

Chapter 185

ZONING

[HISTORY: Adopted by the Borough Council of the Borough of Chester Heights 7-5-1983 by Ord. No. 91. Amendments noted where applicable.]

GENERAL REFERENCES

Planning Commission — See Ch. 26.

Adult uses — See Ch. 48.

Sewers — See Ch. 149.

Subdivision and land development — See Ch. 162.

ARTICLE I

Purpose, Applicability and Title

§ 185-1. Statutory authority; purpose.

This chapter is enacted under and pursuant to the Municipalities Planning Code, Act 247 of 1968, as amended,¹ for the following purposes: to promote, protect and facilitate the public health, safety, and general welfare of the inhabitants of the Borough of Chester Heights by assuring coordinated, orderly and practical community development; by providing for proper density of population and adequate light and air from open space; by facilitating adequate transportation, police protection, water, sewerage, schools, parks, and public grounds; and by preventing overcrowding of land, blight, danger and congestion in travel and transportation, loss of life, health or property from fire, flood, panic or other danger.

§ 185-2. Interpretation.

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

§ 185-3. Title.

This chapter shall be known and may be cited as "the Chester Heights Borough Zoning Ordinance of 1983."

ARTICLE II

Definitions

§ 185-4. Definitions.

1. Editor's Note: See 53 P.S. § 10101 et seq.

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this chapter to have the meanings herein indicated. The singular shall include the plural and the plural shall include the singular. The past tense shall include the future tense. The word "shall" is always mandatory. The word "building" shall include the word "structure."

ACCESSORY BUILDING — A building subordinate to the main building on a lot and used for purposes customarily incidental to those of the main building.

ACCESSORY USE — A use subordinate to the main use of land or of a building on a lot and customarily incidental thereto.

BILLBOARD — A structure erected, operated and maintained as the principal commercial use on a lot for the purpose of advertising a product, activity, business, or other subject matter not located, conducted, sold or offered upon the premises where such sign is located or which calls public attention to a candidate, cause, public issue, or other such subject matter. [Added 2-1-2010 by Ord. No. 185]

BUFFER PLANTING STRIP — A strip of required yard space adjacent to the boundary of a property or district, not less in width than is designated in this chapter, which is landscaped for the full width and on which is placed a screen of sufficient density not to be seen through and which is of sufficient height to constitute an effective screen and give immediate visual screening to an abutting property or district. The required screen shall be permanently maintained and shall constitute a planting of dense evergreens or a compact evergreen hedge or, where otherwise specifically designated in the chapter, an appropriate wall, fence, suitable planting or combination thereof. All planting and maintenance shall comply with the provisions of Chapter 162, Subdivision and Land Development, of the Code of the Borough of Chester Heights.

BUILDING — Any structure affording shelter to persons, animals or property.

BUILDING AREA — The aggregate of the maximum horizontal cross-section areas, excluding steps, cornices, eaves and gutters, of all buildings on a lot.

BUILDING HEIGHT — The vertical distance from the average grade (the average of the grades taken at twenty-foot intervals around the building perimeter at a distance of 10 feet therefrom) to the top of the highest roof beams of a flat roof or to the mean level of a sloped roof, provided that chimneys and uninhabitable spires shall not be included in measuring the height. Elevator, stair and equipment penthouses, tanks, antennae and air-conditioning towers shall not be included. The height may be measured from finished grade but such measurement shall not be made from a point higher than eight feet above original grade.

BUILDING LINE — A line parallel to the street right-of-way line at a distance therefrom equal to the depth of the front yard or setback required for the district in which the lot is located, except in the case of an interior lot not fronting on a street or highway for its full width, in which case the building line shall be a line parallel to the right-of-way at a distance from the property line nearest to the highway or street equal to the depth of the front yard required for the district in which the lot is located. If the property or lot abuts more than one street or highway the front of the lot shall, in the case of an existing building, be deemed to be that part or portion of the lot to which the main entrance of the building faces and, in the case of a building proposed to be constructed, the part or portion of that lot to which the main entrance of a building is proposed to face.

CERTIFICATE OF USE AND/OR OCCUPANCY — A statement signed by a duly authorized Borough official setting forth that a building, structure, lot, use or accessory use legally complies with this chapter and all other applicable codes and that the same is in a satisfactory condition to be used for the purpose stated therein.

DEVELOPER — Any landowner, agent of such landowner, or tenant with the permission from a landowner who makes or causes to be made an application for approval of a development plan.

DWELLING

- A. **SINGLE-FAMILY** — A building, on a lot, designed and occupied exclusively as a residence for one family.
- B. **TWO-FAMILY** — A building, on a lot, designed and occupied exclusively as a residence for two families, living independently of one another.
- C. **MULTIPLE FAMILY DWELLING, TOWNHOUSE, QUADRUPLEX or APARTMENT HOUSE** — A building on a lot, designed and used exclusively as a residence for three or more families living independently of one another.

FAMILY — Any number of individuals related by blood, marriage or adoption, or not more than two unrelated persons living together as a single housekeeping unit.

GARAGE

- A. **PRIVATE** — A building used for the storage of one or more automobiles owned and used by the owner or tenant of the lot on which it is erected for a purpose accessory to the use of the lot.
- B. **PUBLIC** — A building, not a private garage, used for the repair, and/or servicing and storage of motor vehicles; but not to include marshalling yard, trucking facility, facility for the storage and repair of earthmoving or construction equipment, or motor vehicle wrecking facility and graveyard.

LANDOWNER — The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having proprietary interest in the land.

LOT — A parcel of land on which a principal building or, where authorized by this chapter, a unified group of buildings is or may be placed, together with the required open space. Under this chapter, the use of a lot for more than one principal building or for a unified group of buildings shall be considered a subdivision and the plan for any such use shall be subject to approval in accordance with Chapter 162, Subdivision and Land Development, of the Code of the Village of Chester Heights. For the purposes of these definitions, "unified group of buildings" shall include a single commercial building designed to house more than one commercial use or entity and shall also include multiple-dwelling group.

PARKING SPACE — An outdoor or garage space used for parking motor vehicles which shall measure nine feet, six inches by 20 feet and to which there is reasonable access from a street, alley or driveway.

PERMIT (ZONING) — A statement issued and signed by the Zoning Officer authorizing either the use of a lot or the construction of a building and indicating on its face that the proposed use complies with this chapter or with a decision and order of the Zoning Hearing Board or a court of competent jurisdiction rendered in connection with an application relative to use of the premises involved. No permit shall be issued for any use or construction unless the applicant shall submit written proof that the designated authorities have granted approval of sanitary sewage and water facilities.

SIGN — Any structure, or part thereof, on which lettered or pictorial matter is displayed for advertising or notice purposes.

STABLE — A stable for housing horses for personal use of the occupants of the dwelling or for sale, hire or breeding.

STREET LINE — The edge or side limit line of the legal right-of-way of a road or street.

STRUCTURE — An assembly of material forming a construction for occupancy or use including, but not limited to, bridges, buildings, coal bins, dams, display signs, fences, open sheds, piers, pipelines, platforms, reviewing stands, shelters, stadiums, stagings, swimming pools, tennis or other courts, tents, towers, trestles, water tanks, wharves.

YARD — The required open area around the inner periphery of each lot in which no building or structure shall be erected.

- A. **FRONT** — The minimum open space extending the full width of the lot from the street line on which the lot abuts exclusive of steps, overhanging eaves, gutters or cornices. In the case of a corner lot, there shall be a front yard on each street on which the lot abuts.
- B. **SIDE** — The minimum open space extending the full depth of the lot from the side lot line exclusive of steps, overhanging eaves, steps, gutters or cornices.
- C. **REAR** — The minimum open space extending the full width of the lot from the rear lot line of the lot exclusive of overhanging eaves, gutters or cornices.

ARTICLE III **Classification of Districts**

§ 185-5. Classes of districts.

For the purpose of this chapter, the Borough of Chester Heights is hereby divided into the following classes of districts:

Residence 1-1/2 — R 1-1/2

Residence 1 — R 1

Residence 3/4 — R 3/4

Mobile Home Park — MHP

Residence Apartment — RA

Planned Residential Development — PRD

Planned Retirement Community — PRC

Business — B

Planned Laboratory-Office — PLO

Limited Industrial — LI

Flood Plain — FP

§ 185-6. Zoning Map.

The boundaries of districts shall be shown on the map attached hereto and made a part of this chapter, which map shall be known as the "Zoning Map of Chester Heights Borough." Said map and all notations, references and data shown thereon are hereby incorporated by reference into this chapter and shall be as much a part of this chapter as if all were fully described herein.²

§ 185-7. District boundaries.

- A. The boundaries between districts are, unless otherwise indicated, either the center lines of streets or railroad rights-of-way or such lines extended or lines parallel or perpendicular thereto. Where figures are shown on the Zoning Map between a street and a district boundary line, they indicate that the district boundary line runs parallel to the right-of-way line at a distance therefrom equivalent to the number of feet so indicated.
- B. When a district boundary line divides a lot held in a single and separate ownership at the time of the adoption of this chapter, the regulations as to the use in the less restricted district shall extend over the portion of the lot in the more restricted district a distance of not more than 50 feet beyond the district boundary line, provided that in the case of a lot other than a corner lot, the regulations as to use in a less restricted district may extend a distance more than 50 feet beyond the district boundary line when authorized as a special exception by the Zoning Hearing Board in accordance with § 185-124 of this chapter.

§ 185-8. Federal, state, county or municipally owned property.

Wherever federal-, state-, or county-owned property is included in one or more zoning districts, it shall be subject to the provisions of this chapter only in so far as it is permitted by the Constitution and laws of the United States of America and the Commonwealth of Pennsylvania. Municipal property shall be exempt from all but the setback and land-coverage provisions of this chapter.

ARTICLE IV
R 1-1/2 Residence Districts

§ 185-9. Applicability.

In R 1-1/2 Residence Districts, the following regulations shall apply.

2. Editor's Note: The Zoning Map is on file in the Borough offices.

§ 185-10. Use regulations.

A building may be erected or used and a lot may be used or occupied for any of the following purposes and for no others:

- A. Single-family detached dwelling.
- B. Woodlands, game preserves or other conservation purpose.
- C. Farm use, including tilling of the soil, nursery or greenhouse and the keeping of livestock and poultry, provided that:
 - (1) Adequate land-to-livestock ratio is maintained, and an appropriate rotation system is utilized to prevent overgrazing and soil erosion.
 - (2) Any building used for the keeping of livestock and/or poultry shall be located not less than 85 feet from any street line and not less than 85 feet from any other property line.
 - (3) No manure storage shall be established closer than 85 feet to any property line.
 - (4) Access to streams and ponds must be limited by proper location of feeders and waterers. Farm use involving maintenance of livestock must include adequate fencing and provision of trees or artificial shelters to provide relief from the heat.
- D. The display and sale of farm, nursery or greenhouse products shall be permitted, provided that:
 - (1) At least 75% of such products shall have been produced on the property on which they are offered for sale.
 - (2) Parking space for at least three cars shall be provided behind the highway right-of-way line.
 - (3) The sale of farm products shall be conducted in the open or from a portable stand which shall be dismantled at the end of the growing season.
- E. The following uses when authorized as a special exception by the Zoning Hearing Board subject to the standards provided in § 185-124 of this chapter:
 - (1) Church or similar place of worship including rectory or parish house.
 - (2) Nonprofit, noncommercial club for recreational, fraternal, civic, social, cultural, or educational purpose, provided that the principal activity shall not be one which is customarily carried on as a business.
 - (3) Country club, riding stable.
 - (4) Hospitals, educational institutions and institutional homes.
 - (5) Camp or campgrounds for seasonal or temporary occupancy.
- F. Accessory use of the same lot with and customarily incidental to any of the foregoing permitted uses. The term "accessory use" shall not include a business but may include:

- (1) Private parking or garage space.
 - (2) Private swimming pool.
 - (3) Private home greenhouse.
 - (4) Dog house or kennel and fenced run.
 - (5) Horse stable or animal shelter. One large animal is permitted on the first three acres and one additional large animal for each additional acre in excess of the original three.
 - (6) Home occupations such as doctor; lawyer; engineer or other similar professional occupation; tutor, where private instructions related to academics is given; public official; or dressmaking, millinery or similar handicrafts, provided that:
 - (a) Such home occupation shall be located in a dwelling in which the practitioner resides or in a building accessory thereto;
 - (b) Such accessory use may not occupy more than 50% of the floor space of the dwelling;
 - (c) There shall be no more than one employee or associate who is not a member of the household;
 - (d) Adequate off-street parking must be provided for all patrons;
 - (e) No goods shall be publicly displayed on the premises.
- G. No use shall be permitted which is in violation of the standards in § 185-85, Use standards and procedures.

§ 185-11. Area regulations.

- A. Lot area and width. Every lot shall have a lot area of not less than 1 1/2 acres and shall be not less than 150 feet in width at the building line, provided that where the lot does not front on a public road, the lot shall be connected to an improved public street or road by a right-of-way of a minimum width of 20 feet with a paved drive of a minimum width of 10 feet, which right-of-way shall be in addition to the lot area of one acre.
- B. Building area. Not more than 25% of the area of each lot may be occupied by buildings.
- C. Front yard. There shall be a front yard on each street on which a lot abuts which shall be not less than 60 feet in depth.
- D. Side yards.
 - (1) For every single-family detached dwelling, there shall be two side yards which shall be not less than 60 feet in aggregate width and neither of which shall be less than 25 feet in width.
 - (2) For every building other than a dwelling and its accessory buildings, there shall be two side yards, neither of which shall be less than 40 feet in width.

- E. Rear yard. For every principal building, there shall be a rear yard on each lot which shall be not less than 40 feet in depth.

§ 185-12. Height restrictions.

No building or structure shall exceed either three stories or 35 feet in height, except that no accessory building other than a farm building shall exceed 20 feet in height.

§ 185-13. Accessory structures.

Accessory structures to a use permitted herein shall be located as designated hereunder:

- A. Attached to a principal building, in which case they shall be part of the principal building.
- B. On the buildable area of a lot but not attached to the principal building, in which case they shall be separated from the principal building by at least 10 feet.
- C. In the rear yard and side yard of a lot, in which case they shall not be located closer than 15 feet from a side or rear property line.
- D. Air-conditioning units shall in all cases be at least 15 feet from any property line.

§ 185-14. Off-street parking regulations.

Off-street parking spaces with proper and safe access from a street shall be provided within a structure or in the open to serve adequately the use on each lot within the district. The number of spaces to be provided and their location shall be as provided in Article XVII.

ARTICLE V
R 1 Residence Districts

§ 185-15. Applicability.

In R 1 Residence Districts, the following regulations shall apply.

§ 185-16. Use regulations.

A building may be erected and used and a lot may be used or occupied for any of the following purposes:

- A. Uses permitted in an R 1-1/2 district.
- B. The following uses when authorized as a special exception by the Zoning Hearing Board: those uses described in § 185-10E.
- C. Accessory uses as permitted by § 185-10F.

§ 185-17. Area regulations.

- A. Lot area and width. Every lot shall have a lot area of not less than one acre and shall be not less than 125 feet at the building line, provided that where the lot does not front on a public road, the lot shall be connected to an improved public street or road by a right-of-way of a

minimum width of 20 feet with a paved drive of a minimum width of 10 feet, which right-of-way shall be in addition to the lot area of one acre.

- B. Building area. Not more than 25% of the area of each lot may be occupied by buildings.
- C. Front yard. There shall be a front yard not less than 50 feet in depth. A corner lot shall also provide for a fifty-foot front yard on each street which the lot abuts.
- D. Side yards.
 - (1) For every single-family detached dwelling, there shall be two side yards (except for corner lots) which shall be not less than 60 feet in aggregate width and neither of which shall be less than 25 feet in width.
 - (2) For every building other than a dwelling and its accessory buildings, there shall be two side yards (except for corner lots), neither of which shall be less than 40 feet in width.
- E. Rear yard. There shall be a rear yard on each lot which shall be not less than 40 feet in depth.

§ 185-18. Height restrictions.

No building or structure shall exceed three stories or 35 feet in height, except that no accessory building other than a farm building shall exceed 20 feet in height.

§ 185-19. Accessory structures.

Accessory structures to a use permitted herein shall be located as designated hereunder:

- A. Attached to a principal building in which case they shall be part of a principal building.
- B. On the buildable area of a lot but not attached to the principal building, in which case they shall be separated from the principal building by at least 10 feet.
- C. In the rear yard and side yard of a lot, in which case they shall not be located closer than 15 feet from a side or rear property line.
- D. Air-conditioning units shall in all cases be at least 15 feet from any property line.

ARTICLE VI
R-1-A Residence Districts
[Added 3-3-1986 by Ord. No. 98]

§ 185-20. Applicability.

In R-1-A Residence Districts, the following regulations shall apply.

§ 185-21. Use regulations.

A building may be erected and used and a lot may be used or occupied for the following purposes and no other:

- A. Uses permitted in an R 1-1/2 District.
- B. Church or similar place of worship including rectory or parish house, church-related school and church-related cemetery.

§ 185-22. Area regulations.

The area height and access structure regulations applicable in R 1 Districts shall apply.

ARTICLE VII
R 3/4 Residence Districts

§ 185-23. Applicability.

In R 3/4 Residence Districts, the following regulations shall apply.

§ 185-24. Use regulations.

A building may be erected and used and a lot may be used or occupied for any of the following purposes:

- A. Uses permitted in an R 1 district.
- B. The following uses when authorized as a special exception by the Zoning Hearing Board: those uses described in § 185-10E.
- C. Accessory uses as permitted by § 185-10F.

§ 185-25. Area regulations.

- A. Lot area and width. Every lot shall have a lot area of not less than 3/4 of an acre and shall be not less than 100 feet at the building line, except that if the lot does not front on a public road, then it shall be connected to an improved public road or street by a right-of-way of a minimum of 20 feet wide, with a paved drive of a minimum width of 10 feet, which right-of-way shall be in addition to the lot area of 3/4 acre.
- B. Building area. Not more than 25% of the area of each lot may be occupied by buildings.
- C. Front yard. There shall be a front yard not less than 40 feet in depth.
- D. Side yards.
 - (1) For every single-family detached dwelling, there shall be two side yards which shall be not less than 40 feet in aggregate width and neither of which shall be less than 15 feet in width.
 - (2) For every building other than a dwelling and its accessory buildings, there shall be two side yards, neither of which shall be less than 30 feet in width.
- E. Rear yard. There shall be a rear yard which shall be not less than 30 feet.

§ 185-26. Height restrictions.

No building or structure shall exceed three stories or 35 feet in height, except that no accessory building other than a farm building shall exceed 20 feet in height.

§ 185-27. Accessory structures.

Accessory structures to a use permitted herein shall be located as designated hereunder:

- A. Attached to a principal building, in which case they shall be part of a principal building.
- B. On the buildable area of a lot but not attached to the principal building, in which case they shall be separated from the principal building by at least 10 feet.
- C. In the rear yard and side yard of a lot, in which case they shall not be located closer than 15 feet from a side or rear property line.
- D. Air-conditioning units shall in all cases be at least 15 feet from any property line.

ARTICLE VIII

Lot Averaging in Residential Districts
[Amended 3-6-1989; 5-1-1995 by Ord. No. 139]

§ 185-28. Modification permitted.

In accordance with the provisions of this article, the requirements of Articles IV, V, and VII may be modified with approval of the Borough Council in order to:

- A. Permit a more attractive and varied arrangement of single houses and open space.
- B. Allow specific parcels of land to be developed more economically than is possible under standard, individual lot zoning.
- C. Preserve stream valleys and other natural features.
- D. Minimize environmental impact.
- E. Preserve historic sites within the Borough.
- F. Offer an option for the Borough to consider in lieu of normal residential zoning or planned residential development.

§ 185-29. Conditions for modification of subdivision plans.

A subdivision plan which is subject to review by the Planning Commission in accordance with Chapter 162, Subdivision and Land Development, of the Code of the Village of Chester Heights and the regulations adopted thereunder, may be modified with respect to the requirements of Articles IV, V, and VII of this chapter upon the following conditions:

- A. The plan shall involve a tract of land not less than 10 acres in size and shall be served by public water.
- B. It shall be determined by the Borough Council that the plan clearly conforms to the intent, standards and requirements of this article and is in the general public interest.
- C. The area of the individual lots may be reduced to not less than 60% of the lot area

requirements, provided that the total number of units to be built does not exceed the number that could be built under the applicable underlying zoning. The maximum number of dwelling units for a lot averaging development shall be established by a sketch plan, accompanying the application, demonstrating the number of conventional lots for single-family detached dwellings that could be developed on the tract in the absence of this article. Under no circumstances may any lot be less than 1/2 acre.

- D. The yard, lot width and other requirements of the zoning district relating to an individual lot may be modified, provided that, in no case, shall a building be located less than 30 feet from a street right-of-way line or 20 feet from another property line. The minimum lot width at the building line shall be 75 feet.
- E. The design and layout of buildings on the tract shall take into account the physical characteristics of the particular site and shall allow for the maximum preservation of natural features which the Planning Commission and the Borough Council deem worthy of protection. The preservation must still be consistent with reasonable and sound development practices.
- F. When a plan for development is approved in accordance with the requirements of this article, and those of Chapter 162, Subdivision and Land Development, of the Code of the Village of Chester Heights, the approved application shall be recorded in the office of the Recorder of Deeds for Delaware County by the owner or owners of the entire tract, and it shall be agreed that the tract shall be developed within a reasonable time under single direction in the manner approved.
- G. No lot of such size as to be capable of further subdivision under the district regulation shall be included in determining the average lot area unless the possibility of such further subdivision is eliminated either by a deed restriction or agreement in form acceptable to the Borough Solicitor and duly recorded in the office of the Recorder of Deeds, Delaware County.
- H. For the areas to be reserved for open space:
 - (1) The areas designated shall be those which preserve woodlands, stream valleys and unusual topography or other natural features of the tract which are appropriate for park, recreation or some other open space use.
 - (2) Such area designation shall be consistent with the land use plan for the Borough and shall contain no structure other than one related to outdoor recreational use.
 - (3) Areas for common open space may be reserved for private use and held as open space by deed restriction or they may be dedicated to the Borough. Areas that are subsequently to be dedicated to the Borough shall be acceptable to the Borough in shape and location. Satisfactory written agreements or other arrangements, acceptable by the Borough, shall be made for the perpetual preservation and maintenance of all common areas to be set aside and reserved for private use. Proposed deed restrictions must be submitted to the Borough Council for review.

§ 185-30. Procedure.

For any subdivision plan requiring modification of building lots under this article, the applicant shall submit to the Borough Secretary, an application including 15 copies of preliminary plans for review and approval by the Engineer, Planning Commission and Borough Council and then 15 copies of final plans plus payment of a fee in the amount to be prescribed by resolution of the Borough Council of Chester Heights. Before final approval, Council shall hold a public hearing thereon, giving notice thereof as specified in § 185-127A. Among other criteria, the Borough shall evaluate whether the applicant has made every reasonable effort toward environmental protection and historical preservation in determining whether to grant approval for lot averaging. The Borough Council shall, within a period of 60 days following the public hearing, give notice of the approval or disapproval of the application to the applicant. In the event of approval, the applicant shall have one year in which to begin construction of the subject premises.

§ 185-31. Special provisions for lots abutting Baltimore Pike (Route 1).

- A. Intent. These provisions allow a builder the option of additional units (higher density) in exchange for a wide buffer strip along the Pike. The buffer strip, if suitably utilized and landscaped, can insulate residents of the properties from the Pike. Further, the other advantages of lot averaging cited in § 185-28 also apply.
- B. All provisions of the foregoing sections of this article apply with the following exceptions:
- (1) In addition to single housing units, structures with up to four units may be built.
 - (2) There shall be no minimum lot size. However, the total number of units shall not exceed the existing zoning district except as provided in Subsection B(5) below.
 - (3) There shall be no yard or setback requirements except as provided in Subsection B(4) below.
 - (4) The developer shall preserve as open space a buffer strip which is a minimum of 250 feet in depth the entire length that the property borders Baltimore Pike. Buffer strips may be held as open space by deed restriction or by dedication.
 - (5) The number of allowable units shall be computed according to the applicable underlying zoning, using the area of the entire tract plus the area of the buffer strip, provided that the area for determining the total number of dwelling units shall not exceed 140% of the entire tract.

ARTICLE IX
Mobile Home Park Districts

§ 185-32. Applicability.

In a Mobile Home Park District, the following regulations shall apply

§ 185-33. Use regulations.

A building may be erected and used and a lot may be used or occupied for any purpose permitted in an R 1-1/2 District.

§ 185-34. Definitions.

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this article to have the meanings herein indicated. The singular shall include the plural and the plural shall include the singular. The past tense shall include the future tense. The word "shall" is always mandatory.

COMMON OPEN SPACE — A parcel or parcels of land or an area of water or a combination of land and water within a mobile home park site designed and intended for the use or enjoyment of residents of the mobile home park, not including streets, off-street parking areas, areas set aside for public facilities, and required setbacks and buffers.

LANDOWNER — The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner or other person having a proprietary interest in the land.

MOBILE HOME — A transportable, single-family dwelling intended for permanent occupancy contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation and including any addition or accessory structure, such as porches, sheds, decks or additional rooms.

MOBILE HOME LOT or SITE — A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereof of a single mobile home, which is leased by the park owner to the owner or occupants of the mobile home erected on the lot.

MOBILE HOME PAD — A concrete pad at least six inches in thickness with at least six tie-down rings, to which the mobile home shall be secured, and at least equal in length and width to the dimensions of the mobile home to be placed thereon.

MOBILE HOME PARK — A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for nontransient use, consisting of two or more mobile home lots.

§ 185-35. Application procedure.

An application for development of a lot or parcel of land for mobile home park purposes shall be made and approved or approved as modified before any zoning permit for such use shall be issued.

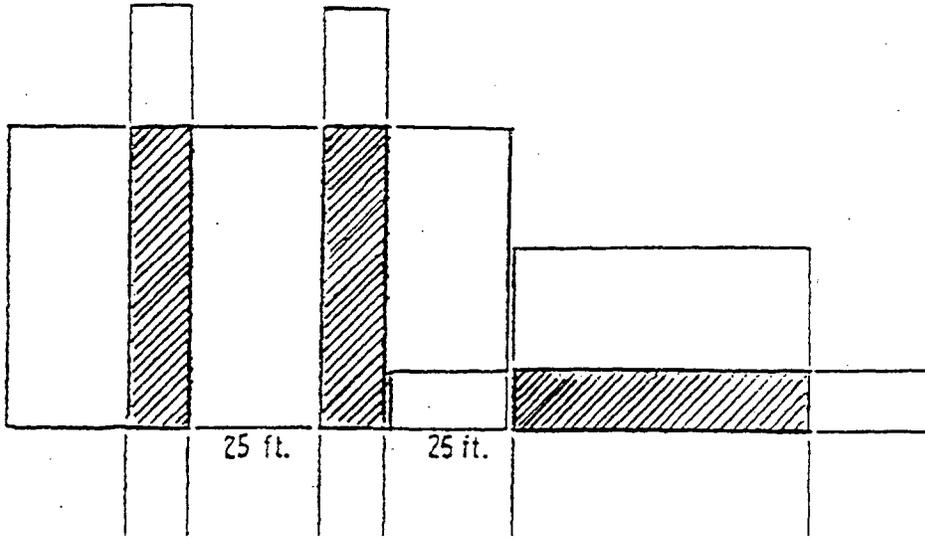
- A. Chapter 162, Subdivision and Land Development, of the Code of the Village of Chester Heights shall govern the processing of all applications for mobile home park development and is accordingly incorporated herein in its entirety.
- B. In addition to the requirements of Chapter 162, Subdivision and Land Development, of the Code of the Village of Chester Heights, an application for preliminary or final approval of a mobile home park shall indicate by drawings, diagrams, maps, text, affidavit or other legal instrument, the following:
 - (1) That the parcel or lot for which application is made is held in single and separate

ownership.

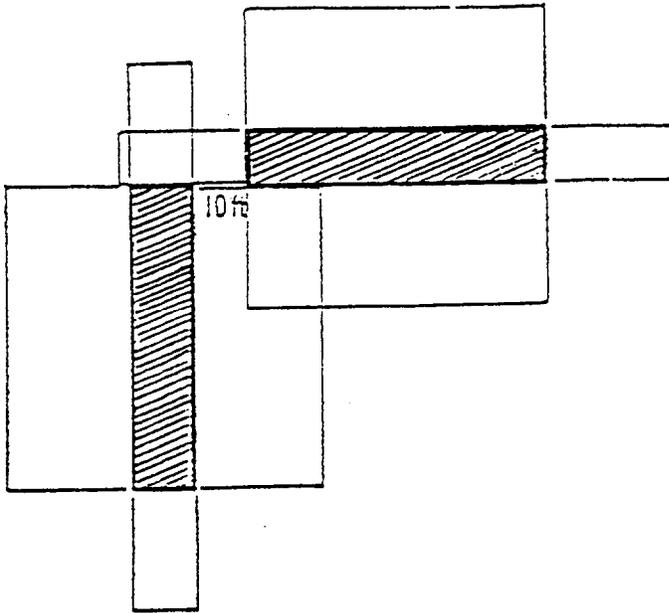
- (2) The placement, location and number of mobile home lots and mobile home pads on a layout map of the parcel at a scale of one inch equals 40 feet.
- (3) The location and dimension of all driveways, pedestrian ways, sidewalks, and access roads with notation as to type of impervious cover.
- (4) The location and dimension of all parking facilities.
- (5) The locale, dimension and arrangement of all areas to be devoted to lawns, buffer strips, screen planting and recreation.
- (6) Location and dimension of all buildings existing or proposed to be built and all existing tree masses and trees of over six inch caliper.
- (7) Proposed provisions for handling of stormwater drainage, street- and on-site lighting, water supply and electrical supply in the form of written and diagrammatic analysis with calculations and conclusions prepared by a registered professional engineer.
- (8) Proposed provisions for treatment of sanitary sewage together with proof that the treatment and disposal of such sewage meets with and has the approval of the agency of the commonwealth having jurisdiction over such matters.

§ 185-36. Area and density regulations.

- A. A mobile home park shall have an area of not less than 20 acres.
- B. No mobile home, office or service building shall be closer to a public street right-of-way line than 50 feet, nor closer to the edge of an interior street than 25 feet, nor closer to an adjacent property than 75 feet.
- C. There shall be no more than four mobile homes per gross acre.
- D. There shall be no mobile home unit sited within an area bounded by 25 feet and the parallel extension lines from the exterior walls of each mobile home unit, depicted as follows:



- E. No mobile home or accessory structure shall be sited so that it is within 10 feet of any other mobile home or accessory structure, depicted as follows:



- F. At least 20% of the remaining gross area of each mobile home park, after subtraction of required buffer areas, shall be set aside as common open space for the use and enjoyment of the residents of the mobile home park. Such common space shall be substantially free of structures except for those designed for recreational purposes.

§ 185-37. Street system.

- A. The entrance road or area connecting the park with a public street or road shall have a minimum pavement width of 34 feet for a depth of at least 100 feet from the public street

or road.

B. Street construction and design.

- (1) Grades. Grades of all streets within a mobile home park shall be sufficient to insure adequate surface drainage but shall not be more than 7%.
- (2) Curves.
 - (a) Horizontal. Whenever an internal street is deflected in excess of 5°, connections shall be made by horizontal curves having minimum center-line radii of 150 feet.
 - (b) Vertical. At all changes in grade of an internal street where the algebraic difference exceeds 1%, vertical curves shall be provided to permit a minimum sight distance of 200 feet.
- (3) Within 100 feet of an intersection, intersecting streets shall be at approximately right angles. A distance of at least 150 feet shall be maintained between the center lines of offset intersecting streets. Intersections of more than two streets at one point shall be prohibited.
- (4) All internal streets and roadways shall be constructed of concrete or macadam of sufficient bearing strength and design to accommodate mobile home units and of sufficient width to accommodate anticipated traffic and parking. In no case shall an internal street or roadway have less than 20 feet of paved width. Dead-end streets shall be provided at the closed end with a turnaround having an outside radius of not less than 40 feet.

C. Illumination of streets. All mobile home parks shall be furnished with lighting fixtures so spaced and so equipped with luminaries as will provide adequate levels of illumination throughout the park for the safe movement of vehicles and pedestrians at night.

D. Preservation of sight lines. No structure, fence, tree, shrub or other planting shall be maintained between a line two feet above the street level and a plane seven feet above the street level so as to interfere with traffic visibility across the corner within the triangle bounded by the intersecting street lines and a straight line drawn between points on each street 25 feet from the intersection of said street lines.

§ 185-38. Off-street parking areas and walks.

- A. Off-street parking for at least two motor vehicles shall be provided at each mobile home site. Each parking stall shall be at least 9 1/2 feet by 20 feet and shall be of either macadam or bituminous concrete construction, which shall be specified in the plan. Off-site common parking areas may be provided in lieu of parking slots at each mobile home site; but, in such case, parking slots shall be provided at the ratio of two slots for each mobile home site not equipped with on-site parking.
- B. Additional, parking spaces for vehicles of nonresidents shall be provided at the rate of two spaces for each 10 units. Such parking spaces may be provided either:

- (1) On-street, on one side only, in which case the road width requirement specified in § 185-37B(4) shall be increased by adding seven feet to the paved width; or
 - (2) By providing sufficient additional off-street parking spaces. In the event that such additional parking spaces are provided off-street, then parking shall be prohibited on internal roads and it shall be the duty of the owner or operator of the mobile home park to enforce this provision.
- C. All mobile home parks shall provide safe, convenient, all-season pedestrian walkways of adequate width for their intended use, durable and convenient to maintain, between the park streets and all community facilities provided for park residents.
- (1) Where pedestrian traffic is concentrated, each walk shall have a minimum width of 3 1/2 feet.
 - (2) All mobile home sites shall be connected to common walks, and to streets or to driveways connecting to a paved street. Each such walk shall have a minimum width of two feet.

§ 185-39. Storm drainage, erosion and sedimentation control.

- A. The storm sewerage system shall be designed to minimize erosion and flooding using, as desirable, catchment basins, silt traps and design of cartways so as to minimize runoff. The design of all storm sewerage systems shall be based on an anticipated two-inch-per-hour rainfall with 100% runoff.
- B. The development shall be designed and programmed so as to minimize earthmoving, erosion, tree clearance and the destruction of natural amenities. Seeding, sodding and other planting shall be applied to stabilize topsoil on steep slopes.
- C. Erosion and sedimentation control measures such as minimizing the areas of exposed soil, mulching, building silt catchment basins and planting temporary ground cover shall be instituted during the period of construction and shall be in accordance with the standards and specifications of the Delaware County Soil and Water Conservation District.

§ 185-40. Water supply.

- A. Wherever an existing public water system is geographically and economically accessible to the proposed mobile home park, a distribution system connecting thereto shall be designed to furnish an adequate supply of water to each mobile home and all service buildings with adequate main sizes and fire hydrant location to meet the specifications of the Middle-States Department, Association of Fire Underwriters and the Borough Fire Code.
- B. Where a satisfactory public water supply system is not available, a mobile home park may be served by a community water supply system which shall meet all applicable requirements and regulations of state and county agencies having jurisdiction.

§ 185-41. Sanitary sewage disposal.

- A. Wherever an existing public sanitary sewer system is geographically and economically

accessible to the proposed mobile home park, the park's sanitary sewer system shall be connected thereto.

- B. Where a satisfactory public sanitary sewer system is not available, a mobile home park may be served by a community sewage treatment system, provided that the necessary permits are obtained from the Department of Environmental Protection and any other authority having jurisdiction.
- C. Any community sewage system, the effluent of which is proposed to enter a water course of the Commonwealth of Pennsylvania, shall comply with all effluent control standards established by state, county and municipal authorities.

§ 185-42. Utility distribution system.

All utilities shall be installed and maintained in accordance with utility company specifications regulating such systems and shall be underground.

§ 185-43. Common open space areas and buffers.

- A. Standards for location and management. Common open space areas shall be located and designed as areas easily accessible to residents and preserving natural features. Common open space areas should include both active recreation areas for all age groups and, particularly where the site includes a watercourse or hilly or wooded areas, lands should be left in their natural state. At least 50% of the open space areas shall be located in an area not subject to flooding and which is usable for active recreational use. No such active recreational open space areas shall be less than 1/4 acre in size.
- B. Buffers.
 - (1) Buffered setbacks shall be a minimum of 15 feet in width and shall be placed along all boundaries of the mobile home park except where they shall interfere with egress and ingress and sight distances and shall consist of a visual screen of mixed evergreen and deciduous plant material of varying species. At the time of planting, a sufficient amount of evergreen material visually to screen the property shall be at least five feet in height (at the time of planting) and the remainder of plantings may be of varying lesser heights.
 - (2) The plantings shall be maintained permanently and replaced within one year in the event of death or removal of any plant material. Plantings shall not be placed closer than three feet to any property line.
 - (3) All existing deciduous and evergreen trees above two inches in caliper and/or six feet in height shall be preserved in the buffer areas, except where clearance is required to insure sight distance.
 - (4) Generally, a minimum of 35% of plant material shall be evergreen and 10% flowering material.

§ 185-44. Service buildings and facilities.

- A. Where a service building is provided, it must contain a toilet and lavatory for each sex and storage areas for occupants of the park. In addition, the applicant may provide laundry facilities, management office, repair shop, indoor recreational facilities and/or commercial uses to supply essential goods and services to park residents only. It is also recommended that the applicant provide sheltered waiting areas for transportation and a mail box area for residents.
- B. Construction requirements and maintenance. Construction of service buildings shall be in compliance with all applicable building codes, plumbing codes and other codes of like nature, and shall be maintained in a clean, sanitary and structurally safe condition.

§ 185-45. Fuel supply and storage.

- A. Liquefied petroleum gas systems.
 - (1) The design, installation and construction of containers and pertinent equipment for the storage and handling of liquefied petroleum gases shall conform to the Act of Pennsylvania Legislature 1951, December 27, P.L. 1793, as it may be amended,³ and to the regulations therefor promulgated by the Pennsylvania Department of Labor and Industry, or its successor.
 - (2) Liquefied petroleum gas systems provided for mobile homes, service buildings or other structures when installed shall be maintained in conformity with the rules and regulations of the Pennsylvania Department of Labor and Industry and shall include the following:
 - (a) Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.
 - (b) Systems shall have at least one accessible means for shutting off gas. Such means shall be located outside the mobile home and shall be maintained in effective operating condition.
 - (c) All liquefied petroleum gas piping outside of the mobile home shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment or systems in mobile homes.
 - (d) Vessels of at least 12 U.S. gallons and less than 60 U.S. gallons gross capacity shall be maintained in a vertical position and shall be securely, but not permanently, fastened to prevent accidental overturning. No vessel shall be placed any closer to a mobile home exit than five feet, and no closer to any window than three feet.
 - (e) No liquefied petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home or any other structure.
 - (f) All pipe connections shall be of a flare type.

3. Editor's Note: See 35 P.S. § 1329.2.

B. Fuel oil supply systems.

- (1) All fuel oil supply systems provided for mobile homes, service buildings and other structures shall be installed and maintained in conformity with the rules and regulations of the authority having jurisdiction.
- (2) All piping from outside fuel storage tanks or cylinders to mobile homes shall be securely, but not permanently, fastened in place.
- (3) All fuel oil supply systems provided for mobile homes, service buildings and other structures shall have shutoff valves located within five inches of storage tanks.
- (4) All fuel storage tanks or cylinders shall be securely placed and shall not be less than five feet from any mobile home exit, and not less than three feet from any window.
- (5) Storage tanks located in areas subject to traffic shall be protected against physical damage.

§ 185-46. Fire protection.

- A. All mobile home parks shall be provided with fire hydrants to meet the specifications of the Middle States Department Association of Fire Underwriters but, in any case, in sufficient numbers to be within 600 feet of all existing and proposed structures and mobile homes, measured by way of accessible streets.
- B. Portable hand-operated fire extinguishers of a type suitable for use on oil fires and approved by the local fire prevention authority shall be kept in each service building under park control and shall be required by the mobile home operator to be placed in each mobile home in the park, located inside the mobile home in a fixed location preferably near a door but not in close proximity to cooking facilities.

§ 185-47. Landscaping.

- A. No portions of tree masses or trees with a caliper of four inches or greater shall be cleared unless clearly necessary for effectuation of the proposed mobile home park development. Applicants shall make all reasonable efforts to harmonize their plans with the preservation of existing trees.
- B. In addition to plantings for buffered setbacks, a mobile home park shall be provided with the following landscaping requirements:
 - (1) Disturbed topsoil shall be stockpiled and replaced after construction.
 - (2) Deciduous trees of varying species shall be planted within the mobile home park at the ratio of two per mobile home site. In the event that a substantial portion of the tract is wooded and a substantial number of trees remain after development, Borough Council may modify this requirement.
 - (3) Deciduous and/or evergreen shrubs of varying species shall also be planted within the mobile home park at a ratio of at least four per mobile home site.
 - (4) Planting of landscape material shall be in accordance with a plan prepared by a

registered landscape architect and shall be completed within six months of approval of the final plan, and failure to carry out the landscaping plan within such time shall warrant denial of the park's annual license under § 185-48B hereof.

§ 185-48. Permits, licenses, fees and inspections.

- A. Permits required. It shall be unlawful for any person to construct, alter or extend or operate a mobile home park within Chester Heights Borough unless and until he obtains a permit issued by the Chester Heights Borough Zoning Officer in the name of the operator, which shall not be issued until all permits for water supply and sewage systems shall have been obtained and all other requirements contained herein have been complied with, and final approval of the application has been granted by the governing body.
- B. Annual licenses. In addition to the initial permits, the operator of a mobile home park shall apply to the Chester Heights Borough Zoning Officer on or before the 10th day of each year for an annual license to continue operation of the mobile home park. The Zoning Officer shall issue the annual license upon satisfactory proof that the park continues to meet the standards prescribed by state and county agencies having jurisdiction and the standards of this chapter. The license so issued shall be valid for one year from the date of issuance.
- C. Fees.
 - (1) Fees for the initial application and preliminary and final approvals shall be prescribed by resolution by the Borough Council of Chester Heights.
 - (2) The fee for the annual license shall be prescribed by resolution of the Borough Council and shall be submitted to the Zoning Officer with the application for the annual license.
- D. Inspection.
 - (1) Upon notification to the licensee, manager or person in charge of a mobile home park, a representative of Chester Heights Borough may inspect a mobile home park at any reasonable time to determine compliance with this chapter.
 - (2) Upon receipt of the application for annual license and before issuing such annual license, the Zoning Officer or other designated representative of Chester Heights Borough shall make an inspection of the mobile home park to determine compliance with this chapter. The Zoning Officer or other representative shall thereafter notify the licensee of any instances of noncompliance with the chapter and shall not issue the annual license until the licensee has corrected all such violations.

§ 185-49. Maintenance of facilities.

The operator and owner shall be responsible for maintaining all common facilities, including but not limited to roads, parking areas, sidewalks or pathways, landscaping, common open space, water supply and sewage disposal systems and service buildings, in a condition of proper repair and maintenance. If upon inspection by a Zoning Officer or other representative it is determined that the mobile home park is not in compliance with this standard of maintenance, the licensee

shall be considered to be in violation of this article and the Zoning Officer shall notify the operator or licensee of the particulars of any such violation.

§ 185-50. Failure to maintain.

The operator and licensee shall thereafter have 30 days in which to correct any such violations, except that if the violation is determined by the Zoning Officer or other representative to constitute a hazard to the health or safety of the residents of the mobile home park, he shall order that the violation be corrected forthwith.

§ 185-51. Maintenance bond.

- A. The licensee of a mobile home park shall, prior to issuance of any certificate of occupancy pursuant to final approval of an application, post with the Borough a maintenance bond in a form acceptable to the Borough Solicitor in an amount sufficient to cover, for a period of two years, the cost of maintenance of all common facilities, as defined in §§ 185-37, 185-38, 185-40, 185-41, 185-43 and 185-44, as determined by the Borough Zoning Officer or other representative.
- B. In the event of noncompliance with an order pursuant to § 185-49, whether a thirty-day order or an order to correct violations forthwith, the Borough may forfeit the maintenance bond and use the proceeds thereof to effect correction of the violations.

§ 185-52. Violations and penalties.

Any person who violates any provision of this article shall be guilty of a summary offense and upon conviction shall be required to pay a penalty, for the use of Chester Heights Borough, in a sum not more than \$300, together with the costs of prosecution, or shall be imprisoned in the Delaware County Prison for a term not to exceed 30 days, or both. Each day that a violation continues shall constitute a separate offense.

§ 185-53. Revocation or suspension of license.

Upon repeated violations by the same permittee, his right to the issuance of a permit, or to continued operation under a permit, may be suspended for a fixed term or permanently revoked, after notice and hearing, subject to the right of appeal to the Delaware County Common Pleas Court.

ARTICLE X
RA Residence Apartment Districts

§ 185-54. Applicability.

In RA Residence Apartment Districts, the following regulations shall apply.

§ 185-55. Use regulations.

Uses permitted in the R 3/4 District.

§ 185-56. Area and height regulations.

- A. Regulations applying to single-family dwellings. Every lot hereafter used for a single-family dwelling and any structure accessory thereto shall meet the height, building line, acreage and setback requirements provided in Article VII hereof for single-family dwellings.
- B. Regulations applying to apartment houses. The following area and height regulations shall apply to every building or group of buildings hereafter erected or used as apartment houses.
- (1) Lot area. Every lot on which an apartment house or combination of apartment houses is hereinafter erected or used shall have an area of not less than five acres.
 - (2) Lot width. Every such lot shall not be less than 400 feet in width at the building line.
 - (3) Density.
 - (a) The number of apartments permitted on a lot shall be determined according to the following:

Bedrooms per Apartment	Lot Area Provided per Apartment (square feet)
1	4,500
2	4,500
3	6,000
4	7,500

- (b) In no event shall the building or buildings occupy more than 30% of the lot area.
- (4) Yards. There shall be front, side and rear yards not less than 50 feet in depth between any building and any public or private street and any property line. If said street is designated as an arterial or collector street, then the front yard depth shall be not less than 75 feet.
- (5) Building height. No building or structure shall exceed three stories or 35 feet in height, except that no accessory structure shall exceed 20 feet in height.
- (6) Building size. The greatest dimension in length or depth of any apartment building shall not exceed 120 feet.
- (7) Minimum room sizes. Rooms in apartments shall have the following minimum areas, exclusive of closet space. Any floor space exceeding 40 square feet, enclosed by partitions or walls having cased openings or doors of any type, shall be deemed to be a room. A basement shall not contain habitable rooms except for janitor's living quarters, which shall be counted as a dwelling unit.

Type of Room	Floor Area (square feet)
First bedroom	160
All other bedrooms	120
Living room	240
Dining room	160
Dinette	120
Kitchen	80
Bath	40

- (8) Minimum habitable floor area. Each apartment unit shall have not less than 600 square feet of gross habitable floor area, not including stairs and corridors.

§ 185-57. Special regulations.

- A. Subdivision compliance. In addition to the requirements of this chapter, the plan for proposed development shall comply with the standards of Chapter 162, Subdivision and Land Development, of the Code of the Village of Chester Heights.
- B. Landscape architecture.
- (1) A landscape plan prepared by a landscape architect shall be required. The plan shall include the following information.
- (a) Approximate finished grades and drainage patterns of topography after project construction.
 - (b) Description of existing vegetation conditions on the tract and measures to be taken to protect such vegetation during and following construction.
 - (c) Proposed locations and listing of plant materials, by species and size, to be planted at the project.
 - (d) Proposed locations and descriptions of other landscape materials to be used at the project.
- (2) The landscape plan shall reflect the following considerations:
- (a) The definitions of spaces within the proposed development, e.g., by creating enclosures, open areas and landmarks. Particular attention shall be given to creating privacy for individual units by the creative use of plants and structural materials harmonious with the overall architectural theme of the proposed development.
 - (b) The provision of visual screening.
 - [1] Within and between parking areas.

[2] Between buildings.

[3] Between buildings and streets.

- (c) The provision of landscaped visual buffer zones along tract boundary lines of such width, density and variation of plantings as necessary to ensure privacy of adjoining properties. The minimum width of such buffer zones shall be 15 feet.
- (d) The provision of landscaping to help improve human comfort and to serve as a means of energy conservation. Measures to be considered shall include the use of plant materials to reduce the chilling effects of strong prevailing winter winds and to provide shade during hot summer months.
- (e) The provision of plant materials and natural environments to provide food and cover for upland birds and other wildlife species compatible with residential communities. The provision of suitable gardening areas to be used by residents of the proposed development.
- (f) The use of plant species which add diversity and richness to the proposed development, in terms of colors and textures, as well, as those species which are hardy, relatively disease and insect-resistant, locally available, and primarily indigenous to the natural environments of the region.

C. Solid waste storage and collection.

- (1) A plan for the storage and collection of trash, garbage and rubbish must be submitted as part of the application for apartment use approval, indicating methods and proposed locations for the storage and collection of all solid wastes.
- (2) Outdoor refuse collection centers must be accessible to the street system and must be screened by landscaping, wall or fence from public view and adjoining properties.

D. Emergency facilities and services. Plans for streets, parking areas and building placement and construction shall be reviewed by the Marshal of the local fire department. The following provisions shall be met:

- (1) Fire hydrants, as required by the local fire department and all applicable provisions of the Borough's subdivision regulations.
- (2) Smoke detector devices, approved by the local fire department, which shall include a minimum of one per unit and one per corridor. An internal alarm system with trip stations within 15 feet of every apartment door and sufficient alarm bells to be heard inside every apartment unit when any station is tripped.
- (3) Fire lanes shall be subject to the approval of the Borough Fire Marshal. No apartment shall be located more than 150 feet from a duly improved and accessible fire lane, as defined herein, nor more than 600 feet from a private or public street.
- (4) Fire lanes shall have a minimum unobstructed right-of-way width of 40 feet; and there shall be constructed within this right-of-way an all-weather and well drained, surfaced cartway with a minimum width of 20 feet. The extension of fire lanes shall begin from one or more private or public streets.

- (5) Dead-end fire lanes shall be terminated with an unobstructed vehicular turnaround or cul-de-sac with a minimum right-of-way radius of 60 feet and shall have a minimum surfaced radius of 50 feet. Dead-end fire lanes shall have a maximum length of 400 feet.
 - (6) The location of fire lanes shall conform to plans for the extension of streets, sanitary sewers, water mains, storm sewers and other drainage facilities and public utilities as contained in this chapter and other ordinances of the Borough of Chester Heights and shall provide adequate access to buildings by firemen and other emergency services.
 - (7) A systematic building numbering system shall be designed and implemented, with all numbers to be displayed in a manner adequate for convenient recognition by fire, police and ambulance personnel.
- E. Off-street parking, loading and special requirement relating to street frontage. The parking regulations under §§ 185-103, 185-104 and 185-105 of Article XVII or this chapter shall apply.
- (1) An off-street parking space serving an apartment may be provided as an individual garage, as a carport, or be in a parking compound adjacent to or near the apartment, but it may not be closer than 20 feet to an apartment wall, except when located within the apartment house. The minimum required parking spaces shall not be met by permitting on-street parking on any street whether public or private.
 - (2) Parking lots shall be designed so that not more than 10 parking spaces are placed in a continuous row without intervening planting areas of at least 100 square feet.
 - (3) Each such parking space shall provide a minimum of 190 square feet (9 1/2 feet by 20 feet) of off-street paved parking surface exclusive of the space needed for access and maneuvering.

ARTICLE XI
Planned Residential Development

§ 185-58. Purposes.

The provisions of this article are enacted in order:

- A. To recognize the need for rational direction for increasing urbanization and to meet the growing demand for housing of all types while at the same time to minimize the loss of open countryside; to preserve the semirural atmosphere of the Borough; to forestall inadequacies to community services and facilities; and to protect property values in existing residential areas;
- B. To encourage innovations in residential development and renewal so that the growing demand for housing may be met by greater variety in type, design and layout of dwellings and by the conservation and more efficient use of open space ancillary to said dwellings;
- C. To provide greater opportunities for better housing and recreation for all who are or will be residents of the Borough;
- D. To encourage a more efficient use of land and public services and to reflect changes in the

technology of land development so that the economics so secured may enure to the benefit of those who need homes;

- E. To encourage more flexible land development which will respect and conserve natural resources such as streams, lakes, floodplains, groundwater, wooded areas, steeply-sloped areas, and areas of unusual beauty or importance to the natural ecosystem; and
- F. In aid of these purposes, to provide a procedure which can relate the type, design and layout of residential development to the particular site and the particular demand for housing existing at the time of development in a manner consistent with the preservation of the property values within existing residential areas, and to assure that the increased flexibility of regulations over land development established hereby is carried out pursuant to sound, expeditious and fair administrative standards and procedures.

§ 185-59. Definitions.

As used in this article, the following words and phrases shall have the meanings indicated below:

APPLICANT — A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns.

APPROVED DEVELOPMENT PLAN — The development plan, as presented or revised, after approval by Borough Council.

AVERAGE GROSS RESIDENTIAL DENSITY — The number of dwelling units per acre in a planned residential community, computed by dividing the number of dwelling units which the applicant proposes to construct by the number of acres in the development which are not planned to be devoted to commercial use. If the developer is required to dedicate land for sites for schools or other public facilities, such land shall be included in the total land area used in computing average gross density. If he is required to set aside land for such purposes, it shall not be included in the computation of average gross density. If such land is not acquired by the appropriate body by the date of the sale or rental of 51% of the dwelling units in the planned residential development, then, at the option of the developer, the land may be used for residential purposes, subject to the provisions of this article.

BOROUGH — The Borough of Chester Heights, Delaware County, Pennsylvania.

COMMON OPEN SPACE — A parcel of land or an area of water, or a combination of land and water, within a planned residential development designed and intended for the use or enjoyment of residents of the planned residential development, not including streets, off-street parking areas, building setbacks, private yards, and areas set aside for public facilities. Common space shall be substantially free of structures but may contain such improvements as are in the development plan as finally approved and as are appropriate for recreational use by the residents.

COMPREHENSIVE PLAN — The Comprehensive Plan for Chester Heights Borough dated 1972, as amended.

DEVELOPER — Landowner who makes or causes to be made an application for approval of a development plan.

DEVELOPMENT PLAN — A proposal for the development of a planned residential

development, prepared in accordance with this chapter, including a plat of subdivision, location of various uses, all covenants relating to use, location and bulk of building and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this article, shall mean both the verbal and graphic materials referred to in this subdivision.

LANDOWNER — The legal or equitable owner or owners of land or the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition).

OPEN SPACE — Those areas including building setbacks, private yards and buffer zones which are free from structures and those areas containing such facilities as tennis courts and swimming pools.

PLANNED RESIDENTIAL DEVELOPMENT — A contiguous area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which 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 the Borough Zoning Ordinance.

PLANNED RETIREMENT COMMUNITY — A planned residential development designed to be occupied and used exclusively by and for single individuals 50 years of age or over; married couples, at least one of whom is 50 years of age or over; two closely related persons, e.g., sisters, brothers, brother and sister, aunt and niece, parent and child, etc.; when both persons are 50 years of age or older, one person over 18 years of age may reside in a dwelling unit with an elderly person or persons, as permitted above, if the presence of such person is essential for the physical care or economic support of the elderly person or persons; children 18 years of age or older may reside with a parent or parents. All sale, resale, rental leasing or occupancy of the units or any of the structures comprising the planned retirement community shall be subject to and must comply with the terms and conditions of this chapter.

PLAT — The map or plan of a land development, whether preliminary or final.

SECTION — A geographical area or tract which is part of a proposed planned residential development which will be developed according to a timetable for development over a period of years included by the applicant in the development plan.

STAGE — A section or sections of which an applicant proposes to commence development at the same time, as part of a timetable for development of a planned residential development over a period of years.

§ 185-60. Eligibility requirements.

No application for tentative approval of planned residential development shall be considered or approved unless the following conditions are met:

- A. The planned residential development consists of a contiguous area of at least 50 acres.
- B. The development will be served by community or public water supply and community or public sewage disposal systems which shall be operational at the time of occupancy of the first completed structure.

- C. The proposed development is in an area designated as a planned residential development area in the Comprehensive Plan for the Borough of Chester Heights and shall be found to be consistent with the said Comprehensive Plan.

§ 185-61. Development standards.

- A. Permitted uses. A planned residential development may include residential uses with dwelling units in single-family, semidetached and attached dwellings and garden apartments. Recreational, commercial and institutional uses may be included only to the extent that they are designed and intended primarily to serve the residents of the planned residential development.

- B. Density.

- (1) The maximum allowable average gross residential density for planned residential developments shall be four dwelling units per acre of land. To promote a broad demographic cross section of residents, the development should consist of approximately equal numbers of one-, two-, and three-bedroom units. If the developer finds the one-, two-, three-bedroom split unworkable in the development he plans, he may use any other floor plans which total not more than eight bedrooms per acre averaged over the total tract. In any unit each room other than a living-dining area, kitchen, bathrooms and a recreation room (a recreation room is defined as adjoining the living-dining area or kitchen without a door in between) is to be considered a bedroom for the purposes of this section and provided further:

- (a) No person or family shall live in any below-grade area except that there may be an apartment for a janitor or custodian in a below-grade area.
- (b) No more than 10% of the units in any planned residential development shall be detached single-family dwellings.
- (c) No building shall exceed three stories or 35 feet in height from mean ground level.

- (2) No more commercial development shall be allowed than expert market analysis shows to the satisfaction of the Borough Council will be needed to serve the resident population of the planned residential development.

- (3) Not less than 70% of the total area of the planned residential development shall be devoted to open space. At least 50% of the total area shall be designated as and devoted to common open spaces, which such common open spaces shall be kept free of structures and improvements except for hiking, horseback riding or bicycle trails, fishing and picnic areas and natural parks.

- C. Design, bulk and location standards.

- (1) Site design.

- (a) All housing shall be designed with regard to the topography and natural features of the site. The effects of prevailing winds, seasonal temperatures and hours of sunlight on the physical layout and form of the proposed buildings shall be

taken into account.

- (b) All housing shall be sited so as to enhance privacy and insure natural light for all principal rooms.
 - (c) Variations in setbacks shall be provided where necessary to create a more pleasing layout.
 - (d) Housing and other facilities near the periphery of the planned residential development shall be designed so as to be harmonious with neighboring areas.
 - (e) No structure shall be within 50 feet of the right-of-way of access roads.
 - (f) No structure shall be less than 50 feet from the property lines of the development, and a planting strip of at least 50 feet deep shall be provided along all property lines at the periphery of the development where necessary to protect the privacy of neighboring residents.
- (2) Tree conservation and erosion control.
- (a) Existing trees shall be preserved wherever possible. The protection of trees of four-inch caliper or over shall be a factor in determining the location of open space, buildings, underground services, walks, paved areas, playgrounds, parking areas and finished grade levels.
 - (b) The development shall be designed and programmed so as to minimize earthmoving, erosion, tree clearance and the destruction of natural amenities.
 - (c) Seeding, sodding and other planting shall be applied to stabilize topsoil on steep slopes.
 - (d) Erosion control measures such as minimizing the areas of exposed soil, mulching, building silt catchment basins, and planting temporary ground cover shall be instituted as necessary.
 - (e) All construction, including grading and regrading, shall be accomplished under and in accordance with the conservation plan required by § 185-68B(1)(y) of this article.
- (3) Streets.
- (a) The street system shall be designed so as to relate harmoniously with land uses and adjacent streets and to minimize through traffic in residential areas.
 - (b) Collector streets and secondary streets shall be so designated and shall have a minimum right-of-way of 50 feet and 40 feet, respectively, and a minimum cartway of 38 feet and 28 feet, respectively.
 - (c) Culs-de-sac must have a paved turning circle of sufficient width to facilitate snow removal and to permit easy access for fire-fighting equipment and delivery trucks. The minimum radius shall be 40 feet to the outside curb, and the maximum length shall be 600 feet.

- (d) Collector streets shall have sidewalks five feet wide. Secondary streets shall have sidewalks as deemed necessary by the Borough Council.
 - (e) Road construction shall conform to the following specifications: on a properly compacted subgrade, eight inches of screenings, bound macadam shall be applied in two four-inch courses. Each course shall be rolled and compacted with no less than a ten-ton roller. There shall be applied thereon with a Barber Green road paver, or its equal, 2 1/2 inches of ID-2A bituminous concrete, namely a 1 1/2 inch binder course and a one inch wearing course, each course being rolled and compacted with no less than a ten-ton roller. In all instances where specifications of the Pennsylvania Department of Transportation are more stringent, such specifications shall prevail. Additionally, at the discretion of Borough Council, or its duly appointed representative, valley gutters or upright curbs shall be constructed along all streets and/or roads.
 - (f) Streets shall be curvilinear and part of the landscape wherever possible and shall not be laid out in ordinary, rigid block geometry. Use of automobiles to get around within the development should be discouraged by the economic and peripheral layout of streets.
- (4) Parking.
- (a) There shall be two off-street parking spaces, each measuring 10 feet by 20 feet for each one-bedroom dwelling unit. This requirement may be reduced by Borough Council to 1 1/2 spaces in planned retirement communities.
 - (b) There shall be 2 1/2 off-street parking spaces, each measuring 10 feet by 20 feet for each dwelling unit containing two or more bedrooms. This requirement may be reduced by Borough Council to two spaces in planned retirement communities.
 - (c) Aisles within parking areas shall be at least 20 feet in width.
 - (d) There shall be one off-street parking space 10 feet by 20 feet for each 150 square feet of commercial space.
 - (e) Parking areas shall be arranged so as to prevent through traffic to other parking areas.
 - (f) All uncovered parking areas shall be screened from adjacent structures, access roads and traffic arteries by hedges, dense planting, earth berms, changes in grade, or walls. All uncovered parking areas shall be a minimum of 20 feet from all structures, access roads, and traffic arterials.
 - (g) No more than 15 parking spaces shall be permitted in a continuous row without being interrupted by approved landscaping.
 - (h) No more than 60 parking spaces shall be accommodated in any single parking area.
 - (i) All off-street parking and loading areas shall be surfaced with an asphaltic or portland cement pavement.

- (5) Lighting. All off-street parking shall be adequately lighted. All such lighting shall be arranged so as to direct light away from adjoining residences.
- (6) Storm drainage. The storm sewerage system for a planned residential development shall be designed to minimize erosion and flooding using, as desirable, catchment basins, silt traps and design of cartways so as to minimize runoff. The design of all storm sewage systems shall be based on an anticipated two inches per hour rainfall with 100% runoff.
- (7) Landscaping.
 - (a) All parking areas shall be landscaped. The interior of each lot shall have one two-inch caliper shade tree for every four cars.
 - (b) Shade trees shall be provided along all streets. No less than two two-inch caliper trees shall be planted for each twenty-five-foot section of collector streets.
 - (c) Landscaping shall be planned and effectuated in the planned residential development so as to integrate buildings with their surrounding lands and to present a total pattern throughout the site. In the planning and effectuation of such landscaping as well as in the effectuation of Subsections A and B of this section, the developer shall be guided by the following criteria. Plant material, including deciduous and evergreen trees and shrubs, shall be chosen on the basis of:
 - [1] Esthetic values such as autumn coloration, flowers, fruit, bark and crown characteristics, susceptibility to dieback.
 - [2] Susceptibility to insect and disease infestation and air pollution.
 - [3] Species longevity.
 - [4] Wind firmness and suitability of plant material to soil types.
 - [5] Wildlife values (ability of plant material such as oak, hickory, dogwood, walnut to provide food for bird and animal life).
 - [6] Trees and shrubs which are prone to cause pavement heaving or whose roots have a tendency to invade water and sewer lines (i.e., poplar, silver and Norway maple, beech) shall not be planted where their presence will result in pavement heaving or the clogging of mains and drains.
- (8) Signs. The character, size and shape of all outdoor signs shall be in conformity with the provisions of Article XVI, except that one temporary sign bearing the name of the development, availability of units for sale or rent, name of sales agent, developer, and other related information may be erected on the site to remain only during the period of development, construction and sale. Such sign is not to exceed 40 square feet in area and 10 feet in height and is not to be placed nearer than 10 feet to the nearest point of the limits of the road right-of-way. Such signs are not to be illuminated. Before erection, a sketch showing location, size, design, color and wording is to be submitted for approval by Council or its delegate.

- (9) Supplemental nonresidential facilities.
 - (a) Shopping areas and recreational facilities within a planned residential development shall be located so as not to interfere with nearby residential areas.
 - (b) Refuse stations shall be designed with suitable screening and located where convenient for trash removal and not offensive to nearby residential areas.
 - (c) Adequate lighting shall be provided for outdoor areas used after dark. Appropriate lighting fixtures must be provided for walkways, to identify steps, ramps, and signs. Lighting shall be designed and located so as not to shine directly into nearby residences.
- (10) Utilities. All utilities shall be underground if deemed feasible by the Borough Council.
- (11) Fire lanes and hydrants.
 - (a) No dwelling unit or part of a unit shall be located more than 150 feet from a duly improved and accessible fire lane, as defined below, nor more than 600 feet from a private or public street or fire hydrant. All fire hydrants and fire lanes shall be subject to the approval of the Borough Fire Chief and Fire Marshal.
 - (b) Fire lanes shall have a minimum unobstructed right-of-way width of 40 feet; and there shall be constructed within this right-of-way an all-weather and well-drained, surfaced cartway with a minimum width of 28 feet. The extension of fire lanes shall begin from one or more private or public streets.
 - (c) Dead-end fire lanes shall be terminated with an unobstructed vehicular turnaround or cul-de-sac with a minimum right-of-way radius of 50 feet and shall have a minimum surfaced radius of 40 feet. Dead-end fire lanes shall have a maximum length of 400 feet.
 - (d) The location of fire lanes shall conform to plans for the extension of streets, sanitary sewers, water mains, storm sewers and other drainage facilities and public utilities as contained in this chapter and other ordinances of the Borough of Chester Heights and shall provide adequate access to buildings by firemen and other emergency services.
 - (e) Fire hydrants must be provided by the developer. The number, type, and location of fire hydrants and the size and rate of flow of feeder lines shall be subject to the approval of the Borough Fire Chief and Fire Marshal.
 - (f) No certificate of occupancy shall be issued until fire lanes are constructed and hydrants are tested and approved by the Borough Fire Chief and Fire Marshal.

§ 185-62. Development in stages.

A developer may construct a planned residential development in stages if the following criteria are met.

- A. The application for tentative approval covers the entire planned residential development and shows the location and approximate time of construction for each stage in addition to other information required by this article.
- B. At least 15% of the dwelling units in the plan given tentative approval are included in the first stage.
- C. At least 33% of the dwelling units in any stage are rented or sold before any commercial development shown in that stage shall be completed.
- D. The second and subsequent stages are completed consistent with the tentatively approved plan and are of such size and location that they constitute economically sound units of development. In no event shall such stages contain less than 15% of the dwelling units receiving tentative approval.
- E. Gross residential density may be varied from stage to stage; provided, however, that final approval shall not be given to any stage if the gross residential density by type of dwelling of the area (which includes stages already finally approved and the stage for which final approval is being sought) exceeds by more than 10% the gross residential density for each type of dwelling unit allowed for the entire planned residential development in the tentatively approved plan. Where it is necessary to allocate open space to early stages to avoid exceeding maximum gross residential densities, the developer may be required to grant an open space easement or covenant to the Borough specifying the amount and, if necessary, the location of open space.
- F. Where development in stages is applied for and approved, the developer shall, if possible, complete all landscaping in the stage approved before occupancy of any unit in that stage is permitted. Unless good reason therefor shall be demonstrated to Borough Council, no additional stage shall be approved until landscaping is completed on any prior stage.

§ 185-63. Location and management of open space.

- A. The common open space shall be located so as to be consistent with the objectives set forth in the application for planned residential development. Where possible, it shall be designed as a contiguous area easily accessible to the residents and preserving natural features.
- B. The developer shall make provision to insure that the open space land, including common open space, shall continue as such and be properly maintained. The developer shall either dedicate such land to public use if the Borough or another public agency has indicated it will accept such dedication; retain ownership and responsibility for maintenance of such open space land; or provide for and establish one or more organizations for the ownership and maintenance of all open space. In the case of the organizations for the ownership, each organization shall be a nonprofit homeowners' corporation, unless the developer demonstrates that a community open space trust is a more appropriate form of organization.
- C. If a homeowners' association or open space trust is formed, it shall be governed according to the following regulations:
 - (1) The organization is organized by the developer and operating with financial subsidization by the developer, if necessary, before the sale of any lots within the

development.

- (2) Membership in the organization is mandatory for all purchasers of dwelling units therein and their successors.
- (3) The organization shall be responsible for maintenance of and insurance and taxes on open spaces.
- (4) The members of the organization shall share equitably the costs of maintaining the open space, in accordance with procedures established by them.
- (5) The organization shall have or hire adequate staff to administer common facilities and maintain the open space.
- (6) In the event that the organization established to own and maintain the open space or any successor organization shall, at any time after establishment of the planned residential development, fail to maintain the open space in reasonable order and condition in accordance with the development plan, the Borough may serve written notice upon such organization or upon the residents and owners of the planned residential development setting forth the manner in which the organization has failed to maintain the open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within 30 days thereof and shall state the date and place of a hearing thereon, which shall be held within 14 days of the notice. At such hearing, the Borough may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modification thereof shall not be cured within said 30 days or any extension thereof, the Borough, in order to preserve the taxable values of the properties within the planned residential development and to prevent the open space from becoming a public nuisance, may enter upon said open space and maintain the same for a period of one year. Said entry and maintenance shall not vest in the public any rights to use the open space except when the same is voluntarily dedicated to the public by the residents and owners. Before the expiration of said year, the Borough shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the open space, call a public hearing upon notice to such organization or to the residents and owners of the planned residential development who shall show cause why such maintenance by the Borough shall not, at the election of the Borough, continue for a succeeding year. If the Borough shall determine such organization is ready and able to maintain said open space in reasonable condition, the Borough shall cease to maintain said space at the end of said year. If the Borough shall determine such organization is not ready and able to maintain said open space in a reasonable condition, the Borough may, in its discretion, continue to maintain said open space during the next succeeding year and subject to a similar hearing and determination in each year thereafter. The decision of the Borough in any such case shall constitute a final administrative decision, subject to judicial review.
 - (a) The cost of such maintenance by the Borough shall be assessed ratably against the properties within the planned residential development that have a right of enjoyment of the open space and shall become a tax lien on said properties. Said

assessments or charges shall be subordinate in lien to the lien of any mortgage or mortgages on the property which is subject to such assessments or charges regardless of when said mortgage or mortgages were created or when such assessments or charges accrued; provided that such subordination shall apply only to assessments or charges that have become payable prior to the passing of title under foreclosure of such mortgage or mortgages, and the transferee shall not be liable for payment of any assessments or charges accruing prior to said foreclosure, but nothing herein shall be held to affect the rights herein given to enforce the collection of such assessments or charges accruing after sale under foreclosure of such mortgage or mortgages; and provided, further, that such charges accruing after sale shall also be subordinate in lien to the lien of any further mortgage or mortgage which are placed on property subject to such assessments or charges, with the intent that no such charges shall at any time be prior in lien of any mortgage or mortgages whatsoever on such property. The Borough, at the time of entering upon said open space for the purpose of maintenance, shall file a notice of such lien in the office of the Prothonotary of the County upon the properties affected by such lien within the planned residential development.

- (7) In accordance with Section 706 of Act 247 of the Pennsylvania Municipalities Planning Code,⁴ the provisions of the development plan relating to the use, bulk and location of buildings and structures; the quantity and location of open space; and the intensity of use or the density of residential units shall run in favor of the Borough and shall be enforceable in law or in equity by the Borough, without limitation on any powers of regulation otherwise granted the Borough by law. The development plan shall specify those of its provisions which shall run in favor of and be enforceable by residents of the planned residential development, and, in addition, the manner in which such residents may modify or release such rights.

§ 185-64. Application for tentative approval; fee.

- A. The application for tentative approval shall be executed by the landowner and filed with the Borough Secretary. An initial fee in the amount of \$500 shall be paid upon filing of the application. Additional deposits shall be made from time to time as requested by the Borough to be applied against the expenses of processing the application, not to exceed the actual expenses incurred by the Borough.
- B. The application for tentative approval shall include documentation illustrating compliance with all of the standards for planned residential development in § 185-61, and, where necessary, the Borough Council shall order such documentation to aid them in their review.
- C. Required documentation in quadruplicate shall include but not be limited to documents illustrating the following:
 - (1) The location and size of the area involved, and adjoining areas; and the nature of the landowner's interest in the planned residential development.

4. Editor's Note: See 53 P.S. § 10706.

- (2) The proposed use areas and the net residential and commercial density of each proposed land use.
- (3) The location, function, size, ownership, and manner of maintenance of the open space.
- (4) The use and approximate height, bulk, and location of buildings and other structures.
- (5) Information showing the feasibility of proposals for sanitary sewerage, water supply and stormwater disposition.
- (6) Utility systems.
- (7) The substance of covenants, grant of easements, or other restrictions to be imposed upon the use of land, buildings and structures including proposed grants and/or easements for public utilities.
- (8) The provision for parking of vehicles and location, rights-of-way and cartway widths of proposed streets and public ways.
- (9) In the case of plans which call for development in stages, a schedule showing the time within which applications for final approval of all parts of the planned residential development are intended to be filed, and which shall be updated annually on the anniversary of submission for final approval.
- (10) The application shall, insofar as possible, indicate compliance with the provisions set forth herein, governing the requirements for final approval.

D. Application for tentative approval shall also include but not be limited to the following graphic material in quadruplicate.

- (1) Plans at one inch equals 200 feet of existing natural features of the land including topography, vegetation, drainage and soils.
- (2) A site plan showing approximate locations of buildings, roads, parking areas at one inch equals 100 feet.
- (3) A plan at one inch equals 100 feet delineating common open space indicating size, nature of facilities, structures, if any, and uses.
- (4) A plan at one inch equals 100 feet delineating approximate locations, street types, right-of-way, cartway widths, fire lanes and fire hydrants.
- (5) Site plan illustrating phasing; including a time schedule for all on-site and off-site improvements to be dedicated for public use, which may be modified from time to time by the Borough Council.
- (6) A plan illustrating connection to public utilities, streets and rights-of-way accompanied by documentation as to the impact of the proposed development of said public utilities, streets and rights-of-way.
- (7) A plan illustrating the relation of the proposed planned residential development to the Borough.

- E. Said application shall also include a written statement in quadruplicate by the landowner setting forth the reasons why, in his opinion, the planned residential development would be in the public interest and would be consistent with the Borough's Comprehensive Plan.
- F. One copy of every application for tentative approval received by the Borough Secretary shall be promptly forwarded to the Borough Planning Commission and to the Delaware County Planning Commission for study and recommendation as required by the Pennsylvania Municipalities Planning Code.⁵ The Borough Planning Commission and the Delaware County Planning Commission shall review and report upon the application to the official review agency within 45 days of such referral. One copy of the reports of the respective planning commissions shall be furnished to the landowner not less than five days before the appointed time of the public hearing provided for in § 185-65 of this chapter.
- G. The landowner, the Borough Council, the Borough Planning Commission, and the Delaware County Planning Commission may consult informally concerning the proposed planned residential development prior to the filing of an application for tentative approval, provided that no statement or representation by a member of the official review agency or of the planning agencies shall be binding upon the Borough.

§ 185-65. Public hearings.

- A. Within 60 days after the filing of an application for tentative approval of a planned residential development pursuant to this chapter, a public hearing pursuant to public notice on said application shall be held by the Borough Council in the manner prescribed in this chapter for the enactment of an amendment. The Chairman, or, in his absence, the Acting Chairman, of the Borough Council or its designated agency may administer oaths and compel the attendance of witnesses. All testimony by witnesses at any hearing shall be given under oath and every part of record at a hearing shall have the right to cross-examine adverse witnesses.
- B. A verbatim record of the hearing shall be caused to be made by the Borough Council, and the cost of transcribing additional copies of such record shall be borne by those who wish to obtain such copies. All exhibits accepted in evidence shall be identified and duly preserved or, if not accepted in evidence, shall be properly identified and the reason for the exclusion clearly noted in the record.

§ 185-66. Report of findings on application for tentative approval.

- A. The Borough Council, within 45 days following the conclusion of the public hearing provided for in this article, shall, by official written communication, to the landowner, either:
 - (1) Grant tentative approval of the development plan as submitted.
 - (2) Grant tentative approval subject to specified conditions not included in the development plan as submitted; or

5. Editor's Note See 53 P.S. §%%'entity-nbsp'%%10101 et seq.

- (3) Deny tentative approval to the development plan. Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, that tentative approval is granted subject to conditions, the landowner may, within 30 days after receiving a copy of the official written communication of the Borough Council, notify the Borough Council of his refusal to accept all said conditions, in which case, the Borough Council shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not, within said period, notify the Borough Council of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.
- B. The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial, and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest including but not limited to findings of fact and conclusions on the following:
- (1) Those respects in which the development plan is or is not consistent with the Comprehensive Plan for the development of the municipality.
 - (2) The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest.
 - (3) The purpose, location and amount of the open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the open space, and the adequacy or inadequacy of the amount and purpose of the open space as related to the proposed density and type of residential development.
 - (4) The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment.
 - (5) The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established, and
 - (6) In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the planned residential development in the integrity of the development plan.
- C. In the event a development plan is granted tentative approval, with or without conditions, the Borough Council shall set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of

tentative approval and application for final approval shall not be less than three months and, in case of development over a period of years, the time between applications for final approval of each stage of a plan shall be not less than 12 months.

§ 185-67. Status of plan after tentative approval.

- A. The official written communication provided for in § 185-66 of this chapter shall be certified by the Secretary of the Borough Council and shall be filed in his office, and a certified copy shall be mailed to the landowner. Where tentative approval has been granted, the same shall be noted on the Zoning Map.
- B. Tentative approval of a development plan shall not qualify a plat of the planned residential development for recording nor authorize development or the issuance of any building permits. A development plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the Borough pending an application or applications for final approval, without the consent of the landowner, provided an application for final approval is filed or, in the case of development over a period of years, provided applications are filed, within the periods of time specified in the official written communication granting tentative approval.
- C. In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon said development plan and shall so notify the Borough Council in writing or in the event the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been given shall be subject to those local ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the Zoning Map and in the records of the Secretary of the Borough.

§ 185-68. Application for final approval.

- A. An application for final approval may be for all the land included in a development plan or, to the extent set forth in the tentative approval, a section thereof. Said application shall be made to the Borough Council within the time or times specified by the official written communication granting tentative approval. If the application for final approval is in compliance with the tentatively approved development plan, a public hearing need not be held.
- B. The application for final approval shall consist of a plan or plans and accompanying documents in quadruplicate which shall include the following information:
 - (1) The plan. The final plan shall be a scale of one inch to 50 feet. All plans shall be clear and legible white prints of an ink drawing and shall include the following information:

- (a) Development name or identifying title.
- (b) Municipality in which the development is located.
- (c) North point, scale and date.
- (d) Name of record owner and developer.
- (e) Name and seal of registered professional engineer or surveyor responsible for the plan.
- (f) Boundaries of the tract determined by accurate survey in the field which shall be balanced and closed with an error of closure not to exceed one foot in 10,000.
- (g) Property lines (if any) within the development.
- (h) Lot areas (if any) to 1/1000 of an acre.
- (i) Street lines, lot lines, rights-of-way, easements and areas dedicated to or proposed to be dedicated to public use. Profiles for all streets and fire lanes and for proposed sanitary and storm sewer mains, inlets, manholes, and fire hydrants.
- (j) The length of all straight lines, radii, lengths of curves and tangent bearings for each street.
- (k) All dimensions and angles or bearings of the lines of each lot and of each area proposed to be dedicated to public use.
- (l) The setback line for each building.
- (m) Location and width of all private driveways.
- (n) Names proposed to be given to all streets.
- (o) Location of all structures.
- (p) Number of lots.
- (q) Number of dwelling units by type and number of rooms and, where applicable, the number, location and square footage of areas to be devoted to nonresidential use.
- (r) Architectural drawings to scale of all buildings.
- (s) A key map showing the relationship of the property being developed to surrounding properties, such map to be drawn at a scale of one inch equals 800 feet and showing all streets, roads, municipal boundaries, subdivisions and adjoining properties within 1,000 feet of any part of the property. In the case of development of a section of the entire tract, the key map shall show the relationship of the section to the entire tract.
- (t) Total property area of the entire development tract and, in the case of

development in sections, the size of the section for which plans are submitted.

- (u) All permanent monuments.
 - (v) Contours at vertical intervals of five feet.
 - (w) All existing water courses, tree masses and other significant natural features and size and location of all proposed cut and fill.
 - (x) A landscaping plan indicating placement, type and approximate size of plant material including plans, where applicable, for buffer planting.
 - (y) A conservation plan for the control of erosion and sedimentation in accordance with the standards and specifications of the USDA Soil Conservation Service as then adapted for use by the Delaware County Soil and Water Conservation District. The developer shall include in the conservation plan data, including dates where relevant, to indicate that development will be carried out in compliance with the following principles:
 - [1] The smallest practical area of land be exposed at any one time during development or construction.
 - [2] When land is exposed during development or construction, the exposure will be limited to the shortest practical period of time.
 - [3] Temporary ditches, dykes, vegetation and/or mulching will be used to protect critical areas exposed during development or construction.
 - [4] Sediment basins (including debris basins, desilting basin, silt traps) will be installed and maintained to remove sediment from run-off waters from land undergoing development.
 - [5] Provisions will be made to accommodate effectively increased runoff caused by changed soil and surface conditions during and after construction or development.
 - [6] Permanent vegetation and erosion control structures will be installed, as soon as practical during construction.
 - [7] Wherever feasible, natural vegetation will be maintained and protected and alterations of natural grade kept to a minimum.
 - [8] No portion of tree masses or trees with a caliper of four inches or greater shall be cleared unless such clearance is plainly necessary for effectuation of the development. Developers shall make all reasonable efforts to harmonize their plans with the preservation of existing trees and shall take all reasonable care to protect those trees which are to remain from damage during construction.
- C. In the event the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by the chapter and the official written communication of tentative approval, the Borough shall, within 30 days

of such filing, grant such development plan final approval.

- D. In the event the development plan as submitted, contains variations from the development plan given tentative approval, the Borough Council may refuse to grant final approval and shall, within 30 days from the filing of the application for final approval, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. In the event of such refusal, the landowner may either:
- (1) Refile his application for final approval without the variations objected, or
 - (2) File a written request with the Borough Council that it hold a public hearing on his application for final approval. If the landowner wishes to take either such alternate action, he may do so at any time within which he shall be entitled to apply for final approval, or within 30 additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within 30 days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner prescribed in this chapter for public hearings on applications for tentative approval. Within 30 days after the conclusion of the hearing, the Borough Council shall by official written communication either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this section, be in the form and contain the findings required for an application for tentative approval set forth in this chapter.
- E. The approved development plan, or any part thereof, shall be filed of record forthwith in the office of the Recorder of Deeds before any development shall take place in accordance therewith. Upon the filing of record of the development plan, the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion within a reasonable time of said planned residential development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the landowner.
- F. In the event that the landowner shall abandon an approved development plan or a section thereof, the landowner shall so notify the Borough Council in writing; or, in the event the landowner shall fail to commence within one year and complete the planned residential development within such reasonable period of time as may be fixed by resolution after final approval has been granted, no development or further development shall take place on the property included in the development plan until after the said property is resubdivided and is reclassified by enactment of an amendment to this chapter.
- G. The documentation. The application for final approval shall also be accompanied by the following documents in quadruplicate.
- (1) Copies of deed restrictions shall limit the use and occupancy of all dwelling units in

- planned retirement communities to individuals described under § 185-59, excepting individuals employed for the purpose of maintaining, operating or managing the planned retirement communities and their immediate families.
- (2) Information as to water supply and sewage disposal including copies of permits obtained under authority of statutes of the commonwealth.
 - (3) A certified copy of the deed or deeds evidencing ownership by the landowner.
 - (4) Offers of dedication and covenants governing the reservation and maintenance of undedicated open space, provided that all such offers of dedication and covenants shall bear the certificate of approval of the Borough Solicitor as to their legal sufficiency.
 - (5) A statement duly acknowledged before an officer authorized to take acknowledgment of deeds and signed by the owner or owners of the property to the effect that the development as shown on the application for final approval is made with his or their free consent and that it is desired to record the application and accompanying documents upon their approval.
 - (6) Whenever a developer proposes to establish a street which is not offered for dedication and not required to be offered for dedication, he shall submit a copy of statements cosigned by the Borough Solicitor that he has made an agreement on behalf of his heirs and assigns with the Borough. Said agreement shall be subject to the Borough Solicitor's approval and shall be recorded with the plan. Said agreement shall establish the conditions under which the streets may later be offered for dedication and stipulate among other things:
 - (a) That the street shall be in good state of repair as certified by the Borough Engineer, or that the owners of the lots along it agree to include with the offer of dedication sufficient money, as estimated by the Borough Engineer, to restore the street to conform with Borough specifications.
 - (b) That an offer to dedicate the street shall be made only for the street as a whole.
 - (c) That the method of assessing repair costs shall be as stipulated.
 - (d) That agreement to offer the street for dedication by the owners of 60% of the lots shall be binding on owners of the remaining lots.

§ 185-69. Amendments to approved plans.

Proposals for amendments to an approved final plan shall be acted upon in the same manner as that prescribed for the original approved plan.

§ 185-70. Amendments to approved plans after completion.

The approved final plan becomes the approved zoning for the property covered by the plan. Owners or occupants of the dwelling units in the PRD shall not make structural change or additions of the sort that would require a building permit in accordance with the Building and

Sanitation Code of the Borough⁶ without submitting an amended final plan to the Borough and receiving approval for that plan. Such plan shall be submitted in accordance with this chapter and shall also include a letter from the homeowners' association for that PRD (if a homeowners' association exists in that PRD) containing the association's recommendation for approval or disapproval of the amended plan.

ARTICLE XII
B Business Districts

§ 185-71. Purpose.

B Business Districts are intended:

- A. To provide sufficient space in appropriate locations for the types of shopping, professional and service establishments anticipated to be needed in the Borough.
- B. To protect commercial development against intrusive uses which are incompatible with it and against objectionable influences such as noise or glare and from hazards of fire.
- C. To provide appropriate space for the requirements of commerce including the provision of off-street parking spaces, safe circulation of pedestrian and motor traffic in the zone and in nearby areas.
- D. To promote the most desirable use of land and pattern of building development in accord with a well-considered plan for the district as a whole and to protect the character of the area and nearby districts.

§ 185-72. Use regulations.

A detached building may be erected or used and a lot may be used or occupied for any one of the following purposes:

- A. Uses permitted in R 3/4 District.
- B. Retail store with a gross floor area not in excess of 10,000 square feet.
- C. Restaurant.
- D. Personal service shop.
- E. Office or studio.
- F. Bank or similar financial institution.
- G. Accessory use on the same lot with and customarily incidental to any of the above permitted uses which may include:
 - (1) Storage within a completely enclosed building in conjunction with a permitted use;
 - (2) Living accommodations or sleeping quarters for the proprietor of a store or business establishment, or for a watchman or similar employee, provided that no such dwelling

⁶. Editor's Note: See Ch. 61, Building Construction.

accommodations shall be located on the first floor;

- (3) Signs as permitted in Article XVI; and
- (4) Parking as required in Article XVII.

H. The following uses when authorized as a special exception by the Zoning Hearing Board, subject to the general standards provided in Article XV, and provided that special consideration shall be given to the suitability of the use in the proposed location;

- (1) Gasoline station, automotive repair and or sales.
- (2) Hotel, motel, or inn on a lot not less than two acres in size.
- (3) Any permitted use occupying a building 10,000 square feet or more in area.
- (4) Entertainment and commercial indoor recreation establishments.
- (5) Any use of the same general character as those enumerated in Subsection F of this section.

§ 185-73. Area, height and special regulations.

- A. Lot area and lot width. Every lot shall have a lot area of not less than 10,000 square feet and such lot shall be not less than 50 feet in width at the building line.
- B. Building area. Not more than 50% of the area of each lot may be occupied by buildings.
- C. Front yard. There shall be a setback on each street on which a lot abuts which shall be not less than 35 feet in depth.
- D. Side yard. Side yards shall be provided on every lot as follows:
 - (1) For every detached building there shall be two side yards neither of which shall be less than 12 feet in width.
 - (2) Where a side yard is immediately contiguous to a residence district, the width of the side yard shall be equal to the side yard requirements in such residence district.
- E. Rear yard. There shall be a rear yard, the depth of which shall be at least 25 feet or 20% of the lot depth, whichever is greater.
- F. Height. No building shall exceed three stories or 35 feet in height.
- G. Special regulations.
 - (1) Every use other than parking facilities shall be completely enclosed within a building.
 - (2) No restaurant or similar use shall be conducted as a drive-in providing service directly to customers in motor vehicles, or food for immediate consumption outside the building.
 - (3) Along each side or rear yard property line which directly abuts a residence district in the municipality or a similar district in an adjoining municipality, a buffer planting strip as defined in § 185-4 not less than 15 feet in width shall be provided.

- (4) With the exception of living plants, no storage or display of merchandise, articles, equipment or vending machines shall be permitted outside of a building unless by special exception, in which case no goods, articles or equipment shall be stored, displayed or offered for sale beyond the front lines of a building. In the case of a gasoline station, there shall be at least a twenty-foot setback from the front property line for placement of pumps and service islands.
- (5) The off-street parking, off-street loading and special provisions relating to highway frontage prescribed in Article XVII shall apply in B Districts.
- (6) Design standards prescribed in § 185-74E shall apply.

§ 185-74. Regulations for unified commercial development.

Whenever it shall be proposed that a single structure shall house or contain more than a single commercial use or entity or that there shall be constructed on a lot held in single and separate ownership, more than one structure to house or contain commercial uses, the following regulations shall apply:

- A. Use regulation. A building or a unified group of buildings may be erected or used and a lot may be used or occupied for any of the following purposes as part of an integrated retail business development:
 - (1) Retail store.
 - (2) Restaurant.
 - (3) Offices or studio.
 - (4) Personal service shop.
 - (5) Bank or similar financial institution.
 - (6) The following additional uses when specifically authorized in accordance with the provisions of this article in conjunction with the total development of a unified commercial district not less than five acres in size for any use or combination of uses permitted in the district:
 - (a) Office building.
 - (b) Hotel, hotel or inn.
 - (c) Indoor place of amusement or recreation.
 - (d) Community or civic center building or use including library.
 - (e) Scientific research, testing or experimental laboratory.
 - (f) Hospital, medical or health center.
 - (g) Business or professional school.
 - (h) Automobile accessories store (not including service station).

- (7) Accessory use on the same lot with and customarily incidental to any of the above permitted uses which may include:
 - (a) Storage within a completely enclosed building in conjunction with a permitted use.
 - (b) Living quarters for watchmen, caretakers or the staff or employees of a permitted institution, and
 - (c) Signs as permitted in Article XVI.

B. Area and height regulations.

- (1) Lot area. The area of the lot or tract which is to be developed shall be not less than three acres except as is provided in § 185-74A(6) above and shall be a minimum of 300 feet in width at the street line.
- (2) Building area. Not more than 40% of the total area or tract may be occupied by buildings nor more than 75% by buildings and all other impervious cover combined.
- (3) Building placement. No building shall be located less than 50 feet from the street right-of-way or the other property line. Loading and service areas shall be located at the rear of the building. [Amended 3-6-2000 by Ord. No. 155]
- (4) Building height. Three stories not to exceed 35 feet.

C. Off-street parking and loading requirements. There shall be provided off-street parking and loading spaces as required by Article XVII. In addition to the requirements of Article XVII, in a unified commercial development, there shall be a green area of at least 20 feet between any parking and loading area and all street or highway right-of-way lines and property lines. The green area shall be bermed to an elevation of two feet above the parking surface for a minimum of 75% of its length. The green area shall be planted to minimize the glare of headlights of vehicles within the parking lot. [Amended 3-6-2000 by Ord. No. 155]

D. Lighting. The parking and loading areas of any development authorized as a unified commercial district shall be provided with 0.75 lumens of light at any point from lighting standards not to exceed 15 feet in height and not located farther apart than 100 feet. All lighting shall be completely shielded from traffic on any public right-of-way and from any residential district and shall not cause sky glow.

E. Design standards.

- (1) Screening. A completely planted visual barrier, or landscape screen, shall be provided between any B-1 District and any contiguous residentially zoned districts. This screen shall be composed of evergreen plants and trees arranged to form both a low-level and a high-level screen. The high-level screen shall consist of evergreen trees planted with specimens no younger than three years in age and planted at intervals of not more than 10 feet. The low-level screen shall consist of evergreen shrubs or hedges planted at an initial height of not less than two feet and spaced at intervals of not more than five feet. The low-level screen shall be placed in alternating rows to produce a more effective barrier.

- (2) Landscaping. Any part or portion of the site which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks and designated storage areas shall be planted with an all-season ground cover and shall be landscaped with small trees and shrubs in accordance with an overall landscape plan.
 - (3) Adequate provision satisfactory to the Borough Engineer shall be made for water runoff control and sewage treatment.
 - (4) No more than 30 parking spaces shall be permitted in a continuous row without being interrupted by a landscaped area.
- F. Applications for unified commercial development shall be made to the Borough Council. Such application shall comply with the provisions of Chapter 162, Subdivision and Land Development, of the Code of the Village of Chester Heights as to textual, diagrammatic and map material and shall be granted or denied or granted with modifications in accordance with the following procedures:
- (1) An application for development of a lot or parcel of land for unified commercial development shall be made and approved or approved as modified before any permit for such use shall be issued. The application shall be made to the Borough Council and shall be referred by them to the Planning Commission for its investigation and recommendations to the Borough Council within 30 days of the date of application; failure to report within 30 days shall be deemed to indicate approval of the plan by the Planning Commission; provided, however that action or inaction by the Planning Commission shall be deemed to be advisory only.
 - (2) Development plan approval and procedure thereafter. The Borough Council shall hold a public hearing duly advertised in accordance with the provisions of the Municipalities Planning Code⁷ before it shall approve any development application prepared and filed under this article. If, after hearing, the Borough Council approves the plan or approves the plan with modifications acceptable to the applicant, such approved plan shall accompany an application for a zoning permit.

ARTICLE XIII
Planned Laboratory - Office District

§ 185-75. Purpose.

- A. PLO/Planned Laboratory - Office Districts are designed primarily to provide for selected modern laboratory and office establishments which:
- (1) Provide for attractive large-site, low-lot-coverage development in areas where traditional business development would be inappropriate.
 - (2) Strengthen and diversify the Borough's tax base.
 - (3) Are compatible with the character of surrounding areas.

⁷. Editor's Note: See 53 P.S. § 10101 et seq.

§ 185-76. Use regulations.

A building or a unified group of buildings may be erected or used and a lot may be used or occupied for any of the following purposes or combination thereof:

- A. Scientific or industrial research, testing or experimental laboratory or similar establishment for research or product development provided there is no commercial production or storage of any commodity or substance except for storage necessary for scientific research.
- B. Office building.
- C. Accessory uses which may include:
 - (1) Storage within a completely enclosed building in conjunction with a permitted use.
 - (2) A cafeteria or other service facility located within a main building and operated for the exclusive use of occupants of the building.
 - (3) A recreational area for occupants.
 - (4) Living quarters for watchmen, caretakers or similar employees.
 - (5) Signs as permitted in this chapter.
- D. Uses permitted in an R 1 1/2 District with minimum lot sizes as permitted in the R 1 1/2 District and with all use, area and other regulations that apply to the R 1 1/2 District. Any planned laboratory-office use must comply with the regulations of §§ 185-77 and 185-78 hereunder. [Added 4-4-1994 by Ord. No. 133]

§ 185-77. Area and height regulations.

- A. Lot area and width. Every lot on which a building or combination of buildings is hereafter erected or used shall have a lot area of not less than five acres and a width at the building line of not less than 300 feet.
- B. Building area. Not more than 30% of the area of any lot may be occupied by buildings and a total of not more than 60% of the lot may be occupied by buildings, parking areas, or other impervious cover.
- C. Building placement. No building shall be located less than 150 feet from a street right-of-way line nor less than 75 feet from a side or rear property line. No loading or service area shall be located less than 150 feet from a street right-of-way nor less than 50 feet from any other property line.
- D. Height regulations. No building shall exceed three stories or 35 feet in height.
- E. Each building shall be designed so as to minimize its commercial appearance and shall, so far as practicable, afford minimum external evidence of the nature of the operation conducted therein.
- F. No products or goods shall be displayed on the exterior of the premises.
- G. Along each side or rear property line which directly abuts a residence district in the Borough or a similar district in an adjoining municipality, a buffer planting strip of not less

than 30 feet in width shall be provided. Along each street line bordering a residence district, a strip of land not less than 50 feet in width shall be suitably landscaped except for necessary sidewalks and accessways crossing the strip.

- H. All off-street parking, loading, access facilities and service areas used by motor vehicles shall comply with the provisions of Article XVII of this chapter.

§ 185-78. Special development regulations.

- A. An application for a building permit shall be accompanied by:
 - (1) A plan or plans for the integrated, overall development of the tract for which application is made and such plan or plans shall be subject to review by the Borough Planning Commission and approval by Borough Council in accordance with the provisions of Chapter 162, Subdivision and Land Development, of the Code of the Village of Chester Heights.
 - (2) Sufficient data to enable the Borough to determine that the proposed plan and use comply with the requirements of this district and any other pertinent requirements of Borough ordinances.
 - (3) The appropriate fee.
- B. Compliance with plan. Following the issuance of a permit for construction and use in accordance with approved plans, no change, deviation or alteration shall thereafter be permitted except upon authorization by Borough Council upon written application, which application shall be in the nature of the original application for a permit. If a lot or tract for which development has been approved is sold, the original conditions upon which approval was granted shall be binding upon and fulfilled by the applicant's successors or assigns.
- C. Renewal of approval. If construction of an approved planned development is not undertaken within 18 months from the time that approval was last granted by Borough Council, the renewal of approval must be obtained.

ARTICLE XIV
Limited Industrial Districts

§ 185-79. Applicability.

In a Limited Industrial District the following regulations shall apply.

§ 185-80. Purpose.

The Limited Industrial District is designed primarily to make special provision for modern industrial development which is appropriate in selected locations. Among other things, Limited Industrial Districts are intended to:

- A. Provide for attractive nonnuisance industrial development in those areas designated for such use.
- B. Encourage forms of industrial development and related land use which are compatible with

the character of the Borough.

§ 185-81. Use regulations.

A building may be erected, altered or used and a lot may be used or occupied for any of the following purposes, and no other:

- A. Administrative, executive or professional office.
- B. Industrial research laboratories.
- C. Manufacture, compounding, processing, assembly, treatment and packaging of such products as cosmetics, clocks and watches, electrical or electronic devices, jewelry, optical, paper products (exclusive of the manufacture of paper), pharmaceutical, plastics, professional and scientific instruments, textiles, and toys.
- D. Accessory use on the same lot with and customarily incidental to any of the above permitted uses.

§ 185-82. Area and height regulations.

- A. Lot area. Every lot on which a Limited Industrial use is to be conducted shall be not less than four acres in size.
- B. Building area. Not more than 25% of the area of each lot may be occupied by buildings and a total of not more than 75% by any combination of buildings, parking areas or other impervious cover.
- C. Buffer area. Where a Limited Industrial District abuts a Residential or Apartment District, a buffer strip of 100 feet in width shall be provided and maintained. Thirty feet shall be a buffer planting strip.
- D. Height. No building shall exceed 35 feet in height, excluding chimneys and stacks, tanks and tank towers, flagpoles, aerials and similar projections of the building.

§ 185-83. Setback regulations.

- A. Front yards. There shall be a front yard on each lot which shall be not less than 85 feet in depth from the street line.
- B. Side yards. There shall be two side yards having an aggregate width of not less than 110 feet, neither side yard having a width of less than 50 feet.
- C. Rear yard. There shall be a rear yard on each lot which yard shall be not less than 100 feet in depth.

§ 185-84. Special regulations.

- A. In addition to the requirements of this chapter, the plan for any proposed development shall comply with the standards of Chapter 162, Subdivision and Land Development, of the Code of the Village of Chester Heights.

- B. The off-street parking, off-street loading and special provisions relating to highway frontage prescribed in Article XVII shall apply.
- C. The billboard and sign special provisions, requirements and regulations prescribed in Article XVI shall apply. [Added 2-1-2010 by Ord. No. 185]

§ 185-85. Use standards.

In a Limited Industrial District and in any other zoning district in the Borough, the following use standards and procedures shall apply:

- A. No activities involving the storage, utilization, or manufacture of materials or products which decompose by detonation shall be permitted, except such as are specifically permitted by the Borough, or are used as customarily incidental to the operation of a principal use in such quantities, and in a manner conforming with applicable performance standards set forth hereafter. Such materials shall include, but shall not be confined to, all primary explosives such as lead azide, lead styphnate, fulminates, and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles, perchloric acid, perchlorates, chlorates, hydrogen peroxide in concentrations greater than 35%; and nuclear fuels, fissionable materials and products and reactor elements such as Uranium 235 and Plutonium 239.
- B. All activities involving the manufacturing, fabricating, assembly, disassembly, repairing, storing, cleaning, servicing, and testing of materials, goods, or products shall be performed in such a manner as to comply with applicable performance standards as hereinafter set forth governing noise, smoke, particulate matter, toxic or noxious matter, odors, fire and explosive hazards, vibration, glare, or heat for the district in which such use shall be located; and no use, already established on the effective date of this chapter, shall be so altered or modified as to conflict with, or further conflict with such applicable performance standards for the district in which such use is located.
 - (1) Noise.
 - (a) Noise shall be measured with a sound-level meter having an A-weighted filter constructed in accordance with specifications of the American National Standards Institute (ANSI). Measurements are to be made at any point in residential or commercial districts as indicated in Table 1 following.
 - (b) Impact noise shall be measured using the fast response of the sound level meter. Impact noises are intermittent sounds such as from a punch or drop forge hammer. Measurements are to be made at any point in residential or commercial districts as indicated in Table 1.
 - (c) Between the hours of 7:00 p.m. and 7:00 a.m., the permissible sound levels in a residential district shall be reduced by five decibels for impact noises.
 - (d) The following sources of noise are exempt:

- [1] Transportation vehicles not under the control of the industrial use.
 - [2] Occasionally used safety signals, warning devices, and emergency pressure relief valves.
 - [3] Temporary construction activity between 7:00 a.m. and 7:00 p.m.
- (e) Maximum permitted sound pressure level. The following Table 1 describes the maximum sound pressure level permitted from any industrial source and measured in any adjacent residential district or commercial district:

Table 1

Maximum Permitted Sound Levels, dB(a) (re: 0.0002 Microbar)

Sound Measured in:	Decibels			
	Continuous Slow Meter Response		Impact Fast Meter Response	
	O-R	M-1	O-R	M-1
Residential Districts	50	50	60	60
Commercial Districts	60	65	70	75

(2) Vibration.

- (a) Vibration shall be measured at or beyond any adjacent lot line or residential district line as indicated in Table 2 and such measurements shall not exceed the particle velocities so designated. The instrument used for these measurements shall be a three component measuring system capable of simultaneous measurement of vibration in three mutually perpendicular directions.
- (b) The maximum vibration is given as particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

$$P.V. = 6.28 F \times D$$

P.V. = Particle velocity, inches per second

F. = Vibration frequency, cycles per second

D. = Single amplitude displacement of the vibration, inches

- (c) The maximum particle velocity shall be the vector sum of three individual components recorded. Such particle velocity shall not exceed the values given in Table 2.

Table 2

Maximum Ground Transmitted Vibration for Limited Industrial Districts

	Particle Velocity, Adjacent Lot Line	Inches/Second Residential District
Limited Industrial	0.20	0.02

When vibration is produced as discrete impulses and such impulses do not exceed a frequency of 100 per minute, then the values in Table 2 may be multiplied by two.

(3) Air pollution.

- (a) No user shall emit or cause or allow to be emitted or permit to escape into the open air, any air containment of a quantity or quality which will violate any provision of this chapter.
- (b) No user shall operate or maintain or permit to be operated or maintained any equipment, installation or device which by reason of its operation or maintenance will discharge contaminants to the air in excess of the limits prescribed herein unless he shall install and maintain in conjunction therewith such control equipment as will prevent the emission into the open air of any air contaminant in a quality or quantity that will violate any provision of this chapter.
- (c) No user shall cause, allow, permit, kindle, ignite, or maintain any bonfire, junk fire, refuse fire, open fire, salvage operations fire or any other open fire on or in any public street, road, or public ground, or upon any private property within the limits of the site.
- (d) No user shall emit or cause or allow to be emitted or permit to escape into the open air, from any combustion unit or incinerator, smoke with a shade darker than No. 1 of the Ringelmann Chart, except smoke of a shade equal to but not darker than No. 2 of the Ringelmann Chart may be emitted for a period or periods aggregating four minutes in any eight-hour period.
- (e) No firm or corporation shall permit or cause the discharge of particulate matter into the atmosphere from incinerators in excess of 0.1 grains per cubic foot of gas at standard conditions corrected to 12% CO₂, except as designated under specific contaminants.

(4) Specific contaminants.

- (a) Fugitive emissions. As required by Sections 123.1 and 123.2, Chapter 123, Article III, Sub-Part C. Part 1, Title 15 of the Rules and Regulations of the Pennsylvania Department of Environmental Protection, as revised 17 January, 1972, or as may be revised in the future.
- (b) Particulate matter emissions. As required by Sections 123.11, 123.12 and

123.13, Chapter 123, Article III, Sub-Part C, Part 1, Title 25 of the Rules and Regulations of the Pennsylvania Department of Environmental Protection, as revised 27 January, 1972, or as may be revised in the future.

- (c) Sulfur compound emissions. As required by Sections 123.21, 123.22 and 123.23, Chapter 123, Article III, Sub-Part C, Part 1, Title 25 of the Rules and Regulations of the Pennsylvania Department of Environmental Protection as revised 27 January, 1972, or as may be revised in the future.
 - (d) Copies of the above regulations and related permit, operating and variance procedures are available from the appropriate agencies.
- (5) Toxic or noxious matter.
- (a) Waterborne. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise 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.
 - (b) The ambient air quality standards for the Commonwealth of Pennsylvania shall be the guide to the release of airborne toxic materials across lot lines. Where toxic materials are not listed in the ambient air quality standards of the Commonwealth of Pennsylvania, the release of such materials shall be in accordance with the fractional quantities permitted below, of those toxic materials currently listed in the Threshold Limit Values adopted by the American Conference of Governmental Industrial Hygienists. Unless otherwise stated, the measurement of toxic matter shall be at ground level or habitable elevation and shall be the average of any twenty-four-hour sampling period.
 - (c) In the Limited Industrial District, the release of airborne toxic matter shall not exceed 1/30 of the threshold limit value beyond the district boundary line.
- (6) Control of odors. There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive at any point on or beyond the lot boundary line within which the industrial operation is situated. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, in order that control will be maintained if the primary safeguard system should fail.
- (a) Odor thresholds shall be measured in accordance with ASTM d-1391-57, "Standard Method for Measurement of Odor in Atmosphere (Dilution Method)."
 - (b) In the Limited Industrial District, odorous materials released from any operation or activity shall not exceed the odor threshold concentration at or beyond the district boundary line measured either at ground level or habitable elevation.
- (7) Fire and explosion hazards.

- (a) The storage, utilization, or manufacture of materials or products ranging from incombustible to moderate burning (as determined for liquids by a closed-cup flash point of not less than 187° F.) is permitted subject to compliance with all other performance standards for the district.
- (b) The storage, utilization, or manufacture of materials or products ranging from free or active burning to intense burning (as determined for liquids by a closed-cup flash point of less than 187° F., but not less than 110° F.) is permitted, subject to compliance with all other performance standards for the district and provided the following conditions are met:
 - [1] Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having incombustible exterior walls.
 - [2] All such buildings or structures shall be set back at least 100 feet from side or rear lot lines, and 150 feet from the street line and shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Protection Association or Factory Insurance Association; or if the materials, goods, or products are liquids, the protection thereof shall be in conformity with standards prescribed by the National Fire Protection Association or Factory Insurance Association.
- (c) The utilization in manufacturing process of materials which produce flammable or explosive vapors or gases (as determined for liquids by a closed-cup flash point of less than 110° F.) shall be prohibited without special permit from the Borough Engineer. Issuance of such permit shall be guided by, but not limited to, the following criteria:
 - [1] That the final manufactured product does not itself have a closed-cup flash point of less than 187° F.
 - [2] That the use of such material shall be in conformity with the standards prescribed by the National Fire Protection Association and the requirements of other ordinances of the Borough.
 - [3] That no more than 200 gallons of such materials shall be on site at any one time and that such storage shall be in conformity with the standards prescribed by the National Fire Protection Association, and the requirements of other ordinances of the Borough.
- (8) Storage. The storage of more than 10,000 gallons of materials or products having a closed-cup flash point greater than 110° F. including storage of finished products in original sealed container is prohibited. Bulk storage of more than 500 gallons must be in underground facilities designed to meet the standards prescribed by the National Fire Protection Association, and the requirements of the other ordinances of the Borough.
- (9) Heat and glare control.

- (a) Heat. No use shall carry on an operation that would produce an increase in ambient air temperature of more than 2° F. at the property line of the lot on which the use is situated.
 - (b) Glare. No use shall carry on an operation that would produce glare as defined below from unshielded bulbs or any production operation such as welding beyond the property line of the lot on which the use is situated. "Glare" shall be defined as direct or indirect light from such activities of greater than 0.5 footcandle illumination at habitable levels.
- (10) Water quality. No use shall withdraw water from the Chester Creek or its tributaries, without filing for and obtaining permission from the Delaware River Basin Commission, other than for emergencies such as "fire pond" use to supplement emergency vehicle or hydrant pressures and flow. Further, discharges to those streams shall meet the following quality levels. Where the Pennsylvania Department of Environmental Protection shall set more stringent requirements, they shall apply. In all cases, permits shall be obtained from the Pennsylvania Department of Environmental Protection.
 - (a) Temperature of discharges. The heat content of discharges shall be limited to an amount that could not raise the temperature of the entire stream at the point of discharge 5° F. above ambient temperature or to a maximum of 87° F., whichever is less; nor change the temperature by more than 2° F. during any one-hour period assuming complete mixing.
 - (b) Quality discharge. The minimum quality of discharges shall be as specified to maintain quality for Group B streams by the Pennsylvania Department of Environmental Protection. Secondary, and where required, tertiary treatment shall be provided to maintain such quality. Further, no use shall discharge heavy metals, oils, suspended matter or other elements expressly prohibited by the Pennsylvania Department of Environmental Protection.
 - (c) Emergency procedures. Where materials stored on site could, if accidentally released, impair water quality, emergency procedures shall be specified to prevent such spillage from entering ground- or surface waters as a part of the permit application.
- C. Procedures for obtaining permits. It shall be unlawful for any person to install, alter, enlarge or make additions to any existing or new facilities, equipment or operation that may be a source of air contaminants, or to install, alter, enlarge, or make additions to any existing or new equipment, devices or apparatus, the use of which may eliminate, reduce or control the emission of air contaminants until an application, including plans and specifications, has been filed with the Borough Secretary and the permits have been issued by the Zoning Officer. Should the Zoning Officer require the services of a consultant for review of submitted plans and specifications, the applicant shall bear all costs for such services.
 - (1) Two sets of plans shall be submitted with each application. If the plans are approved, one copy shall be retained by the Borough and the second copy shall be kept at the

site of construction.

- (2) Each submittal shall be examined by the Borough Engineer who shall make recommendation to Borough Council within 30 days from the date of filing thereof.
- (3) Where a permit also is required from the Commonwealth Department of Environmental Protection, no Borough permit shall be issued until the state permit has been obtained and evidence of same has been given to the Borough.
- (4) After the completion of any work requiring a permit, the applicant shall apply for a certificate of use and/or occupancy. The certificate shall be issued by the Building Inspector after certification by the Borough Engineer and shall certify that the work has been done in accordance with the approved plans.
- (5) The Borough Engineer may, at his discretion, require tests to be made of any work before he authorizes the Building Inspector to issue a certificate of use and/or occupancy. Such tests shall be made at the expense of the applicant.
- (6) The applicant shall comply with all regulations of all applicable local, state and federal codes.

ARTICLE XV **Flood Plain Districts**

§ 185-86. Definitions.

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

ALLUVIAL SOILS — An azonal great group of soils, developed from transported and relatively recently deposited material (alluvium) characterized by a weak modification (or none) of the original materials by soil-forming processes.

FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the waters of a one-hundred-year flood without cumulatively increasing the water surface elevation more than one foot at any point.

FLOODWAY FRINGE — The area of the floodplain not lying within a floodway which may hereafter be covered by flood waters up to the one-hundred-year flood.

ONE-HUNDRED-YEAR FLOOD — The highest level of flooding that, on the average, is likely to occur once every 100 years (i.e., that has a 1% chance of occurring each year).

RUNOFF (Hydraulics) — That portion of the precipitation of a drainage area or water shed that is discharged from the area in stream channels. Types include surface runoff, groundwater runoff, or seepage.

SUBSTANTIAL IMPROVEMENT — Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started, or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the

structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

§ 185-87. Findings of fact.

- A. The floodplain areas of the Borough of Chester Heights are subject to periodic inundation which has resulted in the loss of property, damage to structures, disruption of public and private activities and services, burdensome public expenditures for flood protection and relief, and impairment of the tax base and may result in loss of life, all of which adversely affect the public health, safety and welfare.
- B. The general causes of these flood losses are the cumulative effect of impervious cover and obstructions in the floodplain causing increases in flood heights and velocities, and the occupancy of floodplains by uses vulnerable to floods.

§ 185-88. Purpose.

It is the purpose of this article to promote the public health, safety and general welfare and to minimize those losses described in § 185-87, by provisions designed to:

- A. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood and/or cause increased flood height or velocities.
- B. Protect the quality and quantity of surface and subsurface water supplies adjacent to and/or underlying the floodplain.
- C. Provide areas for the deposition of floodborne sediment.
- D. Require that all uses vulnerable to floods (including public facilities), where they are permitted by special exception or variance, be so constructed as to be protected against flood damage.
- E. Require that, where uses are permitted by special exception or variance, written notice be given to prospective purchasers and/or lessees that the land under consideration for agreement of sale or lease is designated as lying either partially or totally within the floodplain as it is defined by this article and/or the Borough Zoning Map.
- F. Protect the natural drainage ways in order to provide areas for flood water transport with the least possible perturbation to life and property.

§ 185-89. Flood Plain Conservation District.

- A. The Flood Plain Conservation District of Chester Heights is defined and established to be the low areas adjoining and including a watercourse or other body of water (such as a pond, marsh, or lake) which are subject to the one-hundred-year flood level as delineated in the National Flood Insurance Study and including the areas defined as floodway, floodway fringe and approximate floodplain; the low areas adjoining and including any water or drainage course or body of water subject to periodic flooding or overflow and delineated as

alluvial soils by the Soil Conservation Service, United States Department of Agriculture in the Soil Survey of Chester and Delaware Counties Series 1959, No. 19, issued May 1963; and the areas subject to the Standard Project Flood as outlined and delineated in Flood Plain Information Report on Chester Creek, Delaware County, Pennsylvania, prepared for Delaware County Planning Commission by U.S. Army Engineer District, Philadelphia, Corps of Engineers, December 1966. Where discrepancies between the three reports exist, the wider area will be considered the floodplain.

- (1) The Flood Plain Conservation District as hereinabove defined will be shown on a map available to the public upon request to the Borough Secretary. Additional copies are on file in the Department of Environmental Protection, Harrisburg, Pennsylvania, and in the office of the Prothonotary, Delaware County Court House, Media, Pennsylvania.
 - (2) For the purposes of defining the application of the ordinance and its map to any specific areas, the maps, the data and other sources of material for the above report shall be available and shall be proof of the intended limits of the Flood Plain Conservation District. Any changes which are officially adopted will be recorded on the above map.
- B. For the purposes of defining the application of this article and its map to any specific area, the Chester Heights Borough Zoning Map, data and other sources of material specified in § 185-89 shall be available and shall be proof of the intended limits of the Flood Plain Conservation District. No reductions in the Flood Plain Conservation District shall be made without prior consultation with and approval of the Federal Insurance Administrator. Any changes which are officially adopted will be recorded on the Borough Zoning Map.
- (1) In case of any dispute concerning the boundaries of the Flood Plain Conservation District, an initial determination shall be made by the Borough Engineer and a report made to Borough Council in writing.
 - (2) Any party aggrieved by any determination of the Borough Engineer which has been approved by Borough Council as to the boundaries of the Flood Plain Conservation District or other decision or determination under this article may appeal to the Zoning Hearing Board. The burden of proof in such appeal shall be on the applicant.

§ 185-90. Permitted uses.

The following uses and no others (unless by special exception or variance granted by the Zoning Hearing Board) are permitted in the Flood Plain Conservation District:

- A. Cultivation and harvesting of crops in accordance with recognized soil conservation practices, as defined and determined by the U.S. Soils Conservation Service.
- B. Pasture and grazing.
- C. Outdoor plant nursery, orchard, tree farm.
- D. Fish hatchery, hunting and fishing preserve.
- E. Wildlife sanctuary, woodland preserve, and arboretums.

- F. Permeable parking areas and driveways when permitted by the regulations for the contiguous zoning district otherwise applicable to the lot.
- G. Closed sanitary sewer line systems, when constructed on the floodway fringe of the Flood Plain Conservation District, but in no case running along or directly within the floodway, except when such required course must cross a floodway junction.
- H. A maximum of 3/4 of any setback required for the development of any lot or tract in any district contiguous to the Flood Plain Conservation District, provided that such setback shall not be used for any on-site sewage disposal system or a well.

§ 185-91. Uses by special exception.

The following uses may be allowed when granted by the Zoning Hearing Board:

- A. Sewage treatment plants and piping stations, water pumping stations and water treatment plants, and storm sewer systems, subject to approval of the Department of Environmental Protection of the Commonwealth and the Borough Engineer, when constructed on the floodway fringe of the Flood Plain Conservation District, but in no case within the floodway. These systems shall be designed and constructed to eliminate infiltration of flood waters into the systems and discharges from the systems into the waters of the Commonwealth.
- B. Dams, culverts and bridges when approved by the Department of Environmental Protection of the Commonwealth and the Borough Engineer.
- C. Recreational uses, both public and private, such as parks, day camps, athletic fields, excluding permanent structures.
- D. Grading and/or fill provided that the effect is not adversely to affect either the cross-sectional profile of the stream, watercourse and Flood Plain Conservation District, or increase the ten-year flood level of the floodway or the velocity of the water in the floodway at the point of such grading or fill. All requests for change of grade shall be accompanied by a detailed engineering report, including maps showing all existing contours and all proposed contours. In no case shall fill be used which should in any way contaminate or pollute the stream, pond, lake or other body of water.
- E. Factors to be considered by the Zoning Hearing Board in passing upon each application for a special exception are as follows:
 - (1) The danger to life and property due to increased flood levels or velocities caused by encroachments.
 - (2) The danger that materials may be swept on to other lands or downstream to the possible injury of others.
 - (3) The ability of any proposed water supply and/or sanitation systems to avoid, causing disease, contamination and unsanitary conditions.
 - (4) The susceptibility of the proposed use to flood damage and the effect of such damage on the owner and the community.

- (5) The requirements of the use for a floodway or floodway fringe location.
- (6) The availability of alternative locations, not subject to flooding, for the proposed use.
- (7) The compatibility of the proposed use with existing and foreseeable nearby uses.
- (8) The relationship of the proposed use to the Comprehensive Plan and Flood Plain Conservation Management Program for the area.
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (10) The expected levels, velocity, duration, rate of rise, and sediment transport of the flood waters in the Flood Plain Conservation District expected at the site, resulting from a study by a registered professional engineer qualified in hydrology in the commonwealth.
- (11) Such other factors which may be considered relevant to the purposes of the article.

§ 185-92. Variances.

- A. Standards. In any instance where the Zoning Hearing Board is required to consider a request for a variance from the provisions of this article, the Board shall first determine that the standards and criteria enumerated in Section 912 of the Municipalities Planning Code, Act 247,⁸ are met before granting the request. In considering whether the proposed use would be injurious to the public health, welfare and safety, the Board shall give special and particular consideration to the following factors:
- (1) The danger to life and property due to increased flood levels or velocities caused by encroachments.
 - (2) The danger that materials may be swept on to other lands or down stream to the possible injury of others.
 - (3) The ability of any proposed water supply and/or sanitation system to avoid the causing of disease, contamination and unsanitary conditions.
 - (4) The susceptibility of the proposed use to flood damage and the effect of such damage on the owner or occupant and the community.

§ 185-93. Conditions for special exception and/or variance.

Upon consideration of the purposes of this article, the Board may attach such conditions to the granting of a special exception or variance as it deems necessary to further the purposes of this article including, without limitation because of specific enumeration, the following:

- A. Any new construction and/or substantial improvement to an existing structure shall have the lowest floor (including basement) elevated to 1 1/2 feet above the water surface elevation for a one-hundred-year flood at the place of construction. In any area for which

⁸. Editor's Note: Section 912 of the Municipalities Planning Code was repealed 12-21-1998 by P.L. 1329, No. 170. See now 53 P.S. § 10912.1.

the said elevation is not designated in the Flood Insurance Study or Flood Insurance Rate Map for the Borough, the required elevation shall be determined by selecting the point on the boundary of the floodplain nearest to the site in question and elevating the lowest floor (including basement) of the structure to 1 1/2 feet above such elevation. All such structures shall be securely anchored to prevent flotation, collapse and lateral movement; all such structures shall employ construction materials and techniques to minimize flood damage. Adequate drainage shall be provided. The elevation of the proposed lowest floor shall be indicated on the application for a building permit. The provisions of all other state and federal rules and regulations are applicable to such construction.

- B. That such uses shall be designed so that the floodway shall carry the waters of the one-hundred-year flood without increasing the water surface elevation of that flood at any point in the Flood Plain Conservation District.

§ 185-94. Procedures for review of special exception and variance applications.

- A. Procedure. Upon receiving an application for a special exception or a variance, the Zoning Hearing Board shall, prior to hearing, require the applicant to furnish such of the following materials as are deemed necessary by the Board under the existing use conditions and as it would exist if the proposed use were approved, as appropriate.
 - (1) Five copies of plans drawn to scale showing the nature, location, dimensions and elevation of the lot; photographs showing existing uses and vegetation; soil types and other pertinent information.
 - (2) A series of cross sections at twenty-foot intervals along the lot shoreline showing the stream channel, or the lake or pond bottom, and elevation of adjoining land areas to be occupied by the proposed uses, and high water information.
 - (3) Profile showing the existing slope of the bottom of the channel, lake or pond and calculations as to the effect of the proposed use upon the bottom and banks of the channel, lake or pond.
 - (4) Specifications for building materials and construction, floodproofing, filling, dredging, grading, storage water supply, and sanitary facilities.
 - (5) Computation of the change, if any, in the level and velocity of the water which would be attributable to any proposed uses.
 - (6) Specific elevations of the lowest point of the nearest building line to the floodplain boundary and point at which building leaves Flood Plain Conservation District.
- B. In considering any application for a special exception or variance, the Zoning Hearing Board may request before the hearing, the written advice of Borough Council, the Planning Commission, the Borough Engineer, and other technical experts, concerning the extent to which the proposed use would:
 - (1) Diminish the capacity of the Flood Plain Conservation District to store and absorb floodwaters, increase flood velocities, and to increase sediment;
 - (2) Be subject to flood damage;

- (3) Cause erosion and impair the amenity to the Flood Plain Conservation District; and
- (4) Adversely affect the area contiguous to the Flood Plain Conservation District as well as the areas downstream.

§ 185-95. Restricted activities.

In addition to and without limitation of the uses specifically permitted in the Flood Plain Conservation District by the provisions of this article, the following activities are specifically prohibited in the Flood Plain Conservation District:

- A. The clearing of vegetation except for weeds and the removal of diseased shrubs or trees, or trees or portions thereof, which might cause hazard to life or property; and except where such clearing is necessary for construction permitted as a result of action by the Zoning Hearing Board.
- B. Sod farming.
- C. Storage of any material which, if inundated, would float.
- D. Storage of flammable or toxic material or any other material which, if inundated, would degrade or pollute the stream, or cause damage if swept downstream.
- E. Installation or maintenance of on-site sewage disposal systems and wells.
- F. Placement or maintenance of a structure, including a mobile home.
- G. Alteration or relocation of any watercourse, unless and until the applicant has notified the governing bodies of adjacent municipalities and the Pennsylvania Department of Community and Economic Development, with copies of such notices being sent to the Federal Insurance Administrator, and demonstrated to the satisfaction of the Borough Engineer that the flood-carrying capacity of the watercourse as altered or relocated is maintained at a level equal to or better than the existing flood carrying capacity. This requirement shall be in addition to the requirements of the Pennsylvania Department of Environmental Protection pertaining to such alteration or relocation.
- H. Any hospital, nursing home, jail or prison, mobile home park or mobile home subdivision or any "Development Which May Endanger Human Life" as defined in Section 38.7 of the Department of Community and Economic Development Flood Plain Management regulations is not permitted anywhere within the Flood Plain Management District.

§ 185-96. Disclaimer of liability.

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific study. Larger floods may occur or the flood height may be increased by man-made or natural causes. In such instances, areas within or without the Flood Plain Conservation District may be subject to flooding or flood damage. This article shall not create liability on the part of the Borough of Chester Heights or any officer or employee thereof for any flood damage that results from reliance on this article or any administrative decision made thereunder.

§ 185-97. Conflict with other provisions.

This article is designed to reduce flood losses and shall take precedence over any conflicting laws, ordinances, or codes; and where the provisions of this article and all standards and specifications adopted under it impose greater restrictions than those of any other ordinance or regulation, the provisions of this article and its standards and specifications shall be controlling.

§ 185-98. Correction of violations.

In addition to penalties as are set forth for violations of this chapter, any development performed in violation of the provisions hereof shall be restored to its previous condition, including the destruction of illegally constructed buildings, replacement of excavated earth, removal of illegally placed fill, and restoration of grades and plantings to the original conditions.

ARTICLE XVI

Signs

§ 185-99. Conformance to standards required.

Any sign hereafter erected or maintained shall conform with the provisions of this article and any other ordinance or regulations of the Borough of Chester Heights relating thereto.

§ 185-100. Signs in residential and apartment districts.

The following types of signs and no other shall be permitted in residence and multifamily districts:

- A. Official traffic signs, which should be combined or stacked on the same pole where possible.
- B. Street identification signs, which shall be uniform and approved by Borough Council. There shall be no subdivision name signs for developments of single houses.
- C. Historic homes or sites signs, which must be uniform in design, size and color and approved by Borough Council.
- D. Professional, accessory use, or identification signs indicating the name, profession, or activity of the occupant of a dwelling provided that:
 - (1) The size of any such sign shall not exceed 200 square inches, not including multiple name listing signs for private residences.
 - (2) Not more than one sign shall be erected for each permitted use or dwelling.
 - (3) On multiple name listing signs for single dwellings, each single listing shall be limited to 125 square inches (approximately 1 1/2 inch letters).
 - (4) No such sign shall be illuminated except by concealed or indirect lighting attached to the sign itself.
- E. Identification signs for schools, churches and similar permitted uses other than dwellings, provided that:

- (1) The size of any such sign shall not exceed 20 square feet.
 - (2) Not more than one such (double-sided) sign shall be placed on premises held in single and separate ownership, unless such premises fronts on more than one street, in which case one such sign may be erected on each street frontage.
 - (3) No such sign shall be illuminated except by concealed or indirect nonglare lighting attached to the sign itself.
- F. Real estate signs, including:
- (1) Signs advertising the sale or rental of premises provided that:
 - (a) The size of any such sign shall not exceed four square feet.
 - (b) Not more than one such sign shall be erected for any property held in single and separate ownership. Such sign may be placed only on-premises and not on rights-of-way or utility poles.
 - (c) No such sign shall be illuminated.
 - (d) Signs indicating that a property has been sold or rented are prohibited.
 - (2) On-site signs indicating the location and direction of premises in the process of development, provided that:
 - (a) The size of any such sign shall not exceed 12 square feet [except as permitted in § 185-61C(8), Signs, of Article XI. (Planned Residential Development)] and shall be set back a minimum of 10 feet from the street line.
 - (b) Not more than one such sign shall be erected on each 500 feet of street frontage.
 - (c) No such sign shall be illuminated.
 - (d) All such signs shall be removed when active work on the development ceases.
- G. Trespassing sign or sign indicating the private nature of a driveway or premises, provided that the size of any such sign shall not exceed two square feet.
- H. Temporary signs of mechanics and artisans, provided that:
- (1) Such signs shall be erected only on the premises where such work is being performed.
 - (2) The size of any such sign shall not exceed four square feet.
 - (3) No such sign shall be illuminated.
 - (4) Such signs shall be removed promptly upon completion of active work.
- I. Nonconforming signs, provided that:
- (1) The sign was conforming under the previous ordinance.
 - (2) The total area of all such signs relating to a single use at the effective date of this chapter, or at the effective date of any amendment of this chapter by which any sign shall be made nonconforming, shall not be increased.

- (3) No such sign shall be changed or replaced in kind outside the limits of this article.

§ 185-101. Signs in business districts, nonresidential districts and Limited Industrial Districts; approved nonconforming uses. [Amended 2-1-2010 by Ord. No. 185]

The following types of signs shall be permitted in business districts, nonresidential districts, Limited Industrial Districts or for approved nonconforming uses in other districts where designated and approved by the Borough:

- A. Any sign permitted in residence districts which relates to a use permitted in the district.
- B. Real estate signs advertising the sale or rental of premises, provided that:
 - (1) The size of any such sign shall not exceed 24 square feet.
 - (2) Not more than one such sign shall be erected for any property held in single and separate ownership, unless such premises fronts on more than one street, in which case, one such sign may be erected on each street.
- C. Business or related signs as follows:
 - (1) Business or similar signs in conjunction with a permitted use, provided that:
 - (a) The total area on one side of all signs placed on, or facing any one street frontage of any one premises shall not exceed one square foot for each lineal foot of building frontage, and provided, further, that in the case of a lot which is vacant, or one which any building is clearly incidental and accessory to the lot, the total area of all signs placed on or facing any one street frontage of any one premises shall not exceed one square foot for each two lineal feet of building frontage. In any case, no sign is to exceed 50 square feet in area. Both sides of sign containing 50 square feet may have lettering.
 - (b) The total area of separate or freestanding letters used either against a wall, or as a ground sign, is calculated by the sum of the areas of the individual rectangles enclosing each letter. In any case, the area is not to exceed 50 square feet in area.
 - (c) All signs shall be erected only on the premises on which the use to which the sign relates is conducted.
 - (d) The area on one side of a directional sign shall not exceed nine square feet. (A directional sign serves as an aid to motorists using the parking facilities or service area of a facility and may be erected only on the premises and not itself call attention to that use).
 - (e) The area on one side of any temporary, portable, or mobile sign shall not exceed 12 square feet, and not more than one such sign shall be placed on any 100 feet of street frontage on the premises for a period of more than 60 days in any twelve-month period.
 - (f) No sign shall project above the parapet or roof of a building.

D. Billboards in Limited Industrial Districts.

- (1) Purpose. It shall be the purpose of this Subsection D to permit billboards, by conditional use under Chapter 185, Article XXIV, §§ 185-137 and 185-138, and to:
 - (a) Support the First Amendment rights of advertisers to promote legal products and services while retaining the sense of community and protecting the character of the Borough.
 - (b) Ensure that billboards are provided for in the Borough and located safely and appropriately where they can be viewed by the traveling public with the least distraction and degradation in driving performance.
 - (c) Place reasonable limits on the total number of billboards within the Borough.
 - (d) Provide a timely and effective means for emergency and public service dissemination of information.
 - (e) Provide quality, appearance and safety of billboards through the use of the latest technology.
 - (f) Promote quality, appearance and safety of billboards within the Borough.
- (2) Billboards may only be erected or maintained on any premises in a district zoned Limited Industrial after a conditional use is granted by the Council for the Borough of Chester Heights. The conditional use, in addition to the criteria in §§ 185-137 and 185-138, shall meet the following criteria and shall be required to adhere to the following regulations:
 - (a) Area, bulk and height regulations.
 - [1] Billboards shall not have more than two display faces, neither of which may exceed 150 square feet. The display faces shall be back to back and shall not be more than four feet apart.
 - [2] A billboard shall not be closer than a one-thousand-five-hundred-foot radius to another billboard, as measured between the closest points of each billboard, including the supporting structure.
 - [3] A billboard shall not be closer than a five-hundred-foot radius to any Borough residential district.
 - [4] A billboard shall not be located any closer than 150 feet to any Borough street or intersection.
 - [5] The highest part of a billboard shall not exceed 35 feet in height, as measured from the base of the sign or grade of the nearest adjacent roadway, whichever is lower.
 - [6] No billboard shall overhang a public or private right-of-way, nor shall it interfere with a two-hundred-foot line of sight in any direction at an intersection.

- [7] The minimum lot size for a billboard shall be two acres.
 - [8] The minimum lot width at both the street line and the front yard setback line shall be 100 feet.
 - [9] The minimum setback of the entire supporting structure, including the sign face(s) from the street line, shall be 35 feet, and the minimum setback from all other property lines shall be 25 feet.
- (3) In addition to the standards and criteria for approval of conditional uses set forth in §§ 185-137 and 185-138, the following standards and criteria shall apply to a billboard conditional use:
- (a) One billboard may be erected, constructed or maintained on any lot in a Limited Industrial District.
 - (b) Application for a billboard shall be accompanied by a site plan and shall contain all of the applicable requirements set forth in the Chester Heights Zoning Code, as amended.
 - (c) Application for a billboard shall be accompanied by a certification under seal by a professional engineer that the existence of the billboard advertising sign, as proposed, will be in accordance with all federal, state and local laws, codes and professional standards.
 - (d) A billboard shall use vinyl wrap or a material of equivalent durability to display the sign copy.
 - (e) The billboard and the lighting thereof shall be effectively shielded so as to prevent beams or rays of light that cause glare or impair the vision of a driver of a vehicle, or which interferes with a driver's operation of a motor vehicle, from being directed at any neighboring residential properties or at any portion of the traveled way.
 - (f) No billboard shall be illuminated so that it obscures or interferes with the effectiveness of an official traffic sign, device or signal.
 - (g) No billboard shall be animated or utilize devices that move or create the illusion of motion.
 - (h) A billboard structure shall have a minimum of one vertical support that is a minimum of 48 inches in diameter, with a one-half-inch wall or width, and without bracing or vertical supports.
 - (i) A billboard sign face shall be independently supported and shall have vertical supports of metal which are galvanized or otherwise treated to prevent rust and corrosion. All billboards shall be painted in Pantone Matching System (PMS) Color 279.
 - (j) One vertical support shall be capable of enabling the entire sign face to be able to withstand a minimum wind load of 100 miles per hour or meet the minimum standards and requirements as specified in the International Building Code,

latest edition, whichever is greater.

- (k) The entire base of the billboard structure shall be permanently landscaped with suitable shrubbery and/or bushes of a minimum height of six feet, placed in such a manner as to screen the foundation of the structure. A landscaping plan shall be submitted for review and approval by the Code Enforcement Officer. Said landscaping shall be maintained by the owner in an attractive and healthy manner in accordance with accepted conservation practices. Landscaping shall form a base and backdrop to the billboard sign when practical.
- (l) No bare cuts are permitted on a hillside, and all cuts or fills are to be permanently seeded or planted.
- (m) No billboard structure, sign face or display shall emit noise or cause distraction, confusion, nuisance or hazard to traffic safety, aircraft or other properties.
- (n) No billboard shall be constructed within the clear-sight triangle of the public street or road on which it is situated and shall not in any manner obstruct or impede traffic safety, including ingress and egress.
- (o) Billboards must be freestanding and may not be mounted on a roof, wall or face or other part of a building or any other structure, including trees.
- (p) No billboard shall be located within the safe clear-sight distance or safe-stopping distance of a signalized intersection, which distance shall be determined in accordance with applicable Pennsylvania Department of Transportation standards, and no part of a billboard shall interfere with or obstruct vehicle traffic, travel or ingress and egress to a public street.
- (q) Billboard faces shall not scroll, flash or twinkle, feature motion pictures, moving images or moving lights, or have mechanical or animated movement.
- (r) Only one advertisement, display or message may appear on a billboard face at any one time. When a billboard has two sides, each of the two sides of a billboard may contain a separate advertisement.
- (s) Changes from one advertisement, display or message to another may occur no more frequently than three times per side in any twenty-four-hour period and no more than one time per six-hour period, with transitions that do not have the effect of moving text images or lights.
- (t) Each face of a billboard shall be oriented toward the road upon which the billboard fronts or faces so as to cause the least visual impact upon neighboring properties.
- (u) Where billboards are visible from a residential district or use, the billboard shall be extinguished automatically, with Eastern standard time and daylight saving time control and spring or battery outage reset from 10:00 p.m. until sunrise the following day.
- (v) All utilities serving the billboard shall be located below the ground.

- (w) Billboards shall be properly and adequately secured to prevent unauthorized access.
- (x) Billboards, including support structures, shall be properly and regularly maintained and shall at all times be kept in a safe and operational manner.
- (y) There shall be no objects or other structures attached to a billboard or its support structure, except as may be necessary for the proper and safe operation and maintenance of the billboard.
- (z) A permanent means of vehicular ingress and egress to the billboard lot shall be provided.
- (aa) It shall be the burden of an applicant wishing to construct a billboard to demonstrate compliance with the requirements of this Subsection D, as well as those of §§ 185-137 and 185-138.
- (bb) The provisions of the Borough of Chester Heights Subdivision and Land Development Ordinance, as amended, shall apply.⁹
- (cc) A bond or other security acceptable to the Borough, in a form and amount satisfactory to the Borough, shall be posted with the Borough to ensure that the billboard will be properly removed upon nonuse for a period of one year.
- (dd) Billboards shall require a building permit and related permits and shall be constructed in accordance with the applicable provisions of the Building Code of the Borough of Chester Heights.¹⁰
- (ee) To the extent of any conflict between the provisions of this Subsection D and any other section of the Zoning Ordinance, the provisions of this Subsection D shall be controlling as to billboards.
- (ff) Applicability of International Construction Code (ICC) standards. All sign standards herein shall exist in full force and effect in conjunction with all sign standards existing in the most recent edition of the ICC, as amended. Whenever any conflict exists between this chapter/this Subsection D and the ICC Code, the more restrictive provisions shall have precedence.
- (gg) The billboard structure shall be entirely repainted, at a minimum, every five years.
- (hh) Every three years, the owner of the billboard shall have a structural inspection made of the billboard by a qualified Pennsylvania-registered structural engineer and shall provide to the Borough a certificate from the engineer or architect certifying that the billboard is structurally sound.
- (ii) Annual inspections of the billboard shall be conducted by the Borough Code Enforcement Officer to determine compliance, and billboards found to be in

9. Editor's Note: See Ch. 162, Subdivision and Land Development.

10. Editor's Note: See Ch. 61, Building Construction.

violation of this Subsection D shall be brought into compliance within 30 days of notice or ordered removed upon proper notification by the Borough.

- (jj) Any applicant to construct or erect a billboard shall be required to obtain land development approval pursuant to the Borough of Chester Heights Subdivision and Land Development Code.¹¹
- (4) Public safety. Billboards shall include a means by which emergency service, public safety agency and other public service announcements may, without charge, be timely communicated via the billboard to alert the public on an emergency and temporary basis.
- (5) General prohibition. Billboards are not permitted in any zoning district within the Borough, except by conditional use in the Limited Industrial District in accordance with Articles XIV and XVI.
- (6) Burden of proof. It shall be the burden of an applicant wishing to establish a billboard to demonstrate compliance with the requirements of this Subsection D, as well as those of Articles XVI and XXIV.
- (7) Subdivision. The provisions of the Borough of Chester Heights Subdivision and Land Development Ordinance of 1997, as amended, shall also apply.¹²
- (8) Controlling provisions. To the extent of any conflict between the provisions of this Subsection D and any other section of the Zoning Ordinance, the provisions of this Subsection D shall be controlling as to billboards.

§ 185-102. Regulations applicable to all signs; permits; fees.

The following restrictions shall apply to all permitted sign uses:

- A. No sign shall be placed in such a position that it will cause danger to traffic on a street by obscuring the view.
- B. No sign, other than signs authorized by this article shall be erected within the lines of any public street or public sidewalk, or shall be closer to a curb or right-of-way than 10 feet, unless specifically authorized by other ordinances and regulations of the Borough of Chester Heights.
- C. No stringing of lights, no animated signs, nor signs that revolve, swing, or have movable parts, or have flashing lights or reflectors, shall be permitted after the effective date of this chapter, and no advertising sign, banner, pennant, baffle, spinner or display constructed of cloth, canvas, wall board, or other like materials shall be erected, suspended or hung on any property, except as follows: The Zoning Officer may permit the use of any such advertising signs, banners, or displays constructed of cloth, light fabric or other like materials for a period of not more than 30 days in any one calendar year, provided that:
 - (1) No such sign or display shall exceed in size the area permitted for permanent signs as

11. Editor's Note: See Ch. 162, Subdivision and Land Development.

12. Editor's Note: See Ch. 162, Subdivision and Land Development.

provided for each zoning district; and provided, further, that no sign shall be placed in such a position that it will cause danger to traffic on a street by obscuring the view; and provided, further, that no such sign or display shall be permitted within the lines of any public street or public sidewalk, or shall be closer to a curb or right-of-way than 10 feet, unless specifically authorized by other ordinances and regulations of the Borough of Chester Heights; and provided, further, that no sign or display shall be permitted to be placed across a public street or highway.

- D. No sign shall project over a public sidewalk or street unless specifically authorized as a special exception by the Zoning Hearing Board.
- E. Wall signs shall not project more than 12 inches from the face of a building.
- F. Each sign must be maintained in good condition and repair. The Borough Zoning Officer is designated to periodically inspect such signs and shall require repairs when necessary within a reasonable time. Failure to comply shall be just cause for the Borough to remove the sign or take corrective action to insure the maintenance of the public safety. Enforcement of provisions of this chapter shall be the responsibility of the Zoning Officer.
- G. No commercial building, including multiple dwellings or apartments in any residential district, shall be illuminated on the exterior by flood lighting or spot lighting or similar type lighting.
- H. All ground signs shall have an open space of at least two feet between the ground and the bottom of the sign, so that this area may be maintained free of weeds and debris.
- I. Advertising signs within 400 feet of a public park or scenic area shall not be permitted to be located in such a manner as to obscure or detract from the view of such park or scenic area.
- J. All signs shall be made a part of the architectural design of a new commercial construction or major alterations of existing buildings. No sign shall protrude above the building height as defined in the district.
- K. Sign permits are required for all overhanging signs, and all other signs more than two square feet in area, except real estate signs. A fee payable to the Borough Secretary, is set by Borough Council and may be reviewed and changed from time to time. To apply for a permit, submit to the Zoning Officer a drawing showing size, layout, materials, illumination, and location on site plan. The submission will also be reviewed by the Borough's Architectural Review Committee.
- L. The Architectural Review Committee, appointed by the Council, shall consist of three members (a member of the Planning Commission, the Building Inspector and a qualified citizen not otherwise connected with the Borough government).
- M. All signs made nonconforming by this chapter, shall be altered, removed or eliminated within two years of the date of the adoption of this chapter.
- N. A fee schedule for permits is obtainable from and fees are paid to the Borough Secretary.

ARTICLE XVII

Parking

§ 185-103. Off-street parking.

- A. As a general requirement, each use in the Borough shall provide sufficient off-street parking area to serve its users.
- B. Subject to the general requirement for off-street parking, off-street parking space, with proper access from a street, alley or driveway shall be provided in all districts in the amounts indicated below. Such parking space shall be provided on any lot on which a dwelling is hereafter erected or converted, or in the case of any other use, on or near the lot on which any main building is hereafter erected or converted. Nothing in this section shall be construed to prevent the collective provision of off-street parking facilities for two or more buildings or uses, provided that the total of such off-street parking facilities, provided collectively, shall be not less than the sum of the requirements for the various individual uses computed separately. In no case, shall the number of parking spaces provided, or the area devoted to parking, be less than the minimum requirements of this section.
 - (1) Dwellings. Two spaces per dwelling unit.
 - (2) Theater, auditorium, stadium, assembly hall, church, gymnasium, community recreation center. One space per four fixed seats in largest assembly room or area or one space for each 40 square feet of net floor area available for the accommodation of movable seats in the largest assembly room or one space per 150 square feet of gross floor area, whichever is applicable to the facility.
 - (3) Other indoor and outdoor recreation facilities. One space for each 150 square feet of gross floor, building or ground area devoted to such use or one space per four sets of facilities available for patron use, whichever is applicable to the facility.
 - (4) Restaurant. One space per three seating accommodations, plus one space per two employees on shift of greatest employment.
 - (5) Retail stores, all types. One space per 200 square feet of floor area used or designed for sales on ground floor, plus one space per 300 square feet of floor area used or designed for sales on other floors, plus one space for each two employees on greatest shift.
 - (6) Office building or bank. One space for each 200 square feet of net floor area for the first 50,000 square feet plus one space for each 300 square feet of net floor area over 50,000 square feet.
 - (7) Wholesale establishment or industrial building. One space per two employees on the shift of greatest employment, plus one space per 200 square feet of floor area devoted to sales.
 - (8) Hospital, sanitarium, nursing home or similar facility. One space per three beds intended for patients (except bassinets, or beds in student nurses' quarters), plus one space for each two employees on shift of greatest employment.
 - (9) Social, fraternal, social service, union and civic organization buildings. One space per 100 square feet of assembly area.

- (10) Funeral home. One space for each 60 square feet of floor area available for seating or public assembly, plus one space per employee.
 - (11) Private kindergarten, child nursing or child institutional home. One space per adult attendant, plus one space per 500 square feet of net floor area.
 - (12) Medical office and clinics. One space per each examination room or dentist chair, plus one space for each 30 square feet of waiting room space.
 - (13) Building or use other than specified above. At least one space for each 1,000 square feet of gross floor area, or lot area, whichever is larger, except when otherwise authorized as a special exception consistent with the standards set forth herein for comparable buildings or uses.
- C. Each such parking space shall provide a minimum of 190 square feet (9 1/2 feet by 20 feet) of off-street paved parking surface exclusive of the space needed for access and maneuvering.
- D. Nothing in this article shall be construed as prohibiting the provision of required parking by including within required parking areas, areas for compact and subcompact vehicles, in which parking spaces may be smaller than 9 1/2 feet by 20 feet; provided, however, that the ratio of 9 1/2 feet by 20 feet spaces to smaller spaces shall not be less than two to one.

§ 185-104. Off-street loading and unloading space.

No building shall be erected in any district for the uses listed below unless loading space for the accommodation of trucks is provided on the premises in accordance with the following regulations.

- A. Each space shall not be less than 12 feet in width and 30 feet in length with adequate access from a street which does not block or interfere with the required parking as called for in § 185-103.
- B. For retail stores, markets, wholesale and jobbing establishments, and storage warehouses the number of berths based on net floor area devoted to such use is as follows:
- (1) 2,000 to 8,000 square feet of net floor area: one berth.
 - (2) 8,000 to 20,000 square feet of net floor area: two berths.
 - (3) Each additional 20,000 square feet or major fraction thereof up to a maximum of 60,000 square feet of net floor area: one additional berth.
- C. For office buildings, the number of berths based on net floor area devoted to such uses is as follows:
- (1) 5,000 to 20,000 square feet of net floor area: one berth.
 - (2) Each additional 50,000 square feet or major fraction thereof up to a maximum of 120,000 square feet of net floor area: one additional berth.
- D. All other uses with a total of 5,000 square feet or more of net floor area devoted to such use shall provide loading spaces adequate, in the opinion of the Building Inspector, to

accommodate the normal demands for loading and unloading incidental to the type of use proposed on the premises.

§ 185-105. Access, frontage and lighting regulations.

In order to minimize traffic congestion and hazard, control street access in the interest of public safety and encourage the appropriate development of street or highway frontage, no parking lot or area for off-street parking or for the storage or movement of motor vehicles shall abut, directly, a public street or highway unless separated from the street or highway at least five feet by a raised curb and a barrier planting strip, wall or other effective visual and noise barrier against traffic, except for necessary accessways to any one public street or highway for each 500 feet of frontage. Where practical, access to parking areas shall be provided by a common service driveway or minor street in order to avoid direct access on a major street or highway. No such accessway shall be more than 35 feet in width.

§ 185-106. Lighting.

All driveways, aisles, maneuvering spaces, vehicular service areas, or spaces between or about buildings, other than those relating to a dwelling, shall be adequately illuminated. All outside lighting, including sign lighting, shall be directed in such a way as not to create a nuisance in any residential or apartment district. In every district, all such lighting shall be arranged so as to protect the street or highway and adjoining property from direct glare or hazardous interference of any kind. Any light shall be equipped with some type of glare-shielding device approved by the Borough Engineer. The height of any light shall not exceed 25 feet.

**ARTICLE XVIII
General Regulations**

§ 185-107. Nonconforming uses, structures and lots.

The following regulations shall apply to existing lawful buildings, lots and uses which do not conform to the provisions of this chapter or to the provisions of any subsequent amendment hereto:

- A. Nonconforming uses. Except as hereinafter provided in this article, the lawful use of a building on any land or premises existing at the time of the effective date of this chapter or of any subsequent amendment or at the time of a change in the Zoning Map, may be continued although such use does not conform to the provisions hereof or of any subsequent amendment.
 - (1) A nonconforming use may be changed to another nonconforming use of the same or a higher class by grant or special exception only upon determination by the Zoning Hearing Board, that the proposed use will be at least as acceptable to its neighborhood and surroundings as the use it is to replace. In determining acceptability, the Zoning Hearing Board shall take into consideration, among other things, erosion and sedimentation control, ecological impact, traffic generation, nuisance characteristics such as emission of noise, odor, dust and smoke, fire hazards and the hours and manner of operation.

- (2) The nonconforming use of a building shall not be extended or enlarged nor shall a building housing a nonconforming use be extended or enlarged unless the Zoning Hearing Board shall, by special exception, authorize the extension of a nonconforming use throughout the building or the limited extension of a building on a lot. The Zoning Hearing Board may grant such special exception, provided that:
 - (a) It finds that such extension is not materially detrimental to the character of the surrounding area or the interests of the Borough.
 - (b) The area devoted to the nonconforming use shall in no case be increased by more than 50%.
 - (c) Any extension of a building shall conform to the area, height and setback regulations of the district in which it is situated.
 - (d) No more than one extension to a building housing a nonconforming use shall be granted.
- (3) Nonconforming buildings. A nonconforming building or structure housing or constituting a conforming use may continue and such a building or structure may be altered or extended if such alteration or extension does not increase the nonconformity of the structure with respect to the setback, land coverage and density requirements of this chapter or any subsequent amendments.
- (4) Cessation of use. Whenever a nonconforming use of land, building or any part or portion thereof has been discontinued for a period of six months, such nonconforming use shall not thereafter be reestablished and all future uses shall be in conformity with this chapter.
- (5) A nonconforming structure which has been damaged or destroyed by fire or other casualty may be reconstructed to its former dimensions and uses for the same purpose for which it was used before its damage or destruction, provided that such reconstruction shall be commenced within one year from the date of damage or destruction and shall be completed within one year thereafter.

§ 185-108. Use standards.

A. No use shall:

- (1) Constitute any nuisance whatsoever beyond the boundary of the site on which the use is located by reason of dissemination of noxious, toxic, or corrosive fumes, smoke, odor or dust.
- (2) Result in noise or vibration exceeding the average intensity of noise or vibration occurring from other causes at the boundary line.
- (3) Endanger surrounding areas by reason of fire or explosion.
- (4) Produce objectionable heat, glare, or radiation beyond the property line.
- (5) Result in electrical disturbance in nearby residences, or adversely affect the operation of equipment other than on the property on which the disturbance is located.

- (6) Discharge any untreated sewage, or industrial waste into any stream, or otherwise contribute to the pollution of surface or underground waters.
 - (7) Create any other objectionable condition in an adjoining area which will endanger public health and safety or be detrimental to the proper use of the surrounding area.
- B. Where requested by the Borough, an applicant for a proposed use shall demonstrate as a condition of approval that adequate provisions will be made to reduce and minimize any objectionable elements to the degree necessary to insure that the proposed use will not be noxious, hazardous or offensive as defined above. If required, the applicant shall submit supplemental information, plans and impartial expert judgments, and the Borough may require the expert advice of official agencies or private consultants and such reasonable tests as are deemed necessary, the costs of which shall be borne by the applicant.

§ 185-109. Top soil stripping.

No person, firm or corporation shall strip, excavate or otherwise remove top soil for sale or for use other than on the premises from which such top soil is taken except in connection with the construction or alteration of a building on such premises and excavating or grading related thereto.

§ 185-110. Landfills.

The Borough of Chester Heights shall be the sole owner and operator of landfills. No landfill shall be permitted within the Borough unless it shall be owned and operated by the Borough of Chester Heights.

§ 185-110.1. Self-storage facilities. [Added 9-13-2004 by Ord. No. 174]

Self-storage facilities: establishments providing facilities consisting of buildings, rooms, or secured area(s) within buildings with separate access for the on-site storage and removal of the personal property of others as tenants, licensees or lessees, with the following provisions.

- A. Self-storage facilities shall be permitted by conditional use in a Mobile Home Park Zoning District, provided that the self-storage facility complies with the following:
- (1) Access. Access to the self-storage facility shall be provided only from a state highway or roadway.
 - (2) Security.
 - (a) Residential living accommodations may provide for an on-site manager, watchman, staff or employee, who shall be present during regular business hours.
 - (b) The self-storage facility shall be fenced for the entire perimeter of the lot. The fence shall be a decorative, black tubular steel or picket fence that provides security but does not exceed a height of eight feet.
 - (c) Entry to the self-storage facility and any units thereof shall be secure and regulated such that entry and access may only be made by authorized tenants,

licensees or lessees during regular business hours.

- (d) An on-site office shall be provided and staffed during regular business hours of 6:00 a.m. and 10:00 p.m.
- (e) Except as otherwise approved by conditional use approval of Borough Council, all storage shall be inside of a fully enclosed storage unit.

B. Area regulations.

- (1) Lot area and width. Every lot shall have a minimum gross lot area of not less than five acres and shall be not less than 200 feet at the building line.
- (2) Front yard. There shall be a front yard of not less than 40 feet in depth.
- (3) Side yard. There shall be two side yards neither of which shall be less than 35 feet in width.
- (4) Rear yard. There shall be a rear yard which shall not be less than 100 feet.
- (5) Building area. Not more than 45% of the area of the lot may be occupied by buildings.
- (6) Lot area. Not more than 75% of the area of the lot may be covered by impervious surfaces.

C. Height restrictions. No building or structure shall exceed 25 feet in height. Final height of all buildings and structures shall be as approved by conditional use approval of Borough Council.

D. Landscaping.

- (1) Screening. As part of any required landscaped buffer, a completely planted visual barrier, or landscape screen, shall be provided between any self-storage facility and any contiguous residentially zoned district. This screen shall be composed of evergreen plants and trees arranged to form both a low-level and a high-level screen. The high-level screen shall consist of evergreen trees, specimens a minimum of eight feet tall and planted at intervals of not more than 10 feet. The low-level screen shall consist of evergreen shrubs or hedges planted at an initial height of not less than two feet and spaced at intervals of not more than five feet. The low-level screen shall be planted in alternating rows to produce a more effective barrier.
- (2) Landscaping. Any part or portion of the site which is not used for buildings, other structures, loading, parking spaces, aisles, or permitted storage shall be planted with an all-season ground cover and shall be landscaped with small trees and shrubs in accordance with an overall landscape plan.
- (3) Yard buffers. Front, rear and side yards shall contain landscape buffers as follows:
 - (a) Front yard. The front yard shall contain a landscaped buffer of at least 30 feet in depth along the entire frontage of the lot except in the area(s) providing for access to the self-storage facility.

- (b) Side yard. Side yards shall contain a landscaped buffer of at least 20 feet in depth along the entire length of the side yard.
 - (c) Rear yard. Rear yards shall contain a landscaped buffer of at least 30 feet in depth along the entire length of the rear yard.
 - (d) All yards. The screening required under this section may be located within and as a part of the required landscaped yard buffers. Borough Council may require the installation of earthen berms, fences or similar buffer enhancements in the yard buffer areas.
- E. Stormwater management. Stormwater management shall comply with the provisions of the Chester Heights Borough Subdivision and Land Development Ordinance (SDLO).¹³ Stormwater management facilities may be located within required yard setbacks and buffer areas and, when located in the buffer areas, shall be screened or landscaped as approved by Borough Council.
 - F. Outdoor storage. Outdoor storage shall be prohibited except as approved by conditional use approval of Borough Council.
 - G. Vehicle, equipment, merchandise display/rental. No display, advertisement or rental of vehicles, equipment or merchandise shall be permitted.
 - H. Parking. A minimum of four on-site parking spaces, including required handicap parking, shall be provided at the office. All nonhandicap parking spaces shall be 9 1/2 feet by 20 feet. Adequate provisions for parking shall be provided for each storage unit to allow for loading and unloading of the unit while not obstructing access to or from any other unit. Use of off-site parking is not permitted.
 - I. Emergency facilities and services. Plans shall include proposed circulation, loading areas, aisle widths and building placement as approved by the Fire Marshal.
 - J. Outdoor lighting. Outdoor lighting shall be in accordance with Article XVII, § 185-106, of this Zoning Ordinance.
 - K. Self-storage facility design. In addition to the regulations and standards set forth above, the self-storage facility shall be designed taking into consideration the physical features of the site and the general character of the Borough and the neighborhood in which the self-storage facility is proposed to be located.
 - L. Prohibited uses and performance standards.
 - (1) All use of or storage in any self-storage facility shall comply with the provisions of Article XVIII, § 185-108, of the Zoning Ordinance.
 - (2) Use other than storage of personal property shall not be permitted in any unit of the self-storage facility.
 - (3) Outdoor storage shall not be permitted, except as approved by conditional use approval of Borough Council.

13. Editor's Note: See Ch. 162, Subdivision and Land Development, and Ch. 160, Stormwater Management.

ARTICLE XIX
Administration and Enforcement

§ 185-111. Enforcement; duties of Zoning Officer.

This chapter shall be enforced by the Zoning Officer appointed by Borough Council. It shall be his or her duty to:

- A. Enforce the provisions of this chapter.
- B. Accept applications for zoning permits to check for zoning compliance.
- C. Issue or deny permits.
- D. Identify, and register all existing nonconforming uses.

§ 185-112. Permit required.

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

§ 185-113. Application required.

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

§ 185-114. Issuance of permit.

No building or use permit shall be issued until the Zoning Officer has certified that the proposed building or alteration and the proposed use of the property complies with all the provisions of this chapter.

§ 185-115. Applicability of regulations.

After the date of adoption of the Zoning Map and of this chapter, with any changes or amendments thereto, no building or premises or any part thereof shall be used or maintained for any purpose other than a use permitted by this chapter, with any changes or amendments thereto; and no building shall be erected, enlarged, or maintained except in conformity with the regulations prescribed by this chapter, with any changes or amendments thereto, for the district in which the building is located. Existing nonconforming uses and nonconforming buildings are exempt from these provisions to the extent provided in Article XVIII.

ARTICLE XX
Zoning Hearing Board

§ 185-116. Appointment.

A Zoning Hearing Board consisting of three members shall be appointed by Borough Council in the manner prescribed by law.

§ 185-117. Powers.

The Zoning Hearing Board shall have the following powers:

- A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the Municipalities Planning Code, P.L. 247, as amended,¹⁴ or of this chapter.
- B. To hear and decide special exceptions to the terms of this chapter upon which the Board is required to pass under this chapter, in harmony with the general purpose and intent of this chapter and the 1972 Comprehensive Plan, in accordance with the general or specific rules contained herein, and subject to appropriate conditions and safeguards.
- C. To authorize, upon appeal in accordance with the Municipalities Planning Code, in specific cases, a variance from the terms of this chapter. In exercising the above mentioned powers, the Zoning Hearing Board may reverse or affirm, wholly or partially, or may modify the order, requirement or decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and, to that end, shall have all the powers of the officer from whom the appeal is taken. Notice of the Board's decision shall be mailed to the applicant, the property owner, Borough Council and other interested parties.

§ 185-118. Adoption of rules and procedures.

The Zoning Hearing Board shall adopt rules or procedure in accordance with the provisions of this chapter. Such rules shall be in writing (a copy of which is to be filed with Borough Council) and shall include, but shall not be limited to, the manner of filing appeals or applications for special exceptions and variances from the terms of this chapter.

§ 185-119. Meetings.

Meetings of the Zoning Hearing Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman, or, in his absence, the acting Chairman may administer oaths, and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

§ 185-120. Appeals.

Appeals to the Zoning Hearing Board may be taken by any person aggrieved, or by any officer of the Borough affected by any decision of the officer administering the Zoning Chapter. Such appeal shall be taken, within 30 days of the action complained of, by filing with the officer from whom the appeal is taken and with the Zoning Hearing Board, a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The

14. Editor's Note: See 53 P.S. § 10101 et seq.

appropriate fee, established by the Borough, shall be paid in advance for each appeal or application to the Zoning Hearing Board for a special exception or variance, plus expenses and costs involved in conducting said hearings. Expenses and costs may include, but are not limited to, such items as advertising, court reporter attendance, transcripts of proceedings, clerical costs, attorney fees, etc., but are not to include compensation of the Board members for their attendance at the initial hearing.

§ 185-121. Public Hearings.

Upon the filing with the Zoning Hearing Board of an appeal or of an application for a special exception or for a variance from the terms of this chapter, the Zoning Hearing Board shall fix a reasonable time and place for a public hearing thereon and shall give public notice thereof, as well as due notice to the parties in interest, and shall decide the same within 45 days after the hearing or if said hearing is continued within 45 days after said continued hearing. If the Zoning Hearing Board does not make a decision within 45 days after the hearing or continued hearing, it shall be deemed that the Board has decided in favor of the person aggrieved or affected who is seeking relief. Any party may appear at a public hearing in person or by agent or attorney. The notice of public hearing shall state the location of the building or lot and the general nature of the question involved and shall be given as follows:

- A. By publishing a notice thereof in a newspaper of general circulation in the Borough, in accordance with the provisions of the Municipalities Planning Code, as amended.¹⁵
- B. By mailing a notice thereof to the Borough Council.
- C. By mailing a notice thereof to every resident or association of residents of the Borough who shall have registered his name and address for this purpose with the Zoning Hearing Board or Borough Secretary.
- D. By mailing a notice thereof to the owner, if his residence is known, or to the occupant of every lot on the same street within 500 feet of the lot in question and of every lot not on the same street within 150 feet of said lot, provided that failure to mail the notice required by this section shall not invalidate any action taken by the Zoning Hearing Board.

§ 185-122. Opportunity to be heard.

At any public hearing on a proposed amendment, full opportunity to be heard shall be given to any property owner or resident of the Borough who chooses to be identified and sworn, and offers nonrepetitive pertinent testimony for the record.

§ 185-123. Expiration of special exceptions and variances.

Unless otherwise specified by the Board, a special exception or variance shall expire if the applicant fails to obtain a zoning or building permit within six months from the date of authorization thereof or fails to commence active work within six months from the date of issuance of the permit for such work.

15. Editor's Note: See 53 P.S. § 10101 et seq.

§ 185-124. Standards for review of proposed special exception or variance.

In any instance where the Zoning Hearing Board is required to consider a request for a special exception or variance in accordance with the provisions of this chapter, the Board shall:

- A. Give full consideration to the size, scope, extent and character of the exception or variance desired and assure itself that such request is consistent with the plan for future land use in Chester Heights Borough and will promote the harmonious and orderly development of the district in which it is located.
- B. Consider the suitability of the property for the use desired.
- C. Take into consideration the character and type of development in the area surrounding the location for which the request is made and determine that the proposed change or modification, if permitted, will constitute an appropriate use in the area and will not substantially injure or detract from the use of surrounding property or from the character of the neighborhood; consider, among other things, the zoning classification of the area affected; the effect, if any, on other properties in the area; the number, extent and scope of nonconforming uses in the area; and the presence or the absence in the neighborhood of conditions or uses which are the same or similar in character to the condition or use for which applicant seeks approval.
- D. Consider the suitability of the proposed location of a use with respect to traffic and highways in the area, and insure that adequate access and off-street parking arrangements are provided in order to protect major streets and highways from undue congestion and hazard; guide the development of major street or highway frontage insofar as possible so as to limit the total number of access points, and encourage the frontage of building on parallel marginal roads or on roads perpendicular to the major street or highway.
- E. Make certain that the proposed change is reasonable in terms of the logical, efficient, and economical extension of public services and facilities, such as public water, sewers, police, fire protection, and public schools, and assure adequate arrangements for sanitation in specific instances.
- F. Consider that all commercial or industrial parking, loading, access or service areas shall be adequately illuminated at night while in use, and that such lighting should be arranged so as to comply with the requirements of Article XII, § 185-74D, and Article XVII § 185-106.
- G. With respect to a variance, determine that:
 - (1) There are special circumstances or conditions applying to the land or building for which the variance is sought which are such that the application of the provisions of this chapter would deprive the applicant of the reasonable use of his property.
 - (2) The unique circumstances for which the variance is sought were not created by the actions or inactions of the present or former owners of the property or are not due to or the result of general conditions in the district in which the property is located.
- H. Impose such conditions as to insure that the general purpose and intent of the Zoning Chapter is complied with and that the use of the property adjacent to the area included in the proposed change or modification is adequately safeguarded, which conditions may

relate to, but are not limited to, harmonious design of buildings, aesthetics, planting and its maintenance as a sight or sound screen, landscaping, hours of operation, lighting, numbers of persons involved, allied activities, ventilation, noise, sanitation, safety, smoke and fume control and the minimizing of noxious, offensive or hazardous elements.

- I. In respect to variances, determine that the proposed change will serve the best interest of the Borough, the convenience of the community (where applicable), and the public health, safety and general welfare.

ARTICLE XXI Amendments

§ 185-125. Power of amendment.

The Borough Council may from time to time amend, supplement, change, modify or repeal this chapter including the Zoning Map in the following manner.

§ 185-126. Referral to Planning Commission.

The Borough Council shall refer each proposed change or amendment to the Planning Commission for review and recommendation prior to taking final action on such request. The Planning Commission shall consider whether or not the proposed change or amendment would be, in the view of the Commission, consistent with the purposes and objectives set forth in Article I.

§ 185-127. Public notice.

The Borough Council, by resolution adopted at a stated meeting, shall fix the time and place of a public hearing on a proposed amendment and cause notice thereof to be given as follows:

- A. By publishing a notice thereof once a week for two successive weeks in a newspaper of general circulation in the Borough.
- B. By mailing a notice thereof to every resident or association of residents of the Borough who shall have registered their names and addresses for this purpose with the Borough.
- C. The notices shall state the general nature of the proposed amendment.

ARTICLE XXII Remedies, Penalties and Validity

§ 185-128. Remedies.

In case any building is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building or land is used, or any hedge, tree, shrub, or other growth is maintained in violation of this chapter or any regulations made pursuant thereto, the proper Borough authorities, in addition to other remedies provided by law, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use to restrain, correct or abate such violation, to prevent the use of said building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

§ 185-129. Violations and penalties.

For any and every violation of the provisions of this chapter, the owner, general agent, or contractor of a building or premises where such violation has been committed or shall exist, and the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, and the owner, general agent, contractor, lessee or tenant of any part of a building or premises in which part such violation has been committed or shall exist, and the general agent, architect, builder, contractor, or any other person, who knowingly commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist, shall be liable on conviction thereof to a fine or penalty not exceeding \$300 for each and every offense, or, in default of payment of such fine and costs, to undergo imprisonment for not more than 60 days. Whenever such person shall have been officially notified by the Zoning Officer, or by service of a summons in a prosecution, or in any other official manner, that he is committing violation of this chapter, each days' continuance of such violation after such violation shall constitute a separate offense.

ARTICLE XXIII
Communications Facilities
[Added 10-14-1997 by Ord. No. 148]

§ 185-130. Applicability.

In recognition of the quasi-public nature of communications facilities and operations licensed by the Federal Communications Commission (FCC), and with the advice of technical consultants, including representatives of the communications industry as to the needs and requirements of that industry, the following special regulations shall apply.

§ 185-131. Purpose.

The purposes of this article include:

- A. To accommodate the need for communications facilities in areas of the Borough particularly suited for such uses due to topography and other location considerations while regulating their location and number in the Borough.
- B. To minimize adverse visual effects of communications equipment, towers and antennas through proper design, siting and screening.
- C. To avoid potential damage to adjacent properties from tower failure, through engineering and proper siting of towers.
- D. To require the joint use of any new towers, to reduce the number of such structures needed in the future.

§ 185-132. Definitions.

For the purposes of this article the following definitions shall apply:

ACCESSORY COMMUNICATIONS FACILITY — A communications facility on a lot where the communications facility is operated solely in a manner and for a purpose that is customarily accessory to the primary business or other use being conducted upon such lot. By way of

clarification and not limitation of the definition, "accessory communications facility" shall include the communications facility on a lot operated solely by an amateur radio operator at his residence and the communications facility on a lot operated solely for the dispatching of vehicles operated for the business or other use which is the primary use on the lot.

ANTENNA SUPPORTING STRUCTURE — A communications tower, water tower, smoke stack, building or other similar structure that can support radio antennas above ground level.

COMMUNICATIONS EQUIPMENT — Antennas, radio receivers and transmitters, batteries and other power sources, cables, generators, and other equipment and appurtenances necessary for installation and operation of a radio transmitting and/or receiving facility licensed for operation by the FCC, but not including within this definition the antenna supporting structure.

COMMUNICATIONS FACILITY — The communications equipment, any building necessary to house the communications equipment and antenna supporting structure, if any, which together constitute the operating facilities for transmitting and/or receiving radio signals on a lot. By way of clarification and not of limitation, "communications facility" shall not include a business office, maintenance depot, vehicle storage or outdoor storage of inoperative equipment, though such uses are not prohibited by this definition if they otherwise constitute a lawful use on the lot.

COMMUNICATIONS FACILITY OVERLAY DISTRICT — The areas of the Borough which are depicted in Exhibit "A" which is attached hereto and incorporated herein.¹⁶

COMMUNICATIONS TOWER — A lattice tower, guy tower, or monopole designed solely for the purpose of supporting antennas and cables for transmitting and/or receiving of radio signals.

INDEPENDENT COMMUNICATIONS FACILITY — A communications facility on a lot where the communications facility is not customarily accessory to the principal use on the lot or where there is no use on, or proposed to be on, the lot except for the communications facility.

§ 185-133. Permitted uses.

The following uses shall be permitted uses in any zoning district of the Borough:

- A. Communications facility located and operated on, within or adjacent to any antenna supporting structure that exists as of the date of the adoption of this chapter provided the height of the antenna support structure not be increased.
- B. Independent communications facility in the Communications Facility Overlay District with a communications tower proposed to be constructed having a height above ground level not exceeding 150 feet, subject to the requirements in § 185-136.

§ 185-134. Uses permitted by special exception.

The following uses shall be permitted in any zoning district of the Borough when authorized by the Zoning Hearing Board as a special exception:

- A. Existing accessory communications facility with a communications tower proposed to be raised or extended subject to the requirements in §§ 185-135 and 185-136.

¹⁶ Editor's Note: Said exhibit is on file in the Borough offices.

- B. Existing independent communications facility with a communications tower proposed to be raised or extended, subject to the requirements in §§ 185-135 and 185-136.

§ 185-135. Requirements for special exception.

A communications facility for which special exception approval is sought shall meet the requirements in § 185-136 and the following additional requirements:

- A. The applicant shall demonstrate that any communications tower proposed to be constructed, installed or increased in height is:
 - (1) The minimum height necessary for service to the area by the applicant or other actual user of the communications tower for reasonably anticipatable future requirements
 - (2) Should be located in the proposed location in order to serve the purposes of the radio system of the applicant or actual user of the communications tower.
- B. All communications towers for an independent communications facility shall be designed and constructed so as to allow for use by more than one communications facility. Owners or operators of such communications towers shall make such communications towers available for use and occupancy, upon reasonable economic and other terms, by operators of any other proposed communications facility.
- C. The applicant shall demonstrate that, before any communications tower is constructed, installed or increased in height, the applicant has contacted the owners or operators of all potential antenna supporting structures that are technically capable of serving the applicant's communications transmissions and reception requirements within a one-half mile radius of the proposed communications tower site and has been denied permission to install its communications facility thereon because of the physical limitations of the antenna supporting structure.

§ 185-136. General requirements.

The following requirements shall apply to all independent communications facilities and accessory communications facilities:

- A. No communications tower shall exceed 150 feet in height above the ground.
- B. No communications tower shall be nearer than 1/2 mile from another communications tower.
- C. No advertising, signage, or lettering shall be affixed to, suspended from or painted on any communications tower or communications facility.
- D. All communications towers shall comply with the yard requirements for the underlying district in which the communications tower is to be located; provided, however, that the rear yard applicable to an antenna supporting structure constructed in the Business District solely for the purpose of supporting antennas (e.g., towers or poles but not buildings) shall be 25 feet.
- E. A security fence eight feet in height shall completely surround a communications tower

(except one operated solely for amateur radio broadcasting accessory to a residence), guy wires, if used, and communications equipment not located within a building, unless such requirement is waived by the Council of the Borough in its discretion.

- F. A planted buffer shall be located around the perimeter whether or not a security fence is required, as follows:
 - (1) An evergreen screen shall be planted that consists of either a hedge, planted a maximum of three feet on-center, or a row of evergreen trees planted a maximum of ten feet on-center.
 - (2) Existing vegetation (trees and shrubs) shall be preserved to the maximum extent feasible and may be used to satisfy the screening requirements in the preceding subsection if they are located accordingly.
- G. All communications towers shall be designed and constructed to all applicable standards of the American National Standards Institute, ANSI/EIA 222-E Manual, as amended, or such other standards as may apply.
- H. A soil report complying with the standards of Appendix I: Geotechnical Investigations, ANSI/ETA 222-E, as amended, shall be submitted to the Borough to document and verify the design specifications of the foundation for all communication towers.
- I. An independent communications facility is permitted on a lot with an existing use, or a vacant parcel, in the Communications Facility Overlay District, provided that the independent communications facility is fully automated and does not require the presence of employees for its operation, except for periodic maintenance.
- J. The vehicular access to the communications facility shall, wherever feasible, use the vehicular circulation of the existing use on the lot and the parking for the communications facility and shall, in the case of an unattended communications facility, share the parking of an existing use on the lot.
- K. If any of the communications equipment is to be located in a building, then the building shall comply with the following:
 - (1) The height of the building shall not exceed the maximum building height for the district in which the communications facility is located.
 - (2) The building shall satisfy the yard requirements of the district in which the communications facility is located.
 - (3) A planted buffer in accordance with the requirements of § 185-136 shall be provided, unless such requirement is waived by the Council of the Borough.
- L. Except for an accessory communications facility for amateur radio use on a residential lot, elevations of existing and proposed structures which are a part of proposed communications facility, showing width, depth and height shall be presented with any application for a permit or other approval.
- M. An antenna or antenna support structure which is to be attached to an existing building may be constructed or installed so as to reach up to, but no higher than, 20 feet above the

maximum building height in the district in which the communications facility is located.

- N. The communications facility and every part thereof shall, in design, construction, maintenance, use, and operation, comply with laws and regulations of federal, state and municipal authorities. Applications shall include a list of other required permits or approvals from issuing agencies (FAA, FCC) together with a statement of compliance.
- O. Without limitation of any other requirements of this article, each communications facility shall, to the extent required by law, be operated pursuant to a license validly issued by, and in good standing with, the FCC or any other federal or state agency having such jurisdiction.
- P. A communications tower shall be unpainted galvanized metal, unpainted reinforced concrete or painted a pale or muted color approved by the Council, unless another paint scheme is required to comply with regulations or requirements of the Federal Aviation Administration or other federal or state agency having such jurisdiction.
- Q. A communications facility shall be operated so as not to interfere with broadcast radio or television reception to the general public.
- R. A communications tower shall be lighted only if required to do so by the Federal Aviation Administration.
- S. Height limitations applicable to a communications tower shall include the combined height of the communications tower and any communications equipment attached thereto.
- T. Any communications tower shall be fitted with anticleimbing devices approved by the manufacturer of the communications tower, manufacturer or ANSI.
- U. For the general well-being of the Borough, and the safety of its residents, together with the efficient operation, and continuous availability for cellular and digital communication users, the following additional general requirements shall apply.
 - (1) All communication towers and communication facilities shall be owned and operated only by those individuals or business entities with a validly issued FCC license, or such permit as may be required by other federal and state agencies having jurisdiction.
 - (2) The owner/operator of each communications facility or communications tower shall conduct periodic maintenance inspections, and shall submit to the Borough, on or before March 31 each year, a maintenance report including copies of its maintenance log and/or periodic inspection and reports, together with a certification from a registered professional engineer regarding the structural integrity of the communications tower.
 - (3) In the event that a communications tower or communications facility is abandoned or is no longer used by its owner/operator, then a statement of cessation of use shall be filed with the Borough by the owner/operator thereof and the owner/operator shall disassemble and/or remove all facilities which are located on or above the ground within one year and shall file a final report regarding such removal with the Borough.
- V. All owners/operators of communication towers/communication facilities shall pay the

annual pole and/or tower permit fee then in effect in the Borough. The first such annual permit fee shall be due at the time of the filing of the annual maintenance report required pursuant to Subsection U(2) hereof.

ARTICLE XXIV
Conditional Uses
[Added 12-7-2009 by Ord. No. 184]

§ 185-137. Purpose.

- A. Sections 185-137 and 185-138 contain provisions for conditional uses, as authorized by Act of 1968, P.L. 804, No. 247, as reenacted and amended (the Pennsylvania Municipalities Planning Code, § 603(c)(2) and (2.1) and § 913.2).¹⁷ The provisions consist of:
- (1) The standards and criteria to be applied to the various conditional uses in the review process.
 - (2) The procedure to be followed for review of the application.
- B. The reason for a use being made conditional is the unusual impact it may exert upon one or more of the following: the public health, safety, morals and general welfare; coordinated and practical community development; proper density of population; emergency management preparedness and operations; airports and national defense facilities; the provision of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, sewerage, schools, recreational facilities and public grounds; and the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use and other public requirements.
- C. In addition, the purpose of the use being made conditional is to prevent one or more of the following: overcrowding of land; blight; danger and congestion in travel and transportation; and loss of life, health or property from fire, flood, panic or other dangers.
- D. In addition, the purpose of the use being made conditional is to preserve the natural, scenic and historic value in the environment and to preserve forests, wetlands, aquifers and floodplains.

§ 185-138. Procedure.

- A. If, in reviewing an application for development, the Zoning Officer rules that the processing of the application requires approval of a conditional use, the Zoning Officer shall refer the application to the Borough Council and shall send copies to the Borough's Planning Commission for review. The application shall be in such form and with such supporting data as the Borough Council may prescribe. The appropriate application fee, as prescribed by resolution of the Borough Council from time to time, shall be paid in advance.
- B. Upon receipt of the complete application and fees for the conditional use, the Planning

17. Editor's Note: See 53 P.S. § 10101 et seq.

Commission shall schedule it for preliminary consideration and discussion at a regular or special meeting. The Planning Commission shall advise the Borough Council on whether the general and specific standards and criteria are met and whether conditions and/or restrictions should be attached to any approvals.

- C. The Planning Commission shall be authorized to require of the applicant such further engineering data, test reports, maps, surveys, plot plans, landscape plans, technical information, offers of dedication, bonds and other undertakings as may be necessary to determine and ensure compliance with the standards and criteria hereinbefore and hereinafter set forth.
- D. If the application involves a land development, a detailed plan review shall be required by the Borough after the application for the conditional use has been acted upon by the Borough Council. This review shall be in accordance with procedures outlined in the Subdivision and Land Development Ordinance.¹⁸ If the applicant wishes to provide the necessary documentation, the Borough may consider the concurrent review of the conditional use requested and the detailed plans for the development. Time limits for review of the detailed plans, if necessary, will be governed by the provisions of Chapter 162, Subdivision and Land Development, of the Borough Code.
- E. No conditional use shall be approved by the Borough Council unless, or except to the extent that, the general and specific standards and criteria are met and appropriate conditions and restrictions are attached to the approval to ensure continuing compliance therewith. The general standards and criteria are set forth below:
 - (1) Taking into consideration the character and type of development in the area surrounding the proposed conditional use, such use, as permitted, shall be consistent with the Comprehensive Plan and shall not substantially injure or detract from the use of surrounding property or from the character of the neighborhood.
 - (2) Existing public roads shall be adequate to serve additional traffic reasonably likely to be generated by the proposed use.
 - (3) Development of the property for the proposed use shall promote or be consistent with coordinated and practical community development, the provision of adequate public and community services, and the public health, safety, morals and general welfare.
 - (4) If the proposed site would create a subdivision of a larger tract or parcel, the balance of such tract or parcel remaining shall be adequate and appropriate for its existing and continuing use in accordance with the foregoing standards.
 - (5) Development of the property for the proposed use shall, if approved, be subject to and governed by the provisions of the Chester Heights Borough Code, Subdivision and Land Development, as amended,¹⁹ except as modified by this article and by the requirements of the Commonwealth of Pennsylvania, Department of Environmental Protection.

18. Editor's Note: See Ch. 162, Subdivision and Land Development.

19. Editor's Note: See Ch. 162, Subdivision and Land Development.

- (6) Development of the site for the proposed use shall be susceptible to regulation by appropriate conditions and restrictions to:
 - (a) Ensure compatibility of any building to be erected or altered with the surrounding area in terms of size, shape, materials and placement of structures, and preservation and restoration of any historic buildings.
 - (b) Control traffic, noise, signs, lights, parking and other anticipated activity upon the premises to avoid or minimize any adverse effect upon the peace, quiet, privacy and the character of the surrounding area
 - (c) Require such additional landscaping pursuant to an approved landscape plan for protective buffering and screening of adjoining residential or other permitted uses, as specified in Chapter 162.
 - (d) Require, where appropriate, that the applicant enter into agreements to impose upon the property such deed restrictions as are, in the opinion of the Borough Council, necessary and reasonable to assure the continuation of conditions imposed upon approval of the development.
 - (e) Require that the applicant make provision for the safe flow of anticipated normal daily traffic in the immediate vicinity of the development and provide more than one means of ingress and egress and adequate deceleration lanes.
 - (f) Permit staged development and set deadlines for such development and staging and conditions for the prior maintenance of that portion of the property not being developed.
- F. The Borough Council shall conduct a full review of the application and shall hold at least one public hearing thereon not later than 60 days from the date of the applicant's request for a hearing. The cost of such public hearings shall be borne by the applicant. Notice of the public hearing shall be given to those persons and agencies who would be entitled to notice if the same premises was the subject of an application to the Zoning Hearing Board for special exception and to all others who have registered their names with the Zoning Officer for that purpose.
- G. After a full review of the application, the Borough Council shall render a written decision or, when no decision is called for, make written findings on the application. Where the application is contested or denied, the decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Such decision or written findings shall be made by the Borough Council no later than 45 days after the last hearing.
- H. The Borough Council may attach reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may deem necessary to implement the purposes of this chapter.
- I. The Borough Council shall approve or disapprove the application by resolution and shall send a written notification to the applicant within 10 days of the decision.
- J. The Borough Council, as a condition of approval, may require the execution of a developer's agreement containing the conditions and requirements of the development.

- K. Unless otherwise provided in the resolution of approval, the applicant shall be entitled to proceed with the submission of either land development or subdivision plans within a period of six months from the date of approval. The Borough Council, as a condition of approval, may require the applicant to proceed with the submission of either land development or subdivision plans within a period of six months of the date of approval.

ARTICLE XXV
Overlay District
[Added 10-3-2011 by Ord. No. 188]

§ 185-139. Applicability

Overlay districts shall be used in accordance with the following:

- A. For the purpose of this article, the sections within this article shall be overlays to the underlying districts as shown on the Chester Heights Borough Zoning Map, and as such, the provisions for each of these sections shall serve as supplements to the underlying zoning district provisions.
- B. In those areas of the Borough where a section of this article applies, the provisions of the section shall be imposed in addition to the requirements of the underlying zoning district(s).

§ 185-140. Approving body.

Borough Council shall administer the provisions of this article, which administration shall include the approval, modification or disapproval of any development plan pursuant to the provisions of Article XXIV, §§ 185-137 and 185-138, related to conditional uses.

§ 185-141. Planned townhouse and semidetached dwelling in overlay district.

- A. Purpose.
- (1) To allow for higher residential density development for those tracts of land located in the Borough that is split between residential and commercial zoning,
 - (2) To recognize the need for rational direction for increasing land development and to meet the growing need for housing of all types, while at the same time to minimize the loss of open space, to preserve the atmosphere of the Borough and to protect property values in existing residential areas.
 - (3) To provide greater opportunities for better housing and recreation for all who are or will be residents of the Borough.
 - (4) To encourage more efficient use of land and public services.
 - (5) In aid of these purposes, to provide a procedure which can relate the type, design and layout of residential development to the particular site and the particular demand for housing existing at the time of development in a manner consistent with the preservation of property values within existing residential areas.

§ 185-142. Eligibility.

No application for tentative approval of townhouses or semidetached dwellings shall be considered or approved unless the following conditions are met:

- A. The tract shall be located in both residential and B Business, Office or LI Limited Industrial Districts.
- B. The proposed development or plan consists of one or more contiguous parcels of land under one ownership containing 10 or less acres of land located in the Borough.
- C. The proposed development or plan will be connected to public water and public sanitary sewer systems. Both water supply and sewage disposal systems shall be operational at the time of occupancy of the first completed structure.
- D. The proposed development or plan is found to be consistent with the Comprehensive Plan for the Borough of Chester Heights.
- E. The minimum area, bulk and height regulations for parcels shall contain at least 25% of land but not more than 75% of land within B Business, Office or LI Limited Industrial Districts.

§ 185-143. Use regulations.

A building may be erected or used and a lot may be used or occupied for any of the following purposes by conditional use and no other:

- A. Townhouse.
- B. Semidetached dwelling.

§ 185-144. Accessory uses.

Accessory uses shall be as follows:

- A. Off-street parking, subject to § Article XVII, §§ 185-103 through 185-106.
- B. Sign, subject to Article XVII, §§ 185-99 through 185-102.

§ 185-145. Area, bulk and height regulations.

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

- A. Tract area: three acres (areas in the one-hundred-yard floodplain, wetlands and existing public road rights-of-way shall be excluded from calculation of tract area).
- B. Density: six units per gross acre exclusive of floodplains, wetlands and existing public road rights-of-way.
- C. Lot area: 2,000 square feet minimum for townhouse; 3,000 square feet minimum, for semidetached.
- D. Setbacks:

- (1) From exterior road and tract boundaries: 40 feet (30 feet to decks) for townhouse or semidetached.
 - (2) From internal road: 20 feet.
- E. Distance between principal buildings: 20 feet for townhouse or semidetached buildings.
- F. Unit width: 20 feet minimum for townhouse and semidetached.
- G. Tract road frontage: 300 feet (development shall be on a collector or arterial road).
- H. Height: 35 feet maximum.
- I. Impervious cover: 60% maximum for twin and the end unit of a townhouse group; 70% maximum for an interior unit of a townhouse group.
- J. Rear yard: 30 feet.

§ 185-146. Special development regulations.

- A. Townhouse units in row. The number of units attached in a row shall not be more than six.
- B. Buffer area and planted visual screen.
- (1) When a tract of land on which a semidetached, townhouse development is proposed abuts single-family detached dwellings, the developer of the tract shall provide a thirty-foot-wide landscaped buffer area between the single-family detached lots and the townhouse development. Such buffer area shall extend from the tract boundary line towards the interior of the tract and shall consist of ground cover and other plantings. No structures, parking, or impervious surface shall be permitted in the buffer area. The buffer area shall not be included in the area designated as rear yard.
 - (2) If a rear of a townhouse or semidetached dwelling faces a public street, a twenty-foot-wide landscaped buffer shall be installed. The plantings shall be a minimum of eight feet in height. The plantings shall be of a density and type to effectively screen the public street. Street trees/shade trees shall be provided along streets where there are no existing street trees/shade trees.
 - (3) All design, density, type and height of plantings included in the buffering and visual screening of the development shall be reviewed by the Planning Commission and Borough Engineer subject to the approval by Council.
- C. Open space for semidetached and townhouse. Not less than 30% of the tract area shall consist of common open space. Not less than 50% of the common open space shall be outside the one-hundred-year floodplain and wetlands. Fee in lieu of open space must be approved by Borough Council.
- D. Variations in setback and design. In each development, units shall have a single architectural theme, and no more than two consecutive units shall have the same front setback line. Variations in setback shall be not less than two feet. Each dwelling unit shall be distinguished from the adjacent unit in some appropriate manner such as varying unit width, use of different exterior materials or varying arrangement of entrances or windows.

In order to avoid linear design and facilitate privacy, buildings shall not be placed parallel to one another.

- E. Architectural plans. Architectural plan elevations shall be included as part of the final plan submitted for townhouse developments.
- F. Landscaping. Any part of the site proposed for townhouse development which is not covered by buildings, parking or other paved area shall be landscaped with trees, shrubs or ground cover in accordance with a landscaping plan which shall be reviewed by the Planning Commission and the Borough Engineer. Trees and/or shrubs shall be planted in high-visibility areas such as along the entrance drive and exterior road, in front of the dwelling units, and between parking areas, Landscaping shall be in accordance with land development and subdivision provisions.²⁰
- G. Parking. All parking shall be off-street in areas specifically designed for parking and shall require 2 1/2 spaces per dwelling unit on average and comply with Article XVII, Garage space shall not be included in the calculation of minimum parking requirements.
- H. Refuse. All refuse shall be placed in rigid, verminproof containers, which shall be screened by means of a privacy fence with a planted visual screen.
- I. Lighting. Lighting facilities shall be provided and arranged in a manner that will protect the internal roadway, the proposed units, and neighboring properties from excess glare. All internal roads, driveways, parking and pedestrian areas must be properly lighted to assure safe conditions and security for the residents.
- J. Signs. Signs shall be provided in accordance with § 185-61C(8).
- K. Common open space.
 - (1) The developer shall restrict the open space areas so that their use will be limited to the use which is proposed and ensure that it will be properly maintained in perpetuity.
 - (2) The common open space shall be located so as to be consistent with the objectives set forth in the application for the planned development. Where possible, it shall be designed as a contiguous area easily accessible to the residents and preserving and enhancing natural features.
 - (3) If a homeowners' or condo owners' association is formed, the location and management of open space shall be subject to the provisions of Article XI, § 185-63, of the Chester Heights Borough Code.
- L. In addition to the requirements of this article, the plan for the proposed development under this section shall comply with the standards of the Subdivision and Land Development Ordinance²¹ and all other applicable ordinances.

20. Editor's Note: See Ch. 162, Subdivision and Land Development.

21. Editor's Note: See Ch. 162, Subdivision and Land Development.