ARTICLE 19 - GENERAL PROVISIONS

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

SECTION 1900 - OVERALL REQUIREMENTS

A. Every principal permitted building shall be built upon a lot with frontage upon a public or private street which is improved in accordance with the design standards for streets as set forth in the Warwick Township Subdivision and Land Development Ordinance, or for which such improvements have been insured by the posting of a performance guarantee pursuant to the Subdivision and Land Development Ordinance. Such frontage shall be in accordance with that specified in the Article pertaining to the particular district in which such lot is located.

B. Each lot shall be accessible from a driveway, and driveways may be shared by two (2) lots in accordance with the design standards for driveways in the Warwick Township Subdivision and Land Development Ordinance.

C. No more than one (1) permitted principal use shall be permitted on a lot, except in accordance with Sections 1001.C.6., 1101, 1301, 1918 and the following:

1. If a property in the R-A or INS Districts is greater than twenty (20) acres, a total of two (2) single-family detached dwelling units may be permitted without a formal subdivision approval provided that any such dwelling unit is located in such a way that, if it was located on a subdivided lot, it would meet the area and bulk regulations of the District. If a property in these districts is greater than fifty (50) acres but less than one hundred (100) acres, a total of three (3) single-family detached dwelling units may be so permitted. If a property is greater than one hundred (100) acres, a total of five (5) single-family detached dwelling units may be so permitted, provided that all other Ordinance provisions are met.

2. If a property in the R-1, R-2, or R-3 Districts is greater than fifteen (15) acres, a total of two (2) single-family detached dwelling units may be permitted as so stated above.

SECTION 1901 - GENERAL LOT AND YARD REQUIREMENTS

A. Lot Area and Yard Requirements

The lot or yard requirements for any permitted building or use shall not include any part of a lot that is required by

any other permitted building or use to comply with the requirements of this Ordinance.

B. Minimum Lot Area and Lot Area Per Dwelling Unit

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

C. Minimum Lot Width

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

D. Exceptions to Minimum Lot Areas and Lot Widths.

The provisions of Sections 1901.B. and C. shall not prevent the construction of a building, provided the yard requirements are observed, on any lot which was lawful when created and which, prior to the effective date of this Ordinance, was in separate ownership duly recorded by plan or deed, subject to the provisions of Section 1912.

E. Front and Side Yards of Corner Lots

Corner lots shall provide for equal front yard setbacks on both streets.

F. Front Yard Regulations

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

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

The front yard requirements for any district shall not apply to driveways, sidewalks, lights, fences, wells, signs, and off-street parking areas open to the air. Garages, carports or other structures shall not be located in front yards.

H. Side and Rear Yard Requirements

Where a minimum width of side yard is specified, no building or other structure shall be erected within such width from either side lot line, except as provided in Section 1908.C.

I. Projections into Required Yards.

No building or structure or part thereof shall be erected within, or shall project into any required yard in any district except for terraces, patios, platforms or other uncovered spaces, buttresses, chimneys, cornices, piers or pilasters, unenclosed fire escapes, steps, bay windows and balconies; and, accessory use structures as provided for in

Section 1908.C. However, no such projection shall extend any closer than twenty (20) feet from a lot line.

J. Flag Lots.

No more than two (2) flag lot frontages along a street shall be permitted in a distance of five hundred (500) feet.

SECTION 1902 - HEIGHT LIMITATIONS OF FENCES AND WALLS

No fence or wall, except a retaining wall or a wall of a building permitted under the terms of this Ordinance, over six (6) feet in height, shall be erected within any of the required yards, unless that portion of the fence or wall which exceeds six (6) feet in height has a ratio of open to solid area of at least four-to-one (4:1), and only if in accordance with Section 1905.

SECTION 1903 - EXCEPTIONS TO HEIGHT REGULATIONS FOR BUILDINGS AND STRUCTURES

The Board of Supervisors may determine that the height regulations prescribed within this Ordinance may be exempted for spires, steeples, belfries, cupolas or domes not used for human occupancy, or for chimneys, ventilating fans, air conditioning equipment, roof structures for the housing of elevators and/or stairways, fire or parapet walls, skylights, flagpoles, water tanks, utility poles, windmills, silos, smokestacks, provided that such structures do not exceed the maximum height of buildings otherwise permitted in the District by more than fifteen (15) feet.

SECTION 1904 - PUBLIC UTILITIES

A. Exemptions

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

B. Lot Area and Coverage.

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

maximum height regulations shall apply, except for necessary towers, poles and lightning rods and arresters.

SECTION 1905 - CORNER VISION OBSTRUCTION

On any lot, no wall, fence or other structure shall be erected or maintained, and no hedge, tree, shrub or other growth, shall be maintained which may cause danger to traffic on a street by obscuring the view. The clear sight triangle shall be in accordance with the design standards and required improvements for streets set forth in the Warwick Township Subdivision and Land Development Ordinance.

SECTION 1906 - RIGHT-OF-WAY WIDTHS FOR STREETS

Whenever the existing street right-of-way is less than that required by the Township Subdivision and Land Development Ordinance for the particular classification of street, the right-of-way in the Subdivision and Land Development Ordinance shall be deemed to be the right-of-way for such street for all purposes of the Zoning Ordinance.

SECTION 1907 - HIGHWAY FRONTAGE DEVELOPMENT

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

A. All areas for off-street parking, off-street loading and unloading, and the storage or movement of motor vehicles shall be physically separated from the highway or street by a raised curb, buffer planting strip, fence, wall, berm, or other suitable barrier against unchanneled motor vehicle entrance or exit, except for necessary accessways or access roads which provide ingress to and egress from such parking, loading or storage area. All parking areas or lots shall be designed to prohibit vehicles from backing out on the street, and the capacity of each lot shall provide adequate storage area and distribution facilities upon the lot to prevent back-up of vehicles on a public street while awaiting entry to the lot.

B. Each use with less than one-hundred (100) feet of frontage on a street shall have not more than one (1) accessway to each street, and no use with one-hundred (100) feet or more of frontage on a street shall have more than two (2) accessways to any one (1) street for each three-hundred (300) feet of frontage. Where practicable, access to parking areas shall be provided by a driveway or service street in order to avoid direct access to a street.

C. In the case of a shopping center, office complex, group of multiple family dwellings or similar grouping or buildings on a lot, and in any other case where feasible:

1. All buildings shall front upon a service street, parking lot or similar area and not directly upon a public street.

2. All points of vehicular access to and from a street shall be located not less than one-hundred fifty (150) feet from the intersection of any street lines, provided, however, that such a point of vehicular access, which in effect, converts a "T" intersection into an intersection of two (2) streets which cross one another, shall be permitted.

3. Provision shall be made for safe and efficient ingress and egress to and from streets and highways serving the unified development, without undue congestion to, or interference with normal traffic flow within the Township.

4. All streets and accessways shall conform to the Design Standards and Required Improvements of the Warwick Township Subdivision and Land Development Ordinance. Provision shall be made for adequate signalization, turn, standby and deceleration lanes, and similar facilities where desirable.

5. All driveways, aisles, maneuvering spaces, vehicular service areas or spaces between or about buildings, other than those related to a dwelling shall be adequately illuminated during night hours of use at no cost to the Township.

6. Direct vehicular access shall be strongly discouraged onto any collector or arterial highway and reverse frontage shall be encouraged.

SECTION 1908 - ACCESSORY USES, BUILDINGS AND STRUCTURES

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

A. Uses, Buildings and Structures Accessory to Agriculture

1. The sale of farm products produced on the property provided that: roadside stands used for such sale shall be removed from view of a street during seasons when products are not sold; and adequate parking and provisions for safe ingress and egress shall be provided.

2. Agricultural structures such as fencing, sheds and like.

B. Uses, Buildings, and Structures Accessory to Dwellings

1. Detached private garage, private parking space, private stable, barn, shed, shelter for pets owned by the property owner, swimming pool, tennis court, bath house and private greenhouse.

2. Quarters for servants on lots of ten (10) acres or more, provided that:

   a. Such quarters are intended and suitable for, and exclusively used by, employees of the person or persons occupying the main dwelling, working for the major portion of the time upon or about the premises, such as a gardener, chauffeur, farm or household helper.

   b. One (1) such quarters may be permitted on a property of ten (10) acres or more.

   c. If such quarters are detached, each shall be so located so that if the underlying premises were subdivided, each would be located on a lot which would meet the area and bulk regulations of the district in which located, subject to the review and concurrence of the Planning Commission.

3. Pole, mast, tower or other structure when erected and operated by the occupier thereof, who is an amateur radio operator duly licensed by the Federal Communications Commission, subject to the determination made by the Board of Supervisors as defined in Section 1903.

C. Accessory Use Structures in Yards.

No accessory use structure shall be permitted in a front yard, except as provided in Section 1901.G. In any district, unless otherwise specified, accessory use structures or buildings may be located, erected or maintained in the side yard, or in any rear yard, provided that in no case shall such accessory use structure or building be closer to any lot line than fifteen (15) feet, except for:

1. Fences or walls which define property boundary lines, or serve as a required continuous visual buffer;

2. A shared driveway for two (2) lots which may straddle property lines, when approved by the Board of Supervisors;

3. Structures for which no other viable location exists, as approved by the Board of Supervisors.

D. Swimming Pools

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

1. The swimming pool shall be used solely for the enjoyment of the occupants of the principal permitted use of the property on which it is located and their guests, and shall not be operated commercially so as to charge a fee for the use of the swimming pool.

2. Non-commercial swimming pools designed to contain more than eighteen (18) inches of water shall be erected in conformity with the following requirements:

   a. A permit shall be required to locate, construct or maintain a non-commercial swimming pool.

   b. Swimming pools and buildings related to the pool may be located in the rear or side yard, but shall not be closer to any rear or side lot line than the distance of the required building setbacks of the district in which it is proposed. Any walks, paved areas or open decks related to the pool shall be no closer than twenty (20) feet.

   c. If the water for such pool is supplied from a private well, there shall be no cross-connection with a public water supply system.

   d. If the water for such pool is supplied from a public water supply system, the inlet shall be above the overflow level of said pool.

   e. These regulations shall not apply to a natural pond or a man-made pond not intended for swimming, unless deemed necessary by the Board of Supervisors.

   f. No permit shall be granted for the installation or construction of above ground pool having a capacity of twenty thousand (20,000) gallons or more, unless the Township Engineer has certified that the drainage of such pool is adequate and will not interfere with the water supply system, with existing sanitary facilities or with public streets.

3. Swimming Pool Fences

   a. Every swimming pool presently existing or hereafter constructed shall be completely enclosed by a fence having a height of not less than four (4) feet and no more than six (6) feet and shall be equipped with a self-locking or latching gate to control access by unauthorized persons, and to protect children and stray animals.

   b. Permanent structures, such as a side of a building, may be considered as part of the fence when approved by the Zoning Officer.

   c. The fence shall be constructed of wire, wood, decorative masonry or other material approved by the Zoning Officer.

   d. The maximum aperture of any fence shall be six (6) inches.

e. Fences shall be constructed with good quality materials and shall be maintained in a good, safe condition.

E. Tennis Courts

A tennis court, fences and related lighting shall be located in either a rear or side yard and shall not be closer to a rear or side lot line than the distance of the required building setbacks of the District in which is it proposed. Tennis court fences shall be permitted, but shall not exceed twelve (12) feet in height.

F. Microwave Antennas - refer to Section 1916.

SECTION 1909 - OUTDOOR STORAGE AND DISPLAY

A. Except as may be permitted in the Business Districts, no part of the street right-of-way, no sidewalks or other areas intended or designed for pedestrian use, no required parking areas, and no part of the required front yard shall be occupied by outside storage and display, except in the case of a sidewalk sale, flea market, public auction or garage sale provided that such sales shall not take place more than four (4) times per year for a period not to exceed four (4) days per event.

B. Outside storage and display areas shall occupy an area of less than one-half (1/2) the existing building coverage.

C. Outside storage and display areas not related to a sidewalk sale, flea market, public auction or garage sale shall be screened from view from any public street.

D. Uses requiring more land area for such storage or display may be permitted by Special Exception. However, in no case shall more than twenty-five (25) percent of the lot area be used in outdoor storage or display.

SECTION 1910 - TEMPORARY STRUCTURE OR USE

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

A. Tents that are used for commercial purposes may be erected and maintained for a period not to exceed fourteen (14) days. A permit for same shall be obtained from the Township at least five (5) days prior to the event when the tent is used. Tents used for non-commercial, non-profit purposes may be erected and used for fourteen (14) days without a permit.

B. For other temporary structures or uses, the life of any other such permit may not exceed one (1) year and may be

renewed annually for an aggregate period of not more than two (2) years.

C. All temporary structures or uses shall be removed completely upon expiration of the permit without cost to the Township.

SECTION 1911 - LIVESTOCK, HORSE AND PONY REGULATIONS

A. The following requirements shall govern agricultural use, the keeping of livestock, and the keeping of horses or ponies for recreational purposes or for pleasure.

1. The total number of livestock and poultry animals permitted on any lot shall be computed according to the total number of acres comprising the lot and the number of acres required per animal.

2. The total number of acres required to keep livestock and poultry must be equal to the total required acreage for the proposed combination of livestock and poultry as referenced below and as provided for in the zoning district regulations.

3. Animals not referenced in the following table shall be judged according to the requirements for animals of a similar type.

Mature Livestock, Poultry	Fenced Acres Required Per Animal, Exclusive of All Buildings
Horse	1.0
Cow, Beef Cattle	0.75
Sheep, Goats	0.1
Swine	0.05
Poultry	0.001

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

a. No manure storage shall be established closer than one hundred (100) feet to any property line.

b. No manure storage shall be established closer than one hundred (100) feet to any wells, springs, sinkholes, lakes, ponds and streams.

c. In the R-1 and R-2 Districts, no manure shall be spread within fifty (50) feet of the property line.

5. The premises shall be subject to inspection by the Zoning Officer at any reasonable hour of the day.

6. No person owning or having in his/her custody livestock or poultry shall permit same to go unattended to the injury or annoyance of others, nor shall such livestock or poultry be permitted at large upon the streets or other public ways of the Township. Such action is considered to be a danger to the public health and safety.

7. Shelter and Fenced Area Requirements

a. In addition to the acreage requirements for any agricultural use determined by using the above procedure, every landowner shall also provide a shelter area of a size sufficient for good sanitation practices and adequate and sanitary drainage therefor according to the following minimum requirements:

(i) All shelters shall have a roof and at least three (3) enclosed sides.

(ii) A shelter area of one hundred twenty (120) square feet shall be provided for each mature horse.

(iii) A shelter area of eighty (80) square feet shall be provided for each pony, mule, donkey, cow or other similar livestock animal.

(iv) A shelter area of twenty (20) square feet shall be provided for each sheep or other livestock animal of similar size.

(v) A shelter area of five (5) square feet shall be provided for each poultry animal.

b. Every landowner shall provide a fenced area around any pasture and shelter, and shall make provisions for good sanitation practices and adequate and sanitary drainage.

c. Every landowner shall utilize fencing for the containment of animals in accordance with the recommendations of the Chester County Agricultural Agent.

d. Any structures used for the shelter or housing of livestock or poultry shall be located not less than one hundred (100) feet from any lot line.

SECTION 1912 - NONCONFORMITIES

A. Continuation

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

B. Alteration or Extension

1. Nonconforming Structure: Nonconforming structures shall not be altered, or enlarged by more than fifty (50) percent provided that such alteration, or enlargement does not increase the nonconformity of the building or structure with respect to the height, setback, yard and coverage regulations of the district where it is located.

2. Nonconforming Lots: A structure may be constructed on any lot which was lawful when created and which prior to the effective date of this Ordinance was in separate ownership duly recorded by plan or deed, provided the yard requirements of this Ordinance are observed.

3. Nonconforming Uses: Nonconforming uses shall not be extended or enlarged, except in accordance with the following provisions:

   a. Such extension or enlargement shall be only upon the same lot as in existence at the date the use became nonconforming.

   b. The floor area of the nonconforming use shall not be increased by more than a total of fifty (50) percent of the area of such use existing on the date the use first became nonconforming.

   c. Any extension or enlargement of such use shall conform to the areas, height, setback, width, yard and coverage regulations of the district in which it is located and Section 1912.B.4.

4. Existing structures and/or uses located in the Flood Plain Conservation District shall not be expanded or enlarged unless the effect of the proposed expansion or enlargement on flood heights and velocities is fully offset by accompanying improvements.

C. Reconstruction

A nonconforming structure or any structure containing a nonconforming use wholly or partially destroyed by fire, explosion, flood or other phenomenon, as contrasted to deterioration due to time or neglect, or legally condemned, may be reconstructed and used for the same nonconforming use, provided that reconstruction of the structure shall not exceed in height, area and volume the structure

destroyed and shall be commenced within one (1) year from the date the structure was destroyed or condemned and shall be carried on without interruption or else the nonconforming structure or use shall be deemed to be abandoned.

D. Abandonment

If a nonconforming use is discontinued for twelve (12) consecutive months, the use shall be deemed to be abandoned and any subsequent use of such building or land shall conform to the regulations of the district in which it is located, unless the landowner shall objectively prove an intention of transferring rights to such use to another owner or resuming such use.

E. Changes

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

1. The applicant shall show that a nonconforming use cannot reasonably be changed to a conforming use.

2. The applicant shall show that the proposed change will be no more objectionable in external effects than the existing nonconforming use, or will be more appropriate than the existing nonconforming use with regard to:

   a. Traffic generation and congestion.

   b. Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration.

   c. Outdoor storage.

   d. Sanitary sewage disposal.

SECTION 1913 - <u>ENVIRONMENTAL CONTROLS</u>

A. It is the intent of these regulations to prevent land or buildings, including those permitted by right, Conditional Use, or Special Exception, from being used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable condition, adversely affecting the surrounding area. All uses shall operate in conformance with the "Environmental Controls" set forth herein, and relevant statues, codes, rules and other regulations of the United States Government, the Commonwealth of Pennsylvania, Chester County, and governmentally regulated companies, authorities and other entities which have jurisdiction over sewage disposal, water supply, water quality, traffic and other consumption

or emission characteristics of land use. The most stringent regulation applicable shall be used.

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

C. Noise Control

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

1. No person shall make, continue or cause to be made or continued, any noise disturbance.

2. The following acts and the causing thereof, are in violation of this Ordinance, including but not limited to the following:

a. Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, cassette player, sound amplifier, or similar device which produces, reproduces or amplifies sound:

(1) at any time in such manner as to cause a noise disturbance across a lot line or between the hours of 9:00 p.m. of one day and 7:00 a.m. of the following day so as to be audible across a lot line of the receiving land use;

(2) in such manner as to create a noise disturbance across such a lot line or at fifty (50) feet from such source, whichever is less, when the source is operated in, from or on a motor vehicle, or hand carried, on a public right-of-way or public space;

(3) in such a manner and at a time as to cause a noise disturbance and which disturbs the peace and quiet of the immediate neighborhood.

b. Engaging in loud or raucous yelling, shouting, hooting, whistling or singing on the public streets between the hours of 9:00 p.m. of one day and 7:00 a.m. of the following day, or at any time or place in such a manner as to cause a noise disturbance.

c. Operating or permitting the operation of any tools or equipment used on construction operations, drilling or demolition or other work; or in the sweeping of parking lots in areas adjacent to residential districts between the

hours of 9:00 p.m. of one day and 7:00 a.m. of the following day on weekdays and Saturdays or at any time on Sunday or legal holidays, such that the sound therefrom causes a noise disturbance across a residential lot line, except for emergency work.

d. Operating or permitting the operation of any electrically powered saw, drill, sander, grinder, lawn or garden tool, snow blower of similar devices used outdoors between the hours of 9:00 p.m. of one day and 7:00 a.m. of the following day so as to cause a noise disturbance across a lot line of the receiving land use.

e. Loading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans or other objects between the hours of 9:00 p.m. of one day and 7:00 a.m. of the following day in such a manner as to cause a noise disturbance across a residential lot line. This Section shall not apply to municipal or utility services in or about the public right-of-way.

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

g. Offering for sale or selling by shouting or outcry or by any other amplified or unamplified sound except between the hours of 7:00 a.m. of one day and 7:00 p.m. of the same day, provided that same is done at no time in such a manner as to violate Section 1913.C.5.

h. The removal or rendering inoperative by any person other than for purposes of maintenance, repair, replacement or other work of any muffler or sound dissipative device or element of design or noise label of any product; the intentional moving or rendering inaccurate or inoperative of any sound monitoring instrument or other device positioned by or for the Township or other governmental entity, provided such device or the immediate area is clearly labeled, or posted, to warn of the potential illegality; and, the use of

a product which has had a muffler or sound dissipative device or element of design or noise label removed or rendered inoperative, with knowledge or reason to know that such action has occurred.

i. Repairing, rebuilding or testing or otherwise working on any motorcycle or other motor vehicle, motorboat or air- craft in such a manner as to cause such disturbance across a lot line of the receiving land use.

3. The following provisions shall govern motor vehicle noise controls:

a. No person shall operate or cause to be operated a public or private motorcycle or other motor vehicle, or any equipment attached to such a vehicle, on a public right-of-way at any time in such a manner that the sound level emitted by the motorcycle or other vehicle, or any equipment attached to such a vehicle, exceeds the level set forth in the official Pennsylvania Department of Transportation Handbook of Vehicle Code Regulations, Chapter 450, Established Sound Levels, as promulgated under the Vehicle Code, P.L. 162, No. 81.

b. No person shall operate or permit the operation of any motorcycle or other motor vehicle, or any auxiliary equipment attached to such a vehicle, for a period longer than fifteen (15) minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion, or for activities addressed in 1913.C.2.i. anywhere within one hundred fifty (150) feet of any residence in such a manner as to cause a noise disturbance across a lot line of the receiving land use.

c. No person shall at any time sound the horn or other warning device except when absolutely necessary as a warning of a clear and present danger of imminent harm.

d. No person shall operate sound amplifying equipment mounted on, or attached to, any motor vehicle at any time in such a manner as to exceed maximum permissible motor vehicle noise emissions.

4. The noise from any of the aforesaid prohibited acts that disturbs two (2) or more residents or other owners in use or occupancy who are in agreement as to the times and durations of the noise and who occupy separate residences or other buildings, including apartments, townhouses, and the like, across a lot line from the noise source, shall be prima facie evidence of a noise disturbance.

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

SOUND LEVELS BY RECEIVING LAND USE

Receiving Land Use Category	Time	Sound Level Limit
Residential, Public Space, Open Space, Agricultural or Institutional	1) 7:00a.m.-9:00p.m.	57 dBA
	2) 9:00p.m.-7:00a.m.	52 dBA
Commercial or Business	1) At All Times	65 dBA
Industrial	At All Times	75 dBA

6. Notwithstanding the provisions of Section 1913.C.5. above, it shall be a noise disturbance to produce sound for any duration of time which exceeds the sound level limits in the Table above by:

   a. Ten (10) dBA from 7:00 a.m. of one day to 9:00 p.m. of the same day in a residential zone.

   b. Five (5) dBA from 9:00 p.m. of one day to 7:00 a.m. of the following day in a residential zone.

   c. Ten (10) dBA at all time for other land uses.

7. A violation of Sections 1913.C.5. and 1913.C.6. above shall be construed to occur when the dBA limits are exceeded more than once during any consecutive ten (10) day period.

8. In the event the background ambient sound levels exceed the sound level limit, the sound level of the intrusive noise producing source shall be measured with the ambient background sound level being substituted as the sound level limit.

9. Sound shall be measured at or beyond the lot line of the receiving land use, except for the following which shall be measured at or beyond the district boundary line nearest to sound for the zoning district in which the receiving land use is located:

   a. Helicopter or other aircraft service facility.

b. Private helipad.

10. All sound measurements shall be made on a sound level meter calibrated in the manner required by the manufacturer's specifications and such meter shall be approved by the American National Standards Institute (ANSI) or its successor body or such other society, organization or the like approved by the Board of Supervisors. All sound level measurements shall be taken at an elevation five (5) feet above the ground.

11. The following sounds are exempted from the provisions above:

    a. Blasting only if performed in accordance with a permit issued by the Fire Marshal. Such blasting may occur only between 8:00 a.m. and 4:30 p.m., Monday through Friday, unless specifically authorized otherwise by the permit.

    b. Band concerts, church carnivals or other performances or similar activities publicly or privately sponsored and presented in any public or private space outdoors shall be exempt from the provisions of this Ordinance provided such activities do not produce sound 15 dBA in excess of the sound levels set forth in Section 1913.C.5. herein, and do not occur between 11:00 p.m. on one day and 10:00 a.m. on the following day.

    c. Sounds caused by the performance of emergency work, or by the ordinary and accepted use of emergency apparatus and equipment.

    d. Sounds resulting from the repair or replacement of any municipal or utility installation in or about the public right-of-way.

    e. Sounds not electronically amplified, created by organized school related programs, activities, athletic and entertainment events, or other public programs, activities or events, other than motor vehicle racing events.

    f. Sounds made by warning devices operating continuously for three (3) minutes or less except in the event of an actual emergency the limitation shall not apply.

D. Vibration Control

Operating or permitting the operation of any device that creates vibration which is above the vibration perception threshold of an individual at or beyond the property boundary of the source if on private property or at fifty (50) feet from the source if on a public space or public right-of-way shall be prohibited. For the purposes of this

section, "vibration perception threshold" means the minimum ground-or-structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.

E. Storage Control

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

2. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transported off by any causes or forces of nature, nor shall any substance which can contaminate a stream or other watercourse or otherwise render such stream or other watercourse undesirable as a source of water supply or recreation, or which will destroy or otherwise harm aquatic life, be allowed to enter any stream or other watercourse or cause or contribute to a violation of federal, state or local law.

3. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transported off by any causes or forces of nature, to damage, destroy or create hazards or contamination to humans, terrestrial wildlife, soil and/or vegetation.

4. All materials or wastes which cause or are reasonably likely to cause fumes, odors or dust objectionable to humans, or which constitute a fire hazard, or which may be edible or otherwise attractive to rodents or insects, shall be stored outdoors only if enclosed in containers adequate to eliminate such hazards. All federal, state and local laws shall be met.

5. No dumping shall be permitted and no landfill shall be permitted unless:

   a. Such activity conforms to the Warwick Township Landfill Ordinance.

   b. Such activity conforms to the applicable design standards of the Warwick Township Subdivision & Land Development Ordinance.

F. Heat Control

1. There shall be no emission or transmission of heat or heated air so as to be discernible at the lot line of the receiving land use.

G. Fire and Explosion Control

All activities and all storage of flammable and explosive materials at any point within a lot shall be provided with adequate safety and fire fighting devices.

H. Traffic Control

1. No activity shall occur which would adversely affect traffic flow and/or present traffic controls within the Township by creating a level of service below that which is specified in this subsection.

2. To minimize potential adverse conditions, the level of service for traffic for a distance of fifteen hundred (1500) feet along a street which leads to the points of ingress and egress of a tract or other proposed property shall be a level of service "C" or better. The term "level of service" and the categories thereof are used herein in accordance with the definitions or meanings ascribed thereto in the document entitled: Trip Generation, An Institute of Transportation Engineers Informational Report, most recent edition.

3. The determination of levels of service shall be made after an experienced Transportation Engineer/Traffic Consultant conducts a traffic study, the cost of which shall be borne by the owner of the tract or other property owner. Said study shall be based in part on the aforementioned report, and in part on the Pennsylvania Department of Transportation Handbook of Vehicle Code Regulations, in particular the following chapters: 471-610 pertaining to Engineering and Traffic Studies; 471-611 pertaining to Maintenance and Protection of Traffic; and, 471-615 pertaining to Official Traffic - Control Devices. Said study shall indicate compliance with the requirement for a level of service "C" or better as set forth in Section (h)(1)(ii) above, and shall include the data upon which the conclusions of said study are based, including, without limitation, traffic counts, the hours thereof, the dates thereof, and the types of motor vehicles comprising such counts.

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

I. Sewage Disposal Control

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

SECTION 1914 - ENVIRONMENTAL IMPACT ASSESSMENT REPORT

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

1. An EIA report shall be submitted for the following:

a. Any application for tentative and final plan approval for a planned residential development.

b. Any proposed development governed by the Conditional Use or Special Exception provisions of this Ordinance.

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

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

SECTION 1915 - MINIMUM FLOOR AREA

Every dwelling shall have a minimum covered and enclosed net floor area of seven hundred (700) square feet excluding the areas of basements or attics. If any dwelling shall be more than one (1) story high, then the first floor shall contain at least five hundred (500) square feet of floor area. Attached garages or similar attached structures shall not be considered in computing floor area in any case.

SECTION 1916 - MICROWAVE ANTENNAS FOR SATELLITE COMMUNICATION

A. All parabolic ground based reflectors, together with the pedestal and any other attachments and parts, commonly referred to as a dish shaped antenna, used or intended to receive radio or electromagnetic waves from an overhead satellite in an accessory structure shall conform to the following:

1. The diameter of a ground based reflector shall not exceed twelve (12) feet.

2. The entire structure, including the microwave antenna, shall not exceed eighteen (18) feet in height.

3. Any such structure which is placed in the rear or side yard shall be no closer than twenty (20) feet to the property line; any such structure which is placed in the front yard shall be no closer than one hundred fifty (150) feet from the property line.

4. No more than one (1) microwave antenna shall be permitted on any lot.

5. Before erecting any such structure, a building permit shall be obtained.

SECTION 1917 - LANDSCAPING REQUIREMENTS

A. All required landscaping shall be installed and maintained in accordance with a Landscaping Plan approved by the Board of Supervisors and the landscaping requirements set forth in the Warwick Township Subdivision and Land Development Ordinance, and in Section 2505 herein.

SECTION 1918 - CONVERSION INTO TWO-FAMILY OR MULTIPLE-FAMILY DWELLINGS

The Board of Supervisors may permit, as a Conditional Use, the conversion of a building existing at the time of adoption of this Ordinance to a dwelling for more than one family in all residential and INS Districts and the Natural Heritage Protection (NHP) District provided that:

A. The plans for the conversion of said dwelling shall be submitted to the Board of Supervisors.

B. Such plans shall provide adequate and suitable parking and screening in accordance with Article 17.

C. In order to qualify for conversion, the building must be located on a lot with an area not less than the product of the minimum single family lot area of the district, multiplied by the number of dwelling units to which such building is to be converted, plus the lot area for any existing principal permitted residence. However, no more than three (3) dwelling units shall be created through conversion.

D. There shall be no external alteration of the building, except as may be necessary for reasons of safety that will disrupt the residential character of the surrounding area. Fire escapes and outside stairways shall, where practicable, be located in the rear of the building.

SECTION 1919 - HOME PROFESSIONAL OFFICES AND HOME OCCUPATIONS

A. Home Professional Offices

1. In residential districts and the Natural Heritage Protection (NHP) District, all dwelling units except apartment units may be used for a home professional office when approved as a Special Exception.

2. A home professional office may be permitted if the principal person using the office is the resident of the dwelling unit. Such office shall be incidental or secondary to the principal use of the property as a residence, and may include the use or reuse of a detached accessory building existing as of the date of the enactment of this section.

3. Professions for which an accessory use office may be operated in a residentially zoned dwelling may include a physician, attorney, dentist, accountant, architect, professional engineer, or similar professional. A professional office shall not be interpreted to include a barber shop, beauty shop, hair stylist or a funeral home.

4. Off-street parking spaces, in accordance with Article 17, are required when a home professional office is operated as an accessory use in a dwelling. Such parking shall be screened from the view of surrounding dwellings with landscaping approved by the Township.

5. In addition to the owner-occupant, no more than two (2), or the equivalent of two (2), full-time employees shall be employed at a home professional office operated as an accessory use in a dwelling.

6. The area used for a home professional office shall occupy no more than twenty-five (25) percent of the total net floor area of the dwelling unit or seven hundred fifty (750) square feet whichever is less, computed at the time when the Special Exception is granted.

7. No storage of materials or products shall be permitted in outdoor areas unless screened with fencing.

8. No external alterations shall be permitted to the dwelling unit which are not consistent with the principal residential character and design.

9. Signs or outside advertisement may be permitted only in accordance with the provisions of Article 18.

10. The operation of any home professional office involving the physical presence of customers, clients or other business visitors shall be limited to 7:00 a.m. to 9:00 p.m.

B. Home Occupations

1. In residential districts, all dwelling units except apartment units may be used for home occupations as a Special Exception.

2. A home occupation shall be permitted, provided that the principal person engaged in the home occupation is the resident of the dwelling unit. Such home occupation shall be incidental or secondary to the use of the property as a residence and is limited to those occupations listed below.

3. Occupations which may be authorized as an accessory use include occupations which are lawfully conducted for pecuniary gain by a resident within the dwelling unit. A home occupation shall not be interpreted to include such facilities as: bed and breakfast inn, funeral home, kennel, or similar use of a commercial nature. A home occupation which is intended includes: service activities such as a tailor or seamstress, a barber or beautician; a teacher or tutor; an artist or craftsman; and activities which may involve the sale of items produced, improved or made on the premises such as herbs, antiques, clothing and other goods.

4. Off-street parking spaces in accordance with Article 17 shall be screened from the view of surrounding residential homes by landscaping approved by the Township.

5. In addition to the owner-occupant and resident family members, no more than one (1), or the equivalent of one (1) full-time non-resident employee shall be employed on the premises.

6. The area of the dwelling used for the home occupation shall be no more than twenty-five (25) percent of the total net floor area of the dwelling unit, or seven hundred fifty (750) square feet whichever is less, computed at the time when the Special Exception is granted.

7. No manufacturing, repairing or other mechanical work, performed in connection with such home occupation, shall be performed in any outdoor area. Such activity shall be conducted in such a way that no noise, odor, vibration, electromagnetic interference or smoke shall be noticeable at or beyond the property line.

8. No storage of materials or products shall be permitted in outdoor areas unless screened with fencing.

9. No external alterations shall be permitted to the dwelling unit except those customarily conducted for residential buildings.

10. Signs or outside advertisement may be permitted only in accordance with the provisions of Article 18.

11. The operation of any home occupation involving the physical presence of customers, clients or other business visitors shall be limited to 7:00 a.m. to 9:00 p.m.

SECTION 1920 - BED AND BREAKFAST INNS

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

1. Such use shall be accessory only to a single-family detached residential use that is in compliance with the provisions of the RA, R-2 and Natural Heritage Protection (NHP) districts.

2. The minimum lot size shall be three acres for first two (2) guests rooms plus one half (1/2) acre for each additional guest room.

3. At least one (1) bathroom shall be provided for the first guest room plus one bathroom for each two (2) additional guest rooms. The living quarters for the residents shall have their own bathroom or bathrooms.

4. Guests shall not remain in the same bed and breakfast inn for more than fourteen (14) days in a six (6) month period.

5. No external alterations, additions, or changes to the exterior structure shall be permitted, except as required by the Pennsylvania Department of Labor and Industry or for safety reasons as required by any other governmental agency.

6. The use shall be conducted by members of the resident occupant. Non-resident employees shall be limited to two (2) in addition to the resident family members.

7. There shall be no separate kitchen or cooking facilities in any guest room. Food served to guests on the premises shall be limited to breakfast and afternoon tea only.

8. A Special Exception shall not be granted unless the applicant has a valid County Department of Health permit, issued within the last ten (10) years, for the property. The total number of bedrooms (resident and guest) in the bed and breakfast shall not exceed the

number of bedrooms which the sewage system was designed to accommodate. If the proposed use is to be served by a public sewerage system, the applicant shall submit documentation from the servicing authority that the proposed use will be served.

9. A bed and breakfast use shall be limited to one (1) non-illuminated sign which shall not exceed six (6) square feet in area. The design of the sign shall be submitted with the application for the Special Exception.

10. One (1) off-street parking space per bedroom used shall be provided on the premises, in addition to other off-street parking spaces required by this Ordinance.

11. A permit issued for a Bed and Breakfast Inn (after the Zoning Hearing Board approves the Special Exception) shall have a life of one (1) year. The permit may be renewed annually, without the necessity of a new special exception application, provided that the zoning officer has inspected the facility, including the on-lot sewage disposal system, and found it to be in compliance with the provisions of this ordinance and any conditions imposed by the Zoning Hearing Board in the grant of the Special Exception.

12. A Bed and Breakfast Inn shall be considered a temporary accessory use granted to the owner. The temporary zoning permit shall expire when the property is transferred, sold, or leased, or when the property is no longer the primary residence of the owner, or if the zoning officer does not renew the permit.

SECTION 1921 - COMMUNICATIONS TOWER AND ANTENNA SITE REGULATIONS

A. Purpose. The purpose of these regulations is to govern the use, construction and siting of communications towers, and antenna sites. The purpose is also to:

1. Accommodate the need for antenna support structures, ancillary facilities and equipment while regulating their location and number in the Township.

2. Minimize adverse visual effects of such structures through careful design, siting and screening.

3. Avoid potential damage to adjacent properties from structure failure, falling ice and debris, and radio frequency interference through engineering and careful siting of such structures.

4. Maximize the use of any new or existing antenna support towers on other tall structures so as to reduce the number of towers needed in the future.

B. No Conditional Use shall be granted unless the following criteria are met:

1. The applicant demonstrates that the proposed antenna support structure is the minimum height necessary for the service area.

2. The applicant demonstrates that the proposed antenna support structure cannot be located anywhere else in order to serve the company system and service area.

3. All other standards for antenna sites as provided for in this ordinance have been met.

4. The need for additional screening and buffering has been met, to the satisfaction of the Township.

5. When a proposed antenna site is located on a property with another principal use, the applicant shall present documentation that the property owner has granted an easement for access to the proposed facility; and that the antenna support structure has been designed and located so as to minimize any danger to nearby buildings, automobiles, and other property in the event of structural failure, to the satisfaction of the Township.

C. Area, Bulk and Height Regulations

1. A commercial communications antenna attached to an existing tower, smokestack, water tower, building or other similar tall structure, shall not exceed the height of the existing structure by more than fifteen (15) feet. No such antenna shall be attached to a residential dwelling, other than an apartment or condominium building, nor to any building of designated historic significance.

2. All newly constructed structures must comply with yard setback requirements for the applicable district, and in addition, the combination of setbacks between the property in question and the adjoining property shall be at least 1/3 the height of the tower. Break points on the structure must be so designed in accordance with industry standards to ensure that the structure will fall within the setback and also avoid damage to any other buildings on the property, exclusive of any required for the antenna site.

D. Other Regulations.

1. All newly constructed towers shall be of a monopole design.

2. No communications tower shall be allowed within one and one-half (1-1/2)miles of another similar tower.

3. All towers over thirty-five (35) feet in height must meet ANSI/EIA/TIA-222E (American National Standards Institute, Electrical Industry Association, Telecommunications Industry Association) tower specifications, as updated. Towers must be built to withstand one hundred (100) mile per hour sustained winds with a uniform loading of fifty (50) pounds, or short duration gusts of up to one hundred fifty (150) miles per hour. An independent structural engineer registered in Pennsylvania shall attest to the ability of the proposed structure to meet this requirement and certify proper construction of the foundation and erection of the structure.

4. The applicant must demonstrate, using accepted technological evidence, that the antenna and its support structure must be located where proposed in order to satisfy its function in the applicant's grid system.

5. If the applicant proposes to build an antenna support structure, written evidence must be provided that the applicant first contacted the owners of tall structures within a one and one-half (1-1/2) mile radius of the proposed antenna site, requested permission to install the antenna on those structures, and was denied access for reasons other than economic ones. Tall structures include but are not limited to smokestacks, water towers, buildings in excess of four (4) stories, towers or antenna support structures of other wireless or cellular communications companies, and similar structures.

6. In order to reduce the number of antenna support structures within the Township, the proposed antenna support structure shall be designed to accommodate other users, including other service providers, and local police, ambulance and fire services. Applicants shall provide evidence that all other authorized users licensed in this service area have been contacted by the applicant with an offer of co-location on the applicant's proposed antenna support structure.

7. The applicant shall demonstrate that the antenna height is the minimum required to function satisfactorily.

8. The applicant must provide evidence that it is licensed by the Federal Communications Commission to provide wireless communications, cellular communications and/or other communication services.

9. The antenna site shall be fully automated; access and parking shall be provided only for occasional maintenance workers.

10. All other applicable standards of the zoning district in which the antenna site is to be located shall apply.

11. Existing vegetation shall be preserved to the maximum extent possible

12. A newly constructed antenna site, not attached to an existing structure, shall be surrounded by a security fence at least eight (8) feet high. The type of fencing shall be solid wood or stone as approved by the Township. Anti-climbing devices, as are standard to the industry, shall be provided. The perimeter of the antenna site shall be screened by a row of evergreen trees at least ten (10) feet tall when planted, spaced no more than fifteen (15) feet apart, unless the perimeter of the cell site is wooded within five (5) feet of the fencing of the site.

13. The antenna support structure shall be finished so as to reduce its visual impact to the extent possible. It shall be painted green up to the height of surrounding trees. Unless required by the Federal Aviation Administration, it shall not be lighted.

14. The antenna site shall be maintained, regularly inspected and kept in good repair as required by all applicable state and federal laws.

15. The owner and operator of the cell site is required to notify the Township immediately upon cessation or abandonment of the operation. The owner and operator will have ninety (90) days from the date of notification in which to dismantle and remove all structures from the property.

16. The Township may require that the applicant camouflage the antenna support structures as a tall tree at the top, church steeple, grain silo, or utilize another method that will significantly reduce any negative visual impact, such as placing the antenna inside of the monopole.

17. In the event that an antenna, antenna support structure, communications tower, or other cellular telecommunications facility is not used by its owner/operator for a period of twelve (12) consecutive months, it shall be conclusively presumed to be

abandoned. All such abandoned facilities shall be removed within twelve (12) months after the presumed abandonment.

18. An antenna shall not be located on a structure that is designated as a historic resource.

19. A full site plan shall be required for all antenna sites, showing the antenna and antenna support structure, together with any building, fencing, buffering, access, other structures, and all other items required in the Subdivision and Land Development Ordinance for a land development application.

SECTION 1922 - ADULT ENTERTAINMENT USE REGULATIONS

A. Adult Entertainment uses, shall be limited to the following uses as defined in Section 1922.D.:

1. Adult arcades;

2. Adult bookstores, Adult novelty stores, or Adult video stores;

3. Adult cabarets;

4. Adult motion picture theaters;

5. Adult theaters;

6. Escort agencies;

7. Nude model studios; and

8. Sexual encounter centers.

B. Adult entertainment uses shall not include any use which is prohibited by or would be in violation of the provisions of Ordinance No. 99-2, Ordinance No. 99-3 or Ordinance No. 99-4 enacted December 20, 1999.

C. Adult Entertainment Uses shall comply with the following regulations:

1. Because adult entertainment uses tend to bring with them secondary concerns that impact on the health, safety and general welfare concerns of Warwick Township, the Township desires to restrict or limit the location where of such uses can locate.

2. The Township does not intend to affect or suppress any activities protected by the First Amendment of the United States Constitution, but instead address these

secondary affects. Neither is it the intent nor affect of these provisions to condone or legitimize the distribution of obscene material. Neither is it the intent to permit any use which is prohibited by the provisions of Ordinance No. 99-2, Ordinance No. 99-3 and No. 99-4, enacted December 20, 1999.

3. Based on evidence concerning the adverse secondary effects of adult entertainment uses and on findings incorporated in the cases of City of Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986), Young v. American Mini Theatres, 426 U.S. 50 (1976), and the Washington Supreme Court's opinion in Northend Cinema, Inc. v. Seattle, 90 Wash. 2d 709, 585 P.2d 1153 (1978), cert. denied sub nom. Apple Theatre, Inc. v. Seattle, 441 U.S. 946 (1979), and on studies in other communities including, but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Saint Paul, Minnesota; Manatee County, Florida; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Los Angeles, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; and Beaumont, Texas; and also on findings found in the Report of Attorney General's Working Group on the Regulation of Sexually Oriented Businesses (June 6, 1989, State of Minnesota), the Board of Supervisors finds:

   a. Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that may go uncontrolled by the operators of the establishments. Further, there is presently no mechanism to make the owners of these establishments responsible for the activities that occur on their premises.

   b. Certain employees of sexually oriented businesses defined in this Section as adult theatres and cabarets engage in higher incidence of certain types of sexually oriented behavior at these businesses than employees of other establishments.

   c. Sexual acts, including masturbation, oral and anal sex, occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows, as defined under this Section as adult bookstores, adult novelty shops, adult video stores, adult motion picture theatres, or adult arcades.

   d. By offering and providing such space, sexually oriented businesses encourage such activities, which create unhealthy conditions.

e. Some persons frequent certain adult theatres, adult arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.

f. At least fifty (50) communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (AIDS), genital herpes, hepatitis B, Non B amebiasis, salmonella infections shigella infections and tuberculosis. In the United States the number of new cases of tuberculosis annually in 1995 was 22,860 constituting 8.70 cases per 100,000 Population with the number of deaths annually reaching 1,194 in 1996.

g. Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States - 600 in 1982; 2,200 in 1983; 4,600 in 1984; 8,555 in 1985; 253,448 in 1992; and 612,078 in 1997 (latest published statistics of the World Health Organization ("WHO"). The recent WHO totals of AIDS infections by region of the world include the following: Africa- 617,463; Americas- 839,189; Asia- 74,431; and Europe- 197,374; with an overall world total approaching 1.8 Million cases. In the United States in 1995 there were 216,000 hospital admissions for HIV; and, in 1996; 32,655 deaths due to AIDS; an age-adjusted death rate of 12 per 100,000 Population.

h. As of May 1, 1995, there have been 13,559 reported cases of AIDS in the State of Pennsylvania.

i. Since 1981 and to the present, there have been an increasing cumulative number of persons testing positive for the HIV antibody test in Chester County, Pennsylvania.

j. The number of cases of early (less than one year) syphilis in the United States reported annually has risen, with 33,613 cases reported in 1982; 45,200 in 1990; and 68,953 cases in 1995 constituting 26.20 cases per 100,000 Population.

k. The number of cases of gonorrhea in the United States reported annually remains at a high level,

with over one-half million cases being reported in 1990; and 392,848 cases in 1995 constituting 149.50 cases per 100,000 Population. In the emerging epidemic of Chlamydia, 477,638 cases were reported in 1995 constituting 182.20 cases per 100,000 population.

l. The Surgeon General of the United States consistently since his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to her newborn.

D. Definitions.

1. ADULT ARCADE -- Any place to which the public is permitted or invited wherein coin-operated, slug-operated or for any form of consideration or electronically, electrically or mechanically controlled still or motion-picture machines, projectors, video or laser disc players or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas.”

2. ADULT BOOKSTORE, ADULT NOVELTY STORE or ADULT VIDEO STORE:

a. A commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:

(1) Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, videocassettes or video reproductions, slides, access to the internet, or other visual representations which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; or

(2) Instruments, devices or paraphernalia which are designed for use in connection with “specified sexual activities.”

b. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing “specified sexual

activities" or "specified anatomical areas" and still be categorized as adult bookstore, adult novelty store or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its business purposes is the offering for sale or rental for consideration any one of the specified materials which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and the said business purpose(s) involves more than fifteen (15) square feet of floor area of the commercial establishment or property.

3. ADULT CABARET -- A nightclub, bar, restaurant or similar commercial establishment which regularly features:

   a. Persons who appear in a state of nudity or semi-nudity;

   b. Live performances which are characterized by the exposure of "specified sexual activities" or by "specified anatomical areas"; or

   c. Films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

4. ADULT ENTERTAINMENT USES - Adult entertainment uses include: adult arcades; adult bookstores, adult novelty stores or adult video stores; adult cabarets; adult motion picture theaters; adult theaters; escort agencies; nude model studios; and sexual encounter centers.

5. ADULT MOTION-PICTURE THEATER – A commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides or similar photographic reproductions are regularly shown to more than five (5) persons, or in a room containing more than five (5) patron seats, per projector and which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

6. ADULT THEATER -- A theater, concert, hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or

semi-nudity or live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities.”

7. EMPLOYEE -- A person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. "Employee" does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises or for the delivery of goods to the premises.

8. ESCORT -- A person who, for consideration, agrees or offers to act as a companion, guide or date for another person or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

9. ESCORT AGENCY -- A person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

10. ESTABLISHMENT -- Any of the following:

    a. The opening or commencement of any sexually oriented business as a new business;

    b. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;

    c. The addition of any sexually oriented business to any other existing sexually oriented business; or

    d. The relocation of any sexually oriented business.

11. NUDE MODEL STUDIO -- Any place where a person who appears semi-nude, in a state of nudity or who displays “specified anatomical areas” and is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration. "Nude model studio" shall not include a proprietary school licensed by the State of Pennsylvania or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a

college, junior college or university supported entirely or partly by taxation or which is authorized to award a recognized academic or vocational certificate or accreditation; and where in order to participate in a class a student must enroll at least three days in advance of the class; or in a structure that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing.

12. NUDITY or a STATE OF NUDITY -- The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple or the showing of the covered male genitals in a discernibly turgid state.

13. PERSON -- An individual, proprietorship, partnership, corporation, association or other legal entity.

14. SEMINUDE or in a SEMINUDE CONDITION -- The state of dress in which clothing partially or transparently covers or exposes specified anatomical areas.

15. SEXUAL ENCOUNTER CENTER -- A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

    a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

    b. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity; or

    c. Any variation on the activity popularly denominated as “mud wrestling.”

16. SEXUALLY ORIENTED BUSINESS -- An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion-picture theater, adult theater, escort agency, nude model studio or sexual encounter center. Sexually Oriented Businesses shall also be termed “Adult Entertainment Uses” and the said terms are used interchangeably herein.

17. SPECIFIED ANATOMICAL AREAS -- Human genitals, pubic region, anus, buttocks, female breast(s) below a point immediately above the top of the areola or human male genitals in a discernibly turgid state, even if completely covered.

18. SPECIFIED SEXUAL ACTIVITIES -- Any of the following:

a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts; or

b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or

c. Excretory functions as part of or in connection with any of the activities set forth in Subsection (a) and (b) above.

19. SUBSTANTIAL ENLARGEMENT of a sexually oriented business means the increase in the gross floor areas occupied by the business by more than twenty-five (25%) percent.

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

1. Yard and area regulations. In addition to the Lot Area, Setback and Bulk Standards applicable to uses permitted pursuant to the provisions of Section 1301.C.1.g. relative to the I District, no Adult Entertainment Use (or building containing such use) shall be located one thousand (1,000) feet of:

a. a church synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;

b. a public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; schools includes the school grounds, but does not include the facilities used primarily for another purpose and only incidentally as a school;

c. a licensed premises, licensed pursuant to the alcoholic beverage control regulations of the Commonwealth of Pennsylvania;

d. any other adult entertainment use;

e. a boundary of a residential district as defined in the Warwick Township Zoning Ordinance or any property devoted to a residential use;

f. a public park or recreation area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the Township which is under the control, operation, or management of the Township, or other similar land within the Township which is under the control, operation, or management of private parties and open and available for use by the general public;

g. an entertainment business which is oriented primarily towards children and family entertainment.

2. For the purpose of this Section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the premises where a sexually oriented business is conducted, to the nearest property line of he premises of the listed use. The presence of a municipal, county or other political subdivision boundary shall be irrelevant for the purposes of calculating and applying the distance requirements of this Section.

3. Any lot which is to be used for any adult entertainment use shall contain screening and buffering along property lines adjoining other zoning districts in accordance with the landscaping provisions of Section 1304 of this Ordinance and the Subdivision and Land Development Ordinance. In addition to strict compliance with all other regulatory provisions applicable to signage, no sign shall contain a graphic representation of or refer descriptively to any "specified anatomical area" or "specified sexual activity."

F. Data. Sufficient additional data shall be submitted to enable the Planning Commission and the Board of Supervisors to determine that the requirements of this and other

ordinances of the Township relevant to the proposed use have been fulfilled.

SECTION 1923 – TIMBER HARVESTING REGULATIONS

A. Purpose

In order to preserve forests and the environmental and economic benefits they provide, it is the policy of Warwick Township to encourage the owners of forest land to continue to use their land in a reasonable and responsible manner for forestry purposes, including the long-term production of timber, recreation, wildlife, and amenity values. The timber harvesting regulations contained in this Section are intended to further this policy by:

1. Promoting good forest stewardship;

2. Protecting the rights of adjoining property owners;

3. Minimizing the potential for adverse environmental impacts; and

4. Avoiding unreasonable and unnecessary restrictions on the right to practice forestry.

B. Applicability

These regulations apply to all timber harvesting within Warwick Township where the value of the trees, logs, or other timber products removed exceeds $1,000. These provisions do not apply to the cutting of trees for the personal use of the landowner of a single-family residence for firewood to be burnt inside the fireplace or for precommercial timber stand improvement.

C. Definitions

As used in this Section, the following terms shall have the meanings below:

1. FELLING – the act of cutting a standing tree so that it falls to the ground.

2. LANDING – a place where logs, pulpwood, or firewood are assembled for transportation to processing facilities.

3. LITTER – discarded items not naturally occurring on the site such as tires, oil cans, equipment parts, and other rubbish.

4. LOP – to cut tops and slash into smaller pieces to allow the material to settle close to the ground.

5. OPERATOR – an individual, partnership, company, firm, association, or corporation engaged in timber harvesting, including the agents, subcontractors, and employees thereof.

6. LANDOWNER – an individual, partnership, company, firm, association, or corporation that is in actual control of forest land, whether such control is based on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner, and any agents thereof acting on their behalf, such as forestry consultants, who set up and administer timber harvesting.

7. PRECOMMERCIAL TIMBER STAND IMPROVEMENT – a forest practice, such as thinning or pruning, which results in better growth, structure, species composition, or health for the residual stand but which does not yield a net income to the landowner, usually because any trees cut are of poor quality, too small or otherwise of limited marketability or value.

8. SKIDDING – dragging trees on the ground from the stump to the landing by any means.

9. SLASH – woody debris left in the woods after logging, including logs, chunks, bark, branches, uprooted stumps, and broken or uprooted trees or shrubs.

10. STAND – any area of forest vegetation whose site conditions, past history, and current species composition are sufficiently uniform to be managed as a unit.

11. STREAM – any natural or artificial channel of conveyance for surface water with an annual or intermittent flow within a defined bed and banks.

12. TIMBER HARVESTING, TREE HARVESTING, OR LOGGING – the process of cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products.

13. TOP – the upper portion of a felled tree that is unmerchantable because of small size, taper, or defect.

D. Notification

1. Notification of commencement or completion.

   For all timber harvesting operations that are expected to exceed one (1) acre, the landowner shall notify the Township Zoning Officer at least seventy-two (72) hours before the operation commences and within three (3) business days before the operation is complete. No timber harvesting shall occur until the notice has been provided. Notification shall be in writing and shall specify the land on which harvesting will occur, the expected size of the harvest area, and, as applicable, the anticipated starting or completion date of the operation.

E. Preparation of a Plan for Logging, Tree Harvesting or Timber Harvesting

1. Every landowner on whose land timber harvesting is to occur shall prepare a written logging plan in the form specified by this Section. No timber harvesting shall occur until the plan has been prepared, reviewed, and approved by the Township. The provisions of the plan shall be followed throughout the operation. The plan shall be available at the harvest site at all times during the operation and shall be submitted to the Township for review at the applicant’s expense.

2. Responsibility for compliance.

   The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.

F. Contents of the Plan for Logging, Tree Harvesting or Timber Harvesting

1. Design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails and landings.

2. Design, construction, maintenance of water control measures and structures such as culverts, broad-based dips, filter strips, and water bars.

3. Design, construction, and maintenance of stream and wetland crossings.

4. The general location of the proposed operation in relation to Township and state highways, including any accesses to those highways.

5. A site map containing the following information:

a. Site location and boundaries, including both the boundaries of the property on which the timber harvest will take place and the boundaries of the proposed harvest area within that property;

b. Significant topographic features related to potential environmental problems;

c. Location of all earth disturbance activities such as roads, landings, and water control measures and structures;

d. Location of all crossings of waters of the Commonwealth; and

e. The general location of the proposed location to Township and state highways, including any accesses to those highways.

G. Compliance with State Law

The logging plan shall address and comply with the requirements of all applicable state laws and regulations including, but not limited to, the following:

1. Erosion and sedimentation control regulations contained in 25 Pennsylvania Code, Chapter 102, promulgated pursuant to the Clean Streams Law (35 P.S. §§ 691.1 et seq.);

2. Stream crossing and wetlands protection regulations contained in 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. §§ 693.1 et seq.); and

3. Stormwater management plans and regulations issued pursuant to the Stormwater Management Act (32 P.S. §§ 680.1 et seq.).

H. Relationship of State Laws, Regulations and Permits, to the Logging Plan

1. Any permits required by state laws and regulations shall be attached to and become part of the logging plan. An erosion and sedimentation pollution control plan that satisfies the requirements of 25 Pennsylvania Code, Chapter 102, shall also satisfy the minimum requirements for the logging plan and associated map specified in this Section, provided that all information required by this Section is included or attached.

I. Review of the Logging Plan and Other Plans

1. Every plan which is submitted by an applicant shall be reviewed by the Warwick Township Forestry Consultant at the applicant's expense.

2. The Township shall render a decision on a plan within thirty (30) days of the date of the Application. For any plan that is not approved, the Township shall provide reasons for rejection. Any plan that is approved may be approved with conditions.

3. If more than one-third (1/3) of the trees on a property are proposed for removal, no Subdivision and/or Land Development Plan shall be submitted for the property within five (5) years of the approval of a logging plan.

J. Forest Practices

The following requirements shall apply to all timber harvesting operations in the Township:

1. Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Township or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare.

2. No tops or slash shall be left within twenty-five (25) feet of any public thoroughfare or private roadway providing access to adjoining residential property.

3. All tops or slash between twenty-five (25) and fifty (50) feet from a public roadway or private roadway providing access to adjoining residential property or within fifty (50) feet of adjoining residential property shall be lopped to a maximum height of four (4) feet above the surface of the ground.

4. No tops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof.

5. Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.

K. Responsibility for Road Maintenance and Repair; Road Bonding

1. The landowner and the operator shall be responsible for repairing any damage to Township roads caused by

traffic associated with the timber harvesting operation to the extent the damage is in excess of that caused by normal traffic. Pursuant to 67 Pennsylvania Code, Chapter 189, the Township may require the landowner or operator to furnish a bond to guarantee the repair of such damages.

L. Inspections. The Zoning Officer may go upon the site of any timber harvesting operation before, during, or after active logging to review the logging plan or any other required documents for compliance with this Section and to inspect the operation for compliance with the logging plan and other on-site requirements of these regulations.

M. Enforcement Notice. Any violation of this Section shall be governed by Section 2109.

N. Causes of Action shall be governed by Section 2110.

O. Enforcement Remedies shall be in accordance with Section 2111.

SECTION 1924 – REGULATIONS FOR WATER COLLECTION FOR OFF-SITE CONSUMPTION

A. Purpose. These regulations are intended to conserve the surface water and groundwater of Warwick Township, and to help insure the protection of potable water supply systems of existing and future property owners, and to maintain the exceptional quality status of the streams including sustainable water balance.

B. The applicant must demonstrate that the proposed spring water, surface water, or well water collection from the specific sources proposed will not interfere with the health, safety and welfare of the community.

C. The applicant must obtain all required state and/or federal permits, including, if applicable, permits and approvals from the Pennsylvania Department of Environmental Protection, Delaware River Basin Commission, Chester County Health Department, Chester County Conservation District and any other agency having jurisdiction. Such permit(s) shall be a prerequisite to the commencement of the use, and to the issuance of any building permit, or certificate of occupancy.

D. The applicant must demonstrate through the submission of a report and maps prepared by a qualified Professional Engineer that the proposed water collection use shall not:

1. Exceed the safe yield of the aquifer; or

2. Adversely affect existing wells; or

3. Adversely affect the natural base flow of streams and stream tributaries within the watershed.

E. Water collection shall not contribute to the lowering of stream flow rates below Natural Q7-10 Base Flow Rate. If at any time the actual stream base flow, at the reference point therefor, equals or is less than the Natural Q7-10 Base Flow Rate, the water collection approved hereunder will cease until the actual base flow rate returns to a level above the Natural Q7-10 Base Flow Rate. The Natural Q7-10 Base Flow Rate will be defined through direct long-term measurements of stream base flow at the reference point. Where sufficient historic data is not available, estimates will be made using the best available comparable hydrologic data. Monthly measurements by the Applicant and recording of base flow at the reference point shall be for the duration of the use. The base flow data will be presented to the Township on an annual basis and more frequently upon request. Modifications to the originally calculated Natural Q7-10 Base Flow Rate may occur as additional stream flow data is generated, when approved by the Township Engineer or other consultant as directed by the Board of Supervisors. The costs of any reviews by consultants shall be borne by the Applicant.

F. If trucks are to be used to transport water from the site, the applicant must demonstrate that the trucks can access the site in accordance with the Traffic Controls of Section 1913.H.

G. The Board of Supervisors may impose limits on the hours during which trucks may enter and exit the site, and on specific routes.

H. The application for Conditional Use must specify the maximum quantity of water to be collected per day, consistent with applicable state and federal permits and Delaware River Basin Commission approvals. Any subsequent proposal to increase the specified quantity of water shall require a modification of the Conditional Use. In the case of a water collection facility existing at the time of enactment of this Section and which is exempt from regulation or permitting requirements under jurisdiction of the Delaware River Basin Commission, the maximum quantity of water permitted to be extracted per day shall be the average amount extracted per day during the prior calendar year.

I. The Board of Supervisors may condition the grant of Conditional Use approval on the applicant’s provision of

adequate equipment, monitoring and recording measures including monitoring wells to document and periodically inform the Township of the amounts of water withdrawn and neighboring stream flow conditions, in order to ensure consistency with any previous approvals granted and with permitting or exemption standards of the Delaware River Basin Commission or other agencies having jurisdiction.

J. Area and Bulk Requirements.

1. A minimum lot area of ten (10) acres shall be provided.

2. Any building, structures or facilities erected for the use shall be located in a minimum of two hundred (200) feet from any lot line.

3. All truck loading or parking areas shall be screened from view from any adjacent roadway or lot.

4. Maximum impervious surface coverage - five (5) percent.

5. Maximum building coverage – two (2) percent.

K. The use shall be fully subject to all applicable requirements of the Subdivision and Land Development Ordinance, including, without limitation, stormwater management control, stormwater infiltration control, soil erosion control, traffic control and other standards prescribed by the Subdivision and Land Development Ordinance and/or other applicable Township ordinances.

L. The applicant shall demonstrate that adequate drainage and detention controls can be installed in conjunction with any land development of the property to prevent runoff from tanker overflow, storage tanks and/or filling areas from draining onto adjoining properties and/or roadways.

M. It shall be the burden of the applicant to present evidence and to demonstrate compliance with respect to all criteria stated herein.

SECTION 1925 – KENNEL REGULATIONS

A. For Kennels as defined in Article 2, the following shall apply:

1. Kennels may be permitted in the B-1, Business District, as a Use by Special Exception.

2. A Kennel shall be on a lot with a minimum lot area of two (2) acres.

4. A one hundred (100) foot setback with a vegetated buffer shall be maintained along all lot lines for any Kennel building or Kennel Run.

5. Buffers shall effectively screen the kennel and kennel runs and may consist of the following:

   a. Existing woodland or hedgerow of at least thirty-five (35) feet width.

   b. Planted deciduous buffer of trees and shrubs of at least twenty-five (25) feet width.

   c. Planted evergreen trees.

4. Fencing with a minimum height of six (6) feet shall be installed around any Kennel building or Kennel Run. Such fencing shall be maintained in good condition during the life of the use.

5. All noise standards of Section 1913 shall apply.

6. All Kennels shall operate under a plan approved by the Township for the disposal of animal waste.

SECTION 1926 – SEWAGE FACILITIES

A. All uses generating sewage shall be served by a sewage system consistent with the policies and recommendations of the Warwick Township Act 537 Wastewater Facilities Plan and the requirements of the Warwick Township Subdivision and Land Development Ordinance. Proposed sewage systems shall be reviewed and approved by the Pennsylvania Department of Environmental Protection and the Chester County Department of Health, as applicable.

B. Community sewage disposal systems may include subsurface or spay irrigation systems. Where such system is proposed, preliminary hydrogeologic and permeability testing shall be required as part of the planning module submission.

C. Soil percolation test requirements.

   1. Soil percolation tests shall be performed for all building lots which at the time of construction will not be connected to a public system in operation. Deep hole test pits are recommended as a further means of guaranteeing suitability of a site.

2. Soil percolation tests shall be made in accordance with the procedure required by the Pennsylvania Department of Environmental Protection, by either a registered professional engineer, or registered sanitarian and/or the Sewage Enforcement Officer.

3. Soil percolation tests shall be performed within the site of the proposed on-site sanitary sewage disposal facilities. Soil test pits shall be within 10 feet of the absorption area.

4. The results of the soil percolation tests shall be analyzed in relation to the physical characteristics of the tract being subdivided and of the general area surrounding the tract being subdivided. The final plan lot layout shall be based on this analysis.

5. Every lot (or proposed lot) shall have a passing percolation test performed within the lot lines or proposed lot lines.