

ARTICLE 19 - GENERAL PROVISIONS

The overall intent of these General Provisions is to identify certain supplementary regulations and standards which are either common to all zoning districts or pertinent to several zoning districts as stated herein.

SECTION 1900 OVERALL REQUIREMENTS

A. Every principal permitted building shall be built upon a lot with frontage upon a public or private street improved to meet Township standards or for which such improvements have been insured by the posting of a performance guarantee pursuant to the Subdivision and Land Development Ordinance of the Township. Such frontage shall be in accordance with that specified in the Article pertaining to the particular district in which such lot is located. However, the following shall apply whenever a sharing of the frontage takes place:

1. Reduction in Minimum Lot Width at the Street Line.

The subdivision of land shall allow for the mutual sharing of the minimum lot width at the street line by not more than three (3) lots, provided, however, that any shared driveway must conform to the minimum and maximum grade requirements specified for local streets in the Edgmont Township Subdivision and Land Development Ordinance; and, further, provided that any shared driveway which exceeds one thousand (1000) feet must conform to all Design Standards and Required Improvements for streets specified in the Edgmont Township Subdivision and Land Development Ordinance.

2. Street Standards

No subdivision shall be permitted which creates a situation whereby more than three (3) lots have access onto a street which does not conform to the provisions of the Edgmont Township Subdivision and Land Development Ordinance pertaining to Design Standards and Required Improvements for streets.

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- B.** No more than one (1) permitted principal use shall be permitted on a lot except in the PRD, C-1, C-2, C-3, POC, or LI Districts, which are intended to promote mixed uses.
- C.** All activities that require the moving of earth or the filling or excavation of an area shall occur only in accordance with the Township Grading Ordinance, as may be amended, supplemented or replaced from time to time. The deposit of soils, detritus or other debris unsightly or detrimental to surrounding properties, streets, sewers, and natural watercourses shall be prohibited.
- D.** Whenever the Board of Supervisors shall determine that a public water (supply) system or public water system is reasonably available to any proposed new subdivision or land development, such new subdivision or land development shall connect to and use such system, including the installation of a sprinkler fire suppression system.
- E.** Whenever the Board of Supervisors shall determine that a public water (supply) system or public water system is reasonably available to any new construction, excluding subsequent improvements to an existing residential structure or building:

 - 1. Such new construction shall connect to and use such system, including the installation of a sprinkler fire suppression system.
 - 2. In the event that forty percent (40%) or more of the gross square footage of any non-residential building or structure is improved, renovated, repaired, reconstructed, rehabilitated, added to, altered or modified, then said non-residential building or structure shall be connected to and use such system, including the installation of a sprinkler fire suppression system.
- F.** For the safety of the residents or occupants of any building or structure, all new construction shall contain fire alarm systems, satisfactory to the Township, although, such fire alarm systems need not be connected to any form of central or off-site monitoring system or service, unless otherwise required by law.

SECTION 1901 GENERAL LOT AND YARD REQUIREMENTS**A. Lot Area and Yard Requirements**

The lot or yard requirements for any permitted building or use shall not include any part of a lot that is required by any other permitted building or use to comply with the requirements of this Ordinance. No required lot area of yard shall include any property, the ownership of which has been transferred subsequent to the effective date of the provisions of this Ordinance, if such property was a part of the area required for compliance with the dimensional requirements applicable to the lot from which such transfer was made.

B. Minimum Lot Area and Lot Area Per Dwelling Unit

Where a minimum lot area is specified no principal building or use shall be erected or established on any lot of lesser area, except as provided in Section 1901.D. below.

C. Minimum Lot Width

Where a minimum lot width is specified, no principal building shall be erected on any part of a lot which has a width of less than required under the applicable zoning district, except as provided in Section 1901.D. below.

D. Exceptions to Minimum Lot Areas and Lot Widths.

The provisions of Sections 1901.B. and 1901.C. above shall not prevent the construction of a building, provided the yard requirements are observed, on any lot which was lawful when created and which, prior to the effective date of this Ordinance, was in separate ownership duly recorded by plan or deed, subject to the provisions of Section 1913.

E. Front and Side Yards of Corner Lots

Corner lots shall provide for equal setbacks on both streets.

F. Front Yard Regulations

Where a minimum depth of front yard is specified in a

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District, an open space of at least the specified depth shall be provided between the street line or lines and the nearest point of any building or structure except as may be hereinafter permitted.

- G.** Exception to Required Front Yard for Certain Accessory Uses.

The front yard requirements for any district shall not apply to accessory signs and off-street parking facilities, unless decided otherwise by the Board of Supervisors.

- H.** Side and Rear Yard Requirements

Where a minimum width of side yard is specified, no building or other structure shall be erected within such width from either side lot line, except as provided in Section 1909.C.

- I.** Projections into Required Yards.

No building or part thereof shall be erected within, or shall project into any required yard in any district except for nonenclosed porches, terraces, patios, platforms or other uncovered spaces, buttresses, chimneys, cornices, piers or pilasters, eaves (provided they do not exceed 24 inches), unenclosed fire escapes, steps, bay windows and balconies; and, accessory use structures as provided for in Section 1909.C. However, no such projection shall extend any closer than fifteen (15) feet from a property line.

SECTION 1902 HEIGHT LIMITATIONS OF FENCES AND WALLS

- A.** No fence or wall, except a retaining wall or a wall of a building permitted under the terms of this Ordinance, over six (6) feet in height, shall be erected within any of the required yards, unless that portion of the fence or wall which exceeds six (6) feet in height has a ratio of open to solid area of at least four-to-one (4:1), and only if in accordance with Section 1906 herein.
- B.** No part of any retaining wall shall be located or constructed within five (5) feet of any property line, notwithstanding any other provisions of the Zoning

Ordinance to the contrary.

- C. The design of any retaining wall, or part thereof, which exceeds 4 1/2 feet in height, shall be sealed by a structural engineer and shall be subject to inspection by the Township during construction.

SECTION 1903 EXCEPTIONS TO HEIGHT REGULATIONS FOR BUILDINGS AND STRUCTURES

The Board of Supervisors may determine that the height regulations prescribed within this Ordinance may be exempted for spires, steeples, belfries, cupolas or domes not used for human occupancy, or for chimneys, ventilating fans, air conditioning equipment, roof structures for the housing of elevators and/or stairways, fire or parapet walls, skylights, flagpoles, watertanks, utility poles, windmills, silos, smokestacks, and ornamental or other necessary mechanical appurtenances.

SECTION 1904 UNDERGROUND ELECTRIC AND TELEPHONE WIRING

Electric and telephone wiring shall be placed underground for every structure, dwelling or other use in all Residential Districts and in the Outdoor Recreation District.

SECTION 1905 PUBLIC UTILITIES

A. Exemptions

The Use Regulations of this Ordinance shall apply to any existing or proposed building or extension thereof, used or to be used by a public utility corporation, unless, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after public hearings, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the Township have notice of the hearing and are granted and opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the

proceedings.

B. Lot Area and Coverage.

The minimum lot area and maximum coverage regulations of this Ordinance shall apply to public utility facilities, unless the Pennsylvania Public Utility Commission decides the proposed building in question is reasonably necessary as stated above, provided however, that all yard and maximum height regulations shall apply, except for necessary towers, poles and lightning rods and arresters.

SECTION 1906 CORNER VISION OBSTRUCTION

- A.** No wall, fence or other structure shall be erected in, placed in, or maintained in and no hedge, tree, shrub or other growth, shall be planted in or maintained within any road or street right-of-way where the Board of Supervisors determines that such wall, fence, other structure, hedge, tree shrub or other growth constitutes a hazardous or dangerous condition to use of a public road or street or which impairs the use of maintenance of the public road or street.
- B.** A clear sight triangle shall be established and maintained at all intersections of public roads, streets or highways in accordance with the design standards and required improvements for streets set forth in the Edgmont Township Subdivision and Land Development Ordinance.

SECTION 1907 FUTURE RIGHT-OF-WAY WIDTHS FOR STREETS

Minimum right-of-way widths shall be established for Township owned and maintained streets whenever the existing right-of-way is less than that indicated in the Edgmont Township Subdivision and Land Development Ordinance for a particular classification of street. The future rights-of-way shall be measured from the centerline of the existing street. All front yards and other required yards shall be measured from the future right-of-way line as applicable.

SECTION 1908 HIGHWAY FRONTAGE DEVELOPMENT

In order to encourage the sound development of highway frontage and to minimize traffic congestion and hazard, the following special provisions shall apply:

- A.** All areas for off-street parking, off-street loading and unloading, and the storage or movement of motor vehicles shall be physically separated from the highway or street by a raised curb, buffer planting strip, fence, wall, berm, or other suitable barrier against nonchannelized motor vehicle entrance or exit, except for necessary accessways or access roads which provide ingress to and egress from such parking, loading or storage area. All parking areas or lots shall be designed to prohibit vehicles from backing out on the street, and the capacity of each lot shall provide adequate storage area and distribution facilities upon the lot to prevent back-up of vehicles on a public street while awaiting entry to the lot.
- B.** Each use with less than one-hundred (100) feet of frontage on a public street shall have not more than one (1) accessway to each such street, and no business or other use with one-hundred (100) feet or more of frontage on a public street shall have more than two (2) accessways to any one (1) street for each three-hundred (300) feet of frontage. Where practicable, access to parking areas shall be provided by a common service driveway or service street in order to avoid direct access to a public street.
- C.** In the case of a shopping center, office complex, group of multiple family dwellings or similar grouping or buildings on a lot, and in any other case where practicable:

 - 1. All buildings shall front upon a service street, common parking lot or similar area and not directly upon a public street.
 - 2. All points of vehicular access to and from a public street shall be located not less than one-hundred fifty (150) feet from the intersection of any public street lines, provided, however, that such a point of vehicular access, which in effect, converts a "T" intersection into an intersection of two (2) streets which cross one another, shall be permitted.
 - 3. Provision shall be made for safe and efficient ingress

and egress to and from public streets and highways serving the unified development, without undue congestion to, or interference with normal traffic flow within the Township.

4. All streets and accessways shall conform to the Design Standards of the Edgmont Township Subdivision and Land Development Ordinance. Provision shall be made for adequate signalization, turn, acceleration and deceleration lanes, and similar facilities where needed.
5. All driveways, aisles, maneuvering spaces, vehicular service areas or spaces between or about buildings, other than those related to a dwelling shall be adequately illuminated during night hours of use at no cost to the Township.
6. Direct vehicular access shall be strongly discouraged onto any collector or arterial highway and reverse frontage shall be encouraged.

SECTION 1909 ACCESSORY USES, BUILDINGS AND STRUCTURES

Accessory uses, buildings and structures shall include, but not necessarily be limited to the following:

- A. Uses, Buildings and Structures Accessory to Agriculture
 1. The keeping, breeding and management of livestock and poultry in accordance with Section 1912.
 2. The sale of farm products produced on the property provided that:
 - a. No roadside stands and related signs used for such sale shall remain at or within 200 feet of the roadside stand during seasons when products are not sold.
 - b. Adequate parking and provisions for safe ingress and egress be provided, in accordance with Section 1700.E.15. and other applicable provisions of Article 17.

- c. Tire scrubbers at the entrance be installed and maintained as directed by the Township Engineer.
 - d. Signs shall be placed and sized in accordance with Article 18.
 - e. The roadside stand does not exceed twelve (12) feet in height and six hundred (600) square feet in building area.
 - f. All requirements for a temporary structure or use as provided in Section 1911 and Ordinance 118, the Building Code, are followed.
 - g. Any outdoor storage and display not related to the sale of seasonal items is screened from view in accordance with Section 1910.C.
 - h. The vendor obtains a Use and Occupancy Permit in accordance with Article 21.
3. Hayrides and/or Corn Mazes, and other like accessory uses on properties used for Agricultural purposes, provided that:
- a. No signs used for hayrides and/or corn mazes shall remain on display at the property after the time when the event has concluded.
 - b. Adequate parking and provisions for safe ingress and egress be provided, in accordance with Section 1700.E.15. and other applicable provisions of Article 17.
 - c. Tire scrubbers at the entrance be installed and maintained as directed by the Township Engineer.
 - d. Signs shall be placed and sized in accordance with Article 18.
 - e. Any outdoor storage and display not related to the sale of seasonal items is screened from view in accordance with Section 1910.C.

- f. The vendor obtains a Use and Occupancy Permit in accordance with Article 21.
4. Seasonal sales, such as the sale of Christmas Trees, Easter Flowers and Plants, Pumpkins, or other like seasonal items, provided that:
- a. No roadside stands and related signs used for such sale shall remain at or within 200 feet of the roadside stand during seasons when products are not sold.
 - b. Adequate parking and provisions for safe ingress and egress be provided, in accordance with Section 1700.E.15. and other applicable provisions of Article 17.
 - c. Tire scrubbers at the entrance be installed and maintained as directed by the Township Engineer.
 - d. Signs shall be placed and sized in accordance with Article 18.
 - e. The vendor obtains a Use and Occupancy Permit in accordance with Article 21.
 - f. Seasonal sales shall also comply with Section 1911.E.

B. Uses, Buildings, and Structures Accessory to Dwellings

- 1. Detached private garage, private parking space, private barn, shed, shelter for household pets owned by the property owner, swimming pool in accordance with this Section, bath house and private greenhouse, provided that all such uses, buildings and structures meet all required setbacks.
- 2. Quarters for guests, employees of the occupant of the principal dwelling, and relatives by blood or marriage on lots of ten (10) acres or more when authorized by Special Exception, provided that such quarters are intended and suitable for, and exclusively used by, employees of the person or persons occupying the principal dwelling, working for the major portion of

the time upon or about the premises, such as a gardener, chauffeur, farm or household helper, guests, or relatives by blood or marriage.

3. Pole, mast tower or other structure, when erected and operated by occupier thereof, who is an amateur radio operator duly licensed by the Federal Communications Commission, subject to the determination of the Board of Supervisors as defined in Sections 1903 and 1919. This provision, including the Sections referenced herein, shall not include those uses governed by Section 1920.
4. Except for lots of four (4) acres or more, which are used for agricultural uses, the gross area of an accessory building shall be limited to the greater of 900 square feet or twenty-five (25) percent of the gross first floor area of the principal permitted building.

C. Accessory Use Structures in Yards.

In any district, unless otherwise specified, accessory use structures or buildings may be located, erected or maintained in the side yard that does not abut the street, or in any rear yard, provided that in no case shall such accessory use structure or building be closer to any lot line than fifteen (15) feet, except for:

1. Driveways, which shall not be located closer than five (5) feet from such property line;
2. Fences which define property boundary lines, or serve as a required continuous visual buffer;
3. Approved common driveways which may straddle property lines;
4. Subsurface utilities.
5. Structures for which no other viable location exists, as approved by the Board of Supervisors.

D. Swimming Pools

Swimming pools permitted as an accessory use shall comply with the following conditions and requirements:

1. The pool is intended, and is to be used, solely for the enjoyment of the occupants of the principal permitted use of the property on which it is located, and their guests.
2. All swimming pool mechanical and structural design and construction shall be subject to the approval of the Township.
3. All swimming pool water supplies shall be protected by cross-connection controls in accordance with industry standards and approved by the Township Engineer.
4. Non-commercial swimming pools designated to contain more than eighteen (18) inches of water shall be erected in conformity with the following requirements:
 - a. A permit shall be required to locate, construct a non-commercial swimming pool.
 - b. Swimming pools shall be in the rear or side yard only and shall not be in the front yard. They shall be no closer to a property line than forty (40) feet in an R-1 District, thirty-five (35) feet in an R-2 District, twenty-five (25) feet in an R-3 District, and fifteen (15) feet in every other District. In no case shall such pool be located under any electrical lines or over any utility lines, or within ten (10) feet of the dwelling or other non-commercial building.
 - c. Every in-ground non-commercial swimming pool shall be entirely enclosed with a good quality chain link, wooden, or other equivalent fence of not less than four (4) feet in height, in accordance with the current Building Code.
 - d. There shall be no cross-connection with a public water supply system and all activities shall be in accordance with Part VII, Cross-Connection Control, of the PA DEP Public Water Supply Manual.

- e. If the water for such pool is supplied from a public water supply system, the inlet shall be above the overflow level of said pool.
 - f. No permit shall be granted for the installation or construction of any in-ground pool, permanent pool or portable pool having a capacity of fifteen thousand (15,000) gallons or more, unless the Township Engineer has certified that the drainage of such pool is adequate and will not interfere with the water supply system, with existing sanitary facilities or with public streets.
5. Commercial swimming pools shall be in accordance with prevailing State regulations and the Township Building Code.

E. Tennis and other outdoor playing courts/areas

Tennis and other outdoor playing courts/areas (including, but not limited to, racquetball, handball, squash, basketball and other prepared surface single or multi-purpose sport courts/areas), shall be located in either a rear or side yard and shall not be closer to a property line than forty (40) feet in the R-1 District, thirty-five (35) feet in the R-2 district, twenty-five feet (25) in the R-3 District and fifteen (15) feet in every other district. The court may be enclosed by a fence which shall not exceed twelve (12) feet in height.

F. Recreational Vehicles, Boats and Travel Trailers

Recreational vehicles, boats and/or travel trailers shall be stored in the rear or side yard of the principal permitted use or in a garage or roofed structure and shall be no closer to a property line than forty (40) feet in an R-1 District, thirty-five (35) feet in an R-2 District, twenty-five (25) feet in an R-3 District, and fifteen (15) feet in every other district and shall be screened from adjacent properties by landscaping approved by the Board of Supervisors.

G. Garage Sale and/or Yard Sale

Not more than two (2) garage and/or yard sales shall be conducted on any residential property in any calendar year. Each yard sale shall be no more than four (4) consecutive days in duration.

SECTION 1910 OUTDOOR STORAGE AND DISPLAY

- A. No part of the street right-of-way, no sidewalks or other areas intended or designed for pedestrian use, no required parking areas, and no part of the required front yard shall be occupied by outside storage and display, except in the case of a sidewalk sale, flea market, or the sale of seasonal items.
- B. Outside storage and display areas shall not occupy more than 800 square feet of any lot, except in the case of a flea market or sidewalk sale which may occupy, in the aggregate, up to 25% of the lot area, so long as no individual vendor area exceeds 800 square feet. No individual outside storage or display may displace more than 7 existing parking spaces on any lot, and no flea market or sidewalk sale shall displace more than 5% of the parking on any lot, unless the applicant can demonstrate that the existing parking on the lot exceeds the requirements of the Zoning Ordinance.
 - 1. Outside storage and display areas shall be limited to retail consumer sales.
 - 2. Such outdoor storage displays shall be temporary in nature and shall be subject to the provisions of Article 19, Section 1911.E.
- C. Single stand-alone outside storage and display uses requiring more land area for storage and display may apply to the Zoning Hearing Board for a Special Exception. However, in no case shall such land area exceed 2,000 square feet.
- D. Outside storage and display areas not related to a sidewalk sale, flea market, or the sale of seasonal items shall be screened from view from any public street.
- E. Junk vehicles or unregistered vehicles or registered

vehicles under repair may not be kept or stored outdoors on public or private property in front of the building setback lines for longer than ninety-six (96) continuous hours during any thirty (30) day period, provided that junk vehicles or unregistered vehicles or registered vehicles under repair may be worked on or stored within a garage or other fully enclosed structure; and further provided that any such vehicles within 100 feet of the building setback lines are screened with a fence or a completely opaque and continuous evergreen tree buffer of at least six (6) feet in height, which shall be installed at the time such vehicles are kept or stored outdoors. This regulation does not apply to the following:

1. Commercial businesses which are permitted principal land uses and are normally involved in the repair or assembly of such vehicles.
 2. Vehicles designed for farming when these vehicles are stored on an active farm.
 3. Antique cars which have been registered with the Zoning Officer, provided that:
 - a. Such vehicles shall be suitably covered at all time when not actively being worked on.
 - b. The vehicles must receive antique registration within two (2) years from the date of initial registration of the vehicles with the Zoning Officer.
- F.** Dumpsters or other trash storage areas shall be enclosed by a six (6) foot high stockade fence, or an eight (8) inch thick block wall of six (6) feet in height, including a gate. In either case, the enclosure shall be landscaped to soften the view from any public street, and the dumpster or trash storage area shall be located in areas of least visibility on the tract.
- G.** Outdoor storage and display for single user buildings in excess of 100,000 square feet on lots of 15 acres or more in a C-3 Planned Commercial/Light Industrial District.
1. Notwithstanding Subsections B,C and D above, a single

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user building of 100,000 square feet or more on lots of 15 acres or more in a C-3 Planned Commercial/Light Industrial District shall be permitted outdoor display and storage areas as follows:

- A. Outdoor display areas shall contain in the aggregate not more than 9,925 square feet: provided, however, a minimum unobstructed and continuous 5' wide area shall be maintained along the building frontage for sidewalk.
- B. Outdoor storage areas shall contain in the aggregate not more than 3,950 Square Feet.

SECTION 1911 TEMPORARY STRUCTURE OR USE

A temporary permit may be issued by the Zoning Officer for structures or uses necessary during construction or other special circumstances of a non-recurring or seasonal nature subject to the following additional provisions:

- A. A permit issued for a temporary structure or temporary use shall not exceed ninety (90) days in duration. Temporary permits may be renewed upon application to and approval by the Township.
- B. Such structure or use shall be removed completely upon expiration of the permit without cost to the Township.
- C. A Construction Trailer shall be considered as a Temporary Structure.
- D. The cost of any temporary permit shall be in accordance with the Schedule of Fees adopted by Resolution by the Board of Supervisors.
- E. Seasonal Sales
 - 1. Shall be allowed to begin the weekend before the holiday, except in the case of Christmas, wherein the seasonal sale may begin the weekend of Thanksgiving.
 - 2. All excess products and unsold merchandise and items related to the sale of seasonal items must be cleaned up and removed within seven (7) days following the holiday.

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- 3. Written permission from the property owner of the sale location must be submitted with the permit application.

SECTION 1912 AGRICULTURAL USE, AND LIVESTOCK ANIMAL REGULATIONS

A. The following requirements shall govern agricultural use, on lots four (4) or more acres in size.

- 1. The total number of livestock and poultry animals permitted on any lot shall be computed according to the total number of acres comprising the lot and the number of acres required per animal.
- 2. A minimum of four (4) gross acres is required to conduct an agricultural use, and to keep any livestock animals. Agricultural uses and the keeping of any livestock shall not be permitted on lots of less than four (4) gross acres, unless expressly provided in the Zoning Ordinance, to the contrary.
- 3. The total number of livestock permitted on any tract shall be determined in accordance with Section 1912.A.4. of the Zoning Ordinance, with the number of livestock being calculated based on the pasture land provided in compliance with the requirements of Section 1912 and the underlying Zoning District.
- 4. Animals not referenced in the table below shall be judged according to the requirements for animals of a similar type.

<u>Livestock, Poultry</u>	<u>Mature Animal Acres Required</u>	<u>Square Feet Per Animal</u>
Horse	1.0	43,560
Cattle	1.0	43,560
Sheep	0.11	4,667
Poultry	0.0009	40

- 5. No person owning or having in his/her custody livestock or poultry shall maintain such so as to create any health or safety hazard or obnoxious or foul odor therefrom, except to the minimum practical extent inherent in the nature of said livestock or poultry, in particular.

- a. No manure storage shall be established closer than one hundred (100) feet to any property line, and
 - b. No manure storage shall be established closer than one hundred (100) feet to any wells, springs, sinkholes, or on slopes adjacent to any lakes, ponds and streams.
6. The premises shall be subject to inspection by the Zoning Officer at any reasonable hour of the day.
 7. No person owning or having in his/her custody livestock or poultry shall permit same to go at large to the injury or annoyance of others, nor shall such livestock or poultry be permitted at large upon the streets or other public ways of the Township. Such action is considered to be a danger to the public health and safety.
 8. Shelter/Stable and Fenced Area Requirements
 - a. In addition to the acreage requirements for any agricultural use determined by using the procedure previously outlined, every landowner shall also provide a shelter/stable area of a size sufficient for good sanitation practices and adequate and sanitary drainage therefor according to the minimum requirements below. A Shelter/Stable shall have a roof and at least three (3) enclosed sides, and shall have the following minimum square footages:
 - (1) One hundred twenty (120) square feet shall be provided for each mature horse.
 - (2) Eighty (80) square feet for each pony, mule, donkey, cow or other similar livestock animal.
 - (3) Twenty (20) square feet for each sheep or other livestock animal of similar size.
 - (4) Three (3) square feet shall be provided for each poultry animal.

- b. Every landowner shall provide a fenced area around any pasture and shelter, said fence shall be located not less than (50) fifty feet from waters of the Commonwealth, and shall make provisions for good sanitation practices and sanitary and adequate drainage and shall rotate livestock from pasture to pasture to prevent overgrazing. In no event shall the surface of the pasture be in such a condition to cause soil erosion or polluted runoff or sedimentation to enter the waters of the Commonwealth.
 - c. Every landowner shall utilize fencing for the containment of animals in accordance with the United States Department of Agriculture Natural Resource Conservation Service Standards to ensure the containment of the livestock on the subject property.
 - d. Any structures used for the shelter or housing of livestock or poultry shall be located not less than one hundred (100) feet from any lot line.
 - e. Where permitted, no livestock or poultry shall be kept within ten (10) feet of any property line or street right of way; provided, that a twenty (20) foot setback shall be maintained adjacent to any PRD Zoning District.
9. No equipment of any kind used in connection with the keeping of livestock or poultry shall be placed or stored in any required front, side or rear yard set back for accessory structures.

SECTION 1913 NONCONFORMITIES

A. Continuation

All structures, uses of structures and uses of land that do not conform to the regulations of the district in which they are located after the effective date of the provisions of this Ordinance shall be regarded as nonconforming and the following regulations shall apply to them.

B. Alteration or Extension

1. Lawful Nonconforming Structures. Subject to the provisions of this Section, lawful nonconforming structures may be altered, reconstructed or enlarged, provided that such alteration, reconstruction or enlargement does not increase the size of the overall nonconforming structure more than an aggregate total of fifty (50) percent of the floor area of the nonconforming structure, for the life of the nonconforming structure. By way of example and not limitation, if the floor area of the nonconforming structure is 1000 square feet, the alteration, reconstruction or enlargement of the nonconforming structure is limited to an additional 500 square feet over the life of the nonconforming structure. Expansion of nonconforming structures shall in all other respects comply with the applicable zoning district regulations. The condition(s) which make the structure nonconforming shall not be increased so as to exacerbate the nonconforming condition or result in a new nonconforming condition. Except for the reconstruction of a nonconforming structure which is done to the exact dimensions of the original nonconforming structure, all alteration, reconstruction or enlargement of nonconforming structures shall be by Special Exception in accordance with the provisions of Article 22.
2. Lawful Nonconforming Lots: A building may be constructed on any lot which was lawful when created and which prior to the effective date of the Zoning Ordinance, was held in single and separate ownership, duly recorded by plan or deed, and provided that the bulk, area (with the exception of lot area) and other requirements of the Zoning Ordinance are observed.
3. Lawful Nonconforming Uses: Lawful nonconforming uses shall not be altered, extended or enlarged, except in accordance with the following:
 - a. Such alteration, extension or enlargement, shall be permitted only by Special Exception under the provisions of Article 22.

- b. Such alteration, extension or enlargement shall be on the same lot as in existence at the date the use became non-conforming.
- c. Any increase in the area of a non-conforming use shall not exceed an aggregate of more than fifty (50) percent of the area of the nonconforming use, during the life of the nonconforming use.

C. Restoration

A nonconforming building or any building containing a nonconforming use wholly or partially destroyed by fire, explosion, flood or other phenomenon, or legally condemned, may be reconstructed and used for the same nonconforming use, provided that reconstruction of the building shall be commenced within one (1) year from the date the building was destroyed or condemned and shall be carried on without interruption or else the nonconforming building or use shall be deemed to be abandoned.

D. Ownership

Whenever a lot is sold to a new owner, a previously lawful nonconforming use may be continued by the new owner.

E. Abandonment

If a nonconforming use of a building or land is abandoned for twelve (12) consecutive months, whereby the owner discontinues the use with the intention neither of transferring rights of the property to another owner nor of resuming the use of the property, the following shall apply:

1. The subsequent use of such building or land shall conform with all of the regulations of the district in which it is located, and all of the parking regulations.
2. Such approved use shall be initiated within thirty (30) days after the end of the twelve (12) month period.

F. Changes

Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to another equally restrictive or more restrictive nonconforming use only if permitted as a Special Exception by the Zoning Hearing Board and subject to the following conditions:

1. The Applicant shall show that a nonconforming use cannot reasonably be changed to a conforming use.
2. The Applicant shall show that the proposed change will be no more objectionable in external effects than the existing nonconforming use, or will be more appropriate than the existing nonconforming use with regard to:
 - a. Traffic generation and congestion.
 - b. Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration.
 - c. Outdoor storage.
 - d. Sanitary sewage disposal.

G. District Changes

Whenever the boundaries of a district are changed so as to transfer an area from one district to another district, the foregoing provisions shall also apply to any nonconforming uses or structures existing in the district to which the area was transferred.

SECTION 1914 ENVIRONMENTAL CONTROLS

- A.** It is the intent of these regulations to prevent land or buildings, including those permitted by right or by Conditional Use, or by Special Exception from being used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable condition, such as fire, explosion, or other hazards; noise or vibration; glare or heat; condition conducive to the breeding of rodents or insects; or other substance,

condition or elements in a manner or amount as to adversely affect the surrounding area. All uses shall operate in conformance with the "Environmental Controls" set forth herein, and relevant statutes, codes, rules and other regulations of the United States Government, the Commonwealth of Pennsylvania, Delaware County, and governmental, quasi-governmental, and governmentally regulated bodies, companies, and authority entities. The most stringent regulation applicable shall be used.

B. All plans for proposed development in the Township shall illustrate, depict, note, or otherwise demonstrate compliance with this Section and in accordance with the requirements of the Edgmont Township Subdivision and Land Development Ordinance.

C. Noise Control

The following provisions shall apply to any noise producing source within the Township:

1. No person shall make, continue or cause to be made or continued, any noise disturbance.
2. The following acts and the causing thereof, are declared to be noise disturbances and, therefore, in violation of this Ordinance.
 - a. Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, automobile radio, automobile stereo or high fidelity equipment or similar device which produces, reproduces or amplifies sound:
 - (1) At any time in such manner as to cause such disturbance across a lot line or between the hours of 7:00 p.m. of one day and 7:00 a.m. of the following day so as to be audible across a lot line of the receiving land use;
 - (2) In such manner as to create such disturbance across such a lot line or at fifty (50) feet from such source, whichever is less, when the source is operated in, from or on a

motor vehicle, or hand carried, on a public right-of-way or public space;

- (3) In such a manner and at a time as to cause such disturbance and which disturbs the peace and quiet of the immediate neighborhood.
- b. Engaging in loud or raucous yelling, shouting, hooting, whistling or singing on the public streets between the hours of 7:00 p.m. of one day and 7:00 a.m. of the following day, or at any time or place in such a manner as to cause such disturbance.
 - c. Operating or permitting the operation of any tools or equipment used on construction operations, drilling or demolition or other work; or in the sweeping of parking lots in areas adjacent to residential districts between the hours of 7:00 p.m. of one day and 7:00 a.m. of the following day on weekdays (Mondays through Thursdays); between the hours of 7:00 p.m. on Fridays and 8:00 a.m. on Saturdays; or at any time on Sunday or legal holidays, such that the sound therefrom causes such disturbance across a residential lot line, except for emergency work.
 - d. Operating or permitting the operation of any electrically powered saw, drill, sander, grinder, lawn or garden tool, or similar devices used outdoors between the hours of 7:00 p.m. of one day and 7:00 a.m. of the following day so as to cause such disturbance across a lot line of the receiving land use.
 - e. Loading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans or other objects between the hours of 7:00 p.m. of one day and 7:00 a.m. of the following day in such a manner as to cause such disturbance across a residential lot line. This Section shall not apply to municipal; or utility services in or about the public right-of-way.
 - f. Owning, possessing, harboring or controlling any

animal or bird which howls, barks, meows, squawks or makes other sounds continuously and/or incessantly for a period of ten (10) minutes or makes such noise repeatedly for one-half (1/2) hour or more to the disturbance of any person at any time of the day or night regardless of whether the animal or bird is situated in or upon private property; provided, however, that at the time the animal or bird is making such noise, no

person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated or for any other cause which teased or provoked the animal or bird.

- g. Offering for sale or selling by shouting or outcry or by any other amplified or nonamplified sound except between the hours of 7:00 a.m. of one day and 7:00 p.m. of the same day, provided that same is done at not time in such a manner as not to violate Section 1914.C.5. herein.
- h. The removal or rendering inoperative by any person other than for purposes of maintenance, repair, replacement or other work of any muffler or sound dissipative device or element of design or noise label of any product; the intentional moving or rendering inaccurate or inoperative of any sound monitoring instrument or other device positioned by or for the Township or other governmental entity, provided such device or the immediate area is clearly labeled, or posted, to warn of the potential illegality; and, the use of a product which has had a muffler or sound dissipative device or element of design or noise label removed or rendered inoperative, with knowledge or reason to know that such action has occurred.
- i. Repairing, rebuilding or testing or otherwise working on any motorcycle or other motor vehicle, motorboat or aircraft in such a manner as to cause such disturbance across a lot line of the receiving land use.

3. The following provisions shall govern motor vehicle noise controls:
 - a. No person shall operate or cause to be operated a public or private motorcycle or other motor vehicle, or any equipment attached to such a vehicle, on a public right-of-way at any time in such a manner that the sound level emitted by the motorcycle or other vehicle, or any equipment attached to such a vehicle, exceeds the level set forth in the official PA DOT Handbook of Vehicle Code Regulations, Chapter 450, Established Sound Levels, as promulgated under the Vehicle Code, PL 162, No. 81.
 - b. No person shall operate or permit the operation of any motorcycle or other motor vehicle, or any auxiliary equipment attached to such a vehicle, for a period longer than fifteen (15) minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion, anywhere within one hundred fifty (150) feet of any residence in such a manner as to cause a noise disturbance across a lot line of the receiving land use.
 - c. No person shall at any time sound a horn or other warning device for its intended purpose except as a warning of danger.
 - d. No person shall operate sound amplifying equipment mounted on, or attached to, any motor vehicle at any time in such a manner as to exceed maximum permissible motor vehicle noise emissions.
4. The noise from any of the aforesaid prohibited acts that disturbs two (2) or more residents or other owners in use or occupancy who are in agreement as to the times and duration of the noise and who occupy separate residences or other buildings, including apartments, townhouses, and the like, located across the lot line of the receiving land use, shall be prima facie evidence of a noise disturbance.

5. No person shall operate or cause to be operated any noise producing source in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in the following table, more than ten (10) percent of any measurement period, which shall not be less than thirty (30) minutes nor more than sixty (60) minutes when measured at or beyond the lot line of the receiving land use. Any sound source that produces sound in excess of those levels shall constitute a noise disturbance.

SOUND LEVELS BY RECEIVING LAND USE

<u>Sound Level Limit</u>	<u>Receiving Land Use Category</u>	<u>Time</u>
57 dBA	Residential, Public Space, Open Space	7:00a.m.-7:00p.m
52 dBA	Institutional	7:00p.m.-7:00a.m.
65 dBA	Commercial or Business	At All Times
75 dBA	Industrial	At All Times

6. Notwithstanding the provisions of Section 1916.C.5. for any noise producing source of sound the maximum sound level shall not at any time exceed the sound level limits in the Table above by:
 - a. Ten (10) dBA from 7:00 a.m. of one day to 7:00 p.m. of the same day in a residential zone.
 - b. Five (5) dBA from 7:00 p.m. of one day to 7:00 a.m. of the following day in a residential zone.
 - c. Ten (10) dBA at all time for other land uses.
7. A violation of Sections 1914.C.5. and 1914.C.6. above shall be construed to occur when the dBA limits are exceeded more than once during any consecutive ten (10) day period.
8. In the event the background ambient sound levels exceed the sound level limit set forth in Section 1914.C.5., the sound level of the intrusive noise producing source shall be measured with the ambient background sound level being substituted as the sound level limit in Section 1914.C.5.

9. Sound shall be measured at or beyond the lot line of the receiving land use, except for the following which shall be measured at or beyond the district boundary line for the zoning district in which the receiving land use is located:
 - a. Helicopter or other aircraft service facility.
 - b. Private helipad.
10. Any noise which occurs on a lot which, according to the Zoning Ordinance is being used in a legally nonconforming manner, and which noise relates to said use, shall be judged as if the lot bore a zoning designation under which the use would be conforming.
11. All sound measurements shall be made on a sound level meter calibrated in the manner required by the manufacturer's specifications and such meter shall be approved by the American National Standards Institute (ANSI) or its successor body or such other society, organization or the like approved by the Board of Supervisors. All sound level measurements shall be taken at an elevation five (5) feet above the ground.
12. The following sounds are exempted from the provisions above:
 - a. Blasting only if performed in accordance with a permit issued by the Fire Marshal. Such blasting may occur only between 9:00 a.m. and 4:00 p.m., Monday through Friday, unless specifically authorized otherwise by the permit.
 - b. Band concerts, church carnivals or other performances or similar activities publicly or privately sponsored and presented in any public or private space outdoors shall be exempt from the provisions of this Ordinance provided such activities do not produce sound 15 dBA in excess of the sound levels set forth in Section 1914.C.5. herein, and do not occur between 10:00 p.m. on one day and 10:00 a.m. on the following day.

- c. Sounds caused by the performance of emergency work, or by the ordinary and accepted use of emergency apparatus and equipment.
- d. Sounds resulting from the repair or replacement of any municipal or utility installation in or about the public right-of-way.
- e. Sounds not electronically amplified, created by organized school related programs, activities, athletic and entertainment events, or other public programs, activities or events, other than motor vehicle racing events.
- f. Sounds made by warning devices operating continuously for three (3) minutes or less except in the event of an actual emergency the limitation shall not apply.

D. Vibration Control

Operating or permitting the operation of any device that creates vibration which is above the vibration perception threshold of an individual at or beyond the property boundary of the source if on private property or at fifty (50) feet from the source if on a public space or public right-of-way shall be prohibited. For the purposes of this section, "vibration perception threshold" means the minimum ground-or-structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.

E. Storage Control

- 1. No flammable, highly volatile or explosive liquids, solids, or gases shall be stored in bulk above the ground, except that tanks or drums of fuel directly connecting with energy devices, heating devices, or appliances located and operated on the same lot as the tanks or drums of fuel may be stored above ground, provided that such tanks or drums are not more than two thousand (2,000) gallons. All such tanks or drums shall be painted or otherwise coated white or other heat reflective color. All federal, state and local

laws shall be met.

2. All outdoor storage facilities for fuel, raw materials, and products stored outdoors, including those permitted in Section 1914.E.1. above, shall be enclosed by a fence of a type, construction and size and shall be adequate to protect and conceal the facilities from any adjacent properties. Fencing shall not only encompass the question of safety but also constitute a contiguous visual buffer. All federal, state and local laws shall be met.
3. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transported off by any causes or forces of nature, nor shall any substance which can contaminate a stream or other watercourse or otherwise render such stream or other watercourse undesirable as a source of water supply or recreation, or which will destroy or otherwise harm aquatic life, be allowed to enter any stream or other watercourse or cause or contribute to a violation of federal, state or local law.
4. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transported off by any causes or forces of nature, to damage, destroy or create hazards or contamination to humans, terrestrial wildlife, soil and/or vegetation.
5. Storage of flammable, combustible, explosive or other hazardous substances or materials and the construction or installation of tanks and other receptacles therefor, shall be in accordance with the Fire Prevention Code applicable and NFPA regulations, and subject to the approval of the Fire Marshal.
6. All materials or wastes which cause or are reasonably likely to cause odors or which may be edible or otherwise attractive to rodents or insects, shall be stored outdoors only if enclosed in containers adequate to eliminate such hazards. All federal, state and local laws shall be met.

F. Glare and Heat Control

Direct or sky-reflected glare, whether from spotlights, floodlights or from high temperature processes such as combustion or welding or from other sources, so as to be visible at the lot line of the receiving land use shall be prohibited. There shall be no emission or transmission of heat or heated air so as to be discernible at the lot line of the receiving land use.

G. Fire and Explosion Control

All activities and all storage of flammable and explosive materials at any point within a lot shall be provided with adequate safety and fire fighting devices in accordance with the BOCA Fire Prevention Code and applicable NFPA regulations in effect at the time such activity or storage is occurring. In addition, there shall be no open burning within any C-1, C-2, C-3, POC or LI district.

H. Traffic Control

1. No activity shall occur which would adversely affect traffic flow and/or present traffic controls within the Township by creating a level of service below that which is specified in this subsection.
2. To minimize potential adverse conditions, the level of service for traffic along any portion of a road which leads to the points of ingress and egress of a tract or other proposed property shall be a level of service "C" or better. The term "level of service" and the categories thereof are used herein in accordance with the definitions or meanings ascribed thereto in the document entitled: Trip Generation, An Institute of Transportation Engineers Informational Report, Second Edition, 1979, or the edition in use at the time a development or other building application is made.
3. The determination of levels of service shall be made after an experienced Transportation Engineer/Traffic Consultant conducts a traffic study, the cost of which shall be borne by the owner of the tract or other property owner. Said study shall be based in part on the aforementioned report, and in part on the PA DOT Handbook of Vehicle Code Regulations, in particular the following chapters: 471-610 pertaining to

Engineering and Traffic Studies; 471-611 pertaining to Maintenance and Protection of Traffic; and, 471-615 pertaining to Official Traffic - Control Devices. Said study shall indicate compliance with the requirement for a level of service "C" or better as set forth in Section 1914.G.2. above, and shall include the data upon which the of said study are based, including, without limitation, traffic counts, the hours thereof, the dates thereof, and the types of motor vehicles comprising such counts.

4. All streets and/or intersections showing a level of service below "C" shall be considered deficient, and specific recommendations for the elimination of these problems shall be listed. This listing of recommended improvements shall include, but not be limited to the following elements: internal circulation design, site access location and design, external street and intersection design and improvements, traffic signal installation and operation, including signal timing.

I. Soil Erosion, Sedimentation and Grading Control

1. No construction or development activity shall occur unless in strict compliance with the Edgmont Township Subdivision and Land Development Ordinance. Such reference is made to call particular attention to the controls which shall be exercised when clearing trees and other vegetation, or otherwise changing or altering the land form.

J. Sewage Disposal Control

1. A one hundred (100) percent replacement area shall be provided for any community on-lot disposal system or any sand mound system. Such replacement area shall serve as an absorption area as necessary.

K. Odor Control

1. There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive at any point on or beyond the lot boundary line. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard

system, in order that control will be maintained if the primary safeguard system should fail. The foregoing shall not apply to agricultural use odors, unless such odors are a threat to public health and/or safety.

- a. Odor thresholds shall be measured in accordance with ASTM d1391-57 (or latest revision) "Standard Method for Measurement of Odor in Atmospheres (Dilution Method)".
- b. Odorous materials released from any operation or activity shall not exceed the odor threshold concentration at or beyond the district boundary line measured at either ground level or at forty (40) feet from ground level of the district in which the use is located.

SECTION 1915 ENVIRONMENTAL IMPACT ASSESSMENT REPORT

A. In order to more effectively evaluate subdivision and/or land development and/or other development proposals, the Applicant proposing the development of any property within the Township shall be required to disclose the environmental consequences or effects of such proposals through the submission of an Environmental Impact Assessment (EIA) report.

1. An EIA report shall be submitted for the following:
 - a. Any application for tentative and final plan approval for a planned residential development.
 - b. Any proposed development governed by the Conditional Use or Special Exception provisions of this Ordinance.
 - c. Any application for preliminary and final plan approval in the R-5, Retirement Residence District.
 - d. Any application for preliminary and final plan approval in the C-2, Highway Commercial District, C-3, Planned Commercial-Light Industrial

District, the POC, Planned Office Center District, or the LI, Light Industrial District.

- e. Any other application for development as determined by the Board of Supervisors.
- f. Any development for which the EIA report is required under the terms of the Edgmont Township Subdivision and Land Development Ordinance.

2. An updated EIA report shall accompany and form a part of the Final Plan for any of the above.

- B. The EIA report shall contain text, tables, maps and analyses which document the probable impact resulting from the proposed subdivision and/or land development and/or other development, consistent with the format and content outline specified in the Edgmont Township Subdivision and Land Development Ordinance.

SECTION 1916 MINIMUM FLOOR AREA

Every dwelling shall have a minimum floor area of one thousand (1,000) square feet. Areas of basements or cellars shall not be considered in computing the required minimum floor area. If any dwelling shall be more than one (1) story high, then the first floor shall contain at least seven hundred fifty (750) square feet of floor area. Attached garages or similar attached structures shall not be considered in computing floor area in any case.

SECTION 1917 LANDSCAPING REQUIREMENTS

- A. All required landscaping shall be installed and maintained in accordance with a Landscaping Plan approved by the Board of Supervisors. The Landscaping Plan shall depict all proposed plantings as required for screening and buffering and to compliment, screen or accentuate buildings, roads, parking areas, sidewalks, walkways, sitting areas, service or maintenance structures, courtyards, and other site features.

- B. All required Landscaping Plans shall be submitted at the time when all other required applications and/or plans are submitted. Plans shall be in accordance with the Edgmont Township Subdivision and Land Development Ordinance.

SECTION 1918 BED AND BREAKFAST INNS

- A. The following regulations shall apply to Bed and Breakfast Inns:

1. Such use shall be accessory only to a single-family detached residential use, and shall be within a building shown on the Historic Resource Map, which is in compliance with the provisions of the R-1, R-2, and R-3 residential districts, as well as any property located within the PRD district which is not incorporated in an actual PRD, or which is a prior lawful non-conforming use.
2. Such use shall be limited to three (3) guest rooms to accommodate a maximum of six (6) guests in any single evening.
3. No guest shall be registered more than seven (7) consecutive nights, nor twenty-six (26) cumulative nights during a six (6) month time period.
4. No guests will be accommodated on evenings when the Owner is not present on the premises.
5. The minimum lot size shall be one (1) acre for first two (2) guest rooms, plus one quarter (1/4) acre for the additional guest room.
6. Every Bed and Breakfast shall provide bathroom facilities in accordance with the following minimum requirements:

Total Number of Guest Quarters

One (1) to two (2) guest rooms
 Three (3) guest rooms

Total Guest Bathroom Facilities

One (1) guest bathroom facility
 Two (2) guest bathroom facilities

Said bathroom facilities shall be located on each floor where guest quarters are provided. The living

quarters for the residents shall have separate bathroom facilities. Bathrooms shall be equipped with a toilet, wash basin, bath and/or shower.

7. No Bed and Breakfast shall be structurally altered except by Special Exception.
8. Bed and Breakfast use shall be accessory to the Residential use and shall be operated by the owner. There shall be no more than two (2) non-resident employees, who are not members of the resident family, in addition to the resident family members.
9. There shall be no separate kitchen or cooking facilities in any guest room. Food served to guests on the premises shall be limited to breakfast and afternoon tea only. Food shall be prepared by the owner/licensee.
10. Application for Special Exception shall be accompanied by certification from the Township Sewage Enforcement Officer that the existing sewage system can accommodate maximum usage proposed by the bed and breakfast inn. If the proposed use is to be served by a public sewerage system, the Applicant shall submit documentation from the servicing authority that the proposed use will be served.
11. A Bed and Breakfast shall be operated in compliance with the terms and conditions for the grant of a Special Exception as set forth in this Article.
12. Operators of Bed and Breakfasts shall keep a log of all guest occupying rooms during each calendar year, and shall make such records available to the Township for inspection. Logs shall be maintained for 2 years following the use.
13. A Bed and Breakfast Inn shall be limited to one (1) sign which shall not exceed three (3) square feet in area. The design of the sign shall utilize natural materials only, with direct low level incandescent illumination if any is desired, and shall be submitted with the application for the Special Exception. Temporary signs are prohibited.

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14. One (1) off-street parking space per bedroom used and one space for each non-resident employee shall be provided on the premises, in addition to other off-street parking spaces required by this Ordinance.
15. Certification of water potability must accompany any application for a Bed and Breakfast use.
16. A permit issued for a Bed and Breakfast Inn (after the Zoning Hearing Board approves the Special Exception) shall have a life of one (1) year. The permit must be renewed annually. The Zoning Officer shall inspect the facility, including the on-lot sewage disposal and the on-lot water systems, and determine whether it is in compliance with the provisions of this Ordinance and any conditions imposed by the Zoning Hearing Board in the grant of the Special Exception. The fee for said permit shall be payable upon receipt. The fee for said permit shall be as set by resolution by the Board of Supervisors.

B. No Bed and Breakfast shall be maintained or established within any building or residence which is not duly licensed pursuant to the following provisions.

1. No Bed and Breakfast shall be licensed or operated within the Township until such time as the owner has complied with the provisions of this Article.
2. Any request for the issuance of a license shall be accompanied by a copy of the Order of the Zoning Hearing Board, approving a Special Exception for the property upon which the Bed and Breakfast will be maintained and operated. The Owner/Operator shall provide evidence of current ownership of the property for which the Special Exception was granted.
3. No license shall be issued unless the Applicant has demonstrated compliance with the terms and conditions set forth by the Zoning Hearing Board in its order.
4. An application for a new license shall be accompanied by a fee in the amount of \$100.00.
5. In addition to the foregoing, the Applicant shall

submit the following materials to the Township prior to the issuance of a license.

- a. A certificate issued by a licensed testing laboratory and dated within 90 days of the application, which certifies that the drinking water serving the residence is potable.
 - b. A diagram of the premises indicating the room or rooms within the structure to be utilized for guest occupancy.
6. A license for the maintenance and operation of a Bed and Breakfast shall be issued only to an individual or individuals who own and reside within the residence for which the license is sought.
 7. The term of a license shall be for one (1) year from the date of its issuance, after which time it shall be deemed expired. Any person operating a Bed and Breakfast within the Township with an expired license shall be considered unlicensed and shall be subject to the penalties set forth herein.

C. License Renewals and Termination of License.

1. Applications for renewal of a Bed and Breakfast license shall be accompanied by a fee of \$75.00.
2. At the time of license renewal the owner shall certify:
 - a. There have been no structural alterations to the premises, during the preceding licensing period without Zoning Hearing Board approval, and/or the issuance of a Building Permit.
 - b. That the Applicant resides within the residence for which the renewal is sought.
 - c. That the Applicant seeks approval to utilize the same guest rooms designated in the preceding licensing period. If different rooms are to be utilized by guests the Applicant will submit a new diagram designating such changes. No license

will be renewed unless the designated guest rooms conform to the approval granted by the Zoning Hearing Board.

- d. There have been no breakdowns or failures of on site waste disposal systems, or public sewage lines which have not been corrected prior to the application for renewal.
 - e. That the drinking water is potable, as evidenced by a letter or certification dated within 60 days of the application for renewal, from a certified water testing facility.
3. Any Applicant who falsifies or provides erroneous information in conjunction with an application for a license or a renewal of license, shall be denied a license, or in the case of an application for renewal their license shall be revoked. Licenses which have been revoked or denied shall not be restored or granted unless authorized by the Board of Supervisors, who after a hearing shall determine whether the false information provided by the Applicant was material and intended to mislead the licensing authority; in which case the license or renewal application shall be denied, or if previously issued, permanently revoked.
 4. The Township shall reserve the right to refuse or to renew a license upon evidence that the applicant/operator has violated the conditions as stated herein.
 5. Any application for the establishment of a Bed and Breakfast, or application for renewal of a license shall be deemed to constitute the owner/operator's consent to periodic inspections by the Township.
 6. Any license for the operation of a Bed and Breakfast, or renewal of license is non-transferable. All licenses and renewals are void as of the date of transfer of the real property for which this use has been sanctioned by Special Exception.
 7. A license which has not been renewed for a period of six (6) months following its expiration may not be

renewed pursuant to the terms and conditions as herein stated. Upon the expiration of such time period, the use shall be considered abandoned, and shall not be reactivated unless approved by the Zoning Hearing Board by Special Exception pursuant to the provisions of this Article.

D. Penalties and Sanctions

1. Edgmont Township reserves the right to suspend or revoke any license granted pursuant to this Ordinance, after a hearing before the Board of Supervisors at which time it is determined:
 - a. That the licensee is operating the Bed and Breakfast in violation of any provisions of this Article.
 - b. That the property as maintained and operated constitutes a danger to guests.
 - c. That the property as maintained and operated is a nuisance to adjoining landowners by virtue of a consistent and repeated lack of proper sanitation, sewage facilities, noise generated, or allowance of unlawful activities by guests.
 - d. A licensee may be represented by Counsel at the time of the hearing, and shall be entitled to cross-examine witnesses appearing against his interest, as well as to offer testimony on behalf of the licensee.
2. Anyone found to be operating a Bed and Breakfast, without a current license or with a suspended or revoked license shall be fined for each day of unlawful operation in accordance with Section 2111.

SECTION 1919 MICROWAVE ANTENNAS FOR SATELLITE COMMUNICATION

- A.** All parabolic ground based reflectors, together with the pedestal and any other attachments and parts, commonly referred to as a dish shaped antenna, used or intended to receive radio or electromagnetic waves from an overhead

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satellite shall conform to the following:

1. The diameter of a ground based reflector shall not exceed twelve (12) feet.
2. The entire structure, including the microwave antenna, shall not exceed eighteen (18) feet in height.
3. Any such structure shall be placed only in the rear yard and not closer than twenty (20) feet to any property line.
4. No more than one (1) microwave antenna shall be permitted on any lot.
5. Before erecting any such structure, a building permit shall be obtained.

SECTION 1920 TOWERS, CELLULAR TOWERS, FACILITIES AND EQUIPMENT

In recognition of the quasi-public nature of wireless communications, cellular communications and personal communications services systems, and the Federal Telecommunications Act of 1996, the following special regulations shall apply:

A. Purpose

The purpose of this Section and the standards established hereunder is to govern the use, construction and facilities siting of Towers, Cellular and Wireless Towers, Facilities and Equipment, so as:

1. To accommodate the need for wireless communications, cellular communications and personal communications services Towers, Cellular and Wireless Towers, Facilities and Equipment while regulating their location and number in the Township;
 - a. To minimize adverse visual effects of Towers, Cellular and Wireless Towers, Facilities and Equipment through careful design, siting and vegetative screening;

- b. To avoid potential damage to adjacent properties from Antenna Support Structure failure and falling ice and debris through engineering and careful siting of Antenna Support Structures; and
- c. To maximize the use of any new or existing Antenna Support Structures or other tall structure(s) so as to reduce the number of Antenna Support Structures needed in the future.

B. Definitions

The following terms, used in this Section, shall be interpreted as follows:

1. Antenna - Any device or mechanism used in the collection, transmitting, routing or receiving of telecommunications transmissions, radio signals or radio frequency energy, including, but not limited to, use by or in the provision of wireless communications, cellular communications and personal communication services.
2. Antenna Height - The vertical distance measured from the base of a Antenna Support Structure at grade to the highest point of the Antenna Support Structure, including any Antenna affixed thereto. If the Antenna Support Structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the Antenna Height.
3. Antenna Support Structure - Any pole, telescoping mast, monopole, tower, tripod, or any other structure which supports or has attached to it, an Antenna or Antennae.
4. Tower - Any pole, telescoping mast, monopole, tower, tripod, or any other like structure to be erected within the Township.
5. Cell Site - A tract or parcel of land that contains the wireless, cellular or personal communications

service Antenna, its Antenna Support Structure, accessory building(s), and parking, and may include other uses associated with and ancillary to providing wireless communications, cellular communications or personal communications services.

6. Towers, Cellular and Wireless Towers, Facilities and Equipment - Includes but is not limited to Antenna, Antenna Support Structures, and Cell Sites.

C. Permitted Uses

1. A Cell Site is a permitted use, by right, in the following zoning districts or in conjunction with the following uses and no other:
 - a. LI, Light Industrial District.
 - b. MD - Municipal District.
2. A Cell Site may be permitted in the following zoning districts by Conditional Use subject to the provisions of Article 21, Section 2112 and provided the application shall otherwise comply with this Section and the Use Regulations of the applicable zoning district, wherein the Cell Site is to be located.
 - a. C-3 Planned Commercial/Light Industrial District.
 - b. Planned Office Center District.

D. Use, Area and Height Regulations

1. A Cell Site with Antenna that is attached to an existing wireless communications, cellular communications or personal communications services tower, smoke stack, 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 15 feet.
2. A Cell Site with Antenna that is not mounted on an existing Antenna Support Structure, shall not have an Antenna Height or tower height in excess of 180 feet.

3. All other uses ancillary to the Towers, Cellular and Wireless Tower, Facilities and Equipment (including but not limited to a maintenance depot, etc.) are prohibited from the Cell Site unless otherwise permitted in the zoning district in which the Cell Site is located. Such other ancillary uses shall not be considered accessory uses.
4. Setbacks from the base of any new Antenna Support Structure to be constructed (as opposed to mounting the Antenna on an existing structure), shall be the minimum distance between the base of the support structure or any guy wire anchors and any property line or right-of-way line, and shall be the largest of the following:
 - a. The minimum front yard setback in the underlying zoning district;
 - b. 30% of the Antenna Height; or
 - c. 50 feet.
5. Any provisions of the Zoning Ordinance or any other Township ordinance which are not addressed hereunder, shall remain in effect and shall not be considered altered or modified by this Section, and shall apply to the proposed Towers, Cellular and Wireless Tower, Facilities and Equipment.
 - a. In addition to the setback provisions of Section 1920.D.4 all Cell Sites shall be setback from any existing building or structure, a minimum of ten (10) feet.
 - b. The minimum lot area requirement for the Cell Site shall be that of the underlying zoning district wherein the Cell Site is proposed, if the Cell Site is the only principal use on the lot, otherwise, the minimum area shall be that required by the applicant which conforms to the setback requirements of Article 19, Section 1920.

6. Any provisions of the Zoning Ordinance or any other Township Ordinance which are not addressed hereunder, shall remain in effect and shall apply to the proposed Towers, Cellular and Wireless Tower, Facilities and equipment.

E. Standards of Approval

The following standards of approval shall apply to all Towers, Cellular and Wireless Towers, Facilities and Equipment:

1. The Applicant shall demonstrate, using accepted technological evidence, that the Antenna and Antenna Support Structure must be located where proposed in order to satisfy its function in the Applicant's grid system.
2. If the Applicant proposes to build an Antenna Support Structure, Applicant shall provide written evidence that it first contacted the owners of tall structures within a one-quarter (1/4) mile radius from the proposed Cell Site, requested permission to install the Antenna on those structures, and was denied for reasons other than economic ones. Tall structures shall include, but not be limited to, smoke stacks, water towers, buildings in excess of six (6) stories, Antenna Support Structures of other wireless communications, cellular communications and personal communications service providers, other communications towers (fire, police, etc.), and other similar tall structures.
3. The Applicant shall demonstrate that the Antenna Height is the minimum required to function satisfactorily. No Antenna Height taller than this minimum height shall be approved, unless the Applicant provides proof that another provider of wireless, cellular or personal communications services has already agreed to co-locate on the Applicant's Antenna Support Structure at a greater height than is required by the Applicant.

4. The Applicant shall demonstrate that the proposed Antenna and Antenna Support Structure are safe and the surrounding properties will not be negatively affected by Antenna Support Structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. All Antenna Support Structures shall be fitted with anti-climbing devices, as approved by the manufacturers.
5. In order to reduce the number of Antenna Support Structures needed in the Township in the future, the proposed Antenna Support Structure shall be required to accommodate, where possible, other users, including other wireless communication, cellular communication and personal communication service providers companies, and local police, fire, and ambulance companies. Applicants shall provide evidence that all other authorized users have been contacted by the Applicant with an offer of co-location on the Applicant's proposed Antenna Support Structure.
6. The Applicant must demonstrate that it is licensed by the Federal Communications Commission, to provide wireless communications, cellular communications and/or personal communications services.

F. Landscaping

1. Existing vegetation shall be preserved to the maximum extent possible.
2. Landscaping shall be required to screen and buffer as much of the Towers, Cellular and Wireless Towers, Facilities and Equipment as possible, the fence surrounding the Towers, Cellular and Wireless Towers, Facilities and Equipment, and any other ground level features of the Cell Site, from the abutting properties.
3. Where the Cell Site abuts residentially developed land, residential zoning districts, public land, or streets, the Cell Site perimeter shall be landscaped

with at least one row of deciduous trees, not less than three and one-half (3 1/2) inches in caliper, spaced not more than 30 feet apart, on center, and within 25 feet of the Cell Site boundary, as well as at least one (1) row of evergreen trees or shrubs, at least 14 feet high when planted and spaced not more than 15 feet apart and within 40 feet of the Cell Site boundary. Alternatives such as walls or solid fences constructed of wood or stone, of at least eight (8) feet in height may be permitted by the Board of Supervisors based on security or other reasons.

4. Antenna Support Structures shall be painted gray or have a galvanized finish retained, in order to reduce the visual impact. Notwithstanding the foregoing, all Antenna Support Structures shall meet all Federal Aviation Administration (FAA) regulations. No Antenna Support Structure may be lighted except when required by FAA.

G. Fencing

A security fence shall be required around the Cell Site, unless the Antenna is mounted on an existing structure. The security fence shall be a minimum of eight (8) feet in height and shall otherwise comply with the height regulations set forth in Sections 1902 and 1903.

H. Parking

If the Cell Site is fully automated, adequate parking shall be required for maintenance workers, with a minimum of two (2) parking spaces provided. If the Cell Site is not automated, the number of required parking spaces shall equal the number of people present at the Cell Site on the largest shift.

I. Site Plan

A site plan at a scale of 1"=50' shall be required for all Cell Sites, showing the Antenna, Antenna Support Structure, building, fencing, buffering, and ingress and egress. The Site Plan shall comply with the Township Subdivision and Land Development Ordinance, as amended.

J. Maintenance Requirements

The Cell Site shall be maintained and kept in good repair as required by federal law H.R. 6180/S. 2882, the Telecommunications Authorization Act of 1992 including amendments to Sections 303(q) and 503(b)(5) of the Communications Act of 1934, and all Township Ordinances not inconsistent therewith.

K. Abandonment

It being the legislative finding of the Board of Supervisors of Edgmont Township, that Antenna and Antenna Support Structures which have been abandoned present a danger to the health, safety and welfare of the general public, all abandoned structures shall be removed from any Cell Site not more than one year after abandonment. The Cell Site owner shall be responsible for any demolition costs related to the Antenna and Antenna Support Structures.

SECTION 1921 ADULT ENTERTAINMENT USES**A. Statement of Purpose**

1. Because adult entertainment uses tend to bring with them secondary concerns that impact on the health, safety and general welfare concerns of Edgmont Township, the Township desires to restrict or limit the location where such uses can locate.
2. The Township does not intend to effect or suppress any activities protected by the First Amendment of the United States Constitution, but instead address these secondary effects. Neither is it the intent nor effect of these ordinance provisions to condone or legitimize the distribution of obscene material. Neither is it the intent to permit any use which is prohibited by the provisions of any other Township Ordinance.

3. Based on evidence concerning the adverse secondary effects of adult uses on the community, presented in hearings and in reports made available to the Board of Supervisors, and on findings incorporated in legal cases, the Board of Supervisors finds that the following concerns are associated with the establishment of these uses in Edgmont Township:
 - a. Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that may go uncontrolled by the operators of the establishments. Further, there is presently no mechanism to make the owners of these establishments responsible for the activities that occur on their premises.
 - b. Certain employees of sexually oriented businesses defined in this ordinance as adult theaters and cabarets engage in higher incident of certain types of sexually oriented behavior at these businesses than employees of other establishments.
 - c. Sexual acts, including masturbation, oral and anal sex, occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows, as defined under this ordinance as adult bookstores, adult novelty shops, adult video stores, adult motion picture theaters, or adult arcades.
 - d. Offering and providing such space, encourages such activities, which create unhealthy conditions.
 - e. Persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.

- f. At least fifty (50) communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (AIDS), genital herpes, hepatitis B, Non B amebiasis, salmonella infections and shigella infections.
- g. Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States - 600 in 1982, 2,200 in 1983, 4,600 in 1984, 8,555 in 1985 and 253,448 through December 31, 1992.
- h. As of May 1, 1995, there have been 13,559 reported cases of AIDS in the State of Pennsylvania.
- i. Since 1981 and to the present, there have been an increasing cumulative number of persons testing positive for the HIV antibody test in Delaware County, Pennsylvania.
- j. The number of cases of early (less than one (1) year) syphilis in the United States reported annually has risen, with 33,613 cases reported in 1982 and 45,200 through November of 1990.
- k. The number of cases of gonorrhea in the United States reported annually remains at a high level, with over one-half million cases being reported in 1990.
- l. The Surgeon General of the United States in his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to her newborn.

- m. According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.
- n. Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.
- o. Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view "adult" oriented films.
- p. The findings noted in paragraphs a. through o. raise substantial governmental concerns.

B. Design Requirements

The purpose of these design requirements is to minimize, where conditions permit, the secondary concerns which include difficulties for law enforcement, municipal maintenance, trash, deleterious effects on business and residential property values, increased crime, particularly corruption of the morals of minors, and prostitution, and encourage residents and businesses to move elsewhere.

1. Yard and Area Regulations.

In addition to the yard and area regulations applicable to all uses permitted pursuant to the provisions of Article 13 no adult entertainment use shall be located

a. Within two hundred (200) feet of

- (1) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;

1921.B.1.a.(2)

1921.B.1.b.(2)

- (2) A public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school grounds, but does not include the facilities used primarily for another purpose and only incidentally as a school;
 - (3) A licensed premises, licensed pursuant to the alcoholic beverage control regulations of the Commonwealth of Pennsylvania;
 - (4) Any other adult entertainment use;
 - (5) A boundary of a residential district as defined in the Edgmont Township Zoning Code;
- b. Or within one hundred (100) feet of
- (1) A public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the Township which is under the control, operation, or management of the Township park and recreation authorities, or other similar land within the Township which is under the control, operation or management of private parties and open and available for use by the general public;
 - (2) An entertainment business which is oriented primarily towards children and family entertainment;

c. Or within four hundred (400) feet of

- (1) The right of way line of Route 3 (West Chester Pike).

For the purpose of subsection 1. - Yard and Area Regulations - of this Section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in subsection b. - Yard and Area Regulations. Presence of a municipal, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section 1922.B.1.

2. Screening and Buffering

Any lot which is to be used for any adult entertainment use shall contain screening and buffering along property lines adjoining other zoning districts in accordance with the provisions of Article 13, Section 1304, Screening and Landscaping Requirements.

3. Data

Sufficient additional data shall be submitted to enable the Planning Commission and the Board of Supervisors to determine that the requirements of this and other ordinances of the Township relevant to the proposed use have been fulfilled, and that the owners have been fulfilled, and that the owners and operators of proposed adult entertainment facilities demonstrate a desire and ability to comply with the ordinances of the Township and to prevent their establishments from being used for any illegal activities.

1921.B.4.

1923.B.

4. Adult entertainment uses must maintain any license or permit required by the State and must operate in conformance with all requirements of the Pennsylvania Crimes Code. No alcoholic beverages can be served at any adult entertainment use.

SECTION 1922 LIGHTING REQUIREMENTS

Lighting requirements shall be in accordance with the Edgmont Township Subdivision and Land Development Ordinance.

SECTION 1923 COMMERCIAL AND LARGE-SCALE GROUNDWATER, SPRING AND SURFACE WATER EXTRACTION

A. Purpose

The intent of this Ordinance is to recognize and acknowledge that the primary water resources for land located within the Township of Edgmont is provided by groundwater, spring or surface water, and to create standards and regulations in order to promote and protect the provision of safe, reliable and adequate water supplies and the preservation of natural values in the environment, including streams, stream tributaries, wetlands, watersheds and valuable aquifers and to protect water quality and minimize soil erosion.

B. Conditional Use

The commercial and/or large-scale extraction or collection of groundwater, spring and surface water, for off-site consumption, including the expansion of any such existing use or operation, shall be permitted in the C-3 Planned Commercial/Light Industrial District, by Conditional Use approval of the Board of Supervisors, subject to the provisions of Article 21, Section 2112. The provisions of this Section shall not apply to any municipal water authority or any water authority or water company regulated by the Pennsylvania PUC.

C. Additional Standards

In addition to the requirements of Article 21, Section 2112, it shall be the Applicant's burden to also demonstrate compliance with the following requirements set forth below:

1. The Applicant must affirmatively demonstrate that the proposed extraction or collection activity will not interfere with the water rights or water supply of others, including without limitation reducing the existing rate of flow of wells, capacity for geothermal energy production, reducing or depleting surface water resources, etc., of surrounding properties, and shall submit to the Township a hydrogeologic impact study prepared by a professional geologist, licensed and registered in Pennsylvania, which shall include but not be limited to the following:
 - a. A map indicating the location of existing wells within a 2 mile radius of the proposed site and identifying all perennial streams.
 - b. A written report prepared by a hydrogeologist describing the expected effects of the proposed withdrawal on existing wells, flows of perennial streams and the long-term lowering of ground water levels.
 - c. Identification of the subsurface material and conditions existing and anticipated for the site, and the type and number of wells to be established thereon.
 - d. Identification of the anticipated average daily withdrawal from the site.
 - e. Identification of the sources of water for withdrawal, sources of recharge, and the quality of each source.

- f. Evidence that the withdrawal under proposed use, together with other withdrawals will not exceed the withdrawal limits of the basin, aquifer or aquifer system.
- g. Evidence that the withdrawal under the proposed use will not significantly impair or reduce the flow of perennial streams in the area.
- h. Evidence that existing ground and surface water withdrawals will not be adversely impacted, or will be otherwise assured of adequate supplies.
- i. Evidence that the withdrawal under the proposed use will not cause substantial, permanent adverse impact to the overlying environment.
- j. Certification that all wells shall be drilled by a Pennsylvania licensed well driller and a water well inventory report shall be completed and filed with the Pennsylvania Department of Environmental Resources.
- k. Certification that all wells shall have a top casing extended a minimum of one (1) foot above the 100-year flood elevation and all wells shall have the casing protruding a minimum of six (6) inches above the immediate grade, and the safeguards to be used to prevent the entrance of surface water into said wells.
- l. Certification that all wells shall be accessible for inspection and shall have an access hole for water level measurements.
- m. Plan for implementation of a mitigation program to protect existing wells in the event the proposed use significantly affects or interferes with said wells which may include providing an alternative water supply, of adequate quantity and quality to the effected well owner(s); providing financial compensation to the affected

well owner(s) sufficient to cover the costs of acquiring an alternative water supply of adequate quantity and quality; or such other measures as the Township may approve as just and equitable under the individual circumstances.

2. The Applicant must obtain all required state and/or federal permits, including, if applicable, permits and approvals from the Pennsylvania Department of Environmental Protection, Delaware River Basin Commission, the local Health Department, Delaware County Conservation District and any other agency having jurisdiction. Such permit(s) shall be a prerequisite to the commencement of the use, and to the issuance of any building permit, use permit or certificate of occupancy.
3. For any use, or aspect of the use, permitted by Delaware River Basin Commission (DRBC) or applied for under this Ordinance, the Applicant must demonstrate that the proposed use shall not:
 - a. Exceed the safe yield or degrade the water quality of the aquifer,
 - b. Adversely affect existing wells by diminishing the rate of said flow from that rate which exists prior to the proposed use; or
 - c. Adversely affect the natural base flow of streams and stream tributaries within the watershed, wherein the proposed use is to be located, including but not limited to, permanent loss of storage capacity or a substantial impact on low flows of perennial streams.
4. In the case of any use, or aspect of use, permitted by DRBC or applied for under this Ordinance, water consumption by the conditional use shall not contribute to the lowering of stream flow rates below Natural Q7-10 Base Flow Rate. If at any time the

actual stream base flow, at the reference point therefor, equals or is less than the Natural Q7-10 Base Flow, the surface water consumption permitted by any Conditional Use approved hereunder will cease until the actual base flow rate returns to a level above the Natural Q7-10 Base Flow Rate. The Natural Q7-10 Base Flow Rate will be defined through direct long-term measurements of stream base flow at the reference point. Where sufficient historic data is not available, estimates will be made using the best available comparable hydrologic data for any conditional use permitted hereunder, monthly measurements and recording of base flow at the reference point shall be for the duration of the use. The base flow rate will be presented to the Township on an annual basis and more frequently upon request. Modifications to the originally calculated Natural Q7-10 Base Flow Rate may occur as additional stream flow data is generated.

5. The Applicant shall identify what commercial vehicles are to be used in connection with the Application, including but not limited to those used to transport water from the site, the number, size, type and capacity and scheduling of vehicles and shall also demonstrate that the trucks will have access to the site from Arterial roads, and to the greatest extent possible shall avoid using local and collector roads. The Applicant shall also identify proposed traffic control methods to be employed on the site to control ingress and egress of commercial vehicles. A traffic report prepared by a qualified traffic engineer shall be provided by the Applicant.
6. The Application shall demonstrate that no other such extraction or collection is being conducted within 1000 feet of the site.
7. The Applicant shall specify the quantity of water to be collected per day, consistent with applicable state and federal permits and Delaware River Basin Commission approvals. Any subsequent proposal to

increase the specified quantity of water shall require a modification of any Conditional Use approval, by Conditional Use application and public hearing. In the case of a groundwater, spring or surface water extraction or collection facility existing at the time of enactment of this Ordinance and which is exempt from regulation or permitting requirements under jurisdiction of the Delaware River Basin Commission, the maximum quantity of water permitted to be extracted per day shall be the average amount extracted per day during the prior calendar year.

8. The Applicant shall provide adequate equipment, monitoring and recording measures, through the use of sealed gauges, to document, among other things, amounts of water extracted or collected, the sources of same, and neighboring stream flow conditions, pollutant levels, in order to ensure consistency with any previous approvals granted and with permitting or exemption standards of the Delaware River Basin Commission or other agencies having jurisdiction. Prior to commencement of operation of the proposed use, Applicant shall provide benchmark data for the foregoing, against which the water resources may be compared. The data required hereunder shall be filed with the Township, not less than quarterly. The Applicant shall also provide the Township with copies of any complaints received from Township residents.
9. The Applicant shall provide the Township with written policies and procedures, including emergency telephone numbers, concerning how it intends to address any surrounding properties whose water supply is affected (i.e. well flow decreases, surface water dissipation, etc.) by the operation of the proposed use.
10. The Applicant shall identify the noise levels which shall be generated by the proposed use, and shall identify the distances said noises shall travel beyond the title lines of the proposed site and what methods Applicant shall employ to protect the surrounding area from said noises.

11. The Applicant shall demonstrate, in accordance with all Federal, State and Local laws, regulations and ordinances, that adequate drainage and detention controls can be installed in conjunction with any land development of the property to prevent runoff from tanker overflow, storage tanks and/or filling areas from draining onto adjoining properties and/or roadways.
12. All truck loading or parking areas shall be screened from view from any adjacent roadway or lot(s), in accordance with applicable Township Ordinances.
13. The Applicant shall identify its proposed hours of operation, and the scope and nature of activity to be conducted during said hours.

D. Bulk and Area Regulations

The Bulk and Area Regulations shall be those of the underlying C-3 District, unless expressly stated to the contrary in this Ordinance.

E. Parking and Loading

In accordance with Article 17.

F. Signs

In accordance with Article 18.

G. Other Standards

The proposed use shall be fully subject, insofar as applicable, to the requirements of the Township's Subdivision and Land Development Ordinance, including, without limitation, stormwater management control, stormwater infiltration control, erosion control, traffic control, landscaping, lighting and other standards prescribed by the Subdivision and Land Development Ordinance and/or other applicable Township Ordinances.

H. Abandonment

If any such groundwater, spring or surface water extraction or collection operation or facility discontinues operation for a period of twelve (12) months or more, it shall be considered abandoned and the owner and/or operator of said facility shall remove all pumps, supply piping, wires and similar equipment or fixtures. Wells shall be positively identified on a plan filed with the Township, before initiating the abandonment techniques. An attempt should be made to pull the casing when it will not jeopardize the integrity of the borehole. Before the casing is pulled, the well should be grouted to near the bottom of the casing. Wells shall be sealed with a sealing material approved by the Township. Wells shall be sealed by pumping a sealant under pressure from the bottom of the hole, using a grout pump or tremie pipe, until sealant flows to the ground surface. Wells shall not be sealed using soil, stone, waste or other debris or similar materials. No hold or void shall remain open.

SECTION 1924 GROUP HOMES**A. Purpose**

The purpose of this Section is to recognize the need for housing opportunities within the Township, for persons with disabilities, and to provide for living facilities to meet various supportive needs of the residents of group homes, consistent with the public safety, health and welfare, of the Township including the residents of the group home.

B. Conditional Use Regulations

As a Conditional Use, a landowner or developer may be allowed to establish a group home use in the R-1 Rural Residential/Agricultural Zoning District, as the single principal use of a lot, in accordance with and subject to the following:

1. Group homes shall be established on lots of at least two (2) acres, and except as expressly set forth to the contrary in this Ordinance, shall comply with the area and bulk regulations of the R-1 District.

2. Group homes shall be licensed at all times by the appropriate Federal, State or local agencies, copies of which shall be on file with the Township office.
3. All parking shall be off-street, and the property shall have adequate provisions for parking for one (1) vehicle for each staff or supervisory person residing or working at the group home and one (1) additional space for vehicles used to transport residents, whether or not parked at the group home on a regular basis.
4. The applicant for a group home shall demonstrate the adequacy of the existing or proposed water and sewerage facilities relative to the group homes capacity in terms of both number of residents and staff unless the property is served by public or community sewerage facilities.
5. The applicant for a group home shall demonstrate the adequacy of the existing or proposed fire detection, suppression and alarm devices, relative to the group homes capacity in terms of both number of residents and staff, and the particular group home residents expected to occupy the group home.
6. The applicant for a group home shall demonstrate the adequacy of the existing or proposed accessibility to the group home, including but not limited to, the means of emergency ingress and egress available to residents, staff and emergency personnel with regard to the particular group home residents expected to occupy the group home, if applicable.
7. Group homes shall also comply with all other local, State and Federal rules and regulations, including but not limited to, building codes, applicable to group homes and similar facilities.

SECTION 1925 EDUCATIONAL RESOURCE CENTER**A. Purpose**

This use is created in part to allow an Educational Resource Center consistent with the desire to preserve open space and protect the natural environment.

B. Conditional Use

An Educational Resource Center may be permitted in the R-1 Rural Residential/Agricultural District by Conditional Use approval of the Board of Supervisors subject to the provisions of Article 21, Section 2112 and the other relevant terms of this Ordinance.

C. Additional Tract Standards

In addition to the requirements of Article 21, Section 2112, it shall also be the applicant's burden to demonstrate that the following conditions are satisfied prior to the approval of a tract or portion for use under the provisions of Section 401.D.3 by the Board of Supervisors. No tract shall be eligible for such use hereunder, unless it first meets the following conditions:

1. The tract shall be entirely within the R-1 Rural Residential/Agricultural District, be held in common ownership and contain a minimum of fifty (50) contiguous gross acres not separated by any public thoroughfare.
2. The net lot area on which the Educational Resource Center is located shall not be less than twenty-five (25) acres.
3. The tract shall be developed under a single master development plan which shall be submitted with the conditional use application and include all land

within the tract. This master development plan shall reflect all existing and proposed development on both the Educational Resource Center lot and the balance of the tract, the submission of which shall not constitute a subdivision or land development plan submission.

4. The design and development of the tract shall provide for the conservation of land, the preservation and maintenance of existing historic structures and the protection of natural resources.
5. The tract and any proposed lots within it shall be environmentally and physically suitable to support the intended uses identified on the master development plan consistent with the intent of Section 401.D.3. and this Section 1925.
6. The natural features of the tract, including but not limited to wooded areas, flood plain and steep and very steep slope areas, shall be preserved and protected through sensitive environmental site design consistent with the purposes of Section 401.D.3. and this Section 1925.

D. Additional Standards for the Educational Resource Center

The following design, operational and use standards are in addition to the requirements of Article 21, Section 2112, and shall apply to and limit the development of a lot for an Educational Resource Center. No lot shall be eligible for such use hereunder, unless applicant demonstrates compliance with the following:

1. Buildings shall not be located to dominate a hilltop or monopolize the view of rural countryside.
2. The design, construction and/or use of structures which are aesthetically and operationally harmonious with a medium to low density residential area.

3. Sewer and water facilities so designed to adequately serve the proposed development and comply with the regulations of the Pennsylvania Department of Environmental Protection, Township Regulations and Ordinances and any other applicable governmental laws or regulations. Connection to a public water supply will be made where available and practical. Fire protection measures shall be provided and installed as approved by the Township Fire Marshall.
4. The proposed Educational Resource Center shall not burden the immediate neighborhoods or the community by significantly increasing traffic or commercial vehicles.
5. Minimum parking consistent with the provisions for educational uses.
6. The use shall not create a security threat to the Township or the community or include student residential facilities.
7. Any lot to be used for an Educational Resource Center shall be deed restricted or otherwise limited to prevent further subdivision and no use shall be made of its acreage to increase the development density of other land.
8. Provision shall be made by which the Township or a conservation organization may ensure the preservation of the conservation purposes of the development should the Educational Resource Center be discontinued.
9. All adverse, off-site impacts associated with a use under Section 401.D.3 shall be minimized through proper site planning and the imposition of conditions by the Board of Supervisors. The applicant for conditional use shall investigate and disclose such potential adverse impacts, and the application shall set forth the manner in which the adverse impact thereof shall be minimized and mitigated.

1925.D.10.

1926.B.2.

10. The Township Subdivision and Land Development and other ordinances.
11. Acceptance of additional conditions which may be imposed by the Board of Supervisors at the time of conditional use application based upon the specifics of the use.

SECTION 1926

A. Purpose

The intent of this Section is to permit and provide for, in accordance with Act 68 of 2000, opportunities within Edgmont Township for legitimate forestry activities and mineral extraction activities, while at the same time, protecting and preserving the health, safety, welfare and morals of the Township and the community.

B. Forestry

Forestry shall be permitted by right within every zoning district within the Township, subject to the requirements of the underlying zoning district and subject to the following standards:

1. Applicant shall receive a permit from the Township prior to commencing any forestry activities.
2. Applicant shall provide documentation, satisfactory to the Township, detailing the forestry activity to be conducted by the Applicant, which shall include, but not be limited to, an Environmental Impact Assessment Report ("EIA") as set forth in Article 19, Section 1915 of the Zoning Ordinance. The EIA shall also include: photographs of the affected tract, number and types of trees to be removed, management techniques being employed, silviculture principles being implemented, method of restoration and replenishment to be implemented, proof of liability and worker's compensation insurance and the anticipated time-frame for the proposed activity.

3. Applicant shall detail what measures shall be taken to preserve and protect the safety of persons and property of the Township, its residents and the community.
4. Applicant shall provide such other information and documentation as the Township may require.
5. Applicant shall also verify, under oath, that the contemplated activity shall not be a part of or in contemplation of a land development of the subject property.
6. The Township shall review each application and issue a permit or a written denial within 45 days after the application has been received by the Township.

C. Mineral Extraction

Mineral extraction shall be permitted only in the LI-Light Industrial District, and only as a conditional use in accordance Article 13, subject to Article 21, Section 2112, and the standards set forth below, to the extent that the same are not pre-empted by federal or state law:

1. Applicant must identify the subject mineral and shall demonstrate the existence of the mineral sought to be extracted and the proposed method(s) for extraction.
2. The Applicant affirmatively demonstrate that the proposed mineral extraction or collection activity will not interfere with the property rights or water supply of other property owners or properties within the Township. Such evidence shall include but not be limited to the following:
 - a. A map indicating the location of existing manmade structures, including wells within 150 feet of the proposed site, and identifying all water bodies within 500 feet.

1926.C.2.b.

1926.C.2.i.

- b. A written report prepared by a hydrogeologist describing the expected effects of the proposed withdrawal on existing wells, flows of perennial streams and the long-term lowering of ground water levels.
- c. Identification of the subsurface material and conditions existing and anticipated for the site, and the type and number of extraction facilities or equipment to be established thereon.
- d. Identification of the anticipated average daily mineral withdrawal from the site and the anticipated duration of the mineral extraction activity.
- e. Evidence that existing ground and surface water supplies will not be adversely impacted, or will be otherwise assured of adequate supplies.
- f. Evidence that the withdrawal under the proposed use will not cause substantial, permanent adverse impact to the overlying environment.
- g. Certification that all proposed activity shall be conducted by duly licensed personnel, including identification of the licenses and permits required for the proposed use.
- h. A plan for implementation of a mitigation program to protect the health and safety of persons and property in the Township and the community from the proposed use.
- i. The Applicant must obtain all required state and/or federal permits for the proposed use. Such permit(s) shall be a prerequisite to the commencement of the use, and to the issuance of any building permit, use permit or certificate of occupancy.

SECTION 1927 SCHOOLS

- A. School shall meet all of the requirements listed in the definition in Article 2 pertaining to State licensure, and access to a Major Collector or Minor Collector street.
- B. Schools shall be located on lots of at least ten (10) acres in size.
- C. No building shall be located within one hundred (100) feet of any perimeter lot line.
- D. A landscape buffer of at least twenty-five (25) feet in width shall be planned, installed, and maintained in accordance with an approved Landscape Plan.
- E. The maximum impervious surface coverage shall be forty (40) percent.

SECTION 1928 NO-IMPACT HOME-BASED BUSINESS

- A. A no-impact home-based business shall be a permitted use in all residential zoning districts of the Township, provided that:
 - 1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
 - 2. The business shall employ no employees other than family members residing in the dwelling.
 - 3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
 - 4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
 - 5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectible in the neighborhood.

6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
 7. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five (25) percent of the habitable floor area.
 8. The business does not involve any illegal activity.
5. None of the provisions of this Section 1928 shall operate to supercede any deed restriction, covenant or agreement restricting the use of land, nor any master deed, bylaw or other document applicable to a common interest ownership community.

SECTION 1929 SELF STORAGE FACILITY

- A.** Self storage facility uses are intended for the passive storage of non-hazardous personal property within the confines of storage units leased to the public as well as outside storage of motor vehicles, recreational vehicles and boats as more fully provided below.
- B.** The storage of living organisms, perishable items, illegal substances, or hazardous, toxic, flammable or explosive materials is strictly prohibited.
- C.** The storage, occupancy or use of any part or portion of the interior or exterior self storage facility for human habitation or commercial or industrial uses, businesses or staging areas is strictly prohibited.
- D.** Self storage facilities may include the accessory retail sales and leasing of moving supplies and packing products and equipment from the self storage facility office.
- E.** Self storage facilities may include outside storage areas for the self storage of motor vehicles, recreational vehicles, and boats on trailers. The outside storage areas shall not occupy, in the aggregate, more than seven (7.0%) percent of the total lot area, with not less than thirty (30%) percent of the proposed outside storage being

situated under cover of a roof structure, which roof structure shall be attached to an inside self storage facility building(s) and be of the same design, materials, construction, and appearance as the inside self storage facility building(s).

- F.** The motor vehicles and recreational vehicles stored in the outside storage areas must be currently registered and inspected, if applicable and otherwise in operable condition. The outside storage area shall not be used to repair, maintain, improve or rehabilitate the vehicle or boat being stored.
- G.** The outside storage area shall be set back from the future right-of-way line and/or all future property lines at least twenty (20) feet; and further provided that such vehicles and boats shall be screened with a fence or a continuous evergreen tree buffer of at least six (6) feet in height to screen from view from any property boundary, which shall be installed at the time such vehicles are kept or stored outdoors.
- H.** The self storage facility may store on the premises not more than two (2) box trucks for moving/transportation of personal property to and from the self storage facility by current lessees of the self storage facility units. The moving trucks shall not be available for rent to or use by the general public. The moving trucks shall not be parked or otherwise situated upon the property of the self storage facility in such a manner that the moving trucks serve as signs or advertisements for the self storage facility, nor shall the same be located along a side of the property which adjoins a residential use or district. Parking for the moving trucks shall be in addition to the off-street parking requirements of Article 17.
- I.** Outdoor storage for the storage of motor vehicles, recreational vehicles and boats and outdoor display area for the parking of moving trucks shall be in addition to the off-street parking requirements of Article 17.
- J.** The self storage facility shall have, at a minimum, security systems for unlawful trespass, smoke and fire. The operator of the Self storage facility shall provide a call box permitting twenty-four (24) hour, seven (7) day

per week monitoring with a central monitoring system/agency.

- K.** The self storage facility shall include a Knox box to permit fire/safety access to the self storage facility during an emergency.
- L.** Entry to the self storage facility and any units thereof shall be secure and regulated such that entry and access may only be made by persons authorized by the self storage facility during regular business hours.
- M.** The self storage facility shall be fenced for the entire perimeter of the lot. The fence shall be decorative, in keeping with the character of the Township and the area in which the self storage facility is to be located. The height of the fence shall not exceed a height of eight (8) feet, notwithstanding any other provision of the Zoning Ordinance to the contrary.
- N.** Exterior lighting shall comply with the lighting standards of the Township Subdivision and Land Development Ordinance, as amended, provided that techniques to reduce the effects of lighting on neighboring properties, such as motion activated lighting shall be used whenever practical.
- O.** Mechanical devices used to control the climate, temperature or other features of the self storage units shall be located such that the operation of such devices shall not interfere with the use and enjoyment of neighboring properties. In no event shall such devices be located along a side of the property which adjoins a residential use or district.