

Stormwater, Zoning, & SALDO Proposed Changes w/Status Updates

Created: January 29, 2019

No. (origination year - month)	Ordinance Name	Description of Changes/Status	Source ⁱ	Priority	Approved date (PC)	Approved date (BOS)
2013-10	Chapter 57 Bi-Directional Antennas	MR checked with Andy Kirk, and Pat McKenna. Ordinance appears to only need appropriate IBC reference. The Township uses 2009 IBC.	WEGO PD	1	hold	hold
2020-08	Chapter 49 Animals	To address dog feces and strengthen language regarding leashing and control of animals	BOS	1	11/4/2020	in progress
2017-08.7	Chapter 170 Zoning 170-1605. G. (2). n Major home occupations	Correct reference from 170-1700D to 170-1708.A	PC (EA)	1		
2018-08.8	Chapter 170 Zoning 170-602.D R-1 Residential Area and Bulk Regulations	Residential Cluster per 170-602, which has been deleted (replaced by Flexible Development.) Remove 170-602.D and renumber as necessary.	PC (EA)	1		
2017-08.6	Chapter 170 Zoning 170-1502.B & G, Projections into setbacks and setback exceptions	Safety issue for access for emergency equipment, also swimming pool decks and patios (or other materials) should be required to remain outside of the 25' setback. See 11/13/20 memo from J. Snook	PC (EA)	1		
2017-08.4	Chapter 170 Zoning 170-1509 Storage	Reword this section to apply to residential situations. See 11/13/20 memo from J. Snook	PC (EA)	1		
2017-09.1	Chapter 149 Subdivision of Land 149-910 Street Construction	This section could be revised to remove the reference to "PennDOT Seldom Used Specifications 1983" and more appropriately Reference PennDOT Publication 46. Need Bob F to double-check	MT (KM)	1		
2017-09.7	Chapter 149 Subdivision of Land Lighting waivers	Remove lighting requirements in residential from the code): 149-602.C.(4).(h)	MT (KM)	1		
2017-09.2	Chapter 149 Subdivision of Land	This section could be revised to remove the reference to Bituminous Surface Course ID-2A. This section should be	MT (KM)	1		

	149-910.D Paving - Bituminous Surface Course ID-2A	completely re-written to include a modern specification of the Superior Asphalt Paving System (Superpave). Need Bob F to double-check and provide up-to-date specs				
2017-09.3	Chapter 149 Subdivision of Land 149-803 Stormwater Management in the Land Development Ordinance	This section could be completely removed since the Township Stormwater regulations were installed as a “stand alone - §144” section in 2013. A general reference to Chapter 144 should be retained in Chapter 149	MT (KM)	1		
2017-09.4	Chapter 144 Stormwater Management 144-301T General Requirements	A typo appears in the code. The ordinance should correctly read “seventy-five” (75), not fifty, which was the original language from the Chester County Model ordinance.	MT (KM)	1	pending	
2017-09.8	Chapter 144 Stormwater Management Stormwater	§144-311.B.2 HDPE Pipes to be used in areas not supporting traffic loads. This request has been made on several applications and been granted by the BOS frequently enough to warrant amending the code.	CE (BU); MT (KM)	2		
2017-09.14	Chapter 170 Zoning Definitions “lot area” and “tract area”	The definition of “Lot Area” and “Tract Area” are treated differently in Zoning	MT (KM); PC (EA)	2		
2017-09.15	Lot Area	The acreage contained within the property lines of a lot, as defined in the deed or as shown on an approved subdivision plan. Such acreage shall be exclusive of the following: A. Any area used for gas, oil, natural gas, electric, or communications transmission facilities, whether below or aboveground, that do not serve the lot or lots traversed. B. Any area within a street or other transportation right-of-way, existing or proposed. C. Any area within a permanent drainage easement. D. Every lot created by subdivision shall have a contiguous and uninterrupted area equal to 75% of the minimum lot area required by the applicable zoning district, which is unencumbered by wetlands, one-hundred-year floodplains, steep slopes and/or stormwater management basins/facilities.	MT (KM)	2		

2017-05	Open Space	<p>When the Flexible Development option was added to the Ordinance, it included an extensive Open Space description -170-907. It was decided to refer the Open Space requirements in all other districts to this section in order to avoid repetition.</p> <p>While there are requirements for some portion of the Open Space be useable for active recreation, storm water management often occupies a significant area. Revising the open space definition and regulations has been suggested. Establishment of an Open Space fund, clarification of in lieu of fees</p>	PC (EA)	3		
	Revise Floodplain Ordinance	Based on comments received during review in 2017, PC members indicated a desire to make some changes with Beth Uhler' assistance		3		
2001-08.1	Buffers & Screening - MU and R-3 Districts	<p>Present regulations generally require buffers between districts rather than between uses. (Except for commercial vs residential).</p> <p>Possibility for problems in MU and R-3 districts where residential and non-residential uses are permitted. The MU District is presently developed as residential except for one tract (5 acres?) currently industrial, which could be redeveloped for any use permitted in the C1 District.</p>	PC (EA)	3		
2017-08.3	<p>Chapter 170 Zoning</p> <p>170-900 Flexible Development</p>	<p>170-904.C There are no lot size limits in Flex. For single-family dwellings, the only control of lot size is the requirement that there can be only 4 lots per acre in the area used for single-family dwellings (smallest lots could be just under 11,000 square feet).</p> <p>170-904. E. (3). (10) Setbacks - The only setback regulations for dwellings in Flex are 30 feet behind the curb line and 30-foot separation between structures. This applies to decks, sheds, and even dwellings. (Not to swimming pools, however.)</p>	PC (EA)	3		
2017-08.5	<p>Chapter 170 Zoning</p> <p>170-1513.B Interior circulation and streets minimum widths</p>	Consider reducing the minimum paved width of streets on low traffic volume streets.	PC (EA)	3		

2001-08.2	Chapter 149 Subdivision of Land 149-915 Driveways	PC has suggested on several occasions that the Board adopt a freestanding driveway ordinance.	MT (KM)	3		
2017-09.9	Chapter 170 Zoning Proposed Additions to the Code (1)	§170-1600 – Consider adding Drive Thru Regulations Recall Dunkin’ Donuts	MT (KM)	3		
2017-09.10	Chapter 170 Zoning Proposed Additions to the Code (2)	§170-1600 – Consider adding MS4 Assist Regulations Recall the Maneri Property 1126 Kolbe Lane, Rustin and Crebilly CU	MT (KM)	3		
2017-09.11	Chapter 149 Subdivision of Land Proposed Additions to the Code (3)	§149-1514 – Consider adding a Belgian Block Section of Code with detail.	MT (KM)	3		
2017-09.12	Chapter 170 Zoning Proposed Additions to the Code (4)	§170-1600 – Parking has become popular for compact cars, oversized vehicle, electric vehicle, seniors citizen and new or expecting parents, multi-family, and residential uses. (rideshare parking)	MT (KM)	3		
2017-09.13	Chapter 170 Zoning Proposed Additions to the Code (5)	§170-1600 – Truck Turning Templates are not required by ordinance and should be added to the preliminary/ final plan set requires. All vehicles for emergency response, delivery, trash, and recycling should be provided to major applications.	MT (KM)	3		
2019-03	Parking Regulations Update	Times, circumstances, streets, locations, rideshare parking locations	Twp (WE)	4		
2015-07	Residential Chicken Ord.	Tabled indefinitely		4		
2018-05	High tunnels or “hoop houses”	No adoption deadline	House Bill No. 1486	4		
2017-06	Conditional Use Posting Requirements	Brought before BOS in summer 2017 (WIP), not scheduled before the PC or BOS		4		
2017-09.5	Administrative Preliminary or Final Waivers	Modern applications contain so much information that the boundary between preliminary and final has become almost negligible as far as engineering detail. Rarely have I seen a request for a waiver from preliminary to prelim/final denied.	MT (KM)	?		
2017-09.6	Landscaping Waivers	<ul style="list-style-type: none"> Westtown Woods: §149-925-I.5 – Street Trees within 5 feet of property and within 10 feet of side lot lines 	MT (KM)	?		

		<ul style="list-style-type: none"> • §149-924.D which would require a separate tree protection plan. • Fairshare Builders: §149-924.D(12)(b) – Regarding the request to waive the full amount of compensatory trees, the site was formerly a tree nursery. • Rustin Residential: §149-925-I.5 – Street Trees within 10 feet of side lot lines. <p><i>-Considering that these requests are handled on a case-by-case basis, I see no reason to make changes to the Code. - KM</i></p>				
	Medical Services (curative amendment)	Adopted by BOS 7/16/2018. PC and BOS noted at the time that Medical Services may be appropriate in more zoning districts than just POC. (R-3, C-1, C-2). Consider amending by-right uses in these zoning districts to allow Medical Services, and to make existing medical services conforming to code.	(Twp) WE	?		
2019-01	Sidewalks	(discussed)	PC	?		
2019-02	Riparian Buffers	Needs contemporary definition	PC	?		
2019-04	Commencement of Development	Add times and days of the week, 149-404?	PC	?		
2019-05	Gross Habitable Area	Add definition: “All usable space within a dwelling unit without netting out any space unless it is not capable of being lived in.” (Examples of spaces to exclude: hvac closets, unfinished basements, unfinished attics)	PC	?		
2019-06	Business or Trade School	Add definition:	WE	?		
2019-07	Accessory Dwelling Units	Gross habitable area definition, proximity to principal dwelling, require water & sewer connection, maximum number of parking spaces, including garages in size restrictions	KF	?		
2019	170-201 Definitions	Add definition for “Boarding_home(s)”	PC	1		
2020-11	170-201 Definitions	Add definition or clarification to existing definitions of “building area” and “floor area” to include more details about “breezeway”	MR & JS	?		

2020-11	170-1502 Projections into setbacks and setback exceptions	Issue of 15 feet setback for patios on small lots	MR & JS	?		
2020-11	170-201 Definitions	Add definition and subsequent regulations regarding “self-storage facilities”	RH	?		
2020-08	Signs Ordinance Amendment	Add language that was missed when original ordinance was adopted; BOS authorized Act 247 review at 9/8/20 mtg	BOS/PC	COMPLETED	9/9/2020	11/16/2020
2020-02	Update to Alarms Ordinance	Update language and move fees to fee schedule	WE / JG	COMPLETED		02-18-2020
2020-03	Sign Ordinance	BOS Authorized Act 247 review at 1/21/2020 mtg	PC (EA)	COMPLETED	4/3/19	1/21/2020
2017-08.1	New Accessory Structure Setbacks	PC refers back to Twp Mgr for resolution of including word “uninhabitable” in language	PC (EA)	COMPLETED	4/17/19	6/3/2019
2017-08.2	Convert Accessory Dwelling Units into Rental Dwelling Units by Special Exception	PC recommends language to BOS for consideration	PC (EA)	COMPLETED	4/17/19	5/6/2019

ⁱ Source Initials Key:
Board of Supervisors (BOS) and initials
Planning Commission (PC) and initials
Township Staff (Twp) and initials
Cedarville Engineering (CE) and initials
McCormick Taylor (MT) and initials
Al Federico (AF)
Brandywine Conservancy (BC) and initials
William Ethridge (WE)
JoAnne Grubbe (JG)
Mila Robinson (MR)
John Snook (JS)

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West Chester, PA 19382
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610-314-5378

Memorandum

January 15, 2021

To: Westtown Township Planning Commission

From: John D. Snook

Re: Flex Development and related Amendments not yet formally approved by the Planning Commission

The Planning Commission formally approved an original set of amendments to the Flex Development regulations, as well as a second smaller set of corrections in the Summer of 2019. These were also approved by the Chester County Planning Commission.

Recently, we have discussed further potentially important amendments at the Planning Commission, some resulting from the flurry of activity in the COVID era that have exposed certain ambiguities in the Zoning Ordinance. These have not yet been approved by the Planning Commission and are indicated below.

Unfortunately, I also uncovered a few format errors in the original amendments, along with duplicative text in §170-904 and §170-905. In this case, I have made no substantive changes but simply corrected the format errors and removed duplicative text, combining pertinent overlapping text in the appropriate sections. Since there is no substantive change to what had previously been approved by the Planning Commission, I have not included these amendments below.

The sections with substantive revisions not yet formally approved are indicated below. The original approved text is shown in standard text and revisions indicated in “track changes.”

Yours, John

SECTION 9. Article IX, Flexible Development Procedure, §170-904, Density Standards, Subsection E, Standards applicable to housing sites within a flexible development (PART)

- (3) Standards for all flexible development:
 - (i) The following requirements shall apply, except where more stringent criteria apply:

- [1] As a condition of Conditional Use approval, the Board of Supervisors may require that the subdivision/land development plan include allocation of specific lot lines for individual residences and, including where individual lot lines beyond the footprint of the principal residential structures are not provided, specific designation of a permitted building envelope for each residence consistent with the standards herein, including for allocation of planned or potential building additions or accessory structures, to be recorded on the final plan and each deed.
- [2] No structure shall be within 30 feet of the curb of access roads.
- [3] No single-family detached dwelling or twin dwelling may be erected within 30 feet of any other principal structure, nor within five feet of any side lot line within the development, except where attached along a common lot line.
- [4] The distance between buildings containing multi-family dwellings shall be determined in accordance with the requirements of §170-802.B(7).
- [5] At its sole discretion, and for purposes of promoting innovative and preferred design of dwellings and structures, the Board may vary the terms of this §170-904 where deemed appropriate as a condition of Conditional Use approval.

SECTION 15. Article XV, General Regulations, §170-1502, Projections into setbacks and setback exceptions, Subsections A-G shall be amended to read as follows; Subsection H remains unchanged:

- A. The following components of principal buildings or accessory thereto (with or without accessory dwelling units), may project into any required yard so long as they are set back at least 15 feet from any lot line: porches, terraces; platforms excluding decks, stoops, patios, and other uncovered landings; buttresses; chimneys; cornices; piers or pilasters; unenclosed fire escapes; and unroofed steps. This provision does not apply to extensions that comply with the minimum yard area where the minimum yard area is less than 15 feet from the lot line, such as certain side yards, or where projected along and parallel to a lot line where two dwellings are attached to each other.

- B. In situations where the Board of Supervisors permits a lot size which conforms to the footprint of a principal building, such components or decks may project into common lands no more than 25% of the minimum distance between buildings as applicable, or be set back at least 15 feet from the tract boundary; projections into open space not covered by these standards shall be subject to approval by the Board of Supervisors as a Conditional Use.
- C. Raised decks attached to a dwelling may extend only into a required side or rear yard, but not a front yard, provided that they are set back a minimum of 15 feet from any lot line, except where in compliance with a minimum yard area where the minimum yard area is less than 15 feet from the lot line or where projected along and parallel to a lot line where two dwellings are attached to each other.
- D. An open gazebo or a similar unenclosed uninhabitable decorative structure with a maximum floor area of 64 square feet shall be permitted within a front yard setback, provided the front yard has a minimum width of 50 feet. Where otherwise permitted in a side or rear yard, the provisions of this subsection do not apply.
- E. A movable awning or movable canopy may project into any required yard not more than 25 feet, but shall not be closer than 15 feet from any property line, except where within a minimum yard setback that is less than 15 feet.
- F. Arbors, garden sheds, private garages, private greenhouses, trellises, workshops, and similar accessory structures shall be permitted within side and rear yard areas provided they do not exceed the height, nor 50% of the footprint, of the principal structure, and shall not exceed applicable impervious cover limitations. The side and rear yard setbacks for such structures shall be no less than the height of the accessory structure, irrespective of the otherwise applicable yard requirement of the district. Any wheels attached to a mobile structure must be removed prior to the issuance of any permits.
- G. Swimming pools, measured from the edge of the water, tennis courts, and similar outdoor recreation facilities shall be permitted within side and rear yard areas provided they are set back at least 25 feet from the lot line or, in the case of a Flexible Development, not within any required tract perimeter setback.

Memorandum

11/13/20

To: Westtown Township Planning Commission

From: John D. Snook

Re: Storage Regulations

Chapter 170, Zoning, Article XV, §170-1509, Storage

Storage is one of the issues on your list of potential amendments, but with only the note that it needs to specifically deal with residential properties, presumably as different from non-residential properties. Included below is the existing “Storage” section (170-1509) in the Westtown Zoning Ordinance, followed by a sample from Lower Mount Bethel Township, Northampton County (“LMB”), which I recently drafted for them in the context of a complete new Zoning Ordinance, and which specifically deals with residential properties. There is no “magic” about the sample; it is simply provided for purposes of discussion by the Planning Commission, to note both differences and things that are not part of the current Westtown ordinance but may be useful and pertinent.

§170-1509, Storage

The following standards shall apply to the storage of all man-made materials:

- A. Storage for periods in excess of 30 days shall be screened from view of any public right-of-way and any contiguous residential use. Screening shall consist of continuous evergreen plantings and/or include an architectural screen.
- B. No storage shall be permitted within the front yard of a lot.
- C. No merchandise, goods, articles, or equipment shall be stored, displayed, or offered for sale outside any building except seasonal articles which are too large or otherwise infeasible to be stored indoors. Such articles shall be stored adjacent to the principal building housing the commercial use, and shall be enclosed by either walls or opaque fencing designed to be architecturally compatible with the building. Such enclosure shall be at least six feet high. Any outdoor display area shall be considered sales floor area for purposes of computing building coverage and parking requirements.
- D. Any organic refuse and garbage shall be stored in tight, verminproof containers. On multifamily, commercial, or industrial properties, solid waste storage shall be centralized to expedite collection. Storage containers shall be enclosed on three sides with masonry walls and shall be architecturally screened.

Commented [JS1]: While the current Westtown section is entitled “Storage,” it essentially deals with outdoor storage and should not be confused with self-storage facilities, for example, which are an indoor commercial use and probably should be dealt with specifically.

Commented [JS2]: Not all items stored are man-made. Note Subsection A.1 in the LMB sample which previously had said “man-made,” but which wording was revised and expanded to include a more specific list and also exclude storage in connection with agriculture and timber harvesting which are protected uses by state regulation.

Commented [JS3]: The LMB sample does not provide a 30-day “grace period,” although a violator, upon notice would typically be given 30 days to remove the violation if not immediately hazardous.

Commented [JS4]: The Westtown text does not include specific reference to otherwise applicable landscaping or screening regulations as the LMB sample does.

Commented [JS5]: Subsections A-F here are generally consistent with the LMB model, which goes further in separating out residential uses and as noted below.

Commented [JS6]: The LMB sample text does not specifically identify merchandise storage outdoors; this is something potentially beneficial in the existing Westtown text.

E. Flammable and combustible liquids, solids, or gases shall be stored in accordance with the Township Fire Code.[1] There shall be no storage of hazardous waste anywhere within the Township, including temporary storage in a parked vehicle. Hazardous waste shall be as defined in Pa. Act 97-1980, the Solid Waste Management Act (35 P.S. § 6018.101 et seq.), or any subsequent amendment or revision thereto.

[1] Editor's Note: See Ch. 87, Fire Prevention.

F. Any establishment which furnishes carts or mobile baskets as an adjunct to shopping shall provide definite locations within the required parking areas for storage of said carts. Each designated storage location shall be clearly marked for storage of shopping carts. Signs indicating the storage locations shall not be considered as regulated by the provisions of Article XVIII.

§170-1509, Outdoor Storage. Sample from Lower Mount Bethel Township

A. General Requirements

1. Outdoor storage of products, materials, equipment, machinery, or supplies other than those accessory to a permitted agricultural use or timber harvesting operation shall be screened from view of public rights-of-way and adjacent residential uses. Screen landscaping shall be in accordance with Section ____.
2. All organic refuse or garbage shall be stored in tight, vermin-proof containers. In multiple family, commercial and industrial developments, garbage storage shall be centralized to expedite collection and enclosed on three (3) sides by an architectural screen or plantings.
3. No highly flammable or explosive liquids, solids, or gases shall be stored in bulk above ground, except the following where permitted by the fire marshal and where enclosed within an approved safety fence, compatible with the architectural and landscaping style employed on the lot. Permitted liquid storage tanks shall be enclosed by a moat or berm to contain potential spillage.
 - a. Tanks or drums of fuel connected directly with and located and operated on the same lot as the devices or appliances they serve.
 - b. Tanks or drums for storage of not more than three hundred (300) gallons of fuel oil or gasoline or diesel fuel, provided such tanks are located no closer than twenty-five (25) feet to any lot line.
4. No materials or wastes shall be deposited upon a lot in such form or manner that they may contaminate a stream or watercourse, or otherwise

Commented [JS7]: The LMB model specifies "outdoor storage."

Commented [JS8]: Highlighted sections or portions of sections below, or as specifically noted, go further than or otherwise differ from the Westtown text.

Commented [JS9]: This subsection is more specific than the Westtown text yet includes certain exclusions and does not define "hazardous" or reference the fire code as does the Westtown text.

render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse.

5. No vehicles without current license plates shall be stored outside on any lot.

B. Residential Outdoor Storage

1. Recreational Vehicles.

a. Not more than one recreational vehicle, including travel trailers and water craft, shall be parked or stored on any residential property, except in a carport or enclosed building or to the rear of the rear-most wall of the dwelling where screened from view from any public road or neighboring residential property, provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed forty-eight (48) hours.

b. No such equipment shall be used for dwelling purposes on a residential lot for more than seven days per quarter.

2. No storage shall be permitted within the front yard of any residential lot. In the case of a reverse-frontage or corner lot where more than one yard is considered a front yard, storage may be permitted beyond the minimum front yard setback in no more than one such front yard.

C. Non-Residential Outdoor Storage

For all non-residential uses, storage of materials, equipment or vehicles, but not including parking and similar activities, shall be carried on within a building, except that outdoor storage for a permitted agricultural, industrial or commercial use may be authorized where all of the following conditions are met:

1. The agricultural, industrial or commercial use involved traditionally employs long-term outdoor storage of materials or products (e.g., lumber yard).

2. Such storage is needed for the successful operation of the use, and the proposed site is suitable for outdoor storage.

3. The applicant can demonstrate that indoor storage is not practical.

4. The standards described in Section _____, Access and Traffic Control, herein, shall be met.

Commented [JS10]: Note that residential properties are also subject to all of the provisions in subsection A above but not to the specific provisions for non-residential properties in subsection C below.

5. The materials stored shall not exceed eight (8) feet in height and the storage area shall comply with setback and impervious coverage requirements, measured as if the storage area, when full up to eight (8) feet in height, were an accessory structure.
6. The storage shall comply with any applicable condition of a prior plan approval.
7. The storage area shall be located to the side or rear of the property behind the front building line of any principal structure.
8. The storage area shall be screened from view from any public right-of-way or any residential use or zoning district by buildings, walls or an effective landscape screen, as set forth in Section ____ of this Ordinance.
9. Any establishment which furnishes shopping carts as an adjunct to shopping shall provide definite areas within the building and parking area for storage of said carts. Each designated storage area shall be enclosed by a barrier at least six (6) inches higher than the parking area surface, and shall be clearly marked for storage of shopping carts. All shopping carts shall be stored indoors, or otherwise secured during non-operating hours.

Commented [JS11]: This subsection goes further than the current Westtown text in dealing with **indoor and** outdoor storage of shopping carts. The Westtown text excludes signage for shopping carts from otherwise applicable sign regulations, which LMB does not.

Westtown Township

PO Box 79
Westtown, PA 19395



P: 610.692.1930
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www.westtownpa.org

Zoning Hearing Board Application

Township Use Only

Date Received: 12/23/2020 Date Accepted: _____
Project No.: 2020-05 Fee/Date Paid: 850.00
Parcel No.: 67-4-38 Acreage of Property: 2.75 ac
Zoning Dist. R-3

Applicant & Owner Information

Property Owner Malvern School Real Estate Phone _____
Mailing Address 5 E. Pleasant Grove Road City West Chester Zip 19382
E-mail jscandone@malvernschool.com

Applicant Same as owner Phone _____
Mailing Address _____ City _____ Zip _____
E-mail _____

Request

Section 2104: Appeals from the Zoning Officer _____

Section 2105: Challenge to the validity of the
Zoning Ordinance or Map _____

Section 2106: Challenge to the Flexible
Development Procedure _____

Section 2107: Variances _____ X (From Section 170-1805.A.2)

Section 2108: Special Exceptions _____

Description of request

Please provide below or attach a narrative of your request to enable the Zoning Hearing Board Solicitor to prepare a correct and true advertisement. As part of the narrative, please describe:

- * The property under consideration (size of lot, dimensions, etc.) and its physical location (e.g. nearby intersections, landmarks, etc.).
- * The present use of the property (residential, retail, office, etc.), and all existing improvements located on it (house, garage, and shed; office and parking lot; etc.).
- * The proposed improvements, additions and/or change of use. For physical changes to the lot or structures, indicate the size of all proposed improvements, materials to be used and general construction to be carried out. Attach a plan or sketch for illustration.
- * State the variance, special exception, or other relief requested and cite the appropriate section(s) of the Zoning Ordinance.
- * Provide the reasons why the relief you requested is needed and why the relief should be granted (Please see §2104-2108 of the Zoning Ordinance, as amended, where applicable).

The Property is approximately 2.5 acres in size and located at 5 East Pleasant Grove Road which is at the intersection of Route 202 and East Pleasant Grove Road. The Property was recently developed and constructed for a Malvern School and scheduled to open in January 2021. The Applicant is proposing a pylon sign along Route 202 within an easement area which has been approved by Westtown Township. As directed by the Zoning Officer, the Applicant is seeking a dimensional and/or *de minimis* variance from §170-1805.A.2 to permit the pylon sign to be located within the "public right of way" as defined by the Zoning Ordinance (but is outside of the existing legal right of way as defined in Section 170-201 of the Zoning Ordinance. Applicant also seeks any other relief determined to be necessary. The Property is uniquely situated in that it sits beneath the streetscape and therefore has minimal visibility from the roadway. Applicant intends to present evidence at the time of the hearing to support the grant of variance relief.

Applicant shall deposit with the Township a fee deemed sufficient to pay the Hearing expenses. These costs may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs, and necessary administrative overhead connected with the Hearing. Funds deposited in excess of the actual cost of the requested hearing shall be returned to the applicant upon completion of the proceedings.

In the event that the costs of the hearing exceed the funds deposited, the Applicant shall pay to the Township funds equal to such excess costs within thirty (30) days of the Township's request. Failure to deposit the additional funds shall be just reasons for terminating the proceedings.

It is my understanding that the Zoning Officer and Zoning Hearing Board may request additional information and documentation to prepare for said hearing.

CERTIFICATION: I certify that the information presented in this application and all attachments is true and correct.

Signature of APPLICANT Debra A Shulski Date 12/23/20

Print Name Debra A. Shulski, Esquire
Attorney for Applicant

Signature of OWNER _____ Date _____
(If different from applicant)

Signature of ZONING OFFICER [Signature] Date 12/28/20

OFFICIAL USE ONLY

Mailed/faxed to Zoning Solicitor on: 12/28/20

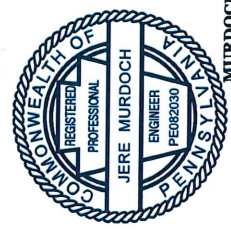
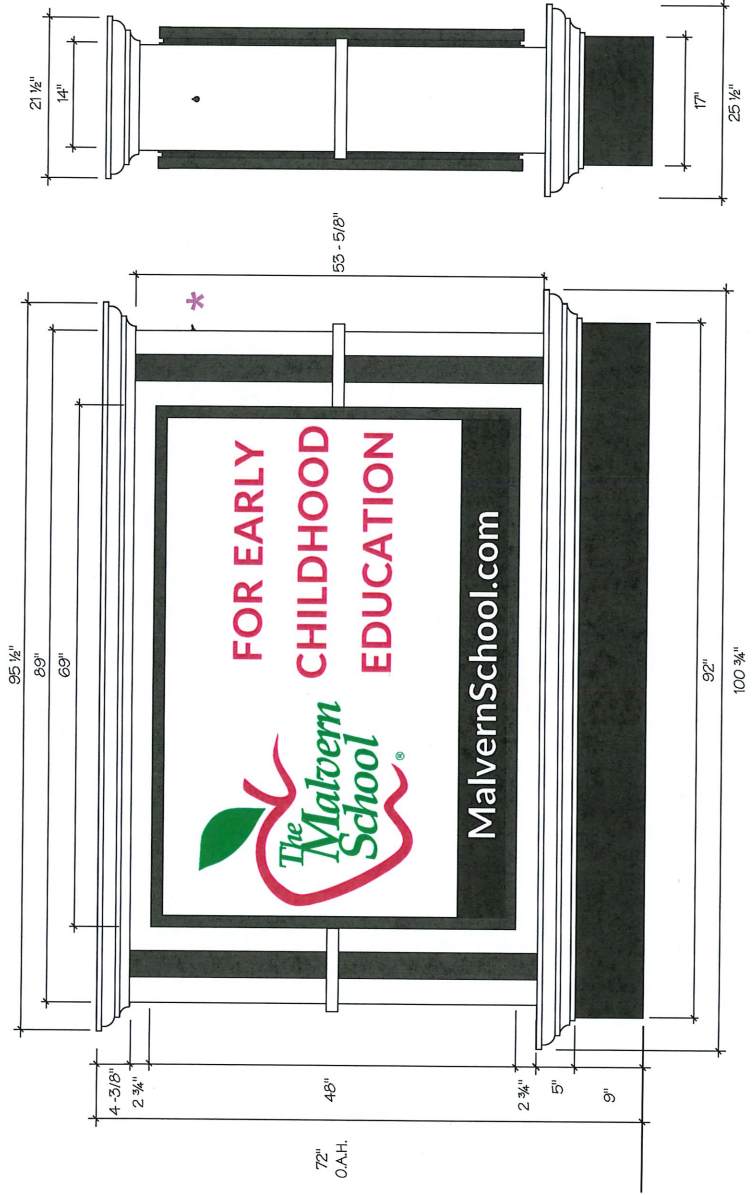
Hearing scheduled on: _____ Advertised on: _____

FEE SCHEDULE

Variance, Special Exception — \$850
Appeal from the Zoning Officer, Challenge to the Flex Development Procedure — \$850
Challenge to the Zoning Ordinance/Map — \$2,500

DOUBLE FACED, INTERNALLY-ILLUMINATED MONUMENT SIGN (1)

- (1) Double faced, internally illuminated monument sign:
- Fabricated aluminum cabinet w/ .125" alum. exterior & internal alum. angle frame (lit w/ LEDs)
 - Fabricated top & bottom molding
 - aluminum tube "accent" bars
 - painted black stripe
 - 4' - 0" x 5' - 9" internally illuminated, w/ extruded aluminum retainers with 3/16" white polycarbonate faces w/ OPAQUE WHITE VINYL BACKGROUND and translucent graphics to match logo - LED lighting
 - fabricated aluminum base



MURDOCH
 REGISTERED PROFESSIONAL ENGINEER
 JERE MURDOCH
 ENGINEER
 PE092030
 2 HUMMINGBIRD CT.
 HOWELL, NJ 07731
 (878) 574-8215
 Jere Murdoch - 12/11/2020
 Professional Engineer
 Pa Lic. #PE092030
 Exp. 9/30/2021

*
 20amp rated weatherproof Cut-off switch mounted to side of sign

THE MALVERN SCHOOL

5 East Pleasant Grove Rd.
 Westtown Township
 Chester County, PA 19382

SCALE: 3/4" = 1' - 0"
 FILE: Malvern_School_monument_121220.dwg
 PG: 1 of 2
 DRAWN BY: ebf

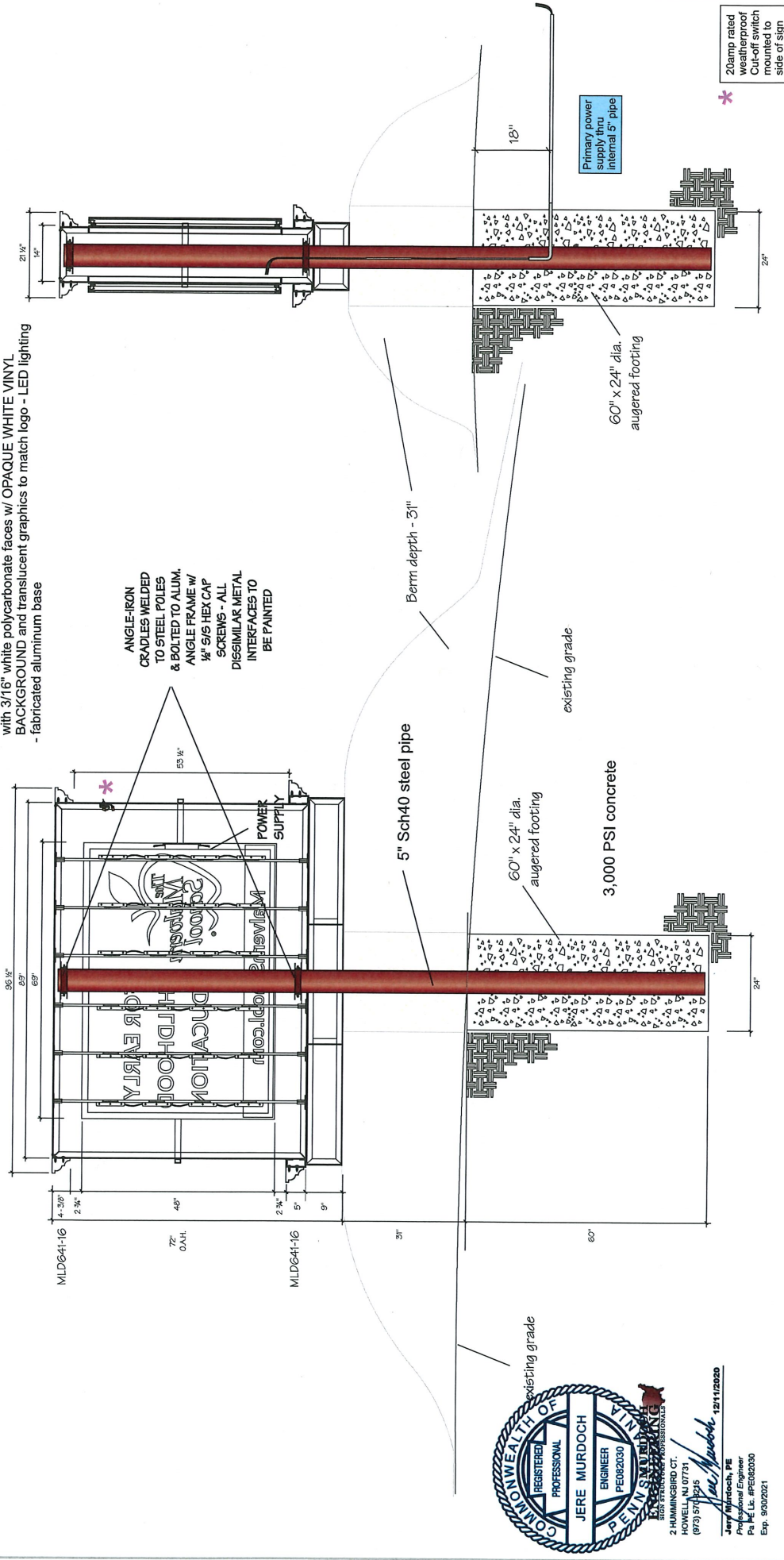
DATE: 09/20/20
 09/20/20
 12/8/20
 Rev. 12/8/20

215-827-6000 • 215-827-6001 Fax
 233773 • Forman Signs • CSM
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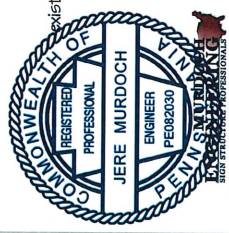


DOUBLE FACED, INTERNALLY-ILLUMINATED MONUMENT SIGN (1)

- (1) Double faced, internally illuminated monument sign:
- Fabricated aluminum cabinet w/ .125" alum. exterior & internal alum. angle frame (ft w/ LEDs)
 - Fabricated top & bottom molding
 - aluminum tube "accent" bars
 - painted black stripe
 - 4" x 0" x 5" - 9" internally illuminated, w/ extruded aluminum retainers with 3/16" white polycarbonate faces w/ OPAQUE WHITE VINYL BACKGROUND and translucent graphics to match logo - LED lighting
 - fabricated aluminum base



ANGLE-IRON CRADLES WELDED TO STEEL POLES & BOLTED TO ALUM. ANGLE FRAME w/ 1/4" 5/8 HEX CAP SCREWS - ALL DISSIMILAR METAL INTERFACES TO BE PAINTED



2 HUMMINGBIRD CT.
HOWELL, NJ 07731
(973) 571-1225
Jere Murdoch
Professional Engineer
Pa. Lic. #PE082030
Exp. 9/30/2021

5 East Pleasant Grove Rd.
Westtown Township
Chester County, PA 19382

THE MALVERN SCHOOL

DATE: 09/20
PG: 2 of 2
SCALE: 1/2" = 1' - 0"
DRAWN BY: ebf
FILE: Malvern_School_monument_12420_Pe

215-827-6000 • 215-827-4501 fax
10447 Drummond Rd., Philadelphia, PA 19154
forman signs

GENERAL:

1. ALL MATERIALS AND WORK SHALL CONFORM TO THE REQUIREMENTS OF THE APPLICABLE INTERNATIONAL BUILDING CODE (IBC).
2. CONSTRUCTION METHODS AND PROJECT SAFETY: DRAWINGS AND SPECIFICATIONS REPRESENT THE FINISHED STRUCTURE AND DO NOT INDICATE METHODS, PROCEDURES, OR SEQUENCE OF CONSTRUCTION. TAKE NECESSARY PRECAUTIONS TO MAINTAIN AND ENSURE THE INTEGRITY OF THE STRUCTURE DURING CONSTRUCTION. THE EOR WILL NOT ENFORCE SAFETY MEASURES OR REGULATIONS. THE CONTRACTOR SHALL DESIGN AND INSTALL ALL SAFETY DEVICES AND SHALL BE SOLELY RESPONSIBLE FOR CONFORMING TO ALL LOCAL, STATE, AND FEDERAL SAFETY AND HEALTH STANDARDS, LAWS, AND REGULATIONS.
3. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS, ELEVATIONS AND SITE CONDITIONS PRIOR TO THE START OF CONSTRUCTION AND NOTIFY THE ENGINEER IMMEDIATELY OF ANY DISCREPANCIES OR INCONSISTENCIES THAT ARE FOUND. NOTED DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS. DO NOT SCALE DRAWINGS.
4. ALL OMISSIONS AND/OR CONFLICTS BETWEEN THE VARIOUS ELEMENTS OF THE WORKING DRAWINGS AND SPECIFICATIONS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER AND FIELD INSPECTOR. THE ENGINEER SHALL PROVIDE A SOLUTION PRIOR TO PROCEEDING WITH ANY WORK AFFECTED BY THE OMISSIONS.
5. WHERE NO CONSTRUCTION DETAILS ARE SHOWN OR NOTED FOR ANY PART OF THE WORK, CONSTRUCT IN ACCORDANCE WITH THE STEEL CONSTRUCTION MANUAL, 14TH EDITION OR 2010 ALUMINUM DESIGN MANUAL.
6. WHEN A DETAIL IS IDENTIFIED AS TYPICAL, THE CONTRACTOR IS TO APPLY THIS DETAIL IN ESTIMATING AND CONSTRUCTION TO EVERY LIKE CONDITION WHETHER OR NOT THE REFERENCE IS REPEATED IN EVERY INSTANCE.
7. ANY CHANGE TO THE DESIGN AS SHOWN ON THE DRAWINGS REQUIRES PRIOR WRITTEN APPROVAL FROM DESIGN ENGINEER OF RECORD BEFORE CONSTRUCTION.
8. WORK PERFORMED IN CONFLICT WITH THE STRUCTURAL DRAWINGS OR APPLICABLE BUILDING CODE REQUIREMENTS SHALL BE CORRECTED AT THE EXPENSE OF THE CONTRACTOR.
9. NOTIFY THE EOR IMMEDIATELY OF ANY DISCREPANCIES.

EXISTING CONDITIONS:

1. IF EXISTING CONDITIONS ARE NOT AS DETAILED IN THIS DESIGN, THE INSTALLER SHALL CEASE WORK AND NOTIFY MURDOCH ENGINEERING IMMEDIATELY.
2. MURDOCH ENGINEERING WILL NOT BE PERFORMING ON-SITE INSPECTIONS OR VERIFICATIONS. IT IS THE RESPONSIBILITY OF THE INSTALLER, STRUCTURE OWNER, AND PROPERTY OWNER TO IDENTIFY EXISTING CONDITIONS AND CONTACT MURDOCH ENGINEERING WITH ANY DISCREPANCIES OR CONCERNS.
3. INSTALLER SHALL CONFIRM THE DIAMETER AND THICKNESS OF EXISTING MEMBERS AND NOTIFY MURDOCH ENGINEERING OF ANY DISCREPANCIES.
4. INSTALLER SHALL INSPECT AND CONFIRM THE QUALITY OF EXISTING STRUCTURE AS "IN GOOD REPAIR". IF THERE IS ANY REASON TO BELIEVE THE EXISTING CONDITIONS DETAILED HEREIN ARE NOT ACCURATE, MURDOCH ENGINEERING SHALL BE NOTIFIED IMMEDIATELY.
5. ANY EXISTING INFORMATION SHOWN HAS BEEN FURNISHED BY THE PERSON(S) OR COMPANY THIS DOCUMENT WAS PREPARED FOR.

SEE TITLE BLOCK. MURDOCH ENGINEERING IN NO WAY CERTIFIES THIS INFORMATION AS "AS-BUILT". IF THERE IS ANY REASON TO BELIEVE THE EXISTING CONDITIONS DETAILED HEREIN ARE NOT ACCURATE, MURDOCH ENGINEERING SHALL BE NOTIFIED IMMEDIATELY.

STEEL

1. STEEL SHAPES SHALL CONFORM TO THE FOLLOWING:
 - ROUND HSS ASTM A500, GR B
 - SQUARE/RECT HSS ASTM A500, GR B
 - THREADED ROD F1554 GR 55
 - STEEL PLATE STD. ASTM A36 ASTM A53, GR B
 - PIPE Fy=42 KSI MIN, Fy=46 KSI MIN, Fy=55 KSI MIN, Fy=36 KSI MIN, Fy=35 KSI MIN.
2. BOLTS SHALL CONFORM TO ASTM A325 UNO.
3. BOLTS AND THREADED ROD SHALL BE HOT-DIP GALVANIZED PER ASTM F2329 UNO.
4. ANCHOR BOLTS SHALL CONFORM TO ASTM F1554 UNO.
5. NUTS SHALL CONFORM TO ASTM A563.
6. WASHERS SHALL CONFORM TO ASTM F844.
7. WELDING HARDWARE SHALL BE HOT-DIP GALVANIZED PER ASTM F844.
8. WELDING HARDWARE SHALL BE HOT-DIP GALVANIZED PER ASTM A135 UNO
 - a. WELD STRUCTURAL STEEL IN COMPLIANCE WITH ANSI/AWS D1.1 AND AWS SPECIFICATION, CHAPTER 1. WELDERS SHALL BE CERTIFIED AS REQUIRED BY GOVERNING CODE AND ALL WELDS SHALL BE DONE BY ELECTRIC ARC PROCESS USING LOW-HYDROGEN ELECTRODES WITH SPECIFIED TENSILE STRENGTH NOT LESS THAN 70 KSI UNLESS NOTED OTHERWISE.
 - b. ALL SHOP AND FIELD WELDS SHALL BE PERFORMED BY AN AWS OR ICC CERTIFIED WELDER WITH ACTIVE STATUS AT TIME OF WELDING
 - c. UNLESS A LARGER WELD SIZE IS INDICATED, PROVIDE MINIMUM WELD SIZE PER AWS SPECIFICATION, SECTION J2, TABLE J2.4
 - d. BASE PLATE SHALL BE WELDED ON TOP AND BOTTOM WITH CONTINUOUS WELDS OF AT LEAST 1/4" (IF PLATE IS CUT TO FIT TUBE INTO PLATE)

ALUMINUM:

1. FABRICATE AND ERECT ALUMINUM IN COMPLIANCE WITH THE ALUMINUM ASSOCIATION (AA) 2010 ALUMINUM DESIGN MANUAL (ADM) 1, THE SPECIFICATIONS FOR ALUMINUM SHEET METAL WORK (ASM95), AND IBC CHAPTER 20.
2. PIPE AND TUBE SHALL BE 6061-T6 PER ASTM B241 OR B429 WITH Fu=38 KSI MIN, Fy=35 KSI MIN, Fuw=24 KSI MIN, Fyw=15 KSI MIN.
3. STD STRUCTURAL PROFILES SHALL BE 6061-T6 PER B308 WITH Fu=38 KSI MIN, Fy=35 KSI MIN, Fuw=24 KSI MIN, Fyw=15 KSI MIN.
4. SHEET METAL SHALL BE 6061-T6 PER ASTM B209 WITH Fu=38 KSI MIN, Fy=35 KSI MIN.
5. EXTRUSIONS SHALL BE 6061-T6 PER ASTM B241 OR B429 WITH Fu=38 KSI MIN, Fy=35 KSI MIN, Fuw=24 KSI MIN, Fyw=15 KSI MIN.
6. ALL SHOP AND FIELD WELDS SHALL BE PERFORMED BY AN AWS OR ICC CERTIFIED WELDER WITH CURRENT STATUS AT TIME OF WELDING
7. UNLESS A LARGER WELD SIZE IS INDICATED, PROVIDE MINIMUM WELD SIZE PER ADM. ALL ALUMINUM WELDED JOINTS SHALL HAVE WELD SIZES OF AT LEAST "4" INCH
8. FILLET WELDS SHALL NOT EXCEED THINNEST MEMBER WALL THICKNESS JOINED.
9. ALUMINUM WELD FILLER SHALL BE 5356 ALLOY
10. WELDING PROCESS GMAW OR GTAW SHALL BE IN ACCORDANCE WITH AWS D12 -
11. ALUMINUM CHANNEL LETTERS SHALL BE CONSTRUCTED OF 0.090" RETURNS AND 0.125" BACKS MINIMUM, UNLESS A LARGER SIZE IS INDICATED ON DRAWINGS. THIS NOTE SHALL SUPERCEDE DRAWING DETAILS.
12. NEOPRENE GASKET BETWEEN DISSIMILAR METALS TO PREVENT GALVANIC CORROSION
13. ALUMINUM DIRECTLY ADJACENT TO CONCRETE SHALL BE CAPPED AT BOTTOM AND COATED WITH BITUMINOUS COATING OR POLYURETHANE WHERE IN CONTACT WITH CONCRETE.
14. FASTENERS BETWEEN DISSIMILAR METALS SHALL BE STAINLESS STEEL 316.

CONCRETE & REINFORCEMENT


1. MINIMUM 28-DAY COMPRESSIVE STRENGTH (f'c) SHALL BE 3,000 PSI. THE MAXIMUM WATER TO CEMENT RATIO SHALL BE 0.45 BY WEIGHT. A MINIMUM OF 5-3/4 BAGS OF CEMENT SHALL BE USED PER CUBIC YARD WITH A SLUMP OF 4" +/- 1.
2. REINFORCEMENT TO BE ASTM A615 GR 60, Fy=60 KSI UNO
3. CALCIUM CHLORIDE OR ADDED CHLORIDE IS NOT PERMITTED
4. VIBRATION: ALL REINFORCED CONCRETE SHALL BE CONSOLIDATED WITH MECHANICAL VIBRATORS
5. CONCRETE CONSTRUCTION SHALL BE IN ACCORDANCE WITH ACI 318-14
6. PROVIDE A MINIMUM OF 2-1/2" COVER OF ALL EMBEDDED STEEL REBAR AND A MINIMUM OF 6 INCHES OF COVER FOR DIRECT BURIED PIPE OR TUBE MEMBERS.

FOUNDATIONS


1. CONCRETE POURED INTO CONSTRAINED EARTH EXCAVATIONS MUST CURE UNDER PROPER CONDITIONS FOR A MINIMUM OF 7 DAYS PRIOR TO SIGN BOX INSTALLATION. (EXCEPTION: IF THE OVERALL HEIGHT OF THE SIGN IS LESS THAN 20 FEET AND THE SIGN IS ADEQUATELY BRACED AGAINST WIND LOADS FOR A MINIMUM OF 4 DAYS, THE BOX MAY BE INSTALLED THE SAME DAY AS THE FOOTING IS POURED)
2. FOOTINGS MUST BE POURED AGAINST UNDISTURBED EARTH. SOIL BACKFILL IS UNACCEPTABLE. WHEN A SONOTUBE IS USED AS THE FORM, 3/4" BLUESTONE OR CONCRETE SHALL BE USED TO BACKFILL THE SPACE BETWEEN THE SONOTUBE AND UNDISTURBED EARTH.
3. COLD WEATHER PLACEMENT: PROTECT CONCRETE WORK FROM PHYSICAL DAMAGE OR REDUCED STRENGTH THAT COULD BE CAUSED BY FROST. FREEZING ACTIONS OR LOW TEMPERATURES. DO NOT POUR CONCRETE DURING OR WHEN FREEZING TEMPERATURES ARE ANTICIPATED WITHIN 3 DAYS OF POUR.
4. REINFORCEMENT IS NOT REQUIRED FOR DIRECT BURIAL TYPE SIGN FOOTINGS FOR SIGNS OF 25 FEET OVERALL HEIGHT OR LESS. DIRECT BURIED STEEL SHALL EXTEND TO 6 INCHES FROM BOTTOM OF FOOTING.
5. ANCHOR BOLTS / BASE PLATE - SQUARE FOOTINGS: PROVIDE A MINIMUM OF #5 VERTICAL REBAR @ 12" O.C. UNLESS OTHERWISE NOTED.
6. FOR ANCHOR BOLT / BASE PLATE - ROUND FOOTINGS: PROVIDE A MINIMUM OF SIX (6) VERTICAL #5 REBARS, EVENLY SPACED, 4" OFFSET FROM FOOTING PERIMETER & #3 HORIZONTAL TIES, 12" O.C. Unless otherwise noted.
7. ANCHOR BOLTS SHALL BE TIED TO REBAR CAGE AT A MINIMUM OF TWO LOCATIONS PER ANCHOR BOLT
8. FOOTING DESIGN ASSUMES FOOTING SHALL BE EXCAVATED AND POURED IN UNDISTURBED NATURAL EARTH, CAPABLE OF WITHSTANDING A MINIMUM 1,500 PSF VERTICAL DESIGN BEARING PRESSURE AND 150 PSF/FT OF DEPTH OF LATERAL BEARING PRESSURE BASED ON SOIL DATA OBTAINED FROM THE USGS SOIL SURVEY.
9. IF CLAY, SILTY CLAY, ORGANIC OR FILL SOIL IS ENCOUNTERED UPON EXCAVATION, CONTACT MURDOCH ENGINEERING FOR FOOTING DESIGN MODIFICATION PRIOR TO CONSTRUCTION.

SCOPE OF WORK:

1. LIMITS OF LIABILITY TO EXTEND ONLY TO THE QUANTITY INDICATED. ATTEMPTS IN PART OR IN WHOLE TO INSTALL GREATER QUANTITIES THAN THOSE SPECIFIED WITHOUT CONSULTING MURDOCH ENGINEERING SHALL VOID ALL PROFESSIONAL LIABILITY AND COVERAGE.

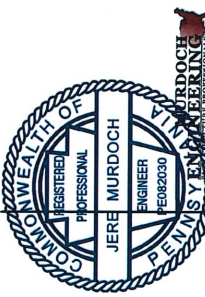


murdochengeering.com
(973) 570-8215
73 Paterson St. 2nd Floor
New Brunswick, NJ 08901



PROJECT TITLES:
Malvern School

PROJECT ADDRESS:
5 East Pleasant Grove Rd, Westlown
Township Chester County, PA 19382



Jere Murdoch, PE
Professional Engineer
#E092930
HOWELL, NJ 07731
(973) 574-2235

Jere Murdoch 12/11/2020

AWM 12/11/2020
Jere Murdoch, PE
Professional Engineer
PA No. Lic. #E092930
Exp. 9/30/2021

DWG TITLE: GENERAL NOTES

SHEET: S.1

SIZE: B

The designs, details and specifications contained in this drawing are confidential. The recipients of this drawing hereby acknowledge and agree that it is the sole property of Murdoch Engineering and that they shall neither use nor reveal any of the designs, details and specifications contained in this drawing, outside of the contractual agreement expressed within their permission from Murdoch Engineering.

Deviations from this drawing shall not be made without consulting Murdoch Engineering. In case of inconsistencies between drawings, specifications, and details included in contract documents, Murdoch Engineering shall decide which indication must be followed and their decision shall be final.

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Prepared by/return to:

Riley Riper Hollin & Colagreco
Attn.: Matthew G. Hauber, Esquire
717 Constitution Drive, Suite 201
P.O. Box 1265
Exton, PA 19341
(610) 458-4400



✓ UPI No. Part of 67-4-38

SANITARY SEWER EASEMENT

This Sanitary Sewer Easement Agreement (this "Easement Agreement"), is made this 19th day of October, 2020, by and between WESTTOWN TOWNSHIP, a township of the second class pursuant to the Second Class Township Code, Act of May 1, 1933, reenacted and amended by Act of November 9, 1995, as amended, with its address at 1039 Wilmington Pike, West Chester, PA 19382 (the "Township") and MALVERN SCHOOL REAL ESTATE, LP, a Pennsylvania limited partnership, with an address of 20 Creek Road, Glen Mills, PA 19342 ("Owner").

RECITALS

A. The Owner owns a tract of land situate in Westtown Township, Chester County, Pennsylvania, as acquired by deed dated November 1, 2018 and recorded in Book 9837, page 2178, in the Office of the Recorder of Deeds of Chester County, Pennsylvania (the "Recorder's Office"), which is identified as UPI No. 67-4-38 (the "Property"); and

B. A sanitary sewer line currently exists on the Property for which the Township holds a sanitary sewer easement over those portions of the Property depicted as "Easement A" and "Easement B" on that certain plan entitled "Final Subdivision Plan prepared for Westtown Township – Saint Maximilian Kolbe Parish Land Development Plan" prepared by Chester Valley Engineering, Inc., dated January 13, 1993, last revised November 9, 1993, and recorded in the Recorder's Office on February 2, 1994 as Plan No. 12369 (the "Existing Easement Plan"), a copy of which is attached hereto as **Exhibit "A"** (collectively, the "Existing Easement"); and

C. Owner is constructing a school and day-care building, exterior play areas, parking and related improvements on the Property under in accordance with that certain plan entitled "Subdivision/Land Development for The Malvern School" prepared by Edward B. Walsh & Associates, Inc. dated November 14, 2018, last revised March 24, 2019, and recorded in the Recorder's Office on August 22, 2019 as Plan No. 20579 (as supplemented and/or amended from time to time, the "Development Plan"); and

D. Owner desires to install a guiderail and a sign within the limits of the Existing Easement; and

E. At the request of the Owner, the Township has agreed to modify and relocate the Existing Easement pursuant to the plan entitled "Sanitary Sewer Easement Plan" prepared by Edward B. Walsh & Associates, Inc. dated September 25, 2020 (the "Relocation Plan"), which

Relocation Plan is attached hereto as **Exhibit "B"**, with that portion of the Existing Easement shown on the Relocation Plan as the "Area to be Removed from Existing Sanitary Sewer Easement" being removed from the Existing Easement, subject to the terms of this Easement Agreement.

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained, and in consideration of the payment of the Owner of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the Owner, the Township and the Owner, each intending to be legally bound hereby, do hereby agree as follows:

1. **DEFINITIONS**: The term "sewer line(s)" when used in this instrument shall refer to a sanitary sewer pipe, conduit, manhole, drain, marker, service connection and other appurtenances currently existing on the Property for use in the Township's sanitary sewer system within those portions of the Property as shown on Relocation Plan, and as more particularly described by metes and bounds on **Exhibit "C"** (the "Easement Area").

2. **EXTINGUISHMENT OF EXISTING EASEMENT**. This Easement Agreement replaces and supersedes the Existing Easement in its entirety, and all rights and obligations created by the Existing Easement are hereby declared to be null and void and of no further force and effect.

3. **GRANT TO TOWNSHIP**: The Owner hereby gives and grants to the Township the free and uninterrupted right, liberty and privilege, in perpetuity:

A. To construct, reconstruct, replace, remove, enlarge, inspect, operate, repair, make connections with and maintain perpetually such sewer lines, their accessories and appurtenances, as the Township may from time to time require, consisting of underground pipes, conduits, manholes, drains, markers, mains, service connections and other appurtenances upon, over and under the Easement Area.

B. To carry away and dispose of sewage through said sewer lines, regardless of the source of such sewage.

C. To have and to hold the same perpetually to the Township and its successors or assigns, together with the right and privilege at any and all times to enter the Easement Area, or any part thereof for the purpose of reconstructing, replacing, removing, enlarging, inspecting, operating, repairing, maintaining, and/or making connections with the sewer lines or other appropriate means of access to the sewer lines; all upon the condition that the Township will at all times during the reconstruction, replacement, removal, repair or maintenance of the sewer lines cause every reasonable means to be used to protect from injury or damage all property, including lawns, trees, shrubbery, fences, buildings, walls, roads, water courses, natural features, or any existing improvement thereto, and will at all times after doing any work in connection with the construction, reconstruction, replacement, removal, repair or maintenance of the sewer lines, cause the Property to be restored to the condition in which the same were found before such work was undertaken, including replacement and/or repair of damaged property, to the extent reasonably possible under the circumstances and consistent with the rights and privileges herein granted.

4. **COVENANTS OF THE OWNERS:**

A. The Owner does hereby release, remise, quitclaim and discharge the Township and its appointed officials, employees, agents, servants, contractors and employees from any claim or right to damages or other emolument of value for the rights, liberties and privileges given and granted to the Township under this Easement Agreement, except to the extent caused by gross negligence or willful misconduct of the Township or its appointed officials, employees, agents, servants, contractors or employees.

B. The Owner does hereby covenant that it is lawfully seized and possessed of a good and marketable title in the fee simple to the Property and that it has a good and lawful right to grant the rights and privileges herein granted to the Township, and it further covenants that it will execute or procure any additional necessary assurances of the rights and privileges herein granted.

C. The Owner does hereby expressly consent to any transfer, conveyance, pledge, lease or mortgage by the Township of the said sewer lines.

D. The provisions of this Easement Agreement shall run with the land and be binding upon and inure to the benefit of the Township, its successors and assigns, and the Owner, its heirs, executors, administrators, successors and assigns.

4. **MISCELLANEOUS:**

A. Recital paragraphs A through E, inclusive, are hereby incorporated by reference herein.

B. This Easement Agreement constitutes the entire agreement and supersedes all other prior agreements and understandings, both written and oral, between the parties with respect to the subject matter hereof. No modification or amendment of this Easement Agreement shall be of any force or effect unless made in writing and executed by all parties hereto.

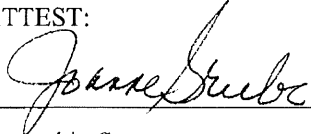
C. The rights, privileges and obligations herein created shall inure to the benefit of and be binding on Owner and the Township, and their respective successors and assigns in interest. This Easement Agreement and the grant of the easement contained herein shall be freely assignable by the Township without the consent of Owner, its successors or assigns.

D. This Easement Agreement shall be governed by the laws of the Commonwealth of Pennsylvania and shall be recorded with the Chester County Recorder of Deeds.

SIGNATURE PAGE FOLLOWS

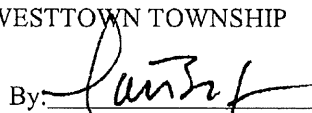
IN WITNESS WHEREOF, the parties hereto have caused this Easement Agreement to be duly executed on the day and year first above written.

ATTEST:



Township Secretary
(Township Seal)

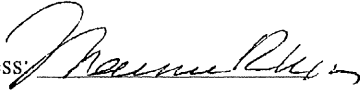
WESTTOWN TOWNSHIP

By: 

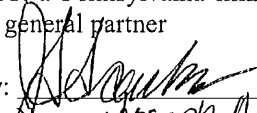
Title: Scott E. Yaw, Twp. Supervisor

MALVERN SCHOOL REAL ESTATE, LP,
a Pennsylvania limited partnership
By: MALVERN SCHOOL REAL ESTATE GP,
LLC, a Pennsylvania limited liability company,
its general partner

Attest/Witness:



By:



Name: Joseph A. Scandone

Title: Managing Partner

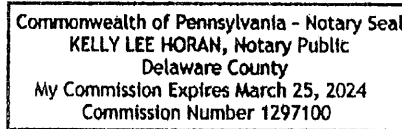
COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF CHESTER :

On this 19th day of October, 2020, before me a notary public, duly commissioned in and for said County and Commonwealth, personally appeared Joseph A. Scandon, the Managing Partner of Malvern School Real Estate GP, LLC, a Pennsylvania limited liability company, general partner of MALVERN SCHOOL REAL ESTATE, LP, a Pennsylvania limited partnership, and that he/she as such Managing Partner, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the limited partnership by himself as such officer.

WITNESS my hand and notarial seal the day and year aforesaid.

Kelly Lee Horan

(Seal)
Commission Expires
3/25/2024



COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF CHESTER :

On this 6th day of November, 2020, before me, a notary public, duly commissioned in and for said County and Commonwealth, personally appeared Scott E. Yaw, who acknowledged himself/herself to be the TOWNSHIP SUPERVISOR of Westtown Township, a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania and that he/she as such TOWNSHIP SUPERVISOR, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the Westtown Township by himself/herself as TOWNSHIP SUPERVISOR.

WITNESS my hand and notarial seal the day and year aforesaid.

Gilda M. Blasiotti

(Seal)
Commission Expires
10/26/2021

Commonwealth of Pennsylvania - Notary Seal
GILDA M. BLASIOTTI, Notary Public
Chester County
My Commission Expires October 26, 2021
Commission Number 1219086

EXHIBIT A

Existing Easement Plan

[Attached]

EXHIBIT B

Relocation Plan

[Attached]

SANITARY SEWER EASEMENT LINE/CURVE TABLE

LINE	RADIUS	DELTA	ARC	CHORD BEARING	CHORD
L1			5.00'	N60°26'00"E	
L2			20.00'	N60°26'00"E	
L3			294.01'	S30°15'07"E	
C1	35.01'	42°22'59"	25.90'	N82°27'16"W	25.31'
L4			148.34'	N30°15'07"W	
L5			6.40'	N59°44'53"E	
L6			5.00'	N30°15'07"W	
L7			6.40'	S59°44'53"W	
L8			125.40'	N30°15'07"W	

ARCHBISHOP OF PHILADELPHIA
ST. MAXIMILIAN KOLBE PARISH
BK: 153 PG: 307
UPI #67-4-39

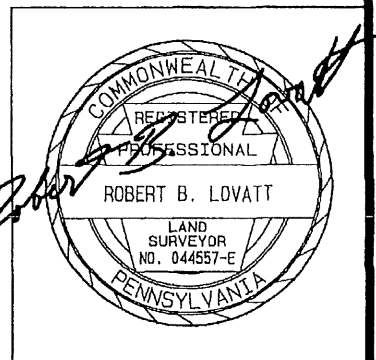
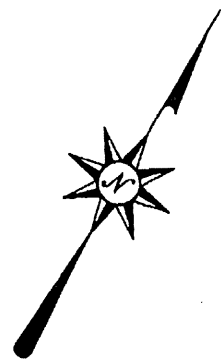
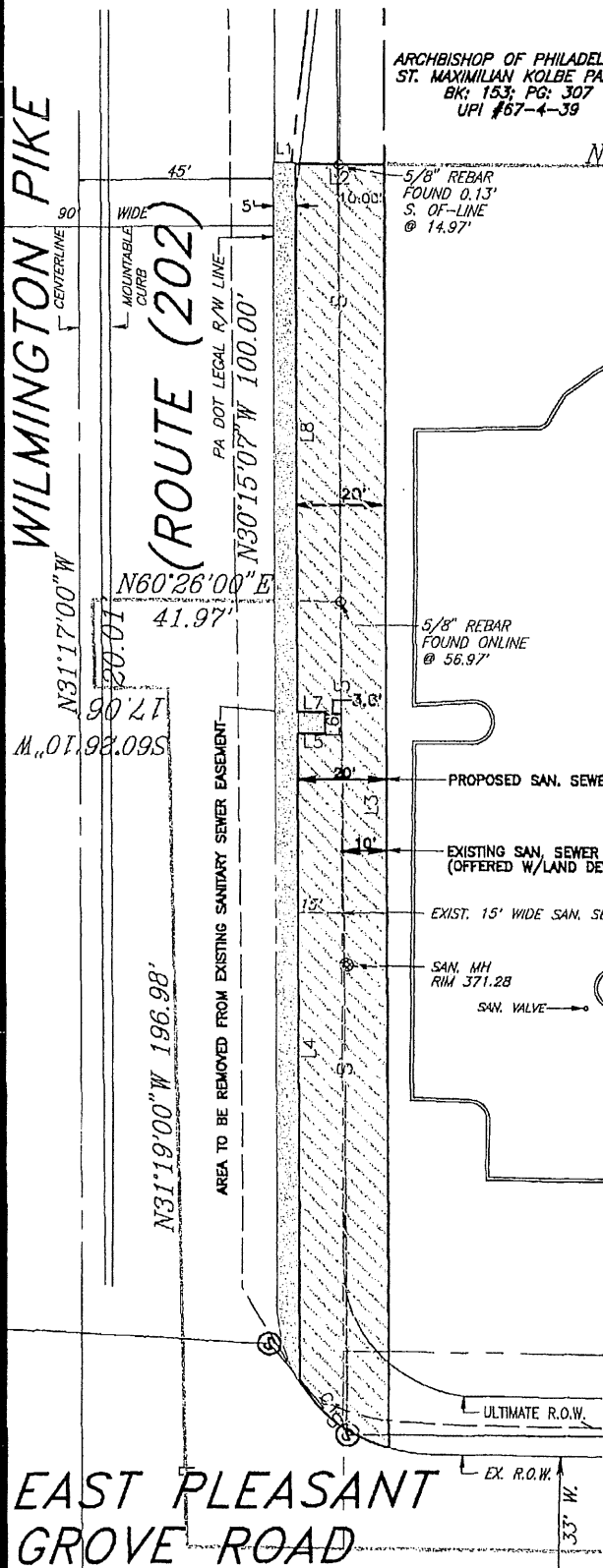
AREA: 5,736 S.F.

N60°26'00"E

266.36'

11781881 B: 10351 P: 622 ESA

11/23/2020 09:22:43 AM Page 10 of 12



**SANITARY SEWER EASEMENT PLAN
THE MALVERN SCHOOL**

WESTTOWN TOWNSHIP CHESTER COUNTY, PA.

Edward B. Walsh & Associates, Inc.
CIVIL ENGINEERS & LAND SURVEYORS

865 Springdale Drive, Suite 202
Exton, Pennsylvania 19341
Phone: 610-903-0080
Fax: 610-903-0080



Project- 4432
Date- 9-25-2020
Scale- 1" = 40'
Drawn- RBL
Checked- A.E.
Sheet- 1 OF 1

UPI NO. 67-4-38

EXHIBIT C

Legal Description of Easement Area

[Attached]



EDWARD B. WALSH & ASSOCIATES, INC.
Complete Civil Engineering & Land Surveying Services
Lionville Professional Center
125 Dowlin Forge Road
Exton, PA 19341

4432
The Malvern School
September 25, 2020

**LEGAL DESCRIPTION
THE MALVERN SCHOOL
WESTTOWN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA
SANITARY SEWER EASEMENT**

ALL THAT CERTAIN strip of land, situate in the Township of Westtown, County of Chester, Commonwealth of Pennsylvania, shown on a "Exhibit 'A', Sanitary Sewer Easement Plan, The Malvern School", prepared by Edward B. Walsh & Associates, Inc., Civil Engineers and Land Surveyors, Exton, PA, dated September 25, 2020, Project No. 4432, being Sheet 1 of 1 total, and being more fully described as follows:

BEGINNING at a point on a line 5 feet east of the easterly legal right-of-way line of Wilmington Pike (Route 202), said right-of-way line being a distance of 45 feet from and parallel to the centerline thereof, common to the southerly line of lands of the now or former Archbishop of Philadelphia, St. Maximilian Kolbe Parish (UPI 67-4-39) and the northerly line of lands of The Malvern School (UPI 67-4-38) (as shown on said Plan); thence from the point of beginning, along said line of lands of St. Maximilian Kolbe Parish, North 60 degrees 26 minutes 00 seconds East 20.00 feet to a point; thence over the lands of The Malvern School the following seven (7) courses and distances:

1. South 30 degrees 15 minutes 07 seconds East 294.01 feet to a point on a radius return curve on the northerly existing right-of-way line of East Pleasant Grove Road (33 feet wide) (as shown on said Plan);
2. along said radius return curve to the right having a radius of 35.01 feet, an arc distance of 25.90 feet and a chord which bears North 82 degrees 27 minutes 16 seconds West 25.31 feet to a point of cusp;
3. leaving said right-of-way line, North 30 degrees 15 minutes 07 seconds West 148.34 feet to a point;
4. North 59 degrees 44 minutes 53 seconds East 6.40 feet to a point;
5. North 30 degrees 15 minutes 07 seconds West 5.00 feet to a point;
6. South 59 degrees 44 minutes 53 seconds West 6.40 feet to a point;
7. North 30 degrees 15 minutes 07 seconds West 125.40 feet to the point and place of BEGINNING.

CONTAINING: 5,735 square feet of land, be the same more or less.

REGISTERED PROFESSIONAL ENGINEERS & LAND SURVEYORS
Pennsylvania, New Jersey, Delaware & Maryland
610-903-0060 FAX 610-903-0080
www.ebwalshinc.com
Established 1985

Chapter 170. Zoning

Article II. Definitions

§ 170-201. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ABANDONMENT

An intentional and absolute relinquishment and cessation of a use with no intention to resume such use.

ACCESSORY DWELLING

A self-contained dwelling unit which is complete with food preparation and bathroom facilities, has direct access to the outdoors or to a hall from which there is direct access to the outdoors, and is accessory to the existing primary dwelling unit.

[Amended 5-21-2012 by Ord. No. 2012-5]

ACCESSORY USE OR STRUCTURE

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

ACCESSWAY

A way for vehicular and foot traffic leading from any street.

ACT

The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended and reenacted by Act 170 of 1988, 53 P.S. § 10101 et seq., and any subsequent amendments thereto.

ADULT COMMUNITY DEVELOPMENT

A residential development of dwelling units and permitted accessory uses, with the dwellings limited to occupancy by households that each include at least one person age 55 or older. An adult community development shall meet the requirements of § **170-1615**.

[Added 5-3-1999 by Ord. No. 99-2]

ADULT-ORIENTED ESTABLISHMENT

Any use meeting the definition for this term in Title 68, Chapter 55 of the Pennsylvania Consolidated Statutes, as amended. An adult-oriented establishment shall be considered a distinct use, not be considered a retail sales, theater, entertainment, personal service or any other use, and only be allowed where specifically stated in this chapter.

[Added 3-3-2003 by Ord. No. 2003-2]

AGRICULTURALLY SUITED SOILS

Those soils rated as Class I or Class II for productivity for crops by the Soils Survey of Chester and Delaware Counties (USDA, 1963), as shown on the Soils and Floodplains Map in the 1987 Township Comprehensive Plan.

AGRICULTURE

Activities which involve the raising of food, plants, poultry, and livestock, including but not limited to crop production and nurserying.

ALTERATIONS

Alterations include, but are not limited to, the following:

- A. All incidental changes or replacement in the nonstructural parts of a building or other structure.
- B. Minor changes or replacements in the structural parts of a building or other structure.

ANAEROBIC DIGESTION

The process by which microorganisms in the absence of oxygen convert energy stored in livestock and poultry manure or other organic materials into biogas, which is then burned on-site to produce heat, electricity and water, and has the ancillary benefit of managing livestock manure.
[Added 2-17-2015 by Ord. No. 2015-3]

ANTENNA

Any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc) or any other wireless antenna. An antenna shall not include tower-based wireless communications facilities as defined below.
[Added 6-15-2015 by Ord. No. 2015-6]

APARTMENT

See "dwelling, dwelling unit."

APPLICANT

A landowner or developer, including his heirs, successors, and assigns, who has filed any application for approval under the terms of this chapter, or for approval of a subdivision or land development under terms of Chapter 149, Subdivision and Land Development.

APPURTENANCES

The visible, functional, or ornamental objects accessory to and part of buildings or structures.
[Added 2-17-2015 by Ord. No. 2015-3]

ATHLETIC FIELD

A public or private daily recreational facility dedicated exclusively to group sports and/or individual athletic events, arranged and conducted in a manner conducive to such activities.

AUTOMOBILE SERVICE STATION

[Amended 12-5-1994 by Ord. No. 94-6]

An area of land, together with any structure thereon, used for:

- A. The retail sale of motor fuel and lubricants and incidental services, such as lubrication and washing of motor vehicles.
- B. The sale, installation, or minor repair of tires, batteries, and other automobile accessories incidental to the foregoing.
- C. The retail sale of food, beverages, personal care items, and similar goods (such as a convenience commercial center).

BASE FLOOD

The flood which has been selected to serve as the basis upon which the floodplain management provisions of this chapter have been prepared; for purposes of this chapter, a flood which has a one-percent chance of being equaled or exceeded in any given year (also called the "one-hundred-year flood" or one-percent annual chance flood).
[Amended 9-5-2017 by Ord. No. 2017-3]

BASE FLOOD ELEVATION

The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a one-percent or greater chance of being equaled or exceeded in any given year. Within the approximated floodplain, the base flood elevation shall be established as a point on the boundary of the approximated floodplain which is nearest to the site in question.
[Amended 9-5-2017 by Ord. No. 2017-3]

BASEMENT

A floor level completely below grade or floor level in which more than 2/3 of the perimeter walls are below grade. A wall shall be considered below grade where the dimension from the first floor line to the finished grade is five feet or less, and the slope of the finished grade extending 10 feet from the building walls does not exceed 30°. For floodplain management purposes, a basement is any area of the building having its floor below ground level on all sides.
[Amended 9-5-2017 by Ord. No. 2017-3]

BED-AND-BREAKFAST FACILITY

A single-family dwelling containing guest rooms available for short-term overnight rental and providing breakfast service to overnight guests. A bed-and-breakfast facility shall not include any cooking facilities for exclusive use by guests, nor the sale of meals for persons who are not a resident of the dwelling unit or an employee or overnight guest of the bed-and-breakfast facility.
[Amended 3-3-2003 by Ord. No. 2003-2]

BIOGAS

A fuel consisting of methane, carbon dioxide, and small amounts of water and other compounds produced as part of the anaerobic digestion processes.

[Added 2-17-2015 by Ord. No. 2015-3]

BOARD

The Board of Supervisors, except where the context clearly refers to the Zoning Hearing Board.

[Amended 5-2-2005 by Ord. No. 2005-4]

BOARDINGHOUSE (includes rooming house)

A residential use which contains:

[Added 3-3-2003 by Ord. No. 2003-2]

- A. Room(s) that do not meet the definition of a lawful dwelling unit that are rented for habitation; or
- B. Houses greater than the permitted maximum number of unrelated persons. A boardinghouse shall not include a use that meets the definition of a hotel/motel, assisted-living facility, bed-and-breakfast facility, group home or nursing home. A boardinghouse may either involve or not involve the providing of meals to residents. A boardinghouse shall primarily serve persons residing on-site for five or more consecutive days.

BOARD OF SUPERVISORS

The Board of Supervisors of Westtown Township.

[Amended 5-2-2005 by Ord. No. 2005-4]

BUFFER

A strip of required space adjacent to a use or facility within a property, or to the boundary of a property or district, on which is located a visual barrier of sufficient height and density to appropriately limit views of the property or use.

BUILDING

Any structure which is erected on the ground and permanently affixed thereto, consisting of at least three walls and a roof, and designed, intended, or arranged for the housing, sheltering, enclosure, or structural support of persons, animals, or property of any kind. Any mobile home or similar structure constructed off-site prior to placement on the ground also is a building.

BUILDING AREA

The area contained within the limits of the outside face of the exterior walls, that being the aggregate of the maximum horizontal cross-section areas of all the buildings on a lot, excluding cornices, eaves, gutters, chimneys projecting not more than 18 inches, bay windows not extending more than one story and not projecting more than five feet, uncovered steps and balconies, but including porches, breezeways, and carports.

BUILDING COVERAGE

The relation of the total ground floor area of all buildings on a lot to the total area of the lot on which they are located.

BUILDING FOOTPRINT

The area of any building measured along the perimeter of the exterior foundation walls.

[Added 5-6-2019 by Ord. No. 2019-02]

BUILDING SETBACK LINE

The line parallel to the street line at a distance therefrom equal to the depth of the front yard required for the district in which the lot is located. In the case of a lot in which the side lot lines are not parallel, the building setback line shall be at that point where minimum lot width first coincides with the required lot width, but in no case closer to the street than the required front yard.

BUILDING, PRINCIPAL

A structure in which is conducted, designed to be conducted, or intended to be conducted the primary use of the lot on which it is located.

BULK

A term used to describe the size of buildings or other structures and their relationship to each other, to open areas such as yards, and to lot lines; included, therefore, are:

- A. The size, including height and floor area, of the building or other structure.
- B. The relation of the number of dwelling units in a residential building to the area of the lot.
- C. All open areas in yard space relating buildings and other structures.

BUS SHELTER

A frame-like structure enclosed on a maximum of three sides built to mark an existing regional transportation system bus stop and to shelter pedestrians from the weather while waiting for buses in a public or private regional transportation system. Bus shelters may contain limited advertising space.
[Amended 7-6-1998 by Ord. No. 98-1]

CELLAR

An enclosed building space more than 33 1/3% below grade which shall be considered as uninhabitable for living purposes.

CLEAR-CUTTING

The indiscriminant or complete removal of all trees on a site, or any portion thereof greater than 0.5 acre in contiguous area, during a single timber harvesting operation or within a five-year period.
[Amended 3-3-2003 by Ord. No. 2003-2]

CLOSED HORIZONTAL LOOP GEOTHERMAL SYSTEM

A type of geothermal heating and/or cooling system that consists of the following basic elements: underground loops of piping; approved, nontoxic heat transfer fluid; a heat pump; and an air distribution system. An opening is made in the earth. A series of pipes are installed into the opening and connected to a heat exchange system in the building. The pipes form a closed loop and are filled with a heat transfer fluid. The heat transfer fluid is potable or beneficial reuse water and may have approved nontoxic antifreeze, such as propylene glycol, added. The fluid is circulated through the piping from the opening into the heat exchanger and back. The system functions in the same manner as the open-loop system except there is no pumping of groundwater.
[Added 2-17-2015 by Ord. No. 2015-3]

CLOSED VERTICAL LOOP GEOTHERMAL SYSTEM

A type of geothermal heating and/or cooling system that utilizes a pressurized heat exchanger consisting of pipe, a circulating pump, and a water-source heat pump in which the heat transfer fluid is not exposed to the atmosphere. The heat transfer fluid is potable or beneficial reuse water and may have approved nontoxic antifreeze, such as propylene glycol, added.
[Added 2-17-2015 by Ord. No. 2015-3]

CLUB

An association based on membership, whether with or without dues, rules, bylaws, charter, or local or national affiliation, of persons with common interests, pursuits, or purposes. Also, the permanent meeting place maintained for or by that membership, including but not limited to, fraternal, athletic, or other associations.

CLUSTER DEVELOPMENT

An arrangement of residential structures that allows for grouping the structures by reducing lot area and yard requirements and incorporating the remaining area as open space.^[1]

CO-LOCATION

The mounting of one or more WCFs, including antennas, on an existing tower-based WCF, or on any structure that already supports at least one non-tower WCF.
[Added 6-15-2015 by Ord. No. 2015-6]

COMMUNITY CENTER FACILITY

A building and related outdoor areas used for noncommercial social, recreation and meeting activities by residents of a development and their occasional invited guests.
[Added 5-3-1999 by Ord. No. 99-2]

CONDOMINIUM

Real estate that meets the requirements for a condominium as stated in the State Uniform Condominium Act,^[2] and which involves portions held in separate ownership and other portions held in common ownership by all of the owners of the portions.
[Added 3-3-2003 by Ord. No. 2003-2]

CONSTRUCTION

The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of a mobile home.

CONVALESCENT HOME

See "nursing home."

CONVERSION

The creation of two or more dwelling units within an existing, owner-occupied single-family detached dwelling, with the resulting units each having independent kitchen, bath, and sleeping facilities.

CORNER LOT

See "lot, corner."

[Added 5-2-2005 by Ord. No. 2005-4]

CUL-DE-SAC

A local street intersecting another street at one end and terminated at the other end by a permanent vehicular turnaround.

CUTOFF ANGLE

The angle formed by a line drawn from the ground vertically to the center of the luminaire, and a line drawn from the center of the luminaire representing the point of total light cutoff from the luminaire. The position of the cutoff line is the point above which no light is emitted.

DAY CAMP

A public or private facility operated for the outdoor recreational and educational needs of children on a daily basis, where a fee or other form of compensation for the care of the children is charged, and which is licensed or approved to operate as a day camp.

DAY-CARE CENTER

Land and buildings where daytime care and/or instruction is provided for seven or more individuals, and including staffed professional supervision necessary to serve such purposes. Such use may, but need not, be in support of and operated by another nonresidential use. Operation of a day-care center may be by a public agency, a private nonprofit organization, or a private commercial entity, and shall be licensed by the Commonwealth of Pennsylvania. This term shall include "child-care center."

DBH

The diameter of a tree at breast height, usually measured 3.5 feet from the ground surface.

DECK

An unroofed, raised structure generally attached to a principle use building.

DEMOLITION

The razing or destruction, whether entirely or in significant part, of a building, structure, site, or object. Demolition includes the removal of any building, structure, or object from its site, or the removal or destruction of the facade or surface.

DENSITY, NET

Within a flexible development, the area of that portion of the tract to be utilized for a particular dwelling type, divided by the total number of dwelling units of that type permitted, expressed in units per acre.

DEVELOPER

Any landowner, agent of such landowner, or tenant with the permission from a landowner, who makes or causes to be made the improvements associated with a subdivision or land development. The developer may also be the subdivider as defined herein.

DEVELOPMENT

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

[Amended 11-4-1996 by Ord. No. 96-7; 9-5-2017 by Ord. No. 2017-3]

DISTRIBUTED ANTENNA SYSTEMS (DAS)

Network of spatially separated antenna sites connected to a common source that provides wireless service within a geographic area or structure.

[Added 6-15-2015 by Ord. No. 2015-6]

DUPLEX

See "dwelling, dwelling unit."

DWELLING, DWELLING UNIT

A building or entirely self-contained portion thereof containing food preparation and bathroom facilities, for occupancy by only one family (including any domestic servants living or employed on the premises) with no enclosed space (other than vestibules, entrance or other hallways or porches) in common with any other dwelling unit. Dwellings may be classified as follows:

A. SINGLE-FAMILY DETACHED

A building having only one dwelling unit from ground to roof, independent outside access, and open space on all sides.

B. TWO-FAMILY

A building containing two dwelling units (detached, semidetached, or attached), including but not limited to twin or duplex:

(1) **TWIN**

A building containing two dwelling units, separated by a party wall, each having independent outside access and open space on three sides.

(2) **DUPLEX**

A building containing two dwelling units from ground to roof, each of which has independent outside access and open space on all sides.

C. MULTIFAMILY

A building containing three or more dwelling units, including but not limited to four-family dwelling (fourplex, quadraplex), townhouse (single-family attached), and apartment buildings:

(1) **FOUR-FAMILY DWELLING (FOURPLEX, QUADRAPLEX)**

A building containing four dwelling units, each of which has independent outside access, two nonparallel walls in common with adjacent dwelling units, and open space on two nonparallel sides.

(2) **TOWNHOUSE (SINGLE-FAMILY ATTACHED)**

A building containing dwelling units separated by parallel party walls, each of which has only one dwelling unit from ground to roof, independent outside access, not more than two walls in common with adjoining units, and open space to the front and rear (internal units) or front, rear, and one side (end units).

(3) **APARTMENT**

A building containing three or more dwelling units separated by party walls, and which may have more than one dwelling unit from ground to roof, common outside accesses, and hallways.

EASEMENT

A permanent right granted for limited use of private land, normally for a public purpose (e.g., utility, drainage, public access). The owner of the property shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

EASEMENT, CONSERVATION

A legal agreement between a property owner and an appropriate conservation organization or governmental entity, through which the property owner establishes certain use restrictions over all or portions of the property for conservation purposes.

EMERGENCY

A condition that:

[Added 6-15-2015 by Ord. No. 2015-6]

A. Constitutes a clear and immediate danger to the health, welfare, or safety of the public; or

B. Has caused or is likely to cause facilities in the rights-of-way to be unusable and result in loss of the services provided.

ENGINEER

A professional engineer, registered in Pennsylvania.

ENLARGEMENT

An addition to the floor area of an existing building, an increase of size of another structure, or an increase in that portion of a lot occupied by an existing use.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

[Added 9-5-2017 by Ord. No. 2017-3]

EXPANSION TO EXISTING MANUFACTURED HOME PARK OR SUBDIVISION

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FAMILY

A family is:

[Amended 9-18-1998 by Ord. No. 98-2; 3-3-2003 by Ord. No. 2003-2]

- A. A single person occupying a dwelling unit;
- B. Two or more individuals living together on a nontransient basis as a single housekeeping unit and doing their cooking on the premises, when said individuals are related by blood, marriage, or adoption, including foster children and including not more than two boarders, roomers, or lodgers;
- C. A maximum of five children or adults requiring special care or supervision who are under the twenty-four-hour or full-time care of resident parents or persons acting in loco parentis (i.e., the occupants of a group home as defined in this chapter); or
- D. Not more than three individuals not related living together as a single housekeeping unit and doing their cooking in one kitchen on the premises.

FAMILY DAY-CARE HOME

A single-family detached dwelling where day-care services are provided for as many as, but not more than, six individuals, none of whom need be a relative of the caregiver, in accordance with Pennsylvania Department of Public Welfare regulations.

FCC

Federal Communications Commission.

[Added 6-15-2015 by Ord. No. 2015-6]

FENCE

Any freestanding and uninhabited structure consisting of wood, glass, metal, plastic, wire, wire mesh, or masonry, singly or in combination with other materials, 2 1/2 feet high or higher, erected to secure or divide one property from another or part of a property from a remaining part, to assure privacy, to protect the property so defined, or to enclose all or part of the property; a freestanding masonry wall is considered a fence.

FILL

Material, exclusive of structures, placed or deposited so as to form an embankment or raise the surface elevation of the land.

FLAG LOT

See the definition of "lot, interior" in this § **170-201**.

[Added 3-3-2003 by Ord. No. 2003-2]

FLEXIBLE DEVELOPMENT

An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage, and required open space to the regulations established in any one residential district created, from time to time, under the provisions of this chapter.

FLOOD

A general and temporary inundation of normally dry land from the overflow of streams, rivers, or other waters.

FLOOD FRINGE

That portion of the floodplain outside the floodway.

FLOOD INSURANCE RATE MAP (FIRM)

The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

[Added 9-5-2017 by Ord. No. 2017-3]

FLOOD INSURANCE STUDY (FIS)

The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

[Added 9-5-2017 by Ord. No. 2017-3]

FLOOD, ONE-HUNDRED-YEAR

The highest level of flooding that, on the average, is likely to occur every 100 years, i.e., that has a one-percent chance of occurring each year, as delineated by maps and related materials developed by the Federal Emergency

FLOODPLAIN

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

FLOODPLAIN REGULATIONS

Standards set forth under § **170-401** to minimize the hazards and damage resulting from flooding.
[Added 9-5-2017 by Ord. No. 2017-3]

FLOODPROOFING

Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures which reduces or eliminates flood damage to real estate or improved real property, lands, water and sanitary facilities, structures, and contents of buildings.
[Amended 9-5-2017 by Ord. No. 2017-3]

FLOODWAY

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
[Added 9-5-2017 by Ord. No. 2017-3]

FLOOR AREA

The sum of the area of the several floors of a building or buildings measured from the face of the exterior walls or from center lines of walls separating two buildings. In particular, floor area includes, but is not limited to, the following:

- A. Basement space, as defined herein.
- B. Elevator shafts, stairwells, and attic space (whether or not a floor has been laid) providing structural headroom of eight feet or more.
- C. Roofed terraces, exterior balconies, breezeways, or porches, provided that over 50% of the perimeter of these is enclosed.
- D. Any other floor space used for dwelling purposes, no matter where located within the building.
- E. Accessory buildings, excluding space used for off-street parking or for loading berths.
- F. Any other floor space not specifically excluded, but excluding space used for air-conditioning machinery or cooling towers and similar mechanical equipment serving the building and cellar space.

FLOOR AREA RATIO (FAR)

The ratio of the total building floor area to the lot area. For example, on a one-hundred thousand-square-foot lot, with a maximum floor area ratio of 0.4:1.0, the maximum total building floor area shall be 40,000 square feet, therefore allowing two stories of 20,000 square feet each. Space used for vehicle parking that is in a basement level shall not be counted towards the floor area when determining the floor area ratio.
[Amended 10-15-2001 by Ord. No. 2001-7]

FOOTCANDLE

The illumination on a surface one square foot in area on which there is a uniformly distributed flux of one lumen, or the illumination produced on a surface, all points of which are at a distance of one foot from a directionally uniform point source of one candela.

FORESTRY

The management of forests and timberlands when practiced in accordance with accepted silvicultural practices, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development. Forestry specifically does not include clear-cutting.
[Added 3-3-2003 by Ord. No. 2003-2]

FOURPLEX

See "dwelling, dwelling unit."

GARAGE, PRIVATE

An accessory building or part of a principal building used for the storage of motor vehicles owned and used by the owner or tenant of the premises, and for the storage of not more than two motor vehicles owned and used by persons other than the owner or tenants of the premises.

GARDEN SHED

An accessory structure, not greater than 250 square feet, for the storage of garden or lawn equipment, or used as a workshop.

GEOHERMAL ENERGY SYSTEM

An energy generating system that uses the Earth's thermal properties, in conjunction with electricity, to provide for the heating and cooling of buildings.

[Added 2-17-2015 by Ord. No. 2015-3]

GOLF COURSE

A tract of land for playing golf, improved with tees, greens, fairway, and hazards, and which may include clubhouse and shelters.

GROSS AREA

The total area of a lot or tract as described in the deed of record for the lot or tract and lying within existing property lines prior to subdivision or land development.

GROSS LEASABLE AREA

The total floor area of any building or structure in which some or all spaces are leased.

GROUP HOME

A residential facility used as living quarters by a maximum of five unrelated persons, consisting of children or adults requiring special care and their attending supervisors. A group home is specifically designed to create a single-family residential setting. The individuals requiring special care must be deemed permanent residents and their supervisors must provide twenty-four-hour or full-time equivalent coverage of the facility. A group home in a residential district shall not be used for meetings of staff who are not on duty.

[Amended 9-8-1998 by Ord. No. 98-2; 3-3-2003 by Ord. No. 2003-2]

HEIGHT, BUILDING

A building's vertical measurement from the mean level of the ground surrounding the building to the highest point of the roof, provided that chimneys, spires, towers, elevator and other unoccupied utility penthouses, tanks, and similar projections shall not be included in calculating the height.

HEIGHT OF A TOWER-BASED WCF

The vertical distance measured from the ground level, including any base pad, to the highest point on a tower-based WCF, including antennas mounted on the tower and any other appurtenances.

[Added 6-15-2015 by Ord. No. 2015-6]

HEIGHT, SIGN

The vertical distance as measured:

- A. From ground level to the highest point on the sign itself and/or its supporting structure.
- B. Along the face of the sign or its supporting frame from lowest point to highest.

HISTORIC RESOURCE(S)

Within the context of this chapter, all buildings, sites, structures, objects and districts identified on the Westtown Township Historic Resources Map.

[Added 3-7-2016 by Ord. No. 2016-2]

HISTORIC RESOURCES MAP

A map adopted as part of this chapter showing historic properties and their respective classifications and maintained by the Westtown Township Historical Commission.

[Added 3-7-2016 by Ord. No. 2016-2]

HISTORIC STRUCTURE

[Amended 11-4-1996 by Ord. No. 96-17]

Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places under a Commonwealth of Pennsylvania historic preservation program which has been approved by the Secretary of the Interior; or

D. Individually listed on a Township inventory of historic places under a historic preservation program that has been certified either:

- (1) By an approved state program as determined by the Secretary of the Interior; or
- (2) Directly by the Secretary of the Interior in states without approved programs.

HOME OCCUPATION

An accessory use constituting entirely or partly the livelihood of person(s) living in a dwelling unit, when in compliance with the terms of § **170-1605** of this chapter. Home occupations are divided into major and minor categories as defined in § **170-1605**.

[Amended 9-15-1997]

HORSE BARN

A building, or a portion of a building, used for the shelter of horses belonging to the landowner or tenant residing on the property.

HOTEL or MOTEL

A building or buildings including rooms rented out to persons as transient and temporary living quarters. Any such use that customarily involves the housing of persons for periods of time longer than 30 days shall be considered a boardinghouse and shall meet the requirements of that use.

[Added 3-3-2003 by Ord. No. 2003-2]

IMPERVIOUS COVERAGE

The ratio of the total impervious surface area on a lot to the total lot area on which it is located.

IMPERVIOUS SURFACE

Area covered by roofs, paving and other man-made materials that have a coefficient of runoff of 0.8 or greater. For the purposes of determining compliance with this chapter, stone surfaces routinely used for vehicle parking and movement shall be considered impervious.

[Amended 3-3-2003 by Ord. No. 2003-2]

INSTITUTIONAL USE

A cultural, educational, recreational, therapeutic, rehabilitative or similar lawful use, including, but not limited to, properties with six or more unrelated persons in residence and, where necessary to serve such use, twenty-four-hour or full-time equivalent professional supervision. The term "institutional use" shall not include a religious use, primary or secondary school, day-care center, or residential care facility for senior citizens.

[Amended 9-8-1998 by Ord. No. 98-2; 3-3-2003 by Ord. No. 2003-2; 5-2-2005 by Ord. No. 2005-4]

INTEGRATED TOWNHOUSE DEVELOPMENT

A development containing townhouses which includes parking areas and internal drives, and in which a designated portion of the tract is set aside as open space.

JUNKYARD

An area of land, with or without buildings, which is used for the storage, outside a completely enclosed building, of used and discarded materials, including but not limited to: waste paper, rags, metal, building materials, house furnishings, machinery, vehicles, or parts thereof, with or without the dismantling, processing, salvage, sale, or other use or disposition of the same. The deposit or storage on a lot of two or more unlicensed, wrecked, or disabled vehicles, or the major parts thereof, shall be deemed a junkyard.

KENNEL

A place for the keeping, breeding, and/or boarding of more than four dogs for commercial purposes.

LABORATORY

A building or group of buildings in which are located the facilities for scientific research, investigation, testing, and experimentation, but not including the manufacture of products for sale, except as an accessory use.

LAKE or POND

A natural body of water, containing a permanent pool of water a minimum of six feet in depth, with side slopes which must be steeper than 10:1. A lake or pond may be utilized for stormwater management purposes.

LAND DEVELOPMENT

Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:

- (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - (2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups, or other features.
- B. A subdivision of land. Those activities described in Section 503(1.1) of the Act [53 P.S. § 10503(1.1)] shall not be considered land developments for purposes of this chapter.

LIVESTOCK

The horses, cattle, sheep, and other useful animals kept or raised on an agricultural property or on any property meeting the provisions of this chapter.

LOT

A parcel of land, undivided by any street or dedicated future street right-of-way. Such parcel shall be separately described by metes and bounds, the description of which is recorded in the office of the Recorder of Deeds of Chester County by deed description or is described by an approved subdivision plan recorded in the office of the Recorder of Deeds of Chester County.

LOT AREA

The acreage contained within the property lines of a lot, as defined in the deed or as shown on an approved subdivision plan. For purposes of compliance with minimum lot area requirements, the following shall be excluded:
[Amended 3-3-2003 by Ord. No. 2003-2]

- A. Any area used for gas, oil, natural gas, electric, water, or communications transmission facilities, whether below or above ground, that do not serve the lot or lots traversed.
- B. Any area within a street or other transportation right-of-way, existing or proposed.
- C. Any area within a permanent drainage easement.

LOT, CORNER

A lot at the junction of and abutting two or more intersecting streets, where the interior angle of intersection does not exceed 135°. A lot abutting a curved street shall be deemed a corner lot if the tangents to the curve at the points of intersection of the lot lines with the street intersect at an interior angle of less than 135°. Each yard abutting a street shall be considered a front yard. On a corner lot, any yard not considered a front yard shall be regulated as a side yard. Corner lots shall be subject to the provisions of § 170-1502H.
[Amended 3-3-2003 by Ord. No. 2003-2; 5-2-2005 by Ord. No. 2005-4]

LOT, INTERIOR

A lot which does not meet the minimum lot width requirement as measured at the minimum building setback line. This term may include a lot that has a narrow portion of the lot connecting the street right-of-way with the wider portion of the lot.
[Amended 3-3-2003 by Ord. No. 2003-2]

LOT LINE

A property boundary line of any lot held in single and separate ownership, except that, in the case of any lot abutting a street, the lot line for such portion of the lot as abuts such street shall be deemed to be the same as the street line, and shall not be the center line of the street, or any other line within the street line even though such may be the property boundary line.

LOT LINE, FRONT

The lot line abutting any street and coinciding with any street line. In the case of a corner lot, each of the two (or more) street-abutting lot lines shall be considered a front lot line. In the case of an interior lot, the front lot line shall be the line most parallel and closest to the street line at the end of the access strip; all other lines shall be side or rear lot lines.

LOT LINE, REAR

A lot line opposite and most distant from the front lot line; if the rear lot line is less than 10 feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line. In the case of a corner lot, any lot line that is neither a front lot line nor a side lot line.

LOT LINE, SIDE

Any lot line not a front or rear lot line; in the case of a corner lot, any lot line that intersects a front lot line shall be considered a side lot line.

LOT, REVERSE FRONTAGE

A lot extending between and having frontage on an arterial or collector street and a local street, with vehicular access solely from the local street.

LOT WIDTH

The distance in feet between the side lot lines, measured at the street line or along a line parallel to the street line at the building setback line.

LOT WIDTH AT BUILDING SETBACK LINE

The distance between the side lot lines measured at the minimum building setback line, as opposed to the proposed building setback line.

[Added 3-3-2003 by Ord. No. 2003-2]

LOT WIDTH AT THE STREET LINE

The distance in feet between the side lot lines measured along the street line.

[Added 3-3-2003 by Ord. No. 2003-2]

LOWEST FLOOR

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of the National Flood Insurance Program (Regulations for Floodplain Management and Flood Hazard Identification), Federal Emergency Management Agency, and this chapter.

[Amended 9-5-2017 by Ord. No. 2017-3]

MALT

Germinated grain including, but not limited to, barley, wheat, and rye.

[Added 9-6-2016 by Ord. No. 2016-5]

MALT PRODUCTION

An agricultural use that produces malt and malt products such as food and beverages that contain malt.

[Added 9-6-2016 by Ord. No. 2016-5]

MALT TASTING ROOM

A designated area on an agriculturally zoned property for the retail sale and consumption of malt and malt products.

[Added 9-6-2016 by Ord. No. 2016-5]

MANUFACTURED HOME PARK OR SUBDIVISION

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent only (park) or for rent or sale (subdivision).

MANURE DIGESTER

A facility designed to use anaerobic digestion processes to convert livestock and poultry manure into biogas, which is generally burned on-site to produce electricity, heat, and water, as well as to manage livestock and poultry manure. Manure digesters may include "co-digestion" in which the livestock and poultry manure may be mixed with other organic materials. Types of manure digesters include covered anaerobic lagoons, plug-flow, and/or complete mix (or continually stirred tank reactor), along with other appurtenant sites, structures and buildings, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

[Added 2-17-2015 by Ord. No. 2015-3]

MEDICAL SERVICES

A type of personal service dedicated to health care and healing, including related support facilities. Such uses include, but are not necessarily limited to, offices of medical professionals (e.g., medical doctors and specialists, dentists, orthodontists, psychologists, psychiatrists, ophthalmologists, optometrists, chiropractors), clinics, facilities for physical therapy and rehabilitation, medical testing centers, and medical laboratories.

[Added 7-16-2018 by Ord. No. 2018-01]

MEMBERS OF THE SAME FAMILY

Any individual, such individual's brothers and sisters, the brothers and sisters of such individual's parents and grandparents, the ancestor and lineal decedents of any of the foregoing, a spouse of any of the foregoing and the estate of any of the foregoing. Individuals related by the half blood or legal adoption shall be treated as if they were related by the whole blood.

[Added 5-6-2019 by Ord. No. 2019-02]

MICRO-TURBINE PANELS

Panels with rotors with a diameter of one foot or less, meant for areas with low-to-moderate wind speeds.

[Added 2-17-2015 by Ord. No. 2015-3]

MICROWAVE ANTENNA FOR SATELLITE COMMUNICATION

A parabolic ground-based or roof-mounted reflector, together with its pedestal and any other attachments and parts thereof, commonly referred to as a dish-shaped antenna, used or intended to receive radio or electromagnetic waves from an overhead satellite.

MINOR REPAIR

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

MOBILE HOME/MANUFACTURED HOME

A transportable, single-family dwelling, intended for permanent occupancy contained in one unit, or in two or more units designed to be joined into one integral unit which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation, including any addition or accessory structure, such as porches, sheds, decks, or additional rooms. All mobile homes shall meet construction standards set by the U.S. Department of Housing and Urban Development. For floodplain management purposes, the term "mobile home" includes "manufactured home," and also includes "park trailer," "travel trailer," and other similar vehicles placed on a site for greater than 180 consecutive days. Outside of the Special Flood Hazard Area, this term shall not apply to a modular dwelling unit that meets the International Building Code and which is supported by a perimeter foundation.

[Amended 3-3-2003 by Ord. No. 2003-2; 9-5-2017 by Ord. No. 2017-3]

MOBILE/MANUFACTURED HOME PARK

A lot occupied by two or more mobile homes, which may include the lease of mobile/manufactured homes and/or spaces for mobile/manufactured homes on the lot to individual households. For the purposes of this chapter, the terms mobile home park and manufactured home park shall have the same meaning, and the terms mobile home and manufactured home shall have the same meaning.

[Amended 3-3-2003 by Ord. No. 2003-2]

MODULAR DWELLING UNIT

A generally standard construction dwelling unit, in which some or all of the structural, skin, or service units (kitchen, baths) are manufactured off-site by factory methodology, transported to the site, and tied in and erected on foundation and prepared on-site. The term includes module, pre-fab, factory-built, panel-built, etc. This term shall include a dwelling unit that meets the International Construction Code or its successor code and which is supported by a perimeter foundation.

[Amended 3-3-2003 by Ord. No. 2003-2]

MONOPOLE

A WCF or site which consists of a single-pole structure, designed and erected on the ground or on top of a structure, to support communications antennas and connecting appurtenances.

[Added 6-15-2015 by Ord. No. 2015-6]

MOTEL

A building, or a group of two or more detached or semidetached buildings, containing rooms having entrances provided directly or closely in connection with automobile parking or storage space serving such rooms, which building or group of buildings is designed, intended, or used principally to provide sleeping accommodations for travelers, and is suitable for occupancy at all seasons of the year.

NEW CONSTRUCTION

Structures for which the start of construction commenced on or after effective start date of this floodplain management regulation, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective start date of this floodplain management regulation and includes any subsequent improvements to such structures. Any construction started after June 1, 1977, and before the effective start date of this floodplain management regulation is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

[Amended 11-4-1996 by Ord. No. 96-17; 9-5-2017 by Ord. No. 2017-3]

NEW MANUFACTURED HOME PARK OR SUBDIVISION

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

NONCONFORMING

A building or other structure, use, lot, or sign which, by reason of design, size, or use, does not conform with the requirements of the district or districts in which it is located, or with other applicable provisions of this chapter. However, no existing use shall be deemed nonconforming solely because of either of the following: the existence of less than the required off-street parking or loading conditions; or the existence of less than the required compliance with the general and supplemental regulations of this chapter, other than those regarding signs.

NON-TOWER WIRELESS COMMUNICATIONS FACILITY (NON-TOWER WCF)

All non-tower wireless communications facilities, including but not limited to, antennas and related equipment. "Non-tower WCF" shall not include support structures for antennas or any related equipment that is mounted to the ground or at ground-level.

[Added 6-15-2015 by Ord. No. 2015-6]

NOXIOUS VEGETATION

Plant material that is undesirable or offensive due to unsightliness, threats to health, or prolific and uncontrollable growth. For purposes of this chapter, noxious vegetation shall include, but not be limited to, ragweed, multiflora rose, Canada thistle, Japanese honeysuckle, and Oriental bittersweet.

NURSING HOME

A facility, generally operated for compensation, which provides lodging, board, and nursing care to sick, invalid, infirm, disabled, or convalescent persons.

OBSTRUCTION

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

OCCUPIED STRUCTURE

Any structure occupied or intended to be occupied as a residence or place of work or other regular human activity, including such structures which are temporarily vacant. Structures used principally for storage, or otherwise not frequented by humans more than occasionally and for brief periods of time, shall not be considered occupied.

[Added 2-17-2015 by Ord. No. 2015-3]

OFF-SITE SEWER SERVICE

The disposal of sewage beyond the confines of the lot or tract, by use of a sanitary sewer system served by a central sewage treatment facility approved by all governmental agencies having jurisdiction over such matters.

OFF-SITE WATER SERVICE

A safe, adequate, and healthful supply of water to more than one user from a common source, located beyond the confines of the lot or tract, approved by all governmental agencies having jurisdiction over such matters.

ONE-HUNDRED YEAR FLOOD

See "flood, one-hundred year."

ON-SITE SEWER SERVICE

The disposal of sewage by use of individual or community cesspools, septic tanks, tile disposal fields, land application systems, or other safe and healthful means within the confines of the lot or tract on which the use is located, when approved by all governmental agencies having jurisdiction over such matters.

ON-SITE WATER SERVICE

A safe, adequate, and healthful supply of water to a single user or tract from a private well, located within the confines of the lot or tract, which is approved by all governmental agencies having jurisdiction over such matters.

OPEN-LOOP GEOTHERMAL SYSTEM

A type of geothermal heating and/or cooling system that utilizes a water supply, well, or other source, and a pump to deliver groundwater to a heat exchanger. The discharge water from the heat exchanger may be returned to the subsurface through a recharge well or infiltration bed, or may be discharged into a pond, lake, or stream.

[Added 2-17-2015 by Ord. No. 2015-3]

OPEN SPACE, COMMON

Area or areas of land and/or water, substantially free of structures and paved areas, permanently restricted for common enjoyment and recreational use by residents of a development and possibly the general public, including

agricultural activities as permitted herein, but not including individually owned private yards.

OPEN SPACE, USABLE

An area of common open space within a residential development that is suitable, in terms of location, land characteristics, size, etc., for active recreation.

OUTDOOR HYDRONIC HEATER

See "outdoor wood-fired boiler."

[Added 2-17-2015 by Ord. No. 2015-3]

OUTDOOR WOOD-FIRED BOILER (OWB)

A fuel-burning device in which all of the following applies:

[Added 2-17-2015 by Ord. No. 2015-3]

- A. It is designed to burn, or is capable of burning, one or more of the following allowed fuels:
 - (1) Clean wood;
 - (2) Wood pellets made from clean wood;
 - (3) Home heating oil, natural gas or propane that:
 - (a) Complies with all applicable sulfur limits;
 - (b) Is used as a starter or supplemental fuel for dual-fired outdoor wood-fired boilers.
 - (4) Other fuel approved, in writing, by the Pennsylvania Department of Environmental Protection (DEP).
- B. Has a rated thermal output of less than 350,000 Btu per hour.
- C. The manufacturer designs or specifies the device for outdoor installation or installation in structures not normally intended for habitation by humans or domestic animals, including structures like garages and sheds.
- D. Heats building space or a fluid, or both, through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and approved, nontoxic antifreeze.

OVERLAY

A special use district, either graphically depicted on the Zoning Map or described by meets and bounds, whose uses, conditional or by right, are permitted in the base zoning district.

PA DEP

Pennsylvania Department of Environmental Protection or its successor agency.

[Added 3-3-2003 by Ord. No. 2003-2]

PARKING SPACE

A space located off the public right-of-way, designed and designated for parking a motor vehicle.

PIPELINE

As defined by 49 CFR 195.2 and 192.3.

[Added 7-17-2017 by Ord. No. 2017-2]

PLANNING COMMISSION

The Planning Commission of Westtown Township.

PRINCIPALLY ABOVEGROUND

Where at least 51% of the actual cash value of a structure, less land value, is above ground.

PROFESSIONAL OFFICE

Offices where services are provided that require specialized training or professional certification and where no goods or merchandise are sold or exchanged, except for those directly related to the service provided, including but not limited to accountant, appraiser, attorney, architect, financial planner, landscape architect and engineer. A professional office shall not constitute a medical establishment, including but not limited to physician, dentist, chiropractor, massage therapist, psychologist and optometrist.

[Added 11-7-2016 by Ord. No. 2016-6]

PUBLIC NOTICE

Notice published once each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of any hearing or meeting and the particular nature of the matter to be

considered at the hearing or meeting. The first publication shall not be more than 30 days and the second publication shall not be less than seven days prior to the date of the hearing or meeting.

QUADRAPLEX

See "dwelling, dwelling unit."

RECREATION, ACTIVE

Those recreational pursuits which require physical alteration to the area in which they are performed. Such areas are intensively used and include, but are not limited to, playgrounds, ball courts, golf courses, and swimming pools.

RECREATIONAL VEHICLE

A vehicle which is:

[Added 10-16-2006 by Ord. No. 2006-3]

- A. Built on a single chassis;
- B. not more than 400 square feet, measured at the largest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light-duty truck;
- D. Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

RECREATION, PASSIVE

Recreational pursuits which can be carried out with little alteration or disruption in the area in which they are performed. Such uses include, but are not limited to, hiking, biking, and picnicking.

RECYCLING DROPOFF/COLLECTION CENTER

A facility established and/or operated by Westtown Township, by Chester County, or by a nonprofit or citizens' organization for the collection and/or processing of recyclable materials such as glass, paper, aluminum, or plastic; such facility may accept recyclables by donation, redemption, or purchase, and may separate or process such materials for reuse or for sale as raw material for use in the manufacture of a new product.

REFORESTATION

The restocking of an area with forest trees, including natural regeneration as well as tree planting.

REGULATORY FLOOD ELEVATION

The base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of 1 1/2 feet. The freeboard safety factor also applies to utilities and ductwork.

[Added 9-5-2017 by Ord. No. 2017-3]

RELATED EQUIPMENT

Any piece of equipment related to, incidental to, or necessary for, the operation of a tower-based WCF or non-tower WCF. By way of illustration, not limitation, related equipment includes generators and base stations.

[Added 6-15-2015 by Ord. No. 2015-6]

RELATED or RELATIVE

Persons who are related by blood, marriage, adoption or formal foster relationship to result in one of the following relationships: spouse, brother, sister, parent, child, grandparent, great grandparent, grandchild, great grandchild, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, parent-in-law or cousin.

[Added 3-3-2003 by Ord. No. 2003-2]

RELIGIOUS USE

A building and surrounding land used primarily for religious and/or spiritual worship by a group of 10 or more persons at a time and that is operated for nonprofit and noncommercial purposes. The only residential use that may occur on the same lot as a religious use shall be a maximum of two dwelling units. A religious use shall include, but not be limited to, a church, synagogue, temple or mosque. A religious use may include customary accessory uses.

[Amended 3-3-2003 by Ord. No. 2003-2]

RENEWABLE ENERGY SYSTEM

An energy system which makes use of recurring natural resources or byproducts to produce energy without consuming nonrenewable resources or causing significant disturbance to natural systems. Renewable energy systems include, but are not limited to, geothermal, solar, and wind energy systems, as well as manure digesters and outdoor wood-fired boilers (OWBs). Such systems are usually independent of the primary utility supplied energy system but may be connected thereto.

[Added 2-17-2015 by Ord. No. 2015-3]

RIDING ACADEMY

An establishment where horses are boarded and cared for and where instruction in riding, jumping, and showing is offered and the general public may, for a fee, hire horses for riding.

RIGHT-OF-WAY

A strip of land acquired by reservation, dedication, prescription, or condemnation, and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary or storm sewer, and other similar uses; generally, the right of one to pass over the property of another.

A. EXISTING RIGHT-OF-WAY

The legal road right-of-way as established by the commonwealth or other appropriate governing authority and currently in existence.

B. FUTURE RIGHT-OF-WAY

The right-of-way deemed necessary to provide adequate width in this chapter and Chapter **149**, Subdivision and Land Development, for future circulation improvements. The future right-of-way shall be measured equal distance from the center line of the existing cartway.

C. CARTWAY

The paved area of a road right-of-way, including width intended for vehicular movement and on-street parking, but not including shoulders.

SCHOOL

An educational use, including college; public, private, or parochial elementary or secondary school; or other educational institution for academic instruction, but not including a business or trade school, dance studio, or similar use.

SCHOOL, PRIMARY OR SECONDARY

An educational institution licensed by the State Department of Education that primarily provides education between the grades of Kindergarten and 12th grade.

[Added 3-3-2003 by Ord. No. 2003-2]

SCREEN

See "buffer."

SECTION

A geographical area or portion of a tract that is proposed for flexible development and which is to be developed in accordance with a timetable for development that is included as part of the applicant's development plan.

SELECTIVE CUTTING

The felling of certain, but not all, trees in an area for the purposes of removing dead, diseased, damaged, mature, or marketable timber; improving the quality of a tree stand or species; or meeting personal domestic needs.

SETBACK LINE

See "building setback line."

SIGN

Any name, nameplate, poster, panel, display, illustration, structure, or device used for visual communication which is affixed, painted, or represented directly or indirectly upon a building or other outdoor surface for the purpose of bringing the subject thereof to the attention of the public or advertising a business, commodity, service, or product or for identifying a business structure or use of land.

SINGLE AND SEPARATE OWNERSHIP

The ownership of property by any person, which ownership is separate and distinct from that of any adjoining property.

SOLAR ENERGY

Energy which has been converted, through the use of a solar energy system, from sunlight into usable electricity or to heat air, water, or other fluids for use in hot water or space heating, or other applications.

[Added 2-17-2015 by Ord. No. 2015-3]

SOLAR ENERGY SYSTEM

An energy conversion system, including appurtenances, which converts solar energy to a usable form of energy to meet all or part of the energy or heating requirements of the on-site user, or which is to be sold to a utility company to be used by others, or sold directly to other users. Particular types of solar energy systems include, but are not limited to:

[Added 2-17-2015 by Ord. No. 2015-3]

- A. Photovoltaic (PV) collectors, which convert solar energy into electricity;
- B. Solar thermal collectors, which are designed to use solar energy to heat air, water, or other fluids for use in hot water or space heating, or other applications.

SPECIAL FLOOD HAZARD AREA (SFHA)

An area in the floodplain subject to a one-percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.

[Added 9-5-2017 by Ord. No. 2017-3]

STACK

Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a furnace or other fuel-burning device, especially that part of a structure extending above a roof.

[Added 2-17-2015 by Ord. No. 2015-3]

STAGE

One or more sections on which an applicant proposes to commence development at the same time, as part of a timetable for development over a period of years.

START OF CONSTRUCTION

[Amended 9-5-2017 by Ord. No. 2017-3]

- A. The date of issuance of a building permit, provided that the actual start of construction, repair, reconstruction, placement, or other improvement was within 90 days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.
- B. For floodplain management purposes, start of construction includes substantial improvement and other proposed new development and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days after the date of the permit and shall be completed within 12 months after the date of issuance of the permit unless a time extension is granted, in writing, by the floodplain administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STEALTH TECHNOLOGY

Camouflaging methods applied to wireless communications towers, antennas and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.

[Added 6-15-2015 by Ord. No. 2015-6]

STORMWATER MANAGEMENT BASIN

A man-made, relatively shallow depression installed for the purpose of collecting and controlling the flow of stormwater runoff. Such basins shall be designed for one-hundred-year storm volumes and rates, and shall have side slopes no greater than 3:1.

STORY

That portion of a building comprised between the surface of any floor and the surface of any floor or roof next above, exclusive of any basement or cellar.

STREET

A right-of-way intended for general public use to provide means of approach for vehicles and pedestrians. The word "street" includes the words "road," "highway," "thoroughfare," and "way." Streets shall be further classified as:

- A. **ARTERIAL**
A street serving the heaviest volumes of traffic (comparatively high-speed and long-distance) in the Township, including all facilities classified as main and secondary highways by the Pennsylvania Department of Transportation; providing the highest degree of vehicular mobility; and/or involving controls on access.
- B. **COLLECTOR**
A street designed and located to provide means of access to traffic off local streets and to provide access for through traffic between residential neighborhoods and districts within the Township to major streets and/or a street used for access to nonresidential properties, i.e., commercial, industrial, professional, etc.
- C. **LOCAL**
A street intended to serve and provide access to the properties abutting thereon and not connecting with other streets in such a manner as to encourage through traffic.
- D. **SERVICE (ALLEY)**
A minor right-of-way providing secondary vehicular access to the side or rear of two or more properties.
[Amended 12-5-1994 by Ord. No. 94-6]

STREET LINE

The dividing line between the street and the lot. The street line shall be the same as the future right-of-way line as defined by this chapter and Chapter **149**, Subdivision and Land Development.

STRUCTURE

Any form or arrangement of building materials involving the necessity of providing proper support, bracing, anchorage or other protection. Such arrangement shall have a permanently fixed location in or on the ground. Structures include but are not limited to buildings, open sheds and similar enclosures with less than four walls and/or a roof, signs, fences or walls over six feet in height, detached aerials and antennae, porches, platforms, tennis and handball courts, swimming pools, tents, tanks, and towers. For floodplain management purposes, a structure is defined as a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

[Amended 9-5-2017 by Ord. No. 2017-3]

STRUCTURAL UNIT

One or more buildings enclosed by continuous exterior walls and a continuous roof.

SUBDIVISION

See definition of "subdivision" in Chapter **149**, Subdivision and Land Development.

[Amended 8-6-2001 by Ord. No. 2001-5]

SUBSTANTIAL DAMAGE

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

[Amended 11-4-1996 by Ord. No. 96-17]

SUBSTANTIAL IMPROVEMENT

Any reconstruction, rehabilitation, addition, or other improvement of a structure, of which the cost equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage or cumulative substantial damage regardless of the actual repair work performed. The term does not, however, include:

[Amended 9-5-2017 by Ord. No. 2017-3]

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
- B. Any alteration of a structure listed in the National Register of Historic Places or the Pennsylvania Inventory/Register of Historic Places.

SUBSTANTIALLY CHANGE or SUBSTANTIAL CHANGE

[Added 6-15-2015 by Ord. No. 2015-6]

- A. Any increase in the height of a wireless support structure by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater, except that the mounting of the proposed wireless communications facility may exceed the size limits set forth herein if necessary to avoid interference with existing antennas; or
- B. Any further increase in the height of a wireless support structure which has already been extended by more than 10% of its originally approved height or by the height of one additional antenna array.

SURFACE LAND USES AFFILIATED WITH TRANSMISSION PIPELINES

Above-ground transmission pipeline facilities including, but not limited to, compressor stations, pumping stations, regulator stations, launcher/receiver stations, and other surface pipeline appurtenances.

[Added 7-17-2017 by Ord. No. 2017-2]

SWIMMING CLUB

A public or private recreational facility with a fee structure, comprised of a swimming pool or other water-filled enclosure permanently constructed and designed, used, and maintained for recreational swimming and bathing; included may be tennis courts or other recreational activities, snack bars, clubhouses, and shelter commonly associated with such facilities.

TOPSOIL

Natural and friable loam containing sufficient humus and nutrients to support plant growth.

TOWER-BASED WIRELESS COMMUNICATIONS FACILITY (TOWER-BASED WCF)

Any structure that is used for the purpose of supporting one or more antennas, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, utility poles and DAS ground-based structures. DAS hub facilities are considered to be tower-based WCF.

[Added 6-15-2015 by Ord. No. 2015-6]

TOWNHOUSE

see "dwelling, dwelling unit.

TOWNSHIP

The Township of Westtown, Chester County, Pennsylvania.

TRACT

One or more lots assembled and presented as a single property for purposes of subdivision or land development.

TRACT AREA

The net acreage of a tract, contained within the property lines of the tract, calculated for purposes of establishing the maximum density or intensity of use on any tract proposed for subdivision or land development. Tract area shall be determined through compliance with the terms of § **170-1519** of this chapter.

TRANSMISSION PIPELINES

Transmission pipelines include, but are not limited to, pipelines designed for the transmission of a "gas" or "petroleum gas," except a "service line," as those terms are defined by 49 CFR 192.3; also included are pipelines designed for transmission of a "hazardous liquid," as defined by 49 CFR 195.2.

[Added 7-17-2017 by Ord. No. 2017-2]

TWIN

See "dwelling, dwelling unit."

USE

Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

VERTICAL AXIS TURBINE

See "wind energy system."

[Added 2-17-2015 by Ord. No. 2015-3]

VIEW

The relative ability to see a given object from a designated location. Views shall be further classified as:

A. UNOBSTRUCTED

The ability to see most or all of the object; specifically, where more than 80% of the object is visible.

B. FILTERED

The ability to see some of the object; specifically, where 20% to 80% of the object is visible.

C. HIDDEN

The ability to see little or none of the object; specifically, where less than 20% of the object is visible.

VIOLATION

For floodplain management purposes, a violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the

elevation certificate, other certifications, and other evidence of compliance required in 44 CFR § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.
[Added 9-5-2017 by Ord. No. 2017-3]

VISUAL ARTS CENTER (VAC)

A building containing a minimum of 30% of the gross floor area used for multiple visual arts uses, including but not limited to: ceramics, drawing, painting, sculpture, printmaking, design, crafts, photography, video, audio, filmmaking and architecture. Also included in the visual arts are the applied arts, which include but are not limited to: industrial design, graphic design, fashion design, interior design and decorative art. A VAC may also include accessory uses such as: an educational or classroom component, production or recording studio, a movie theater, a visual art display gallery, gift shop, concession stand, snack bar and cafe. A building containing a VAC may incorporate a visual communication technology (VCT) on the exterior of the building.

[Added 12-16-2013 by Ord. No. 2013-6]

VISUAL COMMUNICATION TECHNOLOGY (VCT)

A means or method of communicating visual messaging using various forms of technology including, but not limited to: light emitting diodes, fiber optics, projection technology or other similar forms of illumination. A VCT may only be used as part of a VAC use and shall be directly incorporated into the exterior of a building facade of a VAC use.

[Added 12-16-2013 by Ord. No. 2013-6]

WAREHOUSING

The temporary storage of goods and materials within a building, generally for subsequent distribution to other locations and not involving retail activities.

WATER TABLE

The upper surface of a zone of saturation except where that surface is formed by an impermeable body.

WBCA

Pennsylvania Wireless Broadband Collocation Act (53 P.S. § 11702.1 et seq.).

[Added 6-15-2015 by Ord. No. 2015-6]

WIRELESS

Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

[Added 6-15-2015 by Ord. No. 2015-6]

WIRELESS COMMUNICATIONS FACILITY (WCF)

The antennas, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services.

[Added 6-15-2015 by Ord. No. 2015-6]

WIRELESS COMMUNICATIONS FACILITY APPLICANT (WCF APPLICANT)

Any person that applies for a wireless communication facility building permit, zoning approval and/or permission to use the public right-of-way (ROW) or other Township owned land or property.

[Added 6-15-2015 by Ord. No. 2015-6]

WIRELESS SUPPORT STRUCTURE

A freestanding structure, such as a tower-based wireless communications facility or any other support structure that could support the placement or installation of a wireless communications facility if approved by the Township.

[Added 6-15-2015 by Ord. No. 2015-6]

WETLAND

Those areas inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions; or as further defined and delineated by the United States Army Corps of Engineers, the United States Environmental Protection Agency, or the Pennsylvania Department of Environmental Protection.

WIND ENERGY SYSTEM

An energy conversion system, typically consisting of a wind turbine, a tower, blades and associated controls and appurtenances (including electrical infrastructure and transmission lines), that converts wind energy to a usable form of energy to meet all or part of the energy requirements of the on-site user, and/or which is to be sold to a utility company to be used by others, and/or sold directly to other users. Wind energy systems include windmills where the energy is used directly and not converted into electricity.

[Added 2-17-2015 by Ord. No. 2015-3]

WIND ENERGY SYSTEM HEIGHT

The distance measured from the ground surface of the wind energy system tower base to the highest point of the wind energy blade tip when extended upwards at 90° from the surface of the ground or any other higher point of the wind energy system.

WOODLAND

An ecosystem characterized by a more or less dense and extensive tree cover; more particularly, a plant community consisting predominantly of healthy trees and other woody vegetation, well-stocked and growing more or less closely together.

WOODLAND MANAGEMENT PLAN

A description, by means of text and map(s), of proposed actions involving the removal of trees from a tract of land. Such plan shall be prepared by a person(s) with demonstrable expertise in forest management, and shall document measures to be taken to protect water quality; to minimize impacts from skid trails and logging roads, landing areas, and the tree removal process; and to assure site restoration.

YARD

An open, unoccupied space on the same lot with a building or other structure or use.

YARD, FRONT

A yard extending the full width of the lot along the front lot line and extending in depth from the front lot line to the nearest point of any part of a structure on the lot. On a corner lot, the Zoning Officer shall have the authority to determine which yard is the front yard, based upon the predominate pattern in the area.

[Amended 3-3-2003 by Ord. No. 2003-2]

YARD, REAR

A yard extending the full width of the lot along the rear lot line and extending in depth from the rear lot line to the nearest point of any part of a structure on the lot.

YARD, SIDE

A yard extending the full depth of the lot along a side lot line and extending in width from such side lot line to the nearest point of any part of a structure on the lot.

ZONING HEARING BOARD

The Zoning Hearing Board of Westtown Township.

ZONING MAP

A map of Westtown Township indicating the location of boundaries for each zoning district.

ZONING OFFICER

The municipal officer charged with enforcing the literal terms of this chapter and the representative agent of the Zoning Hearing Board.

[1] *Editor's Note: The former definition of "communication tower," as amended, which immediately followed this definition, was repealed 2-17-2015 by Ord. No. 2015-3.*

[2] *Editor's Note: See 68 Pa.C.S.A. § 3101 et seq.*

Chapter 170. Zoning

Article XVIII. Signs

§ 170-1802. Definitions.

Words and terms used in this article shall have the meanings given in this section. Unless expressly stated otherwise, any pertinent word or term not part of this listing, but vital to the interpretation of this article, shall be construed to have its legal definition, or in absence of a legal definition, its meaning as commonly accepted by practitioners including civil engineers, surveyors, architects, landscape architects, and planners.

SIGN

Any permanent or temporary structure or part of a structure, or any device attached, represented, projected or applied by paint or otherwise, or any structure or other surface used to communicate information, a message or advertisement, or to attract the attention of the public to a subject or location. The term "sign" shall include, but not be limited to, flat or curved surfaces, all support and/or assembly apparatus, flags, banners, streamers, pennants, insignias and medals with or without words or pictures. Signs on vehicles shall be subject to the provisions of this chapter when the vehicle is owned and located or parked on or in front of a lot under the control of an occupant of the lot.

A. The following shall not be defined as signs under this chapter:

- (1) Any surface not exceeding one square foot in area that is required by a federal, state, county or municipal law or regulation, or by the United States Post Office to identify a property by number, post box number or name(s) of occupants of the property.
- (2) Flags and insignia of any municipal, state or federal government.
- (3) Legal notices, identification information, or wayfinding information provided by governmental or legislative authorities.
- (4) Integral, decorative or architectural features of buildings.
- (5) Actual produce and merchandise displayed for sale that appear in store windows.
- (6) Grave markers of all types.
- (7) Memorial markers.

B. Sign types and definitions:

- (1) **ABANDONED SIGN**
A sign which has not been used to provide information for a period of at least 180 days.
- (2) **ANIMATED SIGN**
A sign that incorporates action, motion, or light or color changes through electrical or mechanical means.
- (3) **AWNING**
A cloth, plastic, or other nonstructural covering that projects from a wall for the purpose of shielding a doorway or window. An awning is either permanently attached to a building or can be raised or retracted to a position against the building when not in use.
- (4) **AWNING SIGN**
Any sign painted on, or applied to, an awning.
- (5) **BALLOON SIGN**
A sign painted on or affixed to a lighter-than-air, gas-filled balloon.
- (6) **BANNER**
Any cloth, bunting, plastic, paper, or similar non-rigid material attached to any structure, staff, pole, rope, wire, or framing which is anchored on two or more edges or at all four corners. Banners are temporary in nature

and do not include flags.

(7) **BEACON LIGHTING**

Any source of electric light, whether portable or fixed, the primary purpose of which is to cast a concentrated beam of light generally skyward as a means of attracting attention to its location rather than to illuminate any particular sign, structure, or other object.

(8) **BILLBOARD**

An outdoor sign with a sign area that is between 60 square feet and 300 square feet.

(9) **BUILDING FRONTAGE**

The maximum linear width of a building measured in a single straight line parallel, or essentially parallel, with the abutting public street or parking lot.

(10) **CANOPY**

A structure other than an awning made of fabric, metal, or other material that is supported by columns or posts affixed to the ground and may also be connected to a building.

(11) **CANOPY SIGN**

Any sign that is part of, or attached to, a canopy.

(12) **CHANGEABLE COPY SIGN**

A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means, or manually through placement of letters or symbols on a panel mounted in or on a track system. The two types of changeable copy signs are "manual changeable copy signs" and "electronic changeable copy signs," which include: message center signs, digital displays, and tri-vision boards.

(13) **CHANNEL LETTER SIGN**

A sign consisting of fabricated or formed three-dimensional letters, individually applied to a wall, which may accommodate a light source.

(14) **CLEARANCE**

The distance above the walkway, or other surface if specified, to the bottom edge of a sign. This term can also refer to a horizontal distance between two objects.

(15) **DIGITAL DISPLAY**

The portion of a sign face made up of internally illuminated components capable of changing the message periodically. Digital displays may include but are not limited to LCD, LED, or plasma displays.

(16) **FESTOON LIGHTING**

A type of illumination comprised of either: a) a group of light bulbs hung or strung overhead or on a building or other structure; or b) light bulbs not shaded or hooded or otherwise screened to prevent direct rays of light from shining on adjacent properties or rights-of-way.

(17) **FLAG**

Any sign or image printed or painted on cloth, plastic, canvas, or other like material attached to a pole or staff and anchored along only one edge or supported or anchored at only two corners.

(18) **FLASHING SIGN**

A sign whose artificial illumination is not kept constant in intensity at all times when in use and which exhibits changes in light, color, direction, or animation. This definition does not include electronic message center signs or digital displays that meet the requirements set forth herein.

(19) **FREESTANDING SIGN**

A sign supported by structures or supports that are placed on, or anchored in, the ground; and that is independent and detached from any building or other structure. The following are subtypes of freestanding signs:

(a) **GROUND SIGN**

A sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole or attached to any part of a building (also known as "monument sign").

(b) **POLE SIGN**

A freestanding sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground and not supported by a building or a base structure.

(20) **GAS STATION CANOPY**

A freestanding, open-air structure constructed for the purpose of shielding service station islands from the elements.

(21) **GAS STATION CANOPY SIGN**

Any sign that is part of, or attached to, the vertical sides of the gas station canopy roof structure. For the purposes of this article, gas station canopy signs shall be considered wall signs.

(22) **GOVERNMENT SIGN**

Any sign constructed and/or installed by a federal, state, county or municipal government or authorized unit or department thereof.

(23) **ILLUMINATED SIGN**

A sign with electrical equipment installed for illumination, either internally illuminated through its sign face by a light source contained inside the sign or externally illuminated by a light source aimed at its surface.

(24) **ILLUMINATION**

A source of any artificial or reflected light, either directly from a source of light incorporated within, or indirectly from an artificial source.

(a) **EXTERNAL ILLUMINATION**

Artificial light, located away from the sign, which lights the sign, the source of which may or may not be visible to persons viewing the sign from any street, sidewalk, or adjacent property.

(b) **INTERNAL ILLUMINATION**

A light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface. Message center signs, digital displays, and signs incorporating neon lighting shall not be considered internal illumination for the purposes of this article.

(c) **HALO ILLUMINATION**

A sign using a three-dimensional message, logo, etc., which is lit in such a way as to produce a halo effect (also known as "backlit illumination").

(25) **INCIDENTAL WINDOW SIGN**

Signs displayed in the window of a commercial, retail or other business establishment, which are no larger than one square foot individually or three square feet in the aggregate.

(26) **INFLATABLE SIGN**

A sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or structure and equipped with a portable blower motor that provides a flow of air into the device.

(27) **INTERACTIVE SIGN**

An electronic or animated sign that reacts to the behavior or electronic signals of motor vehicle drivers.

(28) **LIMITED DURATION SIGN**

A nonpermanent sign that is displayed on private property for more than 30 days, but not longer than one year.

(29) **MANUAL CHANGEABLE COPY SIGN**

A sign or portion thereof on which the copy or symbols are changed manually through placement or drawing of letters or symbols on a sign face.

(30) **MARQUEE**

A permanent structure, other than a roof or canopy, attached to, supported by, and projecting from a building.

(31) **MARQUEE SIGN**

Any sign attached to a marquee.

(32) **MECHANICAL MOVEMENT SIGN**

A sign having parts that physically move rather than merely appear to move as might be found in a digital display. The physical movement may be activated electronically or by another means, but shall not include wind-activated movement such as used for banners or flags. Mechanical movement signs do not include digital signs that have changeable, programmable displays.

(33) **MENU SIGN**

A permanent sign not greater than 32 square feet located at, on or in the window of a restaurant, or other use serving food, or beverages.

(34) **MESSAGE CENTER SIGN**

A type of illuminated, changeable copy sign that consists of electronically changing text located on a lot with a gas station or an athletic field.

(35) **MESSAGE SEQUENCING**

The spreading of one message across more than one sign structure.

(36) **MULTI-TENANT SIGN**

A freestanding sign located on lot on which a shopping center or complex with multiple tenants is located.

(37) **MURAL (or MURAL SIGN)**

A large picture/image which is painted, constructed, or affixed directly onto a vertical building wall, which may or may not contain text, logos, and/or symbols.

(38) **NEON SIGN**

A sign illuminated by a neon tube, or other visible light-emitting gas tube, that is bent to form letters, symbols, or other graphics.

(39) **NONCONFORMING SIGN**

A sign that was legally erected and maintained at the effective date of this article, or amendment thereto, that does not currently comply with sign regulations of the district in which it is located.

(40) **PENNANT**

A triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles intended to flap in the wind.

(41) **PERMANENT SIGN**

A sign attached, affixed or painted to a building, window, or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite.

(42) **PORTABLE SIGN**

A sign designed to be transported or moved and not permanently attached to the ground, a building, or other structure.

(a) **SANDWICH BOARD SIGN**

A type of freestanding, portable, temporary sign consisting of two faces connected and hinged at the top (also known as "A-frame sign").

(b) **VEHICULAR SIGN**

A sign affixed to a vehicle located on the same lot as a business and which sits or is otherwise not incidental to the vehicle's primary purpose.

(43) **PRIVATE DRIVE SIGN**

A sign located at an intersection of a street or drive which is not publicly owned and maintained and used only for access by the occupants of the property and their guests.

(44) **PROJECTING SIGN**

A building-mounted, double-sided sign with the two faces generally perpendicular to the building wall, not to include signs located on a canopy, awning, or marquee (also known as "blade sign").

(45) **PUBLIC RIGHT-OF-WAY**

The area between the outer edge of a paved street, road or highway and the closer of an abutting property line or a line parallel to such outer edge to be measured from the center line of such street, road or highway to the following distance:

(a) Sixty feet for Routes 202 and 3.

(b) Forty feet for Routes 926 and 352.

(c) Thirty feet for collector streets.

(d) Twenty-five feet for a minor street.

(46) **PUBLIC SIGN**

A sign erected or required by government agencies or utilities.

(47) **REFLECTIVE SIGN**

A sign containing any material or device which has the effect of intensifying reflected light.

(48) **REVOLVING SIGN**

A sign which revolves in a circular motion; rather than remaining stationary on its supporting structure.

(49) **ROOF SIGN**

A building-mounted sign erected upon, against, or over the roof of a building.

(50) **SCOREBOARD**

A sign contained within an athletic venue.

(51) **SECURITY SIGN**

A sign located on a premises on which no trespassing, hunting, and/or soliciting are permitted (also known as "warning sign").

(52) **SHIELDED**

The description of a luminaire from which no direct glare is visible at normal viewing angles, by virtue of its being properly aimed, oriented, and located and properly fitted with such devices as shields, barn doors, baffles, louvers, skirts, or visors.

(53) **SIGN AREA**

The total dimensions of a sign surface used to display information, messages, advertising, logos, or symbols. See § **170-1805C** for standards for measuring sign area.

(54) **SIGN FACE**

The part of the sign that is or can be used for the sign area. The sign area could be smaller than the sign face.

(55) **SIGN HEIGHT**

The vertical dimension of a sign as measured using the standards in § **170-1805D**.

(56) **SIGN SUPPORTING STRUCTURE**

Poles, posts, walls, frames, brackets, or other supports holding a sign in place.

(57) **SNIPE SIGN**

A sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, benches, streetlights, or other objects, or placed on any public property or in the public right-of-way or on any private property without the permission of the property owner (also known as "bandit sign").

(58) **STOREFRONT**

The exterior facade of a building housing a commercial use visible from a street, sidewalk, or other pedestrian way accessible to the public and containing the primary entrance to the commercial establishment.

(59) **STREAMERS**

A display made of lightweight, flexible materials, consisting of long, narrow, wavy strips hung individually or in a series and typically designed to move in the wind.

(60) **STREET FRONTAGE**

The side or sides of a lot abutting on a public street or right-of-way.

(61) **STREET POLE BANNER**

A banner suspended above a public street or right-of-way, sidewalk and/or parking area and attached to a single street pole.

(62) **TEMPORARY SIGN**

A nonpermanent sign that is located on private property that can be displayed for no more than 30 consecutive days at one time.

(63) **URBAN EXPERIENTIAL DISPLAYS (UEDs)**

An outdoor sign that projects its message in three-dimensional (3-D) space.

(64) **WALL SIGN**

A building-mounted sign which is either attached to, displayed on, or painted on an exterior wall in a manner parallel with the wall surface. A sign installed on a false or mansard roof is also considered a wall sign (also known as: "fascia sign," "parallel wall sign," or "band sign").

(65) **WINDOW SIGN**

Any sign that is applied, painted, or affixed to a window, or placed inside a window, within three feet of the glass, facing the outside of the building, and easily seen from the outside.

Chapter 170. Zoning

Article XVIII. Signs

§ 170-1805. General regulations.

A. Sign location.

- (1) No sign shall be placed in such a position as to endanger pedestrians, bicyclists, or traffic on a street by obscuring the view or by interfering with government street signs or signals by virtue of position or color.
- (2) Except for those classified as exempt under § **170-1804**, no sign may be located within any public right-of-way and/or occupy a clear sight triangle of 75 feet (as measured from the center-line intersections of two streets) shall be provided at all intersections. The minimum clear sight triangle shall be increased to 100 feet if either street is a collector street and to 150 feet if either street is an arterial highway.
- (3) Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground utility and communications lines or equipment.

B. Sign materials and construction: Every sign shall be constructed of durable materials, using noncorrosive fastenings; shall be structurally safe and erected or installed in strict accordance with the Pennsylvania Uniform Construction Code; and shall be maintained in safe condition and good repair at all times, consistent with this section, so that all sign information is clearly legible.

C. Sign area.

- (1) The "area of a sign" shall mean the area of all lettering, wording, and accompanying designs, logos, and symbols. The area of a sign shall not include any supporting framework, bracing or trim which is incidental to the display, provided that it does not contain any lettering, wording, or symbols.
- (2) Where the sign consists of individual letters, designs, or symbols attached to a building, awning, wall, or window, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols.
- (3) Signs may be double-sided.
 - (a) Only one side shall be considered when determining the sign area, provided that the faces are equal in size, the interior angle formed by the faces is less than 45°, and the two faces are not more than 18 inches apart.
 - (b) Where the faces are not equal in size, but the interior angle formed by the faces is less than 45° and the two faces are not more than 18 inches apart, the larger sign face shall be used as the basis for calculating sign area.
 - (c) When the interior angle formed by the faces is greater than 45°, or the faces are greater than 18 inches apart, all sides of such sign shall be considered in calculating the sign area.
- (4) Signs that consist of, or have attached to them, one or more three-dimensional or irregularly shaped objects, shall have a sign area of the sum of two adjacent vertical sign faces of the smallest cube encompassing the sign or object.
- (5) If elements of a sign are movable or flexible, such as a flag or banner, the measurement is taken when the elements are fully extended and parallel to the plane of view.
- (6) The permitted maximum area for all signs is determined by the sign type and the use of the property where the sign is located.

D. Sign height.

- (1) Sign height shall be measured as the distance from the highest portion of the sign to the mean finished grade of the street closest to the sign. In the case of a sign located greater than 100 feet from a public street, height shall be measured to the mean grade at the base of the sign.
 - (2) Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other structural elements.
 - (3) The permitted maximum height for all signs is determined by the sign type and type and the use of the property where the sign is located.
- E. Sign spacing: The spacing between sign structures shall be measured as a straight-line distance between the closest edges of each sign.
- F. Sign illumination.
- (1) Signs may be illuminated, unless otherwise specified herein, consistent with the general standards for outdoor lighting as outlined in § **170-1514** and those listed below:
 - (a) Light sources to illuminate signs shall neither be visible from any street right-of-way, nor cause glare which is hazardous or distracting to pedestrians, vehicle drivers, or adjacent properties.
 - (b) Hours of operation:
 - [1] Signs on nonresidential properties may be illuminated from 6:00 a.m. prevailing time until 11:00 p.m. prevailing time, or 1/2 hour past the close of business of the facility located on the same lot as the sign, whichever is later.
 - [2] Signs shall provide an automatic timer to comply with the intent of this subsection.
 - [3] The above hours of operation standards shall not apply to a use operating 24 hours a day.
 - (c) Brightness: Message center signs and digital displays are subject to the following brightness limits:
 - [1] The illumination of the sign shall be set so as not to be more than 0.3 footcandle above ambient lighting conditions, measured using a footcandle meter at 75 feet perpendicular to the sign's display.
 - [2] Each sign must have a light-sensing device that will automatically adjust the brightness of the display as the natural ambient light conditions change to comply with the limits set herein.
 - (d) Message duration: The length of time each message may be displayed on a message center sign, digital display, or tri-vision board sign shall be static and nonanimated and shall remain fixed for a minimum of 30 seconds.
 - (e) Message transition: The length of time when a message is transitioned on a message center sign, digital display, or tri-vision board sign shall be accomplished in one second or less with all moving parts or illumination changing simultaneously and in unison.
 - (f) Default design: Any message center sign, digital display, or tri-vision board shall contain a default design which shall freeze the sign message in one position if a malfunction should occur or, in the alternative, shut down.
 - (2) Types of illumination: Where permitted, illumination may be:
 - (a) External: Externally illuminated signs, where permitted, are subject to the following regulations:
 - [1] The source of the light must be concealed by translucent covers.
 - [2] External illumination shall be by a steady, stationary light source, shielded and directed solely at the sign. The light source must be static in color.
 - (b) Internal: Internally illuminated signs, where permitted, are subject to the following regulations:
 - [1] Internal illumination, including neon lighting, must be static in intensity and color.
 - [2] Message center signs are permitted in accordance with the regulations contained in § **170-1805F(3)**.
 - [3] Digital displays are permitted in accordance with the regulations contained in § **170-1805F(4)**.

- (3) Message center signs are subject to the following regulations, in addition to all other illumination requirements established in this section.
- (a) Sign type: Message center signs are permitted in the form of freestanding, monument, and wall signs, in accordance with the regulations established in §§ **170-1806** and **170-1807**.
 - (b) Height: A message center sign shall have the same height limits as other permitted signs of the same type and location.
 - (c) Area:
 - [1] When used other than as a billboard, message center signs shall not exceed 50% of the sign area for any one sign, and shall not exceed more than 30% of the total area for all signs permitted on a property.
 - [2] When used as billboard, message center signs may be used for the full permitted sign area.
 - (d) Maximum number: Where permitted, one message center sign is permitted per street frontage, up to a maximum of two message center signs per property.
 - (e) Message display:
 - [1] No message center sign may contain text which flashes, pulsates, moves, or scrolls.
 - [2] The transition of a message center sign must take place instantly (e.g., no fade-out or fade-in).
 - [3] Default design: The sign shall contain a default design which shall freeze the sign message in one position if a malfunction should occur or, in the alternative, shut down.
 - (f) Conversion of a permitted non-message center sign to a message center sign requires the issuance of a permit pursuant to § **170-1815**.
 - (g) The addition of any message center sign to a nonconforming sign is prohibited.
- (4) Digital display signs are subject to the following regulations in addition to all other requirements established in this section.
- (a) Sign type: Digital displays are permitted in the form of freestanding, monument, and wall signs, in accordance with the regulations established in §§ **170-1806** and **170-1807**.
 - (b) Height: A digital display shall have the same height limits as for other permitted signs of the same type and location.
 - (c) Area:
 - [1] When used other than as a billboard, digital displays shall not exceed more than 30% of the total sign area permitted on the site.
 - [2] When used as a billboard, digital displays may be used for the full permitted sign area.
 - (d) Maximum number per property: Where permitted, one digital display sign is permitted per property.
 - (e) Message display:
 - [1] Any digital display containing animation, streaming video, or text or images which flash, pulsate, move, or scroll is prohibited.
 - [2] One message/display may be brighter than another, but each individual message/display must be static in intensity and otherwise compliant with § **170-1805F(1)(c)**.
 - [3] The content of a digital display must transition by changing instantly, with no transition graphics (e.g., no fade-out or fade-in).
 - [4] Default design: The sign shall contain a default design which shall freeze the sign message in one position if a malfunction should occur or, in the alternative, shut down.
 - (f) Conversion of a permitted nondigital sign to a digital sign requires the issuance of a permit pursuant to § **170-1815**.

(g) The addition of any digital display to a nonconforming sign is prohibited.

(5) Electrical standards.

- (a) Permits for illuminated signs will not be issued without an approved electrical permit, if required. Applications for electrical permits shall be filed at the same time as the sign permit application.
- (b) All work shall be completed in full compliance with the Westtown Township Electrical Code as set forth in the Pennsylvania Uniform Construction Code.
- (c) The electrical supply to all exterior signs, whether to the sign itself or to lighting fixtures positioned to illuminate the sign, shall be provided by means of concealed electrical cables. Electrical supply to freestanding signs shall be provided by means of underground cables.
- (d) The owner of any illuminated sign shall arrange for a certification showing compliance with the brightness standards set forth herein by an independent contractor and provide the certification documentation to the Westtown Township as a condition precedent to the issuance of a sign permit.

(6) Glare control: Glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields, and baffles, and appropriate application of fixture mounting height, wattage, aiming angle, and fixture placement. Vegetation screens shall not be employed to serve as the primary means for controlling glare.