

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

Part 1: Preamble

§1-101 Short Title, Effective Date
§1-102 Purpose
§1-103 Community Development Objective
§1-104 Establishment of Controls
§1-105 Interpretation
§1-106 Conflict
§1-107 Validity
§1-108 Repealer

Part 2: Establishment of Districts

§1-201 Classes of Districts
§1-202 Zoning Map
§1-203 Interpretation of District Boundaries

Part 3: Reserved

Part 4: R-Residential District

§1-401 Purpose
§1-402 Use Regulations
§1-403 Plan Submission and Review Procedures
§1-404 Area and Bulk Regulations
§1-405 Design Standards
§1-406 Water Supply and Sewage Facilities
§1-407 Stormwater Management and Natural Feature Protection
§1-408 Ownership of Common Facilities
§1-409 Operation and Management of Common Facilities and Enforcement of Lot Owner Responsibilities

Part 5: Reserved

Part 6: Reserved

Part 7: C-Commercial District

§1-701 Purpose
§1-702 Use Regulations
§1-703 Height Restrictions
§1-704 Area and Bulk Regulations
§1-705 Design Standards

Part 8: LI-Limited Industrial District

§1-801 Purpose
§1-802 Use Regulations
§1-803 Height Restrictions
§1-804 Area and Bulk Regulations
§1-805 Design Standards

Part 9: NLV-New London Village District

§1-901 Purpose
§1-902 Use Regulations
§1-903 Height Restrictions
§1-904 Area and Bulk Regulations
§1-905 Design Standards
§1-906 Standards and Criteria for Conditional Uses

Part 10: I-Institutional District

§1-1001 Purpose
§1-1002 Use Regulations
§1-1003 Height Restrictions
§1-1004 Area and Bulk Regulations
§1-1005 Design and Development Standards
§1-1006 Conditional Use Standards and Criteria

Part 11: Flood Hazard District

§1-1101 Purpose and Applicability
§1-1102 Delineation of Flood Hazard District
§1-1103 Changes in Flood Hazard District Boundaries
§1-1104 District Overlay
§1-1105 Rules of Interpretation of District Boundaries

§1-1106 Boundary Disputes
§1-1107 Jurisdictional Boundary Changes
§1-1108 Compliance
§1-1109 Abrogation and Greater Restrictions
§1-1110 Warning and Disclaimer of Liability
§1-1111 Administration
§1-1112 Identification of Flood Plain Areas
§1-1113 Use Regulations
§1-1114 Existing Structures and Uses
§1-1115 Use Regulations
§1-1116 Performance Criteria for Special Exceptions and Variances
§1-1117 Technical Provisions
§1-1118 Elevation and Floodproofing Requirements
§1-1119 Special Requirements for Subdivisions and Land Developments
§1-1120 Special Requirements for Manufactured Homes
§1-1121 Special Requirements for Recreational Vehicles

Part 12: Steep Slope Conservation District

§1-1201 Purpose
§1-1202 Identification of District Boundaries
§1-1203 District Overlay
§1-1204 Interpretation of District Boundaries
§1-1205 Use Regulations
§1-1206 Prohibited Uses
§1-1207 Compliance
§1-1208 Abrogation and Greater Restrictions
§1-1209 Existing Structures and Uses
§1-1210 Administration
§1-1211 Modifications to District Boundaries

Part 13: Design Standards

§1-1301 Common Regulations
§1-1302 Screening
§1-1303 Landscaping
§1-1304 Storage
§1-1305 Vehicular Access and Traffic Controls
§1-1306 Interior Circulation
§1-1307 Pedestrian Access
§1-1308 Lighting
§1-1309 Performance Standards
§1-1310 Off-street Loading Regulations
§1-1311 Residential Off-street Parking Requirements
§1-1312 Off-street Parking Regulations
§1-1313 Reserved
§1-1314 Reserved
§1-1315 Leg Lots
§1-1316 Single Access Residential Developments as a Conditional Use
§1-1317 Reserved
§1-1318 Reserved
§1-1319 Communications Antennas, Towers and Equipment
§1-1320 Driveways

Part 14: General Standards

§1-1401 Common Regulations
§1-1402 Reduction of Lot Area
§1-1403 Yard Calculations
§1-1404 Roadway Visibility
§1-1405 Stripping of Topsoil and Excavation
§1-1406 Sale of Farm Products
§1-1407 Composting Operations
§1-1408 Land Application of Sludge
§1-1409 Storage of Sludge
§1-1410 Projections into Required Yards
§1-1411 Exception to Height Restriction
§1-1412 Access Requirements
§1-1413 Home Occupation
§1-1414 Refuse Disposal
§1-1415 Community Living Arrangements
§1-1416 Residential Room Rental

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

§1-1417 Residential Conversion
§1-1418 Swimming Pools
§1-1419 Public Utilities
§1-1420 Minimum Floor Area
§1-1421 Storm Drainage
§1-1422 Keeping of Large Animals on Residential Lots
§1-1423 Household Pets
§1-1424 Kennels
§1-1425 Regulating Vegetation
§1-1426 Convenience Store
§1-1427 Retail Sale of Automotive Fuels
§1-1428 Wetlands
§1-1429 Accessory Dwelling Units
§1-1430 Forestry and Logging Standards
§1-1431 Fences and Walls
§1-1432 Solar Energy Systems
§1-1433 Wind Energy Conversion Systems
§1-1434 Second Dwelling Unit on Individual Property
§1-1435 Agricultural Regulation
§1-1436 Cemetery
§1-1437 Golf Course
§1-1438 Bed-and-Breakfast Establishment
§1-1439 Hotel; Inn
§1-1440 Elder Cottage Housing Unit
§1-1441 Keeping of Fowl as Domestic Pets
§1-1442 Short Term Rentals
§1-1443 Farm-Related School

Part 15: Mobile Home Park Standards

§1-1501 General Regulations
§1-1502 Use Provisions Within a Mobile Home Park
§1-1503 Design Standards
§1-1504 Utilities
§1-1505 Licenses, Plans and Permits
§1-1506 Fees
§1-1507 Mobile Home Park Management
§1-1508 Mobile Homes Outside of a Mobile Home Park

Part 16: Riparian Buffer Protection Overlay District

§1-1601 Purpose
§1-1602 Applicability
§1-1603 Exemptions
§1-1604 Riparian Buffer Delineation
§1-1605 Uses Permitted
§1-1606 Buffer Restoration and Planting Requirements
§1-1607 Modifications to Riparian Buffer Standards

Part 17: Signs

§1-1701 Purpose
§1-1702 General Regulations
§1-1703 Prohibited Signs
§1-1704 Assignment of Temporary or Permanent Sign Classification
§1-1705 Exempt Signs
§1-1706 Sign Classification, Size, and District Applicability
§1-1707 Temporary Signs
§1-1708 Removal of Signs
§1-1709 Nonconforming Signs
§1-1710 Permits and Inspections

Part 18: Nonconforming Uses, Structures, Buildings, and Lots

§1-1801 Application of Regulations
§1-1802 Nonconforming Uses
§1-1803 Nonconforming Buildings and Structures
§1-1804 Nonconforming Lots
§1-1805 Abandonment
§1-1806 Criteria for Permitting Non-conformance
§1-1807 Registration of Nonconforming Uses, Buildings and Structures

Part 19: Zoning Hearing Board

§1-1901 Membership and Appointment to the Board
§1-1902 Organization of the Board
§1-1903 Fees
§1-1904 Functions
§1-1905 Hearings
§1-1906 Decisions
§1-1907 Standards for Review of Variance Requests
§1-1908 Standards for Review of Special Exception Requests
§1-1909 Time Limitations for Persons Aggrieved
§1-1910 Stay of Proceedings

Part 20: Administration

§1-2001 Application of Regulations
§1-2002 Enforcement
§1-2003 Violations
§1-2004 Enforcement Penalties
§1-2005 Permits - General
§1-2006 Erosion and Sediment Control Permit
§1-2007 Building Permit
§1-2008 Use and Occupancy Permit
§1-2009 Zoning Permit
§1-2010 Mobile Home Park License
§1-2011 Sign Permits
§1-2012 Fees
§1-2013 Conditional Use
§1-2014 Municipal Liability

Part 21: Amendment

§1-2101 Power of Amendment
§1-2102 Procedure
§1-2103 Landowner Petitions
§1-2104 Landowner Amendments

Part 22: Traditional Neighborhood Development (TND) Overlay District

§1-2201. Purpose.
§1-2202 Conditions of Eligibility.
§1-2203 General Design Standards.
§1-2204 Use Regulations for Pre-existing Tracts or Lots of less than 3 Acres.
§1-2205 Density Requirements for Tracts or Lots of less than 3 Acres.
§1-2206 Area and Bulk Regulations for Tracts or Lots of less than 3 Acres.
§1-2207 Use Regulations for TND Overlay District for Tracts or Lots of 3 Acres or Greater.
§1-2208 Density, Housing Mix, Use Composition, and Open Space Requirements for Tracts or Lots of 3 Acres or Greater.
§1-2209 Area and Bulk Regulations for Tracts or Lots of 3 Acres or Greater.
§1-2210 Procedures for Approval of Development in the TND Overlay District.
§1-2211 Conditional Use Standards and Criteria.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

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 2025," as amended. This Chapter shall become effective 5 days following its official adoption.

§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:

1. To lessen congestion on roads and highways.
2. To secure safety from fire, panic, and other dangers.
3. To provide adequate light and air.
4. To prevent the overcrowding of uses on the land.
5. To avoid undue concentrations of population.
6. To encourage the most appropriate use of land throughout the Township.

§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:

1. 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.
2. 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.
3. Protect and conserve the natural resources and the value of land and buildings in the Township.
4. 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.
5. Promote and encourage energy conservation in new development.
6. 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.

§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.* and the Pennsylvania Flood Plain Management Act of 1978. The Township has established the following controls:

1. **Uniform Regulations:** The regulations established by this Chapter with each district shall apply uniformly to each class or type of structure or land.
2. **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.
3. **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.
4. **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 §1-104.1. and §1-104.2. and §1-104.3.
5. **Uniform Construction Code Coordination.** The standards and specifications contained in 34 Pa. Code (Chapters 401-405), as amended, shall apply to all sections and subsections of this Chapter.

§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.

§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.

§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.

§1-108. Repealer.

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

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

Part 2
Establishment of Districts

§1-201. Classes of Districts.

1. For the purposes of this Chapter, New London Township is hereby divided into base zoning districts which shall be designated as follows:
 - A. Part 4: R-Residential District
 - B. Part 7: C-Commercial District
 - C. Part 8: LI-Limited Industrial District
 - D. Part 9: NLV-New London Village District
 - E. Part 10: I-Institutional District
2. Zoning Overlay Districts. Certain areas, as described in Part 11: Flood Hazard District, Part:12: Steep Slope Conservation District and Part: 16 Riparian Buffer Conservation Overlay District, shall, where applicable, be subject to the terms of those overlay districts.

§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.

§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.

§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.

**Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning**

Part 3: Reserved

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

Part 4
R-Residential District

§1-401. Purpose.

The R-Residential District has been created to recognize and encourage single-family detached dwellings which typify the rural residential character of the Township, and to provide for selected non-residential uses that can serve the Township's residents and are appropriate within the District. Properties within the R-Residential District may be served by individual or central water supply and individual on-lot sewage systems. The continuation of agricultural uses is encouraged, and appropriate measures to manage stormwater and protect natural features are essential site design features.

§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. Agriculture, in accordance with the terms of §1-1435.
 - B. Single-family detached dwelling.
 - C. Township use.
 - D. Forestry, in accordance with the terms of §1-1430.
 - E. Public or private parks, nature center, or arboretum, where any such use is operated on a non-commercial basis by a non-profit organization.
 - F. Short Term Rental, in accordance with the applicable terms of §1-1442.
- 2. Permitted Accessory Uses:** The following accessory uses shall be permitted as of right in the R-1 District. Such proposed uses shall not be subject to the requirements for land development approval under the terms of Chapter 2, Subdivision and Land Development.
 - A. Customary accessory residential uses and buildings.
 - B. Uses and buildings customarily accessory to those agricultural uses permitted in §1-402.1.A.
 - C. Private swimming pool, provided it is located in the rear yard or side yard of the dwelling lot and is in accordance with the terms of §1-1418.
 - D. No-impact home occupation, in accordance with the terms of §1-1413.
 - E. Sale of farm products, in accordance with the terms of §1-1406.
 - F. Keeping of large animals, in accordance with the terms of §1-1422.
 - G. Residential room rental, in accordance with the terms of §1-1416.
 - H. Accessory dwelling unit, in accordance with the terms of §1-1429.
- 3. Uses Permitted as Conditional Uses.** Any one 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. Cultural, educational, or religious use.
 - B. Public utility structure or facility, provided that no exterior storage of equipment, housing of construction or repair crews, or above-ground storage of gaseous or liquid fuels shall be permitted.
 - C. Cemetery, in accordance with the terms of §1-1436.
 - D. Single-access residential development, in accordance with the terms of §1-1316.
 - E. Golf course and golf house, including practice ranges as part of the same establishment, but excluding miniature golf courses, in accordance with the terms of §1-1437.
 - F. County, State, or Federal use, excluding sanitary landfills and correctional or penal institutions.
 - G. Intensive Agriculture.
 - H. Bed-and-breakfast establishment, in accordance with the terms of §1-1438.
 - I. Human services facility.
 - J. Residential conversion of a single-family dwelling, in accordance with the terms of §1-1417.
 - K. Animal hospital.
 - L. Elder cottage housing unit, in accordance with the terms of §1-1440.
- 4. Uses Permitted by Special Exception.** Any of the following uses shall be permitted when approved as a special exception by the Zoning Hearing Board, consistent with the terms of this Part and §1-1908 of this Chapter:
 - A. Major home occupation, in accordance with the terms of §1-1442.
 - B. Short Term Rental, in accordance with the applicable terms of §1-1442.

§1-403. Plan Submission and Review Procedures.

- 1.** Any Applicant for a major or minor subdivision approval or a land development approval in the R-Residential District shall be governed by the terms of §2-301, §2-302, and §2-303, regarding pre-application meeting, site inspection, pre-plan submission conference, and sketch plan.
- 2.** Any proposed development that is to contain an area or areas of common open space shall prepare a Primary Site Design Plan in accordance with §2-403.5.

§1-404. Area and Bulk Regulations.

The following area and bulk regulations shall apply to uses permitted within the Residential District.

- 1. Single-Family Detached Dwellings.**
 - A. Minimum net lot area 1 acre
 - B. Minimum lot width:
 - a. Building line 150 feet
 - b. Street line 50 feet
 - C. Minimum building setback line:
 - a. Residential road frontage 40 feet
 - b. Collector road frontage 50 feet
 - c. Arterial road frontage 60 feet
 - D. Minimum side yard 25 feet each
 - E. Minimum rear yard 50 feet
 - F. Minimum accessory structure setback from side and rear lot lines 10 feet
 - G. Maximum building coverage 15% of net lot area
 - H. Maximum impervious surface 25% of net lot area
 - I. Maximum building height 35 feet
- 2. Non-residential Uses.**

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

- A. Minimum net lot area 1 acre
- B. Minimum lot width:
 - a. Building line 150 feet
 - b. Street line 50 feet
- C. Minimum building setback line:
 - a. Residential road frontage 50 feet
 - b. Collector road frontage 50 feet
 - c. Arterial road frontage 60 feet
- D. Minimum side yard 25 feet each
- E. Minimum rear yard 50 feet
- F. Minimum accessory structure setback from any lot line 10 feet
- G. Maximum building coverage 25% of net lot area
- H. Maximum impervious surface 40% of net lot area
- I. Maximum building height 35 feet

3. Agricultural Uses.

Agricultural uses shall comply with the provisions of §1-1435.

4. Opportunities for Reduction in Residential Net Lot Area.

Regardless of the net tract area or number of residential lots proposed, the net lot area of proposed lots may be reduced to not less than 0.75 acres when the following conditions are met.

- A. The tract shall be served by a central water supply system.
- B. Any primary individual on-site sewage system shall be located off the lot in an area of common open space on the tract. Any replacement area for an individual on-site sewage system shall be located on the lot it is intended to serve.
- C. Stormwater BMPs serving more than one lot shall be located in an area of common open space on the tract. The costs for the maintenance, replacement, and/or repair of such stormwater BMPs shall be a common expense as a common facility, regardless of the number of lots that adjoin the stormwater BMP.
- D. Primary Conservation Areas shall, to the maximum extent feasible as proposed by the Applicant and determined acceptable by the Board of Supervisors, be located in areas of common open space on the tract.
- E. Secondary Conservation Areas shall be protected against disturbance and shall, where deemed feasible, as proposed by the Applicant and determined acceptable by the Board of Supervisors, be located in areas of common open space on the tract.
- F. Each proposed lot shall be located such that at least a portion of one or more lot lines is contiguous to an area of common open space on the tract.
- G. The following area and bulk regulations shall apply to lots permitted under the terms of this subsection:
 - a. Minimum net lot area 3/4 acre
 - b. Minimum lot width:
 - i. Building line 125 feet
 - ii. Street line 50 feet
 - c. Minimum building setback line: 40 feet
 - d. Minimum side yard 20 feet each
 - e. Minimum rear yard 30 feet where rear lot line is contiguous to common open space; otherwise, 50 feet
 - f. Minimum accessory structure 5 feet setback from side and rear lot lines
 - g. Maximum building coverage 20% of net lot area
 - h. Maximum impervious surface 30% of net lot area
 - i. Maximum building height 35 feet

§1-405. Design Standards.

Uses in the R-Residential District shall be subject to the following design standards of this Chapter:

- 1. Off-street parking regulations as established in §1-1311 and/or §1-1312.
- 2. Requirements for screening (§1-1302) and landscaping (§1-1303), as applicable.
- 3. Any other applicable requirements of Part 13, Design Standards.

§1-406. Water Supply and Sewage Facilities.

Notwithstanding the applicable requirements of Chapter 2, the following terms shall be met for proposed development in the R-Residential District.

- 1. Any central water supply system must meet the requirements of the Pa. Public Utilities Commission and/or the Pa. Department of Environmental Protection.
- 2. For a residential property proposing twenty (20) dwelling units or more, whether developed in one or multiple phases:
 - A. Dwelling units shall be served by central water supply systems.
 - B. Dwelling units shall be served by individual on-site sewage facilities.
- 3. For a residential property proposing fewer than twenty (20) dwelling units:
 - A. Dwelling units may be served by individual or central water supply systems.
 - B. Dwelling units shall be served by individual on-site sewage systems.
- 4. Non-residential uses. Such uses may be served by individual or central water supply systems and shall be served by individual on-site sewage systems.
- 5. The location of any individual on-site sewage system, including sewage disposal replacement areas, shall be in compliance with the requirements, and subject to the review and approval, of the Chester County Health Department.
 - A. Any plan for subdivision of a tract shall specify the proposed location of primary individual sewage disposal areas and replacement areas, whether on-lot or in common open space. Concrete monuments shall be placed on the site, flush with the ground surface, to identify which lot is served by any primary sewage disposal area located in common open space.
 - B. Location of primary individual sewage disposal areas and replacement areas shall be determined on the basis of soil percolation tests conducted in accordance with the requirements of §2-519.9.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

- C. Where the net lot area is 1 acre or greater, the primary individual sewage disposal area and the replacement area should be located on the lot. Where it is infeasible to locate both the primary disposal area and the replacement area on the lot, as determined by the Township and the Chester County Health Dept., the primary disposal area shall be located within common open space.
- D. The plan for development of the tract shall identify the specific location or locations of access easements across areas of common open space and individual lots to facilitate the inspection of primary individual sewage disposal areas and/or replacement areas or the investigation of alleged malfunctions.
- E. Primary individual sewage disposal areas may be clustered within common open space where percolation tests and/or natural constraints dictate, as determined by the Township and the Chester County Health Department. In such cases, drip irrigation may be considered an acceptable method of disposal. Clustered individual disposal areas meeting the terms of this section shall not be considered a Community Sewage Collection, Treatment, and/or Disposal System, as defined in Chapter 4.
- F. The owner of the lot approved by the procedure described above shall be responsible for all costs and expenses required for the maintenance, repair, and/or replacement of any part of the sewage system located on the lot and/or within common open space located outside of the lot created for the on-site system. No costs for the maintenance shall be considered a "common expense," regardless of location of the sewage disposal system. The owner of the lot shall be responsible for all costs and expenses incurred by the entity described in §1-408, should that entity incur any costs or expenses as a result of the operation, failure, and/or repair of any off-site sewage disposal system located and servicing an adjoining lot pursuant to these provisions. Each lot owner shall obtain and provide copies of the records to the entity identified pursuant to §1-408 confirming the inspection and maintenance requirements of the sewage system each third anniversary from the date of issuance of the permit permitting service to the lot.

§1-407. Stormwater Management and Natural Feature Protection.

- 1. Design requirements for stormwater management on any tract proposed for development within the R-Residential District shall be as contained in Chapter 5, Part 1.
- 2. Areas of the tract that are deemed Primary Conservation Areas, as defined in Chapter 4, shall be situated in one or more common open space parcels, with such parcels placed under conservation easement. Where the Applicant can demonstrate, to the satisfaction of the Township, that certain Primary Conservation Areas must be located within individual residential lots, such areas shall be placed under conservation easement.
- 3. Ownership of common facilities required by this section shall be in accordance with the terms of §1-408. Operation and maintenance of stormwater management facilities shall be in accordance with Chapter 5, Part 7.
- 4. The 4-Step Design Process, as required in §2-403.5.B., shall be used to determine the sizes and locations of the common open space parcels required by this section.
- 5. All expenses and/or costs for the maintenance, replacement, and/or repair of any Primary Conservation Area, regardless of its location, shall be a Common Facility, and included as a common expense, as described in §1-409. Excluded shall be any cost resulting from the negative impact on a Primary Conservation Area from the maintenance, repair, and/or replacement of an individual sewage system; such cost shall be the responsibility of the owner of such individual sewage system.

§1-408. Ownership of Common Facilities.

Either of the following methods may be used, either individually or in combination, to preserve, own, and maintain common open space, community recreation facilities, community sewage facilities, or any other community facilities (hereinafter referred to as common facilities): homeowners association or dedication in fee simple. Such land or facilities shall not be eligible for transfer to another party except for transfer to the other method of ownership permitted under this section, and then only where there is no change in the open space, sanitary waste facility, or stormwater management facility. Any proposed transfer, conveyance, or change in ownership shall be subject to a public hearing, held not less than 60 days following public announcement of the proposed change. Such hearing shall be conducted by the Board of Supervisors to determine compliance with the provisions of this section and §1-409. This change shall not occur until approved by the Board of Supervisors. The following specific requirements are associated with each of the ownership methods.

- 1. **Fee Simple Dedication.** The Township, or other public agency acceptable to the Township, may, but shall not be required to, accept any portion or portions of the common facilities, provided: [1] any common facilities so dedicated are accessible to the residents of the Township; [2] there is no cost of acquisition (other than any costs incidental to the transfer of ownership, such as title insurance); and [3] the Township agrees to, and has access to, maintain such common facilities. TOWNSHIP HAS NO OBLIGATION TO ACCEPT, MAINTAIN OR REPLACE ANY SYSTEM.
- 2. **Homeowners Association.**
 - A. The owner or Applicant shall provide to the Township a description of the organization, including its bylaws and documents governing maintenance requirements and use restrictions. The terms and conditions of such bylaws and documents shall be subject to the review and approval of the Township.
 - B. The association shall be established by the owner or Applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) prior to the sale of any lots or dwelling units within the development.
 - C. Membership in the association shall be mandatory for all purchasers of dwelling units within the development, and for their successors. The conditions and timing of transferring control of the association from the owner or applicant to the homeowners shall be in accordance with the Uniform Planned Community Act.
 - D. The association shall be responsible for maintenance of and insurance on the common facilities. Where applicable, commonly owned land shall be maintained in accordance with the approved plan for maintenance and operation as required in §1-409.
 - E. The members of the association shall share equitably the costs of maintaining, insuring, and managing the common facilities, and of developing additional common facilities, in accordance with procedures established by the association.
 - F. The association shall have, or hire, adequate staff, as necessary, to manage and maintain the common facilities, including the continuing functionality of the stormwater best management practices.
 - G. In the event of any proposed transfer of ownership of common facilities by the homeowner's association to the Township or other public agency acceptable to the Township, or the assumption of maintenance of common facilities by the Township as hereinafter provided, notice of such action shall be given to all members of the homeowners' association by said association.

§1-409. Operation and Maintenance of Common Facilities and Enforcement of Lot Owner Responsibilities.

- 1. The Applicant shall, where applicable, provide to the Township, at the time of final plan submission, a plan for operation and maintenance of common facilities. Said plan shall: (1) define ownership; (2) establish necessary regular and periodic operation and maintenance responsibilities; (3) estimate staffing needs, insurance requirements and associated costs, and define the means for funding same on an ongoing basis. Where applicable, a separate Open Space Ownership and Management Plan shall be provided in accordance with §2-403.7 and §2-404.9.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

2. In the event that the organization established to own and maintain common facilities or any successor organization shall at any time after establishment of the aforesaid common facilities, or the use attendant thereto, fail to maintain all or any portion of the aforesaid in reasonable order and condition in accordance with the development plan and all applicable laws, rules, and regulations, the Township may serve written notice upon such organization, and upon the owners of the uses relating thereto, setting forth the manner in which the organization has failed to maintain the aforesaid common facilities in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within 30 days thereof, and shall state the date and place of a hearing thereon, which shall be held within 14 days of the notice. At such hearing, the Township may modify the terms of the original notice as to the deficiencies and may give an extension of time within which said deficiencies shall be corrected. If the deficiencies set forth in the original notice or in the modifications thereof shall not be corrected within the said 30 days, unless a shorter period is required for urgent issues, or any extension thereof, the Township may, to prevent the common facilities from becoming a public nuisance and/or public hazard, and to preserve compliance with the approval of the Township as to the common facilities, enter upon the same and maintain the same for such period it deems reasonably necessary. Said entry and maintenance shall not constitute a taking of said common facilities and shall not vest in the public any rights to use the common facilities except when the Township accepts, at its discretion, the offer of dedication same is voluntarily dedicated to the public by the owners. The Township may at its own discretion or upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common facilities, call a public hearing upon notice to said organization, or to the owners of the dwellings attendant thereto, at which hearing such organization, or the owners of the aforesaid dwelling units shall show cause why such maintenance by the Township shall not, at the election of the Township, continue for a succeeding year. If the Township shall determine that such organization is ready, qualified, and able to maintain said common facilities in a reasonable condition, the Township shall cease to maintain such common facilities. If the aforesaid is not ready and able to maintain said common facilities in a reasonable condition, the Township may, at its discretion, continue to maintain said common facilities during the next succeeding year and subject to a similar hearing and determination in such year thereafter. The decision of the Township in any such case shall constitute a final administrative decision subject to judicial review. The Township may, at its discretion, return such responsibilities to the Association by notification by first class mail or posting each residence served by the System.
3. Each owner shall comply with all obligations identified for a specific lot and/or pay the pro rata share costs for common expenses, common elements, maintenance, and enforcement proceedings for any noncompliance. In the event any lot owner fails to comply and/or pay such pro rata share, the controlling oversight entity (homeowners association) shall satisfy such obligations and institute proceedings against any defaulting owner. In the event the homeowners' association shall fail to enforce the procedures described herein, Township may institute such enforcement procedures as it deems necessary for the enforcement and/or violation of the requirement contained in these provisions. Should the Township incur any costs or expenses for the correction and/or enforcement of these joint and/or several conditions and/or obligations, it may file an action for enforcement and/or lien for the collection of all such amounts, including but not limited to reasonable professional fees against any or all lot owners described in the subdivision and/or land development plans identifying such requirements. The Township shall provide notice as required in this ordinance and record such encumbrance in the Offices of the Prothonotary and/or Recorder of Deeds, Chester County Courthouse West Chester, PA. All obligations and liens described herein shall be joint and several as to all owners of any lots receiving service as described herein.
4. The Township may, upon application of any person, or upon its own motion, require an owner who proposes to construct, transfer, or convey any common facilities including community facilities, to meet the maintenance requirements set forth in Chapter 2, Subdivision and Land Development, when the total number of dwelling units which are either constructed or proposed on the tract served by said common facilities exceeds 10.
5. The additional maintenance requirements which may be imposed pursuant to §1-408 are: (1) the creation of an escrow fund held by the grantee or for the grantee's benefit in an amount equal to the grantee's estimate of the cost of operating and maintaining common facilities for a period of 20 years, less the amount of any service fees to be paid by the grantee; (2) the purchase and installation of any component of the facility which is deemed by the grantee to have reached ½ of its useful life; (3) the performance of all work and the installation of all materials necessary to bring the common facilities into compliance with the regulatory standards applicable to said common facilities at the time of its conveyance or transfer.
6. Where applicable, the requirements of Chapter 5, Part 7 for operation and maintenance of stormwater management facilities shall supersede the terms of this section where a conflict or inconsistency exists between the terms of the two sections.

**Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning**

Part 5 [Reserved]

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

Part 7
C-Commercial District

§1-701. Purpose.

The C-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 Commercial District from other non-residential zoning within the Township.

§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, in accordance with the terms of Section 1-1435.
- H. Gasoline service station.
- I. Forestry in accordance with the terms of §1-1430.

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."
- D. Accessory Dwelling Unit in accordance with the terms of §1-1429.
- E. Residential room rental, in accordance with the terms of §1-1416.
- F. No-impact home occupation, in accordance with the terms of Section 1-1413.

3. Uses Permitted 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."

4. Uses Permitted as Conditional Uses.

- A. Any one 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.
 - a. Elder cottage housing unit, in accordance with the terms of §1-1440.

§1-703. Height Restrictions.

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

§1-704. Area and Bulk Regulations.

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

1. Commercial Use Requirements.

Provision	On-Site Sewer Off/On Site Water	Off-Site Sewer On-Site Water	Off-Site Sewer Off-Site Water
A. Minimum Lot Area	43,560 sq. feet	18,000 sq. feet	10,000 sq. feet
B. Minimum Lot Width			
a. Building Line	100 feet	75 feet	60 feet
b. Street Line	50 feet	50 feet	50 feet
C. Minimum Side Yard			
a. Individual	15 feet	10 feet	10 feet
b. Aggregate	30 feet	25 feet	25 feet
Minimum Rear Yard	50 feet	50 feet	50 feet
Maximum Lot Coverage	20%	25%	30%
Maximum Paved Area	25%	30%	35%
Minimum Building Setback Line	40 feet	40 feet	40 feet
Minimum Accessory Structure Setback			
a. Side Yard	10 feet	10 feet	10 feet
b. Rear Yard	15 feet	15 feet	15 feet
Minimum Landscaped Open Space	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
A. Minimum Lot Area	43,560 sq. feet	18,000 sq. feet	10,000 sq. feet
B. Minimum Lot Width			

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

a. Building Line	150 feet	80 feet	75 feet
b. Street Line	50 feet	50 feet	50 feet
C. Minimum Side Yard			
a. Individual	25 feet	15 feet	10 feet
b. Aggregate	50 feet	30 feet	25 feet
Minimum Rear Yard	50 feet	50 feet	50 feet
Maximum Lot Coverage	10%	20%	20%
Maximum Paved Area	15%	25%	25%
Minimum Building Setback Line	60 feet	60 feet	60 feet
Minimum Accessory Structure Setback	10 feet	10 feet	10 feet

§1-705. Design Standards.

Uses in the C-Commercial District shall be subject to the following design standards of this Chapter:

1. Off-street parking regulations as established in §1-1311 and/or §1-1312.
2. Requirements for screening (§1-1302) and landscaping (§1-1303), as applicable.
3. Any other applicable requirements of Part 13, Design Standards.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

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.

§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. z and agricultural accessory uses and buildings, in accordance with the terms of Section 1-1435.
 - H. Wastewater treatment and/or disposal facilities or area, regardless of whether the source of the wastewater is located on the same tract or in the same zoning district.
 - I. Forestry in accordance with the terms of §1-1430.
- 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."
 - F. No-impact home occupation, in accordance with the terms of Section 1-1413.
- 3. Conditional Uses.**
 - A. Single-family detached dwelling.
 - B. Two-family detached dwellings.
 - C. Solar farm, in accordance with the terms of §1-1432.
 - D. Large wind energy system, in accordance with the terms of §1-1433.
 - E. Retail sale of consumer fireworks, as licensed and regulated by the Pennsylvania Department of Agriculture and in compliance with Act 43, the Pennsylvania State Fireworks Law. Any person who intends to sell or store Consumer Fireworks within the Township shall provide proof of such licensure prior to such use being conducted within the Township, in addition to compliance with all other applicable Township ordinances and regulations.
 - F. Elder cottage housing unit, in accordance with the terms of §1-1440.
- 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."

§1-803. Height Restrictions.

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

§1-804. Area and Bulk Regulations.

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

- 1. Industrial Use Regulations.**
 - A. Lot area 2 acres minimum
 - B. Lot width at building line 150 feet minimum
 - C. Lot width at street line 100 feet minimum
 - D. Lot coverage 30% maximum
 - E. Paved are 50% maximum
 - F. Landscaped open space 25% minimum
 - G. Building setback line:
 - a. Arterial street 100 feet minimum
 - b. Internal street 80 feet minimum
 - H. Side yard
 - a. Individual 50 feet minimum
 - b. Aggregate 100 feet minimum
 - I. Rear yard
 - a. Abutting non-industrial use 100 feet minimum
 - b. Abutting industrial use 50 feet minimum
 - J. Accessory structure setback 10 feet minimum
- 2. Office or Industrial Park.**
 - A. 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.
 - B. Lot width at building line 150 feet minimum
 - C. Lot width at street line 75 feet minimum
 - D. Lot coverage

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

- a. 1.00 - 1.99 acres 35% maximum
 - b. 2.00 - 4.99 acres 30% maximum
 - c. 5.00 acres + 25% maximum
 - E. Paved area
 - a. 1.00 - 1.99 acres 60% maximum
 - b. 2.00 - 4.99 acres 55% maximum
 - c. 5.00 acres + 50% maximum
 - F. Landscaped open space
 - a) 1.00 - 1.99 acres 25% minimum
 - b) 2.00 - 4.99 acres 20% minimum
 - c) 5.00 acres + 15% minimum
 - G. Building setback line
 - a. Arterial street 100 feet minimum
 - b. Internal street 60 feet minimum
 - H. Parking area setback line
 - a. Arterial street 50 feet minimum
 - b. Internal street 20 feet minimum
 - c. Side yard lines 10 feet minimum
 - I. Side yard
 - a. Individual 20 feet minimum
 - b. Aggregate 50 feet minimum!
 - J. Rear yard
 - a. Abutting non-industrial use 100 feet minimum
 - b. Abutting industrial use 50 feet minimum
 - K. Accessory structure setback 10 feet minimum
 - L. Park landscape buffer/screen
 - a. Arterial street 100 feet minimum
 - b. Non-industrial use 75 feet minimum
- 3. Non-Industrial Use Regulations.**
- A. Lot area 1 acre minimum
 - B. Lot width at building line 50 feet minimum
 - C. Lot width at street line 50 feet minimum
 - D. Lot coverage 25% maximum
 - E. Paved area 30% maximum
 - F. Building setback line
 - a. Arterial road 60 feet minimum
 - b. Internal road 50 feet minimum
 - G. Side yard
 - a. Individual 20 feet minimum
 - b. Aggregate 50 feet minimum
 - H. Rear yard 50 feet minimum
 - I. Accessory structure setback 10 feet minimum

§1-805. Design Standards.

Uses in the R-Residential District shall be subject to the following design standards of this Chapter:

- 1.** Off-street parking regulations as established in §1-1311 and/or §1-1312.
- 2.** Requirements for screening (§1-1302) and landscaping (§1-1303), as applicable.
- 3.** Any other applicable requirements of Part 13, Design Standards.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

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-New London Village 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-New London Village 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.

§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-New London Village 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.
- C. Accessory uses permitted under applicable provisions of Part 22 of this Chapter.
- D. Residential room rental, in accordance with the terms of §1-141.

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.

- 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 §1-905.10. 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.
- E. Elder cottage housing unit, in accordance with the terms of §1-1440.

4. Uses by Special Exception.

- A. Major home occupation, subject to the provisions of §1-1413.
- B. Uses permitted as special exceptions under the applicable provisions of Part 22 of this Chapter.

§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, side-walks, and publicly accessible parking areas.

§1-904. Area and Bulk Regulations.

- 1. The following area and bulk regulations shall apply to single-family detached dwellings in the NLV-New London Village 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:
 - a. a larger area is approved as a conditional use by the Board of Supervisors, as authorized in §1-902.3. A.; or
 - b. 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 §1-905.7.
 - 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.

§1-905. Design Standards.

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

- 1. **Storage.** As required in §1-1304.
- 2. **Lighting.** As required in §1-1308.
- 3. **Access and Traffic Control.**
 - A. Lots in the NLV-New London Village District shall not be required to meet the standards for reverse frontage and double frontage contained in §1-1305.1. and §1-1305.2., 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.
 - B. Streets and alleys shall form an interconnected vehicular circulation network to the maximum extent feasible.
 - C. 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.
 - D. 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.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

4. 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-New London Village District.

5. Landscaping.

- A. Landscaping shall be consistent with the terms of §1-1303.
- B. Shade trees, as required in §2-517, shall be provided along all street frontages, whether the street is existing or proposed.
- C. 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.
- D. Screening shall be consistent with the terms of §1-1302.

6. Parking.

- A. The amount of off-street parking for a single-family detached dwelling in the NLV-New London Village District shall be as required in §1-1311.
- B. Parking shall be located in a side or rear yard only.
- C. 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.

7. Building/Street Frontage Relationship.

- A. 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.
- B. 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.

8. Water and Sewage Facilities.

Properties on which new or expanded uses are proposed in the NLV-New London Village 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-New London Village 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.

9. Pedestrian Access.

- A. Except as otherwise noted herein, every property shall provide a sidewalk along its entire street frontage. The standards contained in this Section shall supersede the standards for sidewalks contained in §1-1307 and §2-513. Where applicable, the Township may require pedestrian connection to an existing trail.
- B. For properties fronting 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.
- C. 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.
- D. 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.
- E. 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.
- F. Ownership and maintenance responsibilities for any sidewalk or other pedestrian corridor shall be those of the property owner.
- G. 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.
- H. Sidewalks shall be required in the NLV-New London Village 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.
- I. Signs. As required in Part 17.

10. Protection of Historic Structures.

- A. Any proposal to demolish a structure within the NLV-New London Village 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 [§5-1004 Appendix E](#) 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.
- B. 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.
- C. Notwithstanding the otherwise applicable terms of this Part, historically significant structures within the NLV-New London Village 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-New London Village District, when approved as a conditional use by the Board of Supervisors, as authorized in §1-902.3.B.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

- D. 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.
- E. 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.

§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:

- 1. The request for conditional use, if granted, will result in uses and/or designs that are consistent with the purposes of the NLV-New London Village 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.
- 2. 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.
- 3. The scale and intensity of any proposed conditional use shall not detract from traditional village qualities characterized by existing and permitted uses.
- 4. 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.
- 5. 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.
- 6. The proposal shall represent no threat of negative impact to historic structures within or adjacent to the village.
- 7. Where the conditional use request is for specific relief from ordinance standards, as authorized in §1-905.10.C.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.
- 8. 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.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

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.

§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 §1-1002.2.
 - B. Religious use.
 - C. Woodland, game preserve, arboretum, or similar open space use.
 - D. Nonc-commercial park or recreation facility.
 - E. Agriculture and nursery operations in accordance with the terms of Section §1-1435.
 - 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 stadiums when associated with a permitted educational use.
 - C. Elder cottage housing unit, in accordance with the terms of §1440.
3. **Uses Permitted by Special Exception.**
 - A. Major home occupations, subject to the provisions of §1-1413, "Home Occupations."
4. **Permitted Accessory Uses**
 - A. Residential room rental, in accordance with the terms of §1416.
 - B. No-impact home occupation, in accordance with the terms of §1-1413.

§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.

§1-1004. Area and Bulk Regulations.

1. **Uses Permitted by Right.**
 - A. Minimum lot area 5 acres
 - B. Minimum lot width
 - a. At street line 100 feet
 - b. 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 §1-404.1. shall apply to the development of single-family detached dwellings approved as a conditional use.

§1-1005. Design and Development Standards.

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

1. **Uses Permitted by Right.**
 - A. Off-street parking as established in §1-1312.
 - B. Landscaping standards as established in §1-1303.
 - C. Storage standards as established in §1-1304.
 - D. Access and traffic control standards as established in §1-1305.
 - E. Screening and buffering provisions as 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.
2. **Single-family Detached Dwellings.**
 - A. Off-street parking as established in §1-1311.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

3. 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 I-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.

§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:

1. Single-Family Detached Dwellings.

- A. 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.
- B. 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, requires a traffic impact analysis from the applicant.
- C. 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.

2. Outdoor Sports Stadium.

- A. 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.
- B. 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.
- C. 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.
- D. The applicant shall demonstrate a satisfactory means of managing stormwater runoff from parking areas and other impervious surfaces associated with the stadium.
- E. 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.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

Part 11

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.
 - E. Comply with federal and state floodplain management requirements.
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 Floodplain Area that are considered as a part of the Zoning Map.
3. All uses, activities and development occurring within the 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

§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 1% annual chance flood and that are included in the Identified Floodplain Area as established in §1-1112.
2. For the purposes of this Chapter, the Identified Floodplain Area shall be used as the basis for regulation. When available, information from federal, state, and other acceptable sources shall be used to determine the base flood elevation, as well as a floodway area, if possible. When no other information is available the base flood 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.
3. 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.

§1-1103. Changes in Flood Hazard District Boundaries.

The delineation of any identified floodplain area may be revised by the Board of Supervisors where natural or manufactured 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 or person document such changes. Prior to any such change, approval must be obtained from the Federal Emergency Management Agency (FEMA). Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, the Township shall notify FEMA of the changes to the Flood Hazard District by submitting technical or scientific data.

§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.

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

1. Initial interpretations of the boundaries of a Flood Hazard District shall be made by the Floodplain Administrator. 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. The burden of proof shall be on the party filing for the hearing.

§1-1106. Boundary Disputes.

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Township Engineer and any party aggrieved by this decision or determination may appeal to the Zoning Hearing Board. The burden of proof shall be on the appellant.

§1-1107. Jurisdictional Boundary Changes.

Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the Township shall review flood hazard data affecting the lands subject to boundary changes. The Township shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in CFR 44 60.3.

§1-1108. 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.

§1-1109. Abrogation and Greater Restrictions.

This Part supersedes any other conflicting provisions which may be in effect in Identified Floodplain Areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any provisions of this Part, the more restrictive shall apply. This Part shall not repeal, abrogate, or impair any existing easements, covenants, or deed restrictions.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

§1-1110. Warning and Disclaimer of Liability.

1. 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 manufactured 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.
2. This Part shall not create liability on the part of the Township of New London, or any officer or employee thereof, for any flood damage that result from reliance on this Part, or any administrative decision lawfully made thereunder.

§1-1111. Administration.

1. Designation of the Floodplain Administrator

The Zoning Officer is hereby appointed to administer and enforce this ordinance and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may:

- A. Fulfill the duties and responsibilities set forth in these regulations,
 - B. Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees, or
 - C. Enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the Township of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.
- 2. Permit Required.** A zoning permit shall be required before any construction or development is undertaken within any identified floodplain area of the Township of New London.
- 3. Duties and Responsibilities of the Floodplain Administrator**
- A. The Floodplain Administrator shall issue a Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
 - B. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.
 - C. In the case of existing structures, prior to the issuance of any zoning permit, the Floodplain Administrator shall review the proposed cost of improvements or repairs and the pre-improvement market value of the structure, so that a substantial improvement/substantial damage determination can be made, in accordance with FEMA's Substantial Improvement/Substantial Damage Desk Reference.
 - D. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.
 - E. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the Identified Floodplain Area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.
 - F. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall proceed with enforcement actions in accordance with the terms of Part 20 of this Chapter.
 - G. The Floodplain Administrator shall maintain in perpetuity, or for the lifetime of the structure, all records associated with the requirements of this ordinance including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.
 - H. The Floodplain Administrator is the official responsible for submitting a biennial report to FEMA concerning Township participation in the National Flood Insurance Program as requested.
 - I. The responsibility, authority and means to implement the commitments of the Floodplain Administrator can be delegated from the person identified. However, the ultimate responsibility lies with the person identified in the floodplain ordinance as the floodplain administrator/manager.
 - J. The Floodplain Administrator shall consider the requirements of the 34 PA Code and the 2009 IBC and the 2009 JRC, or the latest revision thereof as adopted by the Commonwealth of Pennsylvania.

4. Application Procedures and Requirements

- A. Application for a zoning permit shall be made, in writing, to the Floodplain Administrator on forms supplied by the Township of New London. Such application shall contain the following:
 - a. Name and address of applicant.
 - b. Name and address of owner of land on which proposed construction is to occur.
 - c. Name and address of contractor.
 - d. Site location including address.
 - e. Listing of other permits required.
 - f. Brief description of proposed work and estimated cost, including, where applicable, a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate.
 - g. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
- B. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:
 - a. All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
 - b. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;
 - c. Adequate drainage is provided so as to reduce exposure to flood hazards;
 - d. Structures will be anchored to prevent floatation, collapse, or lateral movement;

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

- e. Building materials are flood-resistant;
 - f. Appropriate practices that minimize flood damage have been used; and
 - g. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.
 - C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:
 - a. A completed Permit Application Form.
 - b. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - i. North arrow, scale, and date;
 - ii. Topographic contour lines, if available;
 - iii. The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;
 - iv. The location of all existing streets, drives, and other access ways; and
 - v. The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
 - c. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
 - i. The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
 - ii. The elevation of the base flood;
 - iii. Supplemental information as may be necessary under 34 PA Code, the 2009 IBC or the 2009 IRC, or the latest revision thereof as adopted by the Commonwealth of Pennsylvania.
 - d. The following data and documentation:
 - i. Detailed information concerning any proposed flood proofing measures and corresponding elevations.
 - ii. If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood.
 - iii. Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within any Identified Floodplain Area (See §1-1112) when combined with all other existing and anticipated development, will not cause any increase in the base flood elevation.
 - iv. A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.
 - v. Detailed information needed to determine compliance with §1-1116.8., Storage, and §1-1113.2.C., Prohibited Uses, including:
 - The amount, location and purpose of any materials or substances referred to in §1-1116.8. and §1-1113.2.C. which are intended to be used, produced, stored or otherwise maintained on site.
 - A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in §1-1113.2. C. during a base flood.
 - vi. The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
 - vii. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.
 - D. Applications for permits shall be accompanied by a fee, payable to the Township. Amount of the fee shall be established by resolution of the Board of Supervisors.
- 5. Review of Application by Others**
A copy of all plans and applications for any proposed construction or development in any Identified Floodplain Area to be considered for approval may be submitted by the Floodplain Administrator to any other appropriate agencies and/or individuals (e.g., Township Planning Commission, Township Engineer) for review and comment.
- 6. Changes**
After the issuance of a permit by the Floodplain Administrator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Floodplain Administrator. Requests for any such change shall be in writing and shall be submitted by the applicant to Floodplain Administrator for consideration.
- 7. Placards**
In addition to the permit, the Floodplain Administrator shall issue a placard, or similar document, which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the permit, the date of its issuance, and be signed by the Floodplain Administrator.
- 8. Start of Construction**
 - A. The "start of construction" of the proposed construction or development shall be determined in accordance with the definition of that term in §4-102.
 - B. Time extensions shall be granted only if a written request is submitted by the applicant, who sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request and the original permit is compliant with the ordinance & FIRM/FIS in effect at the time the extension is granted.
- 9. Additional Permit Requirements**
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.
- 10. Enforcement.**
Whenever the Floodplain Administrator or other authorized Township representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this Part or any regulations adopted pursuant thereto, the Floodplain Administrator shall proceed with enforcement actions in accordance with the terms of Part 20 of this Chapter.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

§1-1112. Identification of Flood Plain Areas.

1. Identification. The identified floodplain area shall be:

- A. Any areas of Township of New London, classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated September 29, 2017 and issued 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 and,
- B. Any Community Identified Flood Hazard Areas.

The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by the Township of New London mid declared to be a part of this ordinance.

2. Description and Special Requirements of Identified Floodplain Areas

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

- A. The Floodway Area shall be those areas identified in the FIS and the FIRM as floodway and which represent the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation by more than one (1) foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those Special Flood Hazard Areas where no floodway has been identified in the FIS and FIRM.
 - a. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the Township during the occurrence of the base flood discharge.
 - b. Within any floodway area, no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
- B. The AE Area/District shall be those areas identified as m1 AB Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided.
 - a. The AE Area adjacent to the floodway shall be those areas identified as an AB Zone on the FIRM included in the FIS prepared by FEMA base flood for which elevations have been provided and a floodway has been delineated.
 - b. AE Area without floodway shall be those areas identified as an AB zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided but no floodway has been determined.
 - i. No encroachments, including fill, new construction, substantial improvements, or other development shall be permitted in an AB Zone without floodway, unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed development together with all other existing and anticipated development, would not result in an increase in flood levels within the Township during the occurrence of the base flood discharge.
 - ii. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
 - c. The AE Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State, or other acceptable sources shall be used when available. Where other acceptable information is not available, the base flood elevation shall be determined by using the elevation of a point on the boundary of the Identified Floodplain Area which is nearest the construction site.

In lieu of the above, the Township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township. In the absence of any of the above data or documentation, the Township may require elevation of the lowest floor to be at least three feet above the highest adjacent grade.
 - d. The AO and AH Area/ District shall be those areas identified as Zones AO and AH on the FIRM and in the FIS. These areas are subject to inundation by 1-percent-annual-chance shallow flooding where average depths are between one and three feet. In Zones AO and AH, drainage paths shall be established to guide floodwaters around and away from structures on slopes.
 - e. Community Identified Flood Hazard Areas shall be those areas where Township of New London has identified local flood hazard or ponding areas, as delineated and adopted on a "Local Flood Hazard Map" using best available topographic data and locally derived information such as flood of record, historic high-water marks, soils or approximate study methodologies.

§1-1113. 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. Non-structural 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, and provided that no sewage disposal system is located within 50 feet of the Flood Hazard District.

2. Uses Permitted 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. §§ 1 0908, 1 0913, and upon the condition that no use permitted as a special exception shall increase the elevation of the base flood.
 - a. Accessory structures customarily incidental to any of the foregoing permitted uses. Where approved, an accessory structure shall comply with the requirements of §1-1118.5. of this Part.
 - b. Circuses, festivals, and similar transient amusement enterprises.
 - c. Roadside stands and signs.
 - d. Railroads, roads, bridges, and utility transmission lines.
 - e. Sealed water supply wells and water pipelines.
 - f. Storm and sanitary sewer outlets, which shall take the shortest route across the district to the point of discharge.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

- g. 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 base flood elevation.
- h. Dams and impoundment basins where approved by appropriate private and public agencies
- B. Administration of Special Exceptions.
 - a. *Special Exception Procedures.* Upon receiving an application for approval as a special exception, the Zoning Hearing Board shall, prior to rendering a decision thereon, require the applicant to furnish the following materials to the Board:
 - i. 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.
 - ii. A series of cross-sections at 25-foot intervals along the lot shoreline, showing the stream channel or the lake or pond bottom, elevation of adjoining land areas to be occupied by the proposed uses, and high-water information.
 - iii. Profile showing the base flood water surface elevation and slope of the bottom of the channel, lake or pond.
 - iv. Specifications for building materials and construction, flood-proofing, filling, dredging, grading, storage, water supply and sanitary facilities.
 - v. Computation of the increase, if any, in height of flood stages which would be attributable to any proposed uses.
 - vi. Site location including address.
 - vii. Brief description of proposed work and estimated cost, including, where applicable, a breakdown of the flood-related cost and the market value of the building before the flood damage occurred.
 - viii. Plans of all proposed buildings, structures and other improvements, drawn at a suitable scale showing the following:
 - The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum 1988.
 - The elevation of the base flood.
 - Detailed information concerning any proposed elevation and floodproofing measures.
 - 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 2009 IBC and §§R 106.L3 and R104.7 of the 2009 IRC.
 - The following data documentation:
 - ✓ A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the base flood elevations, pressures, velocities, impact and uplift forces associated with the base flood.
 - ✓ Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.
 - b. 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.
 - c. *Factors to Be Considered by the Zoning Hearing Board.* In deciding upon each application, the Zoning Hearing Board shall consider:
 - i. The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - ii. The danger that materials may be swept onto other lands or downstream to the injury of others.
 - iii. The probability of proposed water supply and sanitation systems, causing disease, contamination and unsanitary conditions.
 - iv. The susceptibility of the proposed use to flood damage and the effect of such damage on the owner.
 - v. The importance of the proposed use to the community.
 - vi. The requirements of the use for a water-front location.
 - vii. The availability of alternative locations not subject to flooding for the proposed use.
 - viii. The compatibility of the proposed use with existing and foreseeable nearby use.
 - ix. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for the area.
 - x. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - xi. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwater expected at the site.
 - xii. The extent to which the proposed use would (a) diminish the capacity of the Flood Hazard District 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 District.
 - xiii. Such other factors which are relevant to the purposes of this Chapter.
 - d. *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:
 - i. Modification of waste disposal and water supply facilities subject to approval by Pennsylvania Department of Environmental Protection, Regional Office (PADEP).
 - ii. Limitations on periods of use and operation.
 - iii. Imposition of operational controls, sureties and deed restrictions.
 - iv. Flood proofing measures such as the following, without limitation because of specific enumeration:
 - Anchorage to resist flotation and lateral movement.
 - Installation of watertight doors, bulkheads and shutters (nonresidential only).
 - Reinforcement of walls to resist water pressures.
 - Use of paints, membranes or mortars to reduce seepage of water through walls.
 - Addition of mass or weight to structures to resist flotation.
 - Installation of pumps to lower water levels in structures (nonresidential only).
 - Construction of water supply systems, sanitary sewer systems, and waste treatment systems so as to prevent the entrance of flood waters by being designed to minimize or eliminate infiltration.
 - Pumping facilities for subsurface external foundation wall and basement floor pressures.
 - Construction to resist rupture or collapse caused by water pressure or floating debris.
 - Cutoff valves on sewer lines or the elimination of gravity flow basement drains.
 - Elevation of structures to reduce likelihood of flood damage.
- C. *Prohibited Uses.* The following uses shall be prohibited from locating entirely or partially within an identified flood hazard area:

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

- 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:
 - i. Hospitals.
 - ii. Nursing homes.
 - iii. 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. Manufactured homes. 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:
 - i. Acetone
 - ii. Ammonia.
 - iii. Benzene.
 - iv. Calcium carbide.
 - v. Carbon disulfide.
 - vi. Celluloid.
 - vii. Chlorine.
 - viii. Herbicides
 - ix. Hydrochloric acid.
 - x. Hydrocyanic acid.
 - xi. Magnesium.
 - xii. Nitric acid and oxides of nitrogen.
 - xiii. Petroleum products (gasoline, fuel oil, etc.).
 - xiv. Phosphorus.
 - xv. Potassium.
 - xvi. Sodium.
 - xvii. Sulfur and sulfur products.
 - xviii. Pesticides (including insecticides, fungicides, and rodenticides).
 - xix. 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.
- e. Storage of flammable or toxic material or any other material which, if inundated, would degrade or pollute the stream or cause damage if swept downstream.

§1-1114. Existing Structures and Uses.

Lawfully existing structures and uses of land within the Flood Hazard District shall comply with the following regulations regarding improvements to an existing structure:

- 1. No expansion or enlargement of an existing structure shall be allowed within any Identified Floodplain Area that would cause any increase in BFE. In A Area/District(s), BFEs are determined using the methodology in §1-1112.2.B.c.
- 2. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure to an extent or amount of fifty (50) percent or more of its market value shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Part.
- 3. The above activity shall also address the requirements of the 34 PA Code, as amended, and the 2009 IBC and the 2009 IRC or most recent revision thereof as adopted by the Commonwealth of Pennsylvania.
- 4. Within any Floodway Area/District, no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
- 5. Within any AE Area/District without Floodway, no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
- 6. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to any extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or flood proofed to the greatest extent possible.
- 7. An existing structure located within the Flood Hazard District shall not be enlarged or altered by more than 50% of its present lot coverage figure.
- 8. Any modification, alteration, enlargement or improvement of any kind to an existing structure in the Flood Hazard District shall be elevated and/or flood proofed, as defined in §1-1118.

§1-1115. 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 a hardship to a prospective applicant.
- 2. In its review of variance requests, the Zoning Hearing Board shall follow the guidelines established in Part 19. In addition, any variance granted for a use or structure within the Flood Hazard District shall comply with the following requirements:
 - A. No variance shall be granted for any construction, development, or use that would cause any increase in the base flood elevation. The impact of the proposed activity or structure on the Flood Hazard District shall be offset by stream improvements.
 - B. The granting of a variance will neither:
 - a. Result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, nor
 - b. 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 base flood.
 - D. No variance shall be granted for the construction of a jail, nursing home, hospital, manufactured home park, manufactured home subdivision, or other use regulated under the Pennsylvania Floodplain Management Act of 1978-166, 32 P.S. §679.101 *et seq.*

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

3. The Zoning Hearing Board shall notify the applicant in writing that granting a variance to allow an activity or structure in the Flood Hazard District may result in increased premium rates for flood insurance, and that such activity or structure increases risk to life and property.
4. 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.

§1-1116. 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:

1. Any modification, enlargement, alteration or improvement to an existing residential structure shall be elevated not less than 1½ feet above the base flood elevation at the site. Modifications to nonresidential structures shall be elevated not less than 1½ feet above the or shall conform with the waterproofing requirements set forth in §1-1118.B.
2. Any and all fill materials shall:
 - A. Extend laterally at least 15 feet beyond the building line from all points.
 - B. Consist of soil or small rock materials only; sanitary landfills shall not be permitted.
 - C. Be compacted and stabilized to provide the necessary permeability and resistance to erosion, scouring, or settling.
 - D. Be no steeper than 1 vertical to 2 horizontal, unless substantiated data justifying steeper slopes are submitted to, and approved by, the Floodplain Administrator.
 - E. Be used to the extent to which it does not adversely affect adjacent properties.
3. **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. Storm drainage facilities shall be in compliance with the terms of the New London Township Stormwater Management Ordinance.
4. **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. No part of any on-site waste disposal system shall be located within the Flood Hazard District.
5. **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.
6. **Streets.** The finished elevation of proposed new streets shall be equal to or higher than the base flood elevation.
7. **Utilities.** All utilities, such as gas lines, electrical and telephone systems, being placed in the Flood Hazard District shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
8. **Storage.** All materials that are buoyant, flammable, explosive or in times of loading or unloading could be injurious to human, animal or plant life, shall be stored above the base flood evaluation and/or flood proofed to the maximum extent possible.
9. **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 in or adjacent to the Flood Hazard District shall make the following improvements:
 - A. Paints or other finishes used at or below the base flood evaluation shall be of water-resistant quality.
 - B. Adhesives used at or below the base flood evaluation shall be finished with water-resistant paint or other finishing material.
 - C. All wooden components shall be finished with a water-resistant paint or other finishing material.
 - D. Electric water heaters, furnaces, air conditioning and ventilating systems, and other electrical equipment or apparatus shall not be located below the base flood elevation.
 - E. Electrical distribution panels shall be at least 3 feet above the base flood elevation.
 - F. Separate electrical circuits shall serve lower levels and shall be dropped from above.
10. **Anchoring.** All structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement.
11. The accessibility of the tract to emergency vehicles in times of flooding shall be ensured.
12. The danger of materials being swept onto lands downstream shall be removed.
13. Fully enclosed and partially enclosed space below the lowest floor (including basement) is prohibited.

§1-1117. Technical Provisions.

1. **Alteration or Relocation of Watercourse**
 - A. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township, and until all required permits or approvals have first been obtained from the Department of Environmental Protection Regional Office.
 - B. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.
 - C. In addition, FEMA and the Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.
2. When Township of New London proposes to permit the following encroachments: any development that causes a rise in the base flood elevations within the floodway; or any development occurring in Zones AI-30 and Zone AB without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; or alteration or relocation of a stream (including but not limited to installing culverts and bridges) the applicant shall (as per 44 CFR Part 65.12):
 - A. Apply to FEMA for conditional approval of such action prior to permitting the encroachments to occur.
 - B. Upon receipt of the FEMA Administrator's conditional approval of map change and prior to approving the proposed encroachments, the Township shall provide evidence to FEMA of the adoption of floodplain management ordinances incorporating the increased base flood elevations and/ or revised floodway reflecting the post-project condition.
 - C. Upon completion of the proposed encroachments, the applicant shall provide as-built certifications. FEMA will initiate a final map revision upon receipt of such certifications in accordance with 44 CFR Part 67.
3. Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Part and any other applicable codes, ordinances and regulations.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

§1-1118. Elevation and Floodproofing Requirements.

Within any Identified Floodplain Area any new construction or substantial improvements shall be prohibited with the exception of uses permitted by right and special exception in §1-1113. If a variance is obtained for new construction or substantial improvements in the Identified Floodplain Area in accordance with the criteria in §1-1115, then the following provisions apply:

1. Residential Structures

- A. In AE, AI-30, and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the Regulatory Flood Elevation.
- B. In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the Regulatory Flood Elevation determined in accordance with the terms of this Section.
- C. In AO Zones, any new construction or substantial improvement shall have the lowest floor (including basement) at or above the highest adjacent grade at least as high as the depth number specified on the FIRM.
- D. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the latest edition thereof adopted by the Commonwealth of Pennsylvania, and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.

2. Non-residential Structures

- A. In AE, AI-30 and AH Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the Regulatory Flood Elevation, or be designed and constructed so that the space enclosed below the Regulatory Flood Elevation:
 - a. is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,
 - b. has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- B. In A Zones, where no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the Regulatory Flood Elevation determined in accordance with §1-1112.
- C. In AO Zones, any new construction or substantial improvement shall have the lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number specified on the FIRM.
- D. Any non-residential structure, or part thereof, made watertight below the Regulatory Flood Elevation shall be floodproofed in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards. There should be a statement submitted with the permit application and a statement submitted with the as-built Floodproofing Certificate prior to the issuance of the Certificate of Occupancy.
- E. Any non-residential structure that will be floodproofed must submit the following to the Floodplain Administrator along with the non-residential Floodproofing Certificate and prior to the issuance of the Certificate of Occupancy:
 - a. An Inspection and Maintenance Plan detailing the annual maintenance of floodproofed components ensuring that all components will operate properly under flood conditions. Components that must be inspected include at a minimum:
 - i. Mechanical equipment such as sump pumps and generators,
 - ii. Flood shields and closures,
 - iii. Walls and wall penetrations, and
 - iv. Levees and bends (as applicable)
 - b. Flood Emergency Operation Plan detailing the procedures to be followed during a flooding event and must include information pertaining to how all components will operate properly under all conditions, including power failures. The design professional must produce the plan. An adequate plan must include the following:
 - i. An established chain of command and responsibility with leadership responsibilities clearly defined for all aspects of the plan.
 - ii. A procedure for notification of necessary parties when flooding threatens, and flood warnings are issued. Personnel required to be at the building should have a planned and safe means of ingress and should have no other emergency response duties during a flood event. Alternates should be assigned in the event that the primary persons responsible are unable to complete their assigned duties under the plan.
 - iii. A list of specific duties assigned to ensure that all responsibilities are addressed expeditiously. The locations of materials necessary to properly install all floodproofing components must be included in the list.
 - iv. An evacuation plan for all personnel or occupants; those without duties for the flood emergency as well as those with duties for implementing the plan. All possible ingress and egress routes must be identified.
- F. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the latest revision thereof as adopted by the Commonwealth of Pennsylvania, and ASCE 24 and 34 PA Code.

3. Space Below the Lowest Floor

- A. Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
- B. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space installed on two (2) separate walls.
 - b. The bottom of all openings shall be no higher than (1) foot above grade.
 - c. Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

4. Historic Structures

Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement, as defined in Chapter 4, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places, or the State Inventory of Historic Places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

5. Accessory Structures

Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

- A. The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
- B. Floor area shall not exceed 200 square feet.
- C. The structure will have a low damage potential.
- D. The structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
- E. Power lines, wiring, and outlets will be elevated to the Regulatory Flood Elevation.
- F. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
- G. Sanitary facilities are prohibited.
- H. The structure shall be adequately anchored to prevent flotation, collapse, and lateral movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - b. The bottom of all openings shall be no higher than one (1) foot above grade.
 - c. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
- I. For an accessory structure proposed to exceed 200 square feet in area (footprint) and that will be below the base flood elevation, a variance is required from the Zoning Hearing Board. No such accessory structure shall exceed 600 square feet in area (footprint). If a variance is granted, a signed Declaration of Land Restriction (Nonconversion Agreement) shall be recorded on the property deed prior to issuance of the Certificate of Occupancy.
- J. The storage of hazardous materials in accessory structures is prohibited.

§1-1119. Special Requirements for Subdivisions and Land Developments.

All subdivision proposals and land development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in Identified Floodplain Areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision (CLOMR) and Letter of Map Revision (LOMR). Submittal requirements and processing fees shall be the responsibility of the applicant.

§1-1120. Special Requirements for Manufactured Homes.

1. Within any Identified Floodplain Area, manufactured homes shall be prohibited. If a variance is obtained in accordance with the criteria in §1-1115 and §1-1116 and Part 19, then the following provisions apply.
2. Within any Identified Floodplain Area, manufactured homes shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
3. Where permitted within any Identified Floodplain Area, all manufactured homes, and any improvements thereto, shall be:
 - A. Placed on a permanent foundation;
 - B. Elevated so that the lowest floor of the manufactured home is at least one and one half (1-½) feet above base flood elevation;
 - C. And anchored to resist flotation, collapse, or lateral movement.
4. Equipment requirement:
 - A. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation and shall be anchored to resist flotation, collapse, and lateral movement.
 - B. Ductwork shall be elevated to or above the Regulatory Flood Elevation or floodproofed to remain water resistant.
5. Installation of manufactured homes shall be done in accordance with the manufacturer's installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of §5-1004 Appendix E of the 2009 "International Residential Building Code" or the "U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing," 1984 Edition, draft or latest revision thereto and 34 PA Code Chapter 401-405 shall apply.
6. Consideration shall be given to the installation requirements of the 2009 IBC, and the 2009 IRC or the latest revision thereto as adopted by the Commonwealth of Pennsylvania, and 34 PA Code, as amended where appropriate and/or applicable to units where the manufacturer's standards for anchoring cannot be provided or were not established for installation of the proposed unit(s).

§1-1121. Special Requirements for Recreational Vehicles.

Within any Identified Floodplain Area, recreational vehicles shall be prohibited. If a variance is obtained, then recreational vehicles in Zones A, AI-30, AH and AE must be: a) on the site for fewer than 180 consecutive days; and b) fully licensed and ready for highway use.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

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.

§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.

§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.

§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 slopes 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.

§1-1205. Use Regulations.

1. Low Intensity Slope District.

- A. Uses by Right.
 - a. 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.
 - b. Arboretum, woodland preserve, or conservation and recreation uses including open space associated with cluster development, governed by §1-1205.2.
 - c. Single-family dwelling.
 - d. Private yard area.
- B. Permitted Accessory Uses.
 - a. Customary accessory agricultural uses and buildings.
 - b. Customary accessory residential uses and building.
 - c. Parking areas to serve recreational areas, using permeable paving.
 - d. 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:
 - a. Maximum Gross Density 1 dwelling unit per 2 acres
 - b. Maximum Lot Coverage 5%
 - c. Maximum Paved Area 6%

2. Conservation Slope District.

- A. Uses by Right.
 - a. 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.
 - b. Arboretum, woodland preserve, or recreational use provided the proposed use presents no conflict with the continued function of the land as a watershed.
 - c. Open space associated with cluster development provided that no more than 25% of the open space contains slopes of 25% or greater.
 - d. 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.
 - a. Agricultural structures and cultivation.
 - b. Conservation and recreation uses requiring structures.
 - c. Utility easements and rights-of-way.
 - d. Single-family dwelling.
 - e. 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:
 - a. The applicant shall demonstrate that the proposed use shall not substantially alter the existing grade nor remove more than 5% of the existing vegetation.
 - b. The applicant shall demonstrate the importance of steep slopes with respect to the proposed use.
 - c. The applicant shall demonstrate how emergency vehicles can reach the site.
 - d. The applicant shall submit the following information to assist the Board in its evaluation:
 - i. A site plan of the property indicating existing grades with contour lines at 2-foot intervals, including proposed final grades.
 - ii. A cross-section of the property indicating the location of buildings, structures and grading operations, including proposed, final grades.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

- iii. 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.
- iv. 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:
 - a. Maximum Gross Density 1 dwelling unit per 4 acres
 - b. Maximum Lot Coverage 5%
 - c. Maximum Paved Coverage 5%

§1-1206. Prohibited Uses.

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

- 1. Cut and fill operations other than specifically associated with a permitted use or special exception.
- 2. Soil, rock or mineral extraction.
- 3. Structures other than those specified as a permitted use or special exception.
- 4. Sanitary sewers using on-site subsurface disposal fields on slopes of 25% or greater.
- 5. 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.

§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.

§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.

§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:

- 1. Existing structures located within the Conservation Slope District shall not be enlarged or altered by more than 50% of its present lot coverage figure.
- 2. 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.

§1-1210. Administration.

- 1. In addition to building and use permits which may be otherwise required, a zoning permit shall be required for any manufactured change to an 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.

§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.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

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.

§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.

§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.

§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.

§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 §1-1305.1. 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 turnaround.
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.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

§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.

§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.
 - D. Industrial activity in the LI-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.

§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.**

For the purpose of this Part, definitions of the following terms are found in **Chapter 4: Definitions**: Footcandle, Glare, Illuminance, Lux.
4. **Illumination Levels.**

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

 - A. Pedestrian Walkways 0.2 - 0.5 Foot candles
 - B. Multi-Family Common Areas 0.2 - 0.4 Foot candles
 - C. Direct Illuminated Signs 0.6- 0.8-Foot-candles
 - D. Recreation/Institutional 1.0 - 1.2 Foot candles
 - E. Indirect Illuminated Signs 1.0 - 1.2 Foot candles
 - F. Parking Lots - Multi-Family 0.2 - 0.6 Foot candles
 - G. Parking Lots – Industrial 1.0 - 1.2 Foot candles
 - H. Parking Lots – Commercial 0.2 - 0.9 Foot candles
 - I. Street Intersections* 0.2 - 0.4 Foot candles
 - J. Building entrances: Commercial, Industrial, Institutional 1.0 - 5.0 Foot candles
 - K. Athletic and Non-athletic Field or Stadium 30 Foot candles (maximum)

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, wall pack, 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.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

- 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. Streetlights, 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, streetlights 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. Streetlights 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:
 - a. Layout of the proposed fixture locations.
 - b. 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.
 - c. 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 iterations 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:
 - a. It is deemed to create a safety hazard.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

- b. It is replaced or relocated.

§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 the 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 AM – 9:00 PM 9:00 PM – 7: 00 AM Plus Sundays & Holidays	5040
Commercial Industrial	7:00 AM – 9:00 PM 9:00 PM – 7: 00 AM	6550
Industrial	At all times	70

3. 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 downwind 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.

§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.

§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.

§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.
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.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

Activity or Use	A Minimum of One Parking
Driving Range Golf Course	One Tee Three Tees
Theaters and Churches	Three Seats
Convalescent/Nursing Home	Two Patient Beds
Retirement Community	One Dwelling & 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 snowstorms 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.

§1-1313. [Reserved].

§1-1314. [Reserved].

§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.

§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:
5. **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.
6. 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.
 - A. To accommodate for future expansion, the Board may require a stub right-of-way to the adjacent tract boundary with sufficient additional right-of-way width provided along the boundary line to permit extension of the street at full width.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

- B. Fifty foot turning radii shall be required at the intersection of all single access residential streets with collector roads.
- C. Acceleration and/or deceleration lanes may be required at the intersection of all single access residential streets with-existing streets.
- D. Single access residential developments must comply with this Section of this Chapter even if future additional access to adjoining parcels is planned.

§1-1317. Reserved

§1-1318. Reserved

§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:

1. **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:
 - A. Encourage the location of towers in non-residential areas, where possible.
 - B. Minimize the total number of towers throughout the community.
 - C. Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers.
 - D. 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.
 - E. 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.
 - F. Enhance the ability of providers of telecommunications services to provide such services to the community quickly, effectively and efficiently.
 - G. Protect the public health and safety of inhabitants of the community.
 - H. Promote the safety of communications towers.
 - I. Avoid potential damage to adjacent properties from structural failure of the tower through engineering and careful siting of tower structures.
 - J. Permit and manage reasonable access to the public ways for telecommunications purposes on a competitively neutral basis.
 - K. Encourage the adaptive reuse of historic structures.
 - L. Create public services for New London Township.
2. For the purpose of this Part, definitions of the following terms are found in **Chapter 4: Definitions**: Alternative Tower Structure, AM Array, Back-haul Network, Communications Antenna, Communications Facility, Communications Tower, EIA, Height of Communications Tower, Structure, Tower.
3. **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:
 - A. The location of the tower and equipment building shall comply with all natural resource protection standards of this Chapter and the Sub-division and Land Development Ordinance [Chapter 2].
 - B. 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.
 - C. 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.
 - D. The communications facility shall be fully automated and unattended on a daily basis and shall be visited only for inspection and periodic maintenance.
 - E. 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.
 - F. 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:
 - i. 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.
 - ii. 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.
 - iii. Addition of the proposed equipment would result in NIER (Non-Ionizing Electromagnetic Radiation) levels that exceed adopted Federal or State emissions standards.
 - iv. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - v. 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.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

- vi. 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.
- vii. 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.
- viii. 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.
- ix. The application shall demonstrate that it is licensed by the Federal Communications Commission (FCC) to operate a communications facility.
- x. 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.
- xi. 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.
- xii. 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.
- xiii. 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.
- xiv. 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.
- xv. Towers shall not be artificially lit, 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.

4. Standards and Criteria. If a new communications facility is proposed the following minimum standards and criteria apply:

- A. 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.
- B. 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.
- C. 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.
- D. 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.
- E. The height of any associated equipment building shall be limited to the maximum building height permitted for the applicable zoning district.
- F. Vehicular access to the communications facility shall be provided, whenever feasible, along the circulation driveways of the existing use, if applicable.
- G. 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.

- H. All free-standing communications facilities shall be enclosed by an 8-foot-high fence.
- I. No signs shall be allowed on an antenna or tower, except as required by law.
- J. 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.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

- 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 of 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.
- K. 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.

5. Additional Requirements.

- A. 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.
- B. 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.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

- 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.
- 6. **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.
- 7. **Verification of Status.**
 - A. 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.
 - B. 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.
- 8. **Failure to Comply.**
 - A. 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.
 - B. 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.
 - C. 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.

§1-1320. Driveways.

All requirements for driveways, as defined in Chapter 4, shall be as provided in Chapter 3 Miscellaneous, Part 6.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

Part 14
General Standards

§1-1401. Common Regulations.

Unless otherwise noted, the following provisions are applicable to all districts.

§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.

§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.

§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.

§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.

§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, whichever 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:
 - a. The sales area shall not exceed 500 square feet of floor area.
 - b. Such building shall be located a minimum of 50 feet from the right-of-way line of the road.
 - c. 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.
 - E. No cooking, heating, or warming of food items shall be permitted at a portable stand or a building used for the sale of farm products.

§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.

§1-1408. Land Application of Sludge.

To ensure 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:

1. **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.
2. **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:
 - A. 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.
 - B. 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.
 - C. A survey of the property prepared by a professional surveyor at a scale no greater than 1 inch to 200 feet indicating:

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

- 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.
 - D. A soil 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:
 - a. Soil borings by a soil scientist to confirm actual soil profile characteristics are consistent with published soil survey data.
 - b. 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.
 - E. 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:
 - a. Total moisture content.
 - b. Percent total nitrogen (dry weight).
 - c. Percent ammonia (dry weight).
 - d. Percent heavy metals (dry weight).
 - e. Biological oxygen demand content.
 - f. pH rating.Additional analysis may be required by the Township from time to time during the application program to ensure 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.
 - F. A notarized statement from the owner of the tract indicating his or her awareness of the proposed sludge project.
3. **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.
- A. Area. No site shall be approved for land application of sludge which is less than 10 contiguous areas.
 - B. 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.
 - C. Slope Considerations. Application shall not take place on slopes exceeding 15%.
 - D. 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/AC/YR)
Corn	30,000
Sudan Grass	30,000
Mixed Grass/Hay	20,000
Wheat	4,000
Barley	4,000
Oats	4,000

- E. 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.
- F. Access. All sites to be considered for sludge application shall have direct access to a collector road with an improved, mud-free driveway to ensure 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 in width.
- G. Records. All applicants shall maintain records on each application and be submitted to the Township upon request.
- H. Method of Application. Sludge shall be applied using subsurface injection apparatus. Surface application shall be prohibited.

§1-1409. Storage of Sludge.

Storage of sludge shall be governed by the following regulations:

- 1. **Sewage Lagoons.** No open sewage lagoons shall be permitted in the Township.
- 2. **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.
- 3. **Site Requirements.** A storage site must have a minimum of 10 contiguous acres, having a minimum of 100 feet setback from any property line.
- 4. **Fencing.** A storage facility shall be enclosed by a fence having a minimum height of 6 feet which prevents trespassing.
- 5. **Access.**
 - A. A storage facility shall have direct access to a collector road with an improved, mud-free driveway to ensure 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.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

- B. 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.
6. **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.
7. **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.

§1-1410. Projections Into Required Yards.

All required yards shall be unobstructed except as follows:

1. An arbor, open trellis, flagpole, unroofed steps or terrace, recreational facilities, and alternative energy system components shall be permitted with no restriction.
2. 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.
3. Except as provided below for the NLV-New London Village 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.
4. For properties in the NLV-New London Village District, no accessory structure shall be located closer to the front lot line than the front facade of the principal building on the lot.

§1-1411. Exception to Height Restriction.

1. **Applicability.** Height regulations shall not apply to church steeples; barns, silos, and similar structures for agricultural use; and flagpoles. (Ref)
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.
3. **Alternative energy system components.** Height regulations applicable to solar energy and wind energy systems shall be as contained in §1-1432 and §1-1433, respectively, of this Chapter.

§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].

§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 §1-1413.3. 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:
 - a. Compatible with other uses permitted in the applicable zoning district.
 - b. Incidental and secondary to the use of the property as a residential lot.
 - c. Helping to maintain and preserve the character of the neighborhood.
 - 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.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

- 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:
 - a. 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.
 - b. Family child/adult day care involving no more than six children or adults unrelated to the operator, and provided the following criteria are met:
 - i. The minimum size of the lot containing the day care facility shall be 15,000 square feet.
 - ii. 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.
 - iii. 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.
 - c. Preparation of food or food products to be sold or served off site.
 - d. Beauty shop, barber, or hairdresser, provided that the maximum number of client visits per day shall not exceed an average of two.
 - e. Other accessory uses that do not qualify as no-impact home occupations under the terms of §1-1413.3. 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:
 - a. The sale of items that are clearly incidental and subordinate to the conduct of the home occupation or items used in the home occupation such as the sale of beauty supplies used by the proprietor is permitted.
 - b. Orders previously made by telephone, internet, appointment, or other prior contact may be filled at the site of the home occupation. There shall be no direct sales of products from display shelves or racks, but a person may pick up an order placed earlier as described above.
- 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.

§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.

§1-1415. Community Living Arrangements.

1. **Applicability.** The provisions established by this Section shall govern the housing of mentally disabled 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 ensure 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/Intellectual & Developmental Disabilities Department.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

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.

§1-1416. Residential Room Rental.

1. Residential use may include the rental of rooms in a dwelling used exclusively as bedrooms and not new bedrooms constructed in order to create a situation for residential room rental and not the conversion of prior non-bedroom areas in the dwelling into bedrooms. The total number of rooms rented may not exceed 50% of the total number of bedrooms in the dwelling existing before such rental and no more than 3 rental rooms under any circumstances.
2. A residential room rental shall be an accessory use permitted as of right in one or more zoning districts where specifically provided under the terms of this Chapter.
3. **License required.** No owner of any property in the Township shall offer a residential room rental in the Township without first obtaining from the Township a Residential Room Rental License. Any operation of a residential room rental without such Residential Room Rental License is a violation of this Chapter. A separate license is required for each room to be rented.
4. **License requirements.** A Residential Room Rental License application shall contain all of the following information:
 - A. The name, address, telephone number and email address of the owner.
 - B. The name, address, telephone number and email address of the managing agency.
 - C. Floor plan for the room to be rented.
 - D. The total number of bedrooms in the structure and the number of bedrooms proposed for rental.
 - E. A site plan showing the location and number of on-site parking spaces.
5. Exterior building alterations shall focus on those customarily associated with residential uses or which may be required by the PA Department of Labor and Industry, or for safety reasons per other local, state, or federal regulations. Fire escapes, external stairways, or additional external doors shall be located either to the side or rear of the building.
6. There shall be no cooking facilities in any rented room. Meals shall be served to guests only. Any other amenities shall be for the benefit of guests only; no walk-in trade shall be permitted.
7. When within fifty (50) feet of another residential use, active recreation amenities shall not be lighted nor open between the hours of ten (10) p.m. and eight (8) a.m.
8. Where an on-lot sewage system is to be used, the zoning permit application for the use shall be accompanied by a valid Chester County Health Department permit verifying the existing or proposed sewage system can accommodate maximum potential usage and that an appropriate site for a replacement system is available should the existing system fail.
9. Outdoor parking for overnight and day guests shall be limited to available parking areas on the property. In no event shall parking for occupants of rented rooms and their guests include spaces in any public street right-of-way or on any lawns or vegetated areas not designed for parking.
10. All activities, sounds, and lighting shall be limited to the owner's property and shall not extend beyond the boundaries of the property.
11. Overnight occupancy of recreational vehicles, camper trailers, and tents at the property where the rented room is located shall not be allowed. Outdoor overnight sleeping by rented room occupants or their guests is prohibited.
12. A resident/owner is defined as a member of the single family, as defined in Chapter 4, Definitions, who must reside at that residential property during any of the above activities.
13. Neither occupants of a rented room nor their guests shall engage in disorderly conduct or disturb the peace and quiet of any nearby neighborhood or person.

§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:
 - a. Where the converted dwelling units will be served by individual onsite sewage facilities.
 - i. In the R-Residential 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.
 - ii. In the NLV-New London Village 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.
 - b. 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.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

- 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.

§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.
 - 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.
 - D. The pool shall be located in the side or rear yard of a lot.

§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.

§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. This requirement shall not apply to an Elder Cottage Housing unit, which shall be governed by the terms of §1440.

§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].

§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 or 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. On properties not defined as agricultural activity, the minimum total 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 on the basis of one such animal per acre. "Total land area" shall 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 contiguous land.
 - D. No structure used for the keeping of large animals shall be constructed and located within one hundred (100) feet of any property line, street right-of-way line or stream.
 - 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 one hundred (100) feet of any property line, or street right-of-way or stream
 - G. Large animals should not be permitted to graze over shallow or mound type on-site sewage drain fields.
- 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.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

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.

§1-1423. Household Pets.

It shall be unlawful for any person to keep any household pet except as provided in this Section:

1. 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.
2. 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.
3. 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.

§1-1424. Kennels.

The following standards shall apply to kennels:

1. The kennel must provide at a minimum a weather free building and fenced concrete exercise yard.

Small Breeds (under 20 lbs.)	8 square feet (per animal)-building 24 square feet (per animal)-yard
Medium Breeds (20-60 lbs.)	8 square feet (per animal)-building 24 square feet (per animal)-yard
Small 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.

2. 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.
3. 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.
4. The kennel and exercise yard must be entirely fenced, and the fence must not be less than 6 feet high.
5. 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.
6. 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.
7. 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.
8. The Board of Supervisors may add conditions as deemed necessary to protect the wellbeing of the animals housed.

§1-1425. Regulating Vegetation.

1. **Applicability and Purpose.** In order to control the growth within the Township of all types of vegetation regulated by this section that may impact upon the health, safety, and welfare of residents, New London Township hereby recognizes the need to control noxious vegetation and other specific types of vegetation within the Township.

2. **General Regulation and Control Requirements.** Managed stands of native plants, ornamental grasses or shrubs, and cultivated vegetable gardens and/or flower gardens exceeding 18 inches in height are permitted provided they are maintained free of noxious and invasive vegetation and do not impair sight distance or jeopardize the health, safety, or welfare of the public or residents and occupants of the immediate vicinity.

A. **Noxious Vegetation.** Except as hereinafter provided, all property owners within New London Township shall control the spread of any noxious vegetation, including seed dispersal, and shall limit growth to a maximum height of not more than 18 inches. It is the intent of the Township that all noxious vegetation be eradicated. If noxious vegetation of a lesser height is reseeding, it must be cut, pulled, or spot-treated with an herbicide. Owners must also remove all seedlings of noxious plants by pulling or application(s) of approved, regulated herbicides, regardless of height.

B. **Lawn (Turfgrass).** Areas designated as lawn shall be limited to 12 inches in height.

C. **Meadow Areas.** Areas designated as meadow shall not exceed 18 inches in height unless exempted as detailed below. Mowing, spot mowing, or spot weed treatment is required where necessary to control the spread of noxious and/or invasive vegetation.

Owners of any plot of ground granted an exemption as per §1-1425.5. 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 vegetation.

a. Owners of any plot of ground granted an exemption as per §1-1425.5. as a habitat for butterflies and other pollinators 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 vegetation.

b. Any owner of property containing vegetation regulated by this section, regardless of any lease and/or transfer of possession of the property, shall comply with the terms of this section.

3. **Violations Constitute Nuisance.** The growth of any noxious vegetation within New London Township exceeding 18 inches and/or mature to the seed production state is hereby declared to be a nuisance and detrimental to the health, safety, and welfare of the inhabitants of New London Township.

4. **Owner of Land Responsible.** Any 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.

5. **Allowable and Non-Allowable Exemptions.**

A. **Allowable Exemptions.** Owners of property containing noxious vegetation may apply to the Board of Supervisors for exemption from application of this section to the following types of land:

a. The property to be exempted from this section is under a conservation easement (e.g., Brandywine Conservancy, Natural Lands, or equivalent agency) when no noxious vegetation is impacting adjoining property owners.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

- b. 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 other pollinators, and/or native animals, and it can be established that this exemption will not jeopardize the health and environmental value of the area.
 - B. *Non-allowable Exemptions.* The following situations do not qualify for exemptions from this Section:
 - a. Parcels of land situated within the right-of-way at the intersection of public roads where tall vegetation may interfere with sight distances.
 - b. Parcels of land situated within the right-of-way alongside public roads where tall vegetation may interfere with sight distances.
 - c. Any areas identified by other Township ordinances that need to be maintained to provide clear sight distances.
 - d. Land containing bamboo and/or non-native invasive running plants or land on which it is proposed to plant, cultivate, and/or grow bamboo and/or non-native invasive running plants, consistent with the terms of §1-1425.7.
 - 6. **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:
 - a. A plan of the property in sufficient detail to show:
 - i. Area to be covered under the exemption.
 - ii. Nature of the land cover qualifying the parcel for the exemption, including a description of the animals and/or plants to be protected through the exemption.
 - iii. All manufactured features (i.e., buildings, roads, stormwater facilities, etc.).
 - b. Any fee established by resolution by the Board of Supervisors for filing the application and for its review.
 - B. In all cases, properties granted an exemption from this section shall comply in every respect with the Pennsylvania Noxious Weed Control Law, 3 P.S. §255.1 *et seq.*
 - 7. **Control of Bamboo and other non-native invasive running plants**
 - A. Purpose and intent

New London Township has determined that the existence of certain non-native invasive running plants, particularly those plants commonly referred to as bamboo, Japanese knotweed, and phragmites (henceforth referred to as “bamboo”), within the Township of New London has a negative impact on the health, safety and welfare of the citizens of the Township and the public at large, as the uncontrolled planting, cultivating and growth of bamboo by its very existence, result in road safety hazards, with the potential of falling or leaning onto roads within the Township, and the destruction of private and public property, and constitute a nuisance within the Township. The Township has therefore determined that it is in the best interests of the citizens of the Township and the public at large to prohibit the future planting, cultivating, and/or growing of bamboo and to require the removal of bamboo and/or the use of barriers within any minimum bamboo setback area to prevent the invasive spread of existing bamboo plants and grasses within the Township.
 - B. Bamboo Owner

Any owner of property that contains bamboo existing as of the effective date of this section shall be deemed the bamboo owner. Any spread of such bamboo to an adjacent property subsequent to the effective date of this section and the expiration of the 60-day period stipulated in §1-1425.7.E.b. is the responsibility of such owner. Where bamboo is allowed to spread to adjacent properties in violation of the terms of §1-1425.7.E., the Township may require the bamboo owner to undertake removal of the bamboo from the affected adjacent property upon request from the affected adjacent property owner. Any such request to the Township must include documentation that the affected neighbor has had dialog with the adjacent bamboo owner about remedying the spread of the unwanted bamboo.
 - C. Prohibition on planting running bamboo

Upon the effective date of this section, the planting of running bamboo shall be prohibited within the boundaries of New London Township. Any bamboo owner who plants or causes to be planted running bamboo within the boundaries of the Township after the effective date of this section shall be deemed to be in violation of this section and shall be subject to such penalties as are set forth in this Chapter.
 - D. Duty to Confine Bamboo

Any bamboo owner on whose property bamboo exists on the effective date of this section shall confine such bamboo to the bamboo owner’s property and shall eliminate bamboo from, and/or prevent the spread of bamboo into, the minimum bamboo setback area to prevent the encroachment, spread, migration, or intrusion of such bamboo on to any other property, right-of-way, sidewalk, trail, or pathway; and to prevent interference with the minimum required sight distance or line of sight of any Township, State or, as applicable, private road.
 - E. Regulations

Any bamboo that has been planted or otherwise permitted to grow on any property within New London Township prior to the effective date of this section may remain on such property subject to compliance with this section.

 - a. Bamboo shall not be cultivated, planted, grown, or maintained, or otherwise permitted within a required minimum setback from the edge of the pavement or travelled portion of any private or public Township or State road, street, lane, or any private driveway or accessway, measured as a distance of fifteen (15) feet or the height of the bamboo, whichever is greater, plus five (5) feet (hereinafter referred to as the “Minimum Bamboo Setback”).
 - b. Every bamboo owner shall remove and abate all bamboo located within the minimum bamboo setback within sixty (60) days of the effective date of this section.
 - c. Every bamboo owner shall ensure that the bamboo planted or growing on the property prior to the effective date of this section does not encroach, invade, or grow upon any adjoining or neighboring property or properties, including all public property and any private alley or public Township or State road, street, lane, or alley or any private driveway or accessway.
 - d. Every bamboo owner shall be required to take measures to prevent bamboo from occupying the minimum bamboo setback and/or alley invading or growing onto adjoining properties or any private or public Township or State road, street, lane, or any private driveway or accessway. Such measures shall include, but are not limited to, cutting and subsequent regular mowing, chemical treatment, and/or installation of a barrier impenetrable by bamboo and its shoots and roots at a sufficient depth within the property line where the bamboo is growing to prevent the growth or encroachment upon adjoining or neighboring property by the bamboo.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

F. Removal

- a. Notice. In the event of any violation of this section, the Township Zoning Officer shall notify the bamboo owner in writing of the nature, facts, and circumstances of the violation, and the action that must be taken to remediate the violation. The bamboo owner shall have a period of 20 days from the date of the Notice of Violation to comply with the terms of the Notice, unless extended by the Board of Supervisors where the applicant documents that the required remedial measures have been initiated. Such 20-day period may be extended for good cause shown, as long as it can be demonstrated that remedial measures have been started and the delay is not under the control of or due to the actions of the bamboo owner.
- b. Noncompliance; Removal of the Nuisance. Strict compliance with all provisions herein is required; the Township will have the right to inspect the subject property to determine compliance. The Township may take such corrective or removal actions as it deems reasonably necessary, and the owner shall reimburse the Township, as enforced by the PA Municipal Lien Law, for all costs and expenses incurred for such actions, including but not limited to professional fees and costs.
- c. Interference. Any person who resists, obstructs, or impedes the agents, servants, contractors, officers, and/or employees of the Township in the remediation or removal process shall be in violation of this section and shall be subject to the fines and penalties provided in this Chapter.
- d. Liability for the Costs of Removal and/or Abatement. The bamboo owner shall be liable for direct and indirect costs incurred by the Township for abating the nuisance bamboo and removing, remediating, and disposal of the bamboo, and all expenses incidental thereto, including but not limited to, an administrative fee equal to twenty-five (25%) percent of the total cost of said removal, remediation, and/or disposal process. Said administrative fee is intended to reimburse the Township for all monies and time expended by its employees, consultants, and contractors in abating the nuisance bamboo, certifying the amounts due to the Township, and collecting the sum due.
- e. All costs and expenses and the administrative fee incurred by the Township shall be payable by the bamboo owner to the Township within thirty (30) days of the date of invoice by the Township sent to the bamboo owner by regular mail at the postal address of the property set forth in the records of the Chester County Tax Assessment Office. The costs and expenses and administrative fee incurred by the Township shall be a municipal claim against the property and, upon failure of the bamboo owner to timely pay the invoice, may be collected by the Township by any available legal remedy, including the filing of a municipal lien against the property and collection under the Municipal Lien Law.

G. Planting and replanting prohibited

Following the effective date of this section, no new running bamboo may be planted on any property within the Township. Any running bamboo either planted or caused to be planted or existing on a property prior to the effective date of this section shall not be replanted or replaced in kind once such running bamboo is or has become for any reason dead, destroyed, uprooted, or otherwise removed.

8. Enforcement.

- A. The Zoning Officer is hereby authorized to take the appropriate actions to enforce compliance with the provisions of this section.
- B. Regarding the required removal of bamboo, the terms of §1-1425.7.F. of this section shall govern.
- C. If at any time the Board of Supervisors becomes aware of a violation, the Board shall direct the Zoning Officer to give notice by personal service or by the United States mail to the owner or occupant, or both, of any premises whereon regulated 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 regulated 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. Where a violation is in relation to the requirements of §1-1425.7. of this section, the terms of §1-1425.7.F. regarding violations and penalties shall govern.
- B. Where a violation is not in relation to the terms of §1-1425.7. the Township must notify the property owner of record when the violation of this section is observed and allow 20 days from the date of notification for the violation to be corrected.
- C. After the notification period has expired, the Township may either:
 - a. Remove the vegetation and charge the cost of removal to the property.
 - b. 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.
 - c. 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.
 - d. File such actions, including but not limited to injunctive relief, with the Court of Common Pleas of Chester County for the enforcement of this section.

§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.

1. A gross lot area of not less than 2 acres shall be required for any convenience store.
2. 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.
3. 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.
4. In addition to screening and landscaping as may be required by §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.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

5. To assure satisfactory management of the property and the mitigation of potential off-site impacts:
 - A. 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.
 - B. Noise shall be controlled in accordance with §1-1309.2. Outside loudspeakers shall be audible only to persons in the immediate vicinity of the fueling positions.
 - C. Lighting shall be in accordance with §1-1308.
6. Where a convenience store operation includes the retail sale of automotive fuel, the standards in §1-1427 of this Part shall be met.
7. 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.
8. 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.
9. Public restroom facilities shall be provided.

§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.

§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 §1-1428.2.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 §1-1428.1, 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 wetland's boundary shall be conducted in accordance with the terms of §2-525 of the Township Subdivision and Land Development Ordinance [Chapter 2].

§1-1429. Accessory Dwelling Units.

1. **Specific Intent.** In allowing opportunities for accessory dwelling units within owner-occupied detached dwellings or detached accessory structures, 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 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 permitted by right as an accessory use in the R-Residential, C-Commercial, and NLV-New London Village Districts, subject to the terms and 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 dwelling units shall be occupied by the owner of the lot on which the proposed accessory dwelling unit is to be located.
 - B. The maximum number of occupants of any dwelling unit shall be two (2). There shall not be more than one **accessory** dwelling unit created within any single-family dwelling or accessory structure.
 - C. There shall not be more than one accessory dwelling unit created within any single-family dwelling or accessory structure.
 - D. Sewage System.
 - a. Where applicable, the applicant shall submit to the Township a permit issued by the Chester County Health Department for an existing or proposed individual on-site sewage system to serve the accessory dwelling unit. Such permit shall certify that the sewage system is adequate for the projected number of residents.
 - b. Where an 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 a design is approved by, and a permit is issued to meet the requirements of, the Chester County Health Department.
 - c. Notwithstanding the terms of §1-1429.1. and §1-1429.2., above, where a community or public sewage system is available to serve the property, the accessory dwelling unit shall be connected to and served by such system.
 - E. Where the water supply for an accessory dwelling unit is to be from a well, the **applicant** shall obtain and present to the Township documentation from the Chester County Health Dept. that the water supply is adequate, acceptable, and potable.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

- F. Minimum Lot Area Requirement.
 - a. For an accessory dwelling unit to be located within a single-family dwelling, the lot on which it is to be located shall have a minimum net lot area not less than that required for a single-family detached dwelling in the zoning district in which it is located, or one net acre, whichever is greater.
 - b. For an accessory dwelling unit to be located within an accessory structure, the minimum net lot area shall not be less than twice that which is required for a single-family detached dwelling in the zoning district in which it is located, or one net acre, whichever is greater.
- G. Permitted Number and Locations of Accessory Dwelling Units
 - a. On a lot containing less than four (4) net acres, one accessory dwelling unit shall be permitted, and must be located within the principal single-family detached dwelling.
 - b. On a lot of between four (4) and ten (10) net acres, one accessory dwelling unit shall be permitted, and may be located either within the principal single-family detached dwelling or in an accessory structure.
 - c. On a lot greater than ten (10) net acres, two dwelling units shall be permitted (see §1-1434), but not more than one accessory dwelling unit may be located on the lot within either of the single-family detached dwelling units (if two are present) or in an accessory structure. A total of three (3), two principal and one accessory, dwelling units are permitted.
- H. Changes to Existing Structures.
 - a. The exterior of a single-family detached structure 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.
 - b. No other alterations to the exterior of the structure shall be permitted unless necessary for health and safety reasons. No exterior changes shall be made which are not in conformance with the existing single-family character of the neighborhood.
- I. The structure proposed to contain an accessory dwelling unit shall be inspected by the Township Building Inspector to determine if it possesses sufficient structural integrity. The *applicant* shall have the burden of demonstrating, to the satisfaction of the Building Inspector, that the existing structure has, or will be improved to have, the necessary structural integrity to accommodate the accessory dwelling unit prior to the issuance of any permit. The applicant shall pay the required fee for this inspection, as established by resolution of the Board of Supervisors.
- J. New Accessory Structure.
 - a. Where accessory dwelling unit is proposed to be located in a proposed new accessory structure, the applicant shall demonstrate that it is feasible, under the terms of this Chapter and Chapter 2, Subdivision and Land Development, to create a future lot containing the accessory structure that can comply with the current requirements for net lot area, area and bulk dimensions, impervious surface amount, and driveways. An existing lot that has a gross lot area of 10 acres or greater shall be exempt from this requirement, but the new accessory structure shall comply with the applicable zoning district setback requirements for single-family detached dwellings.
- K. Accessory dwelling units shall utilize an existing driveway that serves the subject property whenever possible.
- L. One off-street parking space shall be required for each accessory dwelling unit, in addition to those utilized for the principal dwelling.
- M. To ensure compliance with this Chapter, a sealed architectural plan shall be submitted as part of the building permit application, accurately drawn to scale, indicating the relationship and size of the two dwelling units within the existing single-family structure and/or the size and location of an accessory dwelling within an accessory structure, as well as parking areas and any proposed exterior alterations.
- N. The minimum size of an accessory dwelling shall be 400 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.
- O. 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. No freestanding mobile home or travel trailer may be utilized as an accessory dwelling unit.
- P. An accessory dwelling unit located within a single-family detached dwelling shall not have a separate on-site postal address different from that of the principal dwelling and shall not have separate utility connections. An accessory dwelling unit located in an accessory structure shall obtain and utilize a separate postal address.
- Q. A use and occupancy permit shall be required prior to the occupancy of any 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.

§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:
 - a. Removal of dead or diseased trees.
 - b. 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.
 - c. 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.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

- d. Christmas tree farming.
 - e. Orchard operations.
 - f. 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:
 - a. Property description, including location and brief description of each stand on the property.
 - b. Goals and objectives of the logging operation.
 - c. A narrative stand analysis describing stocking (in terms of basal area or relative density), species composition, and average diameter of stand.
 - d. Narrative description of the residual stand.
 - e. The following appendices:
 - i. Proof of current general liability and/or workers' compensation insurance.
 - ii. 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.
 - iii. 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.
 - f. A site map containing the following information:
 - i. 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.
 - ii. Location of all earth disturbance activities such as roads, landings, and water control measures and structures.
 - iii. Location of all proposed crossings of watercourses.
 - iv. The general location of the proposed operation in relation to Township and State roads, including proposed access to those roads.
 - v. Topography and soils of the property and harvest site. Any are with slope 15% or greater shall be indicated and may be based on area delineated as such on United States Geological Survey Topographic Maps.
 - g. Demonstration of compliance with all applicable State laws and regulations including, but not limited to:
 - i. 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.
 - ii. 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.
 - iii. Stormwater management plans and regulations issued pursuant to the Storm Water Management Act, 32 P.S. §680.1 et seq.
 - h. 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).
 - i. 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.
 - j. 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 ensure 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:
 - a. Within 50 feet of a property line or a public road right-of-way.
 - b. 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.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

- 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 ensure 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 guaranteed 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.

§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, 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.
- 6. Fencing on a corner lot shall be in compliance with the standards of §1-1404.
- 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-New London Village District shall govern.

§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.
 - a. 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.
 - b. 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.
 - c. 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.
 - d. For roof-mounted systems, an effort shall be made to make the wiring and hardware blend in with the roof and building façade.
 - I. Additional Standards for Ground-Mounted Solar Energy Systems.
 - a. 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.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

- b. A ground mounted solar energy system shall not be located in a front yard.
 - c. 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.
 - d. 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.
 - e. 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 §1-804.1.
 - 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:
 - a. 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.
 - b. 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.
 - c. 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.
 - d. The applicant shall provide any other relevant studies, reports, or approvals as may be reasonably requested by the Township.
 - e. 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.
 - f. 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 §1-1432.2.I.c. of this Section and may be a basis to deny the conditional use application if deemed inadequate by the Board of Supervisors.
 - g. 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].

§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, Germanist 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.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

- 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.
 - 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 §1-1433.3. or §1-1433.4., 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.
 - a. 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.
 - b. 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.
 - c. 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 §1-804.1.
 - D. Setbacks.
 - a. 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.
 - b. 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:
 - a. 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.
 - b. 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.
 - c. 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.

§1-1434. Second Dwelling Unit on Individual Property

- 1. In the R-Residential District, a property containing a gross lot area of ten (10) acres or greater and occupied by one single-family dwelling unit at the time of enactment of this section shall be permitted one additional single-family detached dwelling unit as of right.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

2. Such additional dwelling unit shall not be required to be located on a separate, subdivided lot. The proposed second dwelling unit:
 - A. shall be located no closer to any lot line than the required minimum setback and yard dimensions for a principal building in the R-Residential District;
 - B. shall be separated from any other dwelling unit or any agricultural structure by not less than one hundred (100) feet;
 - C. and shall satisfy all minimum setback requirements from existing and/or proposed water supply systems and/or individual, on-site sewage disposal systems.
3. Where the property is in agricultural use, siting of the second dwelling unit shall be done to the satisfaction of the Township, such that the continued use of the balance of the property for agricultural purposes shall be minimally impacted.
4. The landowner shall demonstrate that the proposal for a second dwelling unit is consistent with the applicable terms of Pa. Act 319 and any other program, covenant, or restriction affecting the property. For a property enrolled under Act 319, the landowner shall provide documentation that the Chester County Board of Assessment has been informed of the proposal to create a second dwelling unit.
5. The owner of the property shall reside in one of the two dwelling units.
6. Approval from the Chester County Health Department shall be required for the sewer and water systems to be used at the premises; such approval shall occur prior to issuance of any building permit.
7. A sketch plan for the second dwelling unit shall be submitted to the Zoning Officer as part of a building permit application. The sketch plan shall show, at minimum:
 - A. ingress and egress to existing and proposed buildings;
 - B. compliance with setback, yard, and building separation requirements of this section;
 - C. adequate and suitable parking or storage space for not less than two (2) vehicles per dwelling unit; and
 - D. compliance with applicable terms of the New London Township Stormwater Management Ordinance.
 - E. proposed location of a driveway to serve the second dwelling unit, consistent with the driveway standards contained in §2-512 of the New London Township Subdivision/Land Development Ordinance.

8. Future subdivision.

- A. Except as provided in §1-1434.8. below, the property containing the two dwelling units shall not be reduced below the minimum required ten (10) acres. The applicant shall enter into an agreement (such as a deed restriction) acceptable to the Township Solicitor to demonstrate and assure ongoing compliance with this requirement.
- B. Subsequent to the creation of the second dwelling unit on the property, subdivision of the property to create an individual lot for each dwelling unit shall be permissible. In so doing:
 - a. The minimum gross and net area of each subdivided lot and the location of each dwelling unit on its subdivided lot shall be in full compliance with the applicable area and bulk requirements of the R Residential Districts and any other requirements applicable to the property at the time of subdivision.
 - b. The opportunity to create a second dwelling unit, as provided in this section, shall not be available to any subdivided lot that has a gross lot area less than ten (10) acres.
 - c. As a prerequisite to obtaining a use and occupancy permit for the second dwelling unit, the applicant shall document that language assuring compliance with the terms of this section has been recorded with the deeds for each of the two lots created.

9. A second dwelling unit permitted under the terms of this section shall not be eligible to add an accessory dwelling unit within the principal single-family detached structure.

§1-1435. Agricultural Regulations.

1. To qualify as agricultural use, the minimum lot area shall be 4 acres.
2. Except as provided in §1-1435.5.C. below, no barn, mushroom house, or similar agricultural structure shall be established less than one hundred (100) feet from any property line, street right-of-way line, or stream.
3. No area for the curing or storage of manure shall be established less than one hundred (100) feet from any property line, street right-of-way line, or stream. Composting operations shall comply with the provisions of §1-1407.
4. Farm dwellings and buildings accessory thereto shall not be constructed less than fifty (50) feet from all property lines. No such accessory structure may be located in any required front yard.
5. Intensive Agriculture
 - A. Intensive agricultural operations, as defined in Chapter 4, shall only be permitted when approved as a conditional use in the applicable zoning district by the Board of Supervisors in accordance with the terms of this section and §1-2013 of this Chapter.
 - B. Any intensive agricultural operations shall have a minimum net tract area of twenty-five (25) acres.
 - C. All portions of any such operation, including any building or fence, shall be located not less than five hundred (500) feet from any property line, street right-of-way line, or stream.
 - D. The applicant shall present to the Board of Supervisors all applicable permits and approvals for such operation, including but not limited to any licensure required by the Pa. Dept. of Environmental Protection, approval from the Chester County Conservation District, an NPDES stormwater management permit, and/or a nutrient management plan.
 - E. The applicant shall demonstrate compliance with Chapter 5, Part 1.

§1-1436. Cemetery.

1. The following shall apply to any commercial, private, or non-profit cemetery, as that term is defined in Chapter 4.
2. A minimum net lot area of 5 acres shall be provided for any commercial cemetery.
3. The application for a zoning permit shall be accompanied by an informal sketch landscape plan, including narrative, that indicates the general landscape design, intended and approximate type and amount of vegetation to be installed. Such plan shall be prepared in accordance with the applicable landscaping standards of this Chapter and Chapter 2.
4. In addition to the installation of landscape material, natural buffer areas shall be retained to the greatest degree feasible to mitigate impacts to scenic landscape qualities and water recharge capacity. Use of plant material in lieu of fencing is encouraged to provide privacy, screening, and access control.
5. The applicant shall provide sufficient hydrologic and other information to satisfy the Board of Supervisors that potential for groundwater contamination from development of burial grounds shall not be hazardous to any neighboring water supply wells. As a condition of approval, the Board may require the installation of a monitoring well(s) where potential hazard to a neighboring well(s) is suspected.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

6. No burial ground or plot or any structure related to the cemetery operation shall be located within:
 - A. One hundred (100) feet of any property line or street right-of-way line;
 - B. Two hundred (200) feet of any dwelling or existing well; or
 - C. Twenty-five (25) feet from the cartway of any private vehicular accessway within the tract or any parking area.
7. In no case shall any structure, burial ground, or burial plot be located within the Flood Hazard District, as established by this Chapter.
8. The maximum height of cemetery structures shall be:
 - A. For a gravestone, monument, or statue marking an individual burial site: 6 feet.
 - B. For a mausoleum: fifteen (15) feet.
 - C. For any other structure: thirty-five (35) feet.
9. The placement of burial vaults within burial ground areas shall comply with the following standards:
 - A. Multiple burial vaults may be placed in a single plot (i.e., one above the other).
 - B. No vault shall be located less than 3 feet beneath the ground surface after development, except where completely enclosed within a mausoleum.
 - C. No vault shall be located where, at its greatest depth below the ground surface, it may intrude upon the seasonal high-water table.
 - D. In order to provide for adequate percolation of groundwater, all burial vaults shall be placed such that minimum horizontal separation between vaults is no less than 2 feet. This provision shall not apply to burial vaults completely enclosed within a mausoleum.
10. A commercial cemetery shall:
 - A. be in compliance with the applicable requirements for a Perpetual Care Trust Fund (Title 9, Burial Grounds, of Pa. Consolidated Statutes) and/or a Merchandise Trust Fund (Sect. 506, Chapter 13, Administrative Code of 1929, P.S. Sect. 186);
 - B. where required by the Board of Supervisors, submit to the Township an annual report of its operations."

§1-1437. Golf course.

1. The following shall apply to any golf course use where permitted under the terms of this Chapter.
2. The following auxiliary uses may be permitted in support of the golf course when specifically made part of the conditional use approval:
 - A. Golf house or club house, including dining facilities;
 - B. Lockers
 - C. Retail sale of equipment and accessories used in golfing activities.
3. Maximum height of any building shall be thirty-five (35) feet.
4. Minimum gross tract area shall be fifty (50) acres.
5. Minimum tract width at the street line shall be five hundred (500) feet.
6. Minimum yard setback dimensions:
 - A. Front yard: 200 feet
 - B. Side yards: 50 feet each
 - C. Rear yard: 100 feet
7. Maximum impervious surface shall be ten percent (10%).
8. Sufficient parking shall be provided so that no vehicle parks in the street right-of-way or impedes the normal flow of traffic, and no parking is available within 15 feet of any lot line

§1-1438. Bed-and-Breakfast Establishment

Where permitted under the terms of this Chapter, a bed and breakfast establishment shall comply with the following standards:

1. A bed and breakfast establishment shall be permitted only as an accessory use in a single-family detached, owner-occupied dwelling. The principal use of the property shall be that of a single-family detached dwelling. The bed and breakfast establishment shall be clearly incidental and secondary to the principal use.
2. Rooms used for overnight accommodation shall be part of the primary residential structure and shall not have been specifically constructed for rental purposes.
3. No exterior alterations, other than those necessary to ensure the safety of the structure or its occupants, shall be made to any building for the purpose of providing a bed-and-breakfast establishment.
4. Area and bulk standards shall be those that apply to single-family detached dwellings within the applicable zoning district.
5. A bed and breakfast establishment may offer for rent a maximum of 3 guest rooms on any individual property.
6. Length of stay shall be not more than fourteen (14) consecutive days for any guest.
7. One (1) on-site parking space shall be provided per guest room and shall not be located in any required yard area.
8. Off-street parking for occupants of the bed and breakfast establishment shall be screened from adjoining properties by live evergreen trees and/or shrubs, and/or walls or fences, where such screening is deemed necessary by the Board of Supervisors.
9. One sign shall be permitted in association with a bed-and-breakfast establishment. Any such sign shall comply with the standards for a major home occupation sign contained in §1-1413-4-C.
10. Meals shall be limited to breakfast only, which shall be served only to guests lodging at the establishment. Owners shall comply with all applicable federal, state, and county requirements for the preparation, handling, and serving of food.
11. Any amenities (swimming pool, tennis court, etc.) shall be solely for the use of the resident owner and occupants of the bed-and-breakfast establishment.
12. No permit for a bed and breakfast establishment will be issued by the Zoning Officer unless the applicant furnishes written approval from the Chester County Health Department concerning the adequacy of the on-site sewage system to serve the increased demand resulting from the bed-and-breakfast establishment."

§1-1439. Hotel; Inn

Where permitted under the terms of this Chapter, a hotel or inn shall comply with the following standards, as applicable:

1. Any proposal for new construction as an inn shall demonstrate its compatibility with the character of the existing neighborhood and building facades.
2. The following ancillary facilities may be provided as an integral part of a hotel or inn: restaurant; meeting rooms; banquet facilities; shops for the sale of books, newspapers, magazines, clothing, and sundries to guests; recreation facilities for use only by registered guests, such as swimming pool, exercise room, and similar ancillary facilities commonly accessory to a hotel or inn.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

3. No permit for a hotel or inn will be issued by the Zoning Officer unless the applicant furnishes written approval from the Chester County Health Department, where applicable, concerning the adequacy of any on-site sewage system to serve the property.
4. Off-street parking shall be provided on the subject property for a number of parking spaces equal to the number of rooms designated for rental use within the hotel or inn.
5. All refuse receptacles shall be completely screened from view.

§1-1440. Elder Cottage Housing Unit

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:
 - a. the death of the qualifying occupants of the ECH unit;
 - b. the date of the conveyance or other transfer of the lot by the owner or owners;
 - c. the failure to comply with any of the requirements specified herein; or
 - d. the failure to comply with any of the conditions imposed by the Board of Supervisors.
- F. Upon termination under §1-1440.2.E.a. or §1-1440.2.E.b. either 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 §1-1440.2.E.c. or §1-1440.2.E.d. 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 drain fields 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:

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

- 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.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

§1-1441. Keeping of Fowl as Domestic Pets

1. Purpose

- A. The purpose of this section is to provide standards for the keeping of female chickens (hens), turkeys, ducks and other fowl not listed here after described as fowl as domestic pets, or for human consumption /or for the production of a small quantity of eggs for the owner in zoning districts R-Residential District. It is intended to enable residents to keep a small number of female fowl on a noncommercial basis with the exception of selling a small quantity of eggs while limiting the potential adverse impacts on the surrounding properties.
- B. The Township recognizes that adverse impacts may result from the keeping of domesticated fowl as a result of noise, odor, unsanitary animal living conditions, unsanitary waste storage and removal, the attraction of predators, rodents, insects or parasites, and nonconfined animals leaving the owner's property. This ordinance is intended to create standards and requirements that ensure that domesticated fowl do not adversely impact the properties surrounding the property on which the fowl are kept re. minimum standards for humane conditions for fowl.

2. Standards for Keeping Fowl.

- A. The maximum number of fowl which shall be allowed on lots with single-family dwellings in the R-Residential District shall be determined based on the lot size as set forth below:

Lot Sizes	Up to 1 Acre	Up to 4 Acres	Greater than 4 Acres
# of Fowl Permitted	6	10	
# of Roosters Permitted	Prohibited	Prohibited	
Henhouses	<ul style="list-style-type: none">• Must meet all applicable NLT zoning ordinances.• Must provide at least 4 square feet per hen.• May not exceed 500 square feet in area .• May only be located in the rear or side yard.• Must be a minimum of 25 feet from all dwellings and 10 feet from all property lines• Must meet all applicable setback requirements of the NLT zoning ordinances.		

- B. It shall be unlawful for the owner of fowl to allow the same to run at large upon:
- a. any public land, including, but not limited to, rights-of-way (including sidewalks, streets, roads or Alleys), parks, or other municipal grounds housing Township offices or other buildings/facilities
- b. another person's private property.
- C. All owners of fowl on less than 4 acres must maintain sanitary living conditions for the fowl so that the keeping of fowl does not create an adverse impact to the public.
- a. Owners shall not allow feces from the fowl to accumulate on the owner's land such that it becomes a nuisance caused by odors. The feces must be regularly removed by double bagging and placing the bagged feces in trash for collection.
- b. All owners of fowl on less than 4 acres storing feed on the property, must keep the feed in rodent-proof, closed containers.
- D. Odor and noise impacts.
- a. Odors from fowl, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries. Any odors perceptible at the property boundaries shall be considered an adverse impact.
- b. Perceptible noise from fowl shall not be loud enough at the property boundaries to disturb persons by creating a public nuisance.

3. Permits.

- A. A fowl permit is required for the keeping of fowl on less than 4 acres in the Township. The annual permit to keep fowl is personal to the homeowner and may not be assigned.
- B. The owner wishing to keep fowl on less than 4 acres must first obtain a permit from the Zoning Officer/Township. An applicant seeking to obtain a permit to maintain fowl must submit an application on forms provided by the Township and pay the applicable permit fee as determined by resolution of the Board of Supervisors.
- a. If the applicant resides within a homeowners' association, a letter from the homeowners' association approving the keeping of fowl must accompany the application.
- C. Denial, suspension, or revocation of permit.
- a. Any material misstatement or omission shall be grounds for denial, suspension, or revocation of the permit.
- b. The Zoning Officer/Township shall deny a permit if the applicant has not demonstrated compliance with all of the provisions of this section. A permit to keep fowl may be suspended or revoked by the Township where the Township finds that the keeping of the fowl creates an adverse impact or for any violation of, or failure to comply with, any of the provisions of this section or with the provisions of any other applicable Township ordinance or law.

A person may appeal the denial, suspension, or revocation of a permit to the Board of Supervisors within 30 days of the date of the Township's decision to deny, suspend or revoke said permit. The Board of Supervisors shall then consider the appeal at a public meeting within 45 days of the receipt of the written request of appeal unless the person agrees to and grants an extension of this period.

§1-1442. Short Term Rentals.

1. Short term rental shall be permitted in the R-Residential District as follows:

- A. by right, as provided in §1-402.1.F. of this chapter, in a detached dwelling on a lot of 10 net acres or greater, provided that the dwelling where such short term rental is located is a Historic Structure, as defined in §4-102 of the Compilation of Land Use Ordinances, and that the application is in compliance with the applicable provisions of this §1442;
- B. by special exception, as provided in Section 1-402.4.B. of this chapter, in a detached dwelling on a lot that meets the minimum net lot area requirement of the applicable zoning district and that is less than 10 net acres, provided that the dwelling where such short-term rental is located is a Historic Structure as defined in §4-102 of the Compilation of Land Use Ordinances and that the application is in compliance with the applicable provisions of this §1-1442. The applicant shall demonstrate compliance with the criteria in §1-1908 of this chapter and the following additional criteria:

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

- a. No special events, such as weddings, bridal showers, or parties with attendees other than the lessees who rent the short-term rental shall be permitted in short term rentals on lots with a net lot area less than 10 net acres.
 - b. The owner of the short-term rental shall provide evidence that the septic system can handle the estimated sewage flows from the short-term rental. The Zoning Hearing Board may impose as a condition that the owner executes and records a maintenance and operation agreement for the septic system to ensure that it is properly maintained in a manner which can handle the estimated flows from the short-term rental.
 - c. The owner of the short-term rental shall provide evidence that there is a sufficient source of potable water for the short-term rental.”
2. Special events may be held in short term rentals on lots with a net lot area of 10 acres or greater provided such events shall be accessory to the short-term rental use and shall be limited to the lessees of the short-term rental and their guests.
 - A. The owner of the short-term rental shall provide evidence that the septic system is adequate for the estimated sewage flows from the short-term rental. The Zoning Hearing Board may impose as a condition that the owner executes and records a maintenance and operation agreement for the septic system to ensure that it is properly maintained in a manner which is adequate for the estimated flows from the short-term rental.
 - B. The owner of the short-term rental shall provide evidence that there is a sufficient source of potable water for the short-term rental.
3. The leasing of one or more bedrooms in a detached dwelling shall not be permitted as a short-term rental. The lessee of a short-term rental must lease the entire dwelling.
4. The short-term rental must provide at least one off street parking space for every bedroom in the detached dwelling.
5. The short-term rental shall not create unreasonable noise, light, odors, or other hazards to the neighborhood where it is proposed to be located.
6. Prior to use of a short-term rental, the landowner shall be required to obtain a bi-annual permit from the Township and pay a fee in an amount as established by resolution of the Board of Supervisors. Prior to issuance of a short-term rental permit, the Zoning Officer shall inspect the short-term rental and confirm that the short-term rental meets all applicable Codes.
 - A. The short-term rental shall demonstrate proof of the following:
 - a. working smoke detector in each bedroom;
 - b. working smoke detector outside each bedroom in a common hallway;
 - c. working smoke detector on each floor;
 - d. GFI outlet for all outlets located within 6 feet of a water source;
 - e. aluminum or metal exhaust from the dryer;
 - f. carbon monoxide detector if open flame furnace or gas fireplace is used;
 - g. carbon monoxide detector if a garage is attached;
 - h. fire extinguisher located in a conspicuous location in the kitchen; and
 - i. All indoor and outdoor staircases in good condition.
 - j. Current septic certified inspection, pumping and verification of a working septic
 - k. The owner of the short-term rental shall provide evidence that there is a sufficient source of potable water for the short-term rental
7. The Township shall be permitted to conduct annual or biannual inspections of each short-term rental to confirm that the short-term rental meets all applicable Codes. If the Township determines that the short-term rental does not meet any provision in this Ordinance or in the Township Code, it may institute the appropriate enforcement provisions in the respective Code that is violated, which may include revoking the short-term rental permit until such time as the violation is abated.
8. The Zoning Officer/Township shall deny a permit if the applicant has not demonstrated compliance with all the provisions of this section. A permit for short term rentals may be suspended or revoked by the Township where the Township finds that the short-term rental creates an adverse impact or for any violation of, or failure to comply with, any of the provisions of this section or with the provisions of any other applicable Township ordinance or law.

§1-1443. Farm-Related School

1. This section establishes standards for farm-related school uses, where such uses are permitted by this chapter. In providing opportunities for such uses, it is the Township's intent that:
 - A. Any farm-related school shall be compatible with other existing and permitted uses on the property and within the surrounding neighborhood.
 - B. The farm-related school shall impose no negative impacts upon the residential and agricultural character of the neighborhood.
2. General Standards.
 - A. A farm-related school, where permitted in one or more zoning districts, shall be deemed a use that is accessory to the principal agricultural use of the property.
 - B. To be eligible for a farm-related school, a property must contain a gross lot area of least 20 acres and be actively involved in agriculture as defined by this chapter.
 - C. The site devoted to the farm-related school shall be limited to not more than two acres within the boundary of the agricultural property.
 - D. The enrollment of the farm-related school shall not exceed fifty 50 students.
 - E. The farm-related school shall be a day school only, and in no case shall it permit the boarding of pupils.
 - F. A permit to operate a farm-related school shall be obtained from the Township prior to commencing operation. The party applying for the permit to allow a farm-related school must be the owner of the farm property, whether or not the owner operates then farm or will operate the farm-related school.
 - G. Only one farm-related school may be permitted on an eligible property.
 - H. The right to conduct a farm-related school will cease if the principal use of the property changes from agriculture to a more intensive agricultural use that converts some or all of the property, whether on a temporary or permanent basis, from open to developed land.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

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 §1-1502. 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 §1-1508.

§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.

§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.

§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.

§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. A The appropriate filing fee.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

- 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.

§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.

§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.

§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.

**Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning**

Part 16

Riparian Buffer Protection Overlay District]

§1-1601. Purpose

1. The Riparian Buffer Protection Overlay District has been designed to promote public health, safety and welfare of Township residents by conserving, protecting, and restoring natural riparian resources through scientifically supported processes. The district is intended to:
 - A. Maintain and improve surface water quality by reducing the entry of detrimental substances, including nutrients, sediment, organic matter, pesticides, and other harmful substances that reach watercourses, wetlands, and surface and subsurface water bodies;
 - B. Reduce the entry of detrimental substances by restricting development and uses in riparian areas that intercept surface water runoff, wastewater, subsurface flow and deep groundwater flows from upland sources and where the processes of filtration, deposition, absorption, plant uptake, sediment and phosphorus attenuation, denitrification and infiltration may occur; encouraging sheet flow and minimizing, mitigating and preventing concentrated flows of storm water runoff across riparian areas, and securing increased channel and bank stabilization that avoids stream bank erosion and associated water quality, quantity and flow harms;
 - C. Attenuate flooding and reduce soil loss;
 - D. Reduce adverse aquatic health impacts due to changes in the temperature of receiving waters (both temperature increases and temperature decreases) as a result of storm water runoff, loss of vegetative shading and direct discharges to water bodies;
 - E. Enhance in-stream processing of nutrients and pollutants such as pesticides and reduce the downstream movement of pollutants;
 - F. Improve and maintain the safety, reliability and adequacy of the water supply for domestic, agricultural, commercial, industrial and recreational uses along with sustaining diverse populations of aquatic flora and fauna;
 - G. Provide wildlife habitat, protect native plant species, and provide opportunities for passive recreation;
 - H. Conserve headwater areas, groundwater recharge zones, floodway, floodplain, springs, seeps, streams, wetlands, woodlands, prime wildlife habitats and other features that provide recreational value or contain natural amenities, whether on developed or undeveloped land;
 - I. Integrate with floodplain, steep slope, and other ordinance requirements contained herein that regulate environmentally sensitive areas to minimize hazards to life, property and riparian features;
 - J. Conserve scenic and recreation areas within and adjacent to riparian areas;
 - K. Regulate the use, siting, engineering and maintenance of all development to be consistent with the purposes and intent of this Part and accepted conservation practices and to work with the carrying capacity of existing natural resources;
 - L. Further the Chesapeake Bay Tributary Strategy goals and objectives by implementing Best Management Practices (BMPs) to address point and non-point pollution sources; and
 - M. Implement the recommendations for water quality protection in the Township's adopted comprehensive plan, as amended.

§1-1602. Applicability

1. The following uses and activities are regulated by this Part:
 - A. All Regulated Activities as defined in Chapter 4 including, but not limited to, new development, redevelopment, earth disturbance activities, and new agricultural activities that are located within New London Township shall be subject to regulation by this Part.
 - B. Any timber harvesting operation, including for the purpose of preparing land for new agricultural activities, shall be subject to regulation in accordance with the terms of this Part.
 - C. When a building and/or grading permit is required for any regulated activity, agricultural activity, or timber harvesting operation on an existing parcel, or approved lot created by a subdivision and/or improved as a land development project, issuance of the permit shall be conditioned upon adherence to the terms of this Part.
 - D. Any application submitted for special exception, variance, or conditional use approval or subdivision or land development approval shall demonstrate compliance with the terms of this Part.

§1-1603. Exemptions.

1. The following uses and activities are exempt from the regulations of this section:
 - A. The footprints of existing primary and accessory use structures, including but not limited to all agriculturally related research experiments, structures, or facilities, as well as any existing buildings, fences, lawns, gardens, utility lines, roads, driveways, sidewalks, bikeways, decks, piers, water, septic and sewage supply facilities and their related appurtenances (well houses, utility pump and lift stations, access holes, etc.).
 - B. Existing agriculture as defined in Chapter 4. Existence shall be determined as of the date of adoption of this Part.
 - a. To qualify as existing agriculture, a Natural Resources Conservation Service (NRCS) level conservation plan shall be submitted to the Township, which shall determine whether implementation of the conservation plan is and remains on schedule.

§1-1604. Riparian Buffer Delineation

1. The riparian buffer area is designated as:
 - A. An area that begins at each edge of a water body and shall extend landward a minimum width of one hundred (100) feet, measured horizontally on a line perpendicular to the nearest edge of the water body, as reviewed and approved by the Township Engineer.
 - a. For any existing or new agricultural activity, the riparian buffer width is established in §1-1604.1.A. above may be reduced from one hundred (100) feet to thirty-five (35) feet, provided that a conservation plan prepared by a Technical Service Provider certified by the Natural Resource Conservation Service (NRCS), has been submitted to the Township and that implementation of the conservation plan is on schedule, as determined by the Township.
 - B. Where the floodplain extends greater than one hundred (100) feet from the water body, the riparian buffer area shall extend to the outer edge of the defined 100-year floodplain.
2. Reduced buffer width for isolated wetlands and other water bodies. Wetlands and other water bodies not located along a watercourse, where the wetland or other water body is greater than ten thousand (10,000) square feet in area, shall have a minimum buffer width of fifty (50) feet, measured from the edge of the wetland or other water body around the entire perimeter.
3. The applicant shall delineate, for the property as a whole, any riparian buffer areas as specified in §1-1604.1. and in §1-1604.2. above on any plan that is submitted for any review or approval listed in §1-1602.
4. For any new agricultural activity, restoration standards, as set forth in §1-1606, Buffer Restoration and Planting Requirements, shall apply to the thirty-five (35) foot wide riparian buffer, as specified in §1604.1.A.a., above.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

§1-1605. Uses Permitted.

1. The following uses or activities are permitted by right in any portion of a riparian buffer area:
 - A. Wildlife sanctuaries, nature preserves, forest preserves, fishing areas, passive areas of public and private parklands.
 - B. Temporary stream restoration projects, stream bank restoration projects and vegetation restoration projects to restore the stream or riparian zone to an ecologically healthy stage utilizing natural channel design practices to the greatest degree possible. The project duration and timing shall be subject to Zoning Officer approval.
 - C. Stream crossings, not to exceed sixteen (16) feet in width, for farm vehicles or livestock if part of a federal, state, or county conservation district or local nonprofit riparian buffer improvement project. Applicants for stream crossings shall provide the Township with copies of all appropriate federal, state, or local permits prior to installing the crossing.
 - D. Road crossings (when perpendicular to the stream or buffer), bridges, culverts, utilities, and impoundments. Applicants for road crossings shall provide the Township with appropriate federal, state, or local permits prior to any Township approval.
 - E. Provision for stone-dust or natural trail and related trail access when determined by the Zoning Officer to result in minimum disturbance to existing trees and shrubs
 - F. Research and monitoring devices, such as staff gages, water recording, water quality testing, cross vanes, weirs and related demonstration facilities.
 - G. Structures that, by their nature, cannot be located anywhere except within the riparian buffer. These structures shall include docks, boat launches, public water supply intake structures, facilities for natural water quality treatment and purification and public wastewater treatment plant sewer lines and outfalls. The structures shall provide for the minimum practicable disturbance of the riparian buffer by minimizing size and location and by taking advantage of collocation, if possible.
 - H. Stormwater conveyance structures and outfalls. Structures shall provide for the minimum practicable disturbance of the riparian buffer by minimizing size and location, as determined by the Zoning Officer.
2. The following uses or activities are permitted by right only when located within the outer fifty (50) feet of a riparian buffer area that is one hundred (100) feet or more in width:
 - A. Timber harvesting operations, when conducted in compliance with a timber harvesting plan prepared, submitted, and approved in accordance with §1-1430.
 - B. Provision for paved trail and related trail access when determined by the Zoning Officer to result in minimum disturbance to existing trees and shrubs.
 - C. The grazing of livestock or growing of agricultural crops provided existing forested riparian buffers are not removed or otherwise impacted, and subject to an approved conservation and/or nutrient management plan, as applicable.
 - D. Any other use or activity permitted in the underlying zoning district, provided there is no re-grading, filling, or alteration within the inner thirty-five (35) feet of the riparian buffer area, and no more than twenty (20) percent of the outer sixty-five (65) feet may be re-graded, filled, or otherwise altered or subject to land disturbance. Uses and activities permitted by this provision shall not include the establishment of any impervious surfaces.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

3. The following activities or practices are expressly prohibited in riparian buffer areas:
 - A. Removal or disturbance of vegetation in a manner that is inconsistent with erosion and sedimentation control and riparian buffer protection.
 - B. Storage or discharge of any hazardous or noxious materials, except those used during emergencies for the treatment and/or maintenance of any public sewer and public water treatment facilities (i.e., generator sets or alternative drive units).
 - C. Use of fertilizers, pesticides, herbicides, and/or other chemicals, except:
 - a. where permitted by a valid conservation plan, forest management plan, or approved planting and maintenance plan (see §1606.5. below);
 - b. for selective herbicide application by a qualified professional to control noxious weeds and invasive species of plants in riparian buffers.
 - D. Motor or wheeled vehicle traffic in any area not designed to accommodate adequately the type and volume of vehicular movement.

§1-1606. Buffer Restoration and Planting Requirements.

1. All riparian buffer areas shall be continually maintained with a diverse mix of locally adapted native species of canopy trees, understory trees, shrubs, and herbaceous plants so as to constitute a forested riparian buffer where not otherwise occupied by any existing use exempted in accordance with §1-1603 or any authorized use permitted in §1-1605.
2. The applicant shall restore the full one hundred (100) feet, or thirty-five (35) feet as provided in §1-1604.1.A.a. of impacted riparian buffer area, or the first one hundred (100) feet of a 100-year floodplain, to a forested riparian buffer, as a condition of any approval required in §1-1602 through non-native invasive plant removal and planting of a diverse mix of native tree species.
3. For tracts of ground proposed for new agricultural activities, and subject to Township approval of riparian buffer width pursuant to §1604.1.A.a. the applicant shall fully restore the thirty-five (35) foot buffer width through non-native invasive vegetation removal and planting of a diverse mix of native tree species.
4. For Wetlands and other Water Bodies not located along a Watercourse, where the wetland or other Water Body is greater than ten thousand (10,000) square feet in area, the applicant shall fully restore the fifty (50) foot Riparian Buffer width.
5. Restoration of the impacted riparian buffer shall occur as follows:
 - A. Restoration plantings shall be planted at a density sufficient to provide a minimum of two hundred (200) trees per acre at canopy closure. The following tree planting and spacing standards shall apply at installation:
 - a. Seedlings – 10-foot spacing (approx. 435 seedlings/acre) protected by 5-foot tree shelters.
 - b. Bare root trees or container trees (at least 6 feet in height for either) – 12-foot spacing (approx. 300 trees/acre). Tree shelters, wraps, or other proven methods shall be required to prevent damage from antler rubbing.

To reduce competition from grasses and invasives, vegetation around tree shelters shall be sprayed or otherwise effectively controlled annually for a minimum of four (4) years. Tree shelters shall be maintained at all times and removed when the tree reaches 1½ - 2" caliper.
 - B. Landowners who are enrolled in, and fully in compliance with, Pennsylvania's Conservation Reserve Enhancement Program (CREP) administered through the Farm Service Agency of the USDA are permitted to utilize their stream-side buffer restoration to satisfy the forested riparian buffer restoration requirements of this section for as long as they are enrolled in, and fully in compliance with, that voluntary program, as determined by the Township.

Additional planting guidance may be obtained from PADEP's Bureau of Watershed Management Document Number 394-5600-001, entitled "Riparian Forest Buffer Guidance, November 27, 2010, and the "Chesapeake Bay Riparian Handbook, A Guide for Establishing and Maintaining Riparian Forest Buffers," USDA Forest Service, NA-TP-02-97, Radnor, PA.
6. Applicants shall submit, and as a condition of approval for any application listed in §1-1602, a planting and maintenance plan for the impacted riparian buffer. The plan shall be prepared by a registered landscape architect, professional plant ecologist, or other qualified party, as deemed acceptable by the Township. The plan shall identify the number, density and species of locally adapted native trees appropriate to the site conditions that will achieve a minimum of sixty (60) percent uniform canopy coverage within ten (10) years. The plan shall describe the maintenance program to be conducted by the buffer owner for a minimum of five (5) years, including measures to remove, and subsequently control, invasive plant species, limit deer and rodent damage, and replace deceased trees for the first four (4) years. Applicants with riparian buffer areas associated with a pending Township application, and which are also enrolled in CREP, shall submit a plan showing the existing or proposed stream-side buffer planting that has been approved by the Farm Service Agency.
7. Any riparian buffer that is included within a lot created after the effective date of this ordinance shall include as a condition of approval of the subdivision creating the lot, a restrictive covenant approved by the Township Solicitor, and recorded with the final subdivision or land development plan and the deed for the lot. The restrictive covenant shall define the riparian buffer area, shall include binding provisions for the adequate long-term functioning and integrity of the riparian buffer, and shall include a requirement for notification of all subsequent lot owners of its restrictive nature.
8. Restoration to a forested riparian buffer shall not be required for issuance of a building permit for a single-family residence, addition thereto, or for the construction of an accessory structure with less than five thousand (5,000) sq. ft. of earth disturbance on an existing lot.
9. Any regulated activity (including but not limited to new development, redevelopment, or earth disturbance) that is to take place incrementally or in phases or occurs in sequential projects on the same parcel or property, shall be subject to the forested riparian buffer restoration requirements if the cumulative earth disturbance exceeds the corresponding threshold in §1-1606.8. above.
10. The date of adoption of this Part 16 shall be the starting point from which to consider tracts as parent tracts relative to future subdivisions, and from which earth disturbance computations shall be cumulatively considered.

For example, if after adoption of this Part, an applicant proposes to disturb a 1,500 square foot area, that project would be exempted from the forested riparian buffer restoration requirements of §1-1606.6. above. If, at a later date, an applicant proposes to disturb 3,700 square feet of additional area on the same property, the applicant would then be required to comply with the forested riparian buffer restoration requirements for the cumulative total of 5,200 square feet of square feet added to the property since adoption of this Ordinance.

§1-1607. Modifications to Riparian Buffer Standards.

1. For any use or activity subject to Subdivision or Land Development review, as part of an applicable plan submission, modifications to and/or waivers from the provisions of Sections 1-1602 or 1-1606 of this Chapter may be requested in writing. Requested modifications or waivers may be granted at the sole discretion of the Board of Supervisors pursuant to the provisions of Chapter 2, Subdivision and Land Development.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

2. For any proposed use or activity not subject to Subdivision and Land Development review that is unable to comply fully with the terms of §1602 and/or 1606, an applicant may seek special exception approval for such use or activity from the Zoning Hearing Board. In its consideration of an application for special exception approval, the Zoning Hearing Board, in addition to the terms of §1908 of this chapter, shall review the application in relation to the following standards and criteria as a basis for its decision:
 - A. That there are unique physical circumstances or conditions, including but not limited to irregularity, narrowness, or shallowness of lot size or shape, excessive frontage along a water body, presence of existing buildings or structures, or exceptional topographical or other physical conditions peculiar to the particular property. That because of such physical circumstances or conditions, it is impracticable for the property to be developed in strict conformity with the buffer requirements of this Part 16 and that the approval of the special exception application is therefore necessary to enable the reasonable use of the property under base zoning provisions.
 - B. That due to excessive stream frontage, the length of buffer requiring restoration and planting is disproportionate to the proposed land disturbance. In such situations, the buffer may be reduced in length such that:
 - a. The restored and planted buffer is located downslope of the disturbed area draining to the buffer; and
 - b. The runoff flowing through the restored and planted buffer will stay as sheet flow for its entire length.
 - c. Notwithstanding the terms of §1-1607.2.B.a. and §1-1607.2.B.b., above, and where the down slope riparian corridor is not located on the subject property, a restored and planted buffer may be required to be located adjacent to other portions of the stream corridor situated on the subject tract.
 - C. That the special exception, if approved, will result in the minimum reduction in performance of the riparian buffer, pursuant to the purposes set forth in § 1601 of this Part, as needed to provide for the lawful intended use.
3. An applicant shall provide appropriate documentation in support of the special exception application, and the Zoning Hearing Board may request additional documentation from an applicant to help reach its decision.
4. No alteration of the use regulations set forth in Sections 1-1605 shall be authorized as modification pursuant to this §1-1607. Any such requested alteration shall constitute an application for a variance, meeting all applicable requirements for same, to be submitted to the Zoning Hearing Board.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

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:

1. To control the size, location, and illumination of signs in the Township in order to reduce hazards to pedestrian and vehicular traffic.
2. 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.
3. 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.
4. To prohibit the construction of and require the removal of signs which constitute a hazard or a blighting influence.

§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.
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.

§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.
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.

§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	

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

§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.

1. Directional, Information, or Public Service Signs.

- A. Includes signs which advertise the availability of restrooms, telephone, accessibility to people with disabilities, or similar public conveniences.
- B. Includes signs which advertise meeting times and places of nonprofit service or charitable clubs and organizations.
- C. 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.
- D. Does not include signs which advertise any commercial establishment, activity, organization, product, good, or any service other than services indicated in §1-1705,1.C.b., §1-1705,1.C.c., and §1-1705,1.C.d. above.

2. Trespassing Signs

3. Real Estate Signs, small residential advertisement style only, as specified in §1-1706.

4. Major Home Occupation Signs.

5. Agricultural Signs.

6. Traffic Signs officially erected by the Commonwealth of Pennsylvania or New London Township.

7. 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.

8. 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.

9. Temporary duration professional signs that are no larger than 6 square feet in area.

§1-1706. Sign Classification, Size, and District Applicability.

Signs shall be classified, regulated, and permitted as follows:

1. 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 §1-1706.3., "Identification Signs," below.

- A. Permitted in all districts.
- B. 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.
- C. 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.
- D. 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.

2. 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.

- A. Permitted in all districts.
- B. Dimensional Requirements. As deemed appropriate by the Commonwealth of Pennsylvania or New London Township.

3. 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.

4. 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 multi-business 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.
 - a. Hours of operation.
 - b. Payment methods.
 - c. Equipment or machine operating instructions.
 - d. Pedestrian and/or vehicular traffic control.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

- e. Directions and information about the business, commercial, or industrial services.
- f. Public conveniences, such as restrooms, telephone, and accessibility to people with disabilities.
- B. Permitted in the C-Commercial District and LI-Limited Industrial Districts only.
- C. Styles and Dimensional Requirements.
 - a. 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 §1706.4.D. "Allowable Locations," below.
 - i. For a premises where only one commercial or light industrial business use occurs, the total of: all-wall mounted, or all roof-mounted, or 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 §1706.4.D.c.
 - ii. For a premises with two or more separate commercial or light industrial business uses, the total of: all-wall mounted, or all roof-mounted, or 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 §1706 4.D.c.
 - iii. Special types of wall-mounted signs shall include:
 - 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.
 - Landscape Stone or Masonry Wall Signs. See regulations for freestanding signs in §1706.4.D.b. below.
 - 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.
 - ✓ Other Special Structures. No sign shall be mounted on these structures, except the manufacturer's label and safety-related signs.
 - ✓ Industrial tanks and vessels, including surrounding structures.
 - ✓ Agricultural silos, vessels, and similar structures.
 - ✓ Slat or chain fences.
 - b. Freestanding Signs.
 - i. Business campus or multi-business, development sign which shows the name and trademark/symbol.
 - Sign faceplate, including name(s), not to exceed 60 square feet per side of sign.
 - 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.
 - ii. 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.
 - 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.
 - Maximum height of sign faceplate and support structure shall be 35 feet.
 - c. Pedestrian and Vehicular Traffic Control.
 - i. 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.
 - ii. Graphic sizes shall be per Pennsylvania Department of Transportation standards.
 - iii. Maximum height of freestanding signs (faceplate and supporting structure) shall be per Pennsylvania Department of Transportation standards.
 - iv. For signs with no corresponding Pennsylvania Department of Transportation standard, the sign faceplate area and maximum height shall be reasonable for the control application.
 - d. Public Conveniences, Such as Telephone, Restroom, and Disabled Accessibility.
 - i. 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.
 - ii. Maximum height of sign faceplate and supporting structure shall be 5 feet.
 - e. Signs Mounted on Equipment or Machines.
 - i. For each machine or equipment, only the following signs are allowed: operating instructions, product descriptions, regulatory seals, regulatory licenses, and one business logo.
 - ii. The business logo area shall not exceed 3 square feet. The remaining allowable signs may be any size required for readability.
 - f. Signs Mounted on Windows and Doors.
 - i. 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.
 - ii. 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.
 - iii. Regulatory seals and licenses are not subject to the cumulative area requirement.
 - g. Signs Suspended from Roof Eaves or Overhangs.
 - i. Signs which show the name and trademark/symbol only for a single business. Maximum sign faceplate area shall be 3 square feet.
 - ii. Public Convenience Signs. Sign faceplate area shall be per regulatory agency standards.
- D. Allowable Locations.
 - a. 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 to 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.
 - b. 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.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

- c. Freestanding signs. See §1-1702, "General Regulations."
- d. 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.
- e. Signs mounted on windows and doors. No other location restrictions.
- f. 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.
- g. 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.
- h. Public convenience signs shall be mounted in close proximity to the convenience or in a reasonably visible location.
- i. 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.
 - a. Roof eave or overhang sign with the business name and/or trademark/symbol. One sign per commercial or industrial business establishment.
 - b. Pedestrian and vehicular traffic control. A reasonable number of signs shall be used to accomplish safe pedestrian and vehicular traffic movement on the property.
 - c. Public conveniences. One sign allowed per convenience and per each side of building structure, including the adjacent roof eave or overhang.
 - d. 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.
- 5. Major Home Occupation Signs. Such signs may be used to indicate a major home occupation, as defined in Chapter 4
 - A. Permitted in all districts by special exception.
 - B. Dimensional Requirements. Not to exceed two 2 square feet.
- 6. **All Other Identification Signs.** Such signs shall include those signs not included §1-1706.4 and §1706.5 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.
 - a. Freestanding Signs.
 - i. Sign faceplate, including name(s), not to exceed 32 square feet.
 - ii. 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.
 - b. Wall Mounted Signs. Maximum length or width shall be 30 feet and maximum height shall be 8 feet.
 - C. Allowable Quantities.
 - a. Freestanding Signs. See §1-1702, "General Regulations."
 - b. Wall-mounted Signs. One sign allowed on front of building. One sign is allowed on each building elevation that is exposed to public view from either a street or parking area.
 - D. Non-Commercial Directional Signs.
 - a. Allowable signs shall be in accordance with §1-1705.1.
 - b. Permitted in all districts.
 - c. Dimensional Requirements. Not to exceed 2 square feet.
 - E. Trespassing Signs.
 - a. 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.
 - b. Permitted in all districts.
 - c. Dimensional Requirements. Not to exceed 2 square feet.
 - F. Agricultural Signs.
 - a. Signs advertising the sale of farm products grown or produced on the premises.
 - b. Permitted in all districts.
 - c. 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.
 - a. Permitted in all districts.
 - b. 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" advertisements 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.
 - a. Permitted in all districts.
 - b. Styles.
 - i. Paper. Signs 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.
 - ii. Non-Paper. All other signs not made of paper, and which are not listed in §1706.1. above, shall be freestanding.
 - c. Dimensional Requirements.
 - i. Paper. Sign faceplate not to exceed 2 square feet. Signs 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.
 - ii. Non-Paper. Sign faceplate not to exceed 12 square feet and overall height to not exceed 10 feet.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

- d. Quantity Allowed per Parcel.
 - i. Political Candidate Advertisements. Unlimited number of paper styles.
 - ii. "Open house" advertisement and directional signs for a residential use property or subdivision two paper style.
 - iii. All other signs. see §1-1702, "General Regulations."
- e. Installation Duration.
 - i. Paper sign styles shall be removed within 72 hours after the event ends.
 - ii. Non-paper sign styles shall be subject to the duration listed in §1-1707 regarding temporary signs.

§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:

1. Permits shall run for a period of up to 6 months, as is the choice of the applicant.
2. Any freestanding sign shall be located at least 10 feet from any lot line.
3. Signs shall be removed immediately upon expiration of the permit.
4. The site or building on which the sign was erected shall be restored to its original condition upon removal of the sign.
5. A permit may be re-issued for successive 6-month periods. A new permit fee shall be paid each time a permit is re-issued.

§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 §1-1708.1.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 guaranteed 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 guaranteed 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.

§1-1709. Nonconforming Signs.

1. Any sign existing at the effective date of this Part¹ 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 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.

§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 of 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.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

6. After installation, the Zoning Officer shall inspect the sign to ensure that the installation has conformed to the regulations set forth in this Part. All signs shall henceforth be subject to annual inspection.

§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 guaranteed bond shall be provided by the applicant as a condition of approval. The guaranteed 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.

¹ Editor's Note: This Section in its present form, was originally enacted by Ord. 2002-12-3 on December 19, 2002, effective December 24, 2002.

**Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning**

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.

§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:

1. **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.
2. **Extension of Use.** Any lawful nonconforming use of land exclusive of buildings and the use contained within, may be extended upon the lot which 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.
3. **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.

§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:

1. **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.
2. **Restoration.** A lawful nonconforming building or structure which has been destroyed by fire or some other calamity may be restored provided:
 - A. The restored building or structure shall not exceed the height, area or bulk of the damaged or destroyed building or structure.
 - B. Restoration shall begin within 1 year of the date of damage or destruction and shall be carried on without interruption.
 - C. 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.

§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.

§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.

§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:

1. **Nonconforming Lots.** The proposed use conforms to the permitted uses in the district in which such lot lies.
2. **Nonconforming Buildings and Structures.** The alteration or expansion of such buildings and structures conforms to the building's height requirement.
3. **Nonconforming Use.** The design standards imposed for uses within the applicable district have to be appropriately applied to the use of the lot.
4. **General.** The criteria established under Part 19 for special exceptions have been complied with.

§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.

**Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning**

**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.

§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.

§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.

§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.

1. **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.
2. **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.
3. **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.
4. **Validity of this Chapter.** The Board shall hear and make findings on challenges to the validity of this Chapter with respect to substantive questions.

§1-1905. Hearings.

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

1. **Notice.** The Board shall fix a reasonable time and place for public hearings and shall give notice thereof as follows:
 - A. 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.
 - B. By mailing a notice thereof to the parties in interest, and to any person who has made a timely request for the same.
 - C. By mailing a notice thereof to the Zoning Officer, the Township Secretary, each member of the Planning Commission-and to every person or organization who shall have registered with the Board for the purpose of receiving such notices.
 - D. By posting notice of said hearing in a conspicuous location of the affected tract of land.
 - E. 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.
 - F. The notice required shall state the location of the lot or building and the general nature of the question involved.
2. **Timing.** A hearing shall be held within 60 days from the official application date requesting a hearing.
3. **Parties to the Hearing.** The parties to the hearing shall be any person who is entitled to notice under §1905.1. and any other person permitted to appear by the Board.
4. **Powers of the Chair.** The chair or acting chair 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.
5. **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.
6. **Exclusion of Evidence.** Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
7. **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.
8. **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.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

§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.

§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.

1. **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.
2. **Strict Conformity Cannot Occur.** Because of the physical circumstances or conditions described in §1907.1., 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.
3. **Liability of the Applicant.** Such unnecessary hardship described in §1907.1. 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.
4. **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.
5. **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.
6. **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.
7. **Financial Gain.** In no case shall a variance be granted solely for reasons of additional financial gain on the part of the applicant.

§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.

1. **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.
2. **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.
3. **Suitability of the Tract.** Consideration of the suitability of the tract, including environmental conditions, highway access and availability of sewer and water facilities.
4. **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.
5. **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.
6. **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.

§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.

§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.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

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.

§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:
 - a. 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.
 - b. 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.
 - c. 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.

§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.

1. **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.
 - A. The enforcement notice shall state at least the following:
 - a. The name of the 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:
 - i. 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.
 - ii. Civil enforcement proceedings can be bought.
 - B. 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 **Act247** 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.
 - C. Repeat violation of an initial notification as to violation of an ordinance provision shall result in the fines as provided in §1-2004.
 - D. 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 complaints, investigate, and take action thereon as provided by this Chapter.
2. **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.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

§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.

§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.

§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 §1-2006.3. specifications for single residential lots, and §2-404.5., "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 manufactured 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 County Conservation District. The attached plan illustrates what a typical plan would look like. At a minimum, the following items shall be included in the plan.
 - a. An upstream diversion berm to direct runoff away from areas to be disturbed.
 - b. 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.
 - c. 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.

§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.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

- 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 §2-404.5, "Final Resource Impact and Conservation Plan," §2-404.5.B. of the Subdivision and Land Development Ordinance [Chapter 2] and §1-2006 above.

§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.

§1-2009. Zoning Permit.

A zoning permit shall be required prior to commencement of the following:

1. Any construction, development, use, or activity subject to the terms of Part 11, Flood Hazard District.
2. Any manufactured change to improved or unimproved real estate in the Conservation Slope District as indicated under Part 12, §1-1210.
3. Any proposed forestry activity requiring a zoning permit under the terms of §1-1430.

§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.

§1-2011. Sign Permits.

Sign permits shall be governed by the provisions of §1-1710.

§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.

§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 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:
 - a. Approve the application as presented.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

- b. Disapprove the application as presented, including findings of fact or conclusions on which the decision was based.
- c. 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.
 - a. 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.
 - b. 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:
 - a. A building permit.
 - b. A use and occupancy permit.
 - c. Subdivision or land development approval, as appropriate, unless the Board of Supervisors 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.

§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.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

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.

§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.

1. **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.
2. **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.
3. **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.
4. **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.

§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.

§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. §1-1004.
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.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

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.

§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.

§1-2203. General Design Standards.

1. Design and development in the TND Overlay District shall comply with the following design principles:
 - A. Design Standards.
 - a. 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.
 - b. 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.
 - a. An interconnected network of streets and alleys should be created to effectively accommodate vehicles, pedestrians, and bicycle circulation, and to create a block structure. streets and ss shall form an interconnected vehicular circulation network to the maximum extent possible.
 - b. Development adjacent to existing streets and alleys shall include extensions thereof to serve new development, redevelopment, or infill development.
 - c. The street rights-of-way from the TND Overlay District shall be extended to connect to adjoining tracts where feasible.
 - d. 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.
 - e. 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)	20 ft.	18 ft.	10 ft.	16 ft (No Curb)
Minimum Center Line Radii	100 ft.	50 ft.	10 ft.	16 ft.
Maximum Grades	7%	8%	10%	10%
Grass Strip	4 ft.	4 ft.	4 ft.	N/A
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.

- f. 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 §1-1305.2, 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.
- g. , 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.
- h. 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.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

- 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 pedestrians. Alley design standards shall be in accordance with Table 1 and the following:
 - a. 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.
 - b. Alleys are a type of street providing secondary vehicular access to the rear or side of the lot. Garages shall be located on either side of the alley.
 - i. An 18-foot-deep driveway shall be provided to enable vehicles to park perpendicular to the 16-foot-wide alley.
 - c. Alleys shall be the predominate thoroughfare type to gain access to parking.
 - d. At least 50% of the single-family detached dwelling lots shall be accessed by alleys, and any garage not accessed from an alleys shall be setback at least 18 feet from the front of the house.
 - e. One hundred percent of parking for attached dwellings and multifamily dwellings shall be accessed by alleys.
 - f. Land uses should be transitioned primarily to alleys, not at streets, so as to create like-type uses on both sides of a street.
 - g. Alleys should not have sidewalks or curbs.
 - h. Alleys shall be landscaped.
- D. Building Height/Width/Proportion.
 - a. 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.
 - b. 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.
 - c. 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.
 - d. No principal building shall exceed 35 feet in height.
 - e. 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 curb line, street trees, and buildings with porches.
 - a. Street design standards shall be in accordance with the table in §1-2203.1.B.e.
 - b. To create diversity and interest, there shall be variations in lot widths of adjacent lots.
- F. Street Wall.
 - a. 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.
 - b. 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.
 - c. 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.
 - a. 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.
 - b. On a corner lot, the build-to line shall be on both sides of the lot on which the building has street frontage.
 - c. Whenever a front porch, portico, or stoop is involved, it shall be placed on the build-to line.
 - d. 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.
 - e. Front porches and wrap-around porches are strongly encouraged.
 - f. 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.
 - g. 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.
 - h. Adjoining single-family dwelling lots may have attached garages in the rear yard accessed off an alley to allow for more useable rear yards.
 - i. 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.
 - j. The following standards shall apply to any nonresidential building:
 - i. 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.
 - ii. 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.
 - iii. No building shall have opaque windows on the first/ground floor.
- H. Off-Street Parking; Parking Lots.
 - a. Off-street parking shall be located to the rear of building to the maximum extent possible.
 - b. Open-air off-street parking lots shall never be located at a street corner, as buildings shall anchor corner lots.
 - c. 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.
 - d. 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.
 - e. Parking lots shall be landscaped so that their interiors have at least 15% of the otherwise paved area devoted to landscaping.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

- f. 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.
 - g. 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.
 - i. 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.
 - ii. Up to 50% of the parking spaces for:
 - 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.
 - 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).
 - ✓ 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.
 - iii. 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.
 - h. Location. Off-street parking for any use in the TND Overlay District shall be located as follows:
 - i. Where the property contains one principal building, parking shall be located in a side or rear yard only.
 - ii. 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.
 - iii. 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.
 - i. 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.
 - j. 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.
 - k. 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.
- a. 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:
 - i. No loading space shall be located in any front or side yard, nor shall it be visible from any public street.
 - ii. No loading space shall be located less than 25 feet from any existing residential lot line or residential zoning district boundary.
 - iii. 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.
- a. Sidewalks shall be placed on both sides of all streets to enhance pedestrian circulation.
 - b. 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.
 - c. 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.
 - d. Crosswalks shall be at least 6 feet in width and shall be physically and visually distinctive to facilitate pedestrian circulation at street corners.
 - e. Except as otherwise noted herein, every property shall provide a sidewalk along its entire street frontage. The standards contained in this Section shall supersede the standards for sidewalks contained in §1-1307 and §2-513. Where applicable, the Township may require pedestrian connection to an existing trail.
 - f. For properties fronting 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.
 - g. 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.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

- h. 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.
- i. 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.
- j. 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.
- k. 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. Streetlights

- a. Streetlights 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.
- b. Streetlight 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.
- c. No streetlight 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 complement to the architectural alignment of buildings.

- a. 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.
- b. 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.
- c. Species for street trees and shade trees shall be in accordance with Exhibit B.
- d. Landscape design shall also include fences, walls, piers, pillars, and the like, to soften and screen the appearance of parking areas.
- e. 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.
- f. All landscape materials should conform to the current edition of the "American Standard for Nursery Stock" of the American Nursery and Landscape Association.
- g. Landscaping shall be consistent with the terms of §1-1303.
- h. Shade trees, as required in §2-517, shall be provided along all street frontages, whether the street is existing or proposed.
- i. 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.
- j. 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-New London Village District and/or the lot line of any existing residential property.
- k. Vegetation intended to comply with the screening requirements shall meet the following standards:
 - i. Plant material shall include a variety of deciduous and evergreen species indigenous to the area, to as to provide an effective year-round screen.
 - ii. Not less than 50% of all plant material incorporated into a vegetative screen shall be evergreen.
 - iii. 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.
 - iv. Vegetative screens shall be continually maintained. The **Applicant** shall be responsible for plantings for a period of 1 year following conveyance 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.

- a. Fences in front yards shall not exceed 4 feet in height.
- b. Fences in front yards shall not exceed 50% opacity. Picket fences are strongly encouraged.
- c. 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.
- d. Unless otherwise noted above, fences alongside and rear yards shall not exceed 6 feet in height and may be 100% opaque.

§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. Hotel or Inn, either as a new building or as an adaptive reuse of an existing building, in accordance with the terms of **§1-1439**.
- 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:
 - a. Cafe; restaurant; farmers market.
 - b. Antique shop; gift shop.
 - c. Corner store; newsstand; florist; jeweler.
 - d. Clothing store.
 - e. Art gallery; art studio.
 - f. Pharmacy, without any drive-thru.
 - g. Bank, without any drive-thru.

**Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning**

- h. 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.

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.
- C. Accessory dwelling unit, in accordance with the terms of §1-1429.

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. Bed-and-breakfast establishment, in accordance with the terms of §1-1438.
- 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 area, 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 §1-2204.1.H.

§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.

§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).

- a. 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.
- b. Attached dwelling: 2,000 square feet.
- c. Apartments: 600 square feet per unit.
- d. Retail, office and civic uses: 10,000 square feet.

B. Lot Width.

- a. Single-family detached dwelling: 40 feet minimum.
- b. Attached dwelling: 20 feet minimum to 36 feet maximum.
- c. Live-work unit: 20 feet minimum to 30 feet maximum.
- d. 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
Retail, office and civic uses	15	10*	15
* 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.

- a. All residential uses: 80% of the lot.
- b. Retail, office and civic uses: 95% of the lot.

E. Building Height.

- a. Twenty feet minimum for all principal buildings.
- b. The maximum height for principal buildings shall be 35 feet.
- c. The maximum height for accessory buildings shall be 10 feet less than the principal building.

F. Minimum Habitable Floor Area.

- a. Each dwelling unit shall have at least 600 square feet of habitable floor area.

§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.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

- F. Forestry in accordance with the terms of §1-1430.
- G. Private club, lodge, or non-profit 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 solely for members and their guests.
- H. Hotel or inn, in accordance with the terms of §1-1439.

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.
- C. Accessory dwelling unit, in accordance with the terms of §1-1429 of this Chapter.

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 establishment, in accordance with the terms of §1-1438.
- 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.
- F. Hospital

§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
Single-Family Detached Units	50 % of the tract area
Attached Dwelling Units	20 % of the tract area
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:
 - a. 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.
 - b. A minimum of 5% of the gross tract area shall be for active recreation facilities, playfields, play courts, playgrounds and tot lots.
 - c. 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.

§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).
 - a. 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.
 - b. Two-family dwelling: 4,000 square feet for each dwelling.
 - c. Attached dwelling: 2,000 square feet.
 - d. Nonresidential: 10,000 square feet.

B. Lot Width.

- a. Single-family detached dwelling lot: 35 feet minimum to 65 feet maximum.
- b. Two-family dwelling lot: 35 foot minimum
- c. Townhome: 20 minimum to 36 feet maximum.
- d. Nonresidential: 65 feet minimum

C. Yard Requirements (minimum required).

	Build To Line **(feet)	Minimum Either Side (feet)	Total Two Side(s) (feet)
Single family detached dwelling	10	5	10
Two family dwelling	10	5	10
Attached dwellings	10	**	
Nonresidential	15	10*	15
* 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.

- a) All residential uses: 75% of the lot.
- b) Nonresidential uses: 85% of the lot.

E. Building Height.

- a) Twenty feet minimum for all principal buildings.
- b) The maximum height for principal buildings shall be 35 feet.
- c) The maximum height for accessory buildings shall be 10 feet less than the principal building.

§1-2210. Procedures for Approval of Development in the TND Overlay District.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

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.
 - a. 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.
 - a. 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.
 - a. 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.
 - b. Building elevations for all proposed building types.
 - c. Color sketches and renderings depicting the proposed architectural character and streetscape character of the TND Overlay District.
 - d. 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.
 - a. 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.
 - b. The plan shall indicate the location of all bike lanes and bike paths.
 - c. Such plan shall indicate all materials, depths of pavement courses, and gradients.
 - d. Such a plan shall also indicate the locations for all proposed street furniture, such as benches, planters, bicycle racks, and waste receptacles.
 - E. Pedestrian Access Plan.
 - a. A separate plan sheet shall be submitted to depict the proposed interconnected network for pedestrian access including sidewalks, crosswalks, other pathways, and bike paths.
 - b. Such a plan shall indicate all sidewalk, crosswalk, and path widths, materials and gradients.
 - F. Open Space and Recreational Facilities Plan.
 - a. A separate plan sheet shall depict all proposed open space, greens, recreational facilities, and civic art.
 - G. Landscape Plan.
 - a. A separate plan sheet shall be submitted to depict all proposed landscape features.
 - b. 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.
 - a. 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.
 - b. 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.
 - a. 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.
 - b. All new utilities shall be underground.
 - c. All cable TV boxes, PECO meters, and the like shall be located at the rear of properties and shall be screened.
 - J. Phasing Plan.
 - a. 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.
 - b. 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:
 - i. Permit a variation in each phase from the density, or intensity of use, or mixed-use for the entire development.
 - ii. Allow for a greater concentration of density or intensity of land use, or mixed-use within some phase of development.
 - iii. 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.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

- K. Declaration of Covenants, Easements and Restrictions.
 - a. 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 if in 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.

§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 §1-905.10.C.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:
 - a. 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.
 - b. 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.
 - c. Measures designed to buffer visual impacts from the fueling positions on neighboring properties. Fueling positions shall be located only in the rear yard.
 - d. 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.
 - e. 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.
 - a. 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:
 - i. On-site parking is needed to serve the uses.
 - ii. Appropriate landscaping.
 - iii. Requisite stormwater management facilities.
 - iv. Satisfactory internal circulation.
 - v. Safe and convenient access to streets and/or alleys.
 - vi. 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.

Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning

- K. Residential Conversion to Nonresidential Use.
- a. Purpose. It is the purpose of this Section to provide reasonable 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.
 - b. 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.
 - c. Standards. Any conversion of a residential property to nonresidential or mixed residential/nonresidential use shall comply with the following standards:
 - i. 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.
 - ii. Such residential buildings 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.
 - iii. Where a waiver has been granted by the Board of Supervisors under the terms of §2-201.5. of the New London Township Sub-division/Land Development Ordinance [Chapter 2], a proposed residential conversion shall not require approval as a land development.
 - iv. 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.
 - v. 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.
 - vi. 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.
 - vii. 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.
 - viii. 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.
 - ix. 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.
 - x. 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.
 - xi. 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.
 - xii. 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.
 - xiii. Where the proposed conversion will result in a mixed residential/nonresidential use of the building, the following shall apply:
 - Unless the Board finds it clearly infeasible, no residential use shall occur on the ground floor following conversion.
 - The residential portion of the converted building shall comply with the definition of dwelling unit or units under the terms of this Part.
- L. 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.

**Compilation of Land Use Ordinances of the Township of New London
Chester County, Pennsylvania
Chapter 1: Zoning**

ENACTED AND ORDAINED into an ordinance this _____ of _____, 2025 by the Supervisors of the Township of New London, Chester County, in Lawful Session duly assembled. BOARD OF SUPERVISORS OF NEW LONDON TOWNSHIP, CHESTER COUNTY, PA	
Attested	Township of New London
_____ Secretary	_____ Chair, Board of Supervisors
Enacted: ____/____/____	_____ Vice Chair, Board of Supervisors
Effective: ____/____/____	_____ Member, Board of Supervisors