

EASTTOWN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. – 2018

AN ORDINANCE OF EASTTOWN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE TOWNSHIP OF EASTTOWN, AS AMENDED, TO CREATE A NEW CHAPTER, “ALCOHOLIC BEVERAGES”, TO PROVIDE FOR PROVISIONS REGARDING DEFINITIONS, PROHIBITION OF DRINKING, CARRYING OR POSSESSING ALCOHOLIC BEVERAGES IN CERTAIN PUBLIC AREAS, POSSESSION OF OPEN CONTAINERS AND PRESUMED INTENT, EXCEPTIONS, LAWFUL USE OF PRIVATE PREMISES AND VIOLATIONS AND PENALTIES; AT CHAPTER 13 “BOARDS, COMMISSIONS AND COMMITTEES”, AT §13-2 TO PERMIT ALTERNATIVE PLANNING COMMISSION MEMBERS AND §13-3 TO SET FORTH POWERS AND DUTIES OF ALTERNATIVE PLANNING COMMISSION MEMBERS; AT CHAPTER 274, “NATURAL RESOURCES PROTECTION”, AT § 274-29 TO REMOVE A REFERENCE TO WOODED LOTS, §274-47.A(1)(A) TO MODIFY THE STREETS TO WHICH SIDEWALK SPECIFICATIONS APPLY AND UPDATE FIGURE #1, §274-47.A(1)(B) TO MODIFY THE STREETS TO WHICH SIDEWALK SPECIFICATIONS APPLY AND UPDATE FIGURE #2, §274-47.B(3) TO MAKE THE PROVISION MANDATORY; AT CHAPTER 306, “PARKS AND RECREATION AREAS”, AT §306-3.L TO REFERENCE THE NEW “ALCOHOLIC BEVERAGES” CHAPTER; AT CHAPTER 313, “PEDDLING AND SOLICITING” TO DELETE THE EXISTING CHAPTER IN ITS ENTIRETY AND TO CREATE A NEW CHAPTER “PEDDLING AND SOLICITING”, WHICH CONTAINS PROVISIONS REGARDING PURPOSE, DEFINITIONS, LICENSE AND FEE REQUIREMENTS, EXEMPTIONS, APPLICATION PROCEDURES, ISSUANCE OF LICENSE, CUSTODY AND DISPLAY OF LICENSE, PROHIBITED ACTS, RECORDS, DENIAL, SUSPENSION AND REVOCATION PROCEDURES AND APPEALS, AND VIOLATIONS AND PENALTIES; AT CHAPTER 329, “PROPERTY MAINTENANCE”, TO CREATE A NEW §329-7 TO ADDRESS VIOLATIONS AND PENALTIES; AT CHAPTER 382, “SPECIAL EVENTS”, AT §382-3 TO UPDATE TIME PERIODS AND REMOVE REFERENCES TO FEES, §382-6.F AND G TO RENUMBER THE SUBSECTIONS, AND TO CREATE NEW §382-6.F TO PROVIDE A MAXIMUM NUMBER OF SPECIAL EVENTS, §382-7 TO RENAME THE SUBSECTION AND DELETE SUBSECTION A IN ITS ENTIRETY; AT CHAPTER 388, “STORMWATER MANAGEMENT”, AT §388-10.H TO PROVIDE A TIME PERIOD OF PERMIT ACTION, AT §388-21.C(2)(C) TO MODIFY PREDEVELOPMENT CALCULATIONS, AND §388-25.A(4) TO UPDATE THE CERTIFICATION BLOCK; AT CHAPTER 400, “STORMWATER MANAGEMENT” AT §400-24.B(5) TO UPDATE THE REFERENCE MATERIAL; AND AT §400-50.B TO DELETE THE SUBSECTION IN ITS ENTIRETY; AT CHAPTER 455, “ZONING”, AT §455-13.B, FIGURE 3-1, 455 ATTACHMENT 1, TO UPDATE THE LAND USE TABLE, §455-14.F TO ADDRESS DISPUTES, §455-16.A(1) TO MODIFY ACREAGE LIMITATIONS, §455-16.B(15) TO DELETE THE PROVISION AND MARK “RESERVED”, TO CREATE NEW §455-16.C(2) TO PERMIT OUTDOOR CAFES AS AN ACCESSORY USE, §455-21.B(7) TO DELETE THE PROVISION AND MARK “RESERVED”, TO CREATE NEW §455-21.C(4) TO PERMIT OUTDOOR CAFES AS AN ACCESSORY USE, § 455-24.B TO MODIFY THE SETBACK AND REFERENCE FIGURES, §455-24.E TO REFERENCE FIGURES,

§455-24.F TO REFERENCE FIGURES, §455-24.H TO REMOVE THE REFERENCE TO NET LOT AREA, §455-24 TO CREATE 5 NEW FIGURES REGARDING BUILDING AND STRUCTURE SETBACKS, §455-25.B(5)(A) TO CLARIFY THE APPLICATION OF THE PROVISION AND TO ADDRESS GARAGE DOOR SEPARATION, §455-30.B TO CLARIFY APPLICATION IN A CONFLICT, §455-36.A(1) TO MODIFY FENCE AND WALL LOCATIONS, §455-36.A(2) TO MODIFY FENCE SIZE AND TYPE, TO CREATE NEW §455-36. C&D TO ADDRESS FENCE CONSTRUCTION, EXISTING §455-36.C TO RENUMBER THE SECTION, §455-41.B(1)(B) TO REQUIRE ALL-WEATHER SURFACE MATERIAL, §455-47 TO CLARIFY REQUIREMENTS RELATED TO ACCESSORY BUILDINGS AND STRUCTURES, §455-65.A(2) TO EXCLUDE THE USE IN THE PBO DISTRICT, §455-66 TO PERMIT THE USE BY RIGHT AND BY CONDITIONAL USE, TO REQUIRE ADDITIONAL APPLICATION ITEMS, MODIFY PERMITTED TIMES, TO PERMIT THE USE ON SIDEWALKS AND RIGHTS-OF-WAY UNDER CERTAIN CONDITIONS AND TO REQUIRE ADDITIONAL REASONS FOR REMOVAL, TO CREATE NEW §455-72.1 TO ADDRESS LIQUID PROPANE TANKS, TO CREATE NEW §455-72.2 TO ADDRESS SIDEWALK REQUIREMENTS; §455-74.A.5 TO ADDRESS PARKING REQUIREMENTS, TO CREATE §455-74.D(3) TO ADDRESS PARKING SPACE SIZES IN PRIVATE RESIDENTIAL GARAGES, §455-74.I TO AMEND THE RESIDENTIAL USE PARKING REQUIREMENTS, §455-79.G TO DELETE IN ITS ENTIRETY AND MARK “RESERVED”, §455-79.P DELETE IN ITS ENTIRETY AND MARK “RESERVED”, §455-80.D TO AMEND SIGN SIZE, §455-80.G(2) TO MODIFY SIGN SIZE, TO CREATE NEW §455-80.N TO ADDRESS CIVIC EVENT SIGNS AND BANNERS, §455-81.D.3 TO AMEND SIGN SIZE, TO DELETE §455-81.F IN ITS ENTIRETY, §455-82.C(2) TO ADDRESS WALL SIGN LOCATIONS, TO CREATE NEW SUBSECTION §455-82.C(3)(D) FOR AWNING SIGNS, §455-82.C(5)(A)[2] TO ADDRESS HEIGHT TO LOWEST AREA OF SIGN FACE, TO CREATE NEW SUBSECTION §455-82.D(2)(D)[3] TO ADDRESS HEIGHT TO LOWEST AREA OF THE SIGN FACE, §455-83.C(2) TO ADDRESS WALL SIGN LOCATIONS, TO CREATE NEW SUBSECTION §455-83.C(3)(D) TO ADDRESS AWNING SIGNS, §455-83.C(5)(A)[2] TO ADDRESS HEIGHT TO LOWEST AREA OF SIGN FACE, §455-94.B(2) MODIFYING APPLICATION PROCEDURES, §455-94.B(5) TO AMEND RECORD RETENTION PROCEDURES, §455-99.A TO ADDRESS WRITTEN NOTICE PROCEDURES, §455-104.B TO ADDRESS CONDITIONS, §455-106.F TO ADDRESS COMPLIANCE AND CONDITIONS, §455-106.H TO DELETE IN ITS ENTIRETY AND MARK “RESERVED”, §455-108 TO MODIFY RESTRICTIONS, §455-109.A TO MAKE MINOR TEXT CHANGES, §455-110.A(3)-(5) TO CLARIFY POWERS, §455-115.I TO MODIFY PROCEDURES, §455-115.J TO CREATE AN EXCEPTION, §455-115.K TO MODIFY PROCEDURES, §455-116.A TO MAKE MINOR TEXT CHANGES, §455-116.A(11) TO DELETE THE PROVISION IN ITS ENTIRETY, §455-117 TO MODIFY CONDITIONS AND WRITTEN DECISION ISSUANCE PROCEDURES, §455-119.E TO MODIFY PROCEDURES, §455-126 TO MAKE MINOR TEXT CHANGES, §455-129.A TO MODIFY PROCEDURES, §455-130.B TO CLARIFY NOTICE PROCEDURES, §455-130.D TO DELETE IN ITS ENTIRETY AND MARK “RESERVED”, §455-130.F TO MAKE MINOR TEXT CHANGES, §455-132 TO AMEND THE DEFINITIONS FOR ACCESSORY BUILDING, ACCESSORY DWELLING UNIT, ACCESSORY USE SIGN, AWNING SIGN, BED-AND-BREAKFAST INN, BUILDING ACCESS, BUILDING HEIGHT, DECK, DIRECTIONAL SIGN, DWELLING, FAMILY, FLOOR AREA, HABITABLE FORESTRY, FREESTANDING SIGN, FUNCTIONAL CLASSIFICATION, GARAGE, SERVICE, HOME DAY CARE, HOME OCCUPATION, MAJOR,

HOME OCCUPATION, LOT COVERAGE, MINOR, MULTIFAMILY BUILDING, MULTIFAMILY BUILDING USE, MULTIFAMILY DEVELOPMENT, NATURAL RESOURCE PROTECTION ORDINANCE, NET LOT AREA, NONCONFORMING SIGN, OUTDOOR CAFÉ, AND OVERLAY DISTRICT, AND TO ADD DEFINITIONS FOR BUSINESS SERVICES, FLOOR, GRADE PLANE, MEZZANINE LOFT AND STORY; AND OTHER MISCELLANEOUS PROVISIONS CONTAINED HEREIN.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Easttown Township as follows:

SECTION 1. A new Chapter “Alcoholic Beverages” is hereby created to read as follows:

§ ____ -1 Definitions.

ALCOHOLIC BEVERAGE

Any liquor or brewed or malt beverage as defined by the Liquor Code of the Commonwealth of Pennsylvania, as amended, 47 P.S. 1-101, et. seq.

OPEN CONTAINER

An open, unsealed, resealed, or partially refilled container, can, or bottle containing an alcoholic beverage.

PUBLIC PLACE

Any location, of whatever nature, that is open to the use of the public as a matter of right, including but not limited to public parks, parking lots and buildings in the Township. This shall also include private parking lots or other private areas open to public use in the Township.

PUBLIC WAY

Every street, road, alley, sidewalk, steps, ramps, trail or path that is open to the use of the public as a matter of right in the Township. This shall also include private streets, roads, alleys, sidewalks, steps, ramps, trails or paths that are open to the use of the public in the Township.

§ ____ -3. Drinking in certain public areas prohibited.

No person shall drink any alcoholic beverage in any vehicle or otherwise upon a public place or right-of-way in the Township.

§ ____ -4. Carrying or possession in certain public areas prohibited.

No person shall carry or possess alcoholic beverages with the intention of consuming the same upon a public place or way.

§ ____ -5 Possession of an open container; presumption of intent.

The possession of any open container containing an alcoholic beverage in a vehicle or otherwise upon public place or way shall be presumed to be with the intent to consume such beverage.

§ ____-6 Exceptions.

A. Any facility or establishment licensed or permitted to serve or dispense alcoholic beverages by the State Liquor Control Board or other body pursuant to the laws of the Commonwealth of Pennsylvania and person who are patrons of any such facilities or establishments are exempt from this chapter, provided that the patrons remain within the confines of said facilities or establishments with the alcoholic beverages.

B. A person seated at a table which is contained within an approved outdoor café, as defined in Chapter 455, “Zoning”, is exempt from this chapter, provided the person remains seated in the approved outdoor café area.

C. A special event, approved by the Township as set forth in Chapter 382, “Special Events” and permitted by the Pennsylvania Liquor Control Board, is exempt from this chapter, provided this exemption is specifically addressed in the Township approval.

D. To the extent any provision contained herein is inconsistent with the Pennsylvania Vehicle Code, as amended, 75 Pa. C.S. 101, et. seq., the Pennsylvania Vehicle Code shall control.

§ ____-7. Lawful use of private premises.

No provision of this chapter shall be construed in derogation of the rights of owner or tenant of any private property to legally use said premises or to grant permission to others for the lawful use thereof.

§ ____ - 8 Violations and penalties.

Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution, including reasonable attorneys' fees. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 30 days. Each day or portion thereof that such violation found to exist, continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.

SECTION 2. Chapter 13, “Boards, Commissions and Committees”, Article I “Planning Commission” Section 13-2 shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language:

The Planning Commission shall be comprised of five members who shall be appointed for terms of office for four years, or until a successor is appointed and qualified, except that the terms of office for three of the original members shall be fixed at one year, two years and three years, respectively, and the terms of office for two of the original members shall be fixed at four years,

to be established on a series of overlapping terms with one term expiring each year, except for the one year in which two terms shall expire. The Board of Supervisors may appoint by resolution at least one, but no more than three residents, to serve as alternate members of the planning commission. The term of office of an alternate member shall be four years.

SECTION 3. Chapter 13, “Boards, Commissions and Committees”, Article I “Planning Commission” Section 13-3 shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language:

The Planning Commission shall have all the powers and duties conferred and imposed upon it as set forth in the Pennsylvania Municipalities Planning Code, established by the Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted (53 P.S. § 10101 et seq.). Any alternative members appointed by the Board of Supervisors shall participate in accordance with and have the powers and duties as set forth in the Municipalities Planning Code.

SECTION 4. Chapter 274, “Natural Resources Protection”, Article VIII “Woodlands and Wooded Lots” Section 274-29 shall hereby be amended as indicated by the interlineations below, with strike through interlineations indicating the deletion of language:

Woodland disturbance and the disturbance of trees ~~on wooded lots~~, including alteration or removal of any hedgerows and clear-cutting, shall be performed in accordance with the standards of this section. Regulations regarding tree protection shall not extend to deadwood, diseased trees or forestry operations conducted in compliance with a timber harvesting plan or to trees within a public right-of-way being removed for public purposes.

SECTION 5. Chapter 274, “Natural Resources Protection”, Article XII, “Village of Berwyn Streetscape Design Standards”, subsection 274-47.A(1)(a), shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language and strike through interlineations indicating the deletion of language:

Sidewalk Specification 1: ~~all streets~~ Lancaster Avenue within the Village Business District (VB) ~~and sections of streets in the Village Transition District located to the north of Berwyn Avenue to their intersection with Berwyn Avenue.~~ Sidewalks ~~should~~ shall be constructed to include two bands. (See Figure 1.)

SECTION 6. Chapter 274, “Natural Resources Protection”, Article XII, “Village of Berwyn Streetscape Design Standards”, subsection 274-47.A(1)(a), Figure #1, shall hereby be amended as indicated in Exhibit “A” attached hereto.

SECTION 7. Chapter 274, “Natural Resources Protection”, Article XII, “Village of Berwyn Streetscape Design Standards”, subsection 274-47.A(1)(b), shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language and strike through interlineations indicating the deletion of language:

Sidewalk Specification 2: all streets within the Village Business District (VB) not subject to the requirements of Subsection A(1)(a) herein, all streets within the Village Transition District (VT)

~~not subject to the requirements of Subsection A(1)(a) herein~~ and all streets within the Village Residential District (VR). Sidewalks ~~should~~ shall consist of a five-foot clear pedestrian way (minimum of four feet where five feet is not practical) constructed of scored concrete sections (each section measuring 2.5 feet by 2.5 feet square for five-foot-wide sidewalks, or 2.0 feet by 2.0 feet square for four-foot-wide sidewalks; see Figure 2).

SECTION 8. Chapter 274, “Natural Resources Protection”, Article XII, “Village of Berwyn Streetscape Design Standards”, subsection 274-47.A(1)(b), Figure #2, shall hereby be amended as indicated in Exhibit “B” attached hereto.

SECTION 9. Chapter 274, “Natural Resources Protection”, Article XII, “Village of Berwyn Streetscape Design Standards”, subsection 274-47.B(3), shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language and strike through interlineations indicating the deletion of language:

3. Lighting ~~should~~ shall conform to the requirements of § 455-39 of Chapter 455, Zoning.

SECTION 10. Chapter 306, “Parks and Recreation Areas”, subsection 306-3.L, shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language and strike through interlineations indicating the deletion of language:

L. Bring onto the premises, possess or consume any alcoholic beverages, ~~unless a permit has been issued by the Township~~ in violation of Chapter _____, “Alcoholic Beverages”. No person shall enter the park in an intoxicated state.

SECTION 11. Chapter 313, “Peddling and Soliciting” is hereby deleted in its entirety and replaced with a new Chapter 313, “Peddling and Soliciting” to read as follows:

§313-1 Purpose.

This chapter is intended to regulate soliciting and peddling in the Township to ensure the public health, safety and welfare; to protect against criminal activities, such as fraud and burglary; and to minimize disruption and disturbance to residents.

§ 313-2. Definitions; word usage.

A. As used in this article, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

AGGRESSIVE SOLICITING OR PEDDLING

Peddling or soliciting, after a person being solicited has made a negative response, in a manner that is: (1) likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in a person’s possession or in or about the residence; (2) intend to or is likely to intimidate the person into responding affirmatively to the peddling or soliciting activity; (3) to refuse to display a license to the person being solicited; or (4) to refuse to leave

the premise upon being told to do so by the owner, tenant, occupant or person in control of the property.

GOODS

Any goods, wares, foodstuffs, merchandise or services offered for sale, whether or not displayed.

LEGAL HOLIDAY

New Year's Day, Martin Luther King Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas.

PEDDLER

Any person who goes upon the premise of any private residence in the Township, not having been invited by the occupant thereof, or any person who goes upon the Township streets, sidewalks or other public place, carrying or transporting goods, wares, merchandise, personal property or services of any nature or offering the same for sale.

PEDDLING

All activities ordinarily performed by a peddler as indicated under the definition of “peddler” herein.

PERSON

Any natural person, partnership, association, corporation, or other legal entity.

SOLICITOR

Any person who goes upon the premises of any private residence in the Township, not having been invited by the occupant thereof, or any person who goes upon any Township street, sidewalk, or other public place, for the purpose of offering, taking or attempting to take orders for the sale of goods, merchandise, wares or other personal property of any nature for future delivery or for services to be performed in the future, or for the solicitation of support or donations where said support or donation is unsolicited by the person or entity being solicited.

SOLICITING

All activities ordinarily performed by a solicitor as indicated under the definition of “solicitor” herein.

B. The singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and neuter.

§ 313-3. License required; fee.

No person shall engage in peddling or soliciting within the Township without first having obtained from the Chief of Police or designee a license, including any application fee or related fees, in an amount set by resolution of the Board of Supervisors.

§ 313-4. Exemptions.

A. The following persons, although subject to all other provisions of this chapter, are exempt from the license and application requirements when engaging in the activities described herein:

- (1) Persons engaged in religious proselytizing, political speech or the distribution of handbills.
- (2) Persons soliciting information when such information is pursuant to a legislative mandate, such as a census.
- (3) Persons soliciting political petitions pursuant to the Pennsylvania Election Code.
- (4) Children under the age of 18 years who take orders for newspapers, greeting cards, candy, bakery products, and the like, or who represent the Boy Scouts or Girl Scouts or similar organizations.
- (5) Persons who have complied with the provisions of the Solicitation of Funds for Charitable Purposes Act, as amended, 10 P.S. §162.1, et. seq.
- (6) Persons engaged in the sale of goods, wares or merchandise donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose.
- (7) Farmers selling their own produce.
- (8) Manufactures or producers of bread or bakery products, meats or meat products, or milk or milk products.
- (9) Insurance agents or brokers, real estate brokers, securities brokers licensed by the Commonwealth of Pennsylvania, who are engaged in the selling or taking of orders.
- (10) Drug retail salespersons calling upon physicians, pharmacists, veterinarians or hospitals.

§ 313-5 Application for license.

A. Every person desiring a license under this chapter shall file an application with the Chief of Police or designee prior to commencing soliciting or peddling activities. The application shall include, at a minimum, the following:

- (1) The applicant's full name, date of birth, local address, permanent address, telephone number, and proof of identification.
- (2) The name, address, telephone number and Tax ID of the applicant's employer or principal.
- (3) The nature of business or activity in which the applicant wishes to engage in within the Township and a description of the goods to be sold or the service to be performed.

- (4) The days of the week and hours the applicant wishes to engage in such activity.
- (5) If a vehicle is to be utilized, a description of the vehicle, the vehicle license number and expiration date, and operator's driver's license number and expiration date.
- (6) A current photograph of the applicant.
- (7) An authorization from the applicant's employer or principal, which shall contain an agreement on the part of the employer or principal, in consideration for issuance of the license, to become liable for any and all acts of the applicant, while in the Township.
- (8) A statement whether or not the applicant has been convicted of a felony, misdemeanor or local law violation (other than a traffic violation), the nature of the offense or violation, the penalty or punishment imposed, the date and place of the offense and other pertinent details.
- (9) Proof of possession of any license or permit which the applicant is required to have under federal, state, county or other local law in order to conduct the proposed peddling or soliciting.
- (10) An acknowledgement that the applicant is aware of and understands the regulations set for the in this Chapter.
- (11) If the applicant intends to utilize assistants, all applicable information shall also be supplied for each assistant, and each assistant will be required to obtain his/her own license.

B. License are not transferable to any other person or entity.

§ 313-6. Issuance of license; display and exhibit.

A. Upon receipt of such application and the prescribed fee, the Chief of Police or designee shall have five business days to review and verify the information provided.

B. If Chief of Police or designee finds such application in order, he shall issue the license to the applicant.

C. The Chief of Police or designee may deny a license if: (1) the application is incomplete; (2) the information provides a reasonable basis for determining that the public health, safety and welfare will be threatened by the issuance of the license to the applicant; (3) if there are misrepresentations in the application; (4) if any fraud or deceit is identified in the application; (5) prior failure to comply with any law concerning soliciting, peddling or consumer sale; or (6) the sale or offering for sale illegal merchandise or services is proposed.

D. Every license holder shall carry and display the license upon his person while engaged in peddling or soliciting within the Township. The license holder shall exhibit such license, upon request, to all police officers, Township officials and citizens or residents of the Township.

E. The license shall be valid of a period of six months from the date of issuance.

§ 313-7. Prohibited acts.

No person involved in peddling or soliciting shall:

A. Sell any good or service not listed on the license application.

B. Engage in any business activity, except by prior appointment, at any time on a Sunday or legal holiday or at any time before 9:00 a.m. or after 7:00 p.m. on any day of the week other than a Sunday or legal holiday.

C. Enter or attempt to enter any dwelling or otherwise remain upon any private property without the invitation or permission of the occupant or owner or fail to immediately leave any premises upon the request of the occupant or owner.

D. Knock, ring the doorbell, or otherwise attempt to gain the attention of the occupants of a residence where the property is posted at the primary entrance to the premises or at the entry to the principal building on the premises with a sign bearing the words, "No Peddlers," "No Solicitors," or similar words.

E. Engage in aggressive soliciting or peddling.

§ 313-8. Records.

The Chief of Police or designee shall keep a record of all licenses issued hereunder.

§ 313-9. Denial, suspension and revocation of license; appeals.

A. The Chief of Police or designee is hereby authorized to suspend or revoke any license if the holder fails to comply with the standards of conduct or responsibilities set forth in this chapter. A license may also be suspended or revoked upon the basis of:

(1) Fraud, misrepresentation or false statements in the license application;

(2) Fraud, misrepresentation or false statements by the licensee in the course of peddling or soliciting;

(3) Peddling or soliciting in violation of this chapter or in a manner that violates federal, state or local law or regulations or the terms of any other license involved in the peddling or soliciting;

(4) Conviction of a crime involving moral turpitude; or

(5) Peddling or soliciting in a manner as to create a public nuisance, a breach of peace, or endanger the health, safety or general welfare of the public.

B. Appeals from any denial, suspension or revocation of a license may be made to the Township's Board of Supervisor within ten days after such denial, suspension, or revocation. All appeals shall be in writing and shall be heard by the Board of Supervisors at a regular meeting schedule more than five days after receipt of the appeal.

C. Following the appellant's presentation of his position, the Board of Supervisors may decide to reinstate or issue the license, affirm the denial, suspension or revocation of the license, or modify the suspension of the license. The decision of the Board of Supervisors shall be final and binding on all parties.

D. No part of a license fee shall be refunded to any person whose license shall have been denied, suspended, or revoked.

§ 313-10. Violations and penalties.

Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution, including reasonable attorneys' fees. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 30 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.

SECTION 12. Chapter 329, "Property Maintenance", shall hereby be amended by the creation of new Section 329-7 to read as follows:

§329-7. Violations and penalties

Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution, including reasonable attorneys' fees. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 30 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.

SECTION 13. Chapter 382, "Special Events", Section 382-3 shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language and strike through interlineations indicating the deletion of language:

A. The Township shall develop an application for a special event or community event permit. The Township application for a permit for a special event or community event shall be submitted by the sponsor to the Township Manager or his designee no less than ~~60~~ 30 days prior to the special event or community event. If the special event is planned to be marketed and promoted, the sponsor should submit the application well in advance to ensure that the special event receives the required approvals.

B. The Township Manager or his designee may waive ~~the application fee and/or~~ the requirement of ~~60~~ 30 days' advance notice for spontaneous special events or community events for celebrations important to the Township, the Commonwealth of Pennsylvania and the nation, including but not limited to the celebration of local sports teams and the end of wars or other conflicts of national significance. The Township Manager or his designee may waive ~~the application fee and/or~~ the requirement of ~~60~~ 30 days' advance notice if there are circumstances unique to the sponsor which justify the waiver to assure the public safety and welfare of the Township or the Township's best interest.

C. The application shall be further accompanied by ~~an application fee and~~ such other information as may be required by the Township Manager or his designee.

SECTION 14. Chapter 382, "Special Events", shall hereby be amended by renumbering subsection 382-6.F as subsection 382-6.G and subsection 382-6.G as subsection 382-6.H.

SECTION 15. Chapter 382, "Special Events", shall hereby be amended by the creation of new subsection 382-6.F to read as follows:

(F) Sponsors shall be limited to maximum of four (4) special events per calendar year. A special event may last up to eleven (11) consecutive calendar days and still be considered as a single special event. Any additional consecutive days after the eleventh day shall each be considered a separate special event.

SECTION 16. Chapter 382, "Special Events", shall hereby be amended by renaming, Section 382-7, "Support Services Costs".

SECTION 17. Chapter 382, "Special Events", shall hereby be amended by deleting subsection 382-7(A) and marking it "Reserved".

SECTION 18. Chapter 388, "Stormwater Management", Article I, "General Provisions" Section 388-10 shall hereby be amended by a new subsection H to read as follows:

H. Permits shall be granted or denied, in whole or in part, within 30 days from the date the application is filed with the Township. The Township and the applicant may agree in writing to extend the deadline to issue a decision by a specific number of days.

SECTION 19. Chapter 388, "Stormwater Management", Article III, "Stormwater Management Standards" subsection 388-21.C(2)(c) shall hereby be amended as indicated by the

interlineations below, with underlined interlineations indicating insertion of language and strike through interlineations indicating the deletion of language:

For areas that are impervious surfaces, predevelopment calculations shall assume ~~at least 20% of the existing impervious surface area to be disturbed~~ all impervious areas as "meadow" ground cover, except for those existing impervious surfaces which are served by stormwater management facilities designed and constructed in conformance with the current ordinance.

SECTION 20. Chapter 388, “Stormwater Management”, Article IV, “SWM Site Plan Requirements” subsection 388-25.A(4) shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language and strike through interlineations indicating the deletion of language:

The following signature block, signed and sealed by the qualified licensed professional responsible for the preparation of the SWM site plan:

"I _____ (name), on this date _____ (date of signature), hereby certify to the best of my knowledge that the SWM site plan meets all design standards and criteria of Easttown Township Code Chapter Chapter 388, Stormwater Management of the Code of the Township of Easttown." [Note: include signature, name, discipline of professional license, and license stamp or seal here.]

SECTION 21. Chapter 400, “Subdivision and Land Development”, Article V, “Procedural Requirements” subsection 400-24.B(5) shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language and strike through interlineations indicating the deletion of language:

Generalized soil types, as mapped in the Web Soil Survey, latest edition, as prepared by the United States Department of Agriculture, Natural Resources Conservation Service Soil Survey of Chester and Delaware Counties, noting areas of poor drainage, alluvial soils, and soils with seasonal or perennial high-water table.

SECTION 22. Chapter 400, “Subdivision and Land Development”, Article VI, “Development and Design Standards,” subsection 400-50.B shall hereby deleted in its entirety.

SECTION 23. Chapter 455, “Zoning”, Article III, “Land Uses and Dimensional Requirements” subsection 455-13.B, Figure 3-1, 455 Attachment 1, shall hereby be amended as set forth in Exhibit “C” attached hereto.

SECTION 24. Chapter 455, “Zoning”, Article III, “Land Uses and Dimensional Requirements” subsection 455-14.F shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language:

The maximum impervious surface permitted on any lot shall be as set forth in **Figure 3-2, Dimensional Requirements Table**. When calculating existing and proposed impervious surface to determine compliance with maximum impervious surface, impervious surfaces located within

rights-of-way shall be excluded from the calculation. The Township Engineer shall resolve any dispute as to whether cover is impervious.

SECTION 25. Chapter 455, “Zoning”, Article IV, “Planned Business – Office District” subsection 455-16.A(1) shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language and strike through interlineations indicating the deletion of language:

On a lot ~~no less than 1/2 acre~~ less than one acre in size, any one of the following uses.

SECTION 26. Chapter 455, “Zoning”, Article IV, “Planned Business – Office District” subsection 455-16.B(15) shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language and strike through interlineations indicating the deletion of language:

~~Outdoor cafe in accordance with § 455-66.~~ [Reserved].

SECTION 27. Chapter 455, “Zoning”, Article IV, “Planned Business — Office District” Section 455-16 shall hereby be amended by the addition of new subsection 455-16.C(2) to read as follows:

(2) Outdoor café in accordance with §455-66.

SECTION 28. Chapter 455, “Zoning”, Article V, “Village of Berwyn Districts (VB, VT and VR)” subsection 455-21.B(7) shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language and strike through interlineations indicating the deletion of language:

~~Outdoor cafe in accordance with § 455-66.~~ [Reserved].

SECTION 29. Chapter 455, “Zoning”, Article V, “Village of Berwyn Districts (VB, VT and VR)” Section 455-21 shall hereby be amended by the addition of new subsection 455-21.C(5) to read as follows:

(5) Outdoor café in accordance with §455-66.

SECTION 30. Chapter 455, “Zoning”, Article V, “Village of Berwyn Districts (VB, VT, VR)” subsection 455-24.B shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language and strike through interlineations indicating the deletion of language:

B. Build-to line.

(1) The build-to line shall be either the street right-of-way line or a dimension measured from the curblin/cartway as listed for specified streets in each district below, whichever is further from the curblin/cartway:

- (a) Along Lancaster Avenue (VB District only): 12 feet.
- (b) Along Leopard Road (VB District only): 15 feet.
- (c) Along Old Lancaster Avenue and Lakeside Avenue (VB District only): 10 feet.
- (d) Along Berwyn Avenue:
 - [1] VT District: 15 feet.
 - [2] VR District: 20 feet.
- (e) Along all other roads:
 - [1] VB District: 10 feet.
 - [2] VT District: 15 feet.
 - [3] VR District: 20 feet.

See Figures X-1; X-2; X-3; X-4; and X-5.

(2) A building ~~may~~ shall be set back from the build-to line by a minimum distance of five feet to a maximum distance of 15 feet for the purposes of a village garden, plaza, square, courtyard, recessed entrance, or outdoor dining area consistent with the streetscape standards in Chapter 274, Natural Resources Protection, Article XII.

(3) Primary pedestrian access must be placed along the build-to line and not the rear or side of the building. Additional pedestrian access points may be located on other facades.

SECTION 31. Chapter 455, “Zoning”, Article V, “Village of Berwyn Districts (VB, VT, VR)” subsection 455-24.E shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language and strike through interlineations indicating the deletion of language:

E. Side yard setback.

(1) In the VB District, there is no required minimum side yard setback. However, if a new or expanded structure is not built up to the side lot line, the new or expanded portion of the building must be set back a minimum of 10 feet from the side lot line. See Figure X-1.

(2) In the VT District and VR District, minimum side yard setbacks are determined by the type of building/use.

- (a) Single-family detached dwellings and accessory buildings: five feet minimum. See Figure X-3.

~~(b) Townhouse dwellings and two-family dwellings (twin or duplex): no minimum side yard setback. However, if the building is not built up to the side lot line, it must be set back a minimum of 10 feet from the side lot line.~~ Attached residential dwellings (townhouse or twin/duplex): no minimum side yard setback if attached to an adjacent residential dwelling. The end row for an attached residential dwelling shall be set back a minimum of 10 feet from the side lot line. See Figures X-2 and X-3.

(c) All other permitted and conditional uses: 12 feet minimum. See Figures X-4 and X-5.

SECTION 32. Chapter 455, “Zoning”, Article V, “Village of Berwyn Districts (VB, VT, VR)” subsection 455-24.F shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language:

F. Rear yard setback.

(1) VB District: 10 feet minimum. See Figure X-1.

(2) VT District: 10 feet minimum. See Figures X-2 and X-4.

(3) VR District: 20 feet minimum. See Figures X-3 and X-5.

SECTION 33. Chapter 455, “Zoning”, Article V, “Village of Berwyn Districts (VB, VT and VR)” subsection 455-24.H shall hereby be amended as indicated by the interlineations below, with strike through interlineations indicating the deletion of language:

Maximum Impervious Surface coverage ~~(based on net lot area).~~

SECTION 34. Chapter 455, “Zoning”, Article V, “Village of Berwyn Districts (VB, VT, VR)” Section 455-24 shall hereby be to include the following Figures:

Figure X-1
VB District Building and Structure Setbacks

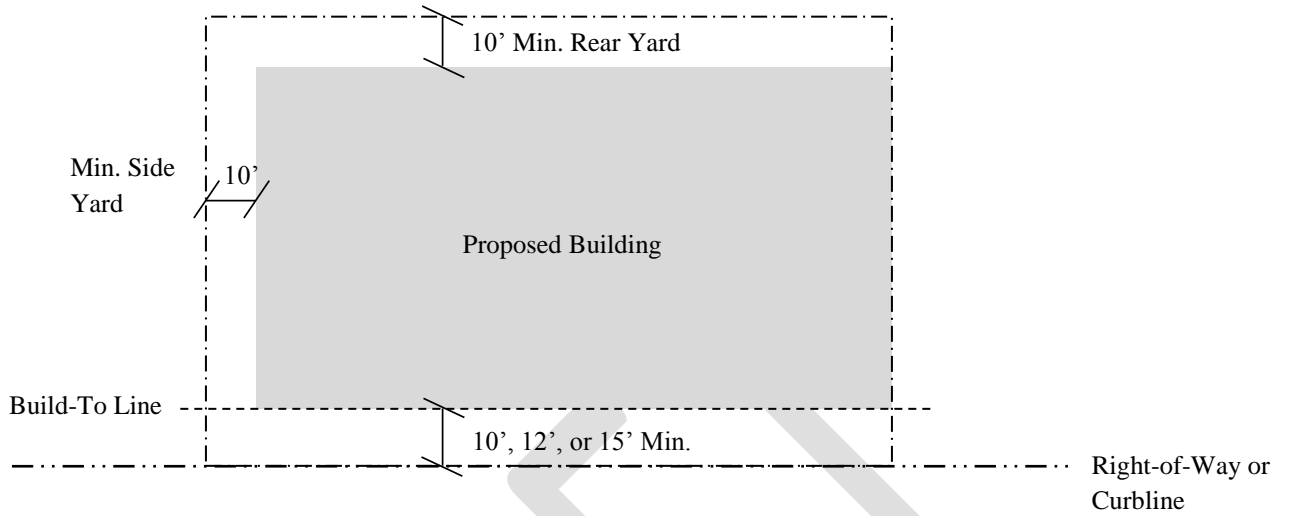


Figure X-2
VT District Residential Building and Structure Setbacks

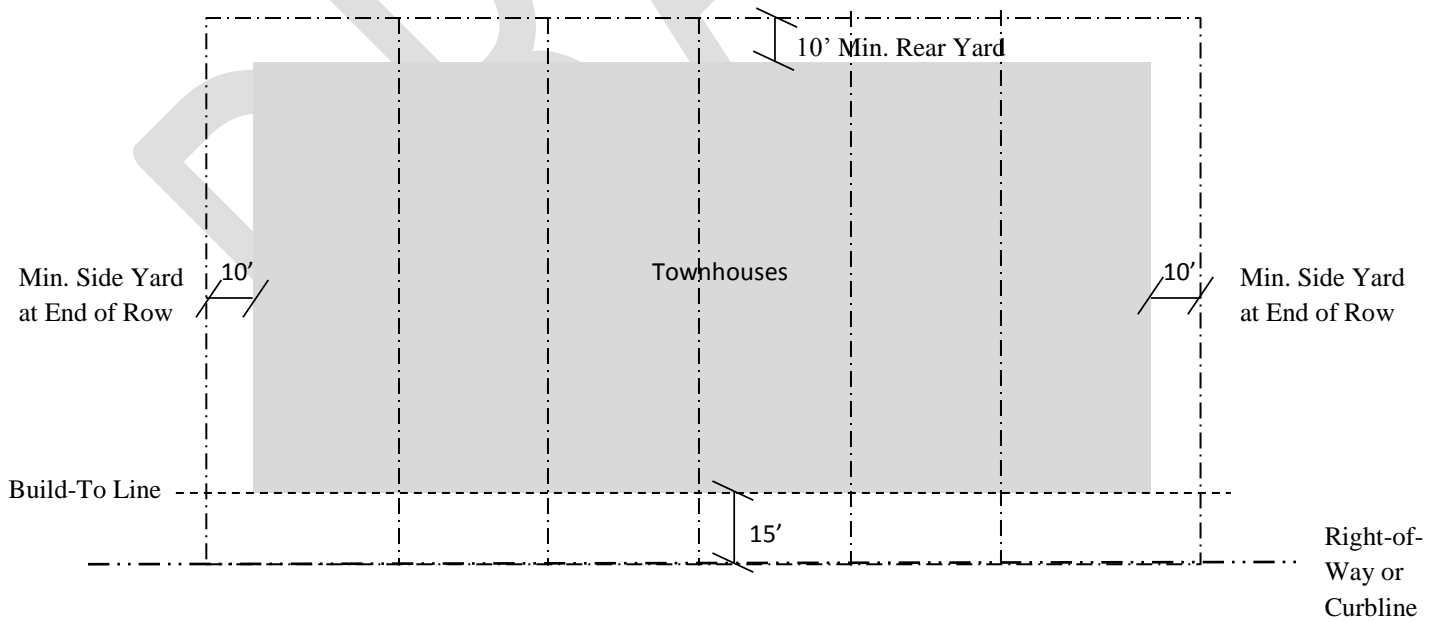


Figure X-3
VR District Residential Building and Structure Setbacks

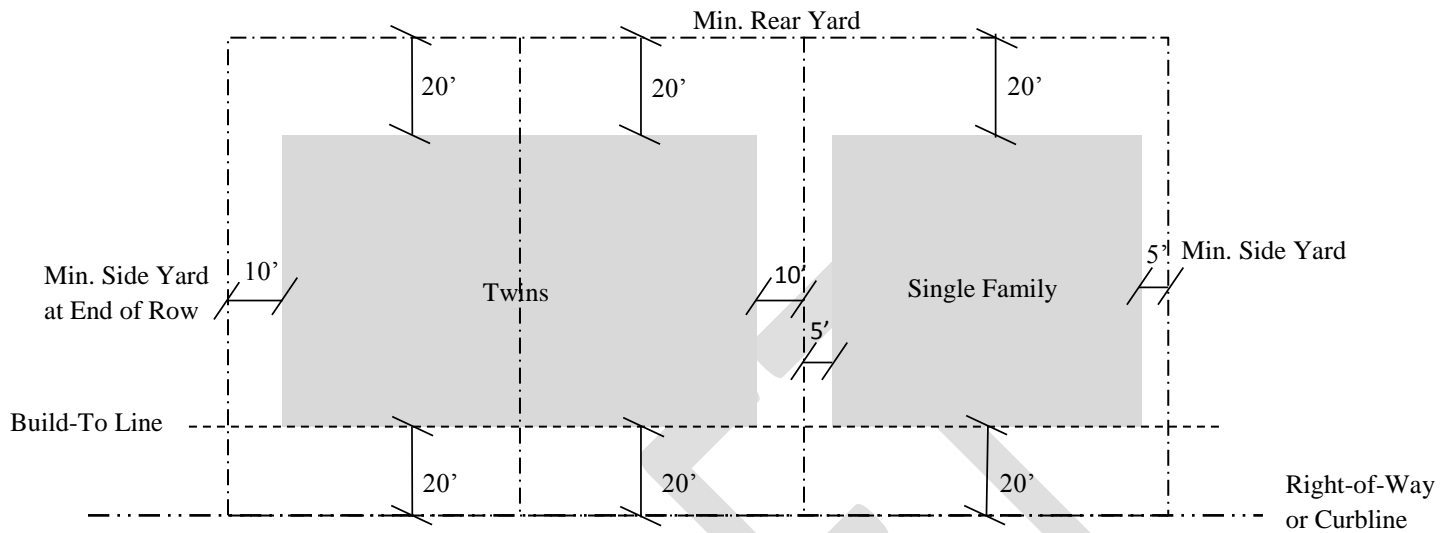


Figure X-4
VT District – “All Other Uses” Building and Structure Setbacks

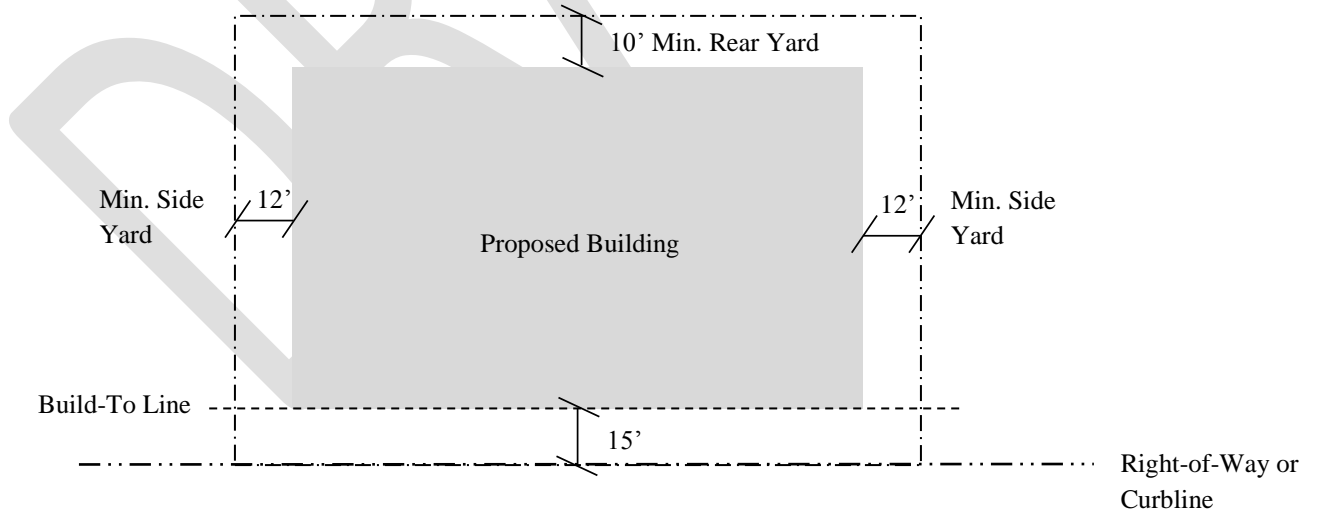
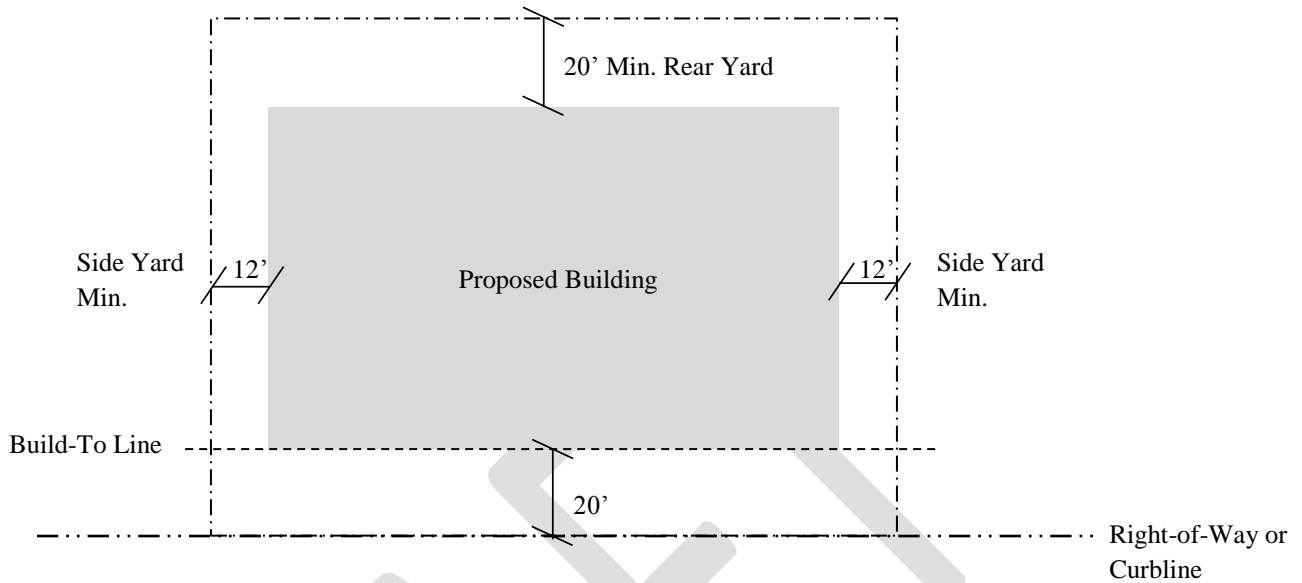


Figure X-5
VR District – “All Other Uses” Building and Structure Setbacks



SECTION 35. Chapter 455, “Zoning”, Article V, “Village of Berwyn Districts (VB, VT and VR)” subsection 455-25.B(5)(a) shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language:

Traffic aisles and other vehicular accessways designed for circulation of motor vehicles within parking lots or between parking spaces shall have the following minimum widths:

Accessway (aisle) Width

One-Way
 14 feet

Two-Way
 22 feet

Where garages face each other , the garage doors shall be separated a minimum of 35 feet in order to provide adequate back-out area.

SECTION 36. Chapter 455, “Zoning”, Article VII, “Overlay Districts” subsection 455-30.B shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language and strike through interlineations indicating the deletion of language:

In those areas of the Township 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). In the event that a conflict exists between a section of this article and the underlying district(s), the ~~more restrictive~~ provisions of this article shall apply.

SECTION 37. Chapter 455, “Zoning”, Article VIII, “General Regulations” subsection 455-36.A(1) shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language and strike through interlineations indicating the deletion of language:

No fence or wall over six feet in height shall be erected in any of the side or rear yard setbacks ~~yards~~ required in §455-35.C above.

SECTION 38. Chapter 455, “Zoning”, Article VIII, “General Regulations” subsection 455-36.A(2) shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language and strike through interlineations indicating the deletion of language:

Unless otherwise restricted by this chapter, a fence or wall of not more than four feet in height or fences up to five feet in height with the top one foot being at least 50% open may be erected, installed, or constructed within the required front yard setback, except as follows:

- a. Fences or walls up to five feet in height or fences up to six feet in height with the top one foot being at least 50% open are permitted within the required front yard setback when setback a minimum of five feet from the right-of-way line.
- b. Fences or walls up to six feet in height are permitted within the required front yard setback when setback a minimum of ten feet from the right-of-way line.
- c. Fences or walls shall not be erected, installed, or constructed between the street right-of-way line and the cartway surface of the street on which the lot fronts.

SECTION 39. Chapter 455, “Zoning”, Article VIII, “General Regulations” subsection 455-36 shall hereby be amended by the addition of new subsections 455-36.C and 455-36.D to read as follows:

C. Fences shall be erected with the finished side of the fence facing adjacent properties and rights-of-way. The finished side shall be considered the side without the structural supporting members.

D. All fences or walls erected within the front yard setback shall provide an operable gate with a minimum width of 36 inches, where 36 inches or greater openings or breaks in the fence line do not exist to provide access to the area between any fence or wall and the cartway of the abutting street, and the property owner is responsible for maintaining this area. There shall be a minimum of one operable gate or opening for each street frontage.

SECTION 40. Chapter 455, “Zoning”, Article VIII, “General Regulations” subsection 455-36.C shall hereby be renumbered as subsection 455-36.E.

SECTION 41. Chapter 455, “Zoning”, Article VIII, “General Regulations” subsection 455-41.B(1)(b) shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language:

Major recreational equipment shall not be parked or stored on any lot in any residential district except in an enclosed building or to the rear of the rearmost wall of the dwelling on all-weather surface material per Section 455-74.D(5); provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed 24 hours during loading and unloading. For the purposes of this subsection, if the rear yard of the premises is adjoining the side yard of an adjacent residential lot, it shall be considered to be the side yard, rather than the rear yard.

SECTION 42. Chapter 455, “Zoning”, Article IX, “Supplemental Regulations” Section 455-47 shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language and strike through interlineations indicating the deletion of language:

Accessory buildings or structures shall be permitted when in accordance with the standards set forth below.

A. ~~Except as otherwise provided in Subsection B below, a~~ Accessory buildings and structures must comply with all minimum yard setbacks for the district in which the lot is located.

B. Accessory buildings and structures which are used for active recreational uses, such as swimming pools, tennis courts, basketball courts, riding rinks and other similar uses, ~~must comply with all minimum yard setbacks for the district in which the lot is located and, in addition, may not~~ shall not be located in the front yard of the principal building on a lot.

C. Except in the case of unexclosed tennis courts and unenclosed swimming pools, t~~he~~ habitable gross floor area of accessory buildings and structures ~~which are enclosed~~ shall not exceed 40% of the footprint of the principal building.

D. The following structures shall be permitted when incidental and subordinate to an existing residential use, and when located on the same lot as the principal use:

(1) Flagpole.

(2) Private antenna or microwave dish, in accordance with the radio or television antenna provisions of this chapter.

(3) Signs associated with the occupants of a residence and home occupation

SECTION 43. Chapter 455, “Zoning”, Article IX, “Supplemental Regulations” subsection 455-65.A(2) shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language and strike through interlineations indicating the deletion of language:

Townhouse development, except in the PBO District.

SECTION 44. Chapter 455, “Zoning”, Article IX, “Supplemental Regulations” Section 455-66 shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language and strike through interlineations indicating the deletion of language:

An outdoor cafe shall adhere to the following standards:

A. Outdoor cafes located on the public sidewalk or right-of-way and outdoor cafés located outside of the public sidewalk or right-of-way shall be permitted as set forth in Figure 3-1.

AB. Prior to constructing or maintaining an outdoor cafe, an applicant shall first apply for and secure a permit from the Township in accordance with the following:

(1) An applicant shall submit in writing to the Zoning Officer, along with the required fee, an application including the following:

(a) Name and address of the applicant.

(b) A scaled Pplan specifying the location of the outdoor cafe, including a calculation of proposed occupant amount, seating capacity and location, and where applicable, the location of any adjacent parking spaces.

(c) Written consent of the property owner, if other than the applicant.

(d) Indoor seating capacity.

(e) Statement of indemnity as per Subsection **A(3)** below.

(f) Other similar information as may be required.

(g) Information sufficient to demonstrate compliance with Subsections **B** through **G** below.

(2) No action shall be taken on any application for a permit under this section until the application has been completed fully and the application fee, as required by the schedule of fees established and amended by the Township, is paid in full.

(3) The applicant shall indemnify and hold harmless the Township, its officers, consultants, employees, and agents from and against any and all actions, suits, demands, payments, costs, and charges for and by reason of the existence of an outdoor cafe, and all damages to persons or property resulting from or in a manner caused by the presence, location, use, operation, installation, maintenance, replacement, or removal of such use, or by the acts or omissions of the employees for agents of the applicant for such use.

~~B. C.~~ The associated restaurant or tavern shall have a minimum indoor seating capacity of 15 persons.

~~C. D.~~ Outdoor cafe uses, ~~abutting or adjacent to residential districts,~~ shall stop serving customers on or before 9:00 p.m., prevailing time, on Sunday through Thursday and clear all tables of food, beverages, and customers on or before 10:00 p.m. On Friday and Saturday, customer service shall stop at 10:00 p.m., prevailing time, and all tables shall be cleared of food, beverages, and customers on or before 11:00 p.m.

~~E. D.~~ The use shall not be located on or extend onto a public sidewalk, street, or right-of-way. Where the outdoor café is proposed to occur on a public sidewalk or right-of-way, the following additional regulations shall apply:

(1) A minimum pedestrian walkway of 48 inches clear is to be maintained in front of the outdoor café. The pedestrian walkway shall be kept clean and free of trash and other debris.

(2) The minimum height of umbrellas which project into the required minimum pedestrian walkway shall be 80 inches.

(3) If on-street parking exists in front of the outdoor café, tables on the curblines are prohibited. If on-street parking does not exist, tables are permitted on the curblines, provided that a barrier acceptable to the Township is provided.

(4) Trash receptacles, acceptable to the Township shall be provided in the outdoor café area.

(5) Disposable plates, napkins or glasses shall not be utilized in the outdoor café.

(6) In the event the outdoor café is located in an area that the Township or a public utility is performing maintenance or installation, the outdoor café shall be closed for the duration of the maintenance or installation.

~~F. E.~~ This use shall be associated with a principal use of a restaurant or tavern and shall be located abutting that building in which the principal use is located and shall be located on the same lot as that principal use or on the public sidewalk or right-of-way abutting the lot the principal use is located on.

~~G. F.~~ Where the outdoor cafe is not proposed to occupy the public sidewalk or right-of-way, the outdoor cafe shall be separated from parking areas or traffic flow areas by fencing or buffering. However, in any location where the outdoor cafe is not separated from the flow of traffic or parking areas, no table shall be located within six feet of the curb or the boundary of that area, whichever is closer.

~~G. H.~~ The outdoor cafe shall provide table service.

~~I. H.~~ The applicant shall maintain the outdoor cafe in accordance with all Township ordinances and federal, state and county laws, as well as rules and regulations promulgated and adopted by the Township which pertain to this use.

~~J.~~ The applicant shall remove the outdoor cafe within 30 days after written notice of the Township determines that the use is detrimental to the health, safety and general welfare of the Township or its residents as follows:

- (1) The outdoor cafe is no longer being used as such.
- (2) The use has been temporarily or permanently closed for violation of any Township, federal, state, or county law and/or regulation.
- (3) The use is operated in violation of any ordinance or regulations of the Township.
- (4) Due to pedestrian traffic changes, the use narrows the sidewalk to the extent that pedestrian traffic is impeded.

~~(4)~~ In the event that the applicant fails to remove the outdoor cafe within seven days after the thirty-day period after written notice, the Township may proceed to remove and restore the area and charge the applicant for the cost thereof. In this instance, the applicant is entitled to the return of furnishings or equipment so removed, only after the payment for all costs for the removal due to the Township, and requesting the return in writing. The responsibility for removal under the provisions of this section shall be the sole responsibility of the applicant without any obligation or cost assessed against the Township.

SECTION 45. Chapter 455, “Zoning”, Article IX, “Supplemental Regulations” shall hereby be amended by the addition of new Section 455-72.1 to read as follows:

§455-72.1 Liquid Propane Tanks.

The installation of liquid propane tanks shall be subject to federal, state and county law and regulation.

SECTION 46. Chapter 455, “Zoning”, Article IX, “Supplemental Regulations” shall hereby be amended by the addition of new Section 455-72.2 to read as follows:

§455-72.2 Sidewalks.

A. Sidewalks shall be required for all subdivision or land development plans and shall comply with Section 400-41.

B. Sidewalks shall be installed along the street frontage of any lot abutting a public or private street where sidewalks do not exist, when new construction of a principal building for the lot occurs or when the principal building for the lot is removed or demolished and replaced. Sidewalks shall comply with the terms of Section 400-41.

SECTION 47. Chapter 455, “Zoning”, Article X, “Off-Street Parking and Loading” subsection 455-74.A.5 shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language and strike through interlineations indicating the deletion of language:

Whenever a structure is altered or extended or a use is changed, added, or extended, either within an existing structure or on a lot, which increases the parking requirements of Subsection I of this section, then the total ~~additional~~ parking required for ~~the alteration, addition, change, or extension~~ all structures and uses on the lot shall be ~~provided~~ in accordance with the requirements of Subsection I of this section.

SECTION 48. Chapter 455, “Zoning”, Article X, “Off-Street Loading and Parking” shall be amended by creating new subsection 455-74.D(7) to read as follows:

(3) Except as otherwise provided, in residential garages, perpendicular spaces shall have minimum dimensions of ten feet wide by 20 feet long. Parallel parking spaces shall have minimum dimensions of ten feet wide by 24 feet long.

SECTION 49. Chapter 455, “Zoning”, Article X, “Off-Street Loading and Parking” subsection 455-74.I, residential uses table, shall be hereby amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language and strike through interlineations indicating the deletion of language:

Residential Uses

In the Village of Berwyn Districts:

Single-family detached, single-family attached dwellings, semidetached dwellings and townhouses	2.0 spaces per dwelling unit
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Multifamily dwellings (multifamily building, multifamily development, apartments)	1.75 spaces per dwelling unit
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In all other districts:

Single-family detached, single-family attached dwellings, semidetached dwellings, mobile homes used as permanent residences	2.0 spaces per dwelling unit
---	------------------------------

Multifamily dwellings (townhouses , multifamily building, multifamily development, apartments)	2.0 spaces per dwelling unit, plus 1.0 space per 5.0 units for visitor parking where 10.0 or more units are proposed
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<u>Townhouses</u>	<u>2.0 spaces per dwelling unit, plus 1.0 space per 5.0 dwelling units for visitor parking where 10.0 or more dwelling units are proposed</u>
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Continued care retirement community

1.0 space per 3.0 beds, or 1.0 space per dwelling unit, plus 1 space per employee on the largest shift

SECTION 50. Chapter 455, “Zoning”, Article XI, “Signs” subsection 455-79.G shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language and strike through interlineations indicating the deletion of language:

~~Signs on awnings, except on the vertical face thereof as provided herein.~~ [Reserved].

SECTION 51. Chapter 455, “Zoning”, Article XI, “Signs” subsection 455-79.I shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language and strike through interlineations indicating the deletion of language:

Signs permitted in accordance with Sections 455-33.1.D(7), 455-81, 455-82, and 455-83 that are not designed, assembled, and installed by a licensed sign company ~~painted on any wall surface.~~

SECTION 52. Chapter 455, “Zoning”, Article XI, “Signs” subsection 455-79.P shall hereby be deleted and marked “[Reserved]”.

SECTION 53. Chapter 455, “Zoning”, Article XI, “Signs” subsection 455-80.D shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language and strike through interlineations indicating the deletion of language:

~~Directional signs as herein defined.~~ Signs may be illuminated, but shall not blink, flash, or be animated. Trade names and logos are permitted to the minimum extent necessary. Signs shall not exceed two square feet.

SECTION 54. Chapter 455, “Zoning”, Article XI, “Signs” subsection 455-80.G(2) shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language and strike through interlineations indicating the deletion of language:

Signs advertising garage or yard sales, provided that no sign shall exceed ~~nine~~ four square feet in sign area. One sign for each street frontage shall be permitted on the premises where the sale is to be conducted, and two off-premises signs of the same size shall be permitted for a period of not to exceed two consecutive days prior to the sale. Signs shall be removed at the close of the garage or yard sale.

SECTION 55. Chapter 455, “Zoning”, Article XI, “Signs” Section 455-80 shall hereby be amended by new subsection 455-80.N to read as follows:

N. Civic event signs and banners on public and private property which clearly identify the date of the event, provided that:

(1) Total sign area shall not exceed 15 square feet, and the height of any freestanding sign shall not exceed eight feet above mean grade.

(2) Not more than one sign shall be placed per street frontage, provided a minimum of 150 feet is maintained between signs.

(3) Signs shall not be erected more than 30 calendar days prior to the event and shall be removed within 72 hours after the event.

SECTION 56. Chapter 455, “Zoning”, Article XI, “Signs” subsection 455-81.D.3 shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language and strike through interlineations indicating the deletion of language:

A maximum of two off-premises directional signs not to exceed a sign area of ~~four~~ two square feet per sign designating an open house shall be permitted. Signs shall contain only directional information and the name of the real estate agent or individual holding the open house. Signs shall be erected and removed on the day of the open house and shall not be located so as to obstruct pedestrian or vehicular traffic or be attached to a utility pole, off-site building, tree, or other natural feature.

SECTION 57. Chapter 455, “Zoning”, Article XI, “Signs” subsection 455-81.F shall hereby be deleted in its entirety.

SECTION 58. Chapter 455, “Zoning”, Article XI, “Signs” subsection 455-82.C(2) shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language:

Wall signs. Up to two wall signs shall be permitted per use in a building per street frontage. The total sign area for any one wall sign shall not exceed 60 square feet. No wall sign shall project above the highest story, excluding any cornice or parapet wall, ~~roofline, or building facade.~~

SECTION 59. Chapter 455, “Zoning”, Article XI, “Signs” subsection 455-82.C(3) shall hereby be amended by the addition of a new subsection (d) to read as follows:

d. Awning signs may be fixed or equipped with a mechanism for raising and holding an awning sign in a retracted position against the building.

SECTION 60. Chapter 455, “Zoning”, Article XI, “Signs” subsection 455-82.C(5)(a)[2] shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language:

Ground signs. Ground signs shall not exceed a sign area of either 30 square feet or a sign height of eight feet above mean grade. Ground signs shall be constructed so that the maximum height from mean grade to the lowest area of the sign face does not exceed four feet.

SECTION 61. Chapter 455, “Zoning”, Article XI, “Signs” subsection 455-82.D(2)(d) shall hereby be amended by the addition of a new subsection [3] to read as follows:

Ground signs shall be constructed so that the maximum height from mean grade to the lowest area of the sign face does not exceed four feet.

SECTION 62. Chapter 455, “Zoning”, Article XI, “Signs” subsection 455-83.C(2) shall hereby be amended as indicated by the interlineations below, with strikethrough interlineations indicating deletion of language:

Wall signs. Up to two wall signs shall be permitted per use in a building per street frontage. The total sign area for any one wall sign shall not exceed 40 square feet. No wall sign shall ~~exceed a sign height of 15 feet above existing grade or project above the highest story, excluding any cornice or parapet wall, roofline, or building facade.~~

SECTION 63. Chapter 455, “Zoning”, Article XI, “Signs” subsection 455-83.C(3) shall hereby be amended by the addition of a new subsection (d) to read as follows:

d. Awning signs may be fixed or equipped with a mechanism for raising and holding an awning sign in a retracted position against the building.

SECTION 64. Chapter 455, “Zoning”, Article XI, “Signs” subsection 455-83.C(5)(a)[2] shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language:

Ground signs. Ground signs shall not exceed a sign area of either 30 square feet or a sign height of eight feet above mean grade. Ground signs shall be constructed so that the maximum height from mean grade to the lowest area of the sign face does not exceed four feet.

SECTION 65. Chapter 455, “Zoning”, Article XIII “Administration and Enforcement” subsection 455-94.B(2) shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language:

To receive applications for appeals, special exceptions, conditional uses and variances and forward these applications to the Zoning Hearing Board or the Board of Supervisors, as the case may be, for action thereon.

SECTION 66. Chapter 455, “Zoning”, Article XIII “Administration and Enforcement” subsection 455-94.B(5) shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language and strike through interlineations indicating the deletion of language:

To record and file all applications for permits and accompanying plans and documents and retain them as required by the Township’s record retention procedures and federal and state law and

~~regulation. keep them as public records in accordance with the Pennsylvania Right to Know Law, Act 3 of 2008, as amended.~~

SECTION 67. Chapter 455, “Zoning”, Article XIII “Administration and Enforcement” subsection 455-99.A shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language and strike through interlineations indicating the deletion of language:

In ~~ease~~ the event any building, structure, landscaping, or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this chapter, the Board of Supervisors, the Zoning Officer, or any other enforcement officer of the Township, with the Supervisors' approval, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such a building, structure, landscaping, or land or to prevent, in or about such premises, any such action, conduct, business, or use constituting a violation of this chapter by giving written notice of such action prior to the time the action is begun in accordance with this article. ~~Written N~~notice shall be given to the owner of the property served by the Zoning Officer or other enforcement officer of the Township, or by certified mail, ~~including a copy of the complaint to the Zoning Officer, or violation of this chapter observed by an agent of the Township~~ at least 30 days prior to such action being taken. No such action may be maintained until such notice is given.

SECTION 68. Chapter 455, “Zoning”, Article XIV “Conditional Use” subsection 455-104.B shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language and strike through interlineations indicating the deletion of language:

In approving a conditional use or a development containing conditional uses, the Supervisors may impose reasonable conditions, in addition to those expressed in this chapter, as it may deem necessary to implement the purposes of this chapter and the Pennsylvania Municipalities Planning Code. ~~affecting the following:~~

- ~~(1) Size and location of school bus shelters at each point of egress and ingress to the development and adequate provision for vehicular and pedestrian access thereto.~~
- ~~(2) Control of signs, placement, location, size, and intensity of common lighting, height of light standards, adequacy of loading and unloading facilities and control and/or prohibition of parking on streets within the development site.~~
- ~~(3) The layout, circulation, and performance standards within the development, which they deem necessary to ensure efficient and adequate traffic circulation, furthering the health, safety, and welfare of the development's residents.~~
- ~~(4) Other information as may be deemed necessary by the Board of Supervisors.~~

SECTION 69. Chapter 455, “Zoning”, Article XIV “Conditional Use” subsection 455-106.F shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language and strike through interlineations indicating the deletion of language:

In granting or denying a conditional use or establishing conditions upon the grant of the use, the Supervisors shall determine compliance with the standards and criteria established in § 455-104, as well as those other standards and criteria specific to the proposed use as set forth in this chapter. ~~to be mandatory.~~ In granting a conditional use, the Board may attach such conditions as it deems necessary to ~~protect the health, safety and public welfare~~ to implement the purposes of this chapter and the Pennsylvania Municipalities Planning Code.

SECTION 70. Chapter 455, “Zoning”, Article XIV “Conditional Use” subsection 455-106.H shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language and strike through interlineations indicating the deletion of language:

~~If, after the conclusion of the public hearings, the application is amended or revised, the Supervisors shall hold one or more public hearings thereon as may be necessary and shall issue a new decision thereon in conformance with the procedure established in this section. [Reserved].~~

SECTION 71. Chapter 455, “Zoning”, Article XV “Zoning Hearing Board” subsection 455-108 shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language and strike through interlineations indicating the deletion of language:

The membership of the Board shall consist of three residents of the Township who shall be appointed by the Supervisors and serve three-year terms as provided by law and not more than three residents of the Township to serve as alternate members of the Board for three-year terms. Alternate members shall be entitled to participate in all proceedings and discussions of the Board as provided by law and in § 455-109. Members and alternate members of the Board shall hold no other office in the Township or be an employee of the Township. The provisions of the laws of the eCommonwealth shall govern removal of Board members.

SECTION 72. Chapter 455, “Zoning”, Article XV “Zoning Hearing Board” subsection 455-109.A shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language and strike through interlineations indicating the deletion of language:

The Zoning Hearing Board shall elect from its own membership its officers (Chairman, Vice Chairman and Secretary), who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall not be less than a majority of all members of the Board, but the Board may appoint a hearing officer from its own

membership to conduct any hearing on its behalf, and the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing officer, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final, as provided in Section 908(2) of the Municipalities Planning Code.

SECTION 73. Chapter 455, “Zoning”, Article XV “Zoning Hearing Board” subsection 455-110.A(3)-(5) shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language and strike through interlineations indicating the deletion of language:

(3) Appeals from determinations by the Township Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard regulations of this chapter or such provisions within the Township’s land use ordinances.

(4) Applications for variances from the terms of this chapter and flood hazard ordinance or such provisions within the Township’s land use ordinances, pursuant to Section 910.2 of the Municipalities Planning Code.

(5) Applications for special exceptions under this chapter, or flood plain or flood hazard ordinance or such provisions within the Township’s land use ordinance, pursuant to Section 912.1 of the Municipalities Planning Code.

SECTION 74. Chapter 455, “Zoning”, Article XV “Zoning Hearing Board” subsection 455-115.I shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language and strike through interlineations indicating the deletion of language:

The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is required, make written findings on the application within 45 days of the close of the last hearing, unless extended by the applicant. Where the application is contested or denied, ~~Each~~ the decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefor. Conclusions based on any provisions of this chapter, or any ordinance, rule or regulation shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate under the facts as found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make the report and recommendations available to the parties within 45 days; and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than 30 days after the report of the hearing officer.

SECTION 75. Chapter 455, “Zoning”, Article XV “Zoning Hearing Board” subsection 455-115.J shall hereby be amended as indicated by the interlineations below, with underlined

interlineations indicating insertion of language and strike through interlineations indicating the deletion of language:

Except for challenges filed under Municipalities Planning Code Section 916.1, in the event the Board fails to hold a public hearing or render a decision within the times required by this section, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as required by this section, the Board shall give public notice of the decision within 10 days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this section. If the Board shall fail to provide such notice, the applicant may do so.

SECTION 76. Chapter 455, “Zoning”, Article XV “Zoning Hearing Board” subsection 455-115.K shall hereby be amended as indicated by the interlineations below, with strike through interlineations indicating the deletion of language:

A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed by first-class United States Mail to the applicant not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide, by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined. ~~A copy of the decision shall also be mailed at such time to all other parties of record.~~

SECTION 77. Chapter 455, “Zoning”, Article XV “Zoning Hearing Board” subsection 455-116.A shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language and strike through interlineations indicating the deletion of language:

In addition to the requirements specified in the provisions of this chapter permitting the requested special exception, the Board shall consider, where relevant, the following standards and criteria in ~~passing upon~~ reviewing any application for approval of a special exception under this chapter, and the applicant shall have the burden to prove compliance with each such standard and criteria:

SECTION 78. Chapter 455, “Zoning”, Article XV “Zoning Hearing Board” subsection 455-116.A(11) shall hereby be deleted in its entirety.

SECTION 79. Chapter 455, “Zoning”, Article XV “Zoning Hearing Board” Section 455-117 shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language and strike through interlineations indicating the deletion of language:

- A. In granting any special exception or variance, the Board shall consider and impose reasonable conditions, ~~safeguards, restrictions and limitations upon the property that the Board as it~~ deems necessary to implement the purposes of this chapter, the grant of relief and the Municipalities Planning Code.
- ~~B. Where the Zoning Hearing Board grants approval of a special exception or variance, it shall provide its written decision to the applicant, in accordance with the MPC.~~

SECTION 80. Chapter 455, “Zoning”, Article XV “Zoning Hearing Board” subsection 455-119.E shall hereby be amended as indicated by the interlineations below, with strike through interlineations indicating the deletion of language:

The Board shall commence its hearings within 60 days after the request is filed, unless the landowner requests or consents in writing to an extension of time. Public notice of the hearing shall include notice that the validity of the ordinance or map is in question and shall give the place where and the times when a copy of the request, including any plans or explanatory material, may be examined by the public. ~~If the Board fails to act on the landowner's request by rendering its decision within 45 days after the conclusion of the last hearing, a denial of the request shall be deemed to have occurred on the 46th day after the close of the last hearing.~~

SECTION 81. Chapter 455, “Zoning”, Article XVII “Amendments” Section 455-126 shall hereby be amended as indicated by the interlineations below, with strike through interlineations indicating the deletion of language:

The Board of Supervisors may from time to time amend, supplement, change, modify or repeal this chapter or any provision thereof, including the Zoning Map, by proceeding in the manner prescribed in this article and in accordance with the applicable provisions of the Municipalities Planning Code.

SECTION 82. Chapter 455, “Zoning”, Article XVII “Amendments” subsection 455-129.A shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language and strike through interlineations indicating the deletion of language:

At least 30 days prior to the hearing on such proposed amendment, the Board of Supervisors shall refer proposed amendments, other than ones originated by the Township Planning Commission, to the Township Planning Commission so it may provide recommendations on the proposed amendment. ~~The Township Planning Commission shall consider whether or not such proposed change or amendment would be consistent with and desirable in furtherance of the Township Comprehensive Plan upon which this chapter is based, as the same may be modified from time to time. The Commission shall transmit its recommendations conclusion thereon, together with its reasons therefor, to the Board of Supervisors within 30 days of receiving the proposed amendment. The Board of Supervisors shall take such conclusion and reasons into consideration in reaching its decision, but shall not be bound thereby.~~

SECTION 83. Chapter 455, “Zoning”, Article XVII “Amendments” subsection 455-130.B shall hereby be amended as indicated by the interlineations below, with strike through interlineations indicating the deletion of language:

The Board of Supervisors shall publish notice thereof consistent with the public notice requirements of the Municipalities Planning Code. ~~The notice shall be published, not more than 30 days and not less than seven days in advance of the date of the hearing, in a newspaper of general circulation in the Township. Such notice shall be published one time each week for two consecutive weeks. The notice shall state a reference to a place in the Township where copies of the proposed amendment may be examined without charge or purchased at a charge not exceeding the cost thereof and the time and place set for the public hearing.~~

SECTION 84. Chapter 455, “Zoning”, Article XVII “Amendments” subsection 455-130.D shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language and strike through interlineations indicating the deletion of language:

~~In addition to any public notice requirements for public hearing on amendments, notice of proposed enactment shall include the time and place of the meeting at which passage will be considered, a reference to the place within the Township where copies of the proposed amendment may be examined without charge or obtained for a charge not to exceed the cost thereof. The Board of Supervisors shall publish the proposed amendment one time in a newspaper of general circulation in the Township not more than 60 nor less than seven days prior to taking action. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary, prepared by the Township Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included, then the following shall apply:~~

~~(1) A copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.~~

~~(2) An attested copy of the proposed amendment or ordinance shall be filed in the county law library or other county office designated by the county commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said amendment or ordinance.~~

[Reserved].

SECTION 85. Chapter 455, “Zoning”, Article XVII “Amendments” subsection 455-130.F shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language and strike through interlineations indicating the deletion of language:

In the event substantial changes are made to the proposed amendment or ordinance, or it is revised to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice as provided in ~~this section~~ the Municipalities Planning Code, prior to proceeding to vote on the amendment or ordinance.

SECTION 86. Chapter 455, “Zoning”, Article XVIII “Terminology” Section 455-132 shall hereby be amended as indicated by the interlineations below, with underlined interlineations indicating insertion of language and strike through interlineations indicating the deletion of language:

ACCESSORY DWELLING UNIT

A self-contained dwelling unit which is accessory and subordinate to the principal dwelling on a lot ~~and which meets all criteria in § 455-72 of this chapter.~~

ACCESSORY USE SIGN

Signs that designate major home occupations ~~as permitted by § 455-61D(8).~~

AWNING SIGN

Any sign painted on or applied to a structure made of cloth, canvas, metal or similar material which is affixed to a building and projects therefrom. ~~Such signs may or may not be fixed or equipped with a mechanism for raising and holding an awning in a retracted position against the building.~~

BED-AND-BREAKFAST INN

An owner-occupied building designed, used and occupied as a single-family residence, having, as an accessory use therein, public lodging rooms and facilities for and serving breakfast and afternoon tea prepared within the building to preregistered transient guests, ~~which meets the minimum requirements of this chapter.~~

BUILDING, ACCESSORY

A building that is not a principal building or structure and which is used for purposes that are entirely incidental and subordinate to those of the principal building or structure and located on the same lot. For purposes of this chapter, structures such as but not limited to tennis courts, swimming pools, bathhouses, carports, breezeways and garages shall be considered accessory structures. ~~Except in the case of nonenclosed tennis courts and nonenclosed swimming pools, no single accessory structure shall exceed 40% of the ground area foot print occupied by the principal structure on the lot.~~

BUILDING HEIGHT The vertical distance from the average grade (the average of the grades taken at ten-foot intervals around the building perimeter) 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 spires shall not be included in measuring the height. Elevator, stair and equipment penthouses, tanks and air-conditioning towers shall not be included. The height shall be measured from finished grade, but such measurement shall not be made from a point higher than ~~eight~~ four feet above original grade.

DECK A structure that is an unroofed platform supported by pillars or posts, either freestanding or attached to the principal structure. Decks under thirty (30) inches in height may encroach into the rear and side yard setbacks, but shall not be located closer than ten (10) feet to the property line. Decks thirty (30) inches or more in height that shall meet all applicable setbacks for the zoning district in which the structure is located, and The structure shall be considered a pervious surface so long as the deck surface is open (allowing for water to pass between gaps in the deck surface) and the ground surface below the deck allows for the infiltration of water.

DIRECTIONAL SIGN

A sign, ~~no larger than two square feet,~~ designating points of ingress and egress to a property, normally located at such points of ingress and egress.

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, in one of the following configurations:

(1) DUPLEX

A building designed for and occupied exclusively as a residence, containing two dwelling units, in an "over and under" arrangement, separated by a horizontal common or party wall and having yards on all sides.

(2) TWIN

A building designed for and occupied exclusively as a residence, containing two dwelling units separated by a vertical common or party wall and having yards on all but one side.

C. TOWNHOUSE

A single-family attached dwelling unit in a row of at least three, but not more than six, such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

D. MULTIFAMILY

A building on a lot designed for and occupied by more than two families.

(1) TOWNHOUSE

~~A single-family attached dwelling unit in a row of at least three, but not more than six, such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.~~

(1) APARTMENT

As defined in this article.

FAMILY

A. A single person; or

B. Any number of persons related by blood, marriage or adoption, including foster children and including not more than two other persons, for example, boarders, lodgers or domestic help; or

C. Unrelated persons living together as a single cooperative household unit, however, excluding occupants of a rooming/boardinghouse or dormitory; or

D. A group of individuals with disabilities living together as a single cooperative household unit ~~the functional equivalent of a family~~ and entitled to a reasonable accommodation to allow them adequate housing choices pursuant to the Federal Fair Housing Amendments Act of 1988 (42 U.S.C. § 3601 et seq., as amended) and the Pennsylvania Human Relations Act (43 P.S. §§ 951 through 963, as amended). ~~The Zoning Officer or other official Township representative shall have the authority to determine whether a group of individuals is living together as the functional equivalent of a family for purposes of this definition.~~

FLOOR AREA, HABITABLE

The total area of the floors of a residential use, measured from the face of the interior walls and excluding the following: unfinished basement space, elevator shafts, stairwells, attic space, roof, terraces, exterior balconies, breezeways or porches, enclosed space devoted to heating, air-conditioning or other mechanical equipment, and any space located in an accessory building or structure. For the purposes of a bed-and-breakfast facility, the sum of the area of the several floors of the residence measured from the face of the interior walls, excluding basement space, elevator shafts, stairwells, attic space, roof, terraces, exterior balconies, breezeways or porches, space devoted to heating, air conditioning or other mechanical equipment and any space located in an accessory building or structure.

FORESTRY (TIMBER HARVESTING OPERATION)

The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling of trees for profit, which does not involve any land development, specifically the uprooting or removal of more than four trees of greater than six inches dbh per acre from any lot which has a gross area prior to any subdivision or land development of more than three acres, and, when required, is undertaken in compliance with an approved timber harvesting plan. Forestry, as defined by the Municipalities Planning Code, shall be considered timber harvesting ~~and shall require the submittal and approval of a timber harvesting plan.~~ Timber harvesting does not include the clearing of land for approved construction or the creation or maintenance of approved roads.

FREESTANDING SIGN

A sign and supporting structure which is secured in the ground and independent of any building, fence or other support. For the purpose of this definition, freestanding signs may consist of the following:

A. GROUND SIGN

A sign designed to be viewed at eye level or below within the immediate vicinity and which is intended to be designed and viewed as an architecturally unified and proportional element. ~~Ground signs shall be constructed so that the maximum height from mean grade to the lowest area of the sign face does not exceed four feet.~~

B. POLE SIGN

A sign which is detached from a building and supported by no more than two poles or other structural supports which are architecturally dissimilar to the design of the sign.

FUNCTIONAL CLASSIFICATION

A classification of roadways based on traffic volumes, access, and other factors as denoted in the Easttown Township Comprehensive Plan, ~~2001~~.

GARAGE, SERVICE

A structure, not a residential garage, used for the repair, servicing, or storage of motor vehicles. See § ~~455-51~~, when applicable.

HOME DAY CARE

A major home occupation in which a private residence is used for the care and supervision of between four and six children or adults not related to the caregiver. ~~(For dDay care provided for more than six children see commercial day-care center. is considered a commercial day-care center for the purposes of this chapter and is not permitted in residential districts. Care provided to three or fewer children is considered baby-sitting and is not formally regulated.)~~

HOME OCCUPATION, MAJOR

A home occupation that does not meet one or more of the criteria listed under § ~~455-61.C~~ and otherwise complies with the applicable criteria of the chapter shall be defined as a "major home occupation/major home-based business." ~~Major home occupations shall be permitted only by special exception in those zoning districts where major home occupations are permitted and where applicable criteria of this chapter can be met.~~

HOME OCCUPATION, MINOR (NO-IMPACT HOME-BASED BUSINESS)

A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves neither customer, client, nor patient traffic, and no pickup, delivery, or removal functions, in excess of those normally associated with residential use. ~~The activity must further satisfy specified requirements under § 455-61.~~

LOT AREA, NET The area of land contained within the limits of the legally described property lines bounding the lot, exclusive of any street or railroad rights-of-way, utility easements and flag lot access strips, easements for fuel or communications transmission, whether below or above ground, that do not exclusively serve the lot traversed, very steep slopes and 50% of

moderately steep slopes, aboveground stormwater management basins greater than 18 inches in depth that do not exclusively serve the lot, below-ground stormwater management basins that do not exclusively serve the lot, and areas within riparian buffer zones, along with the natural resources that they protect, provided that at least 50% of the required minimum lot area be contiguous land lying outside of these exclusions.

LOT COVERAGE

The total area of all impervious surfaces on a lot, including coverage by buildings, structures, and extended roofs, eaves, overhangs, asphalt, concrete, grass pavers, pervious paving, or other man-made cover. ~~The Township Engineer shall resolve any dispute as to whether cover is impervious.~~

MULTIFAMILY BUILDING

A building containing two or more ~~single-family~~ dwelling units.

NATURAL RESOURCE PROTECTION ORDINANCE

Chapter 274, Natural Resource Protection, of the Code of Easttown Township, Chester County, as adopted and amended.

NONCONFORMING SIGN

Any sign which has a valid permit, was erected prior to the effective date of this chapter or any subsequent amendment hereto and which does not otherwise conform to the provisions of this ~~article~~ chapter.

OUTDOOR CAFE

An outdoor patio area of an associated restaurant or tavern, used for the express purpose of furnishing food and beverages to the public to be consumed on the premises, and directly abutting and on the same lot as the principal building in which the associated restaurant or premises is located. ~~Outdoor cafes shall comply with the criteria in § 455-66, Outdoor cafes, of this chapter.~~

OVERLAY DISTRICT

~~A zoning district not deemed to be an independent zoning district, but rather shall be deemed a district overlay to the end that to the extent any building, use, or structure is permitted by the terms of this section, special relief, variance, or other order of any administrative office, agency, or body, or any judicial determination, the same shall be governed by the general terms of this chapter applicable to the uses, structures, and other regulations pertaining to the zoning district in which the building, use or structure is situated. Thus, the provisions for an overlay district shall serve as supplements to the underlying zoning district provisions.~~

USE, MULTIFAMILY BUILDING

A building containing ~~two or~~ more than two dwelling units, each with independent kitchen, bathroom and bedroom facilities, which may have independent outside access, including but not limited to apartments, quadraplexes, and garden apartments.

USE, MULTIFAMILY DEVELOPMENT

A development that includes more than one multifamily structure, including but not limited to apartment, ~~townhouse~~, quadruplex and garden apartment developments, in an orderly, appropriate manner in areas accessible to public water and sewer service as well as to a road network sufficient to accommodate the increased traffic to be anticipated from such multifamily development and to insure that such development projects are built in the manner and to the specifications shown on approved plans.

SECTION 87. Chapter 455, “Zoning”, Article XVIII “Terminology” Section 455-132 shall hereby be amended by the addition of the following definition: ▲

BUSINESS SERVICES

A business that supports a business process but does not produce a tangible commodity.

FLOOR

The horizontal part of a building, that forms its lower enclosing surface and upon which one walks.

GRADE PLANE

A reference plane representing the average finished ground level adjoining the building at all exterior walls.

MEZZANINE, LOFT

An intermediate level or levels between the floor and ceiling of any story, with an aggregate floor area of not more than one-third of the area of the room or space in which the level or levers are located.

STORY

The horizontal portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. A story shall have its finished floor surface entirely above the grade plane.

SECTION 88. All ordinances or parts of an ordinance conflicting or inconsistent herewith are hereby repealed.

SECTION 89. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section, or part thereof not been included herein.

SECTION 90. General Code is hereby authorized to make non-substantive formatting and numbering changes necessary to clarify references to other sections of the Easttown Township codification and to bring the Ordinance into conformity with the Easttown Township codification.

SECTION 91. This ordinance shall become effective five (5) days after enactment as provided by law.

ENACTED AND ORDAINED by the Board of Supervisors of the Township of Easttown this ___ day of ___ 2018.

Attest:

TOWNSHIP OF EASTTOWN

Daniel C. Fox, Township Secretary

BY: _____
Marc J. Heppel, Chairman

BY: _____
Betsy Fadem, Vice Chairman

BY: _____
Christopher D. Polites, Member

BY: _____
James W. Oram, Jr, Member

BY: _____
Member

