbox post" styles. These signs can be transported easily in the trunk of an automobile.

(d) *Large Nonresidential.* Sign faceplate not to exceed 32 square feet, and overall height not to exceed 10 feet. These signs are more permanent, but are still erected for a temporary period of time.

(3) *Permitted Uses.*

(a) *Small Residential*. Used for single-family detached dwelling and single-family units that are part of an attached dwelling or a multi-family building.

(b) *Large Residential*. Used for advertising all the building lots on one sign, in “to-be-built” residential subdivisions.

(c) *Small Nonresidential*. Used for all other nonresidential lots.

(d) *Large Nonresidential*. Used for all other nonresidential properties. Also used for advertising all the building lots on one sign, in “to-be-built” nonresidential properties.

(4) *Allowable Quantities*.

(a) *Small Residential*. One per lot.

(b) *Large Residential*. One per subdivision.

(c) *Small Nonresidential*. One per lot.

(d) *Large Nonresidential*. One per subdivision or land development.

B. *Traffic Signs*. Traffic signs are signs regulating traffic, naming roads, or describing conditions, and which are officially erected by the Commonwealth of Pennsylvania or New London Township.

(1) Permitted in all districts.

(2) *Dimensional Requirements*. As deemed appropriate by the Commonwealth of Pennsylvania or New London Township.

C. *Identification Signs*. Identification signs are signs, placed for a permanent period of time, which display the name of a building or identify a permitted property use or a product or service sold on the property. For identification signs placed for a temporary period of time, refer to temporary and/or 72-hour removal limit subsections later in this Section.

(1) *Business, Commercial, or Industrial Signs*.

(a) Signs included in this category include the name of the business, commercial, or industrial establishment, as well as the name of a business campus or multibusiness development. Other signs included in this category are listed below; they may or may not include the identifying name, business type, and business trademark of the establishment.

1) Hours of operation.

2) Payment methods.

3) Equipment or machine operating instructions.

4) Pedestrian and/or vehicular traffic control.

5) Directions and information about the business, commercial, or industrial services.

6) Public conveniences, such as restrooms, telephone, and accessibility to the disabled.

(b) Permitted in the C-1 Commercial and LI Limited Industrial Districts only.

(c) *Styles and Dimensional Requirements*.

1) *Wall-mounted or Roof-mounted Signs.* Such signs may be mounted on a building elevation, or on any side of a structure, or on the roof of a building or structure, in accordance with subsection 4), “Allowable Locations,” below.

a) For a premises where only one commercial or light industrial business use occurs, the total of: (i) all-wall mounted, or (ii) all roof-mounted, or (iii) the combination of all wall-mounted and roof-mounted sign faceplate areas shall not exceed a maximum cumulative sign area of 150 square feet per acre of building premises, for all principal and accessory buildings and structures, with the exception of the special type signs listed below in subsection c).

b) For a premises with two or more separate commercial or light industrial business uses, the total of: (i) all-wall mounted, or (ii) all roof-mounted, or (iii) the combination of all wall-mounted and roof mounted sign faceplate areas for each separate commercial or light industrial use shall not exceed a maximum cumulative area of 10% of the building front elevation area for each separate business use, with the exception of the special type signs listed below in subsection c).

c) Special types of wall-mounted signs shall include:

i. Signs mounted on vehicle fuel dispensing island canopies. Maximum cumulative area of all canopy-mounted signs shall be 100 square feet. This amount is in addition to the maximum cumulative area per acre of business premises or maximum cumulative area per building front elevation area.

ii. *Landscape Stone or Masonry Wall Signs.* See regulations for freestanding signs in subsection 2)b) below.

iii. *Public Conveniences.* The faceplate area for any public convenience sign shall be exempt from the cumulative areas for wall-mounted signs listed above. The sign faceplate area for each sign shall be per regulatory agency standards.

iv. *Other Special Structures.* No sign shall be mounted on these structures, except the manufacturer's label and safety-related signs.

aa. Industrial tanks and vessels, including surrounding structures.

bb. Agricultural silos, vessels, and similar structures.

cc. Slat or chain fences.

2) *Freestanding Signs.*

a) Business campus or multi-business, development sign which shows the name and trademark/symbol.

i. Sign faceplate, including name(s), not to exceed 60

square feet per side of sign.

ii. The supporting structure dimensions shall not exceed 17 feet long by 4 feet deep. The total height of the faceplate and the supporting structure shall not exceed 7 feet.

b) All other freestanding signs, except those specifically listed separately below. This subsection includes a business sign, which shows the name and trademark/symbol for the business.

i. Maximum sign faceplate area, or cumulative area if more than one faceplate is on the sign, shall be 60 square feet per side of sign.

ii. Maximum height of sign faceplate and support structure shall be 35 feet.

3) *Pedestrian and Vehicular Traffic Control.*

a) Sign faceplate area for each sign shall be per Pennsylvania Department of Transportation standards. Sign faceplate cumulative areas shall be exempt from the cumulative areas listed for wall-mounted and freestanding signs.

b) Graphic sizes shall be per Pennsylvania Department of Transportation standards.

c) Maximum height of freestanding signs (faceplate and supporting structure) shall be per Pennsylvania Department of Transportation standards.

d) For signs with no corresponding Pennsylvania Department of Transportation standard, the sign faceplate area and maximum height shall be reasonable for the control application.

4) *Public Conveniences, Such as Telephone, Restroom, and Disabled Accessibility.*

a) Sign faceplate area for each sign shall be per regulatory agency standards. Sign faceplate cumulative areas shall be exempt from the cumulative areas listed for wall-mounted and freestanding signs.

b) Maximum height of sign faceplate and supporting structure shall be 5 feet.

5) *Signs Mounted on Equipment or Machines.*

a) For each machine or equipment, only the following signs are allowed: operating instructions, product descriptions, regulatory seals, regulatory licenses, and one business logo.

b) The business logo area shall not exceed 3 square feet. The remaining allowable signs may be any size required for readability.

6) *Signs Mounted on Windows and Doors.*

a) For windows, the cumulative area of signs placed per pane of glazed material shall not exceed 25% of the area of the

glazed material windowpane.

b) For doors, the cumulative area of signs placed per pane of glazed material or per door surface shall not exceed 10% of the area of the glazed material door pane or door surface.

c) Regulatory seals and licenses are not subject to the cumulative area requirement.

7) *Signs Suspended from Roof Eaves or Overhangs.*

a) Signs which show the name and trademark/symbol only for a single business. Maximum sign faceplate area shall be 3 square feet.

b) *Public Convenience Signs.* Sign faceplate area shall be per regulatory agency standards.

(d) *Allowable Locations.*

1) Wall-mounted signs on buildings or structures shall be installed parallel to the supporting wall and project not more than 10 inches from the face of such wall. The top edge of the sign shall not exceed the height of the building wall or the highest point of the structure, whichever is the greater dimension, on which it is attached. Wall-mounted signs shall only be placed on a building elevation that is exposed to public view from either a street or parking area.

2) Roof-mounted signs on buildings or structures shall be installed perpendicular to the interior floor plane of the building or structure. The top edge of the sign shall not be greater than three 3 feet from the highest point of the roof.

3) Freestanding signs. See §1-1702, "General Regulations."

4) Equipment and machine operating instruction signs shall be placed on the equipment or machine surface or located within 8 feet horizontally or vertically from the surface of the equipment or machine.

5) Signs mounted on windows and doors. No other location restrictions.

6) Signs suspended from roof eaves or overhangs The top edge of the sign shall be located so that it does not exceed the height of the point where the roof and eave or overhang meet.

7) Pedestrian or vehicular traffic control signs shall be mounted in close proximity to the area of required control. Graphics painted on paving surfaces shall be included within the area of required control.

8) Public convenience signs shall be mounted in close proximity to the convenience or in a reasonably visible location.

9) Signs giving information or directions about the business, commercial, or industrial services shall be mounted in close proximity to the location where the service is rendered.

(e) *Allowable Quantities.* See also §1-1702, "General Regulations," for

other sign quantity limitations.

1) Roof eave or overhang sign with the business name and/or trademark/symbol. One sign per commercial or industrial business establishment.

2) Pedestrian and vehicular traffic control. A reasonable number of signs shall be used to accomplish safe pedestrian and vehicular traffic movement on the property.

3) Public conveniences. One sign allowed per convenience and per each side of building structure, including the adjacent roof eave or overhang.

4) Signs with information about business, commercial or industrial services. One sign allowed per each service provided. For example, for a vehicle service station business, which provides credit card payment at the fuel pump and dispenses both gasoline and diesel fuel, one sign is allowed for the payment service and one sign is allowed for the different types of fuel dispensed. Businesses are encouraged to consolidate services information onto the least number of signs.

(2) *Home Occupation Signs.* Such signs may be used to indicate a home occupation, as defined by this Chapter including, but not limited to, a dentist, lawyer, mason, contractor, plumber, doctor, or veterinarian.

(a) Permitted in all districts.

(b) *Dimensional Requirements.* Not to exceed two 2 square feet.

(3) *All Other Identification Signs.* Such signs shall include those signs not included §§1-1706.C(1) and 1706.C(2), above, and which are not placed on a temporary basis. These signs include names of churches, schools, private clubs, and residential developments.

(a) Permitted in all districts.

(b) *Styles and Dimensional Requirements.*

1) *Freestanding Signs.*

a) Sign faceplate, including name(s), not to exceed 32 square feet.

b) The supporting structure dimensions shall not exceed 12 feet long by 2 feet deep. The height of the sign faceplate and supporting structure shall not exceed 7 feet. The structure shall be constructed of permanent materials.

2) *Wall Mounted Signs.* Maximum length or width shall be 30 feet and maximum height shall be 8 feet.

(c) *Allowable Quantities.*

1) *Freestanding Signs.* See §1-1702, "General Regulations."

2) *Wall-mounted Signs.* One sign allowed on front of building. One sign allowed on each building elevation that is exposed to public view from either a street or parking area.

D. *Non-Commercial Directional Signs.*

- (1) Allowable signs shall be in accordance with §1-1705.A
- (2) Permitted in all districts.
- (3) *Dimensional Requirements.* Not to exceed 2 square feet.

E. *Trespassing Signs.*

(1) Such signs shall include any sign indicating the private nature of property, a road, or driveway, or a sign restricting or prohibiting hunting, fishing, or some other activity.

- (2) Permitted in all districts.
- (3) *Dimensional Requirements.* Not to exceed 2 square feet.

F. *Agricultural Signs.*

(1) Signs advertising the sale of farm products grown or produced on the premises.

- (2) Permitted in all districts.
- (3) *Dimensional Requirements.* Not to exceed 5 square feet.

G. *Temporary Duration Professional Signs.* Signs of contractors, architects, mechanics, or artisans displayed on a temporary basis on the premises at which the services are being performed. These signs shall be removed when the services are complete.

- (1) Permitted in all districts.
- (2) *Dimensional Requirements.* Not to exceed 12 square feet.

H. *Temporary and 72-Hour Removal Limit Non-Professional Signs.* Signs noting a special event such as fair, circus, yard sale, bingo party, political candidate advertisement, political activity, or a seasonal activity such as the sale of Christmas trees. Also included are "open house" advertisement and directional signs for a residential use property or a residential subdivision advertising real estate sales. These signs may or may not be placed on the property on which the event is to be held.

- (1) Permitted in all districts.
- (2) *Styles.*

(a) *Paper.* Sign may be made of cardboard, poster board, or paper and laminations or applied coatings on these materials and shall be freestanding. Signs in this group shall only include private or community yard sales, residential and subdivision "open house" or "for sale" advertisement and/or direction, private parties and gatherings, and political candidate advertisements.

(b) *Non-Paper.* All other signs not made of paper and which are not listed in subsection (l), above, and shall be freestanding.

- (3) *Dimensional Requirements.*

(a) *Paper.* Sign faceplate not to exceed 2 square feet. Sign may be mounted in the ground with one lightweight wood post or two lightweight thin metal supports, with sign top edge not to be greater than 4 feet above

ground level.

(b) *Non-Paper*. Sign faceplate not to exceed 12 square feet and overall height to not exceed 10 feet.

(4) *Quantity Allowed per Parcel*.

(a) *Political Candidate Advertisements*. Unlimited number of paper style.

(b) "Open house" advertisement and directional signs for a residential use property or subdivision two paper style.

(c) All other signs. See §1-1702, "General Regulations."

(5) *Installation Duration*.

(a) Paper sign styles shall be removed within 72 hours after the event ends.

(b) Non-paper sign styles shall be subject to the duration listed in §1-1707 regarding temporary signs.

(Ord. 2003-9-1, 9/4/2003)

§1-1707. Temporary Signs.

Temporary signs are signs which are erected for a specified period of time or duration. The temporary signs described in §1-1706 shall be subject to the following:

A. Permits shall run for a period of up to 6 months, as is the choice of the applicant.

B. Any freestanding sign shall be located at least 10 feet from any lot line.

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

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

E. A permit may be re-issued for successive 6-month periods. A new permit fee shall be paid each time a permit is re-issued.

(Ord. 2003-9-1, 9/4/2003)

§1-1708. Removal of Signs.

1. *Unsafe Signs*.

A. Whenever a sign becomes structurally unsafe and/or poses a potential threat to the safety of a building or premises or endangers the public safety, and such condition becomes known to the Zoning Officer, he shall give written notice to the owner of the premises on which the sign is located that such sign must be made safe or removed within 5 days, unless the Zoning Officer shall deem appropriate a more extended period for compliance.

B. Where, in the opinion of the Zoning Officer upon careful inspection, any sign as described in subsection .A, above, constitutes an imminent hazard to public safety necessitating immediate action, he shall be empowered to take those measures he deems appropriate to secure, stabilize, or remove such sign without the written notice to the owner of the premises otherwise required by that Section. In such cases, a lien shall be placed against the property on which such sign was

situated in the amount of the costs incurred by the Township in removing the sign.

C. Failure of the Zoning Officer to remove, or require the removal of, any unsafe sign as described in this Section shall create no liability upon, nor any cause of action against, the Zoning Officer or any other Township official or employee for damage or injury that may occur as a result of such sign.

2. *Abandoned Signs.*

A. Any sign which was erected for an occupant or business unrelated to the present occupant or business, or any sign which relates to a time or event inconsistent with the time limits established by this Part, shall be deemed to have been abandoned.

B. Any billboard advertising a product, business, or service that is no longer available or in operation shall be deemed to have been abandoned. Any applicant for a billboard permit shall, as part of the permit application, submit a guarantee bond to enable Township removal of an abandoned billboard, where necessary, in accordance with the terms of §1-1711 of this Part. The owner of the billboard or the property owner shall submit to the Township annual proof That the guarantee bond is then in existence for an amount, which will then be required for removal should the billboard subsequently become abandoned.

C. Where the Zoning Officer determines that a sign is abandoned, on the basis of the criteria in paragraph .A or .B, above, he shall provide the owner of the property on which the sign is located a notice of that determination and an opportunity to respond within 30 days of receipt of such notice. Upon expiration of the 30-day period, and unless the Zoning Officer receives sufficient documentation from the property owner during that period that the sign has not been abandoned, he shall provide written notification to the property owner that the sign shall be removed within 30 days of receipt of such notification.

[*Ord. 2010-01*]

(*Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2010-01, 7/1/2010, §2*)

§1-1709. Nonconforming Signs.

1. Any sign existing at the effective date of this Part³ or subsequent relevant amendment that does not conform to the provisions of this Part shall be considered a nonconforming sign.

2. Any nonconforming sign deemed by the Zoning Officer to be unsafe, as stipulated in §1-1708.1, shall be made safe or removed in accordance with the terms of that Section.

3. Once a nonconforming sign is removed for any reason other than normal repair and maintenance, any replacement sign must comply with all the provisions of this Part.

4. Signs which, at the effective date of this Part or subsequent amendment thereto, are maintained in connection with and upon the same lot as a lawful nonconforming use may be maintained, repaired, or replaced with signs similar in size

³Editor's Note: This Section in its present form, was originally enacted by *Ord. 2002-12-3* on December 19, 2002, effective December 24, 2002.

and character as long as such lawful nonconforming use continues, but may not be enlarged or otherwise substantially altered (nor may any illumination be increased or newly installed) except in accordance with the applicable regulations of this Part.

(Ord. 2003-9-1, 9/4/2003)

§1-1710. Permits and Inspections.

1. Any sign to be erected in the Township that is not exempt under §1-1705 shall require a permit. No such sign shall hereafter be erected, altered, or the content changed (except on a multi-business development sign) until a permit is issued by the Zoning Officer.

2. No permit to erect a sign shall be issued until the required fee has been paid to the Zoning Officer, which fee shall be established from time to time by resolution of the Board of Supervisors.

3. Application for a sign permit shall be made in writing to the Zoning Officer and shall contain all information necessary for the Zoning Officer to determine whether the proposed sign, or the proposed alterations, common to all the requirements of this Part. All applications for sign permits shall be accompanied by plans or diagrams in duplicate and to scale, showing the following:

A. Exact dimensions of the lot, including any right-of-way lines, or building upon which the sign is proposed to be erected.

B. Exact size, content, dimensions, and location of the said sign on the lot or building together with its style, materials to be used, and the manner of installation.

C. Any other lawful information which may be required of the applicant by the Zoning Officer.

4. Permits shall be granted or refused within 15 days from the date of application.

5. No sign permit shall be issued unless there is conformance with the regulations of this Part, except upon order of the Zoning Hearing Board, granted pursuant to the procedures established for the issuance of a variance.

6. After installation, the Zoning Officer shall inspect the sign to insure that the installation has conformed to the regulations set forth in this Part. All signs shall henceforth be subject to annual inspection.

(Ord. 2003-9-1, 9/4/2003)

§1-1711. Billboards.

1. Billboards shall be permitted only on properties that directly abut, and/or are contained within, the right-of-way of Rt. 896, except that no billboard shall be permitted on any property within the NLV New London Village District.

2. A billboard shall be permitted only when approved as a conditional use by the Board of Supervisors.

3. Due to a billboard's potential deleterious impacts resulting from its off-site location and increased size in relation to other signs permitted by this Part, any application for approval of a billboard as a conditional use shall be evaluated in terms of its potential impact on:

A. Sight distance and other highway safety aspects that could affect

motorists, pedestrians, or other travelers.

B. Natural features or scenic, cultural, or historic resources, as identified in the New London Township Comprehensive Plan.

4. Any application for approval of a billboard as a conditional use shall demonstrate compliance with the following requirements:

A. A billboard may only be constructed as a freestanding sign.

B. The maximum sign area of any billboard shall be 75 square feet per side; a billboard shall have not more than two sides.

C. The maximum height of any billboard shall be 15 feet, as measured from the ground surface to the top of the sign.

D. No billboard shall be located closer than 50 feet to any property line.

E. There shall be a minimum separation distance of 300 feet between any two billboards.

F. There shall be no more than one billboard on any parcel or lot.

G. The lighting of any billboard shall be in compliance with the requirements of §1-1702.3 of this Part.

H. No billboard shall contain moving or animated parts, changeable copy, or other electronic messages where the Board deems such features to pose undue distractions to the traveling public, a risk to public safety, and/or unnecessary glare. Any applicant proposing any such features shall have the burden, through expert testimony, to demonstrate the lack of such potentially hazardous impacts.

I. A guarantee bond shall be provided by the applicant as a condition of approval. The guarantee bond shall be in a form and amount sufficient to enable the Township to remove the billboard, should it become unsafe or abandoned and is not then removed in accordance with the terms of §1-1708 of this Part.

(*Ord. 2003-9-1, 9/4/2003; as added by Ord. 2010-01, 7/1/2010, §3*)

Part 18**Nonconforming Uses, Structures, Buildings, and Lots****§1-1801. Application of Regulations.**

The following regulations shall apply to existing uses, structures, buildings, lots and signs which do not conform to the provisions of any subsequent amendment hereto.

(Ord. 2003-9-1, 9/4/2003)

§1-1802. Nonconforming Uses.

Except as provided in this Part, any use existing at the time of passage or amendment to this Chapter may be continued, provided the following are upheld:

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

B. *Extension of Use.* Any lawful nonconforming use of land exclusive of buildings and the use contained within, may be extended upon the lot which it exists at the time of the effective date of this Chapter. Such extension shall conform to the area and bulk requirements and design standards of this Chapter. The extension of a nonconforming use on a lot shall be limited to the lot which was in existence on the effective date of this Chapter. The area devoted to such extension shall not be increased by more than 50% of the area so used as of the effective date of this Chapter.

C. *Change in Use.* Any lawful nonconforming use of a building or of land may be changed to another nonconforming use of substantially the same character by a grant of a special exception by the Zoning Hearing Board. The provisions of §1-1807 shall govern the review of uses on a nonconforming lot. Whenever the nonconforming use of a building or of land has been changed to a conforming use, such conforming use shall not thereafter be changed to a nonconforming use.

(Ord. 2003-9-1, 9/4/2003)

§1-1803. Nonconforming Buildings and Structures.

Except as provided in this Part, any building or structure existing at the time of passage or amendment to this Chapter may be continued, provided the following are upheld:

A. *Continuation.* Any lawful nonconforming building or structure legally existing on the effective date of this Chapter may be continued, altered or enlarged, provided such alteration or enlargement shall not increase the nonconformity with respect to existing setback, coverage and density requirements in effect at the time such alteration or enlargement is proposed.

B. *Restoration.* A lawful nonconforming building or structure which has been

destroyed by fire or some other calamity may be restored provided:

1. The restored building or structure shall not exceed the height, area or bulk of the damaged or destroyed building or structure.
2. Restoration shall begin within 1 year from the date of damage or destruction and shall be carried on without interruption.
3. *Extension.* Any lawful nonconforming building or structure existing at the time of the effective date of this Chapter may be extended only by special exception from the Zoning Hearing Board. The area of such building or structure shall not be increased by more than 30% of the area of the nonconforming building at the time of the effective date of this Chapter. The extension shall not exceed the height and bulk requirements of the applicable zoning district.

(Ord. 2003-9-1, 9/4/2003)

§1-1804. Nonconforming Lots.

1. A lot held at the effective date of this Chapter in single and separate ownership and which does not meet the required minimum area or dimension requirements, or is of such unusual dimensions to prevent required open spaces from being provided, may be used or have a building erected or altered upon it.
2. A granting of a special exception by the Zoning Hearing Board shall be required for any building or structure upon a nonconforming lot. The provisions of §1-1807 shall govern the review of uses on a nonconforming lot. In the event an applicant owns adjacent property sufficient to enable him to comply with the provisions of this Chapter, such property or portions thereof shall be combined prior to the erection or alteration of a building or structure.

(Ord. 2003-9-1, 9/4/2003)

§1-1805. Abandonment.

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

(Ord. 2003-9-1, 9/4/2003)

§1-1806. Criteria for Permitting Nonconformance.

In considering a special exception of variations to permit a nonconforming use, building or structure to occur, or to permit a use building or structure to occur on a nonconforming lot, the Zoning Hearing Board shall consider the following criteria:

- A. *Nonconforming Lots.* The proposed use conforms to the permitted uses in the district in which such lot lies.
- B. *Nonconforming Buildings and Structures.* The alteration or expansion of

such buildings and structures conforms to the building's height requirement.

C. *Nonconforming Use.* The design standards imposed for uses within the applicable district have to be appropriately applied to the use of the lot.

D. *General.* The criteria established under Part 19 for special exceptions have been complied with.

(Ord. 2003-9-1, 9/4/2003)

§1-1807. Registration of Nonconforming Uses, Buildings and Structures.

The Township Zoning Officer shall identify and register all nonconforming uses and nonconforming buildings and structures in existence at the effective date of this Chapter. Uses, buildings and structures included in the register shall be considered the only lawful nonconforming uses, buildings and structures in existence at the time of adoption. The Zoning Officer shall compile the register within 1 year from the effective date of this Chapter.

(Ord. 2003-9-1, 9/4/2003)

Part 19**Zoning Hearing Board****§1-1901. Membership and Appointment to the Board.**

1. *Appointment.* The membership of the Zoning Hearing Board shall consist of three residents of the Township, appointed by the Board of Supervisors in accordance with Article IX of the Pennsylvania Municipalities Planning Code, as amended, 53 P.S. 10901 *et seq.* Each term of office shall be 3 years and shall be fixed that the term of office of one member shall expire each year.

2. *Vacancies.* The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the duration of the unexpired portion of the term.

3. *Limitation of Responsibilities.* Members of the Zoning Hearing Board shall hold no other office in the Township.

4. *Removal of Members.* Any member of the Zoning Hearing Board may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote by the Board of Supervisors. Such vote shall not take place until which time 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 shall request it in writing.

(Ord. 2003-9-1, 9/4/2003)

§1-1902. Organization of the Board.

1. *Conduct of the Board.* The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Zoning Hearing Board. The Zoning Hearing 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 Zoning Hearing Board as provided in §1-1906.

2. *Establishment of Procedure.* The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of New London Township and the laws of the Commonwealth. The Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be established by the Board of Supervisors.

(Ord. 2003-9-1, 9/4/2003)

§1-1903. Fees.

An applicant before the Zoning Hearing Board shall deposit with the Treasurer of New London Township the appropriate filing fee. Fees shall be established by resolution of the Board of Supervisors.

(Ord. 2003-9-1, 9/4/2003)

§1-1904. Functions.

The Zoning Hearing Board shall function in strict accordance with and pursuant to the Municipalities Planning Code and shall have all the functions set forth herein.

A. *Appeals from the Zoning Officer.* The Board shall hear and decide appeals where it is alleged that the Township Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid ordinance or map of the Township or any valid rule or regulation governing the duties of the Zoning Officer.

B. *Special Exceptions.* The Board shall hear and decide requests for special exceptions authorized by this Chapter in accordance with the standards or criteria set forth below. The Zoning Hearing Board may attach such reasonable conditions and safeguards it may deem necessary as prescribed in §1-1908 to implement the purposes of the Municipalities Planning Code and this Chapter.

C. *Variances.* The Board shall hear requests for requests for variances where it is alleged that the provisions of this Chapter create unnecessary hardship on an applicant when applied to a tract of land. In granting a variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards it may deem necessary as prescribed in §1-1906 to implement the purposes of the Municipalities Planning Code and this Chapter.

D. *Validity of this Chapter.* The Board shall hear and make findings on challenges to the validity of this Chapter with respect to substantive questions.

(Ord. 2003-9-1, 9/4/2003)

§1-1905. Hearings.

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

A. *Notice.* The Board shall fix a reasonable time and place for public hearings and shall give notice thereof as follows:

(1) By publishing a notice thereof once at least 10 days before the date fixed for the hearing in a newspaper of general circulation in the Township.

(2) By mailing a notice thereof to the parties in interest, and to any person who has made a timely request for the same.

(3) By mailing a notice thereof to the Zoning Officer, the Township Secretary, each member of the Planning Commission, the Director of the Chester County Planning Commission and to every person or organization who shall have registered with the Board for the purpose of receiving such notices.

(4) By posting notice of said hearing in a conspicuous location of the affected tract of land.

(5) By mailing or delivering a notice thereof to the owners of all properties

located within 500 feet of the perimeter lot line of the subject property, provided that non-receipt of such notice by any property owner shall not invalidate any action taken by the Board. The applicant shall provide a complete list of the names of property owners to be so notified and a corresponding envelope for each such owner, fully addressed and stamped. [Ord. 2007-1]

(6) The notice herein required shall state the location of the lot or building and the general nature of the question involved.

B. *Timing.* A hearing shall be held within 60 days from the official application date requesting a hearing.

C. *Parties to the Hearing.* The parties to the hearing shall be any person who is entitled to notice under subsection .A and any other person permitted to appear by the Board.

D. *Powers of the Chairman.* The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

E. *Rights of the Parties.* The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

F. *Exclusion of Evidence.* Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.

G. *Record of the Proceedings.* The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings, and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.

H. *Communications.* 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 representative unless all parties are given an opportunity to be present.

(Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2007-1, 1/2/2007, §II)

§1-1906. Decisions.

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. Each decision shall be accompanied by findings and conclusions together with the reasons for such conclusions. Conclusions based on any provisions of this Chapter or of any act, rule or regulation shall contain a reference to the provision relied on and the reasons, why the conclusion is deemed appropriate

in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make its report and recommendations available to the parties. The parties shall be entitled to make written representations to the Board prior to final decision or entry of findings. 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 this subsection, the decision shall be deemed to have been rendered in favor of the applicant.

2. A copy of the final decision or, where no decision is called for of the findings, shall be delivered to the applicant personally or by certified mail to him not later than the day following its date. The Board shall provide by mail or otherwise a brief notice of the decision or findings and a statement of the place where the full decision may be examined to all other persons who have filed their names and addresses to the Board no later than the last day of the hearing.

(Ord. 2003-9-1, 9/4/2003)

§1-1907. Standards for Review of Variance Requests.

The Zoning Hearing Board may grant a variance to a provision of this Chapter provided the following standards are satisfied where relevant in a given case.

A. *Unique or Irregular Conditions.* Where unique physical circumstances or conditions exist, including irregularity, narrowness or shallowness of lot size of shape, or exceptional topographical or other physical conditions peculiar to the particular property. An unnecessary hardship must be created by such conditions and not the circumstances or conditions generally created by the provisions of this Chapter in the district in which the property is located.

B. *Strict Conformity Cannot Occur.* Because of the physical circumstances or conditions described in subsection .A, there is no possibility that the property can be developed in strict conformity with the applicable provisions of this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

C. *Liability of the Applicant.* Such unnecessary hardship described in subsection .A has not been created by the applicant, subsequent to the adoption of this Chapter, or prior ordinances, and that strict application of the provisions of this Chapter would deprive applicant of the reasonable use of land, structure or building.

D. *Impact of Variance on District.* The variance, if authorized, will not alter the essential character of the applicable zoning 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. *Minimum Variance.* 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.

F. *Conditions.* The variance, if authorized shall be subject to such conditions as will assure that the adjustment to provisions of this Chapter shall not constitute

a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zoning district in which the property is situated.

G. *Financial Gain*. In no case shall a variance be granted solely for reasons of additional financial gain on the part of the applicant.

(Ord. 2003-9-1, 9/4/2003)

§1-1908. Standards for Review of Special Exception Requests.

The Zoning Hearing Board shall hear and decide all requests for special exception uses as identified within this Chapter in accordance with the following standards.

A. *Relationship to the Comprehensive Plan*. Consideration of the size, scope, extent and character of the proposed special exception and assurance that such use is consistent with community goals and objectives of the New London Township Comprehensive Plan.

B. *Relationship to the Zoning Ordinance*. Consideration of the proposed special exception with respect to promoting harmonious development within the spirit, purpose and intent of this Chapter, and that the proposed use will not adversely affect the public health, safety and welfare of Township residents.

C. *Suitability of the Tract*. Consideration of the suitability of the tract, including environmental conditions, highway access and availability of sewer and water facilities.

D. *Impact on Existing Neighborhood Character*. Consideration of the extent to which the proposed special exception will alter the character of the existing neighborhood and adjacent tracts.

E. *Impact on Circulation*. Consideration of the effects of the proposed special exception will have with respect to traffic patterns and volumes, access, parking and undue congestion.

F. *Economic Impact*. Consideration of the character and type of development proposed as it relates to generating revenue for the Township and that the proposed use will not detract from the surrounding community property value.

(Ord. 2003-9-1, 9/4/2003)

§1-1909. Time Limitations for Person Aggrieved.

No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 30 days from the time any ordinance or map, or any amendment thereto takes effect unless the person raising such issue alleges and proves that he failed to receive adequate notice of the enactment or amendment.

(Ord. 2003-9-1, 9/4/2003)

§1-1910. Stay of Proceedings.

Upon filing of any proceeding before the Zoning Hearing Board and during its pendency before the Board, all land development pursuant to any challenged ordinance,

order or approval of the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property. In such cases, the development or official action shall not be stayed other than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals after notice to the Zoning Officer or other appropriate agency or body. When an application for development has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board.

(Ord. 2003-9-1, 9/4/2003)

Part 20**Administration****§1-2001. Application of Regulations.**

1. *Conformance.* Hereafter, no land shall be used or occupied, and no building or structure shall be erected, altered, used or occupied, except in conformity with the regulations herein established for the district in which such land, building or structure is located.

2. *Mixed Use.* In cases of mixed occupancy, the regulations for each permitted use shall apply to that portion of a building or land so used.

(Ord. 2003-9-1, 9/4/2003)

§1-2002. Enforcement.

1. *Zoning Officer.* A Zoning Officer shall be appointed by the Board of Supervisors to administer and enforce the provisions of this Chapter. The Zoning Officer shall not hold any elected office in the Township. The Zoning Officer may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors.

2. *Duties and Powers of the Zoning Officer.* It shall be the duty of the Zoning Officer to enforce literally the provisions of this Chapter, and subsequent amendments. The Zoning Officer shall have such duties and powers as are assigned to him by this Chapter and are reasonably implied for the purpose. The duties of the Zoning Officer shall include, but are not limited to, the following:

A. Receive and examine all applications for permits, and sign and issue permits in conformance with the terms of this Chapter.

B. Record and file all applications for permits with any accompanying plans and documents. All information shall be matters of public record.

C. In the event that resident's complaints or requests to investigate possible Zoning Ordinance violations cannot be readily resolved by the Zoning Officer then the following procedure shall be followed:

(1) The Zoning Officer shall direct all residents wishing to register a formal complaint or request an investigation into a possible zoning ordinance violation to file such a complaint or request with the Board of Supervisors in writing signed by the resident.

(2) The Board of Supervisors shall review any complaints or requests for investigations into violations and instruct the Zoning Officer in writing as to whether or not to conduct a formal investigation.

(3) The Zoning Officer shall implement the Board of Supervisors instructions and report back as to any action taken.

D. Maintain an official record of all business and activities, including complaints of violations of any of the provisions of this Chapter and of the action

taken on each such complaint. The Zoning Officer shall make such inspections as needed to fulfill his duties.

E. Issue permits for special exception uses and variances only after such uses and/or buildings have been approved by the Zoning Hearing Board in accordance with the regulations of this Chapter.

F. Maintain the official copy of this Chapter and map up to date so as to include all amendments thereto.

G. Identify and register non-conforming uses and structures created as a result of the adoption of this Chapter or created as a result of any subsequent amendment. Such registration shall be in accordance with §1-1807 of this Chapter.

(Ord. 2003-9-1, 9/4/2003)

§1-2003. Violations.

Failure to secure a permit prior to the use or change in use of land or building, or the erection, enlargement or alteration of a building or failure to secure a use and occupancy permit shall be a violation of this Chapter.

A. *Enforcement Notice.* An enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

(1) The enforcement notice shall state at least the following:

(a) The name of owner of record, and any other person against whom the Township intends to take action.

(b) The location of the property in violation.

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

(d) The date before which the steps for compliance must commence and the date before which steps must be completed

(e) That the recipient of the notice has a right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with the procedures set forth in this Chapter.

(f) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions as follows:

1) The institution of appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent on and/or about such premises any act, conduct, business or use constituting a violation.

2) Civil enforcement proceedings can be bought.

(2) 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 Act 247 or prior enabling law, the Board of Supervisors or, with the approval of the Board of Supervisors, 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 use of 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 Board of Supervisors. No such action may be maintained until such notice has been given.

(3) Repeat violation of an initial notification as to violation of an ordinance provision shall result in the fines as provided in §1-2004.

(4) *Complaints Regarding Violations.* When a violation of Chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Zoning Officer. He shall record properly such complaint, investigate, and take action thereon as provided by this Chapter.

B. *Discontinuance.* If the notice of violation is not complied with in the time period set forth in the notice, the Zoning Officer shall order the discontinuance of such unlawful use of land, structure, building or sign involved in said violation.

(Ord. 2003-9-1, 9/4/2003)

§1-2004. Enforcement Penalties.

1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, shall pay a judgment of not less than \$100, nor more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be 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, 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 Chapter shall be paid over to the municipality of New London Township.

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

judgment.

3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

(Ord. 2003-9-1, 9/4/2003)

§1-2005. Permits; General.

1. *Conformity.* No permit shall be issued by the Zoning Officer except in conformity with the regulations of this Chapter, and subsequent amendments. Any permits issued on written order of the Zoning Hearing Board or by a court of competent jurisdiction shall be subject to any stipulation contained in that order, and shall comply with the remaining applicable provisions of this Chapter.

2. *Responsibility.* Applications for permits required under this Chapter may be submitted by an owner or a designated representative, except that the responsibility for obtaining any required permit and compliance with the provisions of this Chapter shall rest with the property owner.

3. *Additional Evidence.* In all instances in which the Zoning Officer expresses a reasonable doubt as to the ability of a proposed use or structure to comply with all applicable provisions of this Chapter, the applicant shall be required to furnish adequate evidence in support of his application. The permit will be denied if such evidence is not presented.

4. *Official Application.* No application is considered complete and official until all necessary documents have been filed and all fees have been paid to the Township.

(Ord. 2003-9-1, 9/4/2003)

§1-2006. Erosion and Sediment Control Permit.

1. *Requirements.*

A. An erosion and sediment control permit shall be required prior to earthmoving activities which involve more than 1,000 square feet. It shall be unlawful for any person to commence earthmoving activities without first obtaining a permit.

B. A permit for earthmoving activities associated with the construction of public improvements in a new subdivision or land development shall be obtained prior to final plan approval. The permit will cover the necessary earthmoving activities associated with the installation of the public improvements.

C. A permit for the earthmoving activities associated with the construction of a single family dwelling on a residential lot shall be obtained prior to any excavation, including the basement or foundation footings for the start of construction of the house. The permit would cover excavation activities through the digging of basements or footings for foundations.

2. *Application.* All applications for erosion and sediment control permits shall be made in writing on a form furnished by the Township and shall be accompanied by

an erosion and sediment control plan drawn accurately and legibly in accordance with subsection .3 specifications for single residential lots, and §2-404.E, "Final Resource Impact and Conservation Plan," and §2-518, "Stormwater Management," of the Subdivision and Land Development Ordinance [Chapter 2] for subdivision or land development plans.

3. *Specifications.* The application for a permit for a single residential lot shall be accompanied by a plan of the property showing:

- A. A boundary line survey of the lot on which the work is to be performed.
- B. Description of the features, existing and proposed, surrounding the lot which are important to the proposed development.
- C. Description of the general topographic (including drainage) and soil conditions on the lot (available through the Chester County Conservation District.)
- D. Location and description of existing and future man-made features of importance to the proposed development (i.e., wells, septic systems, cuts and fills, buildings, driveways, etc.).
- E. Description and location of soil erosion and sediment control measures in accordance with standards and specifications of the Chester Counter Conservation District. The attached plan illustrates what atypical plan would look like. At a minimum, the following items shall be included in the plan.

- (1) An upstream diversion berm to direct runoff away from areas to be disturbed.

- (2) A downstream sediment basin designed to capture and slowly release runoff from areas disturbed to facilitate the settling of sediment being transported from the site or filter fabric fence designed to capture sediment before leaving the lot.

- (3) A stone construction entrance which overlaps the paving and extends into the lot at least 10 feet beyond the right-of-way.

- F. A time schedule indicating the anticipated starting and completion dates of the development sequence and the time of exposure of each area prior to the completion of the effective erosion and sediment control measures.

4. *Issuance.* An erosion and sediment control permit shall be issued only when the following conditions are met:

- A. The erosion and sediment control plan has been prepared in accordance with the above specifications and approved by the Township Engineer.

- B. No more than ten lots in a subdivision may undergo earthmoving activities at any one time. The eleventh permit in a subdivision cannot be issued until one of the previous ten permitted lots has had its erosion and sediment control plan satisfactorily implemented, the control measures have been inspected and approved by the Township Engineer, and all major excavation and earthmoving activities necessary to start construction, including stripping topsoil and excavation of the basement and/or footers, are completed.

(Ord. 2003-9-1, 9/4/2003)

§1-2007. Building Permit.

1. *Requirements.* A building permit shall be required prior to the erection, alteration or enlargement of any building or other enclosed structure when the area of such construction is greater than or equal to 200 square feet or when a permanent foundation is used in construction. It shall be unlawful for any person to commence work for the erection of, alteration of or enlargement of a structure subject to the requirements of this Section of the Chapter without a building permit.

2. *Application.* All applications for building permits shall be made in writing on a form furnished by the Township and shall be accompanied by a plot plan drawn accurately, including the following information.

A. Actual dimensions of the lot to be built upon and the exact size and location of buildings or proposed extensions thereto.

B. Location of all buildings and structures on abutting land within 50 feet of the property line.

C. The location and number of parking spaces and/or loading facilities if applicable.

D. The number of dwelling units if applicable.

E. A statement that the applicant is the owner of the lot or a copy of a written agreement between the owner and the applicant to permit the proposed construction.

F. All other information necessary for the Zoning Officer to determine compliance with this Chapter and all other pertinent ordinances.

3. *Issuance.* A building permit shall be issued only after the Zoning Officer has certified that the proposed building, structure, alteration or enlargement complies with the provisions of this Chapter and applicable ordinances and that, if required, the Engineer has certified that the erosion and sediment control plan has been satisfactorily implemented in accordance with §2-404.E, "Final Resource Impact and Conservation Plan," subsection (2) of the Subdivision and Land Development Ordinance [Chapter 2] and §1-2006 above.

(Ord. 2003-9-1, 9/4/2003)

§1-2008. Use and Occupancy Permit.

1. *Requirements.* A use and occupancy permit shall be required prior to any person using or occupying any building or other structure or land. A use and occupancy permit shall be required prior to the commencement of any of the following:

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

B. Change in use of any building or structure.

C. Use of land or change in the use; except the placing of vacant land under

cultivation.

D. Change in use or extension of a nonconforming use.

2. *Application.* All applications for use and occupancy permits shall be made in writing on forms furnished by the Township and shall be accompanied with the following information:

A. Existing and proposed use of the building, structure or lot.

B. Date of work completion for any erection, alteration or enlargement which a building permit is required.

C. Evidence of receiving special exception or variance grants for the proposed use, if applicable may be issued by the Zoning Officer, provided that such temporary occupancy will not tend in any way to jeopardize life or property.

(Ord. 2003-9-1, 9/4/2003)

§1-2009. Zoning Permit.

A zoning permit shall be required prior to commencement of the following:

A Any man-made change to improved or unimproved real estate in the Flood Hazard District as indicated under Part 11, §1-1113.

B. Any man-made change to improved or unimproved real estate in the Conservation Slope District as indicated under Part 12, §1-1210.

C. Any proposed forestry activity requiring a zoning permit under the terms of §1-1430 of this Chapter. [Ord. 2010-02]

(Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2010-02, 7/1/2010, §9)

§1-2010. Mobile Home Park License.

All mobile home parks shall be required to obtain an operating license from New London Township in accordance with the provisions of §1-1505.

(Ord. 2003-9-1, 9/4/2003)

§1-2011. Sign Permits.

Sign permits shall be governed by the provisions of §1-1710.

(Ord. 2003-9-1, 9/4/2003)

§1-2012. Fees.

All permit fees under this Chapter shall be determined by resolution of the Board of Supervisors, and a schedule of such shall be made available to the general public. Fees shall cover the cost of administering this Chapter. Permit fees shall be paid in advance in accordance with such fee schedule.

(Ord. 2003-9-1, 9/4/2003)

§1-2013. Conditional Use Procedures and General Standards.

1. *Statement of Intent.* This Chapter provides for certain uses to be permitted as

conditional uses. In so providing, the Board of Supervisors recognizes that these uses may or may not be appropriate at every location within any specific zoning district and, accordingly, has established standards and criteria by which it can evaluate and decide upon applications for such uses. In the sole discretion of the Board, failure to comply with these standards may be deemed a basis for the imposition of appropriate conditions and safeguards on a grant of approval.

2. *Submission and Content of Application.*

A. It shall be the burden of the applicant to demonstrate compliance with the standards and criteria for conditional use contained in this Section and with all other relevant stipulations of this Chapter, and to indicate means by which potential impacts from the proposed use will be mitigated.

B. An application for a conditional use shall be made on a form provided by or otherwise acceptable to the Township. The Township shall notify the owners of all properties located within 500 feet of the perimeter lot line of the subject property of said application for a conditional use and advise them of the date, time, and place of the conditional use hearing; however, non-receipt of such notice by any property owner shall not invalidate the conditional use process prescribed by this Section. The applicant shall provide a complete list of the names of property owners to be so notified and a corresponding envelope for each such owner, fully addressed and stamped. The application shall not be accepted by the Township unless accompanied by a fee, the amount of which shall be as set forth in a resolution of the Board of Supervisors. Five copies of the application with all supporting documents shall be submitted.

C. A site plan shall be submitted as part of any conditional use application. The plan shall demonstrate compliance with all applicable standards for approval of the conditional use. The site plan shall show the location of all existing buildings and structures located within 500 feet of the perimeter lot line of the subject property.

3. *Procedure.*

A. The application for conditional use shall be submitted to the Township Secretary, who shall distribute copies of the application and all supporting materials to the Board of Supervisors, Township Planning Commission, Township Engineer, Township Solicitor, and, as appropriate, the Chester County Planning Commission and/or the Chester County Health Department.

B. The Township Planning Commission shall review and consider the application and all supporting materials, and shall provide its written recommendation to the Board of Supervisors prior to the public hearing to be held by the Board.

C. The Board of Supervisors shall hold a public hearing, pursuant to public notice, at which the application shall be considered. The hearing shall be held within 60 days of the date upon which the application was submitted, unless the Board and applicant agree to extend the date of the hearing beyond the required 60-day period.

D. A stenographic record of the hearing proceedings shall be made by a court

reporter.

E. The plan presented at the initial public hearing shall be the same as that originally submitted to the Township.

4. *Determination by the Board of Supervisors.*

A. The Board of Supervisors shall, within 45 days after the last hearing, render a written decision which shall either:

(1) Approve the application as presented.

(2) Disapprove the application as presented, including findings of fact or conclusions on which the decision was based.

(3) Approve the application subject to reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter.

B. Any approval granted by the Board of Supervisors shall be specific to the terms of the plan submitted as part of the application. The only permissible modifications to the plan shall be any adjustments required to satisfy the terms of the Board's approval.

C. In granting an application for conditional use approval, the Board of Supervisors may waive or modify applicable area and bulk regulations and design standards when said waiver or modification is deemed by the Board of Supervisors to be in the public interest and in furtherance of the goals as set forth in this Chapter.

D. If the Board of Supervisors approves the application and accompanying site plan, such approved plan shall accompany: (i) any application for subdivision or land development as prescribed by the Township Subdivision and Land Development Ordinance [Chapter 2], in addition to the detailed plans normally required, and (ii) any application for a building permit or use and occupancy permit.

(1) Any such application for subdivision or land development approval shall be consistent with the conditional use decision in terms of uses and other essential contents that were the basis for the conditional use approval. Aspects of the design and layout of the subdivision or land development plan may vary minimally from the terms of the conditional use approval only where the resulting off-site impact or level of density or intensity of use of the property shall not be increased, as evaluated and recommended by the Planning Commission and determined by the Board of Supervisors.

(2) The issuance or denial of any permit shall take place in the regularly prescribed manner herein pertaining to permits, but shall be preceded by any required compliance with the Township Subdivision and Land Development Ordinance [Chapter 2].

E. Any grant of conditional use approval shall be deemed null and void 6 months from the date of such approval if, within that period, no application is made

for:

- (1) A building permit.
- (2) A use and occupancy permit.
- (3) Subdivision or land development approval, as appropriate, unless the Board of Supervisors shall grant an extension.

5. *General Standards.* In considering any application for conditional use permitted by this Chapter, the Board shall apply the standards and criteria for special exceptions contained in §1-1908 of this Chapter, in addition to the express standards and criteria as may be set forth in other sections of this Chapter.

(*Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2007-1, 1/2/2007, §I*)

§1-2014. Municipal Liability.

The granting of any permit under this Chapter by the Township Zoning Officer, or the use of land or structures shall not constitute a guarantee or warranty of any kind by the Township or any of its officials or employees as to any manner of injury resulting from such use, erection, alteration or extension, and shall create no liability upon, or a cause of action against, such public body, officials or employees for any damages or injury that may result.

(*Ord. 2003-9-1, 9/4/2003*)

Part 21**Amendment****§1-2101. Power of Amendment.**

The Board of Supervisors may from time to time amend, supplement, change, modify or repeal this Chapter, including the Zoning Map, in accordance with the provisions of this Part and the Pennsylvania Municipalities Planning Code, as amended, 53 P.S. §10101 *et seq.*

(Ord. 2003-9-1, 9/4/2003)

§1-2102. Procedure.

The following procedure shall be observed prior to the adoption of any amendment or change to this Chapter or the official Zoning Map.

A. *Public Hearing.* Prior to taking action on any amendment or change to the Chapter or Map, the Board of Supervisors shall hold a public hearing pursuant to public notice. The time and place of public hearings shall be fixed by the Board of Supervisors. Full opportunity to be heard will be given to any citizen and all parties interested in attending such hearing.

B. *Notice of Hearing.* The Board of Supervisors shall advertise public hearings by publishing a notice of the time and place such hearings shall occur in a newspaper having general circulation in the Township. Such advertising shall not be more than 30 days and not less than 14 days before the date fixed for the hearing. Such notice shall be published once each week for 2 successive weeks. The notice shall include the particular nature of the matter to be considered at the hearing, and a reference to a place within the Township where copies of the proposed ordinance, amendment, change or repeal may be examined.

C. *Planning Commission Referral.* Every proposed change shall be referred to the Chester County Planning Commission for recommendations a minimum of 30 days prior to holding a public hearing.

D. *Decision.* The Board of Supervisors shall not take action on the proposed change until the Planning Commission and Chester County Planning Commission recommendations are made. If such recommendations are not received within 30 days from the date the referral was received by these agencies, the Board of Supervisors may proceed without such recommendations. This Chapter, amendments, changes and referrals shall be adopted by the Board of Supervisors at their regularly scheduled meeting within 90 days after the public hearing. Such changes shall be incorporated into this Chapter by reference with the same force and effect as if duly reported therein.

(Ord. 2003-9-1, 9/4/2003)

§1-2103. Landowner Petitions.

Whenever the owners of 50% or more of the total area of any zoning district shall present to the Board of Supervisors a petition, duly signed and acknowledged, requesting an amendment supplement, change, modification or repeal of any of the regulations or restrictions prescribed by this Chapter for their district, it shall be the duty of the Board to hold a public hearing. Such hearings shall comply with the provisions of §1-2102.

(Ord. 2003-9-1, 9/4/2003)

§1-2104. Curative Amendments.

1. *Application.* A landowner who desires to challenge on substantive grounds the validity of this Chapter or Map or any provisions thereof, which prohibit or restrict the use or development of land in which he has an interest may submit an application for curative amendment to the Board of Supervisors. The application shall include a written request that his challenge and proposed amendment be heard and decided, as provided in §1004 of the Pennsylvania Municipalities Planning Code, as amended, 53 P.S. §11004.

2. *Procedure.* The Board of Supervisors shall hold a public hearing on the proposed curative amendment within 60 days of the request. The curative amendment shall be referred to the Planning Commission and County Planning Commission for recommendations, and public notice given as provided in §1-2102.

(Ord. 2003-9-1, 9/4/2003)

Part 22**Traditional Neighborhood Development (TND) Overlay District****§1-2201. Purpose.**

1. Provisions for the TND Overlay District have been enacted to:

A. Comply with Article VII-A, Traditional Neighborhood Development, of the Pennsylvania Municipalities Planning Code, Act 247, as amended, in particular, those purposes and objectives listed in §701-A of Article VII-A, such as: encouraging innovation for mixed-use pedestrian-oriented development; extending opportunities for housing; encouraging a more efficient use of land; allowing for integrated, mixed-use, pedestrian-oriented neighborhoods; establishing public space; minimizing traffic congestion; and fostering a sense of place and community.

B. Emulate compact, mixed-use, walkable TND's such as New Daleville, Eagleview, Lantern Hill, and the like, with the features such as parks, centrally located public commons, squares, plazas, civic and public buildings, civic art, and recreational facilities.

(*Ord. 2003-9-1*, 9/4/2003; as added by *Ord. 2008-3*, 7/16/2008, §2)

§1-2202. Conditions of Eligibility.

1. The TND Overlay District shall apply to the New London Village District and no other.

2. The TND Overlay District shall be in accordance with Exhibit A, the Development Strategy Plan, dated revised July 5, 2007.

3. Any tract or lot of 3 acres or greater to be developed shall be served by public sewer and public water.

4. Any tract or lot of less than 3 acres may be served by an approved on-lot sewer and water system.

5. Any lot to be developed shall be accompanied by, and comply with:

A. Exhibit A, the Development Strategy Plan, which shall be deemed to be included in this Part 22.

B. Exhibit B, the general Manual of Written and Graphic Design Guidelines, which shall be deemed to be included in this Part 22.

C. A specific and detailed Manual of Written and Graphic Design Guidelines shall be prepared by the applicant and shall be subject to Township approval, for any tract or lot of 3 acres or greater to be developed, pertaining to such specific proposed features as architecture, building materials, fencing, walls, landscaping, signs, streets, pedestrian circulation, parking, lighting, streetscape, open space features, civic art, civic use, greens, and the like.

(Ord. 2003-9-1, 9/4/2003; as added by Ord. 2008-3, 7/16/2008, §2)

§1-2203. General Design Standards.

1. Design and development in the TND Overlay District shall comply with the following design principles:

A. Design Standards.

(1) Refer to and comply with the New London Village Design Guide, Exhibit B, a general Manual of Written and Graphic Design Guidelines, which shall be supplemented by a specific and detailed manual as per §1-2202.5.C.

(2) Refer to §1-2211 for additional design standards for conditional uses.

B. Street and Alley Network. The success of the TND Overlay District will be based in part on an effective and continuous street and alley network. Through streets enhance connections between neighborhoods. The alley relieves the frontage street from certain service functions, preserves the streetscape without curb cuts, and allows buildings to be placed forward on the lot to provide greater curb appeal.

(1) A interconnected network of streets and alleys should be created to effectively accommodate vehicle, pedestrian, and bicycle circulation, and to create a block structure. Streets and alleys shall form an interconnected vehicular circulation network to the maximum extent possible.

(2) Development adjacent to existing streets and alleys shall include extensions thereof to serve new development, redevelopment, or infill development.

(3) The street rights-of-way from the TND Overlay District shall be extended to connect to adjoining tracts where feasible.

(4) New streets within the TND Overlay District are intended to be village-like, not like a highway and not like a conventional suburban road. The street widths, curb radii, centerline horizontal alignment, and on-street parking conditions shall be in accordance with the following table.

(5) Streets shall have minor deflections in their alignment to provide short, curving vistas.

Table 1: Minimum Design Standards for TND Overlay District Streets				
Design Standards	Collector	Neighborhood Street	One Way Lane	Alley
Right-of-Way Width	60 ft.	30 ft.	30 ft.	20 ft.
Cartway Width				
With Curbs (No Parking)	22 ft.	18 ft.	10 ft.	16 ft. (no curb)
Minimum Center Line Radii	100 ft.	50 ft.	25 ft.	N/A
Maximum Grades	7%	8%	10%	10%
Grass Strip	4 ft.	4 ft.	4 ft.	N/A

Design Standards	Collector	Neighborhood Street	One Way Lane	Alley
Sidewalk Width	4 ft. 6 in.	4 ft. 6 in.	4 ft. 6 in.	N/A
Isolation Distance ¹	100 ft.	50 ft.	25 ft.	25 ft.
Minimum Curb Radii at Intersection ²	25 ft.	15 ft.	10 ft.	5 ft.
¹ Distance between the center line of the driveway/private access street and the nearest intersecting street center by the type of street accessed.				
² When streets of different classifications intersect the Minimum Curb Radius shall apply to promote the pedestrian-friendly street environment.				

(6) Lots in the TND Overlay District shall not be required to meet the standards for reverse frontage and double frontage contained in §1-1305.1 and .2, unless the Board finds that they must be imposed for purposes of safety and traffic circulation. The use of alleys and shared driveways is encouraged.

(7) Alleys, where provided, shall enable vehicular access to the rear of properties and produce an enhanced streetscape by enabling buildings to be placed closer to the street and moving garage doors and curb cuts away from the street.

(8) Alleys, where provided, shall have a minimum cartway width of 12 feet and a minimum right-of-way width of 18 feet. Alleys shall be dedicated to the Township, unless the Board of Supervisors chooses not to accept dedication.

C. *Alley.* The alley is very important in that it allows for the preservation of the frontage of the lot, without curb cuts, so that the buildings and sidewalk system can be oriented to the pedestrian. Alley design standards shall be in accordance with Table 1 and the following:

(1) Two-way alleys shall be 16 feet in width to provide adequate lanes for two-way travel, within a 20-foot wide right-of-way.

(2) Alleys are a type of a street providing secondary vehicular access to the rear or side of the lot. Garages shall be located on either side of the alley.

(a) An 18-foot deep driveway shall be provided to enable vehicles to park perpendicular to the 16-foot wide alley.

(3) Alleys shall be the predominate thoroughfare type to gain access to parking.

(4) At least 50% of the single-family detached dwelling lots shall be accessed by alleys, and any garage not accessed from an alley shall be setback at least 18 feet from the front of the house.

(5) One hundred percent of parking for attached dwellings and multi-family dwellings shall be accessed by alleys.

(6) Land uses should be transitioned primarily at alleys, not at streets, so as to create like-type uses on both sides of a street.

(7) Alleys should not have sidewalks or curbs.

(8) Alleys shall be landscaped in accordance with the Exhibit B.

D. *Building Height / Width / Proportion.*

(1) New individual commercial buildings shall be no wider than 24 feet, unless designed with bays and offset by a one to four foot recess or projection at intervals of 24 feet.

(2) No more than four attached dwellings or four bays of a multi-family dwelling shall be built in a row, and attached residential units shall not exceed 130 feet along the primary frontage.

(3) *Staggered Heights.* No more than three adjoining units shall have the same building height so as to create visual interest. Building heights shall vary by at least 2 feet for residential buildings. Commercial buildings may have a parapet wall of at least 42 inches to provide visual interest.

(4) No principal building shall exceed 35 feet in height.

(5) Principal buildings shall be a minimum of two stories or 20 feet in height to help to define the streetscape.

E. *Streetscape.* The streetscape is the overall environment along the street which projects the character of the TND Overlay District including features such as the street wall at a “build-to” line, sidewalks, on-street parking parallel to the curbline, street trees, and buildings with porches.

(1) Street design standards shall be in accordance with the table in subsection .B(4).

(2) To create diversity and interest, there shall be variations in lot widths of adjacent lots.

F. *Street Wall.*

(1) Except for offsets as described below, the street wall of any building shall be the same as the adjoining buildings on the block, to promote a continuation of the streetscape character and space. However, if any offsets to the street wall are designed, such as recesses or projections, such offsets shall not exceed 4 feet.

(2) A green court lot or village green may be created and maintained along a street, in which case the street wall may be set back.

(3) Variations to the vertical orientation of a new commercial building at the street wall should be made at intervals up to 24 feet.

G. *Building Location and Build-To Line.* Building location is critical to the creation of the “public realm” of the TND Overlay District. The streetscape character of the place is formed by buildings located close to the sidewalk to promote a pedestrian friendly frontage. Other structures, such as a wall, could be placed at the build-to line.

(1) The build-to line may have up to a 4-foot offset for a recess or projection, in order to provide variety and diversity in building location relative to the street.

(2) On a corner lot, the build-to line shall be on both sides of the lot on which the building has street frontage.

(3) Whenever a front porch, portico, or stoop is involved, it shall be placed on the build-to line.

(4) On any block where existing building facades have established a dominant front setback dimension, the Township shall stipulate a build-to line as the required front facade location of new buildings.

(5) Front porches and wrap-around porches are strongly encouraged.

(6) Buildings shall anchor corners where streets and/or alleys intersect. However, the Board of Supervisors may permit a pedestrian-accessible green with civic art at street corners.

(7) On lots where there are existing buildings that are already set back from the street wall line, existing buildings shall be adaptively reused within the existing footprint, and 36 to 42 inch high walls should be placed to form the street wall line.

(8) Adjoining single-family dwelling lots may have attached garages in the rear yard accessed off an alley to allow for more useable rear yards.

(9) Building facades shall be parallel to the public street on which they front. Except where clearly impractical or inconsistent with the existing streetscape, major roof ridges shall either be parallel or perpendicular to the street.

(10) The following standards shall apply to any nonresidential building:

(a) Where the width of the front facade of any new building exceeds 24 feet, the facade shall have vertical design elements such as pilasters, columns, piers, or recesses or projections of up to 4 feet so that no new vertical bay or section of a building facade exceeds 24 continuous feet in width.

(b) Building windows and openings shall constitute no less than 30% and no more than 60% of all walls on the first/ground floor where there is a customer entrance.

(c) No building shall have opaque windows on the first/ground floor.

H. *Off-Street Parking; Parking Lots.*

(1) Off-street parking shall be located to the rear of building to the maximum extent possible.

(2) Open-air off-street parking lots shall never be located at a street corner, as buildings shall anchor corner lots.

(3) Except for infill development that is not required to have dedicated guest parking, guest parking shall be provided at a ratio of one-half guest parking spaces per unit; calculated over the entire development. One-half of the total number of guest parking spaces may be accommodated on a lot. The other one-half of the required guest parking spaces shall be located in common parking areas within 500 feet of all buildings which such parking serves.

(4) Any existing surface parking lots shall be buffered to the maximum extent possible by buildings, low walls, hedges or other landscaping, or by opaque fencing.

(5) Parking lots shall be landscaped so that their interiors have at least 15% of the otherwise paved area devoted to landscaping.

(6) The amount of off-street parking for any use in the TND Overlay

District shall be as required in §§1-1311 and 1-1312, except as otherwise provided in this Section.

(7) Shared parking proposals for shared parking between or among uses on the same lot or on contiguous lots may be considered by the Board of Supervisors, who may grant by conditional use, as authorized in §1- 2204.3.M, a reduction in the total amount of parking otherwise required.

(a) Two or more uses may provide for required parking in a common parking lot or in two parking lots that are interconnected on contiguous properties. The total number of spaces in such lot or lots shall not be less than the sum of the spaces required for each use individually, unless such lot or lots are provided as specified in this Section.

(b) Up to 50% of the parking spaces for:

1) A cultural, educational, or religious use; restaurant; or hotel, inn, bed-and-breakfast facility; or residential use may be provided collectively and used jointly by.

2) A personal service shop; office; bank or similar financial institution; medical clinic; post office, library, municipal building or similar governmental use; child or adult day-care facility; or similar uses not normally open, used, or operated during the same hours as those listed in subclause 1).

a) Any applicant for shared parking shall provide a written agreement assuring the continued availability of such parking areas, and including provisions for maintenance, repair, replacement, and liability responsibilities, in a form acceptable to the Township, properly drawn and executed by the parties concerned, approved as to legal sufficiency by the Township Solicitor, and filed with the application for conditional use approval.

(c) In applying for a shared parking arrangement, the applicant shall have the burden of demonstrating why the types of uses proposed will, in combination, require less total parking than otherwise required by this Chapter. The Board of Supervisors may, as it deems appropriate, consider hours of operation, the expected demand and need of each proposed use for on-site parking, expected rate of turnover, potential traffic safety and congestion issues, and any other site considerations it deems necessary.

(8) *Location.* Off-street parking for any use in the TND Overlay District shall be located as follows:

(a) Where the property contains one principal building, parking shall be located in a side or rear yard only.

(b) Where the property contains multiple principal buildings, no parking shall be located closer to the street than the front facade of the principal building that is closest to the street.

(c) Where new residential development is in the form of townhouse dwellings, no vehicular access or parking shall be permitted in any front yard; off-street parking for individual units shall be located to the rear of the dwelling unit and accessed by private alley, shared driveway, or

similar means. The Board of Supervisors may approve an alternative parking and access design where it deems the proposal will achieve superior results regarding safety, traffic circulation, and aesthetics.

(9) *Small Car Spaces.* The Board of Supervisors may authorize the provision of up to 30% of the required parking spaces on a lot to be designed and designated for small cars for those uses of the lot that have little turnover and are typically occupied all day or overnight primarily by the same employees or residents. Such small car spaces may be 8 feet in width if in perpendicular rows or 7 feet if at an angle; and 16 feet in length if perpendicular or proportionately shorter if at an angle. Approved small car spaces shall be grouped and clearly marked for small car use, rather than being scattered simply to solve layout difficulties.

(10) The Board of Supervisors, upon consultation with the Township Engineer, may approve surfacing materials for parking areas other than paving. Such alternatives may include, among others, porous paving, concrete lattice blocks, and gravel. The applicant shall demonstrate the net benefits that support consideration of the alternative materials.

(11) Off-street parking areas on contiguous lots are encouraged to be interconnected wherever feasible and practical to enhance internal circulation and minimize turning movements and traffic volumes on public streets.

I. *Loading Space.*

(1) Off-street loading space and trash disposal areas. Off-street loading space shall be in accordance with the requirements of §1-1310 of this Chapter, except as follows:

(a) No loading space shall be located in any front or side yard, nor shall it be visible from any public street.

(b) No loading space shall be located less than 25 feet from any existing residential lot line or residential zoning district boundary.

(c) Trash disposal areas shall be located within buildings or within a fenced area that completely hides the trash and is located to the side or rear of the building. No outdoor trash disposal area shall be located less than 10 feet from any existing residential lot line or residential zoning district boundary.

J. *Sidewalks, Walkways, Crosswalks, and Pedestrian Links.* Sidewalks help to create a continuous pedestrian walkway network. Sidewalks provide a critical element of the streetscape and public realm of the TND Overlay District.

(1) Sidewalks shall be placed on both sides of all streets to enhance pedestrian circulation.

(2) Sidewalks shall be a minimum width of 4 feet 6 inches. Sidewalks in commercial areas with outdoor dining shall be in the range of 12 feet to 18 feet in width. Sidewalks may be concrete, stamped concrete, or brick. Sidewalks shall be separated from the curb or cartway of the street by a landscaped strip 4 feet in width.

(3) Sidewalks shall be maintained and repaired, on an on-going basis by the lot owner and/or homeowners association, and/or the property owners

association.

(4) Crosswalks shall be at least 6 feet in width, and shall be physically and visually distinctive to facilitate pedestrian circulation at street corners.

(5) Except as otherwise noted herein, every property shall provide a sidewalk along its entire street frontage. The standards contained in this Section shall supercede the standards for sidewalks contained in §§1-1307 and 2-513. Where applicable, the Township may require pedestrian connection to an existing trail.

(6) For properties fronting on Rt. 896 and/or State Rd., sidewalks as required by this Section shall be provided. Where the applicant demonstrates, to the satisfaction of the Board of Supervisors, that an alternative route and/or surfacing material will better serve the Township's pedestrian circulation objectives (e.g., due to conflicts with vehicular traffic, topographic constraints, public safety concerns, etc.), the Board may approve such alternative if it provides continuous pedestrian access to contiguous properties.

(7) The sidewalk surface shall be stamped or scored concrete representing a brick surface, unless the applicant demonstrates, to the satisfaction of the Board of Supervisors, that an alternative surface (e.g., rectangular flagstone, etc.) is suitable and maintains compatibility with other design features of the village.

(8) Where an existing lot frontage is occupied by a paved parking surface, the sidewalk requirement may be met by painting a 4-foot wide pedestrian corridor on the paved surface and connecting to sidewalks where they exist on adjacent properties.

(9) Ownership and maintenance responsibilities for any sidewalk or other pedestrian corridor shall be those of the property owner. The landowner, homeowners association, and/or property owners association shall maintain, repair, and replace all sidewalks. They shall maintain them in substantially the same condition as existed at the time of installation.

(10) Depending on the materials approved, the sidewalk shall be constructed in accordance with the specifications in §2-513 of the Subdivision/Land Development Ordinance [Chapter 2] or as specified by the Township Engineer.

(11) Sidewalks shall be required in the TND Overlay District as part of any approved subdivision or land development application, as a condition of issuance of any building permit for new construction of a principal building, and as a condition of issuance of any use and occupancy permit.

K. *Street Lights.*

(1) Street lights shall be required along all streets and shall be no higher than 12 feet, and shall be placed at regular intervals to provide safety and convenience, but not farther apart than 90 feet on-center, along all street frontages.

(2) Street light types and locations shall be subject to Township approval, shall be in character with the pedestrian-oriented TND Overlay District streetscape, and shall be in accordance with Exhibit B.

(3) No street light shall be unshielded or create trespass glare.

L. *Street Trees / Shade Trees and Other Landscaping.* Street trees add charm, beauty and shade to streets. Street trees also provide a landscape architectural compliment to the architectural alignment of buildings.

(1) Street trees shall be maintained, and replaced if they become damaged, diseased or otherwise die by the lot owner, and/or homeowners association, and/or property owners association.

(2) Street trees shall be placed at 40-foot intervals along both sides of all new streets, or along streets where there are no existing street trees. Such trees shall be at least 3-inch caliper at the time of planting.

(3) Species for street trees and shade trees shall be in accordance with Exhibit B.

(4) Landscape design shall also include fences, walls, piers, pillars, and the like, to soften and screen the appearance of parking areas.

(5) If parking areas are permitted or visible from the street, they shall be screened. A low wall or evergreen hedge of 36 to 42 inches in height shall be placed at the street wall line to screen parking areas to help maintain streetscape character.

(6) All landscape materials should conform to the current edition of the "American Standard for Nursery Stock" of the American Nursery and Landscape Association.

(7) Landscaping shall be consistent with the terms of §1-1303 of this Chapter.

(8) Shade trees, as required in §2-517, shall be provided along all street frontages, whether the street is existing or proposed.

(9) Landscaping shall emphasize native species of trees, shrubs, and flowers to reduce maintenance and help assure longevity. Species should be selected, in part, on the basis of visual interest at different times of the year.

(10) The owner of a nonresidential property shall be responsible to provide vegetative screening where the side and/or rear lot line of the property abuts a zoning district boundary other than the NLV District and/or the lot line of any existing residential property.

(11) Vegetation intended to comply with the screening requirements shall meet the following standards:

(a) Plant material shall include a variety of deciduous and evergreen species indigenous to the area, to as to provide an effective year-round screen.

(b) Not less than 50% of all plant material incorporated into a vegetative screen shall be evergreen.

(c) The width of a vegetative screen shall be not less than 5 feet, but shall be of sufficient width, as determined by the Township, to assure effective screening and the long-term health of the plant material.

(d) Vegetative screens shall be continually maintained. The applicant shall be responsible for plantings for a period of 1 year following convey-

ance of the property. The property owner shall be responsible for maintenance after the 1-year period has expired. All non-surviving plantings shall be replaced within 6 months.

M. *Fences.*

(1) Fences in front yards shall not exceed 4 feet in height.

(2) Fences in front yards shall not exceed 50% opacity. Picket fences are strongly encouraged.

(3) Fences located along a side yard between the front sidewalk and the plane of the principal building facade shall not exceed 4 feet in height and 50% opacity.

(4) Unless otherwise noted above, fences along side and rear yards shall not exceed 6 feet in height, and may be 100% opaque.

(Ord. 2003-9-1, 9/4/2003; as added by Ord. 2008-3, 7/16/2008, §2)

§1-2204. Use Regulations for Pre-existing Tracts or Lots of less than 3 Acres.

1. *Permitted Principal Uses.* Any one of the following uses may be permitted on a lot that meets the area and bulk regulations of §1-2206.

A. Single-family detached dwelling on a lot less than 20,000 square feet.

B. Two-family dwelling.

C. Attached dwellings.

D. Other multi-family dwellings.

E. Live-work units, provided that there is no more than one live-work unit for every 5,000 square feet of ground floor commercial use.

F. Multi-family dwelling(s) above retail and/or office.

G. Bed and breakfast inn, either as a new principal building or an accessory use to an existing residential dwelling.

H. Retail use and personal service shops, with no more than 5,000 square feet per use, and no more than 15,000 square feet per multi-tenant building, on a lot of less than 20,000 square feet including:

(1) Cafe; restaurant; farmers market.

(2) Antique shop; gift shop.

(3) Corner store; newsstand; florist; jeweler.

(4) Clothing store.

(5) Art gallery; art studio.

(6) Pharmacy, without any drive-thru.

(7) Bank, without any drive-thru.

(8) Personal service shops.

I. Office, with no more than 5,000 square feet per use, and no more than 15,000 square feet per multi-tenant building, on a lot of less than 20,000 square feet.

J. Civic use.

K. Outdoor recreational facilities.

L. Forestry in accordance with the terms of §1-1430 of this Chapter. [Ord. 2010-02]

2. *Accessory Uses.*

A. Uses and structures which are customarily associated with the permitted uses, such as yards, gardens, garages and parking areas.

B. No impact home-based business.

3. *Conditional Use* (see §1-2211 for additional standards and criteria). Any one of the following uses may be permitted as a conditional use on a lot that meets the area and bulk regulations of §1-2206.

A. Granny-flat; mother-in-law suite, as an accessory dwelling unit.

B. Rooming house.

C. Single-family detached dwelling on a lot of 20,000 square feet or larger.

D. A lot fronting solely on a private street or alley, private parking are, or private accessway interior to a tract and containing no frontage on a public street.

E. Major home occupation.

F. Day care center, with no more than 5,000 square feet per use, and no more than 15,000 square feet per multi-tenant building.

G. Convenience store or similar retail use, including the retail sale of automotive fuels or lubricants, but excluding automotive servicing or repair, in accordance with §1-1426.

H. Funeral parlor or undertaker's establishment.

I. Cottage industry, such as a blacksmith, tinsmith, cabinetmaker, woodworker, clockmaker, artist studio, or similar pursuit.

J. Bank or similar financial institution with a drive-thru facility.

K. A nonresidential lot of 20,000 square feet or larger.

L. Conversion of an existing building to a nonresidential use, or to a mixed residential/nonresidential use, in accordance with §1-2211.1.K.

M. Shared parking.

N. Any other use similar to those listed in subsection .1.H.

(Ord. 2003-9-1, 9/4/2003; as added by Ord. 2008-3, 7/16/2008, §2; and as amended by Ord. 2010-02, 7/1/2010, §6)

§1-2205. Density Requirements for Tracts or Lots of less than 3 Acres.

The maximum gross density shall not exceed 4 dwelling units per gross acre, including all dwelling unit types.

(Ord. 2003-9-1, 9/4/2003; as added by Ord. 2008-3, 7/16/2008, §2)

§1-2206. Area and Bulk Regulations for Tracts or Lots of less than 3 Acres.

1. The following lot size, lot width, yards, and lot coverage regulations shall apply, and be governed by the maximum gross density set forth in §1-2205:

A. *Lot Size* (minimum required).

(1) Single-family detached dwelling: 3,000 square feet with 4,000 square feet average; provided, however, that no more than 25% of the single-family

detached lots would be less than 4,000 square feet.

- (2) Attached dwelling: 2,000 square feet.
- (3) Apartments: 600 square feet per unit.
- (4) Retail, office and civic uses: 10,000 square feet.

B. Lot Width.

- (1) Single-family detached dwelling: 40 feet minimum.
- (2) Attached dwelling: 20 feet minimum to 36 feet maximum.
- (3) Live-work unit: 20 feet minimum to 30 feet maximum.
- (4) Retail, office and civic uses: 65 feet minimum

C. Yard Requirements (minimum required).

	Build- To Line** (feet)	Minimum Either Side (feet)	Total Two Side(s) (feet)
(1) Single-family dwelling	10	5	10
(2) Attached dwellings, other multi-family	5	**	10
(3) Retail, office and civic uses	15	10*	15

Notes:

* The build-to line may be set back whenever a village green is created

** No side yard on one side

D. Maximum Impervious Surface Coverage.

- (1) All residential uses: 80% of the lot.
- (2) Retail, office and civic uses: 95% of the lot.

E. Building Height.

- (1) Twenty feet minimum for all principal buildings.
- (2) The maximum height for principal buildings shall be 35 feet.
- (3) The maximum height for accessory buildings shall be 10 feet less than the principal building.

F. Minimum Habitable Floor Area.

- (1) Each dwelling unit shall have at least 600 square feet of habitable floor area.

(Ord. 2003-9-1, 9/4/2003; as added by Ord. 2008-3, 7/16/2008, §2)

§1-2207. Use Regulations for TND Overlay District for Tracts or Lots of 3 Acres or Greater.

1. *Permitted Principal Uses.* Any one of the following uses may be permitted on a lot that meets the area and bulk regulations of §1-2209:

- A. Single-family detached dwellings.
- B. Two-family dwellings.
- C. Attached dwellings.
- D. Civic use.
- E. Outdoor recreational facilities.
- F. Forestry in accordance with the terms of §1-1430 of this Chapter. [*Ord. 2010-02*]

2. *Accessory Uses.*

- A. Uses and structures which are customarily associated with the permitted uses, such as yards, gardens, garages and parking areas.
- B. No impact home-based business.

3. *Conditional Uses* (see §1-2211 for additional standards and criteria). Any one of the following uses may be permitted as a conditional use on a lot that meets the area and bulk regulations of §1-2209.

- A. An accessory dwelling unit, (granny flat or mother-in-law suite), provided that no more than 5% of the total number of single-family detached dwellings shall have such accessory dwelling units.
- B. Bed and breakfast inn as an adaptive reuse of an existing building.
- C. Day care center.
- D. Live-work units, provided that there is no more than one live unit for every 5,000 square feet of commercial use.
- E. Office, with no more than 5,000 square feet per use, and no more than 15,000 square feet per multi-tenant building.

(*Ord. 2003-9-1, 9/4/2003; as added by Ord. 2008-3, 7/16/2008, §2; and amended by Ord. 2010-02, 7/1/2010, §7*)

§1-2208. Density, Housing Mix, Use Composition, and Open Space Requirements for Tracts or Lots of 3 Acres or Greater.

1. The maximum gross density shall not exceed 4 dwelling units per net acre for single-family detached dwellings, and 6 dwelling units per net acre for attached dwelling units.

2. At least two housing types shall be provided for each separate application for subdivision/land development in the TND Overlay District, including:

Housing Types

Minimum

- A. Single-Family Detached Units 50% of the tract area
- B. Attached Dwelling Units 20% of the tract area

C. These percentages may vary by plus or minus 5% whenever the Board of Supervisors determines that such variation will produce a more effective common open space network.

3. *Use Composition.*

A. No less than 2%, but not more than 10% of the total tract area shall be devoted to civic uses.

B. A minimum of 15% of the gross tract area shall be designated and maintained as common open space as follows:

- (1) A minimum of 5% of the gross tract area shall be for greens and civic

use. Such areas shall not be sloping greater than 5%, and shall be bounded by dwelling units on at least two sides, but preferably three sides.

(2) A minimum of 5% of the gross tract area shall be for active recreation facilities, playfields, play courts, playgrounds and tot lots.

(3) The balance of the open space areas shall be passive open space areas and/or natural resource conservation areas, and the applicant shall file an easement or encumbrance to insure the permanent disposition of such open space.

(Ord. 2003-9-1, 9/4/2003; as added by Ord. 2008-3, 7/16/2008, §2)

§1-2209. Area and Bulk Regulations for Tracts or Lots of 3 Acres or Greater.

1. The following lot size, lot width, yards, and lot coverage regulations shall apply, and be governed by the maximum gross density set forth in §1-2208.1:

A. *Lot Size* (minimum required).

(1) Single-family detached dwelling: 3,000 square feet with 4,000 square feet average; provided, however, that no more than 25% of the single-family detached lots would be less than 4,000 square feet.

(2) Two-family dwelling: 4,000 square feet for each dwelling.

(3) Attached dwelling: 2,000 square feet.

(4) Nonresidential: 10,000 square feet.

B. *Lot Width*.

(1) Single-family detached dwelling lot: 35 feet minimum to 65 feet maximum.

(2) Two-family dwelling lot: 35 foot minimum

(3) Townhome: 20 minimum to 36 feet maximum.

(4) Nonresidential: 65 feet minimum

C. *Yard Requirements* (minimum required).

	Build- To Line** (feet)	Minimum Either Side (feet)	Total Two Side(s) (feet)
(1) Single-family detached dwelling	10	5	10
(2) Two-family dwelling	10	5	10
(3) Attached dwellings	10	**	10
(3) Nonresidential	15	10*	15

Notes:

* The build-to line may be set back whenever a village green is created

** No side yard on one side

D. *Maximum Impervious Surface Coverage*.

- (1) All residential uses: 75% of the lot.
- (2) Nonresidential uses: 85% of the lot.

E. *Building Height.*

- (1) Twenty feet minimum for all principal buildings.
- (2) The maximum height for principal buildings shall be 35 feet.
- (3) The maximum height for accessory buildings shall be 10 feet less than the principal building.

(Ord. 2003-9-1, 9/4/2003; as added by Ord. 2008-3, 7/16/2008, §2)

§1-2210. Procedures for Approval of Development in the TND Overlay District.

1. All applicants are encouraged to submit sketch plans for all TND Overlay District proposals. As per §707-A of the Pennsylvania Municipalities Planning Code, such plans may be informally reviewed as conceptual plans in order to provide an opportunity for the Township to make suggestions and recommendations on the design of the proposed development.

2. The applicant shall comply with the preliminary and final plan application requirements of the most recent version of the New London Township Subdivision and Land Development Ordinance [Chapter 2], and shall also include the following information:

A. *Project Narrative.*

(1) A statement with attached plans and the specific manual described below indicating how the proposed application is consistent with the TND Overlay District regulations and integrates with New London Village.

B. *Manual of Written and Graphic Design Guidelines for Tracts or Lots of 3 Acres or Greater.*

(1) At the time of land development plan submission for each phase or stage of development, a detailed and specific Manual of Written and Graphic Design Guidelines shall be submitted by the applicant to illustrate the proposed design excellence, architectural excellence, and related construction excellence for the proposed architectural, streetscape, open space, and landscape features. Said manual shall be consistent with the design guidelines for the TND Overlay District set forth in this Part and Exhibit B; a more detailed version of Exhibit B with specific building, streetscape, landscape and other materials proposed; and submitted for approval to the Board of Supervisors, which approval shall not be unreasonably denied provided it complies with the applicable design guidelines.

C. *Building Plan.*

(1) A separate plan sheet shall be submitted to depict the proposed building program. Said plan shall indicate the proposed principal and accessory uses, the gross square footages of all uses, and the building heights. The building plan shall also indicate the total lot area and lot coverage, existing and proposed.

(2) Building elevations for all proposed building types.

(3) Color sketches and renderings depicting the proposed architectural character and streetscape character of the TND Overlay District.

(4) Building elevations with labeling to indicate building materials, windows and doors, roof pitch, dormers, pilasters, piers, green building design, and the like.

D. Street, Alley, and Streetscape Plan.

(1) A separate plan sheet shall be submitted to depict the proposed interconnected street and alley network. Such plan shall indicate all street widths and rights-of-way widths, and alley widths.

(2) The plan shall indicate the location of all bike lanes and bike paths.

(3) Such plan shall indicate all materials, depths of pavement courses, and gradients.

(4) Such plan shall also indicate the locations for all proposed street furniture, such as benches, planters, bicycle racks, and waste receptacles.

E. Pedestrian Access Plan.

(1) A separate plan sheet shall be submitted to depict the proposed interconnected network for pedestrian access including sidewalks, crosswalks, other pathways, and bike paths.

(2) Such plan shall indicate all sidewalk, crosswalk, and path widths, materials and gradients.

F. Open Space and Recreational Facilities Plan.

(1) A separate plan sheet shall depict all proposed open space, greens, recreational facilities, and civic art.

G. Landscape Plan.

(1) A separate plan sheet shall be submitted to depict all proposed landscape features.

(2) The landscape plan shall indicate all plant types, size and quantities as well as the types, sizes, and materials for all paving, benches, walls, and other structures.

H. Parking Plan.

(1) A separate plan sheet shall be submitted to depict proposed location and materials for all surface parking. Such plan shall list the number of parking spaces proposed in relation to the proposed use(s) and shall indicate: the parking needs of all proposed uses; the times of maximum and minimum expected use; and the compatibility with adjoining uses to minimize conflicts and adverse impacts.

(2) The parking plan shall illustrate a dispersal of parking areas to the maximum extent possible in order to minimize large expanses of parking lots.

I. Utilities Plan.

(1) A separate plan sheet shall be submitted to depict all proposed utilities. Such plan shall indicate all proposed types, sizes, and materials of utilities that are proposed.

(2) All new utilities shall be underground.

(3) All cable TV boxes, PECO meters, and the like shall be located to the rear of properties and shall be screened.

J. Phasing Plan.

(1) A separate plan sheet shall be submitted to depict proposed phasing of the total land development, and all of the uses and mixed uses that are proposed, if the development will be phased over a period greater than 2 years.

(2) In the case of a development proposed to be developed over a period of greater than 2 years, flexibility of housing density, design and type may be addressed to:

(a) Permit a variation in each phase from the density, or intensity of use, or mixed-use for the entire development.

(b) Allow for a greater concentration of density or intensity of land use, or mixed-use within some phase of development.

(c) Require that the approval of such greater concentration of density, intensity of land use, or mixed-use, be offset by a smaller concentration in any completed prior phase or by reservation of common open space on the remaining land by a grant of easement or by covenant in favor of the Township; provided, however, the developer shall establish and maintain a pro-rata share of the minimum required common open space, and infrastructure (roads, streets, alleys, parking, stormwater, etc.) based on the acreage of each phase of development.

K. Declaration of Covenants, Easements and Restrictions.

(1) A declaration shall be submitted to the Township at the time of final plan submission, which shall be in a form deemed satisfactory to the Township Solicitor, and shall include provisions for the maintenance, repair, replacement, and liability responsibilities, for all proposed open space and all structures located in open space (such as park and recreation facilities, pavilions, gazebos, benches, trails and the like) in a form acceptable to the Township.

3. In order to promote flexibility of design in the Traditional Neighborhood Development Overlay District, modifications from specific design criteria that pertain to subdivision and land development aspects of development may be needed, as provided for in Article VII-A, Traditional Neighborhood Development, of the Pennsylvania Municipalities Planning Code, §§706-A.(g)(1) and 706-A.(g)(2). The Board of Supervisors shall have the authority to grant modifications of such subdivision and land development requirements at the Board of Supervisors discretion, it determines that such modifications pertaining to such features as streets, alleys, sidewalks, crosswalks, street trees, street lights, curbs, hedges, fences, walls, drainage, utilities, and the like, and to those features as illustrated and described in the manual, Exhibit B will result in a better design of a Traditional Neighborhood Development, and will not adversely affect the health, safety, and welfare of the Township.

4. Compliance with the provisions for the Traditional Neighborhood Development Overlay District under this Part shall be determined by the Board of Supervisors in the exercise of its reasonable discretion and judgment, in consultation with the Township Planning Commission.

(*Ord. 2003-9-1, 9/4/2003; as added by Ord. 2008-3, 7/16/2008, §2*)

§1-2211. Conditional Use Standards and Criteria.

1. For any use, design, or dimensional alternative authorized by this Part for approval as a conditional use, the Board of Supervisors shall evaluate the application against the following standards and criteria in reaching its decision and, as it deems appropriate, attaching reasonable conditions and safeguards to any approval:

A. The request for conditional use, if granted, will result in uses and/or designs that are consistent with the purposes of the TND Overlay District, as articulated in §1-2201. The applicant shall have the burden of demonstrating how the proposal will satisfy this standard.

B. The proposal will not generate such increases in traffic volumes or require such expansive parking as to conflict with the orientation of the district toward local traffic and pedestrian access.

C. The scale and intensity of any proposed conditional use shall not detract from traditional village qualities characterized by existing and permitted uses. The Board shall place particular emphasis on this criterion in evaluating requests for increased floor area or lot size or for a single-story building.

D. Noise levels, lighting, hours of operation, and other attributes of the proposed conditional use shall be compatible with surrounding uses, taking explicit account of the density, lot sizes, mix of residential and nonresidential uses making up the district, proximity of uses on adjacent lots, and relationships to sidewalks and street frontage.

E. The proposed pattern, type, and design of new lots and dwelling units shall be consistent with the design standards and goals of the district regarding size, layout, setbacks, street configuration, streetscape, etc.

F. The proposal shall represent no threat of negative impact to historic structures within or adjacent to the village.

G. Where the conditional use request is for specific relief from ordinance standards, as authorized in §1-905.K.(3)(c) on behalf of historic structures, the applicant shall demonstrate how the requested relief will benefit the historic structures and that, if granted, the modification will have no deleterious impacts on neighboring properties or the district as a whole.

H. Any request for a use that includes the retail sale of automotive fuels shall demonstrate:

(1) Frontage on Rt. 896 that is deemed by the Board of Supervisors to be adequate in terms of safety, access management, traffic flow, internal circulation, and pedestrian movement.

(2) Vehicular access that is limited to Rt. 896 only, and that is not incompatible with pedestrian circulation in the village. Sidewalks shall be provided along the Rt. 896 frontage of the property, in accordance with the terms of this Part, unless an alternative method of pedestrian circulation is specifically approved by the Board.

(3) Measures designed to buffer visual impacts from the fueling positions on neighboring properties. Fueling positions shall be located only in the rear

yard.

(4) That the proposed design of the building facade and related canopy or other structural elements on the property will minimize incompatibility with the character of existing buildings in the TND Overlay District and other immediately adjacent properties. Where the architectural history of the site and its immediate vicinity has been researched and documented, the Board may direct the New London Township Historical Committee to provide such information to the applicant and may request that the Committee examine and provide comment on the proposed structures in relation to the documented history.

(5) Compliance with the standards of §§1-1426 and 1-1427, where applicable and not in conflict with the terms of this Part.

I. For any proposal to combine two or more nonresidential uses on a single property, as authorized by §1-2204.3., the applicant shall demonstrate that the structure and its proposed uses meet all applicable standards of the Chester County Health Department, the Pennsylvania Department of Licenses and Inspections, and the Americans with Disabilities Act regarding minimum floor space, handicapped accessibility, and any other design or dimensional matters as may be applicable.

(1) No increase in the minimum lot area for a nonresidential use in the TND Overlay District shall be required for a property containing two or more such uses, except where the Board determines That the nature of the uses and their potential impacts on surrounding properties and streets necessitate an increased lot area. In such cases, the Board may, as a condition of approval, require increased lot area (totaling but not exceeding the sum of the required minimum lot area for each use if proposed separately), unless the applicant presents credible evidence that the potential impacts identified by the Board can and will be mitigated. Of particular concern will be the ability of the lot at the size proposed by the applicant, to adequately provide:

- (a) On-site parking needed to serve the uses.
- (b) Appropriate landscaping.
- (c) Requisite stormwater management facilities.
- (d) Satisfactory internal circulation.
- (e) Safe and convenient access to streets and/or alleys.
- (f) Compatibility of design, scale, and intensity in relation to surrounding properties and the district.

J. In considering a request for approval of a lot or tract size larger than the maximum established in §1-2206, the Board of Supervisors may review with the applicant the proposed placement of buildings on the lot or tract. In general, the Board's policy shall be to encourage building placement such that future subdivision of the property would remain feasible under the terms of this Part, particularly where off-site water and/or sewer service does not exist but is expected to become available in the future.

K. *Residential Conversion to Nonresidential Use.*

- (1) *Purpose.* It is the purpose of this Section to provide reasonable

standards for administering and deciding upon applications to convert existing residential properties to nonresidential or mixed residential/nonresidential use, where such conversion is permitted under the terms of this Chapter. Under its land use policies, the Township generally finds such a proposed conversion to be a positive land use change within the locations in which it is provided, when accomplished in accordance with the terms of this Section. In particular, this Section is designed to achieve a strengthening of the traditional commercial and mixed-use character of New London Village.

(2) *Applicability.* The provisions established under this Section shall apply to any conversion of a residential property in the TND Overlay District to nonresidential use or mixed residential/nonresidential use, as provided under the terms of this Chapter.

(3) *Standards.* Any conversion of a residential property to nonresidential or mixed residential/nonresidential use shall comply with the following standards:

(a) The provisions of this Section shall apply to any existing residential building in the TND Overlay District that is proposed for conversion to nonresidential or mixed residential/nonresidential use and for which an application for conditional use approval has been submitted.

(b) Such residential building may be converted, in whole or in part, to any nonresidential use or uses permitted in §1-2204 of this Chapter, with the exception of the retail sale of automotive fuels and lubricants.

(c) Where a waiver has been granted by the Board of Supervisors under the terms of §2-201.5 of the New London Township Subdivision/Land Development Ordinance [Chapter 2], a proposed residential conversion shall not require approval as a land development.

(d) The applicant also shall submit a copy of the floor plan, indicating all dimensions prior to and following conversion, and copies of any necessary permits from other agencies, as required by law, or documentation that such permits have been applied for.

(e) Any proposed conversion to nonresidential use shall comply with the height, width, yard, impervious surface, and other applicable regulations effective in the TND Overlay District for such use. Any existing nonconforming conditions with respect to these regulations shall be allowed to continue, but no increase in any nonconforming conditions shall be permitted.

(f) Minimum lot area for the building, following conversion, shall be as required in the TND Overlay District. Where a lot exists with less area than required, it may be converted to a nonresidential use so long as it is a legal nonconforming lot, in accordance with §1-1804 of this Chapter.

(g) The existing residential building shall not be enlarged by an amount greater than 10% of its floor area at the time of application. Any fire escape or outside stairway shall be located at the rear of the building or otherwise not within view from a public way.

(h) The off-street parking requirements of this Chapter shall apply, except that parking may be located in the front yard where existing

conditions on the lot, including depth of the front yard setback, the Township's desire to limit additional impervious surface required to access parking in the side or rear yard, topography of the lot, desirable existing vegetation, or similar factors make such location acceptable to the Board. In such case, the Board may require architectural and/or vegetative screening of the parking area along the street frontage or frontages, with such screening to be placed along the build-to line where such line exists on the block.

(i) To the maximum extent feasible, as determined by the Board of Supervisors, the proposed conversion shall comply with the applicable standards in Part 13, "Design Standards," and Part 14, "General Standards," of this Chapter.

(j) The resulting nonresidential use shall be provided with the requisite sewage system and water supply system. The applicant shall submit to the Township a permit for an individual on-site sewage disposal system issued by the Chester County Health Department, where a community or public sewage system is not available. Where a shared well is used for water supply, an agreement of use and maintenance shall be prepared and submitted to the Township.

(k) Upon conversion, the nonresidential use shall comply with all applicable Township codes and regulations including, but not limited to, those regarding building, housing, plumbing, electric, and fire safety.

(l) The Board of Supervisors may prescribe such further conditions and restrictions with respect to the conversion and use of the building, and to the use of the lot, as the Board may consider appropriate.

(m) Where the proposed conversion will result in a mixed residential/nonresidential use of the building, the following shall apply:

1) Unless the Board finds it clearly infeasible, no residential use shall occur on the ground floor following conversion.

2) The residential portion of the converted building shall comply with the definition of dwelling unit or units under the terms of this Part.

(4) The Zoning Officer shall review all applications for residential conversion to determine compliance. Upon completion of the alterations involved in the conversion, the Zoning Officer shall inspect the premises, prior to issuing an occupancy permit, to verify compliance with this Chapter and the terms of conditional use approval.

(*Ord. 2003-9-1, 9/4/2003; as added by Ord. 2008-3, 7/16/2008, §2*)



Traditional Neighborhood Development (TND) Overlay District Zoning Ordinance Amendments

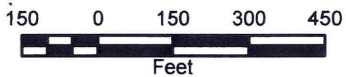
New London Township
Chester County, Pennsylvania

Legend

-  TND Overlay District Boundary
-  Existing Hedge
-  Existing Street Tree
-  Proposed Street Tree
-  Proposed Street Light

Exhibit A

Development Strategy Plan



Data Sources:
Aerial Photo: 2005
Parcels: Chester County
GIS Department, November 2006

Prepared by:
Thomas Comitta Associates, Inc.
Town Planners & Landscape Architects
18 West Chestnut Street
West Chester, Pennsylvania 19380

July 5, 2007
June 27, 2007
February 28, 2007; May 3, 2007
December 11, 2006; December 18, 2006



Traditional Neighborhood Development (TND) Overlay District Zoning Ordinance Amendments

New London Township
Chester County, Pennsylvania

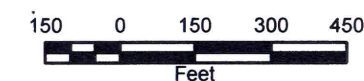
Legend

- TND Overlay District Boundary
- Higher Intensity Village Core Areas on Smaller Lots*
- Lower Intensity TND Areas
- Municipal & Recreational Areas

*For lots of less than 3 acres, as per
Section 1-2204, 2205 and 2206

Exhibit A

Development Strategy Plan



Data Sources:
Aerial Photo: 2005
Parcels: Chester County
GIS Department, November 2006

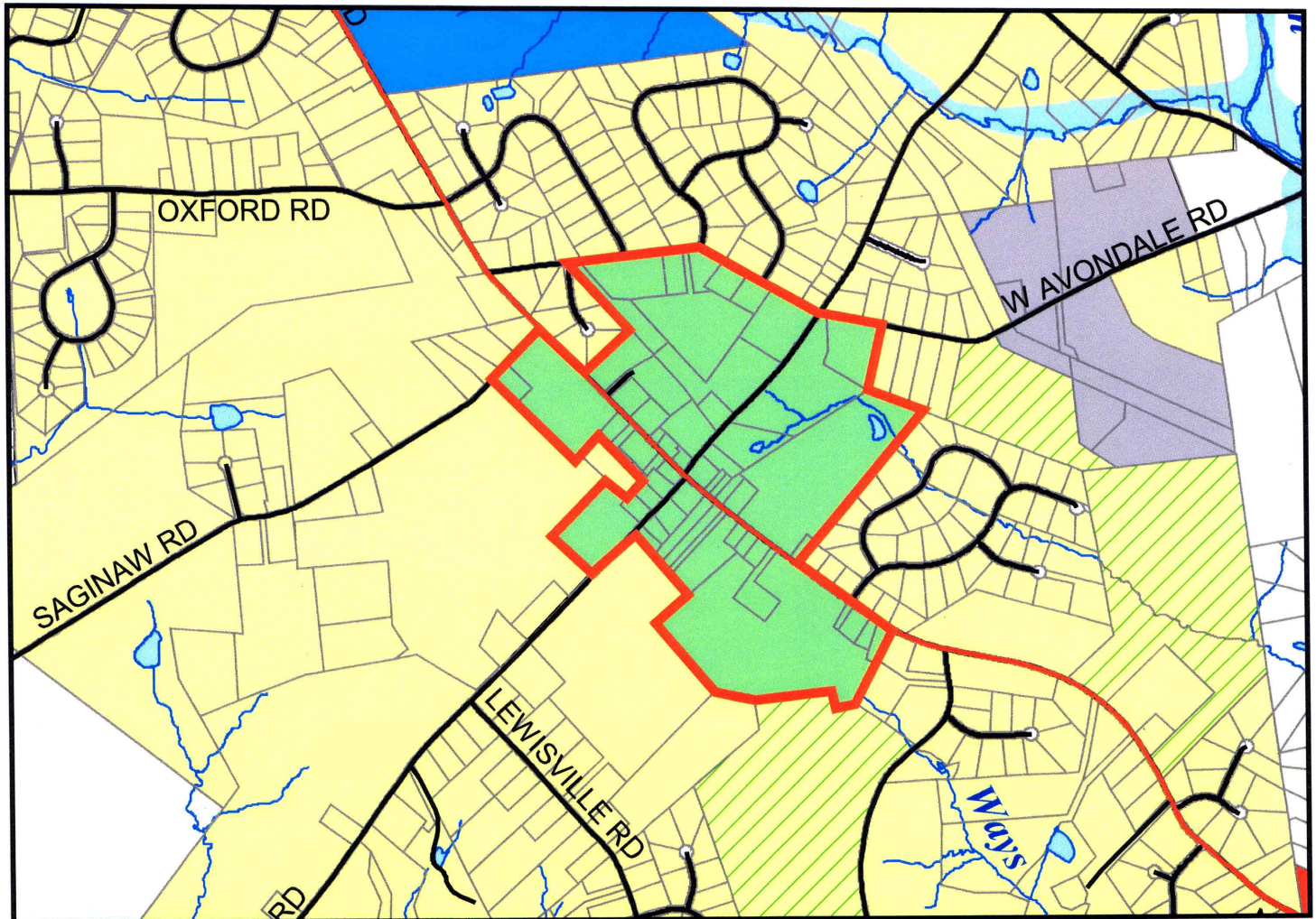
Prepared by:
Thomas Comitta Associates, Inc.
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18 West Chestnut Street
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July 5, 2007
June 27, 2007
February 28, 2007, May 3, 2007
December 11, 2006, December 18, 2006

New London Village

Manual of Written and Graphic Design Guidelines

New London Township - Chester County, PA



Traditional Neighborhood Development (TND) Overlay District

Exhibit B - New London Village Design Guide

November 20, 2006

January 15, 2007

February 28, 2007

April 4, 2007

May 3, 2007

June 6, 2007

June 21, 2007

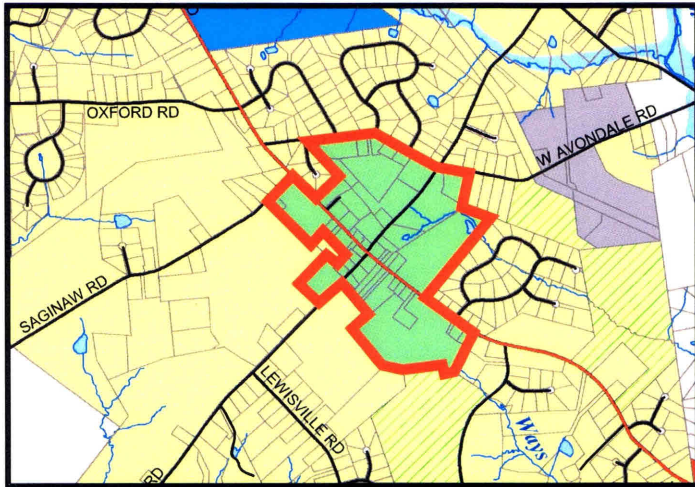
Reissued: July 6, 2007; **July 18, 2007**

Supp. VI; added 6/5/2014

New London Village

Manual of Written and Graphic Design Guidelines

New London Township - Chester County, PA



1. Cover Page
2. Contents Page
3. Overall Village Form
4. Building Location
5. Parking Location
- 5.A Off-Street Parking Lots
6. Civic Uses & Civic Art
7. Village Green
8. Streets
9. Alleys
10. Sidewalks & Crosswalks
11. Street Trees and Other Landscaping
12. Hedges, Fences & Walls

13. Street Wall
14. Street Lights
15. Single-Family Detached Dwellings
16. Garages: Detached
17. Granny Flat / Mother-in-Law Suite
18. Porch & Portico
19. Building Design
20. Village Core
21. Buildings: Two-Story
22. Live-Work Units
23. Signage

November 20, 2006

January 15, 2007

February 28, 2007

April 4, 2007

May 3, 2007

June 6, 2007

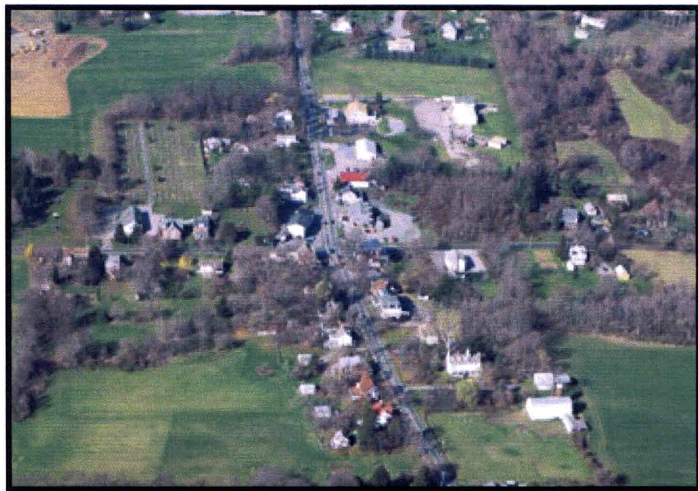
June 21, 2007

Reissued: July 6, 2007; **July 18, 2007 Supp. VI**; added 6/5/2014 2

Overall Village Form

Manual of Written and Graphic Design Guidelines

New London Village - Chester County, PA



View Along Route 896 Looking North



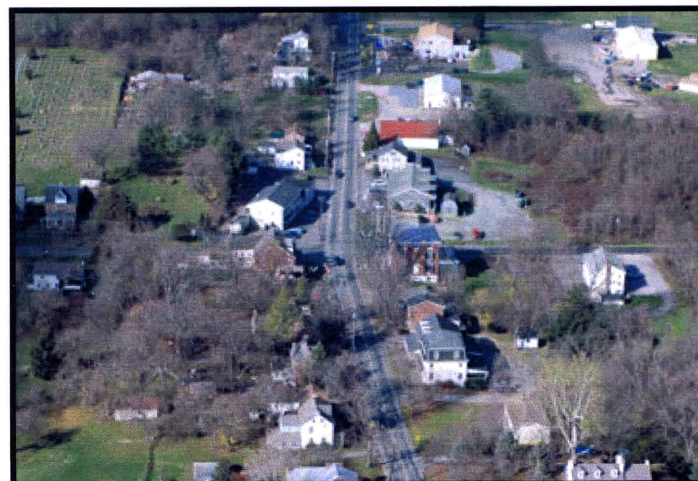
Buildings in Alignment

Legislative Intent:

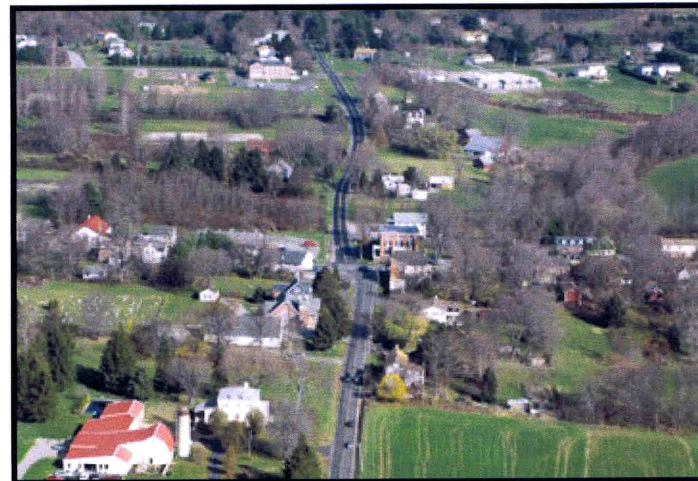
- The overall intent of the TND Overlay District is to promote a compact, mixed-use, and walkable pattern of development.
- The TND Overlay District is also intended to promote adaptive re-use of historical buildings, and infill development that is consistent with the character, scale, and proportion of buildings in the village built before 1950, and the examples of TND's depicted in this Manual.

Design Guidelines:

1. The historical village form shall be emulated in all redevelopment and infill development projects.
2. New development shall create a neighborhood and block structure, with interconnected streets and alleys.



Village Northbound Along Route 896

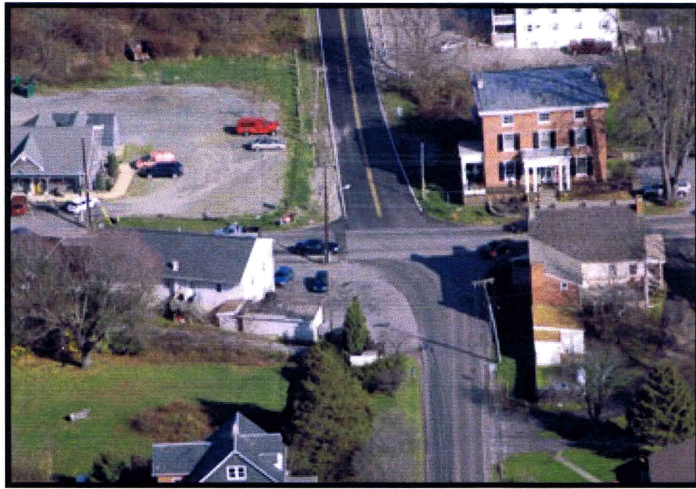


Village Eastbound Along State Road

Building Location

Manual of Written and Graphic Design Guidelines

New London Village - Chester County, PA



Buildings on South Side at Build-To Line



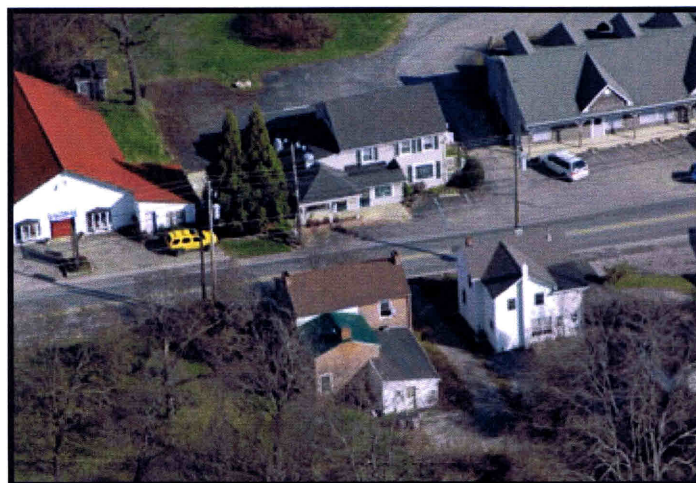
Route 896 & State Road Intersection

Legislative Intent:

- Buildings are intended to be located in general alignment with existing historical buildings in New London Village.
- Buildings are intended to anchor corners.

Design Guidelines:

1. New Buildings shall be placed at a Build-To Line.
2. New Buildings shall anchor street corners, and parking shall be located behind buildings.



Buildings Close Together in Village Setting



"Bookend" Buildings on South Side of State Road

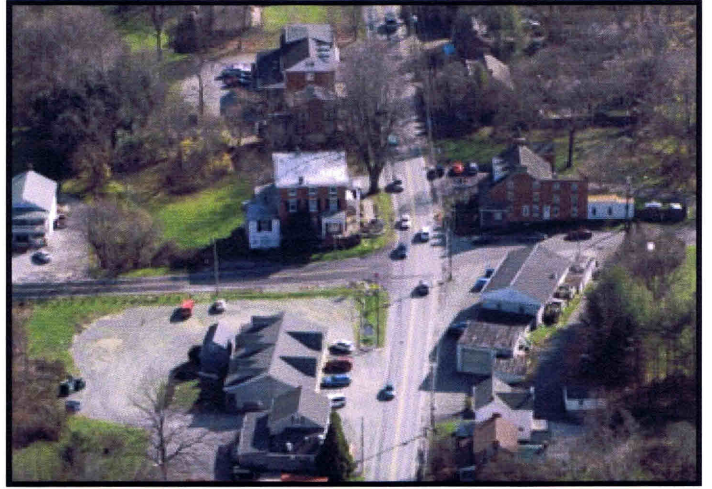
Parking Location

Manual of Written and Graphic Design Guidelines

New London Village - Chester County, PA



Parking Lots at Corners of State Road is unattractive



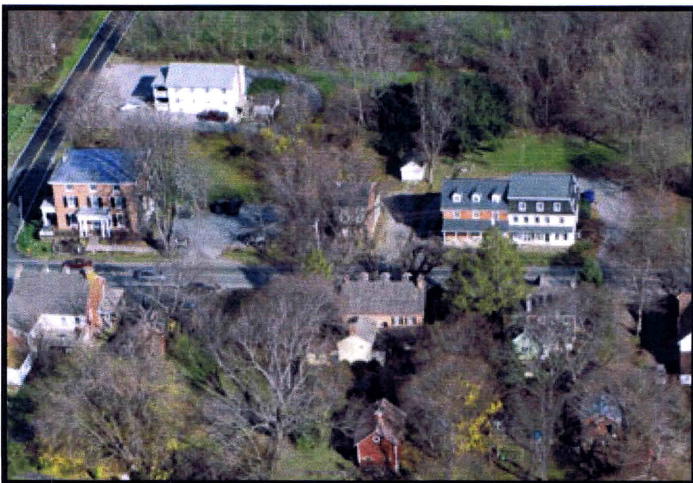
Parking at Corner Widens the Scale of the Street, and is more suburban in character

Legislative Intent:

- Parking is intended to be located to the rear or side of buildings.
- Parking is not intended to be located between the front of a building and the street, except for on-street parking.

Design Guidelines:

1. Off-Street Parking shall be located behind buildings to the maximum extent possible.
2. Off-Street Parking lots shall not be located at street corners.



Parking to Side & Rear Allows Buildings to Move Forward

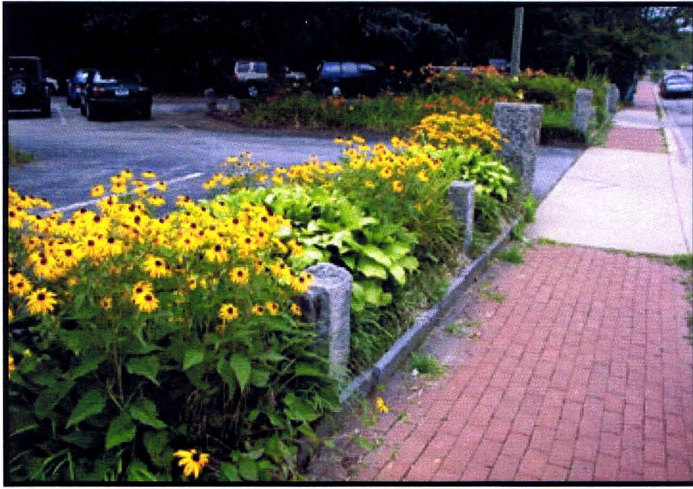


Buildings Anchor Corner

Off-Street Parking Lots

Manual of Written and Graphic Design Guidelines

New London Village - Chester County, PA



Off-Street Parking Screened with landscaping in Centreville, DE



Off-Street Parking at Buckley's Tavern in Centreville, DE

Legislative Intent:

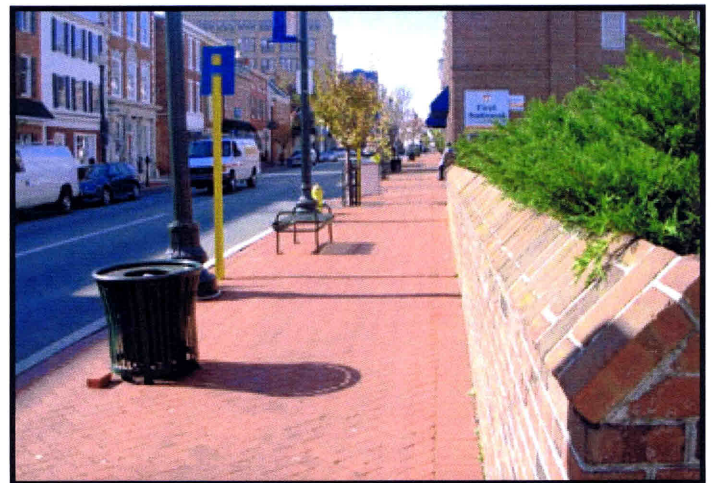
- Off-Street parking lots are intended to be located to the rear or side of buildings.

Design Guidelines:

1. Screen off-street parking with hedges and other landscaping at 36 to 42 inches in height.
2. Screen off-street parking with fences or walls at 36 to 42 inches in height.



Interior Parking, with Buildings Along Routes 82 and 926, Willowdale Town Center, Unionville, PA



Off-Street Parking Screened by Brick Wall, West Chester, PA

Supp. VI; added 6/5/2014

5.A.

Civic Uses & Civic Art

Manual of Written and Graphic Design Guidelines

New London Village - Chester County, PA



Example of Mail Facility (Private Post Office), Habersham, SC



Example of Village Green, Habersham, SC

Legislative Intent:

- Civic Uses could be such uses as a post office, private mail facility, meeting hall, fire station, school, church, and library.
- Civic art includes but is not limited to: pavilions, pergolas, benches, sculpture gardens, fountains and monuments.

Design Guidelines:

1. Provide civic uses to diversify the TND Overlay District.
2. Locate civic uses in the village.
3. Provide civic art throughout the TND Overlay District as an enhancement to a green, park, or other open space feature.



Example of Village Green, Kentlands, MD



Example of Parklet, Habersham, SC

Village Green

Manual of Written and Graphic Design Guidelines

New London Village - Chester County, PA



Example of Village Green, Lantern Hill - Doylestown, PA



Entrance Court/Green, West Chester, PA

Legislative Intent:

- The Village Green provides an attractive place for people to gather and relax.
- The Village Green provides a viable space around which dwellings can be grouped.

Design Guidelines:

1. Provide Village Greens within the TND Overlay District.
2. Construct and maintain Village Greens, not to exceed 5% slope.
3. Embellish Village Greens with benches, gazebos, pavilions, plantings, gardens, and the like.

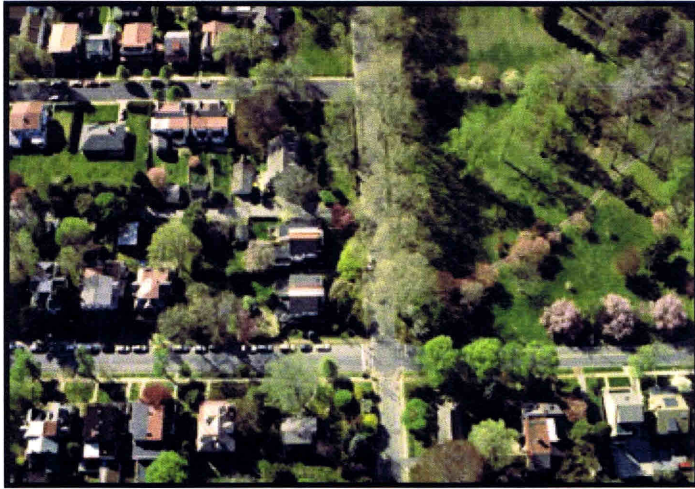


Example of Village Green, Wyndcrest - Sandy Spring, MD

Streets

Manual of Written and Graphic Design Guidelines

New London Village - Chester County, PA



Interconnected Street and Alley Network in Traditional Neighborhood, West Chester, PA



Interconnected Street & Alley Network at The Kentlands, Gaithersburg, MD

Legislative Intent:

- An interconnected street and alley network allows for enhanced vehicular traffic flow.
- An interconnected street and alley network also promotes a connected sidewalk network and pedestrian circulation system.

Design Guidelines:

1. Create an interconnected network of streets and alleys.
2. Provide Sidewalks along both sides of all Streets.
3. Allow for on-street parking to the maximum extent possible along new streets, but not along Route 896 and State Road unless approved by PennDot.
4. Provide Village Greens along Streets to add to the green infrastructure of the TND Overlay District.



Route 896/State Road Intersection



Village Green: Oglethorpe Square, Savannah, GA

Alleys

Manual of Written and Graphic Design Guidelines

New London Village - Chester County, PA



Alley-scape at The Kentlands, Gaithersburg, MD



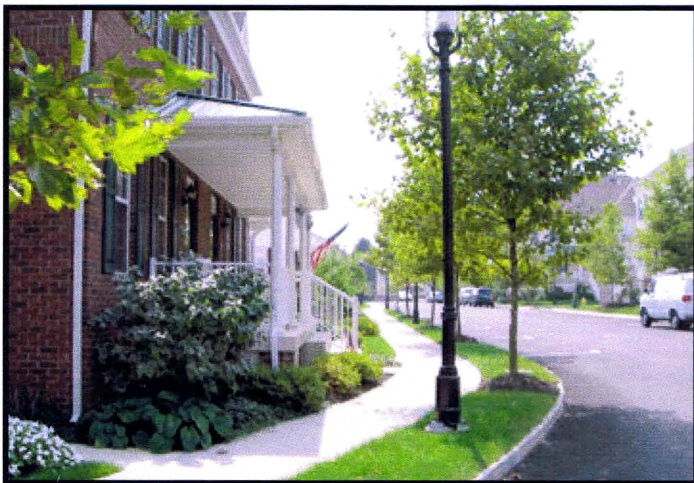
Alley-scape at The Kentlands, Gaithersburg, MD

Legislative Intent:

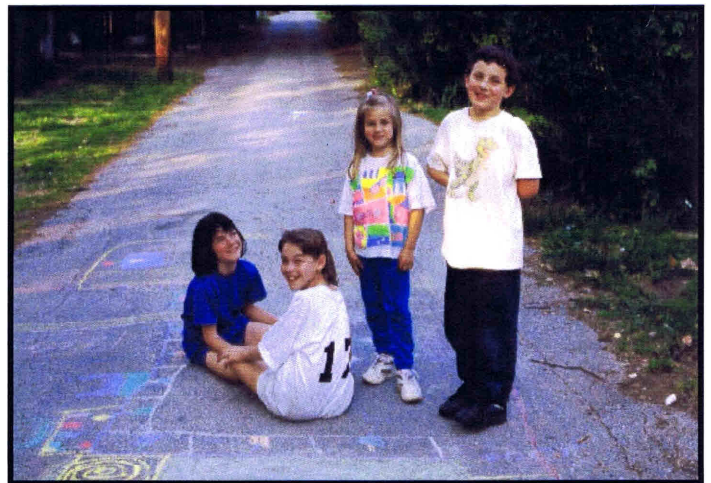
- Well designed and well landscaped alleys can be an asset.
- Rear detached garages off alleys eliminate conventional curb cuts along street frontage, and promote great curb appeal along the lot frontage.
- Alleys provide opportunities for the installation of utilities, and for servicing a lot.

Design Guidelines:

1. Provide Alleys to the maximum extent possible.
2. Alley widths shall be at least 16 feet in width, (in order to be eligible for liquid fuels rebate).
3. Landscape alleys with plants, fences, and other features, to add charm and beauty, as shown in the two photos above.



Great Curb Appeal along Street at Lantern Hill Due to Rear Alley.

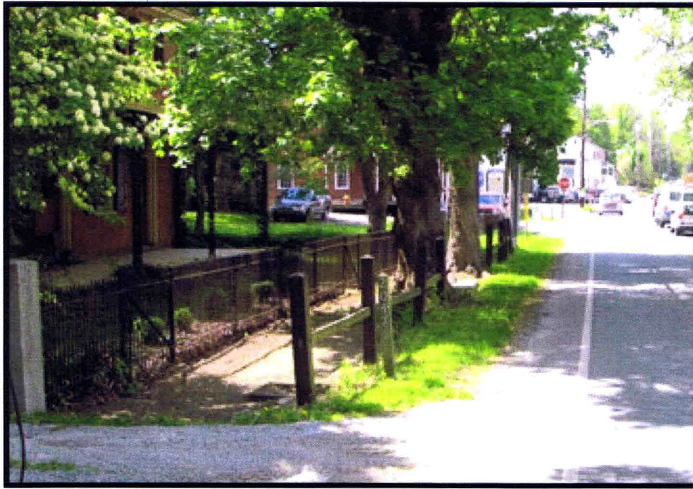


Rear Yard Play Opportunity for Children, West Chester, PA

Sidewalks & Crosswalks

Manual of Written and Graphic Design Guidelines

New London Village - Chester County, PA



Brick Sidewalk along Route 896



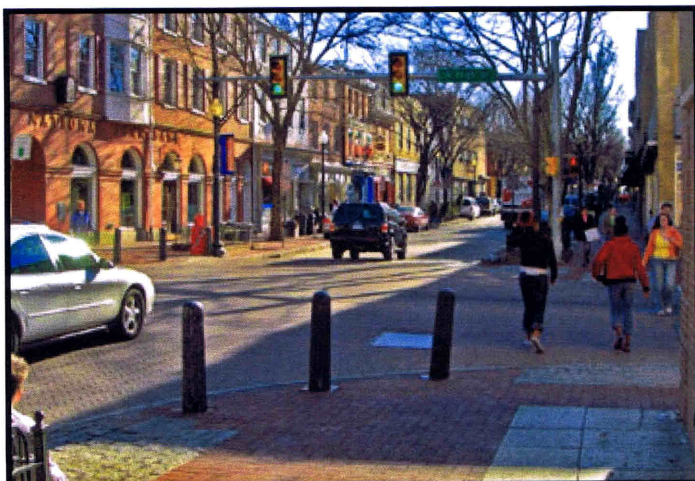
Sidewalk at Kentlands, Gaithersburg, MD

Legislative Intent:

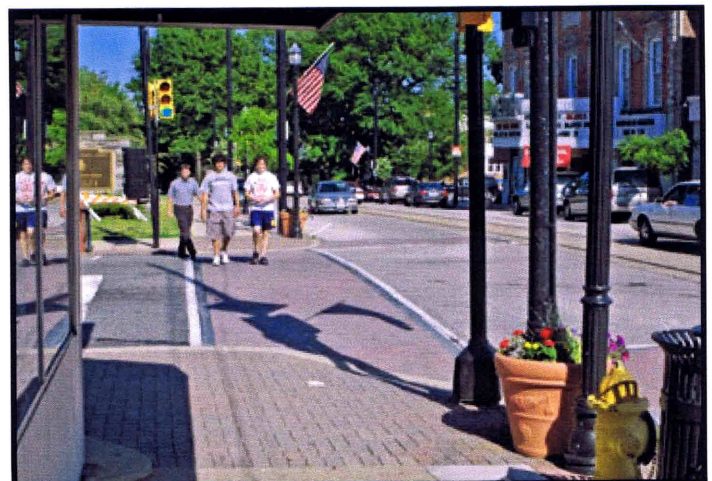
- Sidewalks are intended to be provided on both sides of all streets.
- Crosswalks are intended to be provided at all street intersections and at all curb cuts.

Design Guidelines:

1. Provide sidewalks of at least 4'-6" in width along both sides of all streets.
2. Provide a grass strip of at least 3 feet in width between the sidewalk and the curb along residential streets.
3. Provide crosswalks of at least 6'-0" in width at all street intersections and at all curb cuts.



"Speed Table" Crosswalk, West Chester, PA



Unit Paver Crosswalk, Media, PA

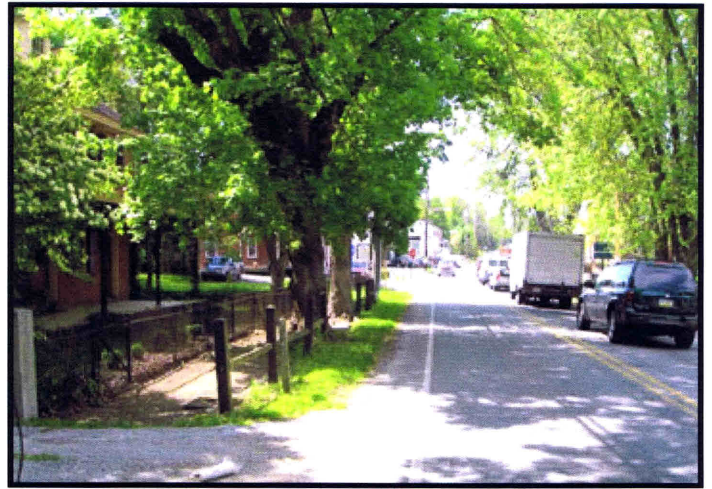
Street Trees and Other Landscaping

Manual of Written and Graphic Design Guidelines

New London Village - Chester County, PA



Street Tree "Allee"



Street Tree Canopy Along Route 896

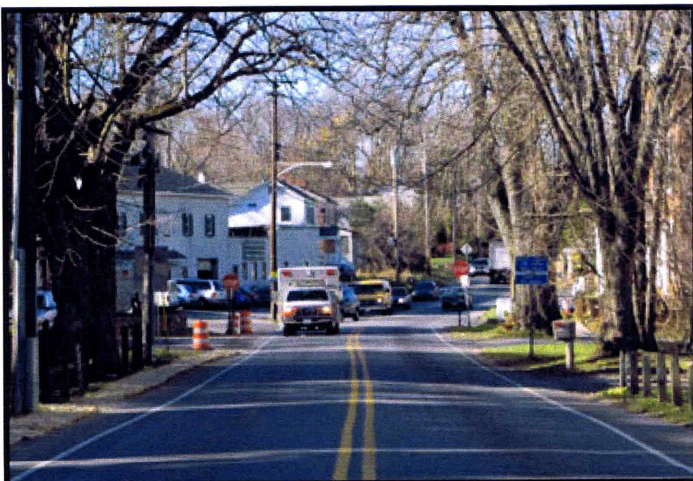
Legislative Intent:

- Street trees provide shade and screening, and add a graceful component to the Streetscape.
- When placed in a regular opposite alignment along both sides of streets, the street trees form an Allee effect.

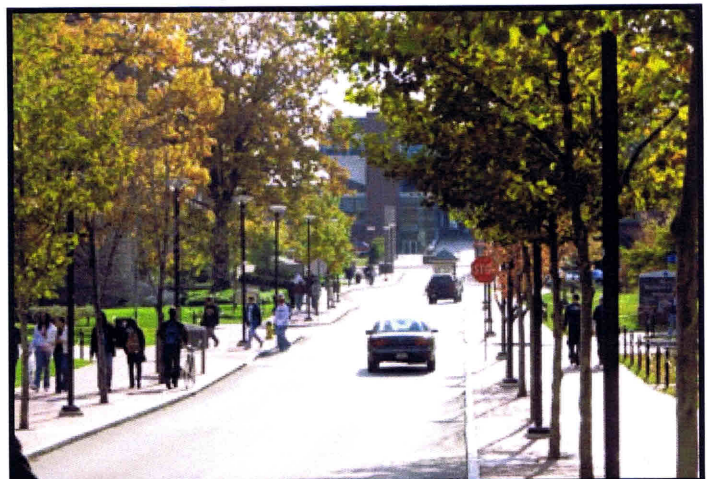
Design Guidelines:

1. Install and maintain Street Trees along both sides of all streets.
2. Utilize deep rooted, stress-tolerant, street tree species.
3. Screen any parking lots located in front of buildings with substantial street trees, and with other landscaping.
4. Provide street trees and shrubs in accordance with the list on page 11.1.

continued on page 11.1



Street Tree Allee in New London Village along Route 896



Street Tree Allee

Street Trees and Other Landscaping

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5. Street trees, at the time of planting, shall be no less than three to three (3") in caliper and shall be in accordance with the latest edition of the "American Standard for Nursery Stock," of the American Association of Nurserymen.
6. One (1) street tree shall be provided for every forty (40) linear feet of lot frontage.
7. All street trees shall be one of the following species and/or cultivars or approved equal, subject to Township approval:

Acer rubrum – Red Maple
Fraxinus pennsylvanica 'Newport' – Newport Green Ash
Fraxinus pennsylvanica 'Patmore' – Patmore Green Ash
Gleditsia tricanthos inermis – Thornless Common Honeylocust
Platanus x acerifolia – London Planetree
Quercus imbricaria – Shingle Oak
Quercus phellos – Willow Oak
Quercus rubra – Northern Red Oak
Tilia cordata – Littleleaf Linden
Zelkova serrata- Japanese Zelkova

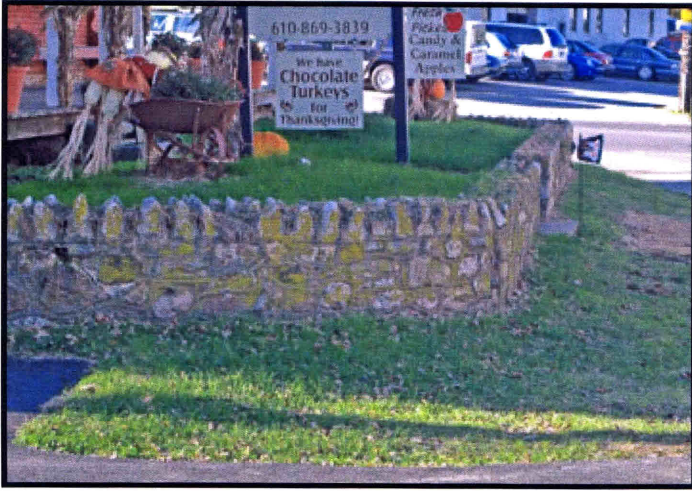
8. Hedges shall be composed of shrubs which are no less than thirty (30) inches in height when installed.
 - a. Shrubs planted to form hedges shall be spaced at an interval that they will form a continuous visual screen with in four (4) years of the date when they are planted.
 - b. Hedges shall be composed of the following shrub species and/or cultivars, or approved equal, subject to Township approval:

Ilex crenata - Japanese Holly
Ilex glabra - Inkberry
Ilex x meserveae 'China Girl' - China Girl Meserve Holly
Ligustrum amurense - Amur Privet
Taxus x media 'Hatfieldi' - Hatfield Yew
Viburnum x carlcephalum - Fragrant Viburnum
Viburnum dentatum - Arrowwood Viburnum

Hedges, Fences & Walls

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Low Stone Wall, southwest corner of Route 896 & State Road



Brick Wall at Wawa in Claymont, DE

Legislative Intent:

- Hedges, Fences and Walls are intended to provide an effective street edge and street wall.

Design Guidelines:

1. Low hedges, fences and walls of 36 to 42 inches in height shall be installed and maintained to provide a graceful street edge and front yard landscape feature.
2. Whenever a building can not be placed at a build-to line, hedges, fences, and/or walls shall be installed and maintained.



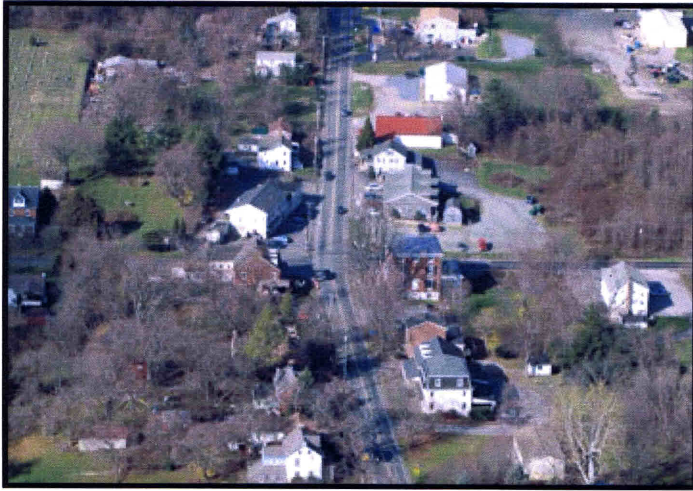
Hedge along Route 896



Hedge along Sidewalk in Media, PA

Street Wall

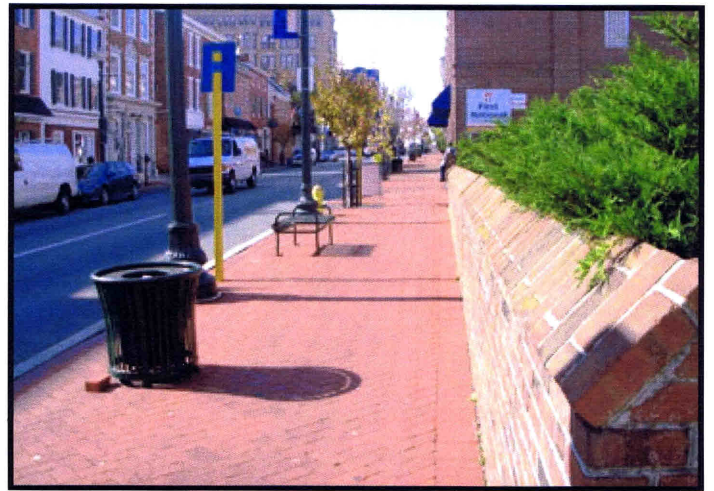
Manual of Written and Graphic Design Guidelines New London Village - Chester County, PA



Street Wall along Route 896 Formed by the continuous Alignment of Buildings

Legislative Intent:

- The street wall is intended to frame and form the streetscape.



Street Wall Created by Low Brick Wall

Design Guidelines:

1. Building shall be located at a build-to line to form the street wall.
2. Wherever buildings can not create the street wall, low walls and other architectural elements shall form the street wall.



"Bookend Buildings" Forming Street Wall along Route 896



Street Wall at Build-to Line at Wawa in Claymont, DE

Street Lights

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Street Lights at Lantern Hill



Nightscape: South Allen Street, State College, PA

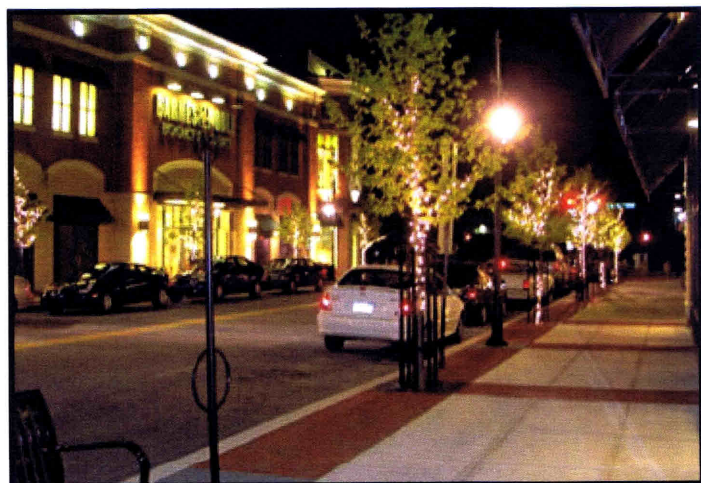
Legislative Intent:

- Pedestrian-scaled street lights provide an attractive complement to the Streetscape.
- Street light posts can be equipped to support an attached vertical banner.

Design Guidelines:

1. Provide pedestrian-scaled street lights along both sides of all streets.
2. Locate street lights to complement sidewalk and street tree features along the Streetscape.
3. Utilize the Spring City Electrical model, or approved equal, as indicated on page 14.1.
4. Provide hardware on street light pole to enable banner installation.

continued on pages, 14.1 and 14.2



Nightscape: Main Street at Exton



Street Light and Banner Example along Route 30

Street Lights

Manual of Written and Graphic Design Guidelines

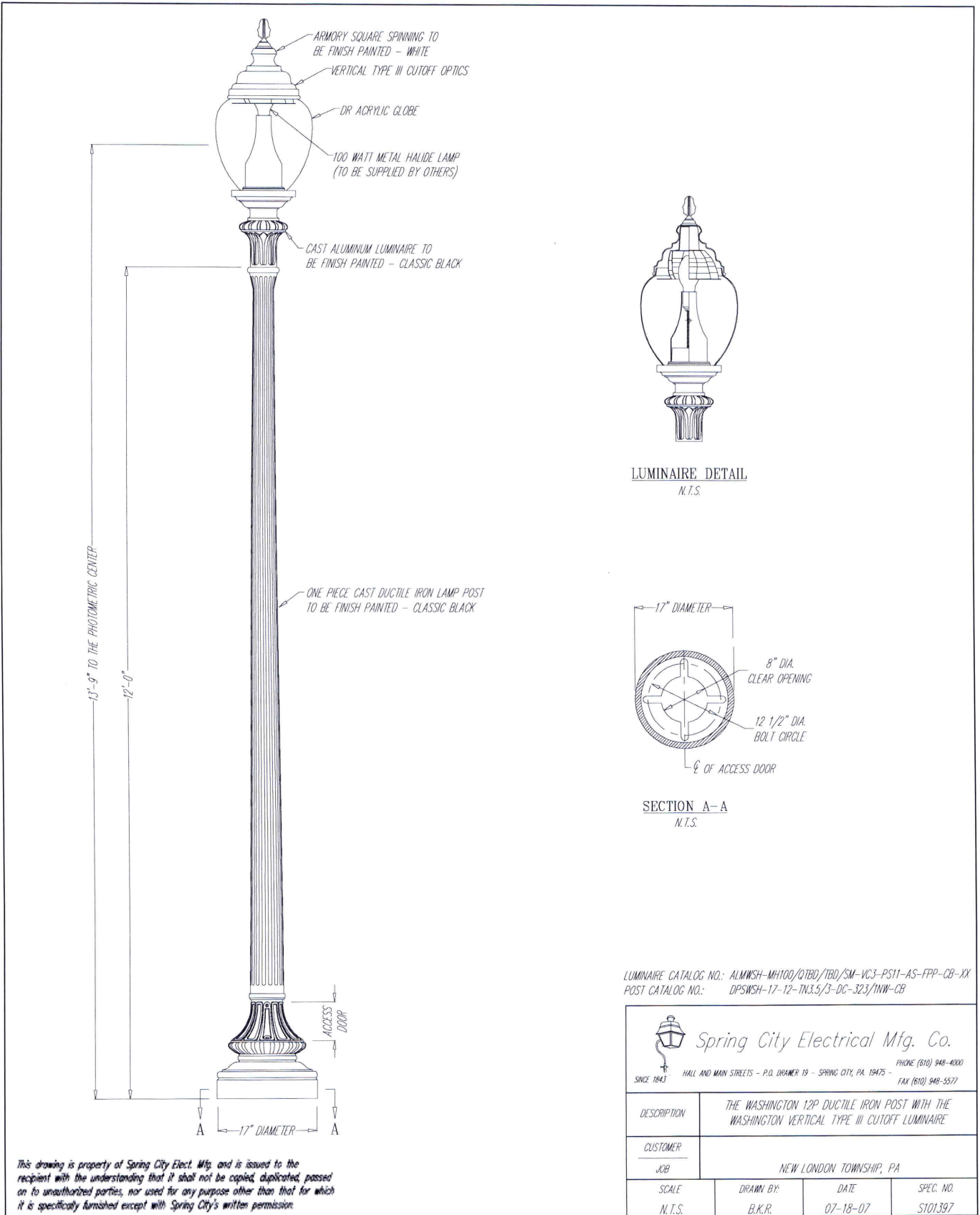
New London Township - Chester County, PA

5. The Spring City Electrical Manufacturing Company
Street light shall consist of:
 - a. a 12 foot tall Washington pole, black cast iron;
 - b. a Washington fitter;
 - c. a 118 Globe, metal halide bulb (100 Watt)
 - d. a top lid painted white to match the 118 Globe,
with deflector on inside.
 - e. all specifications on pages 14.2 through 14.7
shall apply.
6. The detail on page 14.2 shall apply

New London Village

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continued on page, 14.3

New London Village

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LUMINAIRE & POST SPECIFICATIONS

Luminaire

Luminaire shall be Spring City Electrical Manufacturing Company Catalog Number ALMWSH-MH100/QTBD/TBD/SM-VC3-YS11-AS-FPP-CB-XX or approved equal. The luminaire shall be the Washington Vertical Cutoff Style. The luminaire fitter shall be suitable for post mount attachment by means of a 3 1/2" O.D tenon. Luminaire fitter shall be of cast aluminum ANSI 356 Per ASTM B26-95. The luminaire shall also consist of a spun aluminum hood painted white with a decorative cast aluminum finial, and a clear patterned DR acrylic globe. The spun aluminum hood shall be fastened to acrylic globe using (3) aluminum rivets. The overall luminaire dimensions shall be 42 5/8" in height and 16 1/2" in width.

Each luminaire to be furnished with internally mounted ballast for operation at 120, 208, 240, 277 volt. Ballast to be high reactance, high power factor, 50-250 watt High Pressure Sodium, Metal Halide, or Mercury Vapor. The lamp compartment shall be accessed by (4) stainless steel set screws for field servicing. The ballast assembly shall be removed and installed using (3) stainless steel fasteners. The socket shall be a minimum 4KV pulse rated, spring loaded, medium or mogul base. All electrical components to be UL listed or recognized, and luminaire shall bear the UL Mark and comply with applicable requirements of UL1598.

It is preferred that all ballasts shall be of the same manufacturer. Every effort shall be made to eliminate ballasts from multiple manufacturers. Ballasts within luminaries of a given type must however be of the same manufacturer. The approved manufacturers are: Advance Transformer Co. & Universal Lighting Technologies.

The optical section of the luminaire shall consist of a one-piece clear DR acrylic globe, a spun aluminum specular reflector, and a hydro-formed specular reflector module. The reflectors shall be brightened and anodized, with a specular alzak finish.

The distribution of the luminaire shall be Type III Cutoff per ANSI/IESNA RP-8-00, with the lamp mounted in a vertical base down position.

The luminaire shall secure to the pole tenon by (4) hex socket stainless steel set screws.

All ornamentation and markings shall be sharp and clearly defined.

The luminaire shall be finished painted Classic Black using Sherwin Williams Acrolon Paint System
(Wet-Coat)
See Attached Data Sheet

Luminaire is to be furnished by Spring City Electrical Manufacturing Company (as represented by Independence Lighting, 484-356-5372, attn: Kent Lazor)

New London Village

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New London Township - Chester County, PA

Post

Post shall be Spring City Electrical Manufacturing Company Catalog Number DPSWSH-17-12-TN3.5/3-DC-323/1NW-CB or approved equal. The post shall be a one-piece Cast Ductile Iron Per A.S.T.M. A536-84 Grade 65-45-12. The Washington style post shall have a round base diameter of 17 inches, have an overall height of 12 foot, and a bolt circle of 12-1/2 inches in diameter.

All castings shall be done in a workmanlike manner, which shall result in uniform castings. All ornamentation and markings shall be sharp and clearly defined. Flutes will be uniform, even and consistent both in the vertical and around the pole.

All castings shall be free from abnormal physical qualities, pouring faults, porosity, cracks, blow holes, warping, shrinkage defects, or flaws which affect the strength, value, or suitability of the castings for their intended use. Each casting will be clean and ground to eliminate all sand, burrs, machine marks and imperfections.

Base access door and interface casting shall be properly machined to insure even bearing and mating. The access door shall be attached to the base using tamperproof stainless steel hardware.

Bolt and screw holes shall be drilled; coring will not be permitted to produce these holes.

Each post shall be supplied with four- (4) 3/4-inch diameter by 24 inch long with 3-inch hook, galvanized steel anchor bolts and two (2) galvanized nut and washers sets per bolt.

Anchor bolts shall be set using a steel template (supplied by contractor) to accommodate a 12-1/2 inch bolt circle. Each pole will have an access door secured with stainless steel machine screws and internal provisions for mounting a ground stud opposite the access door.

All Material must be in accordance with the Pennsylvania Steel Products Procurement Act, 73 P.S. 1881 Iron and Steel material must be made and assembled in the United States. Certifications of material to be provided by the manufacturer. Post must meet Penn DOT Bulletin 15 approval and meet Section 106.03 (b3) and 106-110 in Publication 408. Post assembly shall have a 50 year design life and withstand 100 mile per hour three second gust wind speed per AASHTO Publication LTS-4 (2001 Standard Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals).

The post shall be finished painted Classic Black using Sherwin Williams Acrolon Paint System (Wet-Coat)
See Attached Data Sheet

Post is to be furnished by Spring City Electrical Manufacturing Company (as represented by Independence Lighting, 484-356-5372, attn: Kent Lazor)

NOTE: The lighting standard for New London Township shall be supplied by the one manufacturer, substituting the luminaire or post will not be permitted.

continued on page, 14.5

New London Village

Manual of Written and Graphic Design Guidelines

New London Township - Chester County, PA

FINISH SYSTEMS

Galvanizing

Surface Preparation

Surface must be clean and dry and in sound condition. The steel is degreased by immersion in an agitated caustic solution elevated to a temperature ranging from 150-180 degrees F. The cleaned shaft is pickled by immersion in a heated sulfuric solution maintained at 150 degrees F. The pickled shaft is immersed in a circulating fresh water bath. Final preparation step is the immersion in a concentrated zinc ammonium chloride flux solution heated to 130 degrees F and allowed to air dry.

Zinc Coating

The steel is hot dipped galvanized to the requirements of ASTM-A-123 by immersion in a molten bath of zinc maintained at a temperature between 810 and 850 degrees F. Aluminum content of the bath is to be controlled to 0.01%.

Surface Preparation for Finish Coating

Galvanized surfaces are to be brush blasted to SSPC-SP7. The blasted shaft is to be solvent cleaned to SSPC-SP1.

Wet Paint System

DTM Wash Primer

A low VOC, water based wash primer designed for application bare aluminum.

Surface Preparation

Surface must be dry and free of oil, dust, dirt, loose rust, mill scale or other foreign substances.

Product Characteristics:

Drying Schedule:	Recoat Time: 2 Hours
Number of Components	1
Spreading Rate:	0.7 – 1.3 dry mils
Volume Solids:	21% +/- 2 %
Weight Solids:	29% +/- 2 %

Application:

Temperature:	50 to 110 Degrees Fahrenheit (85% Max Relative
Humidity)	

Methods:

Airless Spray:	1500 psi pressure
Tip:	.015"
Filter:	80 mesh
Hose:	1/4"

continued on page, 14.6

Supp. VI; added 6/5/2014

New London Village

Manual of Written and Graphic Design Guidelines

New London Township - Chester County, PA

Conventional Spray

Binks 95

Tip 63PB

Atomization

Pressure: 50 psi

Fluid Pressure: 15-

20 psi

Recoat Epoxy Primer

A Rust inhibitive high build catalyzed polyamide / bisphenol primer designed for fast dry and quick or extended recoatability.

Surface Preparation:

Surface must be dry and free of oil, dust, dirt, loose rust, mill scale or other foreign substances. Steel surfaces should be abrasive blast cleaned. All prepared surfaces are to be primed the same day.

Product Characteristics:

Drying Schedule:

Recoat Time: 2 Hours to 1 Year

Cure Time:

2 weeks

Number of Components

2

Spreading Rate:

4.0- 6.0 dry mils

Volume Solids:

65% +/- 2 %

Weight Solids:

81% +/- 2 %

Application:

Temperature:

35 to 120 Degrees Fahrenheit (85% Max Relative

Humidity)

Methods:

Airless Spray:

2400 psi pressure

Tip:

017"

Filter:

60 mesh

Hose:

1/4"

Brush:

China Bristle, working primer into tight areas

Roller:

3/8" to 1/2" soft woven nap cover with phenolic

core.

Finish Coat, Acrolon 218 HS

A 2 component, VOC compliant, polyester modified acrylic polyurethane designed for high performance use.

Surface Preparation:

Surfaces must be clean, dry and in sound condition. Removed of oil, dust, grease, dirt, loose rust, and other foreign substances. Solvent Clean to SSPC-SP1. Surface preparation to SSPC-SP6. Prime paint with a recommended primer.

continued on page, 14.7

New London Village

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Product Characteristics:

Gloss:	80+ units @ 60 Degrees
Drying Schedule:	Max recoat time: 30 days @ 77 deg F
Cure Time:	7 days @ 50% RH and 77 deg. F.
Number of Components	2
Spreading Rate:	3.0– 6.0 dry mils
VOC (Catalyzed)	2.40 lbs/gal (Unreduced)
Volume Solids:	65% +/- 2 %
Weight Solids:	78% +/- 2 %

Performance Characteristics:

Abrasion: Resistance	ASTM D4060, CS17Wheel, 1000 cycles, 1 kg load Result: 43 mg loss.
Adhesion	ASTM D4541 Result: 975 psi
Direct Impact Resistance	ASTM D2794 Result: 50 in. lb.
Flexibility	ASTM D4585, Method A Result: Passes
Pencil Hardness	ASTM D3363 Result: 3H

Application:

Temperature:	40 to 100 Degrees Fahrenheit (85% Max Relative
Humidity)	
Airless Spray	Pressure: 2500 – 2800 psi Tip .013” - .017” Filter 60 mesh. Reduction as needed to 5% by volume
Conventional Spray	Binks 95 Tip 63PB Atomization Pressure: 50 –70 psi Fluid Pressure: 20-25 psi Reduction as needed to 5% by volume
Brush: Natural bristle	Reduction as needed to 5% by volume
Roller:	3/8” woven nap cover with phenolic core. Reduction as needed to 5% by volume

Single-Family Detached Dwellings

Manual of Written and Graphic Design Guidelines

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Traditional Single-Family Dwelling in New London Village with Recessed Garage



Single-Family Dwellings and Village Green, Wyndcrest, Sandy Spring, MD

Legislative Intent:

- Single-family detached dwellings on small lots provide an important building type in TND Overlay District neighborhoods.
- Such dwellings with a front porch provide an attractive element that enhances the streetscape.

Design Guidelines:

1. Provide and maintain single-family detached dwellings in the TND Overlay District.
2. Access such dwellings with a rear garage from an alley, to the maximum extent possible.
3. Enhance curb appeal of dwellings with white picket fences and attractive landscaping.



Example of Single-Family Dwellings, Eagleview, Lionville, PA



Example of Rear Yard of Detached Dwelling Eagleview, Lionville, PA

Garages: Detached

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Alley-scape at The Kentlands, Gaithersburg, MD



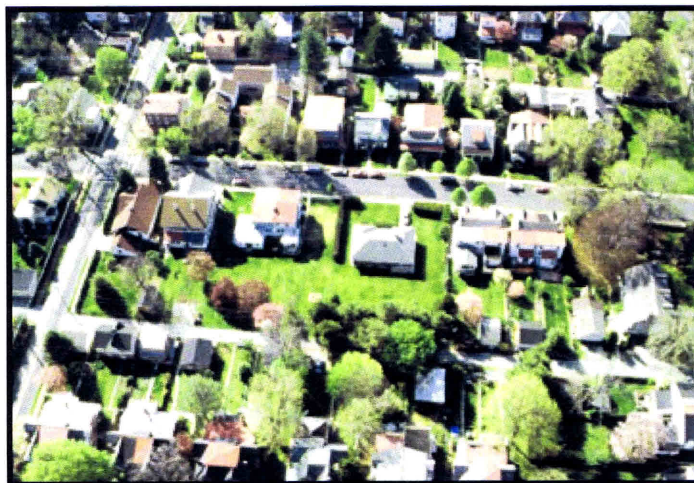
Rear Detached Garage Off Alley, Eagleview, PA

Legislative Intent:

- Detached Garages off Alleys provide for the retention of a pedestrian streetscape, without interruptions of curb cuts and sidewalk crossing.

Design Guidelines:

1. Provide detached garages accessed from alleys to the maximum extent possible.
2. Whenever parking is located perpendicular to alleys in front of the garage, provide an 18 foot driveway apron.
3. Whenever parking is located parallel to alleys in front of the garage, provide an 8 foot driveway apron.



Detached Garages Accessed from Alley, West Chester, PA

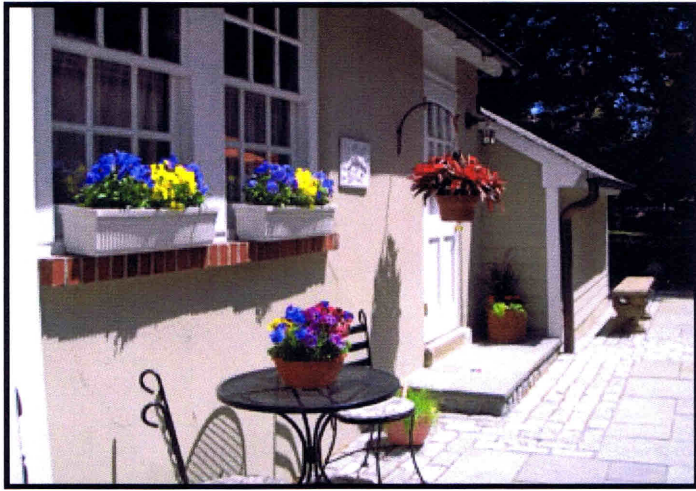


Alley-scape at The Kentlands, Gaithersburg, MD

Granny Flat / Mother-in-Law Suite

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Carriage House / Mother-in-Law Suite: West Chester, PA



Apartment Above Garage: Kentlands, MD

Legislative Intent:

- The Granny Flat or Mother-in-Law Suite, as an Accessory Dwelling Unit provides a great opportunity for affordable housing.

Design Guidelines:

1. Locate the Granny Flat or Mother-in-Law Suite above the garage or within an existing carriage house.
2. Access the Accessory Dwelling Unit off the Alley.



Apartment Above Garage: Cary, NC



Apartment Above Garage: Longmont, CO

Porch & Portico

Manual of Written and Graphic Design Guidelines

New London Village - Chester County, PA



Portico of Traditional Building in New London Village



Front Porch in New London Village

Legislative Intent:

- Porches and porticos provide an attractive transition from the building to the streetscape.

Design Guidelines:

1. Provide porches at least 7 feet in depth, by 14 feet in width.
2. Provide porticos at least 5 feet in depth, by 7 feet in width.



Front Porch of Retail Establishment



Traditional Front Porch in New London Village

Building Design

Manual of Written and Graphic Design Guidelines

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New Residential Buildings at Wyndcrest, Sandy Spring, MD



Traditional Dwelling with Front Porch in New London Village

Legislative Intent:

- New buildings are intended to be emblematic of existing traditional buildings in New London Village

Design Guidelines:

1. The size, height and proportion of new buildings shall be consistent with the traditional architectural character of existing pre-1950 buildings in New London Village.
2. New buildings shall have a predominantly vertical proportion, similar to traditional buildings in New London Village.



Traditional Single-Family Detached Dwelling in New London Village



Traditional Non-Residential Building in New London Village

Village Core

Manual of Written and Graphic Design Guidelines

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Traditional Retail Building in New London Village



Example of Pavilion for Growers Market, Kentlands, MD

Legislative Intent:

- Village core retail provides close-to-home opportunities to dine, shop and gather to meet friends and neighbors.
- The Village core is a great good place for special events, parades, and celebrations.

Design Guidelines:

1. Provide and maintain retail and civic uses along Route 896 and State Road.
2. Create and maintain opportunities for outdoor seating and dining.



Example of Cafe, Haile Village, Gainesville, FL



Retail Building in New London Village close to Route 896

Buildings: Two-Story

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Sovereign Bank at Lantern Hill in Doylestown, PA



Dunkin Donuts in Claymont, DE

Legislative Intent:

- Minimum 2 - story building height regulations promotes less building coverage, and engenders a more village-type scale.

Design Guidelines:

1. Provide 2-story buildings.
2. Size buildings to be at least 20 feet in height, if 2-story buildings are not feasible.



Cafe at Haile Village, with Apartment Above in Gainesville, FL



Corner Store with Second Floor Offices, Southern Village, Chapel Hill, NC

Live-Work Units

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Example of Live-Work Units, Habersham, SC



Example of Live-Work Units, Habersham, SC

Legislative Intent:

- The Live-Work unit provides an opportunity for a zero commute to work from a residence.
- Live-Work units are superb examples of vertical mixed-use buildings.

Design Guidelines:

1. Establish and maintain a ground floor commercial use such as shop, studio, office or personal service establishment.
2. Establish and maintain a dwelling unit above the ground floor commercial use.



Example of Live-Work Units, Eagleview, Lionville, PA



Example of Live-Work Unit, Eagleview, Lionville, PA

Signage

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Wall (Facade) Sign



Free-Standing Sign

Legislative Intent:

- Well-designed and well-crafted signage adds charm to the village character.

Design Guidelines:

1. Provide smaller signage in scale with buildings.
2. Provide signage that complements the architectural design of buildings
3. Minimize clutter of free-standing signs.
4. Minimize accessory signs.



Free-standing Sign with Accessory Signs



Well-crafted Free-standing Sign