

CITY OF CHESTER

Pennsylvania



ZONING ORDINANCE

CODIFIED ORDINANCES OF CHESTER

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CROSS REFERENCES

State definitions - see Planning Act 247 §107 (53 P.S. §10107)
Subdivision definitions - see P. & Z. Art. 1301

1321.01 INTERPRETATION OF LANGUAGE.

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Zoning Ordinance to have the meaning indicated herein. Words used in the present tense include the future. The singular shall include the plural, and the plural shall include the singular. The word "building" includes the word "structure." The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for." The word "person" includes an individual, corporation, partnership, incorporated association or any other similar entity. The words "includes" or "including" shall not limit the term to the specified examples but are intended to extend their meaning to all other instances of like kind and character. The words "shall" and "will" are mandatory and not discretionary, and the word "may" is permissive. Terms not defined herein shall have the meaning customarily assigned to them. (Ord. 16-2003. Passed 9-24-03.)

1321.02 DEFINITION OF TERMS.

In this Zoning Ordinance, words, terms and phrases shall have the following meanings:
(Ord. 16-2003. Passed 9-24-03.)

1321.03 ABANDONMENT.

The discontinuance of the use of a property for a continuous period of one year or more, or the relinquishment of a property by the owner with the intention of neither transferring rights to the property to another owner nor resuming the use of the property.
(Ord. 16-2003. Passed 9-24-03.)

1321.04 ACCESSORY BUILDING.

A subordinate building or use customarily incidental to, and located upon the same lot occupied by the main building or use. Example would include private garage and storage shed.
(Ord. 16-2003. Passed 9-24-03.)

1321.05 ACCESSORY USE.

A subordinate use customarily incidental to, and located upon the same lot occupied by the main use. (Ord. 16-2003. Passed 9-24-03.)

1321.06 ACTIVE TO INTENSE BURNING.

A condition that refers to solid materials that burn with a high degree of activity and are consumed rapidly. Example would include pyroxyln, powdered magnesium and pyrotechnics. (Ord. 16-2003. Passed 9-24-03.)

1321.07 ADDITION.

A structure or portion of a structure added to the original structure, increasing the aggregate square footage at some time after the certificate of occupancy has been issued for the original structure. (Ord. 16-2003. Passed 9-24-03.)

1321.08 ADULT USES.

(a) Adult Arcade. A commercial establishment to which the public is permitted or invited wherein coin-operated or slug-operated or for any form of consideration including but not limited to 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", as defined in this section.

(b) Adult Book, Novelty or Video Store. A commercial establishment which, 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, video cassettes or video reproductions, slides, 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, as defined in this section.

(c) Adult Cabaret. A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- (1) Persons who appear in a state of nudity or semi-nudity; or
- (2) Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
- (3) Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas", as defined in this section.

(d) Adult Motion Picture Theater. A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

(e) 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", as defined in this section. (Ord. 16-2003. Passed 9-24-03.)

1321.09 AIR POLLUTION.

The presence of contaminants in the air in concentrations that prevent the normal dispersive ability of the air and that interfere directly or indirectly with a human's health, safety or comfort or with the full use and enjoyment of public and private property. (Ord. 16-2003. Passed 9-24-03.)

1321.10 ALLEY.

A secondary vehicular access way which may or may not be dedicated to the City providing a means of public access to abutting property and not intended for general traffic circulation. (Ord. 16-2003. Passed 9-24-03.)

1321.11 ALTERATION.

Any change, addition, modification, or rearrangement to the construction of an existing building, particularly a change in the structural members of a building such as walls or partitions, columns, beams, or girders the completed act of such change may be referred to herein as "altered" or "reconstructed". (Ord. 16-2003. Passed 9-24-03.)

1321.12 ALTERATIONS, SUBSTANTIAL.

Any alteration or repair which increases the floor area of a structure by ten (10) percent or more or which increases the market value of the structure by (10) percent or more. (Ord. 16-2003. Passed 9-24-03.)

1321.13 AMUSEMENT AND ENTERTAINMENT CENTERS.

Establishments engaged in providing amusement or entertainment for a fee or admission charge and include such activities as movie theaters, bowling alleys, etc. (Ord. 16-2003. Passed 9-24-03.)

1321.14 AMUSEMENT PARK.

An outdoor facility, which may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for show and entertainment. (Ord. 16-2003. Passed 9-24-03.)

1321.15 ANTENNA.

A device used to collect or transmit telecommunications or radio signals. (Examples, include but not limited to, panels, microwave dishes, and single pole known as whips.) (Ord. 16-2003. Passed 9-24-03.)

1321.16 APARTMENT BUILDING.

See Dwelling, Multifamily.
(Ord. 16-2003. Passed 9-24-03.)

1321.17 APARTMENT UNIT.

See Dwelling Unit.
(Ord. 16-2003. Passed 9-24-03.)

1321.18 APPLICANT.

A person representing the owner and/or owner of property submitting an application and/or petition for subdivision and zoning approval.
(Ord. 16-2003. Passed 9-24-03.)

1321.19 A-WEIGHTED SOUND LEVEL.

The sound level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated DBA.
(Ord. 16-2003. Passed 9-24-03.)

1321.20 ASSEMBLAGE.

The merger of separate properties into a single tract of land.
(Ord. 16-2003. Passed 9-24-03.)

1321.21 AWNING.

A roof-like cover (fixed or retractable) which projects from the facade of a building.
(Ord. 16-2003. Passed 9-24-03.)

1321.22 BAR.

A structure or part of a structure used primarily for the sale or dispensing of liquor by the drink and/or the selling of alcohol beverages for take-out purposes.
(Ord. 16-2003. Passed 9-24-03.)

1321.23 BASEMENT.

A story having more than one-half (1/2) of its height below average grade.
(Ord. 16-2003. Passed 9-24-03.)

1321.24 BERM.

A mound of earth, or the act of pushing earth into a mound.
(Ord. 16-2003. Passed 9-24-03.)

1321.25 BEST MANAGEMENT PRACTICE (BMP).

Practices, procedures or structures required for the purpose of reducing pollution from runoff. (Ord. 16-2003. Passed 9-24-03.)

1321.26 BILLBOARD.

A sign used to advertise a business, commodity, service, entertainment, or any other activity sold or available elsewhere than on the premises on which the billboard is located.
(Ord. 16-2003. Passed 9-24-03.)

1321.27 BOARDING HOUSE.

A dwelling where lodging and meals are provided to two or more persons, other than the members of the proprietor's family, by prearrangement for definite periods of time.
(Ord. 16-2003. Passed 9-24-03.)

1321.28 BUFFER AREA.

An area of required yard space adjacent to the boundary of a property or District, not less in width than is designated in this Ordinance, and on which is placed year-round shrubbery, hedges, evergreen trees, or other suitable plantings of sufficient height and density to constitute an effective screen and give maximum protection and immediate screening to an abutting property or District. (Ord. 16-2003. Passed 9-24-03.)

1321.29 BUFFER STRIP.

Land area used to visibly separate one use from another or to shield or screen large parking areas from public streets. (See Diagram 2)
(Ord. 16-2003. Passed 9-24-03.)

1321.30 BUILDING.

Any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals, vehicles or property.
(Ord. 16-2003. Passed 9-24-03.)

1321.31 BUILDING HEIGHT.

The vertical dimension measured from the average finished grade at the front of the building to the highest point of a flat roof, to the deck line of a mansard roof, and to the average height between the plate and ridge of a gable, hip, or gambrel roof.
(Ord. 16-2003. Passed 9-24-03.)

1321.32 BUILDING LINES.

A line defining the minimum front, side, and rear yard requirements outside of which no building or structure may be located, except as otherwise provided herein.
(Ord. 16-2003. Passed 9-24-03.)

1321.33 BUILDING, PRINCIPAL.

The building on a lot used to accommodate the primary use to which the premises are devoted. (Ord. 16-2003. Passed 9-24-03.)

1321.34 BUILDING SETBACK LINK.

See "Building Lines". (Ord. 16-2003. Passed 9-24-03.)

1321.35 BUSINESS SERVICE ESTABLISHMENT.

An establishment that provides a variety of services such as photo copying, collating, FAX service, layout and organization of documents and video presentations. Principal customers include business, professional, educational, and similar organizations.
(Ord. 16-2003. Passed 9-24-03.)

1321.36 CANOPY.

A metal framework attached to the frame of a building with a flexible material covering, partially or fully supported by vertical members bearing at grade level.
(Ord. 16-2003. Passed 9-24-03.)

1321.37 CELLULAR TELECOMMUNICATIONS FACILITY.

A cellular telecommunications facility consists of the equipment and structures involved in receiving telecommunication or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

(Ord. 16-2003. Passed 9-24-03.)

1321.38 CHILD DAYCARE FACILITY.

A child daycare facility other than a family or group daycare facility, including infant centers, preschools and extended daycare hours that serves sixteen (16) or more children.

(Ord. 8-2010. Passed 7-14-10.)

1321.39 FAMILY DAYCARE FACILITY.

A daycare facility that serves four (4) to six (6) children, including the children who reside at the home. (Ord. 8-2010. Passed 7-14-10.)

1321.40 GROUP DAYCARE FACILITY.

A group daycare facility that serves seven (7) to fifteen (15) children, including the children who may reside at the home.

(Ord. 8-2010. Passed 7-14-10.)

1321.41 CLUB OR LODGE.

A non-profit facility. The use of which is restricted to members and their authorized guests, such as veterans, fraternal, social, or senior citizens organization.

(Ord. 16-2003. Passed 9-24-03.)

1321.42 COMMERCIAL DROP-OFF AND PICK-UP BOXES.

Portable structures such as Federal Express boxes, newspaper vending machines, or other like structures. (Ord. 16-2003. Passed 9-24-03.)

1321.43 COMMERCIAL EDUCATIONAL FACILITY.

A facility which provides training and instruction in business, trades such as building, carpentry and other vocational subject areas. Training may include "hands on" methods using specialized equipment. Examples include hair cutting/styling, refrigeration, carpentry or other trades, repair of automobiles, computers and other business machines or similar trades and occupations. (Ord. 16-2003. Passed 9-24-03.)

1321.44 COMMON OPEN SPACE.

A parcel or parcels of land or an area of water or a combination of land and water within a development site, designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities. (Ord. 16-2003. Passed 9-24-03.)

1321.45 COMMUNITY CENTER.

A building used for recreational, social, educational and cultural activities, usually owned and operated by public, private or nonprofit group or agency. (Ord. 16-2003. Passed 9-24-03.)

1321.46 COMMUNITY RESIDENCE FACILITY.

(a) Family Based. A dwelling, licensed by the appropriate state agency, shared by persons requiring special care and their supervisors who live together as a single housekeeping unit in a family-like environment for the developmentally disabled, mentally ill, retarded, handicapped, or similar groups unable to live without supervision.

(b) Group Based. A licensed home or facility, a half-way house, designed for persons unable to live without supervision, including persons who are handicapped, developmentally disabled or mentally ill, and their supervisors. Unlike a family based facility, the group-based facility shall be an institutional facility. This facility may also accommodate persons recovering from alcohol, drugs or similar addictions and provide for counseling, rehabilitation, and supervision designed to mainstream residents back into society, enabling them to live independently. (Ord. 16-2003. Passed 9-24-03.)

1321.47 COMPREHENSIVE PLAN.

The comprehensive long-range plan intended to guide the growth and development of the city and one that includes analysis, recommendations and proposals for the city's population, economy, housing, transportation, community facilities and land use. (Ord. 16-2003. Passed 9-24-03.)

1321.48 CONDITIONAL USE.

A use permitted in a particular zoning district only upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such use as specified in the zoning ordinance and authorized by City Council. (Ord. 16-2003. Passed 9-24-03.)

1321.49 CONDOMINIUM.

A building or group of buildings in which units are owned individually and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis. (Ord. 16-2003. Passed 9-24-03.)

1321.50 CONDOMINIUM ASSOCIATION.

The community association which administers and maintains the common property and common elements of a condominium. (Ord. 16-2003. Passed 9-24-03.)

1321.51 CONFERENCE CENTER.

A facility used for business or professional conferences and seminars, often with accommodations for sleeping, eating and recreation. (Ord. 16-2003. Passed 9-24-03.)

1321.52 CONTINUING CARE FACILITY.

A residential development designed and intended for people age fifty-five (55) or older; in the case of a couple, at least one person must be fifty-five years of age or older. The continuing care facility shall be distinguished from other forms of residential development by the fact that it shall provide skilled nursing for the residents as an integral part of the development. (Ord. 16-2003. Passed 9-24-03.)

1321.53 CONVENIENCE STORE.

A retail store, located within a residential district, serving walk-in trade and selling packaged foods or goods for take-out purposes. Examples include ice cream and water ice. This store shall not include the preparation of hot and cold sandwiches or other grilled and deep-fried foods. (Ord. 16-2003. Passed 9-24-03.)

1321.54 CONVENIENCE STORE, AUTO-RELATED.

A retail store containing less than 3,500 square feet of gross area, being open between 15 and 24 hours per day, and serving mainly food and household items. It is intended and designed to attract and serve a large volume of local and through traffic and shall contain a parking area of sufficient size and design to accommodate a large volume of rapid turnover business. Examples of auto related convenience stores are those operated by the Wawa and "7-11" chains. (Ord. 16-2003. Passed 9-24-03.)

1321.55 CONVERSION.

A change in the use of a building; for example, the change of a single family dwelling to a two-family or multifamily dwelling or the change of a retail use to office or residential use or the reverse. Such change may be accomplished without subdivision approval or a change in ownership. Such change must comply with the use and dimensional regulations of this Ordinance, and must be accomplished by appropriate alteration after the necessary permits have been obtained. (Ord. 16-2003. Passed 9-24-03.)

1321.56 CORNER LOT.

A lot situated at the intersection of two or more streets, roads, highways, or boulevards, whose angle of intersection is not more than one hundred and thirty-five degrees (135°). (See Diagram 3) (Ord. 16-2003. Passed 9-24-03.)

1321.57 CULTURAL FACILITIES.

Establishments such as museums, art galleries, botanical and zoological gardens of an historical, educational or cultural interest which are not operated commercially. (Ord. 16-2003. Passed 9-24-03.)

1321.58 DAY CARE ADULT.

A facility providing care and supervision for adults fifty-five (55) years or older. (Ord. 16-2003. Passed 9-24-03.)

1321.59 DECK.

A wooden platform attached to the rear or side of the principal building. A deck becomes a room when it is covered and the area is enclosed. A deck is not calculated in the lot coverage area. (Ord. 16-2003. Passed 9-24-03.)

1321.60 DENSITY.

Unless otherwise stipulated in this Ordinance, the term "density" shall mean the maximum permitted number of dwelling units per gross acre. (Ord. 16-2003. Passed 9-24-03.)

1321.61 DEVELOPER.

Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development. (Ord. 16-2003. Passed 9-24-03.)

1321.62 DISTRICT.

An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements, and height limitations.
(Ord. 16-2003. Passed 9-24-03.)

1321.63 DWELLING(S).

(a) Dwelling, Garden Apartment. A multifamily dwelling, not greater than thirty-five (35) feet or two and one-half (2-1/2) stories in height containing dwellings on two levels.

(b) Dwelling, High Rise Apartment. A multifamily dwelling, eight (8) stories or more in height.

(c) Dwelling, Mid-Rise Apartment. A multi-family dwelling, three (3) to seven (7) stories in height.

(d) Dwelling, Multifamily. A dwelling on one lot designed for and occupied exclusively as a residence for four (4) or more families living independently of one another, including a building which is owned and operated as a condominium under the Pennsylvania Condominium Act.

(e) Dwelling, Single-Family. A detached building designed and used exclusively for occupancy by one (1) family.

(f) Dwelling, Single Family Attached. (Row or Townhouse). A single family dwelling unit on one (1) lot each of which is part of a group of three (3) or more adjacent dwellings, each of which has at least one (1) party wall in common with other dwelling units in the same row.

(g) Dwelling, Single Family Detached. A building designed for and occupied exclusively as a residence for only one (1) family and not attached to any other residence by any means.

(h) Dwelling, Single Family Semi-Detached. (or Twin) A single family dwelling on one (1) lot, having one (1) party wall in common with one (1) other dwelling on an adjacent lot, and having open space on three (3) sides.

(i) Dwelling, Two-Family. A structure on a single lot containing two (2) dwelling units each of which is totally separated from the other horizontally by an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common exterior stairwell common to both units.

(j) Dwelling Unit. One or more rooms designed, occupied or intended for occupancy as a separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of single family maintaining a household.
(Ord. 16-2003. Passed 9-24-03.)

1321.64 DECIBEL.

A unit of sound pressure level.

(Ord. 16-2003. Passed 9-24-03.)

1321.65 EASEMENT.

A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

(Ord. 16-2003. Passed 9-24-03.)

1321.66 EATING AND DRINKING PLACES.

Retail establishments selling food and drink for consumption on the premises, including lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption. (Ord. 16-2003. Passed 9-24-03.)

1321.67 EDUCATIONAL INSTITUTION.

A public or private school, excluding instructional activities which are conducted primarily as gainful private businesses such as driving, dancing, and karate schools.

(Ord. 16-2003. Passed 9-24-03.)

1321.68 EFFLUENT.

A discharge of pollutants, with or without treatment, into the environment.

(Ord. 16-2003. Passed 9-24-03.)

1321.69 ELDERLY.

Individuals 55 years of age or older, or a family consisting only of husband and wife either of whom is 55 years of age or older.

(Ord. 16-2003. Passed 9-24-03.)

1321.70 EMERGENCY SERVICE FACILITY.

A station for fire, ambulance, rescue, and other emergency services, including customary incidental uses. (Ord. 16-2003. Passed 9-24-03.)

1321.71 EMISSION.

A discharge of pollutants into the air. (Ord. 16-2003. Passed 9-24-03.)

1321.72 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. (Ord. 16-2003. Passed 9-24-03.)

1321.73 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. (Ord. 16-2003. Passed 9-24-03.)

1321.74 FAMILY.

One or more persons occupying a dwelling unit and living as a single housekeeping unit, but not including groups occupying a boarding house, rooming house, hotel, motel, fraternity, sorority, monastery, convent, or any similar group, cooperative or commercial living arrangements. (Ord. 16-2003. Passed 9-24-03.)

1321.75 FENCE.

An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land. (Ord. 16-2003. Passed 9-24-03.)

1321.76 FLAG LOT.

A lot which does not front on a public street but where access to the public road is provided by means of a narrow private right-of-way. See illustration "C". (Ord. 16-2003. Passed 9-24-03.)

1321.77 FLOODPLAIN.

Areas subject to inundation by the highest expected flood water level as determined by special study. (Ord. 16-2003. Passed 9-24-03.)

1321.78 FRATERNITY OR SORORITY HOUSE.

A building or part of a building containing a room or rooms forming one or more habitable units, maintained exclusively for fraternity or sorority members and their guests or visitors, and affiliated with and operated by an academic or professional college, university or other institution of higher learning, for living and sleeping but where cooking or eating facilities are not provided. (Ord. 16-2003. Passed 9-24-03.)

1321.79 FRONTAGE.

That side of a lot abutting on a street; the front lot line. (Ord. 16-2003. Passed 9-24-03.)

1321.80 GAMING FACILITY.

A commercial use which provides facilities or at which persons assemble for the purpose of any activity which involves lawful gambling or wagering. (Ord. 16-2003. Passed 9-24-03.)

1321.81 GARAGE.

(a) Garage, Private Residential. A structure which is accessory to a residential building and which is used for the parking and storage of motor vehicles owned and operated by the residents thereof and their guests, and which is not a separate commercial enterprise available to the general public.

(b) Garage, Public. A structure or portion thereof, other than a private customer-and-employee garage or a private residential garage, used primarily for the parking and storage of motor vehicles and available to the general public. (Ord. 16-2003. Passed 9-24-03.)

1321.82 GASOLINE SERVICE STATION.

A building or part of a building or structure or space for the retail sale of gasoline, lubricants, and motor vehicle accessories and for minor service and repairs not accompanied by objectionable noises, fumes, dust or odors. (Ord. 16-2003. Passed 9-24-03.)

1321.83 GLARE.

The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility. (Ord. 16-2003. Passed 9-24-03.)

1321.84 HABITABLE FLOOD AREA.

Habitable flood area for living purposes consists of living room, bedroom, bathroom, dining room, kitchens, den, library and family rooms, but exclusive of porches, basements, terraces and garages. (Ord. 16-2003. Passed 9-24-03.)

1321.85 HALF-WAY HOUSE OR DEPENDENT CARE FACILITY.

A profit or nonprofit boarding home, rest home, or other home for the sheltered care of adult persons, which is designed to provide a transition from long-term institutional care to self-sufficiency and normal living activities. Also, the facility may provide any personal care or services beyond food, shelter and laundry or other services conducive to the resident's welfare. (Ord. 16-2003. Passed 9-24-03.)

1321.86 HISTORIC RESOURCE.

Historic resources shall include: historic structures, ruins or sites of former historic structures, historic roads or other transport traces, paths and trails, known areas of rich archeological deposits; and any other historic landscape features; and shall further include, without limitation, any other structure included on the National Register of Historic Places, in the Delaware County Historic Resources Status Report or in a City of Chester Historic Survey. Features not so listed which have an age, wholly or in part, of fifty (50) years shall be presumed to be historic resources unless demonstrated otherwise. (Ord. 16-2003. Passed 9-24-03.)

1321.87 HOME CENTER.

A large store intended and designed to provide a wide assortment of materials, supplies, parts and equipment principally for home repairs and maintenance with customers consisting of mainly homeowners. (Ord. 16-2003. Passed 9-24-03.)

1321.88 HOME OCCUPATION.

Any activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling unit.

- (a) Home Occupation, Major. Any lawful occupation or profession conducted in a dwelling and where not more than two (2) persons other than a member of the resident family may be employed and where the occupation may require off-street parking in addition to that for the resident family. Major home occupations shall not include barber shops, beauty shops, funeral homes, or any activity involving the repairs, servicing, or cleaning of motor vehicles.
 - (b) Home Occupation, Minor. Any lawful occupation or profession conducted in a dwelling in which no persons other than the members of the resident family are engaged, which has no visible exterior evidence of the occupation, which does not create a need for off-street parking beyond the normal dwelling needs and in which no equipment is used other than that normally used for household, domestic, or general office use.
- (Ord. 16-2003. Passed 9-24-03.)

1321.89 HOMEOWNER'S ASSOCIATION.

A nonprofit organization comprised of homeowners or property owners, planned and operated under approved rules and regulations for the purposes of administering the needs of residents through the maintenance of community-owned property and facilities. (Ord. 16-2003. Passed 9-24-03.)

1321.90 HOSPITAL.

A facility providing inpatient medical care of the sick and injured (including obstetrical care); where not more than 50% of the total patient days during any year are customarily assignable to the categories of chronic convalescent and rest, drug and alcoholic, epileptic, mentally deficient, mental, nervous, and tuberculosis and which is a proprietary facility or a facility of a private non-profit corporation or association licensed and regulated by the state. (Ord. 16-2003. Passed 9-24-03.)

1321.91 HOTEL.

A facility which offers transient lodging accommodations to the general public. Such facility may also provide additional services, such as restaurants, meeting rooms, and recreation facilities. (Ord. 16-2003. Passed 9-24-03.)

1321.92 INDUSTRIAL PARK.

A large tract of land that is planned, developed and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility. (Ord. 16-2003. Passed 9-24-03.)

1321.93 INFRASTRUCTURE.

Facilities and services needed to sustain industry, residential and commercial activities. (Ord. 16-2003. Passed 9-24-03.)

1321.94 LANDSCAPING PLANTING AREA.

An area landscaped with grass, ground cover, shrubs, trees and/or flowering perennials plants place where required by the Zoning Ordinance and permanently maintained. (Ord. 16-2003. Passed 9-24-03.)

1321.95 LIGHT MANUFACTURING.

Industrial uses, which meet the performance standards, bulk controls, and other requirements established in the Chester City Codified Ordinances. In addition, all aspects of the industrial process are carried on within the building itself. (Ord. 16-2003. Passed 9-24-03.)

1321.96 LOADING SPACE.

An off-street space or berth used for the loading or unloading of commercial vehicles. (Ord. 16-2003. Passed 9-24-03.)

1321.97 LOT.

A designated parcel, tract or area of land established by subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.

- (a) Lot, Area. The total area within the lot lines of a lot, excluding any street rights-of-way.
- (b) Lot, Corner. A lot abutting two or more streets which intersect at an angle of 135 degrees or less.
- (c) Lot, Coverage. The portion of the lot area that is covered by any principal and accessory building.

- (d) Lot, Depth. The mean horizontal distance between the right-of-way line of the street and the rear lot line.
- (e) Lot, Frontage. That side of the lot abutting on a street- the front lot line.
- (f) Lot, Lines. The lines defining the limits of a lot.
- (g) Lot Line, Front. The line separating the lot from the street right-of-way.
- (h) Lot Line, Rear. The lot line opposite and most distant from the front lot line. See illustration "X".
- (i) Lot Line, Side. Any lot line, which is not a front, or rear lot line.
- (j) Lot Width. The horizontal distance measured at a point at least equal to minimum setback requirements for the district.
(Ord. 16-2003. Passed 9-24-03.)

1321.98 MALODOR.

Any odor which causes unreasonable annoyance or discomfort to the public and which the Zoning Officer determines to be objectionable to the public on the basis of written citizen complaint. (Ord. 16-2003. Passed 9-24-03.)

1321.99 MARINA.

A facility for storing, servicing, fueling, berthing and securing of pleasure boats and which may include eating, sleeping and retail facilities for owners, crews and guests.
(Ord. 16-2003. Passed 9-24-03.)

1321.100 MEDICAL OR DENTAL CLINIC.

The offices, diagnostic equipment and facilities shared by three (3) or more medical or dental practitioners operating as a single unit with common staff, examination rooms, diagnostic areas and equipment, waiting areas, parking and other facilities.
(Ord. 16-2003. Passed 9-24-03.)

1321.101 MINI-STORAGE FACILITIES.

A structure or structures containing separate storage spaces of varying sizes leased or rented on an individual basis. (Ord. 16-2003. Passed 9-24-03.)

1321.102 MIXED USE DEVELOPMENT.

The development of a tract of land or building or structures with two or more different uses such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form. (Ord. 16-2003. Passed 9-24-03.)

1321.103 MOBILE HOME.

A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

- (a) Mobile Home Lot. A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.
- (b) Mobile Home Park. A parcel or contiguous parcel of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.
(Ord. 16-2003. Passed 9-24-03.)

1321.104 MOTEL.

An establishment providing transient accommodations containing six or more rooms with at least 25 per cent of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.
(Ord. 16-2003. Passed 9-24-03.)

1321.105 MOTOR FREIGHT FACILITY.

A building or area in which trucks, including tractor or trailer units are parked, stored, or serviced, including the transfer, loading or unloading of goods.
(Ord. 16-2003. Passed 9-24-03.)

1321.106 NOISE.

Any undesired audible sound. (Ord. 16-2003. Passed 9-24-03.)

1321.107 NONCONFORMING.

(a) Nonconforming Lot. The area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

(b) Nonconforming Structure. A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment hereto or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

(c) Nonconforming Use. A use, whether of land or of a structure, which does not comply with the applicable provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation. (Ord. 16-2003. Passed 9-24-03.)

1321.108 NUDITY or a STATE OF NUDITY.

This means 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 discernible turgid state. (Ord. 16-2003. Passed 9-24-03.)

1321.109 NURSING HOME.

A nursing home (also commonly known as a convalescent home) is a licensed establishment which provides full-time convalescent or chronic care or both for three or more individuals who are not related by blood or marriage to the operator and who, by reason of chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill or surgical or obstetrical services shall be provided in such a home; a hospital shall not be construed to be included in this definition.
(Ord. 16-2003. Passed 9-24-03.)

1321.110 OFFICE BUILDING.

A building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity, that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand.
(Ord. 16-2003. Passed 9-24-03.)

1321.111 OPACITY.

The degree to which emissions reduce the transmission of light and obscure the view of an object in the background. (Ord. 16-2003. Passed 9-24-03.)

1321.112 OUTDOOR STORAGE.

The keeping, in an unroofed area of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four hours.
(Ord. 16-2003. Passed 9-24-03.)

1321.113 PARKING.

(a) Parking Lot. An off-street, ground level area, used for the temporary storage of motor vehicles, which is surfaced and improved in accordance with requirements of the of the City of Chester Subdivision and Land Development Ordinance.

(b) Parking Space. "Off-street parking space" means an open space or a space within a structure used for parking motor vehicles, the area of which is not less than one hundred eighty (180) square feet, and which has access from a street, alley, private street, or ramp. Parking spaces shall be permitted only in a designated driveway and in no case shall this space encroach into a grass area of the front yard, a public right-of-way, sidewalk, street, alley, etc.

(c) Parking Structure. A building or structure, outside the footprint of the principal permitted building, consisting of more than one level and used to store motor vehicles.
(Ord. 16-2003. Passed 9-24-03.)

1321.114 PENNSYLVANIA MUNICIPALITIES PLANNING CODE (MPC).

Pennsylvania Act 247 of 1968 (P.L. 805), as amended, also cited as 53 P.S. 10101 et seq., or any subsequent act of the Commonwealth of Pennsylvania which replaces, supplements or repeals any or all of the provisions of Act 247.
(Ord. 16-2003. Passed 9-24-03.)

1321.115 PERFORMANCE STANDARDS.

A set of criteria or limits relating to nuisance elements which a particular use or process may not exceed. (Ord. 16-2003. Passed 9-24-03.)

1321.116 PERMIT.

Written municipal permission issued by the appropriate local official empowering the holder thereof to do some act not forbidden by law, but not permitted without such authorization. (Ord. 16-2003. Passed 9-24-03.)

1321.117 PIERHEAD LINE.

A line beyond which no structure may extend into tidal waters.
(Ord. 16-2003. Passed 9-24-03.)

1321.118 PLANTED VISUAL SCREEN.

A strip of trees, hedges or similar vegetation which at time of planting, shall not be not less than six (6) feet high and has sufficient density to form an effective visual barrier to afford visual protection to abutting property. Such screen shall consist primarily of dense evergreen or similar vegetation, which shall be planted not less than seven (7) feet from one another. Deciduous trees may be added to the evergreens to create interest and variety. Such screens shall be permanently maintained, and plants shall be placed.
(Ord. 16-2003. Passed 9-24-03.)

1321.119 POLLUTION.

The presence of matter or energy whose nature, location or quantity produces undesired environmental effect. (Ord. 16-2003. Passed 9-24-03.)

1321.120 RECREATION AREA.

A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.
(Ord. 16-2003. Passed 9-24-03.)

1321.121 RELIGIOUS INSTITUTION.

A place of worship including a building or buildings and the environs.
(Ord. 16-2003. Passed 9-24-03.)

1321.122 RECYCLING.

The process by which waste products are reduced to raw materials and transformed into new and often different products. (Ord. 16-2003. Passed 9-24-03.)

1321.123 RESEARCH LABORATORY.

An establishment or other facility for carrying on investigation in the natural, physical or social sciences, or engineering and development as an extension of investigation with the objective of creating end products.
(Ord. 16-2003. Passed 9-24-03.)

1321.124 RESTAURANT.

An establishment where food and drink is prepared, served and consumed primarily within the principal building.

- (a) Restaurant, Carry-Out. An establishment which by design of physical facilities or by service or packaging procedures permits or encourages the purchase of prepared ready-to-eat foods intended primarily to be consumed off the premises, and where the consumption of food in motor vehicles on the premises is not permitted or not encouraged.
- (b) Restaurant, Drive-In. A building or portion thereof where food and beverages are sold in a form ready for consumption and where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the building, often in a motor vehicle on the site.

- (c) Restaurant, Eat-In. A public eating place primarily offering sit down counter or table service and custom-prepared foods for on premises consumption.
- (d) Restaurant, Fast-Food. An establishment whose principal business is the sale of prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off premises.
- (e) Restaurant, Sit-Down. An establishment where food and drink are prepared, served, and consumed primarily within the confines of the establishment.
(Ord. 16-2003. Passed 9-24-03.)

1321.125 RETAIL FOOD ESTABLISHMENT.

Any fixed or mobile place or facility at or in which food or drink is offered or prepared for retail sale. (Ord. 16-2003. Passed 9-24-03.)

1321.126 RETAIL FOOD ESTABLISHMENT, TEMPORARY.

An establishment where food and drink are prepared, served, and consumed in connection with fund raising or social events such as covered dish suppers or similar type of church or nonprofit type institution meal services which are not in operation on a permanent basis. (Ord. 16-2003. Passed 9-24-03.)

1321.127 ROOMING HOUSE.

Rooming houses are dwellings in which rooms, principally for non-transients, are leased to occupants, by a resident family and in which meals may be provided for compensation.
(Ord. 16-2003. Passed 9-24-03.)

1321.128 ROWHOUSE.

See "attached dwelling". (Ord. 16-2003. Passed 9-24-03.)

1321.129 RUNOFF POLLUTION.

That pollution which is carried by runoff from any facility or development.
(Ord. 16-2003. Passed 9-24-03.)

1321.130 SATELLITE ANTENNA.

An antenna together with all attachments and parts, the purpose of which is to receive communication from orbiting satellites.
(Ord. 16-2003. Passed 9-24-03.)

1321.131 SCREENING.

A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.
(Ord. 16-2003. Passed 9-24-03.)

1321.132 SEXUAL ENCOUNTER CENTER.

A business or commercial enterprise that offers as one of its principal business purposes, 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. (Ord. 16-2003. Passed 9-24-03.)

1321.133 SIGN.

Any object, device, display or structure or part thereof which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, numbers, or symbols.

- (a) Sign, Area. The face of a sign including all lettering, wording, designs and symbols, together with background, whether open or enclosed on which they are displayed, including the frame, but not including any supporting framework and bracing. Where sign consists of individual letters, numbers, characters, or symbols attached to a building wall, window or door, the area of the signs shall be considered that of the smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols. When a double faced sign is erected in such a manner that both sides are not visible from the same vantage point, then only one (1) shall be used to compute the sign area.
- (b) Sign, Awning. Any non-illuminated sign painted on or applied to a structure made of cloth, canvas, metal or similar material which is affixed to a building and projects therefrom. Such signs may or may not be fixed or equipped with a mechanism for raising and holding an awning in a retracted position against the building. (See Diagram 7)
- (c) Sign, Banner. A sign which is intended to be hung either with or without frames and has its letters or design applied to cloth, canvas or other flexible material which is durable and weather resistant.
- (d) Sign, Changeable Copy. A sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or the surface of the sign.
- (e) Sign, Directional. A sign providing information related direction including entrance, exit, do not enter, one-way type signs, etc.
- (f) Sign, Double-face. A sign which has two or more display surfaces backed against each other, or against the same background, one face of which is designed to be seen from one direction and the other from the other direction.
- (g) Sign, Identification. A sign containing the name or address of a building or property which may include hours of operation and emergency information located on the same site as the building.
- (h) Sign, Illuminated. A lighted sign which has the source of light on the surface of the sign or in the interior of the sign itself, or which has a source of light located such that the beam of the light falls upon the surface of the sign.
- (i) Sign, Mobile. A portable display surface mounted on any non-motorized or inoperative vehicle or device for the purpose of advertising or identifying businesses services or products.
- (j) Sign, Off-Premises. A sign which is not located on the property which it directs attention to.
- (k) Sign, On Premises. A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services or activities on the premises. On premises signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.
- (l) Sign, Pole. A sign wholly supported by a single or double pole and may display lettering, logo, or other information on one or both sides. (See Diagram 7)

- (m) Sign, Projecting. A sign other than a wall sign, which projects from and is supported by a wall of a building structure with the exposed face of the sign not parallel to the plane of said wall. (See Diagram 7)
- (n) Sign, Temporary. A sign that is used in connection with an event, situation or circumstances that is designed or intended to take place or be completed within a specified period of time after a permit for the sign has been issued or is intended to remain on location where it is placed or erected for a specified period of time, such as a contractors sign, political sign, or sign announcing the time and location of a yard sale.
- (o) Sign, Wall. A sign attached to or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plan of said wall and not extending above the wall to which it is attached. (See Diagram 7)
- (p) Sign, Window. A permanent and/or temporary sign inside or outside of and attached to the surface of the window. (See Diagram 7)
(Ord. 16-2003. Passed 9-24-03.)

1321.134 SINGLE AND SEPARATE OWNERSHIP.

Ownership of a lot by one or more persons, partnerships, or corporations, which ownership is separate and distinct from that of any adjoining lot.
(Ord. 16-2003. Passed 9-24-03.)

1321.134a SINGLE ROOM OCCUPANCY (SRO) FACILITY.

A residential structure that contains four (4) to twelve (12) single room occupancy units with on-site management and maintenance. Management is responsible for establishing facility rules and security measures. (Ord. 13-2010. Passed 9-8-10.)

1321.134b SINGLE ROOM OCCUPANCY (SRO) UNIT.

A living space with a minimum floor area of 150 square feet and a maximum of 400 square feet restricted to occupancy by no more than 2 persons. Kitchen and bathroom facilities may be wholly or partially included in each living space or may be fully shared.
(Ord. 13-2010. Passed 9-8-10.)

1321.135 SOCIAL SERVICE FACILITY.

An establishment or agency providing counseling or other services for psychological or family problems, learning problems or difficulties, adjustment or other problems relating to employment or school, and problems related to drug and alcohol use or addiction.
(Ord. 16-2003. Passed 9-24-03.)

1321.136 SPECIAL EXCEPTION.

A use permitted in a particular district pursuant to review by the Zoning Hearing Board, in accordance with Section 603, (c), (1) and Section 912.1 of the Pennsylvania Municipalities Planning Code. (Ord. 16-2003. Passed 9-24-03.)

1321.137 STORY.

That portion of building between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, the space between such floor and the ceiling next above it. (Ord. 16-2003. Passed 9-24-03.)

1321.138 STREAMSIDE BUFFER STRIP.

A designated reserved area adjacent to streams within which building is restricted and adjacent to which special controls over runoff pollution are imposed in the interest of reducing pollution of the stream. (Ord. 16-2003. Passed 9-24-03.)

1321.139 STREET.

A public or private thoroughfare, with the exception of alleys, including the entire area within the right-of-way lines, which affords traffic circulation and the principal means of access to abutting property. (Ord. 16-2003. Passed 9-24-03.)

1321.140 STREET RIGHT-OF-WAY LINES.

A line between a lot, tract, or parcel of land and a contiguous street. Where the lot, tract, or parcel of land has been conveyed to the center of the street, the street right-of-way line then becomes the inside line of land reserved for street purposes. (Ord. 16-2003. Passed 9-24-03.)

1321.141 STRUCTURE.

Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. (Ord. 16-2003. Passed 9-24-03.)

1321.142 SUPERMARKET.

A large retail establishment selling primarily food and other household products. Supermarkets shall have a gross floor area of at least 10,000 square feet. Smaller similar establishments shall be considered retail food stores for the purposes of this ordinance. (Ord. 16-2003. Passed 9-24-03.)

1321.143 SWIMMING POOL, PRIVATE, NONCOMMERCIAL.

Any body of water, tank or receptacle of water used or intended to be used for swimming or bathing solely by the owner or tenant, his family and guests of the household and constructed, installed, established, or maintained outside any building in or above the ground upon any premises as an accessory use to the residence. (Ord. 16-2003. Passed 9-24-03.)

1321.144 TATTOO ESTABLISHMENT.

An establishment engaged in the process of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instruments designed to touch or puncture the skin. (Ord. 16-2003. Passed 9-24-03.)

1321.145 TELECOMMUNICATIONS EQUIPMENT BUILDING.

The building in which the electronic receiving and relay equipment for a cellular telecommunications facility is housed. (Ord. 16-2003. Passed 9-24-03.)

1321.146 TOWER.

A tower is a structure that is intended to support equipment used to transmit and/or receive telecommunications signals. Examples of such structures include but are not limited to monopoles and lattice construction steel structures. (Ord. 16-2003. Passed 9-24-03.)

1321.147 TOWNHOUSE. See "attached dwelling".
(Ord. 16-2003. Passed 9-24-03.)

1321.148 TRAILER.
A structure standing on wheels and not intended to be placed on a permanent foundation, towed or hauled by another vehicle and used for short-term human occupancy, carrying materials, goods or objects, or as a temporary office.
(Ord. 16-2003. Passed 9-24-03.)

1321.149 USE.
The specific purpose for which land or a building is designed, arranged, or intended, or for which it is or may be occupied or maintained.
(Ord. 16-2003. Passed 9-24-03.)

1321.150 USE, PERMITTED.
Uses permitted outright or as a matter of right upon issuance of a zoning certificate.
(Ord. 16-2003. Passed 9-24-03.)

1321.151 UTILITY.
A facility or appurtenance operated by a public utility corporation or a public body in connection with providing gas, electric, water, telephone, sewerage, or other essential public services to the public.
(Ord. 16-2003. Passed 9-24-03.)

1321.152 VARIANCE.
Relief granted pursuant to Articles VI and IX of the Pennsylvania Municipalities Planning Code, as amended.
(Ord. 16-2003. Passed 9-24-03.)

1321.153 WAREHOUSE.
A building used primarily for the storage of goods and materials.
(Ord. 16-2003. Passed 9-24-03.)

1321.154 WATER-DEPENDENT USE.
A land use, building, or facility that by design of its physical facilities relies on the water for it to be functional. (Ord. 16-2003. Passed 9-24-03.)

1321.155 WATER FRONT PROPERTY.
A property that has frontage on a water body.
(Ord. 16-2003. Passed 9-24-03.)

1321.156 YARD.
The open space, on a lot, that is required to remain unobstructed and unoccupied by any structure from the ground upward.
(a) Yard, Front. A space extending along the full length of lot lines abutting a street or streets.
(b) Yard, Rear. A space extending along the full length of the rear lot line between side lines of an interior lot or between a side lot line and a street lot line of other lots.

- (c) Yard, Side. A space extending along a side lot line running from a front yard to a rear yard. (Ord. 16-2003. Passed 9-24-03.)

1321.157 ZONE.

Synonymous with "District". (Ord. 16-2003. Passed 9-24-03.)

1321.158 ZONING ORDINANCE.

The City of Chester Zoning Ordinance of 1948, as amended.
(Ord. 16-2003. Passed 9-24-03.)

1321.159 SEVERABILITY.

Any ordinance or parts thereof inconsistent with the provisions of this article are hereby repealed. If any section, part or clause of this article is declared invalid or unconstitutional by a Court of competent jurisdiction, the remainder of this Ordinance shall remain valid and in full force and effect. (Ord. 16-2003. Passed 9-24-03.)

ARTICLE 1323
Purposes and Interpretation

- | | | | |
|---------|--|---------|---------------|
| 1323.01 | Purpose. | 1323.03 | Separability. |
| 1323.02 | Interpretation; greater
restriction to control. | | |

CROSS REFERENCES

Zoning purposes - see Planning Act 247 §604 (53 P.S. §10604)
Statement of community objectives - see Planning Act 247 §606 (53 P.S. §10606)
Subdivision ordinance purpose and interpretation - see P. & Z. 1303.01, 1303.02

1323.01 PURPOSE.

This Zoning Ordinance is enacted for the purpose of promoting the health, safety, morals and general welfare of the inhabitants of the City.
(Ord. 27-1948 §100. Passed 9-14-48.)

1323.02 INTERPRETATION; GREATER RESTRICTION TO CONTROL.

In interpreting and applying the provisions of this Zoning Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals and general welfare. Where the provisions of this Zoning Ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this Zoning Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Zoning Ordinance, the provisions of such statute, ordinance or regulation shall be controlling.
(Ord. 27-1948 §101. Passed 9-14-48.)

1323.03 SEPARABILITY.

If any section, paragraph, subsection, clause or provision of this Zoning Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Zoning Ordinance as a whole, or any other part thereof.
(Ord. 27-1948 §1502. Passed 9-14-48.)

ARTICLE 1325
Enforcement, Permits and Penalty

1325.01	Enforcement by Building Inspector; variances by Board.	1325.06	Permit fees; fees for board action.
1325.02	Building permit required.	1325.07	Fee for issuance of letter of compliance with Code provisions.
1325.03	Application for building permit.	1325.99	Penalty.
1325.04	Certificates of occupancy required.		
1325.05	Temporary permits for nonconforming structure or use.		

CROSS REFERENCES

Appointment and powers of Zoning Officer - see Planning Act
247 §614 (53 P.S. §10614)
Zoning penalties and remedies - see Planning Act 247 §616
et seq. (53 P.S. §10616 et seq.).

1325.01 ENFORCEMENT BY BUILDING INSPECTOR; VARIANCES BY BOARD.

This Zoning Ordinance shall be enforced by the Building Inspector of the City. It shall be his duty to examine all applications for permits, issue permits only for construction and uses which are in accordance with the requirements of this Zoning Ordinance, record and file all applications for permits with accompanying plans and documents, and make such reports as Council may require. Permits for construction and uses which are a special exception or variance from the requirements of this Ordinance shall be issued only upon written authorization of the Zoning Hearing Board.
(Ord. 27-1948 §1300. Passed 9-14-48.)

1325.02 BUILDING PERMIT REQUIRED.

A building permit shall be required prior to the erection, construction or alteration of any building, structure or portion thereof. Applications for permits shall be made in writing on forms furnished by the City. Such application shall contain all information necessary for the Building Inspector to ascertain whether the proposed erection, construction or alteration complies with the provisions of this Zoning Ordinance. Such permits shall be granted or refused within ten days of receipt of written application.
(Ord. 27-1948 §1301. Passed 9-14-48.)

1325.03 APPLICATION FOR BUILDING PERMIT.

All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or housekeeping units the building is designed to accommodate, and such other information as may be necessary to determine compliance with this Zoning Ordinance and all other pertinent ordinances. One copy of such plans shall be returned to the owner when such plans shall have been approved by the Building Inspector. All applications with accompanying plans and documents shall become a public record after a permit is issued or denied.
(Ord. 27-1948 §1302. Passed 9-14-48.)

1325.04 CERTIFICATES OF OCCUPANCY REQUIRED.

A certificate of occupancy shall be required prior to the occupancy, use or change in use of land, prior to the occupancy, use or change in use of any building or portion thereof hereafter erected or altered, and prior to changing or extending a nonconforming use after the effective date of this section. This certificate shall indicate that such building or land has been inspected by the Building Inspector and that the proposed use is in conformity with the provisions of this Zoning Ordinance.

Upon written request from the owner, the Building Inspector shall issue a certificate of occupancy for any buildings or land existing at the time of enactment of this section, certifying, after inspection, the extent and kind of use or disposition of the buildings or land, and whether such use or disposition conforms with the provisions of this Zoning Ordinance.

Such certificates shall be granted or refused within ten days after the Building Inspector has been notified of the completion of the authorized construction or alteration, or, where, no construction or alteration is involved, within ten days after receipt of written application therefor. (Ord. 27-1948 §1303. Passed 9-14-48.)

1325.05 TEMPORARY PERMITS FOR NONCONFORMING STRUCTURE OR USE.

A temporary permit may be authorized by the Zoning Hearing Board for a nonconforming structure or use which it deems beneficial to the public health or general welfare, or which it deems necessary to promote the proper development of the community; provided, that such nonconforming structure or use shall be completely removed upon expiration of the permit without cost to the City. Such permits shall be issued for a specified period of time not to exceed one year, and may be renewed annually for an aggregate period not exceeding three years. (Ord. 27-1948 §1304. Passed 9-14-48.)

1325.06 PERMIT FEES; FEES FOR BOARD ACTION.

Each applicant for an appeal, special exception or variance shall, at the time of making application, pay a fee to defray the cost of advertising and mailing notices as required by this Zoning Code and the rules of the Zoning Hearing Board. The fees as required by this Code shall be as follows:

Five dollars (\$5.00) per each thousand dollars (\$1,000) or any fractional part thereof, construction value up to one million dollars (\$1,000,000). Thereafter, one dollar (\$1.00) per each thousand dollars (\$1,000) or any fractional part thereof, construction value. (Ord. 39-1981 Sec. 1. Passed 12-16-81.)

1325.07 FEE FOR ISSUANCE OF LETTER OF COMPLIANCE WITH CODE PROVISIONS.

When an owner, agent or operator requests a letter from the Building Inspector and/or his designated agent stating that a building or structure is in compliance with the building and zoning ordinances of the City, such owner, agent or operator shall pay a fee of seventy-five dollars (\$75.00) prior to the issuance of such letter.
(Ord. 8-2002. Passed 2-27-02.)

1325.99 PENALTY.

The Building Inspector shall institute legal action in a court of competent jurisdiction against any person, partnership or corporation who or which has violated or permitted the violation of any of the provisions of this Zoning Ordinance by requesting any and all of the remedies provided by Section 617.2 of the Municipalities Planning Code (Act 247 of 1968, as amended by Act 170 of 1988).
(Ord. 10-1990 §2. Passed 12-19-90.)

ARTICLE 1327 Zoning Hearing Board

1327.01	Appointment.	1327.06	Public hearing notice and conduct.
1327.02	Powers.	1327.07	Appeal to court.
1327.03	Rules.	1327.08	Fees for Zoning Board and Council hearings.
1327.035	Standards for variances, special exceptions and of proof.		
1327.04	Meetings and record.		
1327.05	Appeal procedure.		

CROSS REFERENCES

Zoning Hearing Board - see Planning Act 247 §901 et seq.
(53 P.S. §10901 et seq.)

Zoning appeals - see Planning Act §615, 1001 et seq. (53 P.S. §10615, 11001 et seq.)

Temporary nonconforming permits - see P. & Z. 1325.05

1327.01 APPOINTMENT.

In the manner prescribed by law, Council shall appoint a Zoning Hearing Board, consisting of three members.
(Ord. 27-1948 §1400. Passed 9-14-48.)

1327.02 POWERS.

The Zoning Hearing Board shall have the following powers:

- (a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the provisions of the Pennsylvania Municipalities Planning Code (Act 247 of 1968) (P.L. 805) (53 P.S. §10101 et seq.), as amended or revised, or of this Zoning Ordinance.
- (b) To hear and decide special exceptions to the terms of this Zoning Ordinance upon which such Board is required to pass under this Ordinance.
- (c) To authorize upon appeal in specific cases such variance from the terms of this Zoning Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Zoning Ordinance will result in unnecessary hardships, so that the spirit of this Zoning Ordinance shall be observed and substantial justice done.

In exercising the abovementioned powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determinations as ought to be made, and, to that end, shall have all the powers of the officer from whom the appeal is taken. (Ord. 27-1948 §1401. Passed 9-14-48.)

1327.03 RULES.

The Zoning Hearing Board shall adopt rules in accordance with the provisions of this Zoning Ordinance. Such rules shall include, but shall not be limited to, the manner of filing appeals, the manner of filing applications for special exceptions and variances from the terms of this Ordinance and the manner of giving notice of public hearing where required under the terms of this Zoning Ordinance. (Ord. 27-1948 §1402. Passed 9-14-48.)

1327.035 STANDARDS FOR VARIANCES, SPECIAL EXCEPTIONS AND OF PROOF.

(a) Standards for Zoning Hearing Board Action. In any instance where the Zoning Hearing Board is required to consider a variance or special exception, the Board shall, among other things, consider the following standards:

(1) Zoning Code Criteria for Variances.

- A. The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship on the applicant.
- B. A variance from the terms of the Zoning Ordinance shall not be granted by the Board unless and until a written application for a variance is submitted by the applicant who shall have the burden of establishing:
 1. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.
 2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of the variance is therefore necessary to enable the reasonable use of the property.
 3. That such unnecessary hardship has not been created by the applicant.
 4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
 - C. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Planning Code and the Zoning Ordinance.
- (2) Standards for review of special exceptions.
- A. In any instance where the Board is required to consider a request for a special exception, the Board shall consider the following factors where appropriate:
 1. That the proposed use is appropriate for the site in question in terms of size, topography, natural features, drainage, sewage disposal, water supply, accessibility, and availability of public services, and that adequate provisions will be made to protect sensitive environmental features such as streams, lakes, wetlands, slopes and mature trees.
 2. That the proposed use is compatible with the character of the surrounding neighborhood and will not interfere with or detract from legitimate uses and adjacent properties, and that adequate measures will be provided through building design, site layout, landscaping, planting and operational controls to minimize any adverse impacts caused by noise, lights, glare, odors, smoke, fumes, traffic, parking, loading and signage.
 3. That the proposed special exception will serve the best interest of the City, the convenience of the community, and the public health, safety and welfare.
 4. That the proposed use is consistent with the City of Chester Comprehensive Plan.
 5. That the proposed use promotes orderly development, proper population density, and the provision of adequate community facilities and services, including police and fire protection.
 6. That the proposed use is suitable in terms of its effect on highway safety and traffic circulation, and that access, on-site circulation, and parking are adequate in view of anticipated traffic.
 7. That the proposed use will provide for adequate off-street parking, as required in Article 1375.
 - B. In cases where uses permitted by special exception are not accompanied by standards for such uses, the following standards shall apply:
 1. In residential districts, the area and bulk regulations shall be not less than those for single-family detached dwellings in the applicable residential district.
 2. In nonresidential districts, the area and bulk regulations shall be not less than those for the use which requires the greatest dimensions in the applicable nonresidential districts.
 3. The Zoning Hearing Board may require more stringent but reasonable dimensional standards than those listed in subsection B.1. and 2. above, provided that the Board makes one or more of the following three determinations:

- a. That the required standards (as noted in subsections B.1. and 2. above) are clearly insufficient to accommodate the proposed building, facility, or use, and that larger dimensional requirements would substantially alleviate that condition.
 - b. That the required standards are clearly insufficient to provide adequate area for parking and loading, as required by Article 1375, and that larger dimensional requirements would substantially alleviate the condition.
 - c. That the required standards are clearly insufficient in providing for lot areas and dimensions necessary to protect the adjacent area from the potential adverse impacts of the proposed use, such as noise, vibration, air pollution and similar impacts, and that larger dimensional requirements would substantially alleviate that condition.
 - C. Financial hardship shall not be construed as a basis for granting special exceptions.
 - D. In granting any special exception, the Board may attach reasonable conditions and safeguards in addition to those expressed in this section as it may deem necessary to implement the purposes of the Planning Code and the Zoning Ordinance, which conditions and safeguards may relate to, but not be limited to, screening, lighting, noise, safety, aesthetics and the minimization of noxious, offensive or hazardous elements. Each special exception shall be clearly authorized by a provision in this section and shall comply with the more specific standards relating to such special exception contained in provisions of this section relating to uses by special exception.
- (b) Standards of Proof.
- (1) For variances. An applicant for a variance shall have the burden of establishing both:
 - A. That a literal enforcement of the provisions of this section will result in unnecessary hardship, as that term is defined by law, including court decisions; and
 - B. That the allowance of the variance will not be contrary to the public interest.
 - (2) For special exceptions. An applicant for a special exception shall have the burden of establishing both:
 - A. That his application falls within the provisions of this section which affords to the applicant the right to seek a special exception; and
 - B. That the allowance of a special exception will not be contrary to the public interest.
 - (3) Evaluation of the impact of an application on the public interest. In determining whether the allowance of a special exception or variance is contrary to the public interest, the Board shall consider whether the application, if granted, will:
 - A. Adversely affect the public health, safety and welfare due to changes in traffic conditions, drainage, air quality, noise levels, neighborhood property values, natural features, and neighborhood aesthetic characteristics.

- B. Be in accordance with the City of Chester Comprehensive Plan.
- C. Provide required parking in accordance with the terms of Article 1375.
- D. Adversely affect the logical, efficient and economical extension or provision of public services and facilities such as public water, sewers, refuse collection, police, fire protection and public schools.
- E. Otherwise adversely affect the public health, safety or welfare.
(Ord. 9-1992 §1. Passed 5-14-92.)

1327.04 MEETINGS AND RECORD.

Meetings of the Zoning Hearing Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman, or in his absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board shall immediately be filed in the office of the Board and shall be a public record. (Ord. 27-1948 §1403. Passed 9-14-48.)

1327.05 APPEAL PROCEDURE.

The Zoning Hearing Board shall hear and decide appeals from and review any order, requirement, decision or determination made by any administrative officer charged with the enforcement of this Zoning Ordinance.

It shall also hear and decide all matters referred to it or upon which it is required to pass under the terms of this Zoning Ordinance. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by the decision of the administrative officer. Such appeal shall be taken within a reasonable time as provided by the rules of the Board by filing with the officer from whom the appeal is taken, and with the Zoning Hearing Board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
(Ord. 27-1948 §1404. Passed 9-14-48.)

1327.06 PUBLIC HEARING NOTICE AND CONDUCT.

Upon the filing with the Zoning Hearing Board of an application for an appeal or of an application for a special exception or for a variance from the terms of this Zoning Ordinance, the Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as due notice at least six days prior to the hearing, by mail, to the parties in interest, and decide the same within a reasonable time. Any party may appear at a public hearing in person or by agent or attorney.
(Ord. 27-1948 §1405. Passed 9-14-48.)

1327.07 APPEAL TO COURT.

Any person or persons jointly or severally aggrieved by any decision of the Zoning Hearing Board, or any taxpayers, or any officer, department, board or bureau of the City may present to the court of common pleas a petition duly verified, setting forth that such decision is illegal in whole or in part, specifying the grounds of the illegality. Such petition must be presented to the court within thirty days after the filing of the decision in the office of the Board. (Ord. 27-1948 §1406. Passed 9-14-48.)

1327.08 FEES FOR ZONING BOARD AND COUNCIL HEARINGS.

Application fees for hearings, request and proceedings are hereby established as follows:

- (a) Council.
 - (1) Conditional uses \$ 500.00
 - (2) Zoning changes 400.00
 - (3) Street vacation 400.00
- (b) Zoning Hearing Board.
 - (1) Variances for yard reduction in Residential Districts \$ 300.00
 - (2) Variances for yard reductions in Nonresidential Districts 450.00
 - (3) Variances for change use 450.00
 - (4) More than two types of relief 500.00
 - (5) All other requests for variances 400.00
 - (6) Special exception 450.00

If all costs for advertising, Court Reporter's fees and transcription costs exceed the amounts listed above, then the additional cost is due within thirty days after demand. No building permit and/or certificate of occupancy will be issued until all costs are paid. (Ord. 35-1996 §1. Passed 10-10-96.)

ARTICLE 1329
Amendments

1329.01 Council vote required; property owner protest.

1329.02 Referral to Planning Commission; hearing and notice.

CROSS REFERENCES

Enactment of amendments - see Planning Act 247 §609
(53 P.S. §10609)

Temporary permits for nonconforming uses - see P. & Z.
1325.05

Fees for zoning changes - see P. & Z. 1327.08

1329.01 COUNCIL VOTE REQUIRED; PROPERTY OWNER PROTEST.

Council, by the affirmative vote of not less than four members, may from time to time, after public notice and hearing, amend, supplement or change zoning regulations, restrictions or district boundaries. If a protest against a proposed amendment, supplement or change is presented, duly signed, by the owners of twenty percent or more of the frontage proposed to be altered, or by the owners of twenty percent of the frontage immediately in the rear thereof, or by the owners of twenty percent of the frontage directly opposite the frontage proposed to be altered, a three-fourths vote of the members of Council shall be required to adopt such proposed amendment, supplement or change.
(Ord. 84-1953 §1.)

1329.02 REFERRAL TO PLANNING COMMISSION; HEARING AND NOTICE.

Council may, from time to time, and after public notice and hearing, amend, supplement or change such regulations, restrictions, classifications of buildings, structures and land and/or the manner of establishing boundaries of zones contained in the Zoning Ordinance as follows:

After the introduction of any bill or ordinance proposing amendment, supplement or change in the Zoning Ordinance, Council shall refer such bill or ordinance to the Planning Commission for review. A report on the review, together with any recommendations, shall be given to Council, in writing within thirty days from the date of referral. If the Planning Commission fails to file such a report, within the specified time and manner, it shall be conclusively presumed that the Planning Commission has approved the proposed amendment, supplement or change. Thereupon, Council shall fix a time for public hearing, and notice of such public hearing shall be published, in at least one newspaper of general circulation in the City, three consecutive times, the first insertion to appear at least ten days prior to the date fixed for the public hearing. An affirmative vote of at least four members of Council shall be required to pass the proposed amendment, supplement or change.
(Ord. 84-1953 §1.)

TITLE FIVE - Zoning Districts

- Art. 1341. District Classes and Zoning Map.
- Art. 1343. R-1 Residence Districts.
- Art. 1345. R-2 Residence Districts.
- Art. 1347. R-3 Residence Districts.
- Art. 1349. R-4 Residence Districts.
- Art. 1351. R-5 Apartment - Office Districts.
- Art. 1353. C-1 Commercial Districts.
- Art. 1355. C-2 Commercial Districts.
- Art. 1357. C-3 Planned Shopping Center Districts.
- Art. 1358. C-4 Research and Development/Office Districts.
- Art. 1359. CBD Commercial Districts.
- Art. 1361. M-1 Industrial Districts.
- Art. 1363. M-2 Industrial Districts.
- Art. 1365. M-3 Industrial Districts.
- Art. 1366. W-1 Waterfront Development District.
- Art. 1367. Flood Plain Conservation Districts.
- Art. 1369. Ridley Creek Storm Water Management District.
- Art. 1370. Chester Creek Storm Water Management Plan.
- Art. 1370-A. Overlay Parking District.

ARTICLE 1341

District Classes and Zoning Map

- | | | | |
|---------|--------------------------|---------|-----------------------------------|
| 1341.01 | Division into districts. | 1341.03 | District boundary interpretation. |
| 1341.02 | Zoning Map. | 1341.04 | Boundary tolerances. |

CROSS REFERENCES

- Official Map - see Planning Act 247 Sec. 401 et seq. (53 P.S. Sec. 10401 et seq.)
- Classifications - see Planning Act 247 Sec. 605 (53 P.S. Sec. 10605)
- Zoning Map changes - see Planning Act 247 Sec. 609 (53 P.S. Sec. 10609); P. & Z. Art. 1329

1341.01 DIVISION INTO DISTRICTS.

For the purpose of this Zoning Ordinance, the City of Chester is hereby divided into classes of districts which shall be designated as follows:

R-1 Residence Districts
R-2 Residence Districts
R-3 Residence Districts
R-4 Residence Districts
R-5 Apartment-Office Districts
C-1 Commercial Districts
C-2 Commercial Districts
C-3 Planning Shopping Center Districts
C-4 Research and Development/Office Districts
CBD Commercial Districts
M-1 Industrial Districts
M-2 Industrial Districts
M-3 Industrial Districts
FP Flood Plan Conservation Districts
W-1 Waterfront Development.
(Ord. 20-2003. Passed 9-24-03.)

1341.02 ZONING MAP.

The boundaries of the zoning district are hereby amended as shown on the Map attached to the original Zoning Ordinance and are made part of this Zoning Ordinance, which Map shall be known as the "Zoning Map of the City of Chester". The Map and all notations, references and data shown thereon are hereby made part of the Zoning Map of the City of Chester and incorporated by reference into this Zoning Ordinance and shall be as much a part of this Ordinance as if all were fully described herein.
(Ord. 20-2003. Passed 9-24-03.)

1341.03 DISTRICT BOUNDARY INTERPRETATION.

(a) The boundaries between districts are, unless otherwise indicated, either the center lines of streets or railroad rights of way, or such lines extended or line parallel or perpendicular thereto. Where figures are shown on the Zoning Map between a street and a district boundary line, they indicate that the district boundary line runs parallel to the street line at a distance therefrom equivalent to the number of feet so indicated.
(Ord. 9-1998 §1. Passed 4-9-98.)

(b) The boundaries of M-3 Industrial Districts and W-Waterfront District along the Delaware River Waterfront shall be extended into the Delaware River to the corporate boundary, unless otherwise provided herein.
(Ord. 20-2003. Passed 9-24-03.)

1341.04 BOUNDARY TOLERANCES.

Where a district boundary line divides a lot held in a single and separate ownership at the effective date of this section, the use regulations applicable to the less restricted district shall extend over the portion of the lot in the more restricted district a distance of not more than fifty feet beyond the district boundary line. (Ord. 27-1948 Sec. 203. Passed 9-14-48.)

ARTICLE 1343
R-1 Residence Districts

1343.01 Applicability.
1343.02 Permitted uses.

1343.03 Lot and building area; yards.
1343.04 Building height.

CROSS REFERENCES

Conversion into dwellings - see P. & Z. 1371.04
Dwelling group - see P. & Z. 1371.05
Signs - see P. & Z. 1373.02
Parking spaces - see P. & Z. 1375.01(a)

1343.01 APPLICABILITY.

In R-1 Residence Districts the regulations set forth in this article shall apply.
(Ord. 27-1948 §300. Passed 9-14-48.)

1343.02 PERMITTED USES.

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

- (a) Single-family detached dwelling.
 - (b) Single-family semidetached dwelling; provided, that the dwelling with which it has a party wall in common is erected at the same time.
 - (c) Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses. The term "accessory use" shall not include a business, but shall include:
 - (1) Professional office or studio; and
 - (2) Rooms for home occupations; provided such rooms are located in a dwelling in which the practitioner resides, or in a building accessory thereto; and provided, no goods are publicly displayed on the premises.
 - (d) Signs when erected and maintained in accordance with the provisions of Article 1373.
 - (e) Public or parochial educational institution, when authorized as a special exception.
 - (f) Private educational institution, when authorized as a special exception.
 - (g) Church and other place of worship, including Sunday school buildings, when authorized as a special exception.
 - (h) Municipal building and Municipal use, when authorized as a special exception.
 - (i) Passenger station for railway or bus, when authorized as a special exception.
 - (j) Hospital, sanitarium or other place for diagnosis, treatment or other care of human ailments, when authorized as a special exception.
 - (k) Telephone central office, when authorized as a special exception.
- (Ord. 7-1984. Passed 10-31-84.)

1343.03 LOT AND BUILDING AREA; YARDS.

(a) Lot Area and Width. A lot area of not less than 3,500 square feet per family shall be provided for every building hereafter erected or used in whole or in part as a dwelling. The minimum lot width at the building line shall be fifty feet for single-family detached dwellings and thirty-five feet for single-family semidetached dwellings.

(b) Building Area. Not more than thirty-five percent of the area of each lot may be occupied by buildings.

(c) Front Yard. There shall be a front yard on each street on which a lot abuts which shall not be less than thirty feet in depth; provided, that the front yard on the long side of a corner lot may be reduced to a depth of not less than twenty feet.

(d) Side Yards.

- (1) For every single-family detached dwelling there shall be two side yards which shall have an aggregate width of not less than eighteen feet, and neither of which shall be less than eight feet in width.
- (2) For every single-family semidetached dwelling there shall be one side yard which shall be not less than ten feet in width.
- (3) For every building other than a dwelling there shall be two side yards neither of which shall be less than twelve feet in width.

(e) Rear Yard. There shall be a rear yard on each lot which shall be not less than twenty-five feet in depth. (Ord. 27-1948 §302. Passed 9-14-48.)

1343.04 BUILDING HEIGHT.

No building shall exceed thirty-five feet in height; provided, that such height limit may be exceeded by one foot for each foot by which the width of each side yard is increased beyond minimum side yard requirements, up to a maximum height of forty-five feet. (Ord. 27-1948 §303. Passed 9-14-48.)

ARTICLE 1345
R-2 Residence Districts

1345.01 Applicability.
1345.02 Permitted uses.

1345.03 Lot and building area; yards.
1345.04 Building height.

CROSS REFERENCES

Conversion into dwellings - see P. & Z. 1371.04
Dwelling group - see P. & Z. 1371.05
Signs - see P. & Z. 1373.02
Parking spaces - see P. & Z. 1375.01(a)

1345.01 APPLICABILITY.

In R-2 Residence Districts the regulations set forth in this article shall apply.
(Ord. 27-1948 §400. Passed 9-14-48.)

1345.02 PERMITTED USES.

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

- (a) Any use permitted in R-1 Residence Districts.
- (b) Two-family or duplex, detached dwelling.
- (c) Rooming house or boarding house when authorized as a special exception.
(Ord. 27-1948 §401. Passed 9-14-48.)
- (d) Fraternity houses and sorority houses within the area bounded by East Fifteenth Street, Walnut Street, the right of way of the ConRail Freight Line (formerly Baltimore and Ohio Railroad), Upland Street and Providence Avenue.
(Ord. 16-1976 §2. Passed 9-8-76.)

1345.03 LOT AND BUILDING AREA; YARDS.

(a) Lot Area and Width. A lot area of not less than 2,500 square feet per family shall be provided for every building hereafter erected or used in whole or in part as a dwelling. The minimum lot width at the building line shall be forty-five feet for single-family or two-family detached dwellings, and twenty-five feet for single-family semidetached dwellings.

(b) Building Area. Not more than forty percent of the area of each lot may be occupied by buildings.

(c) Front Yard. There shall be a front yard on each street on which a lot abuts which shall be not less than twenty-five feet in depth; provided, that the front yard on the long side of a corner lot may be reduced to a depth of not less than fifteen feet.

(d) Side Yards.

- (1) For every single-family or two-family detached dwelling, there shall be two side yards, which shall have an aggregate width of not less than fourteen feet, and neither of which shall be less than six feet in width.
- (2) For every single-family semidetached dwelling there shall be one side yard, which shall be not less than eight feet in width.
- (3) For every building other than a dwelling, there shall be two side yards, neither of which shall be less than ten feet in width.

(e) Rear Yard. There shall be a rear yard on each lot which shall be not less than twenty feet in depth. (Ord. 27-1948 §402. Passed 9-14-48.)

1345.04 BUILDING HEIGHT.

No building shall exceed thirty-five feet in height; provided, that such height limit may be exceeded by one foot for each foot by which the width of each side yard is increased beyond minimum side yard requirements, up to a maximum height of forty-five feet. (Ord. 27-1948 §403. Passed 9-14-48.)

ARTICLE 1347
R-3 Residence District

1347.01	Applicability.	1347.03	Lot and building area; yards.
1347.02	Permitted uses.	1347.04	Building height.

CROSS REFERENCES

Dwelling group - see P. & Z. 1371.05
Signs - see P. & Z. 1373.02
Parking spaces - see P. & Z. 1375.01(a)

1347.01 APPLICABILITY.

In R-3 Residence Districts the regulations set forth in this article shall apply.
(Ord. 27-1948 §500. Passed 9-14-48.)

1347.02 PERMITTED USES.

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

- (a) Any use permitted in R-2 Residence Districts.
- (b) Two-family semidetached dwelling; provided, that the dwelling with which it has a party wall in common is erected at the same time.
- (c) Multiple dwelling.
- (d) Single-family attached dwelling; provided, that such dwellings shall not be constructed in series of more than ten dwelling units; and provided further, that all units of a series shall be constructed at the same time.
- (e) Rooming house or boarding house.
- (f) Community garage. (Ord. 27-1948 §501. Passed 9-14-48.)
- (g) Fraternity houses and sorority houses within the area bounded by East Fifteenth Street, Walnut Street, the right of way of the ConRail Freight Line (formerly Baltimore and Ohio Railroad), Upland Street and Providence Avenue.
(Ord. 16-1976 §3. Passed 9-8-76.)
- (h) Single Room Occupancy Facility when authorized as a special exception in accordance with Section 1378.12.
(Ord. 13-2010. Passed 9-8-10.)

1347.03 LOT AND BUILDING AREA; YARDS.

(a) Lot Area and Width. A lot area of not less than 750 square feet per family shall be provided for every building hereafter erected or used in whole or in part as a dwelling. The minimum lot width at the building line shall be thirty-five feet for single-family or two-family detached dwellings, twenty feet for single-family or two-family semidetached dwellings, sixteen feet for attached dwellings.

(b) Building Area. Not more than sixty percent of the area of each lot may be occupied by buildings.

(c) Front Yard. There shall be a front yard on each street on which a lot abuts which shall be not less than twenty feet in depth; provided, that the front yard on the long side of a corner lot may be reduced to a depth of not less than ten feet.

(d) Side Yards.

- (1) For every single-family or two-family detached dwelling, there shall be two side yards, neither of which shall be less than five feet in width.
- (2) For every single-family or two-family semidetached dwelling, there shall be one side yard, which shall be not less than five feet in width.
- (3) For every multiple dwelling and for every building other than a dwelling, there shall be two side yards, neither of which shall be less than ten feet in width.

(e) Rear Yard. There shall be a rear yard on each lot which shall be not less than twenty feet in depth. (Ord. 27-1948 §502. Passed 9-14-48.)

1347.04 BUILDING HEIGHT.

No building shall exceed fifty-five feet in height.
(Ord. 27-1948 §503. Passed 9-14-48.)

ARTICLE 1349
R-4 Residence Districts

1349.01 Applicability.
1349.02 Permitted uses.

1349.03 Lot and building area; yards.
1349.04 Building height.

CROSS REFERENCES

Dwelling group - see P. & Z. 1371.05
Signs - see P. & Z. 1373.02
Parking spaces - see P. & Z. 1375.01(a)

1349.01 APPLICABILITY.

In R-4 Residence Districts, the regulations set forth in this article shall apply.
(Ord. 41-1967 §3. Passed 6-13-67.)

1349.02 PERMITTED USES.

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

- (a) Any use included in the R-3 Residence Districts.
- (b) Multiple or apartment dwellings of at least forty family dwelling units.
- (c) Accessory uses, customarily incidental to any of the uses permitted in this section.
(Ord. 41-1967 §3. Passed 6-13-67; Ord. 33-1970 §1. Passed 6-16-70.)

1349.03 LOT AND BUILDING AREA; YARDS.

(a) Lot Area and Width. A lot area of not less than 450 square feet per family shall be provided for every building hereafter erected or used in whole or in part as a dwelling. The minimum lot width shall be not less than 100 feet and such lot shall front on a street, public road or highway legally open or officially plotted by the City having a minimum right of way of at least fifty feet. (Ord. 41-1967 §3. Passed 6-13-67.)

(b) Building Area. Not more than thirty-five percent of the area of each lot may be occupied by buildings. (Ord. 33-1970 §2. Passed 6-16-70.)

(c) Yards. For every building there shall be a front yard of an average of at least fifteen feet in depth, and there shall be two side yards and a rear yard of not less than fifteen feet in depth. (Ord. 33-1970 §3. Passed 6-16-70.)

1349.04 BUILDING HEIGHT.

No building shall exceed 165 feet in height.
(Ord. 41-1967 §3. Passed 6-13-67.)

ARTICLE 1351
R-5 Apartment-Office Districts

- | | |
|---------------------------------------|---------------------------------|
| 1351.01 Applicability. | 1351.04 Building height. |
| 1351.02 Permitted uses. | 1351.05 Plan approval required. |
| 1351.03 Lot and building area; yards. | |

CROSS REFERENCES

- Dwelling group - see P. & Z. 1371.05
Signs - see P. & Z. 1373.02
Parking spaces - see P. & Z. 1375.01

1351.01 APPLICABILITY.

In R-5 Apartment-Office Districts, the regulations set forth in this article shall apply. (Ord. 50-1969 §3. Passed 7-15-69.)

1351.02 PERMITTED USES.

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

- (a) A building at least six stories or floor levels in height and containing at least 100 multiple or apartment dwelling units; which building may also contain uses as permitted in subsections (b) to (e) hereof; provided, that the gross floor area devoted to apartment or dwelling uses shall occupy not less than eighty percent of the gross floor area of the building, excluding floor area devoted to lobby areas, mechanical, maintenance and storage facilities and motor vehicle parking facilities.
- (b) Retail stores as accessory uses and appropriate adjuncts to the apartment dwelling units, when situate in a building meeting the criteria of subsection (a) hereof, separately or in any combination, designed to serve the tenants' daily needs, and dealing directly with the consumers, for the sale of the following convenience commodities: food, drugs, confections, apparel, gift shop goods, jewelry, reading material and flowers; provided that such uses are limited to the street level floor of the building or below, and that the gross floor area for all these uses does not exceed ten percent of the gross floor area of the building.
- (c) Shops or stores for the performance of personal services such as a barber shop, beauty shop, custom tailoring or a dressmaking shop, laundry and dry cleaning pick-up agency, provided that no laundering and/or dry cleaning shall be done on the premises, when situate in a building meeting the criteria of subsection (a)

hereof, and designed primarily for the tenants of the building; provided that none of the uses in this subsection, either separately or in combinations, shall occupy more than the equivalent of the gross floor area of the street level floor of the building and be further limited to ten percent of the gross floor area of the building.

- (d) Restaurant facilities maintaining permanent seating arrangements for 100 persons or more, when situate in a building meeting the criteria of subsection (a) hereof.
 - (e) Professional and business offices, such as the offices of a doctor of medicine, dentistry, lawyer, accountant, architect, engineer or other professions; and offices of manufacturers' representatives, administrative and clerical operations of industrial, commercial or financial institutions; and for the conduct of real estate, insurance or other similar businesses, when situate in a building meeting the criteria of subsection (a) hereof; and, provided that none of the uses in this subsection, either separately or in combinations, shall occupy more than ten percent of the gross floor area of the building.
 - (f) A building or structure used for the storage of motor vehicles, as an accessory use to the principal building, but not for the servicing or repair of motor vehicles; located within the principal building or in a building or structure adjoining the principal building, or in a separate building or structure located on the same lot as the principal building; provided, that the height of the separate or adjoining building or structure does not exceed the floor level of the lowest floor used for apartment or dwelling purposes within the principal building.
- (Ord. 50-1969 §3. Passed 7-15-69.)

1351.03 LOT AND BUILDING AREA; YARDS.

(a) Lot Area and Width. A lot area of not less than 450 square feet per family shall be provided for every building hereafter erected or used in whole or in part as a dwelling. The minimum lot width shall be not less than 100 feet and such lot shall front on a street, public road or highway legally open or officially plotted by the City having a minimum right of way of at least fifty feet.

(b) Building Area. Not more than thirty percent of the area of each lot may be occupied by buildings.

(c) Yards. For every lot there shall be a front yard, two side yards and a rear yard of not less than twenty-five feet in depth, provided that the front yards on the long side of a corner lot may be reduced to a depth of not less than fifteen feet.

(Ord. 50-1969 §3. Passed 7-15-69.)

1351.04 BUILDING HEIGHT.

There shall be no height limitation on the building containing dwelling units as permitted by Section 1351.02(a); except as the height may be limited by other applicable provisions of this district. For every other building or structure as may be permitted in this district, the height shall not exceed the height limitation of the zoning district or districts adjoining the rear yard and side yard of the lot, except as the height may be limited by other applicable provisions of this district.

(Ord. 50-1969 §3. Passed 7-15-69.)

1351.05 PLAN APPROVAL REQUIRED.

No building permit shall be issued for the erection of any building in this district until after a development plan has been reviewed and approved by the Planning Commission as complying with its policies and standards.

(Ord. 50-1969 §3. Passed 7-15-69.)

ARTICLE 1353
C-1 Commercial Districts

1353.01 Applicability.
1353.02 Permitted uses.

1353.03 Lot and building area; yards.
1353.04 Building height.

CROSS REFERENCES

Commercial subdivisions - see P. & Z. 1309.10(a)
Awnings - see BLDG. Art. 1727
Signs - see BLDG. Art. 1731

1353.01 APPLICABILITY.

In C-1 Commercial Districts the regulations set forth in this article shall apply.
(Ord. 27-1948 §600. Passed 9-14-48.)

1353.02 PERMITTED USES.

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

- (a) Any use permitted in R-3 Residence Districts.
- (b) Apartments in combination with business use.
- (c) Hotel, tourist house.
- (d) Retail store.
- (e) Personal service shop, including tailor, barber, shoe repair, dressmaking, beauty or similar shop. (Ord. 27-1948 §601. Passed 9-14-48.)
- (f) Restaurant, eating place or cafe when authorized as a special exception. (Ord. 30-1963 §1. Passed 7-23-63.)
- (g) Office or studio, including telephone, telegraph or utility office.
- (h) Passenger station, railway or bus.
- (i) Bank or other financial institution.
- (j) Theater; club, lodge; social or community center building.
- (k) Place of amusement, recreation or assembly other than a theater, when authorized as a special exception. (Ord. 27-1948 §601. Passed 9-14-48.)

- (l) Motor vehicle service stations, public garages, motor vehicle parking lot, motor vehicle sales agency or used car lot when authorized as a special exception, provided that:
 - (1) No entrance or exit of any such service station, garage, parking lot or used car lot shall be located within 200 feet, along the same street and within the same block; of any school, public playground, church, hospital, public library or institution for children, aged persons, or physically or mentally handicapped persons;
 - (2) All facilities shall be located and all services shall be conducted, within the confines of the lot; and
 - (3) All repair work shall be conducted within a building.
(Ord. 2-1960 §1. Passed 2-16-60.)
- (m) Private educational institution.
- (n) Mortuary.
- (o) Confectionery or bakery, when authorized as a special exception.
- (p) Laundry, dry cleaning or dyeing establishment, when authorized as a special exception.
- (q) Signs, when erected in accordance with Article 1731 of the Building Code.
- (r) Accessory use on the same lot with and customarily incidental to any of the uses permitted in this section.
- (s) Any use of the same general character as any of the uses permitted in this section when authorized as a special exception.
(Ord. 27-1948 §60. Passed 9-14-48.)
- (t) Halfway house or dependent care facility when authorized as a special exception provided that such house or facility meets the criteria established by Article 1141 of the Codified Ordinances.
(Ord. 35-1982 §1. Passed 11-24-82.)

1353.03 LOT AND BUILDING AREA; YARDS.

- (a) Lot Area. A lot area of not less than 750 square feet per family shall be provided for every building hereafter erected or used in whole or in part as a dwelling.
- (b) Building Area.
 - (1) Not more than eighty percent of the area of any lot may be occupied by buildings.
 - (2) In the case of a building used in whole or in part for residence purposes, not more than sixty percent of the lot area may be occupied by buildings; provided, that in the case of a building of which the first story is used principally for business purposes and no portion of the first story is used for sleeping purposes, the building area shall be computed on the level of the window sills of the second story.
- (c) Front Yard. A front yard shall not be required; provided, that no building shall extend beyond the alignment of existing buildings within the same block.

(d) Side Yards.

- (1) For every detached dwelling there shall be two side yards neither of which shall be less than five feet in width.
- (2) For every semidetached dwelling there shall be one side yard which shall not be less than five feet in width.
- (3) Where side yards are provided for a building used in whole or in part for commercial purposes, each such side yard shall be not less than five feet in width.

(e) Rear Yard. There shall be a rear yard on each lot which shall be not less than ten feet in depth. (Ord. 27-1948 §602. Passed 9-14-48.)

1353.04 BUILDING HEIGHT.

No building shall exceed fifty-five feet in height.
(Ord. 27-1948 §603. Passed 9-14-48.)

ARTICLE 1355
C-2 Commercial Districts

- | | |
|-------------------------|---------------------------------------|
| 1355.01 Applicability. | 1355.03 Lot and building area; yards. |
| 1355.02 Permitted uses. | 1355.04 Building height. |

CROSS REFERENCES

Commercial subdivisions - see P. & Z. 1309.10(a)
Awnings - see BLDG. Art. 1727
Signs - see BLDG. Art. 1731

1355.01 APPLICABILITY.

In C-2 Commercial Districts the regulations set forth in this article shall apply.
(Ord. 27-1948 §700. Passed 9-14-48.)

1355.02 PERMITTED USES.

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

- (a) Any use permitted in C-1 Commercial Districts.
- (b) Motor vehicle service station, public garage, motor vehicle parking lot, motor vehicle sales agency or used car lot, provided, that:
 - (1) All facilities shall be located, and all services shall be conducted, within the confines of the lot, and
 - (2) All repair work shall be done within a building.
- (c) Wholesale business establishment.
- (d) Storage or warehouse; express, carting or hauling station.
- (e) Yard for storage and sale of coal, fuel oil or building materials, but not including a junk yard.
- (f) Custom shop or shop for making articles sold at retail on the premises.
- (g) Bakery, confectionery, laundry, dry cleaning or dyeing establishment.
- (h) Metal working, blacksmith, tinsmith, plumbing or pipefitting shop.
- (i) Carpenter, cabinet making, furniture repair or upholstery shop.
- (j) Newspaper, job printing or bookbinding establishment.
- (k) Creamery, butter or cheese making, milk bottling or distributing station.
- (l) Any use permitted in M-1 Industrial Districts as an accessory use to a permitted business use.

- (m) Any use of the same general character as any of the uses permitted in this section when authorized as a special exception.
- (n) Accessory use on the same lot with and customarily incidental to any of the uses permitted in this section.
(Ord. 27-1948 §701. Passed 9-14-48.)

1355.03 LOT AND BUILDING AREA; YARDS.

(a) Lot Area. A lot area of not less than 750 square feet per family shall be provided for every building hereafter erected or used in whole or in part as a dwelling.

(b) Building Area. In the case of a building used in whole or in part for residence purposes, not more than seventy percent of the lot area may be occupied by buildings; provided, that in the case of a building of which the first story is used principally for business purposes and no portion of the first story is used for sleeping purposes, the building area shall be computed on the level of the window sills of the second story.

(c) Front Yard. A front yard is not required.

(d) Side Yards.

- (1) For every detached dwelling there shall be two side yards neither of which shall be less than five feet in width.
- (2) For every semidetached dwelling there shall be one side yard which shall be not less than five feet in width.
- (3) Where side yards are provided for a building used in whole or in part for commercial purposes, each such side yard shall be not less than five feet in width.

(e) Rear Yard. There shall be a rear yard on each lot which shall be not less than ten feet in depth; provided, that in the case of a building of which the first story is used principally for business purposes and no portion of the first story is used for sleeping purposes, the depth of the rear yard may be decreased or a rear yard may be omitted.
(Ord. 27-1948 §702. Passed 9-14-48.)

1355.04 BUILDING HEIGHT.

No building shall exceed 100 feet in height, unless authorized as a special exception.
(Ord. 27-1948 §703. Passed 9-14-48.)

ARTICLE 1357
C-3 Planned Shopping Center Districts

- | | |
|------------------------------------|---------------------------------------|
| 1357.01 Applicability. | 1357.05 Design and area requirements. |
| 1357.02 District design standards. | 1357.06 Time limit on construction |
| 1357.03 Procedural requirements. | permit. |
| 1357.04 Permitted uses. | |

CROSS REFERENCES
Commercial subdivisions - see P. & Z. 1309.10(a)
Awnings - see BLDG. Art. 1727
Signs - see BLDG. Art. 1731

1357.01 APPLICABILITY.

In any district hereafter designated as a C-3 Planned Shopping Center District, the regulations set forth in this article shall apply.
(Ord. 59-1958 §1. Passed 9-30-58.)

1357.02 DISTRICT DESIGN STANDARDS.

C-3 Planned Shopping Center Districts are designed to provide for the appropriate development of a modern, well-designed, integrated shopping and business center. Among other things, the project shall comprise:

- (a) A group or groups of integrated buildings within which retail trade and related service activities shall wholly be conducted;
- (b) Convenient and adequate vehicular and pedestrian accessways; and
- (c) Adequate off-street parking and loading facilities.

(Ord. 59-1958 §1. Passed 9-30-58.)

1357.03 PROCEDURAL REQUIREMENTS.

(a) General. The application for a permit to develop an area designated C-3 Planned Shopping Center District shall be accompanied by a plan which shall comply with the requirements of this article and any other pertinent provision of the Zoning Ordinance, and shall be approved by the Planning Commission. The total area to be developed for business purposes and to be included in the proposed application for development shall be not less than five acres in size and shall adjoin at least one major highway.

(b) Application Requirements. The application shall include the following information:

- (1) A plan, for the integrated development of the total area to be included in the shopping center, which shall be drawn to scale and shall include, among other things:
 - A. The location, boundaries, dimensions and ownership of the land to be included in the Planned Shopping Center District.
 - B. The location, use and ground area of each proposed building and other structure.
 - C. The location, dimensions, arrangements and proposed use of all open spaces, yards, accessways, entrances, exits, off-street parking facilities, loading and unloading facilities, pedestrian ways and buffer strips.
 - D. The character of buffer areas and screening devices to be maintained, including the dimensions and arrangements of all areas devoted to planting, lawns, trees or similar purposes.
- (2) A description of the provisions made for sewage and waste disposal, water supply and storm water drainage, including a suitable contour map of the area.
- (3) Information sufficient to demonstrate that satisfactory arrangements will be made to facilitate traffic movement on the highways adjoining the center and to assure proper circulation within the center. These arrangements may include provision for necessary signalization, channelization, standby-turn lanes, right-turn runoff lanes, added highway width, adequate warning signs and adequate storage area and distribution facilities within the center to prevent back-up of vehicles on public streets.
- (4) Sufficient data, in all instances, to enable the Planning Commission to judge the effectiveness of the design and the character of the entire business center, its compliance with the requirements of this article, and to consider properly such things as its relationship to surrounding areas, anticipated traffic, public health, safety and welfare.

If portions of the project are to be completed in successive stages, a less detailed sketch or layout of the areas not scheduled for immediate development will suffice initially, provided that, as further development occurs, a plan showing all of the required details shall then be submitted prior to the construction of any portion.

(Ord. 59-1958 §1. Passed 9-30-58.)

1357.04 PERMITTED USES.

A building or combination of buildings may be erected or used, and the lot area may be used or occupied for any of the following purposes, and no other, provided that in no case shall dwelling, apartment or other residential use be permitted, except for living quarters for watchmen or caretakers; and in no case shall any processing activity be permitted unless such processing is located not less than twenty-five feet from the front of the building and is effectively screened from the front portion of the building by a wall or partition.

- (a) Retail store, including retail outlet or show room for uses permitted in the district, provided that no goods shall be displayed on the exterior of the premises and provided that only incidental storage, including floor samples, shall be permitted.
- (b) Restaurant or cafe.
- (c) Central or headquarters office building.
- (d) Professional, business and governmental office.
- (e) Bank or other financial institution.
- (f) Personal service shop, dealing directly with customers: beauty parlor, barber shop, clothes cleaning or pressing agency (not to include cleaning and dyeing plant), shoe repair shop, dressmaking, millinery, automatic self-service laundry or similar shop.
- (g) Small scientific or industrial research laboratory, when approved by the Zoning Hearing Board, provided that such use is in keeping with the overall development plan.
- (h) Indoor theater, radio and television studio.
- (i) Assembly hall or community building; indoor recreational establishment; library; child day center; Municipal use.
- (j) Bakery, pastry, candy, confectionery, ice cream or custom shop, provided that all products are sold at retail on the premises.
- (k) General servicing or repair shop, such as watch or clock repair, radio or television repair, or home appliance repair.
- (l) Manufacturing display room or retail outlet.
- (m) Frozen food locker for storage only.
- (n) Passenger station, electric substation, telephone and telegraph office, Municipal use.
- (o) Motor vehicle service station or sales agency, including no repair or storage except within a building.
- (p) Motel or tourist cabin court, provided that such use shall be designed so as to constitute a logical and harmonious element of the overall development plan for the center.
- (q) Accessory use customarily incidental to any of the uses permitted in this section.
- (r) Any use of the same general character as any of the uses permitted in this section, when authorized as a special exception by the Zoning Hearing Board, provided that such use shall be permitted subject to such reasonable restrictions as the Board may determine, and further provided that no trade or business shall be permitted which is either noxious or hazardous.
- (s) Signs when erected and maintained in accordance with provisions of Section 1353.02(q). (Ord. 59-1958 §1. Passed 9-30-58.)

1357.05 DESIGN AND AREA REQUIREMENTS.

(a) The proposed development shall be constructed in accordance with an overall plan, shall be designed as a single architectural scheme with appropriate common landscaping, and shall provide initially at least for the construction of either a minimum of 15,000 square feet of ground floor area, or a minimum of eight of the permitted main uses.

(b) All buildings shall be arranged in a group or in groups, and the distance, at the closest point, between any two buildings, or groups of attached buildings shall be not less than fifteen feet.

(c) No building shall exceed two stories in height.

(d) No building, or permanent structure other than a permitted freestanding sign, shall be erected within seventy feet of a major street, or within fifty feet of any other street or property line.

(e) Not more than twenty-five percent of the lot area shall be occupied by buildings.

(f) Not less than three square feet of automobile parking space, exclusive of drive-ways and maneuvering areas and with suitable access shall be provided for each square foot of gross floor area devoted to selling and patron use, notwithstanding the provisions of Section 1375.01, dealing with general parking requirements.

(g) Parking, loading or service areas used by motor vehicles shall be located entirely within the lot lines of the center, shall be physically separated from public streets by a buffer strip or other effective and suitable barrier against unchanneled motor vehicle access or egress, and shall have not more than two accessways to any one public street, unless unusual circumstances demonstrate the need for additional accesspoints. All such areas shall be arranged to facilitate proper and safe internal circulation and shall be paved with an acceptable hard surface.

(h) All accessways to a public street or highway shall be located at least 150 feet from the intersection of any street lines, and shall be designed in a manner conducive to safe ingress and egress.

(i) Areas provided for loading and unloading of delivery trucks and other vehicles, and for the servicing of shops by refuse collection, fuel and other service vehicles shall be adequate in size, and shall be so arranged that they may be used without blockage, or interference with the use of accessways or automobile parking facilities.

(j) Along each side or rear property line which adjoins a residence district, a buffer planting strip shall be provided which shall be not less than twenty-five feet in width, and on which shall be placed shrubbery, trees or other suitable plantings sufficient to constitute an effective screen. Along each street line bounding the district, a fifteen foot buffer area shall be provided, suitably landscaped except for necessary sidewalks and accessways. Nothing herein provided shall prohibit the erection of a suitable fence or wall on the required buffer area.

(k) All parking, loading, access and service areas shall be adequately illuminated at night. Such lighting, including sign lighting, shall be arranged so as to protect the highway and adjoining property from direct glare or hazardous interference of any kind. All utility lines servicing the area shall be placed underground.

- (l) The proposed center shall be served by public sewer and water facilities.
(Ord. 59-1958 §1. Passed 9-30-58.)

1357.06 TIME LIMIT ON CONSTRUCTION PERMIT.

Permits issued pursuant to this article shall expire in one year after the date of issuance thereof, unless the approved project is completed, or unless the Zoning Hearing Board shall extend the permit for successive terms not exceeding one year each, subject to such safeguards as it may prescribe in the public interest.
(Ord. 59-1958 §1. Passed 9-30-58.)

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C

ARTICLE 1358
C-4 Research and Development/Office Districts

- | | | | |
|---------|-----------------|---------|-------------------------------|
| 1358.01 | Applicability. | 1358.04 | Design and area requirements. |
| 1358.02 | Definitions. | 1358.05 | Plan approval required. |
| 1358.03 | Permitted uses. | | |

CROSS REFERENCES

Commercial subdivisions - see P. & Z. 1309.10(a)
 Parking spaces - see P. & Z. 1375.01(a)
 Awnings - see BLDG. Art. 1727
 Signs - see BLDG. Art. 1731

1358.01 APPLICABILITY.

In any district designated as a C-4 Research and Development/Office District, the following regulations set forth in this article shall apply.
 (Ord. 8-1997 Sec. 1. Passed 6-26-97.)

1358.02 DEFINITIONS.

(a) Floor Area Ratio. A ratio derived by dividing the total floor area of a building by the area of the site or lot.

(b) Conditional Use. A use permitted in a particular zoning district only upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such use as specified in the zoning ordinance and authorized by the Zoning Hearing Board. (Ord. 8-1997 Sec. 2. Passed 6-26-97.)

1358.03 PERMITTED USES.

(a) Generally. A building or combination of buildings may be erected or used, and the lot area may be used or occupied for any of the following purposes, and no other.

- (1) Offices for professional or business use.
- (2) Laboratories devoted exclusively to research, product development and testing, engineering development and sales development.

No material or other products shall be manufactured, produced or fabricated for sale, except such as are incidental to research, design or experimental work. This restriction shall not apply to computerized information type products produced by electronic means for sale or distribution (e.g. software development, development of computer databases, etc.)

(b) Uses Permitted by Special Exception.

- (1) A building or combination of buildings may be erected or used, and the lot area may be used or occupied for any of the following purposes, when approved by the Zoning Hearing Board as a special exception:
- (2) Education of training facility.

- (3) Any other use of the same general character as the uses permitted by right in the C-4 district, provided that such uses shall be permitted subject to such reasonable restrictions as the Zoning Hearing Board may require.

(c) Uses Permitted by Conditional Use.

- (1) A building or combination of buildings may be erected or used, and the lot area may be used or occupied for any of the following purposes, when approved by City Council as a conditional use and subject to such reasonable conditions as City Council may impose.
- (2) Hotel.
- (3) Conference Center.

(d) Accessory Uses.

- (1) The following uses will be permitted when operated to primarily serve the tenants of the building or the development.
- (2) Day care facility.
- (3) Cafeteria.
- (4) Exercise/fitness facility.

(e) Limitations on Uses. Except to the extent necessary for the construction of buildings, no outside storage area for equipment or materials shall be permitted. All equipment and materials used in connection with any permitted use shall be stored in fully enclosed buildings. (Ord. 8-1997 Sec. 3. Passed 6-26-97.)

1358.04 DESIGN AND AREA REQUIREMENTS.

- (a) Height. No building shall exceed a maximum of 100 feet in height.
- (b) Floor Area Ratio. No building shall have a floor area ratio that exceeds 2.0.
- (c) Parking. One parking space shall be provided for each 350 square feet of building space.
- (d) Front Yard. A minimum rear yard of twenty feet shall be required for each building.
- (e) Rear Yard. A minimum rear yard of twenty feet shall be required.
- (f) Side Yard. All buildings shall have two side yards neither of which shall be less than twenty feet.
- (g) Landscaping and Buffering. Development of sites in this district shall include landscaping and buffering elements for the entire site, including the parking areas, designed to shield any impact on adjacent uses and increase the visual appeal of the site. (Ord. 8-1997 Sec. 4. Passed 6-26-97.)

1358.05 PLAN APPROVAL REQUIRED.

No building permit shall be issued for the erection or general reconstruction of any building in this district until after a development plan has been received and approved by the Planning Commission in accordance with the requirements of this article and any other pertinent provisions of this Zoning Ordinance including parking and performance standards and the City of Chester subdivision ordinance and land development ordinance. (Ord. 8-1997 Sec. 5. Passed 6-26-97.)

ARTICLE 1359
CBD Commercial Districts

1359.01	Applicability.	1359.04	Floor area regulations.
1359.02	Permitted uses.		(Repealed)
1359.03	Lot and building area; yards.	1359.05	Building height.
		1359.06	Plan approval required.

CROSS REFERENCES

Commercial subdivisions - see P. & Z. 1309.10(a)
 Parking spaces - see P. & Z. 1375.01(a)
 Awnings - see BLDG. Art. 1727
 Signs - see BLDG. Art. 1731

1359.01 APPLICABILITY.

In CBD Commercial Districts, the regulations set forth in this article shall apply.
 (Ord. 63-1969 §3. Passed 10-7-69.)

1359.02 PERMITTED USES.

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

- (a) Multiple dwelling or apartments.
- (b) Retail store.
- (c) Commercial and professional offices.
- (d) Bank or other financial institution.
- (e) Indoor theater.
- (f) Newspaper, commercial printing or bookbinding establishment.
- (g) Hotel, motel or tourist house, having a minimum of twenty rooms.
- (h) Place of amusement, recreation or assembly other than a theater, when authorized as a special exception by the Zoning Hearing Board.
- (i) Personal service shop, including tailor, barber, shop repair, dressmaking, beauty or similar shop.
- (j) Bakery, confectionery, laundry, dry cleaning or dyeing establishment, provided that manufacturing or processing work is limited primarily to sales or services for retail on the premises.
 (Ord. 63-1969 § 3. Passed 10-7-69.)
- (k) Restaurant or café. (Ord. 13-2009. Passed 5-13-09.)

- (l) Municipal buildings. (Ord. 63-1969 §3. Passed 10-7-69.)
- (m) Municipal parking lots and parking structures, owned or operated by a Municipal agency or authority and privately owned or operated parking lots or parking structures. (Ord. 8-1980 § 1. Passed 4-30-80.)
- (n) Passenger station, rail or bus.
- (o) Any use of the same general character as any of the above permitted uses when authorized as a special exception by the Zoning Hearing Board. (Ord. 63-1969 §3. Passed 10-7-69.)

1359.03 LOT AND BUILDING AREA; YARDS.

- (a) Lot Area and Width. Lot area requirements shall be as follows:
 - (1) Multiple dwellings: 750 square feet for the first twenty dwelling units on a single lot and 450 square feet for each additional unit.
 - (2) For every other use: 2,000 square feet.

(b) Building Area. Not more than fifty percent of the area of each lot used for residential purposes only shall be occupied by buildings. For all other uses, buildings may not occupy more than eighty percent of the total lot.

- (c) Yards.
 - (1) Front yard. A front yard is not required except for residential buildings where a minimum front yard of fifteen feet shall be required.
 - (2) Side yards. Side yards are not required, except that where yards are provided each side yard shall have a width of not less than fifteen feet for a residential building and five feet for a nonresidential building.
 - (3) Rear yards. All buildings shall have a rear yard of at least fifteen feet. (Ord. 63-1969 §3. Passed 10-7-69.)

1359.04 FLOOR AREA REGULATIONS.

(EDITOR'S NOTE: This section was repealed by Ordinance 8-1980, passed April 30, 1980.)

1359.05 BUILDING HEIGHT.

There shall be no maximum height limitation except as the height may be limited by other applicable provisions of this district. (Ord. 63-1969 §3. Passed 10-7-69.)

1359.06 PLAN APPROVAL REQUIRED.

No building permit shall be issued for the erection or general reconstruction of any building in this district until after a development plan has been received and reviewed by the Planning Commission in accordance with established standards and its recommendations forwarded to Council in accordance with established procedures.

(Ord. 63-1969 §3. Passed 10-7-69.)

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ARTICLE 1361
M-1 Industrial Districts

- | | |
|-------------------------------------|---|
| 1361.01 Purpose. | 1361.05 Conditions for approval as a special exception. |
| 1361.02 Use regulations. | 1361.06 Off-street parking, loading and unloading facilities. |
| 1361.03 Area and bulk requirements. | |
| 1361.04 Buffering and landscaping. | |

CROSS REFERENCES

Industrial subdivisions - see P. & Z. 1309.10(b)
Storage of flammable liquids, gases, explosives - see FIRE PREV.
1501.04 et seq.

1361.01 PURPOSE.

The purpose of the M-1 Industrial District is to provide for industrial and commercial uses engaged in the manufacturing, storage, distribution, handling and sale of goods and materials that may be more intensive in nature than those uses permitted in commercial and residential zones and which therefore require physical separation from those uses.
(Ord. 10-1998. Passed 4-9-98.)

1361.02 USE REGULATIONS.

In the M-1 Industrial District, a building or structure may be erected, altered, or used, and a lot may be used or occupied, for any of the following purposes and no other.

(a) Permitted Uses.

- (1) Retail, service and highway oriented commercial
- (2) Shopping centers
- (3) Restaurants
- (4) Business and professional offices
- (5) Warehouse or wholesale distribution facility
- (6) Light manufacturing, assembly, processing, cleaning, servicing, testing, or repairs of materials, goods, or products which meet the performance standards specified in this article.

- (b) Accessory Uses. Accessory uses shall be permitted when on the same lot with and customarily incidental to any of the above permitted uses.

- (c) Special Exception Uses. In the M-1 Industrial District, a building or structure may be erected, altered, or used, and a lot may be used or occupied, for any of the following purposes only when authorized as a special exception by the Zoning Hearing Board following a public hearing:
- (1) Hotel, motel or inn
 - (2) Automotive service and repair facility
 - (3) Amusement and entertainment centers
 - (4) Mixed use developments
 - (5) Research laboratory
 - (6) Public mini-storage facilities
 - (7) Building materials storage and sales.
- (Ord. 10-1998. Passed 4-9-98.)

1361.03 AREA AND BULK REQUIREMENTS.

- (a) Lot Area. A lot area of not less than 12,000 square feet shall be provided for every building permitted in this district..
- (b) Lot Coverage. Buildings and impervious surface coverage shall occupy no more than sixty percent (60%) of the total area of the lot.
- (c) Lot Frontage. Lots shall have a minimum frontage of eighty (80) feet on a road or highway suitable for commercial traffic. No building in this district shall be erected on a lot which does not abut upon and have adequate frontage for direct ingress and egress by means of a street that meets the minimum requirements for a public street.
- (d) Lot Set-Backs. All buildings constructed shall be located a minimum of twenty (20) feet from any property line. Where a lot is adjacent to a residential property this minimum distance shall increase to thirty (30) feet.
- (e) Building/Structure Height. No building or structure shall exceed five (5) stories or sixty (60) feet, and no accessory structure shall exceed two (2) stories or twenty-five (25) feet in height.
(Ord. 10-1998. Passed 4-9-98.)

1361.04 BUFFERING AND LANDSCAPING.

- (a) A fence, wall, hedge, landscaping, earth berm, natural buffer area, or any combination thereof shall be provided to obscure certain uses or portions of a specific use which by their nature are unsightly or which by their scale or design represent the potential to negatively impact adjacent properties.

The following specific uses or features will be screened from adjacent properties and from public view from a public street.

- (1) Dumpster and trash handling facilities
- (2) Outdoor storage of materials or mechanical equipment not enclosed in a structure shall be fully and completely screened in a manner compatible with the architectural and landscaping style of the remainder of the lot.

- (b) The buffer between an industrial or commercial use in the M-1 District and a residential district or use shall have a depth of not less than thirty (30) feet measured from the property line to the nearest principle building. Within this buffer area no structure, storage of materials, or parking or storage of vehicles shall be permitted.

(c) The buffer between an industrial or commercial use in the M-1 District and a residential district or use shall consist of an all-season mature vegetative treatment landscaped and maintained on a regular basis. Any plant material which does not survive shall be replaced within six (6) months. Planted visual screens shall be part of the buffer area and devoted exclusively to shrub and tree plantings.

- (1) Screening shall include a row of evergreen species which are indigenous to the area so as to provide a year round visual screen.
(Ord. 10-1998. Passed 4-9-98.)

1361.05 CONDITIONS FOR APPROVAL AS A SPECIAL EXCEPTION.

(a) As a condition of approval as a special exception use, all uses approved as special exceptions must be consistent with the comprehensive plan of the City of Chester.

(b) As a condition of approval as a special exception use, all uses approved as special exceptions must comply with the requirements of the Codified Ordinances of the City of Chester.

(c) As a condition of approval as a special exception use, all uses approved as special exceptions must comply with the performance standards, Section 1379.02, established by this article.

(d) As condition of approval as a special exception use, all uses approved as special exceptions must clearly demonstrate that they will not adversely impact adjoining properties or the community as a whole.

(e) As condition of approval as a special exception use, a proposed use must clearly demonstrate that provisions for traffic generated by the use and parking required by the use are appropriate and sufficient to ensure that the adjoining properties and the surrounding neighborhood are not adversely affected. The Zoning Hearing Board may require reasonable additional traffic and parking conditions if it determines that the proposed use may have an adverse impact.

(f) As condition of approval as a special exception use, the operation of which involves significant quantities of toxic or hazardous materials or the generation of hazardous wastes, the Zoning Hearing Board may stipulate limits on the volume of such materials used and/or require waste handling measures to avoid land, air or groundwater contamination.

(g) As a condition of approval as a special exception use, the Zoning Hearing Board may attach additional stipulations on the design, layout, and/or operation of such use in relation to its particular characteristics, including but not limited to the following:

- (1) Hours of operation.
- (2) Proximity to residential users or residentially zoned areas.
- (3) Proximity to another establishment involved in the manufacturing or processing of solid waste, toxic or hazardous material or the generation of hazardous wastes.

In addition to the specific conditions identified above, the Zoning Hearing Board may attach such additional reasonable conditions and safeguards as it may deem necessary to implement the purposes of this zoning ordinance.
(Ord. 10-1998. Passed 4-9-98.)

1361.06 OFF-STREET PARKING, LOADING AND UNLOADING FACILITIES.

Off-street parking, loading and unloading facilities are subject to the compliance of Article 1375.

(Ord. 10-1998. Passed 4-9-98.)

ARTICLE 1363
M-2 Industrial Districts

- | | |
|---|---|
| 1363.01 Purpose. | 1363.06 Off-street parking, loading and unloading facilities. |
| 1363.02 Use regulations. | 1363.07 Waterfront Overlay District. |
| 1363.03 Area and bulk requirements. | |
| 1363.04 Buffering and landscaping. | |
| 1363.05 Conditions for approval as a special exception. | |

CROSS REFERENCES

Industrial subdivisions - see P. & Z. 1309.10(b)
Storage of flammable liquids, gases, explosives - see FIRE PREV.
1501.04 et seq.

1363.01 PURPOSE.

The purpose of the M-2 Industrial District is to provide for industrial and commercial uses engaged in the storage, distribution, handling and sale of goods and materials that are more intensive in nature than those uses permitted in commercial and residential zones and which therefore require physical separation from those uses. In addition, through the Waterfront Overlay conditional use provisions, this district is intended to be responsive to changing development patterns that may affect the nature of the land use along the City of Chester riverfront corridor.
(Ord. 11-1998. Passed 4-9-98.)

1363.02 USE REGULATIONS.

(a) Permitted Uses. In the M-2 Industrial District, a building or structure may be erected, altered, or used, and a lot may be used or occupied, for any of the following purposes and no other.

- (1) Uses permitted in the M-1 Industrial district.
- (2) Medium intensity manufacturing, processing, cleaning, servicing, testing, or repairs of materials, goods, or products which meet the performance standards specified in this article.
- (3) Communication Antenna located on an existing building.

(b) Accessory Uses. Accessory uses shall be permitted when on the same lot with and customarily incidental to any of the above permitted uses.

(c) Special Exception Uses. In the M-2 Industrial District, a building or structure may be erected, altered, or used, and a lot may be used or occupied, for any of the following purposes only when authorized as a special exception following a public hearing.

- (1) Industrial park
 - (2) Cellular Telecommunications Facility
 - (3) Adult Entertainment Uses
 - A. Adult arcades
 - B. Adult bookstores, novelty and video stores
 - C. Adult cabarets
 - D. Adult motion pictures theaters
 - E. Adult theaters
 - F. Escort agencies
 - G. Sexual encounter centers
- (Ord. 11-1998. Passed 4-9-98.)

1363.03 AREA AND BULK REQUIREMENTS.

(a) Lot Area. A lot area of not less than 15,000 square feet shall be provided for every building permitted in this district.

(b) Lot Coverage. Buildings and impervious surface coverage shall occupy no more than sixty-five percent (65%) of the total area of the lot.

(c) Lot Frontage. Lots shall have a minimum frontage of eighty (80) feet on a road or highway suitable for commercial traffic. No building in this district shall be erected on a lot which does not abut upon and have adequate frontage for direct ingress and egress by means of a street that is dedicated to and maintained by the public.

(d) Lot Set-Backs. All buildings constructed shall be located a minimum of twenty (20) feet from any property line. Where a lot is adjacent to a residential property this minimum distance shall increase to thirty (30) feet.

(e) Buildings/Structure Height. No building or structure shall exceed five (5) stories or sixty (60) feet. These height requirements shall not apply to any Communication Antennas or Communication Towers.
(Ord. 11-1998. Passed 4-9-98.)

1363.04 BUFFERING AND LANDSCAPING.

(a) A fence, wall, hedge, landscaping, earth berm, natural buffer area, or any combination thereof shall be provided to obscure certain uses or portions of a specific use which by their nature are unsightly or which by their scale or design represent the potential to negatively impact adjacent properties.

The following specific uses or features will be screened from adjacent properties and from public view from a public street.

- (1) Dumpster and trash handling facilities.
- (2) Outdoor storage of materials or mechanical equipment not enclosed in a structure shall be fully and completely screened in a manner compatible with the architectural and landscaping style of the remainder of the lot.

(b) The buffer between an industrial or commercial use in the M-2 District and a residential district or use shall have a depth of not less than thirty (30) feet measured from the property line to the nearest principal building. Within this buffer area no structure, storage of materials, or parking or storage of vehicles shall be permitted.

(c) The buffer between an industrial or commercial use in the M-2 District and a residential district or use shall consist of an all-season vegetative treatment landscaped and maintained on a regular basis. Any plant material which does not survive shall be replaced within six (6) months. Planted visual screens shall be part of the buffer area and devoted exclusively to shrub and tree plantings.

- (1) Screening shall include a row of evergreen species which are indigenous to the area so as to provide a year round visual screen.
(Ord. 11-1998. Passed 4-9-98.)

1363.05 CONDITIONS FOR APPROVAL AS A SPECIAL EXCEPTION.

(a) As a condition of approval as a special exception use, all uses approved as special exceptions must be consistent with the comprehensive plan of the City of Chester.

(b) As a condition of approval as a special exception use, all uses approved as special exceptions must comply with the City of Chester subdivision regulations, Board of Health regulations, building code and all other applicable City regulations.

(c) As a condition of approval as a special exception use, all uses approved as special exceptions must comply with the performance standards established by this article.

(d) As a condition of approval as a special exception use, all uses approved as special exceptions must clearly demonstrate that they will not adversely impact adjoining properties or the community as a whole.

(e) As a condition of approval as a special exception use, a proposed use must clearly demonstrate that provisions for traffic generated by the use and parking required by the use is appropriate and sufficient to ensure that the adjoining properties and the surrounding neighborhood are not adversely affected. The Zoning Hearing Board may require reasonable additional traffic and parking conditions if it determines that the proposed use may have an adverse impact.

(f) As a condition of approval as a special exception use, the operation of which involves significant quantities of toxic or hazardous materials or the generation of hazardous wastes, the Zoning Hearing Board may stipulate limits on the volume of such materials used and/or require special waste handling measures to avoid land, air or groundwater contamination.

(g) As a condition of approval as a special exception use, the Zoning Hearing Board may attach additional stipulations on the design, layout, and/or operation of such use in relation to its particular characteristics, including but not limited to the following:

- (1) Hours of operation.
- (2) Proximity to residential uses or residentially zoned areas.
- (3) Proximity to another establishment involved in the manufacturing or processing of solid waste, toxic or hazardous material or the generation of hazardous wastes.

- (h) (1) As a condition of approval as a special exception use for Cellular Telecommunications Facility, the applicant/petitioner shall demonstrate the following:
- A. The tower for the telecommunications facility is the minimum height necessary for the service area.
 - B. The proposed tower complies with all state and federal laws and regulations concerning aviation safety.
 - C. The telecommunication facility must be located where it is proposed in order to serve the applicant's service area.
 - D. When the telecommunication facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement for the proposed facility and that vehicular access is provided to the facility.
- (2) The following general provisions shall apply to all cellular telecommunications facilities. These provisions are in addition to any other condition required by the Zoning Hearing Board.
- A. An eight foot high security fence shall completely surround the tower (and guy wires if used) and equipment building. In addition the following buffer plantings shall be located around the perimeter of the security fence:
 - 1. An evergreen screen shall be planted that consists of either a hedge, planted three feet on center maximum, or a row of evergreen trees planted ten feet on center maximum.
 - 2. Existing vegetation (tree and shrubs) shall be preserved to the maximum extent possible.
 - B. The tower shall be designed and constructed to all applicable standards of the American National Standards Institute, ANSI/EIA222-E manual, as amended.
 - C. Towers and antennae shall be designed to withstand wind gusts of at least 100 miles per hour.
 - D. An antenna may not be located on a building or structure that is listed on a historic register or is eligible for historic registration.
 - E. The tower shall be setback from any property line abutting a residential lot or from any active recreation facilities or fields a distance that is at least equal to the height of the tower.
 - F. If the Cellular Telecommunication Company proposes to build a new tower with antenna, it is required to demonstrate that it contacted the owners of tall structures within a one quarter mile radius from the proposed site, requested permission to install the antenna on those structures, and was denied for reasons other than economic ones. Tall structures include, but are not limited to, smoke stacks, water towers, buildings in excess of six (6) stories, antenna support structures of other cellular communications companies, other communication towers (fire, police, etc.), and other tall structures. The Zoning Hearing Board may deny the special exception if documentation has not been submitted showing the applicant has not made a good faith effort to mount the antenna on an existing structure.

- G. In order to reduce the number of antenna support structures needed in the community in the future, the proposed support structure shall be designed to accommodate other users, including other cellular communication companies, and local police, fire, and ambulance companies.
 - H. The cellular communications company must demonstrate it is licensed by the Federal Communication Commission.
 - I. Antenna support structures shall be painted gray or have a galvanized finish retained in order to reduce the visual impact. Support structures may be painted green up to the height of nearby trees. Support structures shall meet all Federal Aviation (FAA) regulations. No antenna support structure may be lighted except when required by FAA.
 - J. If a cellular communication facility is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.
 - K. The cellular communication company shall prepare a master plan showing the boundaries of the entire City and other areas where towers or antennas would be located to meet projected demands.
- (3) In addition to the above, a cellular telecommunications facility is permitted in the M-2 Industrial District to the following conditions:
- A. Sole use on the lot - a cellular telecommunications facility is permitted as a sole use on the lot subject to the following:
 - 1. Minimum lot area: (are subject to the compliance of Section 1363.02).
 - 2. Minimum yard requirements: (are subject to the compliance of Section 1363.03).
 - 3. Maximum height: Tower-200 feet.
Equipment building - 45 feet
 - B. Combined with another use - cellular telecommunications facility is permitted on a property with an existing use, or on a vacant parcel subject to the following conditions:
 - 1. The existing use on the property may be any permitted use in the district or any lawful nonconforming use, and need not be affiliated with the cellular telecommunications provider.
 - 2. The cellular telecommunications facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance.
 - 3. Minimum lot area: The minimum lot area shall be the area needed to accommodate the tower (guy wires if used), the equipment building, security fence and buffer planting. If the title to the land on which the cellular telecommunications facility is located is conveyed to the owner of the facility, the land remaining with the principal lot shall continue to comply with the minimum lot area for the district.
 - 4. Minimum setbacks: The tower and telecommunications equipment building shall comply with the minimum setback requirements for the host lot.

5. Access: the vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
6. Maximum height: Tower - 200 feet
Equipment building (45 feet)

(i) Adult Entertainment.

- (1) Objectives. The City does not intend to effect or suppress any activities protected by the First Amendment of the United States Constitution, but instead address the areas that could negatively impact the traffic, change in property values, esthetics, and other areas that may adversely affect the logical, efficient and economical extension or provision of public services and facilities such as police and fire protection.

- (2) Special conditions. The following conditions shall be satisfied prior to the consideration of any building or structure can be erected, altered or used and a lot use or occupied for any adult entertainment use permitted in the City of Chester.

A. The property shall be entirely within the M-2 District boundaries.

B. The property must be of adequate size to accommodate building, off-street parking spaces and buffering.

C. No adult entertainment use shall be located:

1. Within one thousand (1000) feet of:

- a. Church, synagogue, mosque, temple or building which is used primarily for religious activities;
- b. Public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, vocational schools.
- c. Any other adult entertainment use; or

2. Within eight hundred (800) feet of:

- a. Boundary of a residential district as defined in the City of Chester Zoning Ordinance;
- b. A public park or recreational area which has been designated for park or recreational activities including but not limited to a boat launch, park, playground, athletic field, basketball or tennis courts, or other similar public or private land within the City which is used for recreational purposes.

(3) Site design standards.

A. Screening and Buffering. Any lot which is to be used for any adult entertainment use shall provide buffer area in accordance with the provisions of Section 1363.04

B. Off-Street Parking. Any adult entertainment use must provide a minimum of one (1) off-street parking space for every 200 square feet of floor area.

C. Building Design. Each building shall be designed so as to minimize its appearance, and shall, insofar as practicable, afford minimum external evidence of the nature of the operation conducted therein. There shall be no flashing signs or posters showing nudity or a state of nudity.

- (4) Application process for adult entertainment. Applications for uses permitted for Adult Entertainment shall be in writing to the Zoning Officer by the owner or authorized agent of the owner and accompanied by the following information.
- A. The applicant's mailing address and residential address.
 - B. A recent photograph of the applicant(s).
 - C. The applicant's driver's permit number, Social Security number, and or his/her state or federally issued tax identification number.
 - D. Age, date, and place of birth.
 - E. Proof that the owner and all employees are at least eighteen (18) years of age.
 - F. Sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business.

In addition to the specific conditions identified above, the Zoning Hearing Board may attach such additional reasonable conditions and safeguards as it may deem necessary to implement the purposes of this zoning ordinance and to protect the health, safety and welfare of the community.

(Ord. 11-1998. Passed 4-9-98.)

1363.06 OFF-STREET PARKING, LOADING AND UNLOADING FACILITIES.

Off-street parking, loading and unloading facilities are subject to the compliance of Article 1375.

(Ord. 11-1998. Passed 4-9-98.)

1363.07 WATERFRONT OVERLAY DISTRICT.

(a) Purpose. The Waterfront Overlay District has been established to allow for a wider diversity of uses along the City's waterfront corridor and to establish the reasonable conditions and safeguards under which this diversity can be supported and maintained. This district under special conditions and standards may provide for such uses as: commercial, office, recreational, amusement, cultural and residential options that are an alternative to the heavy industrial uses permitted in the underlying M-2 Industrial District. In addition, the intent and purpose of this district is to revitalize the waterfront by creative reuse of existing structures and to implement specific waterfront goals listed in the Chester City Comprehensive Plan and Economic Development Strategy adopted in April 1994.

(b) Waterfront Overlay (WO) Conditional Uses. A building or structure may be erected, altered or used and a lot may be used or occupied for any of the following purposes in the Waterfront Overlay District, when approved by City council as a conditional use.

- (1) Theme amusement park.
- (2) Entertainment center.
- (3) Sports stadium.
- (4) Hotel.
- (5) Conference Center.
- (6) Public recreation facilities.
- (7) Commercial recreation facilities.
- (8) Cultural facilities.

- (9) Accessory uses incident to the principal uses not operated as independent businesses.
- (10) A combination of the uses permitted above, in a single building or in more than one (1) building, provided that such multiple building development shall be only pursuant to a single unified master development plan for the entire lot.

(c) Conditions for Approval as a Waterfront Overlay Conditional Use. The following conditions shall be satisfied prior to the consideration of any tract for development as a Waterfront Overlay conditional use by the Chester City Council. No parcel shall be eligible for development under this Section unless it meets the following conditions:

- (1) The parcel(s) shall be entirely within the Waterfront Overlay District boundaries.
- (2) The parcel must have a minimum size of at least one (1) acre.
- (3) Any development plan must provide for Best Management Practices (BMP's) to control nonpoint source pollution.
- (4) All potentially negative, off-site impacts associated with a use under this district will be minimized through proper site planning. The applicant for conditional use shall demonstrate and disclose such potential impacts, and the application shall set forth the manner in which the adverse impact thereof shall be minimized.
- (5) When deemed necessary by City Council the applicant shall be responsible for the preparation and cost of a traffic impact study. Such study shall be prepared by a traffic engineer hired by the applicant with the approval of the City Council. The study shall enable City Council to assess the impact of a proposed development on the highway network system, to identify traffic problems associated with the proposed development, to identify solutions and to present improvements to be incorporated into the project design.

In addition to the specific conditions identified above, City Council may attach such additional reasonable conditions and safeguards as it may deem necessary to implement the purposes of this zoning ordinance and to protect the health, safety and welfare of the community.

(d) Area and Bulk Requirements For WO Conditional Uses.

- (1) Setback of buildings. No structure, except one used exclusively in connection with a water dependent use, shall be erected, altered or extended within thirty feet (30') of the Bulkhead Line.
- (2) Height of buildings. All buildings that are proposed to be constructed south of Front Street shall be designed and located with the objective of preserving a visual and physical access to the river. No building shall have a height exceeding thirty-five feet (35') with a maximum of three stories above grade. The maximum permitted height may increase as the distance from the waterfront increases and when development plans have demonstrated that the location of buildings has provided visual access to the water.

- (3) Waterfront public access requirements. Any applicant seeking approval for the construction or alteration of a project that is not water-dependent and which is located south of Delaware Avenue shall demonstrate to the Chester City Planning Commission how the design of the proposed project will enhance the public's visual and physical access to the waterfront to the maximum extent feasible.
- (4) Building placement requirements. All buildings located in the Waterfront Overlay District shall be located so as to preserve visual and/or physical access to the waterfront to the maximum extent feasible.
- (e) Buffering And Landscaping Requirements for WO Conditional Uses.
 - (1) Uses approved as WO Conditional Uses shall provide buffering along the district boundaries between themselves and all residential uses. The buffer will extend a minimum of twenty (20) feet measured from the property line to the principal structure within the proposed development.
 - (2) No structure, storage of materials, or parking or storage of vehicles shall be permitted in the buffer area.
 - (3) Buffering shall be designed so that the requirement to meet performance standards established by this article shall be partially achieved by this action. Earth berming may also be used as part of the design.
 - (4) The buffer area shall consist of an all-season vegetative treatment landscaped and maintained on a regular basis. Buffer areas typically will include grass, ground cover, shrubs and trees. Planted visual screens shall be that part of the buffer area devoted exclusively to shrub and tree plantings. Maximum advantage shall be taken to keep existing healthy shrubs and trees.
- (f) Off-Street Parking, Loading and Unloading Facilities. Off-street parking, loading and unloading facilities are subject to the compliance of Article 1375.
- (g) Application Process For Waterfront Overlay Conditional Use. Applications for conditional uses permitted under this article shall be made in writing to the Zoning Officer by the owner or authorized agent of the owner on a form supplied by the Zoning Officer. The Zoning Officer shall simultaneously refer such application to the Chester Planning Commission and the Chester City Council. The application shall contain the following data:
 - (1) The designated conditional use application form.
 - (2) A site plan, plot plan or development plan of the entire property being considered, drawn to a reasonable scale and showing the location of all abutting streets, the location of all existing and proposed structures, the types of buildings and the uses proposed.
 - (3) The application fee for a conditional use permit which shall be established by City Council.
- (h) Review by Planning Commission. The Planning Commission shall review the proposed development as presented on the submitted plans and specifications in terms of the standards developed in this article. Such review shall be completed and submitted to the City Council within forty-five (45) days of the receipt of the application for conditional use.

(i) Public Hearing. No later than thirty (30) days subsequent to its receipt of the review of the proposed conditional use by the Planning Commission, City Council shall hold a public hearing pursuant to public notice. The hearing(s) shall be held in order to receive public input on the proposed conditional use and to determine the impact of the proposed use on the community and to help identify reasonable conditions and safeguards necessary to implement the purposes of this article and to protect the health, safety and welfare of the City. A decision to allow or deny the conditional use shall be rendered in writing no later than ten (10) days following the completion of the public hearing process.
(Ord. 11-1998. Passed 4-9-98.)

ARTICLE 1365
M-3 Industrial Districts

- | | |
|---|---|
| 1365.01 Purpose. | 1365.06 Off-street parking, loading and unloading facilities. |
| 1365.02 Use regulations. | |
| 1365.03 Area and bulk requirements. | 1365.07 Waterfront Overlay District. |
| 1365.04 Buffering and landscaping. | |
| 1365.05 Conditions for approval as a special exception. | |

CROSS REFERENCES

Industrial subdivisions - see P. & Z. 1309.10(b)
Storage of flammable liquids, gases, explosives - see
FIRE PREV. 1501.04 et seq.

1365.01 PURPOSE.

The purpose of the M-3 Industrial District is to provide for industrial and commercial uses engaged in the storage, distribution, handling and sale of goods and materials that are more intensive in nature than those uses permitted in commercial and residential zones and which therefore require physical separation from those uses. In addition, through the Waterfront Overlay conditional use provisions, this district is intended to be responsive to changing development patterns that may affect the nature of the land use along the City of Chester riverfront corridor.

(Ord. 12-1998. Passed 4-9-98.)

1365.02 USE REGULATIONS.

In the M-3 Industrial District, a building or structure may be erected, altered, or used, and a lot may be used or occupied, for any of the following purposes and no other.

- (a) Permitted Uses. In the M-3 Industrial District, a building or structure may be erected, altered, or used, and a lot may be used or occupied, for any of the following purposes and no other.
 - (1) Uses permitted in the M-1 and M-2 Industrial District.
 - (2) Higher intensity manufacturing, processing, cleaning, servicing, testing, or repairs of materials, goods, or products which meet the performance standards specified in this article.
 - (3) Communication Antenna located on an existing building.

- (b) Accessory Uses. Accessory uses shall be permitted when on the same lot with and customarily incidental to any of the above permitted uses.
- (c) Special Exception Uses. In the M-3 Industrial District, a building or structure may be erected, altered, or used, and a lot may be used or occupied, for any of the following purposes only when authorized as a special exception following a public hearing.
 - (1) Port facilities
 - (2) Shipbuilding facilities
 - (3) Handling, processing, landfilling, composting, incinerating, resource recovery, transferring and/or storage of hazardous wastes and sewage sludges, infectious or chemotherapeutic wastes, construction or demolition wastes. Authorization as special exception shall require approval by the Zoning Hearing Board in strict compliance with Section 1327.035(a)(2) and after applicant presents convincing evidence to the Board that the construction or operation of a special exception facility, covered by this subsection, will not produce a net increase in environmental pollution as compared to environmental pollution at the time construction of the facility commences.
 - (4) Cellular telecommunication facility.
(Ord. 12-1998. Passed 4-9-98.)

1365.03 AREA AND BULK REQUIREMENTS.

- (a) Lot Area. A lot area of not less than 15,000 square feet shall be provided for every building permitted in this district..
- (b) Lot Coverage. Buildings and impervious surface coverage shall occupy no more than eighty percent (80%) of the total area of the lot.
- (c) Lot Frontage. Lots shall have a minimum frontage of sixty (60) feet on a road or highway suitable for commercial traffic. No building in this district shall be erected on a lot which does not abut upon and have adequate frontage for direct ingress and egress by means of a street that is dedicated to and maintained by the public.
- (d) Lot Set-Backs. All buildings constructed shall be located a minimum of twenty (20) feet from any property line. Where a lot is adjacent to a residential property this minimum distance shall increase to forty (40) feet.
- (e) Buildings/Structure Height. No building or structure shall exceed sixty (60) feet in height. These height requirements shall not apply to any Communication Antennas or Communication Towers.
(Ord. 12-1998. Passed 4-9-98.)

1365.04 BUFFERING AND LANDSCAPING.

(a) A fence, wall, hedge, landscaping, earth berm, natural buffer area, or any combination thereof shall be provided to obscure certain uses or portions of a specific use which by their nature are unsightly or which by their scale or design represent the potential to negatively impact adjacent properties.

The following specific uses or features will be screened from adjacent properties and from public view from a public street.

- (1) Dumpster and trash handling facilities.
- (2) Outdoor storage of materials or mechanical equipment not enclosed in a structure shall be fully and completely screened in a manner compatible with the architectural and landscaping style of the remainder of the lot.

(b) The buffer between an industrial or commercial use in the M-3 District and a residential district or use shall have a depth of not less than forty (40) feet measured from the property line to the nearest principal building. Within this buffer area no structure, storage of materials, or parking or storage of vehicles shall be permitted.

(c) The buffer between an industrial or commercial use in the M-3 District and a residential district or use shall consist of an all-season vegetative treatment landscaped and maintained on a regular basis. Any plant material which does not survive shall be replaced within six (6) months. Planted visual screens shall be part of the buffer area and devoted exclusively to shrub and tree plantings.

- (1) Screening shall include a row of evergreen species which are indigenous to the area so as to provide a year round visual screen.
(Ord. 12-1998. Passed 4-9-98.)

1365.05 CONDITIONS FOR APPROVAL AS A SPECIAL EXCEPTION.

(a) As a condition of approval as a special exception use, all uses approved as special exceptions must be consistent with the comprehensive plan of the City of Chester.

(b) As a condition of approval as a special exception use, all uses approved as special exceptions must comply with the City of Chester subdivision regulations, Board of Health regulations, building code and all other applicable City regulations.

(c) As a condition of approval as a special exception use, all uses approved as special exceptions must comply with the performance standards established by this article.

(d) As a condition of approval as a special exception use, all uses approved as special exceptions must clearly demonstrate that they will not adversely impact adjoining properties or the community as a whole.

(e) As a condition of approval as a special exception use, a proposed use must clearly demonstrate that provisions for traffic generated by the use and parking required by the use is appropriate and sufficient to ensure that the adjoining properties and the surrounding neighborhood are not adversely affected. The Zoning Hearing Board may require reasonable additional traffic and parking conditions if it determines that the proposed use may have an adverse impact.

(f) As a condition of approval as a special exception use, the operation of which involves significant quantities of toxic or hazardous materials or the generation of hazardous wastes, the Zoning Hearing Board may stipulate limits on the volume of such materials used and/or require special waste handling measures to avoid land, air or groundwater contamination.

(g) As a condition of approval as a special exception use, the Zoning Hearing Board may attach additional stipulations on the design, layout, and/or operation of such use in relation to its particular characteristics, including but not limited to the following:

- (1) Hours of operation.
- (2) Proximity to residential uses or residentially zoned areas.
- (3) Proximity to another establishment involved in the manufacturing or processing of solid waste, toxic or hazardous material or the generation of hazardous wastes.

(h) In any instance where the Zoning Hearing Board is required to consider an application for any handling, processing, landfilling, composting, incinerating, resource recovery, transferring and/or storage of hazardous wastes and sewage sludges, infectious or chemotherapeutic wastes, construction or demolition wastes, the following conditions must be satisfied.

- (1) No facility similar to the ones listed above shall be located within nine hundred (900) feet of an existing area used for public or private recreational use, active or passive, or any area that has been designated in the City's adopted Comprehensive Plan as suitable for recreation, commercial, residential and institutional use.
- (2) A traffic study shall be submitted showing the proposed traffic generated from the facility, the frequency and anticipated routes to the facility.
- (3) No facility similar to the ones listed above shall be located within one (1) mile of a facility that has the same function or characteristic as the one that is proposed.
- (4) Documentation prepared by a consultant, approved by City Council, that the facility will not produce a net increase in environmental pollution as compared to environmental pollution at the time construction of the facility commences.

In addition to the specific conditions identified above, the Zoning Hearing Board may attach such additional reasonable conditions and safeguards as it may deem necessary to implement the purposes of this zoning ordinance and to protect the health, safety and welfare of the community.

- (i) (1) As a condition of approval as a special exception use for Cellular Telecommunications Facility, the applicant/petitioner shall demonstrate the following:
 - A. The tower for the telecommunications facility is the minimum height necessary for the service area.
 - B. The proposed tower complies with all state and federal laws and regulations concerning aviation safety.

- C. The telecommunication facility must be located where it is proposed in order to serve the applicant's service area.
 - D. When the telecommunication facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement for the proposed facility and that vehicular access is provided to the facility.
- (2) The following general provisions shall apply to all cellular telecommunications facilities. The provisions are in addition to any other condition required by Zoning Hearing Board.
- A. An eight foot high security fence shall completely surround the tower (and guy wires if used) and equipment building. In addition, the following buffer plantings shall be located around the perimeter of the security fence:
 - 1. An evergreen screen shall be planted that consists of either a hedge, planted three feet on center maximum.
 - 2. Existing vegetation (tree and shrubs) shall be preserved to the maximum extent possible.
 - B. The tower shall be designed and constructed to all applicable standards of the American National Standards Institute, ANSI/EIA-222-E manual, as amended.
 - C. Towers and antennae shall be designed to withstand winds gusts of at least 100 miles per hour.
 - D. An antenna may not be located on a building or structure that is listed on a historic register or is eligible for historic registration.
 - E. The tower shall be setback from any property line abutting a residential lot or from any active recreation facilities or fields a distance that is at least equal to the height of the tower.
 - F. If the Cellular Telecommunication Company proposes to build a new tower, with antenna, it is required to demonstrate that it contacted the owners of tall structures within a one-quarter mile radius from the proposed site, requested permission to install the antenna on those structures, and was denied for reasons other than economic ones. Tall structures include, but are not limited to, smoke stacks, water towers, buildings in excess of six (6) stories, antenna support structures of other cellular communications companies, other communication towers (fire, police, etc.), and other tall structures. The Zoning Hearing Board may deny the special exception if documentation has not been submitted showing the applicant has not made a good faith effort to mount the antenna on an existing structure.
 - G. In order to reduce the number of antenna support structures needed in the community in the future, the proposed support structure shall be designed to accommodate other users, including other cellular communication companies, and local police, fire and ambulance.
 - H. The cellular communications company must demonstrate it is licensed by the Federal Communication Commission.

- I. Antenna support structures shall be painted gray or have a galvanized finish retained in order to reduce the visual impact. Support structures may be painted green up to the height of nearby trees. Support structures shall meet all Federal Aviation (FAA) regulations. No antenna support structure may be lighted except when required by FAA.
 - J. If a cellular communication facility is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.
 - K. The cellular communication company shall prepare a master plan showing the boundaries of the entire City and other areas where towers or antennas would be located to meet projected demand.
- (3) In addition to the above, a cellular telecommunications facility is permitted in the M-3 Industrial District subject to the following conditions:
- A. Sole Use on a Lot. A cellular telecommunications facility is permitted as a sole use on the lot subject to the following:
 - 1. Minimum lot area: Are subject to the compliance of Section 1365.03(1).
 - 2. Minimum yard requirements: are subject to the compliance of Section 1365.03.
 - 3. Maximum height: Tower - 200 feet
Equipment building - 60 feet
 - B. Combined with Another Use. A cellular telecommunications facility is permitted on a property with an existing use, or on a vacant parcel subject to the following conditions:
 - 1. The existing use of the property may be permitted use in the district or any lawful nonconforming use, and need not be affiliated with the cellular telecommunications provider.
 - 2. The cellular telecommunications facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance.
 - 3. Minimum Lot Area. The minimum lot area shall be the area needed to accommodate the tower (guy wires if used), the equipment building, security fence and buffer planting. If the title to the land on which the cellular telecommunications facility is located is conveyed to the owner of the facility, the land remaining with the principal lot shall continue to comply with the minimum lot area for the district.
 - 4. Minimum Setbacks. The tower and telecommunications equipment building shall comply with the minimum setback requirements of Section 1365.03.

5. Access. The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
6. Maximum Height. Tower - 200 feet
Equipment building - 60 feet.
(Ord. 12-1998. Passed 4-9-98.)

1365.06 OFF-STREET PARKING, LOADING AND UNLOADING FACILITIES.

Off-street parking, loading and unloading facilities are subject to the compliance of Article 1375.
(Ord. 12-1998. Passed 4-9-98.)

1365.07 WATERFRONT OVERLAY DISTRICT.

(a) Purpose. The Waterfront Overlay district has been established to allow for a wider diversity of uses along the City's waterfront corridor and to establish the reasonable conditions and safeguards under which this diversity can be supported and maintained. This district under special conditions and standards may provide for such uses as: commercial, office, recreational, amusement, cultural and residential options that are an alternative to the heavy industrial uses permitted in the underlying M-3 Industrial District. In addition, the intent and purpose of this district is to revitalize the waterfront by creative reuse of existing structures and to implement specific waterfront goals listed in the Chester City Comprehensive Plan and Economic Development Strategy adopted in April, 1994.

(b) Waterfront Overlay (WO) Conditional Uses. A building or structure may be erected, altered or used and a lot may be used or occupied for any of the following purposes in the Waterfront Overlay District, when approved by City Council as a conditional use.

- (1) Marina
- (2) Water transportation facilities
- (3) Theme amusement park
- (4) Entertainment center
- (5) Sports stadium
- (6) Gaming facility
- (7) Hotel
- (8) Conference Center
- (9) Public recreation facilities
- (10) Commercial recreation facilities
- (11) Cultural facilities
- (12) Accessory uses incidental to the principal uses not operated as independent businesses.
- (13) A combination of the uses permitted above, in a single building or in more than one (1) building, provided that such multiple building development shall be only pursuant to a single unified master development plan for the entire lot.

(c) Conditions for Approval as a Waterfront Overlay Conditional Use. The following conditions shall be satisfied prior to the consideration of any tract for development as a Waterfront Overlay conditional use by the Chester City Council. No parcel shall be eligible for development under this section unless it meets the following conditions:

- (1) The parcel(s) shall be entirely within the Waterfront Overlay District boundaries.
- (2) The parcel must have a minimum size of at least one (1) acre.
- (3) Any development plan must provide for Best Management Practices (BMP's) to control nonpoint source pollution.
- (4) All potentially negative, off-site impacts associated with a use under this district will be minimized through proper site planning. The applicant for conditional use shall demonstrate and disclose such potential impacts, and the application shall set forth the manner in which the adverse impact thereof shall be minimized.
- (5) When deemed necessary by City Council the applicant shall be responsible for the preparation and cost of a traffic impact study. Such study shall be prepared by a traffic engineer hired by the applicant with the approval of the City Council. The study shall enable City Council to assess the impact of a proposed development on the highway network system, to identify traffic problems associated with the proposed development, to identify solutions and to present improvements to be incorporated into the project design.

In addition to the specific conditions identified above, City Council may attach such additional reasonable conditions and safeguards as it may deem necessary to implement the purposes of this zoning ordinance and to protect the health, safety and welfare of the community.

(d) Area and Bulk Requirements For WO Conditional Uses.

- (1) Setback of buildings. No structure, except one used exclusively in connection with a water dependent use, shall be erected, altered or extended within thirty feet (30') of the Bulkhead Line.
- (2) Height of buildings. All buildings that are proposed to be constructed south of Front Street shall be designed and located with the objective of preserving a visual and physical access to the river. No building shall have a height exceeding thirty five feet (35') with a maximum of three stories above grade. The maximum permitted height may increase as the distance from the waterfront increases and when development plans have demonstrated that the location of buildings has provided visual access to the water.
- (3) Waterfront public access requirements. Any applicant seeking approval for the construction or alteration of a project that is not water-dependent and which is located south of Delaware Avenue shall demonstrate to the Chester City Planning Commission how the design of the proposed project will enhance the public's visual and physical access to the waterfront to the maximum extent feasible.
- (4) Building placement requirements. All buildings located in the Waterfront Overlay District shall be located so as to preserve visual and/or physical access to the waterfront to the maximum extent feasible.

(e) Off-street Parking Requirements For WO Conditional Uses. Off-street parking requirements for WO conditional uses are subject to the compliance of Article 1375.

(f) Buffering And Landscaping Requirements For WO Conditional Uses.

- (1) Uses approved as WO Conditional Uses shall provide buffering along the district boundaries between themselves and all residential uses. The buffer will extend a minimum of twenty (20) feet measured from the property line to the principal structure within the proposed development.
- (2) No structure, storage of materials, or parking or storage of vehicles shall be permitted in the buffer area.
- (3) Buffering shall be designed so that the requirement to meet performance standards established by this article shall be partially achieved by this action. Earth berming may also be used as part of the design.
- (4) The buffer area shall consist of an all-season vegetative treatment landscaped and maintained on a regular basis. Buffer areas typically will include grass, ground cover, shrubs and trees. Planted visual screens shall be that part of the buffer area devoted exclusively to shrub and tree plantings. Maximum advantage shall be taken to keep existing healthy shrubs and trees.

(g) Application Process For Waterfront Overlay Conditional Use. Applications for conditional uses permitted under this article shall be made in writing to the Zoning Officer by the owner or authorized agent of the owner on a form supplied by the Zoning Officer. The Zoning Officer shall simultaneously refer such application to the Chester Planning Commission and the Chester City Council. The application shall contain the following data:

- (1) The designated conditional use application form.
- (2) A site plan, plot plan or development plan of the entire property being considered, drawn to a reasonable scale and showing the location of all abutting streets, the location of all existing and proposed structures, the types of buildings and the uses proposed.
- (3) The application fee for a conditional use permit which shall be established by City Council.

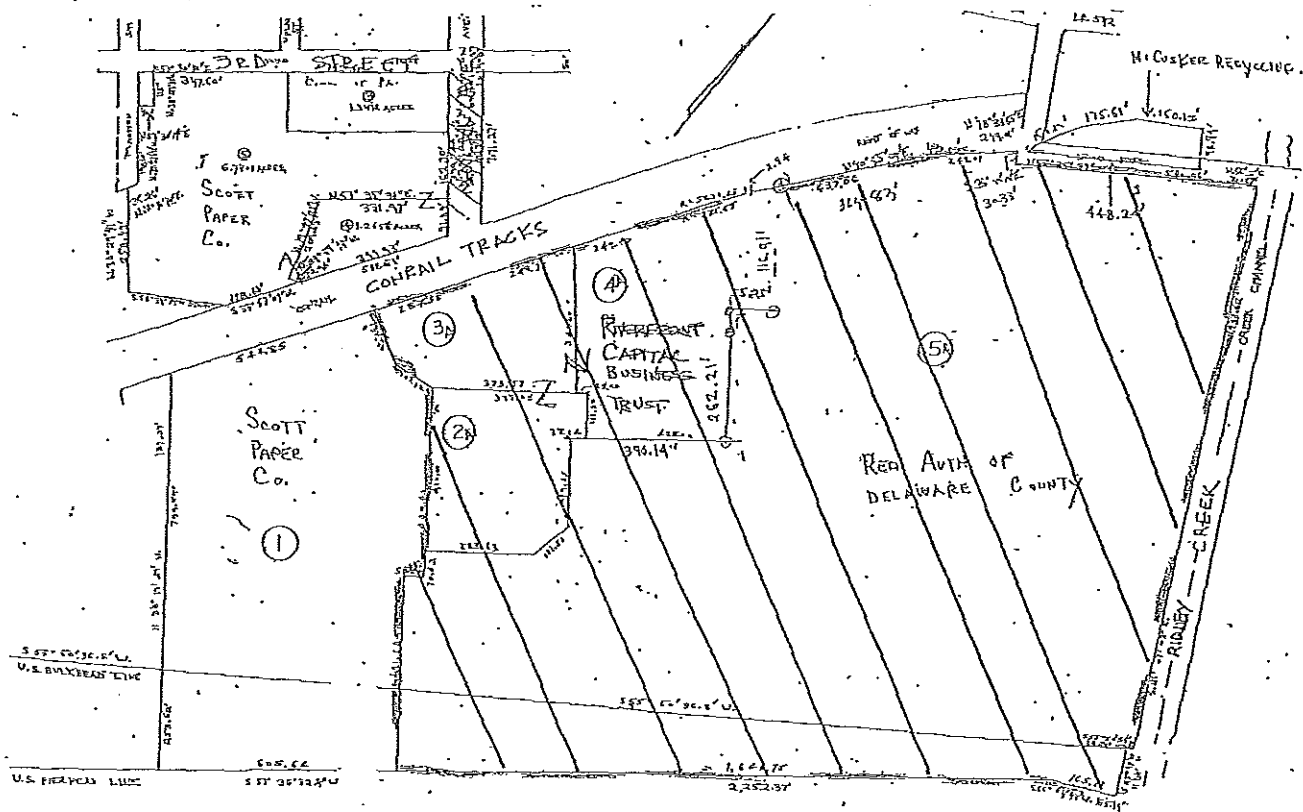
(h) Review by Planning Commission. The Planning Commission shall review the proposed development as presented on the submitted plans and specifications in terms of the standards developed in this article. Such review shall be completed and submitted to the City Council within forty-five (45) days of the receipt of the application for conditional use.

(i) Public Hearing. No later than thirty (30) days subsequent to its receipt of the review of the proposed conditional use by the Planning Commission, City Council shall hold a public hearing pursuant to public notice. The hearing(s) shall be held in order to receive public input on the proposed conditional use and to determine the impact of the proposed use on the community and to help identify reasonable conditions and safeguards necessary to implement the purposes of this article and to protect the health, safety and welfare of the City. A decision to allow or deny the conditional use shall be rendered in writing no later than ten (10) days following the completion of the public hearing process.
(Ord. 12-1998. Passed 4-9-98.)

Zoning Map Amendment

Amended boundary

The area to be rezoned from "M-2 and M-3 Industrial District" to "W-1 Waterfront Development District" is shown below and is bounded by the area on the Southside of Conrail Railroad Tracks, West side of Ridley Creek and identified as parcels, "2A, 3A, 4A, and 5A".



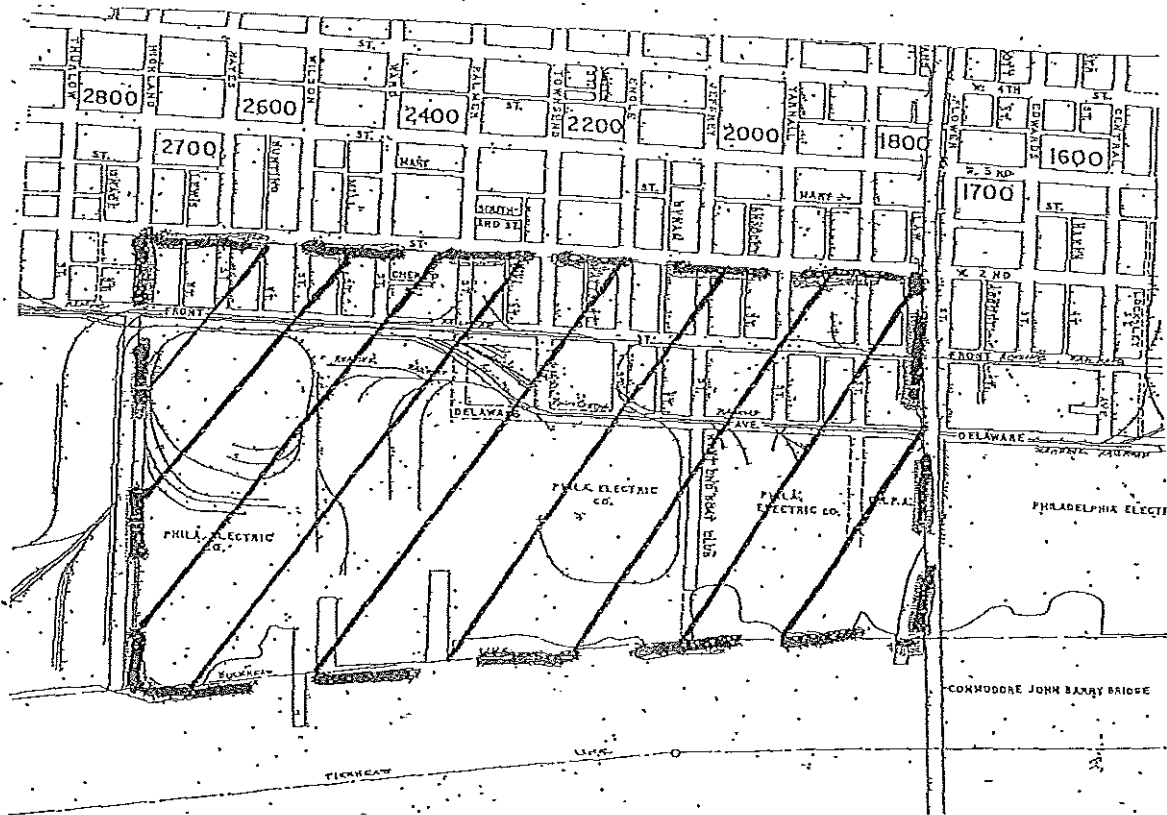
 Area To Be Rezoned

THE UNIVERSITY OF CHICAGO PRESS

Zoning Map Amendment

Amended boundary

The area to be rezoned from "M-2 and M-3 Industrial District" to "W-1 Waterfront Development District" is shown below and is bounded by the area on the Southside of 2nd Street (Rt. 291), west of Flower Street, north of the bulkhead line of the Delaware River, and on the east side of Highland Avenue.



 Area To Be Rezoned

W-1 WATERFRONT

ARTICLE 1366
W-1 Waterfront Development District

- | | | | |
|---------|----------------------------|---------|-----------------------------|
| 1366.01 | Purpose. | 1366.05 | Special development |
| 1366.02 | Use regulations. | | regulations for residential |
| 1366.03 | Area, bulk, and height | | use. |
| | regulations. | 1366.06 | Off-street parking, loading |
| 1366.04 | Buffering and landscaping. | | and unloading. |
| | | 1366.07 | Temporary structures. |

1366.01 PURPOSE.

The purpose and intent of this district is to utilize the opportunities and unique characteristics of the Delaware River and the City of Chester's infrastructure to permit and encourage a diversity of uses, which can co-exist with each other, within the City's waterfront corridor. The further intent of this district is to provide for public access to the river and preserve scenic river views; and to promote the historical, cultural, recreational, environmental and tourist related features of the area. (Ord. 17-2003. Passed 9-24-03.)

1366.02 USE REGULATIONS.

In the W-I district, a building may be erected, altered or used and a lot or premises may be used for only one or more of the following uses:

(a) Permitted Uses.

- (1) Office building or group of buildings;
- (2) Commercial retail, including restaurant facilities;
- (3) Hotel, Motels, and Inns, including restaurants and other related and accessory uses;
- (4) Conference Center;
- (5) Theme amusement park, theaters;
- (6) Public and/or private commercial recreation facilities;
- (7) Marina;
- (8) Race Track;
- (9) Gaming Facilities;
- (10) Sports Stadium;
- (11) Entertainment Center;
- (12) Service, sales, repair, and storage of boats, yachts, and marine equipment;

- (13) Residential multi-family dwellings, or group or cluster of dwellings designed as a project under private ownership or owned and operated as a condominium under the Pennsylvania Condominium Act. The group or cluster may include the following: single family detached or attached dwellings; semi-detached or attached dwellings; or multifamily dwellings;
 - (14) A combination of the uses permitted above, provided that such multiple use shall be only pursuant to a single unified development plan for the entire lot; and,
 - (15) Accessory use customarily incidental to any use permitted in the District and including the following:
 - A. Living accommodations for executives, watchman or similar employee employed upon the premises provided that any such accessory living accommodation shall be located within the principal building.
 - B. Nursery school or day care center subject to Section 1377.05.
- (b) Special Exception Uses. In the W-1 district, a building or structure may be erected, altered or used and a lot may be used or occupied, for any of the following purposes only when authorized as a special exception by the Zoning Hearing Board following a public hearing and subject to the general standards prescribed in Article 1377, Standards for Uses Permitted by Special Exception.
- (1) A private use helistop.
 - (2) Floating Restaurant.
 - (3) A mooring facility for tour boats.
- (Ord. 17-2003. Passed 9-24-03.)

1366.03 AREA, BULK, AND HEIGHT REGULATIONS.

(a) Lot Area, Width and Height. Each building or group of buildings other than residential shall have a lot area of not less than two (2) acres, and a lot width of not less than two hundred fifty (250) feet. No buildings shall be more than eighty (80) feet in height.

(b) Required Yards. Each building shall have a front yard or not less than forty (40) feet in depth, and two side yards of not less than forty feet in aggregate width and neither less than eighteen feet in width.

(c) Distance Between Buildings. The distance principal between buildings shall not be less than thirty (30) feet. Buildings should be located to preserve views from each building to the river, whenever possible.
(Ord. 17-2003. Passed 9-24-03.)

1366.04 BUFFERING AND LANDSCAPING.

Buffering, landscape design, and planning shall be integrated with the overall area design concept. Proposed landscaping schemes will be evaluated as to their relationship to the developed and other proposed landscape, including those on adjacent properties and street rights-of-way and the building or buildings being proposed.

- (a) Uses being developing in the W-1 District shall provide buffering between a major collector road and parking areas with one hundred or more spaces. All projects shall provide one shade tree per forty (40) linear feet of public street frontage.

- (b) When buffering is required pursuant to the requirements referenced in this subsection, the use of berms is strongly encouraged. Said berms shall be integrated into the overall landscaping plan and shall be used to shield accessory buildings, and to screen parking from the view of major roads. Landscaping shall be installed on the berms to increase their screening effect.
(Ord. 17-2003. Passed 9-24-03.)

1366.05 SPECIAL DEVELOPMENT REGULATIONS FOR RESIDENTIAL USE.

(a) All parcels in the W-1 Waterfront District designated for residential usage shall be used for multi-family development. Single family detached and/or attached structures will only be permitted if the development is designed to include boat slips as an accessory use to the residential units. (Ord. 17-2003. Passed 9-24-03.)

(b) The following type, area, width, yard, lot coverage and height regulations shall apply in the case of any proposal to develop residents in the W-1 Waterfront District.

- (1) Lot Size (minimum). Residential building or group of buildings shall have lot areas of not less than four (4) acres.
- (2) Lot Area Per Dwelling Unit. The minimum lot area per dwelling unit in a mid-rise development shall not be less than 1,500 square feet per unit. The minimum lot area for high rise development shall not be less than 850 square feet.
- (3) Building Area. Building shall cover not more than fifty (50) percent of the lot area, and a total area of not more than eighty-five (85) percent of the lot area shall be covered by impervious surfaces.
- (4) Front Yard. There shall be a front yard on each street on which the lot abuts, the depth of which shall be at least 35 feet.
- (5) Side Yard. For each building or use on a lot, there shall be two (2) yards neither of which shall be less than 35 feet in width.
- (6) Rear Yard. There shall be a rear yard, the depth of which shall be at least 35 feet.

(Ord. 11-2004. Passed 9-22-04.)

1366.06 OFF-STREET PARKING, LOADING AND UNLOADING.

(a) Off-street parking may be provided in a structure or an open area lot. Parking areas are to be designed as an aesthetic asset to the development and to the building, group of buildings, or facility they serve.

(b) No portion of any parking area shall be located within thirty-five (35) feet to any public street.

(c) Shade trees should be used in parking lots to relieve large paving masses. Plant materials should lend scale to buildings and add visual interest to setbacks.

(d) Each use permitted in this district shall comply with the off-street parking and loading provisions of Article 1875. 1375
(Ord. 17-2003. Passed 9-24-03.)

1366.07 TEMPORARY STRUCTURES.

After the Planning Commission has given final approval to an overall land development plan for the entire property a temporary structure(s) for the operation of gaming machines and dining facilities shall be permitted when authorized as a special exception for a period not to exceed eighteen (18) months. An extension may be granted for an additional six (6) months, by the Planning Commission upon review and approval of documentation justifying why a permanent structure has not been completed.
(Ord. 17-2003. Passed 9-24-03.)

ARTICLE 1367
Flood Plain Conservation Districts

1367.01	General provisions.	1367.05	Existing structures in flood plain districts.
1367.02	Establishment of zoning districts.	1367.06	Definitions.
1367.03	District provisions.		Generalized Flood Boundary and Floodway Map.
1367.04	Special exceptions and variances.		

CROSS REFERENCES

District created - see P. & Z. 1341.,01

Special provisions - see BLDG. 1701.02(i) (BOCA Art. 21)

1367.01 GENERAL PROVISIONS.

(a) Purpose. The purposes of these provisions are to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- (1) Regulating the uses, activities and development which, acting alone or in combination with other existing or future uses, activities and development, will cause unacceptable increases in flood heights, velocities and frequencies;
- (2) Restricting or prohibiting certain uses, activities and development from locating within areas subject to flooding;
- (3) Requiring all those uses, activities and developments that do occur in flood-prone areas to be protected and/or floodproofed against flooding and flood damage;
- (4) Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

(b) Applicability. These provisions shall apply to all lands within the jurisdiction of the City of Chester and shown on the Official Zoning Map as being located within the boundaries of any flood plain district.

(c) Compliance. No structure or land shall hereafter be used and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered except in full compliance with the terms and provisions of this article and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this article.

(d) Warning and Disclaimer of Liability. The degree of flood protection sought by the provisions of this article is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This article does not imply that areas outside the flood plain districts, or that land uses permitted within such districts will be free from flooding or flood damages. This article shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

(Ord. 1-1985 §1. Passed 1-9-85.)

1367.02 ESTABLISHMENT OF ZONING DISTRICTS.

(a) Description of Districts.

(1) Basis of districts. The identified floodplain area shall be any areas of Chester City subject to the one hundred (100) year flood, which is identified as Zone A (Area of Special Flood Hazard) in the Flood Insurance Study (FIS) dated November 18, 2009 and the accompanying maps or the most recent revision thereof as issued by the Federal Emergency Management Agency. Including all digital data developed as part of the Flood Insurance Study.

A. The Floodway District (FW) is delineated for purposes of this article using the criteria that a certain area within the flood plain must be capable of carrying waters of the 100 year flood without increasing the water surface elevation of that flood more than one foot at any point. The Floodway District is shown on the City of Chester Official Zoning Map. The areas included in this District are specifically defined in Table 3 of the above referenced Flood Insurance Study and shown on the accompanying Flood Insurance Rate Map (FIRM), 42045C0181F, 42045C0182F, 42045C0183F, 42045C0184F, 45045C0201F, 42045C0202F and 42045C02023F.

B. The Flood-Fringe District (FF) shall be that area of the 100 year flood plain not included in the Floodway District. The basis for the outermost boundary of this District shall be the 100 year flood elevations contained in the flood profile of the above referenced Flood Insurance Study (FIS) and as shown on the accompanying Flood Insurance Rate Map (FIRM).
(Ord. 1-2010. Passed 1-13-10.)

C. The Approximated Flood Plain District (FA) shall be those areas identified as an A Zone on the Flood Insurance Rate Map (FIRM) included in the FIS prepared by FEMA and for which no 100 year flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State or other acceptable sources shall be used when available. Where other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site. The permit officer may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers, others of demonstrated qualifications, who shall certify that the technical

methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Permit Officer. (Ord. 3-1994 §1, 2. Passed 2-10-94.)

(2) Overlay concept.

- A. The Flood Plain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the flood plain districts shall serve as a supplement to the underlying district provisions.
- B. Where there happens to be any conflict between the provisions or requirements of any of the Flood Plain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the flood plain districts shall apply.
- C. In the event any provision concerning a flood plain district is declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the basic underlying district provisions shall remain applicable.
(Ord. 1-1985 §1. Passed 1-9-85.)

(b) Zoning Map. The boundaries of the flood plain district are established as shown on the Flood Insurance Rate Map (FIRM) which is declared to be a part of this article and which shall be kept on file at the City of Chester offices.
(Ord. 3-1994 §3. Passed 2-10-94.)

(c) District Boundary Changes. The delineation of any of the flood plain districts may be revised by Council where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, Delaware River Basin Commission or other qualified agency or individual documents the notification for such change. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency (FEMA).
(Ord. 1-2010. Passed 1-13-10.)

(d) Interpretation of District Boundaries. Initial interpretations of the boundaries of the flood plain districts shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of any of the districts, the Zoning Hearing Board shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.
(Ord. 1-1985 §1. Passed 1-9-85.)

1367.03 DISTRICT PROVISIONS.

(a) All uses, activities and development occurring within any flood plain district shall be undertaken, only, in strict compliance with the provisions of this article and with all other applicable codes and ordinances such as the City Building Code, and City Subdivision and Land Development Ordinance.

(b) Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch or any other drainage facility or system.
(Ord. 1-1985 §1. Passed 1-9-85.)

(c) Prior to any proposed alteration or relocation of any stream, watercourse, etc., within the City, a permit shall be obtained from the Department of Environmental Protection, Bureau of Dams and Waterway Management. Further, notification of the proposal shall be given to both the Federal Emergency Management Agency and the Department of Community and Economic Development. (Ord. 1-2010. Passed 1-13-10.)

(d) Floodway District (FW). In the Floodway District no development shall be permitted except where the effect of such development on flood heights is fully offset by accompanying improvements which have been approved by all appropriate local and/or State authorities as required above.

(1) Permitted uses. In the Floodway District the following uses and activities are permitted provided that they are in compliance with the provisions of the underlying districts and are not prohibited by any other ordinance and provided that they do not require structures, fill or storage of materials and equipment.

- A. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting.
- B. Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges and hunting and fishing areas.
- C. Accessory residential uses such as yard areas, gardens, play areas and pervious parking areas.
- D. Accessory industrial and commercial uses such as yard areas, pervious parking and loading areas, airport landing strips, etc.

(2) Uses permitted by special exception. The following uses and activities may be permitted by special exception provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance: (Ord. 1-1985 §1. Passed 1-9-85.)

- A. Structures except for manufactured homes accessory to the uses and activities in subsection (d)(1) hereof. (Ord. 1-2010. Passed 1-13-10.)
- B. Utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipe lines, water and sewage treatment plants, and other similar or related uses.
- C. Water-related uses and activities such as marinas, docks, wharves, piers, etc.
- D. Extraction of sand, gravel and other materials.
- E. Temporary uses such as circuses, carnivals and similar activities.
- F. Storage of materials and equipment provided that they are not buoyant, flammable or explosive, and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to prevent flotation or movement, and/or can be readily removed from the area within the time available after flood warning.

- G. Other similar uses and activities provided they cause no increase in flood heights and/or velocities. All uses, activities and structural developments, shall be undertaken in strict compliance with the floodproofing provisions contained in all other applicable codes and ordinances.

(3) Prohibited uses.

- A. Hospitals, public or private.
- B. Nursing homes, public or private.
- C. Jails. (Ord. 1-1985 §1. Passed 1-9-85.)
- D. Individual manufactured homes, new manufactured home parks or manufactured home subdivisions, substantial improvements to existing manufactured home parks.
(Ord. 1-2010. Passed 1-13-10.)

(e) Flood-Fringe District (FF). In the Flood-Fringe District (FF) and Approximated Flood Plain District the development and/or use of land shall be permitted in accordance with the regulations of the underlying district provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained in the City Building Code.
(Ord. 3-1994 §4. Passed 2-10-94.)

- (1) Uses permitted by special exception. The following uses and activities may be permitted by special exception provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance:
 - A. Hospitals, public or private.
 - B. Nursing homes, public or private.
 - C. Jails. (Ord. 1-1985 §1. Passed 1-9-85.)
- (2) Prohibited uses. Individual manufactured homes, new manufactured home parks or manufactured home subdivisions, substantial improvements to existing manufactured home parks.

(f) Special Provisions for Certain Kinds of Development Within Flood Plain Districts.

- (1) Development which may endanger human life.
 - A. In accordance with the Pennsylvania Flood Plain Management Act, the Regulations adopted by the Department of Community and Economic Development, as required by the Act, any new substantially improved structure which will be used for the production or storage of any of the following materials or substances or which will be used for any activity required the maintenance of a supply more than 550 gallons or other comparable volume or any amount of radioactive substances, of any of the following materials or substances on the premises, shall be subject to the provisions of this section, in addition to all other applicable provisions:

1. Acetone.
 2. Ammonia.
 3. Benzene.
 4. Calcium carbide.
 5. Carbon disulfide.
 6. Celluloid.
 7. Chlorine.
 8. Hydrochloric acid.
 9. Hydrocyanic acid.
 10. Magnesium.
 11. Nitric acid and oxides of nitrogen.
 12. Petroleum products (gasoline, fuel oil, etc.)
 13. Phosphorus.
 14. Potassium.
 15. Sodium.
 16. Sulphur and sulphur products.
 17. Pesticides including insecticides, fungicides, and rodenticides.
 18. Radioactive substances, insofar as such substances are not other regulated. (Ord. 1-2010. Passed 1-13-10.)
- B. Within any Floodway District (FW), any structure of the kind described in subsection (f)(1)A. hereof shall be prohibited. (Ord. 1-1985 §1. Passed 1-9-85.)
- C. Where permitted within any Flood-Fringe District (FF) or Approximated Flood Plain District (FA) any structure of the kind described in subsection (f)(1)A. hereof shall be:
1. Elevated or designed and constructed to remain completely dry up to at least one and one-half feet above the 100 year flood; and (Ord. 3-1994 §5, 6. Passed 2-10-94.)
 2. Designated to prevent pollution from the structure or activity during the course of a 100 year flood.
- Any such structure or part thereof that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry flood-proofing contained in the publication "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972; as amended March 1992), or with some equivalent watertight standard.

(g) Partially Enclosed Areas Below Lowest Floor. For all new construction and substantial improvements, those partially enclosed areas below the lowest flood (including basement) that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

- (2) The bottom of all openings shall be no higher than one foot above grade.
- (3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(h) Fully Enclosed Area Below Lowest Floor. Fully enclosed space below the lowest floor (including basement) is prohibited.
(Ord. 1-2010. Passed 1-13-10.)

1367.04 SPECIAL EXCEPTIONS AND VARIANCES.

(a) Additional Factors to be Considered. In passing upon applications for special exceptions and variances the Zoning Hearing Board shall consider all relevant factors and procedures specified in other sections of the Zoning Ordinance and:

- (1) The danger to life and property due to increased flood heights or velocities caused by encroachments. No special exception or variance shall be granted for any proposed use, development or activity within the Floodway District that will cause any increase in flood levels during the 100 year flood.
- (2) The danger that materials may be swept onto other lands or downstream to the injury of others.
- (3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
- (4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- (5) The importance of the services provided by the proposed facility to the community.
- (6) The requirements of the facility for a waterfront location.
- (7) The availability of alternative locations not subject to flooding for the proposed use.
- (8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- (9) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
- (10) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (11) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
- (12) Such other factors which are relevant to the purposes of this article.

(b) The Zoning Hearing Board may refer any application and accompanying documentation pertaining to any request for a special exception or variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matters.

(c) Special exceptions and/or variances shall only be issued after the Zoning Hearing Board has determined that the granting of such will not result in:

- (1) Unacceptable or prohibited increases in flood heights;
- (2) Additional threats to public safety;
- (3) Extraordinary public expense;
- (4) Create nuisances;
- (5) Cause fraud or victimization of the public; or
- (6) Conflict with local laws or ordinances.

(d) If compliance with any of the requirements of this article would result in an exceptional hardship for a prospective builder, developer or landowner, the Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements.

(e) Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by special exception in Section 1367.03(e)(1) and (f)(1).

(f) If granted, a variance shall involve only the least modification necessary to provide relief.

(g) In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety and welfare, and to achieve the objectives of this article.

(h) Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:

- (1) The granting of the variance may result in increased premium rates for flood insurance.
- (2) Such variances may increase the risks to life and property.

(i) In reviewing any request for a variance, the Zoning Hearing Board shall consider, but not be limited to the following:

- (1) That there is good and sufficient cause.
- (2) That failure to grant the variance would result in exceptional hardship to the applicant.
- (3) That the granting of the variance will not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on, or victimization of the public or conflict with any other applicable local or State ordinance and regulations. (Ord. 1-1985 §1. Passed 1-9-85.)

(j) A complete record of all variance requests and related actions shall be maintained by the Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Emergency Management Agency. (Ord. 1-2010. Passed 1-13-10.)

(k) Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the 100 year flood.

(l) A building permit shall be required for all construction and development, which includes, but is not limited to, buildings or other structures, paving, filling, grading, excavation, mining, dredging or drilling operations. (Ord. 1-1985 §1. Passed 1-9-85.)

1367.05 EXISTING STRUCTURES IN FLOOD PLAIN DISTRICTS.

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions may be continued subject to the following conditions:

- (a) Existing structures and/or uses located in any Floodway District shall not be expanded or enlarged, unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements.
- (b) Any modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use regardless of its location in any flood plain district to an extent or amount of less than fifty percent (50%) of its market value, shall be elevated and/or floodproofed to the greatest extent possible regardless of its location in the flood plain district.
- (c) The modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use regardless of its location in a flood plain district to an extent or amount of fifty percent (50%) or more of its market value shall be undertaken only in full compliance with the provisions of this and any other applicable ordinance.
- (d) Uses or adjuncts thereof which are, or become, nuisances, shall not be permitted to continue. (Ord. 1-1985 §1. Passed 1-9-85.)

1367.06 DEFINITIONS.

As used in this article, certain terms are defined as follows:

- (a) "Completely dry space" means a space which will remain dry during flooding; the structure is designed and constructed to prevent the passage of water.
- (b) "Development" means any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- (c) "Essentially dry space" means a space which will remain dry during flooding except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.
- (d) "Flood" means a temporary inundation of normally dry land areas.
- (e) "Flood-Fringe" means that portion of the flood plain outside the floodway.
- (f) "Flood plain" means:
 - (1) A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation;
 - (2) Any area subject to the unusual and rapid accumulation or run-off of surface waters from any source.
- (g) "Floodway" means the designated area of a flood plain required to carry and discharge flood waters of a given magnitude. For the purposes of this article, the floodway shall be capable of accommodating a flood of the 100 year magnitude.
- (h) "One hundred year flood" means a flood that, on the average, is likely to occur once every 100 years (i.e., that has a one percent (1%) chance of occurring each year, although the flood may occur in any year).

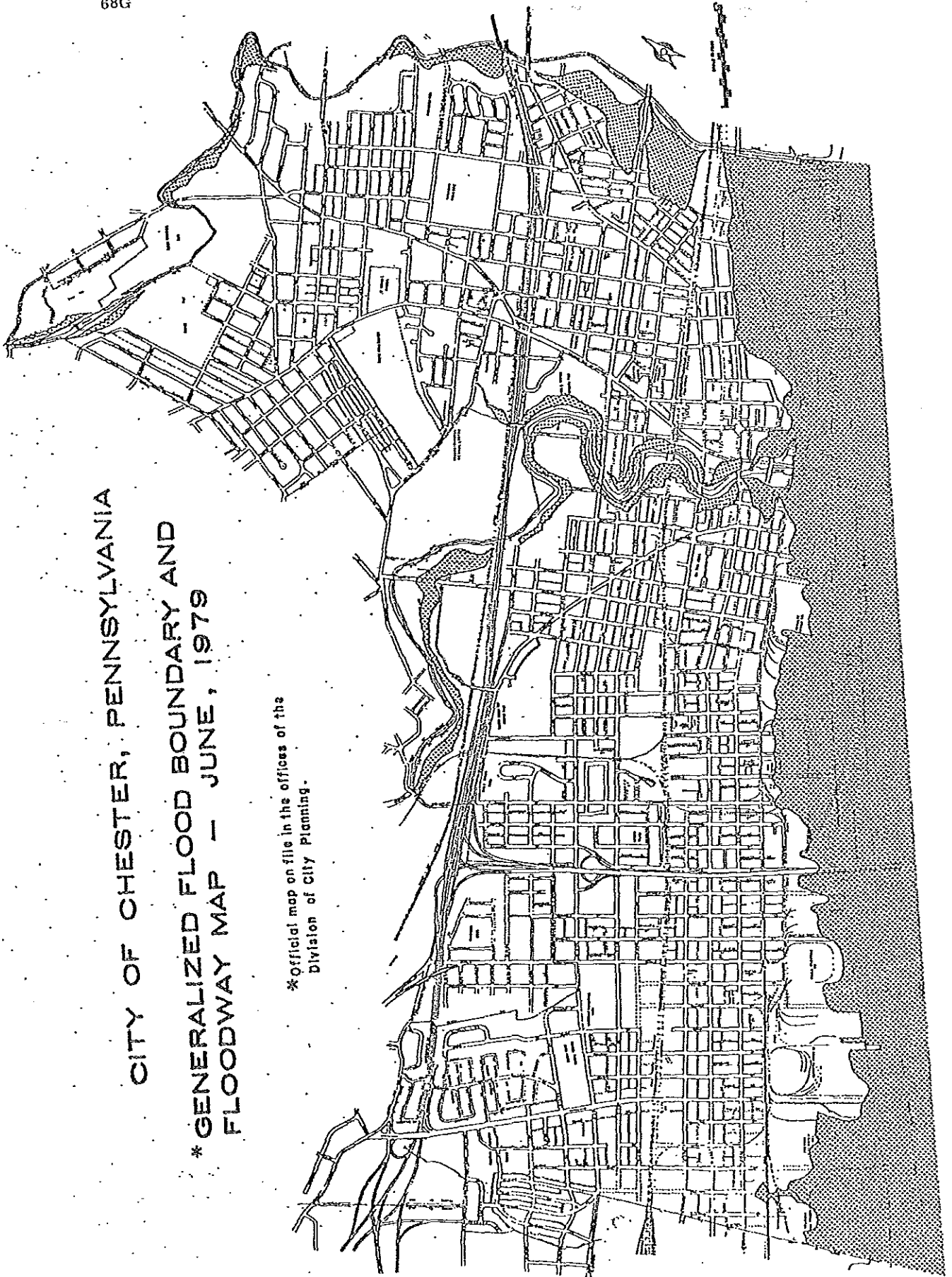
- (i) "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.
- (j) "Manufacture home park" means a parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for nontransient use.
- (k) "Structure" means anything constructed or erected on the ground or attached to the ground including, but not limited to, buildings, sheds, manufactured homes and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.
- (l) "Substantial improvements" means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:
 - (1) Any project for improvement of a structure to correct existing violation of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
 - (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".
- (m) "Basement" means any area of the building have its floor subgrade (below ground level) on all sides.
- (n) "Historic structure" means any structure that is:
 - (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - (3) Individually listed on a local inventory of historic places in communities with historic preservation programs which have been approved by the Secretary of the Interior; or
 - (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - A. By an approved state program as determined by the Secretary of the Interior; or
 - B. Directly by the Secretary of the Interior in states without approved programs.

- (o) "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this section.
- (p) "New construction" means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of this section, August 1, 1979, adopted by the City of Chester, Delaware County, Pennsylvania, and includes any subsequent improvements to such structures.
- (q) "Recreational vehicle" means a vehicle which is:
 - (1) Built on a single chassis;
 - (2) 400 square feet or less when measured at the largest horizontal projection;
 - (3) Designed to be self-propelled or permanently towable by a light duty truck; or
 - (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or season use.
- (r) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.
(Ord. 1-2010. Passed 1-13-10.)

CITY OF CHESTER, PENNSYLVANIA

* GENERALIZED FLOOD BOUNDARY AND
FLOODWAY MAP - JUNE, 1979

* Official map on file in the offices of the
Division of City Planning.



ARTICLE 1369
Ridley Creek Storm Water Management District

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|---|--|
| 1369.01 Purpose. | 1369.07 District boundary changes. |
| 1369.02 Applicability. | 1369.08 Interpretation of district boundaries. |
| 1369.03 Compliance. | 1369.09 District provisions. |
| 1369.04 Municipal liability. | 1369.10 Severability. |
| 1369.05 Description of zoning district. | |
| 1369.06 Zoning Map. | |

1369.01 PURPOSE.

This article has been enacted for the following purposes:

- (a) To protect public health and safety and minimize damage to property by providing for the management of storm water runoff in a manner consistent with the Ridley Creek Storm Water Management Plan.
 - (b) To insure that the design of storm water management systems and facilities in the Ridley Creek Storm Water Management District shall utilize the criteria and standards as found in the Ridley Creek Storm Water Management Plan.
 - (c) To maintain existing flows and quality of streams.
 - (d) To maximize recharge of ground waters and encourage natural infiltration of rainfall to preserve ground water supplies and stream flows.
 - (e) To provide for adequate maintenance of all permanent storm water management structures in the Ridley Creek Watershed portion of the City.
- (Ord. 12-1989 §1. Passed 7-5-89.)

1369.02 APPLICABILITY.

The provisions of this article shall apply to all forms of land alteration and disturbances within the portions of the Ridley Creek Watershed located within the jurisdiction of the City, unless specifically exempted or modified by this article.

(Ord. 12-1989 §1. Passed 7-5-89.)

1369.03 COMPLIANCE.

No land alteration or disturbance shall be allowed that is not in full compliance with the terms and provisions of this article and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this article.

(Ord. 12-1989 §1. Passed 7-5-89.)

1369.04 MUNICIPAL LIABILITY.

The grant of approval of a plan for any proposed subdivision and/or land development to be located within any designated storm water management district shall not constitute a representation, guarantee or warranty of any kind by the City or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the City, its officials or employees.
(Ord. 12-1989 §1. Passed 7-5-89.)

1369.05 DESCRIPTION OF ZONING DISTRICT.

(a) Basis of District. The basis for the delineation of this district shall be the Ridley Creek Storm Water Management Plan adopted by Delaware County as required by the Act of October 4, 1978, P.L. 864 (Act 167), and known as the Storm Water Management Act.

(b) Overlay Concept.

- (1) The Ridley Creek Storm Water Management District shall be an overlay to the existing underlying districts as shown on the Official Zoning Ordinance, and as such, the provisions for the district shall serve as a supplement to the underlying district provisions.
- (2) Where there happens to be any conflict between the provisions or requirements of the Ridley Creek Storm Water Management District and those of any underlying district the more restrictive provisions and/or those pertaining to the Ridley Creek Storm Water District shall apply.
- (3) In the event any provision concerning the Ridley Creek Storm Water Management District is declared inapplicable as a result of any legislative or administrative action or judicial discretion, the basic underlying district provisions shall remain applicable.
(Ord. 12-1989 §1. Passed 7-5-89.)

1369.06 ZONING MAP.

The boundary of the Ridley Creek Storm Water Management District is established as shown on Plate 1 of the Storm Water Management Plan for the Ridley Creek Watershed which is declared to be a part of this article and shall be kept on file at the City Municipal Building.
(Ord. 12-1989 §1. Passed 7-5-89.)

1369.07 DISTRICT BOUNDARY CHANGES.

The delineation of the Ridley Creek Storm Water Management District may be revised by Council where natural or man-made changes have occurred and/or more detailed studies conducted by the City, County, Pennsylvania Department of Environmental Resources or other qualified agency or individual documents the necessity for such changes. However, prior to any such change, approval must be obtained from Delaware County.
(Ord. 12-1989 §1. Passed 7-5-89.)

1369.08 INTERPRETATION OF DISTRICT BOUNDARIES.

Initial interpretations of the boundaries of the Ridley Creek Storm Water Management District shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of the district, the Zoning Hearing Board shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

(Ord. 12-1989 §1. Passed 7-5-89.)

1369.09 DISTRICT PROVISIONS.

(a) All uses, activities and development occurring within the Ridley Creek Storm Water Management District shall be undertaken in strict compliance with the provisions of this article and with all other applicable codes and ordinances such as the storm water management provisions contained in Article 1311 of this Part 13 - Planning and Zoning Code and Section 1701.02(l) of Part 17 - Building and Housing Code.

(b) Zoning approval in compliance with this article shall include compliance with Article 1311 and the Ridley Creek Storm Water Management District regulations as found in the Building Code as specified in Section 1701.02(l) of Part Seventeen - Building and Housing Code.

(c) In the Ridley Creek Storm Water Management District the permitted and prohibited uses shall be those of the underlying districts provided that they are not prohibited by any other ordinance.

(Ord. 12-1989 §1. Passed 7-5-89.)

1369.10 SEVERABILITY.

Should any section or provisions of this article be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the article as a whole or any part thereof other than the part so decided to be invalid. (Ord. 12-1989 §1. Passed 7-5-89.)

ARTICLE 1370
Chester Creek Stormwater Management Plan

1370.01	General provisions.	1370.06	Inspections
1370.02	Definitions.	1370.07	Fees and expenses.
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1370.01 GENERAL PROVISIONS.

- (a) Statement of Findings. The governing body of the Municipality finds that:
- (1) Inadequate management of accelerated stormwater runoff resulting from development throughout a watershed increases flood flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of existing streams and storm sewers, greatly increases the cost of public facilities to convey and manage stormwater undermines floodplain management and flood reduction efforts in upstream and downstream communities, reduces groundwater recharge, and threatens public health and safety.
 - (2) A comprehensive program of stormwater management, including reasonable regulation of development and activities causing accelerated erosion, is fundamental to the public health, safety, welfare, and the protection of the people of the Municipality and all of the people of the Commonwealth, their resources, and the environment.
- (b) Purpose. The purpose of this Article is to:
- (1) Promote health, safety, and welfare within the Municipality;
 - (2) Implement the requirements of the Chester Creek Stormwater Management Plan; and
 - (3) Implement the requirements of the National Pollutant Discharge Elimination System Phase II (NPDES II); by minimizing the damages described in subsection (a)(1) hereof through provisions designed to:
 - A. Manage accelerated runoff, erosion, and sedimentation problems at their source by regulating activities that cause these problems.
 - B. Utilize and preserve the existing natural drainage systems.

- C. Encourage recharge of groundwater where appropriate and prevent degradation of groundwater quality.
 - D. Maintain existing flows and quality of streams and watercourses in the Municipality and the Commonwealth.
 - E. Preserve and restore the flood-carrying capacity of streams.
 - F. Provide proper maintenance of all permanent stormwater management facilities that are constructed in the Municipality.
 - G. Provide performance standards and design criteria for watershed-wide stormwater management and planning.
- (c) Statutory Authority. The Municipality is empowered to regulate land use activities that affect runoff by the authority of the Act of October 4, 1978, 32 P.S., P.L. 864 (Act 167), Section 680.1 et seq., as amended, the "Storm Water Management Act," and the applicable Municipal Code.
- (d) Applicability.
- (1) This Article shall apply to those areas of the Municipality that are located within the Chester Creek watershed and/or all areas of the municipality, as delineated in the Chester Creek Stormwater Management Plan, which is hereby adopted as part of this Article.
 - (2) This Article shall only apply to permanent stormwater management facilities constructed as part of any of the regulated activities listed in this section. Stormwater management and erosion and sedimentation control during construction activities are specifically not regulated by this Article but shall continue to be regulated under existing laws and articles.
 - (3) This Article contains only the stormwater management performance standards and design criteria that are necessary or desirable from a watershed-wide perspective. Local stormwater management design criteria (e.g., inlet spacing, inlet type, collection system design and details, outlet structure design, etc.) shall continue to be regulated by the applicable municipal articles or at the municipal Engineer's discretion.
 - (4) The following activities are defined as "Regulated Activities" and shall be regulated by this Article:
 - A. Land development and/or redevelopment.
 - B. Subdivision.
 - C. Construction of new or additional impervious or semi-pervious surfaces (driveways, parking lots, etc.).
 - D. Construction of new buildings or additions to existing buildings.
 - E. Diversion or piping of any natural or man-made stream channel.
 - F. Installation of stormwater management facilities or appurtenances thereto.
 - G. Placement of fill material.
- (e) Repealer. Any ordinance or ordinance provision of the Municipality inconsistent with any of the provisions of this article is hereby repealed to the extent of the inconsistency only.
- (f) Severability. Should any section or provision of this Article be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Article.

BMP (Best Management Practice) - Stormwater structures, facilities, and techniques to maintain or improve the water quality of surface runoff. Pennsylvania Handbook of Best Management Practices for Developing Areas, Spring 1998.

Buffer- see Riparian Buffer.

Channel Erosion - The widening, deepening, and headward cutting of small channels and waterways due to erosion caused by moderate to large floods.

Cistern - An underground reservoir or tank for storing rainwater.

Combined Sewers - A sewerage system that carries both sanitary sewage and stormwater runoff.

Conservation District - The Delaware and Chester County Conservation Districts as appropriate for the individual Municipality within the Chester Creek watershed.

Culvert - A structure with appurtenant works that carries a stream under or through an embankment or fill.

Dam - An artificial barrier, together with its appurtenant works, constructed for the purpose of impounding or storing water or another fluid or semifluid, or a refuse bank, fill, or structure for highway, railroad, or other purposes which does or may impound water or another fluid or semifluid.

Deed Restriction - See Restrictive Covenant.

Design Storm - The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence (e.g., a 5-year storm) and duration (e.g., 24 hours), used in the design and evaluation of stormwater management systems.

Designee - The agent of the Delaware County Planning Department or the Chester County Planning Commission and/or agent of the governing body involved with the administration, review, or enforcement of any provisions of this Article by contract or memorandum of understanding.

Detention Basin - An impoundment structure designed to manage stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

Detention District - Those subareas in which some type of detention is required to meet the plan requirements and the goals of Act 167.

Developer - A person, partnership, association, corporation, or other entity, or any responsible person therein or agent thereof, that undertakes any regulated activity of this Article.

Development - See Land Development.

- (g) Compatibility with Other Ordinance Requirements. Approvals issued pursuant to this Article do not relieve the applicant of the responsibility to comply with or to secure required permits or approvals for activities regulated by any other applicable codes, rules, statutes, or articles.
(Ord. 23-2003. Passed 12-23-03.)

1370.02 DEFINITIONS.

For the purposes of this chapter, certain terms and words used herein shall be interpreted as follows:

- (a) Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include feminine gender, and words of feminine gender include masculine gender.
- (b) The words "includes" or "including" shall not limit the term to the specific example but are intended to extend its meaning to all other instances of like kind and character.
- (c) The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other similar entity.
- (d) The words "shall" and "must" are mandatory; the words "may" and "should" are permissive.
- (e) The words "used" or "occupied" include the words "intended, designed, maintained, or arranged to be used, occupied, or maintained."

Accelerated Erosion - The removal of the surface of the land through the combined action of man's activity and the natural processes at a rate greater than would occur because of the natural process alone.

Accessory Structure - A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use.

Agricultural Activities - The work of producing crops and raising livestock including tillage, plowing, disking, harrowing, pasturing, and installation of conservation measures. Construction of new buildings or impervious area is not considered an agricultural activity.

Alteration - As applied to land, a change in topography as a result of the moving of soil and rock from one location or position to another; also, the changing of surface conditions by causing the surface to be more or less impervious; land disturbance.

Applicant - A landowner or developer who has submitted a drainage plan or filed an application for approval to engage in any regulated activities as deemed in Section 1370.01(d).

As-built Drawings - A set of engineering or site drawings that delineates the specific permitted stormwater management facility as actually constructed.

Flood - A general but temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, and other waters of this Commonwealth.

Floodplain - Any land area susceptible to inundation by water from any natural source or delineated by applicable Department of Housing and Urban Development, Federal Insurance Administration, Flood Hazard Boundary Map as being a special flood hazard area.

Floodway - The channel of the watercourse and those portions of the adjoining floodplains that are reasonably required to carry and discharge the 100-year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by the Federal Emergency Management Agency (FEMA). In an area where no FEMA maps or studies have defined the boundary of the 100-year frequency floodway, it is assumed - absent evidence to the contrary - that the floodway extends from the stream to fifty (50) feet from the top of the bank of the stream.

Forest Management/Timber Operations - Planning and activities necessary for the management of forest land. These include timber inventory and preparation of forest management plans, silvicultural treatment, cutting budgets, logging road design and construction, timber harvesting, site preparation, and reforestation.

Freeboard - A vertical distance between the elevation of the design high water and the top of a dam, levee, tank, basin, or diversion ridge. The space is required as a safety margin in a pond or basin.

Grade - A slope, usually of a road, channel, or natural ground, specified in percent and shown on plans as specified herein. (To) Grade - to finish the surface of a roadbed, top of embankment, or bottom of excavation.

Grassed Waterway - A natural or constructed waterway, usually broad and shallow, covered with erosion-resistant grasses, used to conduct surface water from cropland.

Groundwater Recharge - Replenishment of existing natural underground water supplies.

Impervious Surface - A surface that has been compacted or covered with material to the extent that it is highly resistant to infiltration by water, including, but not limited to, conventional impervious surfaces such as paved streets, roofs, compacted stone, and sidewalks. In addition, the following shall be considered impervious surfaces when used by motor vehicles: graveled areas, paver blocks, bricks, and cobblestone.

Impoundment - A retention or detention basin designed to retain stormwater runoff and release it at a controlled rate.

Infiltration Structures - A structure designed to direct runoff into the ground (e.g., French drains, seepage pit, and seepage trench).

Development Site - The specific tract of land for which a regulated activity is proposed.

Discharge Easement - The grant of a property right to allow runoff in excess of the previous quantity and/or rate of flow.

Downslope Property Line - That portion of the property line of the lot, tract, or parcels of land being developed located such that all overland or pipe flow from the site would be directed towards it.

Drainage Conveyance Facility - A stormwater management facility designed to transmit stormwater runoff, including streams, channels, swales, pipes, conduits, culverts, storm sewers, etc.

Drainage Easement - A right granted by a landowner to a grantee allowing the use of private land for stormwater management purposes.

Drainage Permit - A permit issued by the Municipality after the drainage plan has been approved. Said permit is issued prior to or with the final municipal approval.

Drainage Plan - The documentation of the stormwater management system, if any, to be used for a given development site, the contents of which are established in Section 1370.03(d).

Earth Disturbance - Any activity including, but not limited to, construction, mining, timber harvesting, and grubbing which alters, disturbs, and exposes the existing land surface.

Easement - A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose (e.g., utility lines) and within which the owner of the property shall not erect any permanent structures.

Ephemeral Streams - Streams that carry only surface runoff and are dry except during precipitation events. The groundwater table is generally located below the bottom of ephemeral streams.

Erosion - The movement of soil particles by the action of water, wind, ice, or other natural forces.

Erosion and Sediment Pollution Control Plan - A plan that is designed to minimize accelerated erosion and sedimentation. Said plan must be submitted to and approved by the Delaware or Chester County Conservation Districts of the appropriate Municipality before construction can proceed.

Existing Conditions - The initial condition of a project site prior to the proposed construction. If the initial condition of the site is undeveloped land, the land use shall be considered as "meadow" on "B" soils unless the natural land cover is proven to generate lower curve numbers or Rational "C" value, such as forested lands.

Inlet - A surface connection to a closed drain. A structure at the diversion end of a conduit. The upstream end of any structure through which water may flow.

Intermittent Streams - Streams which flow only during wet seasons. The groundwater table generally is at or above the bottom of intermittent streams during wet seasons but drops below the stream bottom during dry seasons. Stream flow in intermittent streams is primarily due to precipitation but does have some groundwater contribution during wet seasons.

Land Development - (i) The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving (a) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure, or (b) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups, or other features; (ii) any subdivision of land; (iii) development in accordance with Section 503(1.1) of the PA Municipalities Planning Code.

Land/Earth Disturbance - Any activity involving grading, tilling, digging, or filling of ground or stripping of vegetation or any other activity that causes an alteration to the natural condition of the land.

Main Stem (Main Channel) - Any stream segment or other runoff conveyance facility used as a reach in the Chester Creek hydrologic model.

Manning Equation in (Manning Formula) - A method for calculation of velocity of flow (e.g., feet per second) and flow rate (e.g., cubic feet per second) in open channels based upon channel shape, roughness, depth of flow, and slope. "Open channels" may include closed conduits so long as the flow is not under pressure.

Municipality - City of Chester, Delaware County or Chester County, Pennsylvania.

Nonpoint Source Pollution - Pollution that enters a watery body from diffuse origins in the watershed and does not result from discernible, confined, or discrete conveyances.

NRCS - Natural Resource Conservation Service (previously the Soil Conservation Service (SCS)).

Open Channel - A drainage element in which stormwater flows with an open surface. Open channels include, but shall not be limited to, natural and man-made drainageways, swales, streams, ditches, canals, and pipes flowing partly full.

Outfall - Point where water flows from a conduit, stream, or drain.

Outlet - Points of water disposal from a stream, river, lake, tidewater, or artificial drain.

Parking Lot Storage - Involves the use of impervious parking areas as temporary impoundments with controlled release rates during rainstorms.

Peak Discharge - The maximum rate of stormwater runoff from a specific storm event.

Penn State Runoff Model (calibrated) - A computer-based hydrologic modeling technique.

Perennial Streams - Streams that flow year round. Perennial streams derive their flow from both groundwater and runoff, and the groundwater table never drops below the streambed.

Pipe - A culvert, closed conduit, or similar structure (including appurtenances) that conveys stormwater.

Planning Commission - The Planning Commission of the City of Chester.

PMF - Probable Maximum Flood - The flood that may be expected from the most severe combination of critical meteorologic and hydrologic conditions that are reasonably possible in any area. The PMF is derived from the probable maximum precipitation (PMP) as determined based on data obtained from the National Oceanographic and Atmospheric Administration (NOAA).

Rational Formula - A rainfall-runoff relation used to estimate peak flow.

Redevelopment - Reconstruction of an existing improved, developed property, as of the date of adoption of this Article.

Regulated Activities - Actions or proposed actions that have an impact on stormwater runoff and that are specified in Section 1370.01(d).

Release Rate - The percentage of pre-development peak rate of runoff from a site or sub-area to which the post-development peak rate of runoff must be reduced to protect downstream areas.

Restrictive Covenant - A restriction on the use of land usually set forth in the deed. Restrictive covenants (a.k.a. deed restrictions) usually run with the land and are binding upon subsequent owners of the property.

Retention Basin - An impoundment in which stormwater is stored and not released during the storm event. Stored water may be released from the basin at some time after the end of the storm.

Return Period - The average interval, in years, within which a storm event of a given magnitude can be expected to recur. For example, the 25-year return period rainfall would be expected to recur on the average once every twenty-five (25) years.

Riparian Buffer - A vegetative strip paralleling the banks of a perennial or intermittent stream or other water body (including wetlands and ponds). The buffer shall contain appropriate native vegetation throughout its width with the exception of a minimum five-foot wide strip of land maintained in meadow grass or forbs at its outer boundary. See also Appendix C, Riparian Buffer Technical Reference Guide.

Riser - A vertical pipe extending from the bottom of a pond that is used to control the discharge rate from the pond for a specified design storm.

Rooftop Detention - Temporary ponding and gradual release of stormwater falling directly onto flat roof surfaces by incorporating controlled flow roof drains into building designs.

Runoff - Any part of precipitation that flows over the land surface.

Sediment Basin - A barrier, dam, or retention or detention basin located and designed to retain rock, sand, gravel, silt, or other material transported by water.

Sediment Pollution - The placement, discharge, or any other introduction of sediment into the waters of the Commonwealth occurring from the failure to design, construct, implement, or maintain control measures and control facilities in accordance with the requirements of this Article.

Sedimentation - The process by which matter is accumulated or deposited by the movement of water.

Seepage Pit/Seepage Trench - An area of excavated earth filled with loose stone or similar coarse material into which surface water is directed for infiltration into the ground.

Sheet Flow - Runoff that flows over the ground surface as a thin, even layer, not concentrated in a channel.

Soil-Cover Complex Method - A method of runoff computation developed by the NRCS that is based on relating soil type and land use/cover to a runoff parameter called curve number (CN).

Soil Group, Hydrologic - A classification of soils by SCS into four runoff potential groups. The groups range from A soils, which are very permeable and produce little runoff, to D soils, which are not very permeable and produce much more runoff.

Spillway - A depression in the embankment of a pond or basin that is used to pass the peak discharge which is greater than the maximum design storm controlled by the pond.

Storage Indication Method - A reservoir routing procedure based on solution of the continuity equation (inflow minus outflow equals the change in storage) with outflow defined as a function of storage volume and depth.

Storm Frequency - The number of times that a given storm "event" occurs or is exceeded on the average in a stated period of years. See "Return Period."

Storm Sewer - A system of pipes and/or open channels that conveys intercepted runoff and stormwater from other sources but excludes domestic sewage and industrial wastes.

Stormwater - The total amount of precipitation reaching the ground surface.

Stormwater Management Facility - Any structure, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects stormwater runoff. Typical stormwater management facilities include, but are not limited to, detention and retention basins, open channels, storm sewers, pipes, and infiltration structures.

Stormwater Management Plan - The plan for managing stormwater runoff in the Chester Creek watershed adopted by Delaware and Chester Counties as required by the Act of October 4, 1978, P.L. 864, (Act 167), and known as the "Act 167 Stormwater Management Plan, Chester Creek Watershed."

Stormwater Management Site Plan - The plan prepared by the applicant or his representative indicating how stormwater runoff will be managed at the particular site of interest according to this Article.

Stream Enclosure - A bridge, culvert, or other structure in excess of one hundred (100) feet in length upstream to downstream which encloses a regulated water of this Commonwealth.

Subarea - The smallest drainage unit of a watershed for which stormwater management criteria have been established in the Stormwater Management Plan.

Subdivision - The division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres not involving any new street or easement of access or any residential dwellings shall be exempt.

Swale - A low-lying stretch of land that gathers or carries surface water runoff.

Timber Operations - See Forest Management

Time of Concentration (Tc) - The time for surface runoff to travel from the hydraulically most distant point of the watershed to a point of interest within the watershed. This time is the combined total of overland flow time and flow time in pipes or channels, if any.

TR-20 - The computer-based hydrologic modeling technique adapted to the Chester Creek watershed for the Act 167 plan. The model has been "calibrated" to reflect actual recorded flow values by adjusting key model input parameters.

TR-55 - A method for determining runoff volumes and rates developed by NRCS.

Watercourse - A channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

Waters of the Commonwealth - Any and all rivers, streams, creeks, rivulets, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

Wetland - Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. (Ord. 23-2003. Passed 12-23-03.)

1370.03 DRAINAGE PLAN REQUIREMENTS.

(a) General Requirements. For any of the activities regulated by this Article, the final approval of subdivision and/or land development plans, the issuance of any building or occupancy permit, or the commencement of any land disturbance activity may not proceed until the applicant or his/her agent has received written approval of a drainage plan from the Municipality.

(b) Exemptions.

- (1) Stormwater Quantity Control Exemption - Any regulated activity that meets the following exemption criterion shall not be required to submit a drainage plan implementing the stormwater quantity controls of this Article. This criterion shall apply to the total development even if the development is to take place in phases. The date of the municipal Ordinance adoption shall be the starting point from which to consider tracts as "parent tracts" in which future subdivisions and respective impervious area computations shall be cumulatively considered.¹ Exemption shall not relieve the applicant from implementing such measures as are necessary to protect health, safety, and property.

Stormwater Management Exemption Criterion

No more than ten (10) percent of the total site area, up to a maximum of two thousand (2,000) square feet of additional impervious cover.¹

- (2) Applicants whose activities are exempted under Section 1370.03(b)(1) above shall still be required to meet the stormwater management quality controls of this Article. This may be achieved by implementing one or more of the following minimum best management practices:
- A. Provide infiltration capacity for the equivalent of one (1) inch of runoff from all new impervious surfaces. The infiltration volume does not have to be provided in one location. However, if site conditions preclude capture of runoff from portions of the impervious area, the infiltration volume for the remaining area should be increased an equivalent amount to offset the loss. In no case should the portion of the new impervious area flowing to an infiltration facility be less than seventy (70) percent of the total new impervious area.
 - B. If site conditions preclude use of infiltration facilities (e.g., high groundwater table or extensive rock conditions), provide an extended detention facility that will detain the equivalent of one (1) inch of runoff from all new impervious areas for at least twenty-four (24) hours.
 - C. Provide buffer areas on the downstream side of any new impervious surfaces (e.g., sidewalks, roadways, parking lots) where the runoff discharges in a sheet flow manner. The buffer areas should be at least twenty (20) feet wide and can be a mix of grass, shrubs, and trees. If buffer areas cannot be provided for the entire length of the impervious surfaces, consider installing a bioretention system and diverting surface runoff from the impervious surfaces to the facility using grass swales.
 - D. If none of the above options are feasible due to site constraints,^{2a} the applicant must provide stormwater detention that meets the release rate criteria for the site location or else obtain approval from the municipal Engineer to implement other BMPs that will provide water quality benefits of an equivalent level.

¹ If an applicant proposes a 1,000 square foot room addition to his/her home after adoption of the municipal stormwater management ordinance, that applicant would be exempted from the stormwater quantity control submission requirements of this Article. If, at a later date, the applicant proposes to construct a 1,200 square foot tennis court on the same property, the applicant would be required to comply with the full stormwater quantity and quality control submission requirements of this Article for the total 2,200 square feet of additional impervious surface added to the original property since adoption of the municipal ordinance.

- (3) New federal regulations approved October 1999 require operators of small municipal separate storm sewer systems (MS4s) to obtain NPDES Phase II permits from DEP by March 2003. (NPDES II is an acronym for the National Pollutant Discharge Elimination System Phase II Stormwater Permitting Regulations.) This program affects all municipalities in "urbanized areas" of the state. This definition applies to all Chester Creek watershed municipalities. Therefore, all municipalities within the Chester Creek watershed will be subject to the NPDES Phase II requirements, mandated by the Federal Clean Water Act as administered by DEP. For more information on NPDES II requirements, contact the DEP Regional Office.

(c) Plan Submission. For all activities regulated by this Article, the steps below shall be followed for submission. For any activities that require a DEP Joint Permit Application and are regulated under Chapter 105 (Dam Safety and Waterway Management) or Chapter 106 (Floodplain Management) of DEP's Rules and Regulations, require a PennDOT Highway Occupancy Permit, or require any other permit under applicable state or federal regulations, the permit(s) shall be part of the plan.

- (1) Five (5) copies of the drainage plan and associated plan review application shall be submitted by the applicant as part of the Act 247 preliminary plan submission for the regulated activity. Distribution of the drainage plan will be as follows:
 - A. Two (2) copies to the Municipality accompanied by the requisite municipal review fee, as specified in this Article.
 - B. One (1) copy to the municipal Engineer.
 - C. One (1) copy to the Delaware County Planning.
 - D. One (1) copy to the County Conservation District.

(d) Drainage Plan Contents. The drainage plan shall consist of all applicable calculations, maps, and plans. A note on the maps shall refer to the associated computations and erosion and sedimentation control plan by title and date. The cover sheet of the computations and erosion and sedimentation control plan shall refer to the associated maps by title and date. All drainage plan materials shall be submitted to the Municipality in a format that is clear, concise, legible, neat, and well organized; otherwise, the drainage plan shall be disapproved and returned to the applicant.

The following items shall be included in the drainage plan:

- (1) General.
 - A. General description of project.
 - B. General description of permanent stormwater management techniques, including construction specifications of the materials to be used for stormwater management facilities.
 - C. Complete hydrologic, hydraulic, and structural computations for all stormwater management facilities.
- (2) Map(s) of the project area shall be submitted on sheets and shall be prepared in a form that meets the requirements for recording at the offices of the Recorder of Deeds of Delaware County. The contents of the maps(s) shall include, but not be limited to:

- A. The location of the project relative to highways, municipalities, or other identifiable landmarks.
- B. Existing contours at intervals of two (2) feet. In areas of steep slopes (greater than fifteen (15) percent), five-foot contour intervals may be used.
- C. Existing streams, lakes, ponds, or other bodies of water and wetlands within the project area.
- D. Other physical features including flood hazard boundaries, streams, existing drainage courses, areas of natural vegetation to be preserved, and the total extent of the upstream area draining through the site.
- E. The locations of all existing and proposed structures and utilities within fifty (50) feet of property lines.
- F. An overlay showing soil names and boundaries.
- G. Proposed changes to the land surface and vegetative cover, including the type and amount of impervious area that would be added.
- H. Proposed structures, roads, paved areas, and buildings.
- I. Final contours at intervals of two (2) feet. In areas of steep slopes (greater than fifteen (15) percent), five-foot contour intervals may be used.
- J. The name of the development, the name and address of the owner of the property, and the name of the individual or firm preparing the plan.
- K. The date of the plan, including revisions.
- L. A graphic and written scale at a minimum of one (1) inch equals no more than fifty (50) feet.
- M. A north arrow.
- N. The total tract boundary and size with distances marked to the nearest foot and bearings to the nearest degree.
- O. Existing and proposed land use(s).
- P. Vertical profiles of all proposed open channels and storm sewers including hydraulic capacity for both.
- Q. Overland drainage paths of proposed swales or channels to convey water.
- R. A note on the plan indicating the location, access, and responsibility for maintenance of stormwater management facilities.
- S. A statement, signed by the landowner, acknowledging the stormwater management system to be a permanent fixture that can be altered or removed only after approval of a revised plan by the Municipality.
- T. The following signature block for the design engineer:
"(Design Engineer), on this date (date of signature), has reviewed and hereby certifies that the drainage plan meets all design standards and criteria of the Act 167 Stormwater Management Plan, Chester Creek Watershed, Model Stormwater Management Ordinance."

- (3) Supplemental Information.
 - A. A written description of the following information shall be submitted.
 - 1. The overall stormwater management concept for the project.
 - 2. Stormwater runoff computations as specified in this Article.
 - 3. Stormwater management techniques to be applied both during and after development.
 - 4. Expected project time schedule.
 - B. A soil erosion and sedimentation control plan, where applicable, including all reviews and approvals, as required by DEP.
 - C. The effect of the project (in terms of runoff volumes and peak flows) on adjacent properties and on any existing municipal stormwater collection system that may receive runoff from the project site.
- (4) Stormwater Management Facilities
 - A. All stormwater management facilities must be located on a plan and described in detail.
 - B. When groundwater recharge methods such as seepage pits, beds, or trenches are used, the locations of existing and proposed septic tank infiltration areas and wells must be shown.
 - C. All calculations, assumptions, and criteria used in the design of the stormwater management facilities must be shown.

(e) Drainage Plan Review.

- (1) The municipal Engineer shall review the drainage plan for consistency with the adopted Chester Creek Stormwater Management Plan. The Municipality shall require receipt of a complete plan, as specified in this Article. The municipal Engineer shall review the drainage plan for any submission or land development against the municipal subdivision and land development ordinance provisions not superseded by this Article.
- (2) The Conservation District, in accordance with established criteria and procedures, shall review the drainage plan for consistency with stormwater management and erosion and sediment pollution control requirements and provide comments to the Municipality. Such comments shall be considered by the Municipality prior to final approval of the drainage plan.
- (3) For activities regulated by this Article, the municipal Engineer shall notify the City of Chester in writing as to whether the drainage plan is consistent with the Stormwater Management Plan. Should the drainage plan be determined to be consistent with the Stormwater Management Plan, the municipal Engineer will forward an approval letter to the applicant with a copy to the municipal Secretary.
- (4) Should the drainage plan be determined to be inconsistent with the Stormwater Management Plan, the municipal Engineer will forward a disapproval letter to the applicant with a copy to the municipal Secretary citing the reason(s) for the disapproval. Any disapproved drainage plans may be revised by the applicant and resubmitted consistent with this Article.

- (5) For regulated activities specified in Section 1370.01(d), the municipal Engineer shall notify the municipal Building Permit Officer in writing, within a time frame consistent with the municipal building code and/or municipal subdivision ordinance, as to whether the drainage plan is consistent with the Stormwater Management Plan and forward a copy of the approval/disapproval letter to the applicant. Any disapproved drainage plan may be revised by the applicant and resubmitted consistent with this Article.
 - (6) For regulated activities requiring a DEP Joint Permit Application, the municipal Engineer shall notify DEP as to whether the drainage plan is consistent with the Stormwater Management Plan and forward a copy of the review letter to the Municipality and the applicant. DEP may consider the municipal Engineer's review comments in determining whether to issue a permit.
 - (7) The Municipality shall not approve any subdivision or land development for regulated activities specified in Section 1370.01(d) if the drainage plan has been found to be inconsistent with the Stormwater Management Plan, as determined by the municipal Engineer. All required permits from DEP must be obtained prior to approval.
 - (8) The municipal Building Permit Officer shall not issue a building permit for any regulated activity specified in Section 1370.01(d) if the drainage plan has been found to be inconsistent with the Stormwater Management Plan, as determined by the municipal Engineer, or without considering the comments of the municipal Engineer. All required permits from DEP must be obtained prior to issuance of a building permit.
 - (9) The applicant shall be responsible for completing as-built drawings of all stormwater management facilities included in the approved drainage plan. The as-built drawing and an explanation of any discrepancies with the design plans shall be submitted to the municipal Engineer for final approval.
 - (10) The Municipality's approval of a drainage plan shall be valid for a period not to exceed five (5) years. This five-year period shall commence on the date that the Municipality signs the approved drainage plan. If stormwater management facilities included in the approved drainage plan have not been constructed, or if as-built drawings of these facilities have not been approved within this five-year time period, then the Municipality may consider the drainage plan disapproved and may revoke any and all permits. Drainage plans that are considered disapproved by the Municipality shall be resubmitted in accordance with subsection (g) hereof.
- (f) Modification of Plans.
- (1) A modification to a submitted drainage plan for a development site that involves a change in stormwater management facilities or techniques, or that involves the relocation or re-design of stormwater management facilities, or that is necessary because soil or other conditions are not as stated on the drainage plan as determined by the municipal Engineer, shall require a resubmission of the modified drainage plan consistent with subsection (d) hereof and be subject to review as specified in subsection (e) hereof.

- (2) A modification to an already approved or disapproved drainage plan shall be submitted to the Municipality, accompanied by the applicable review fee. A modification to a drainage plan for which a formal action has not been taken by the Municipality shall be submitted to the Municipality, accompanied by the applicable municipal review fee.

(g) Resubmission of Disapproved Drainage Plans. A disapproved drainage plan may be resubmitted, with the revisions addressing the municipal Engineer's concerns documented in writing, to the municipal Engineer in accordance with subsection (d) hereof and be subject to review as specified in subsection (e) hereof. The applicable municipal review fee must accompany a resubmission of a disapproved drainage plan.
(Ord. 23-2003. Passed 12-23-03.)

1370.04 STORMWATER MANAGEMENT.

(a) General Procedures for Water Quality and Quantity Control.

- (1) All regulated activities in the Chester Creek watershed which do not fall under the exemption criterion shown in Section 1370.03(b) shall submit a drainage plan consistent with the Chester Creek Stormwater Management Plan to the Municipality for review. This criterion shall apply to the total proposed development even if development is to take place in stages. Impervious cover shall include, but not be limited to, any roof, parking, or driveway areas and any new streets and sidewalks. Any areas designed to initially be gravel or crushed stone shall be assumed to be impervious.
- (2) Drainage plans shall be prepared in accordance with the provisions contained in this article. The process for implementing these provisions is illustrated in Figure 4-1, Water Quality and Quantity Control Drainage Plan Preparation Procedures.
- (3) The Chester Creek Stormwater Management Plan requires water quality and water quantity controls as illustrated on the flow chart shown in Figure 4-1 and detailed in subsection (d) hereof. The flow chart illustrates a three-step hierarchical process: Step 1 - Infiltration, Step 2 - Extended detention, and Step 3 - Implementation of additional design controls. Applicants must evaluate the outcome of each step before proceeding to the next. In addition, riparian buffers are required where applicable, in accordance with subsection (d)(1)B.
- (4) Applicants are highly encouraged to meet the post-development peak discharge control criteria indicated in subsection (b) and (c) through use of BMPs and innovative site designs that minimize the amount of new impervious surface.

(b) Stormwater Management Districts.

- (1) The Chester Creek watershed is divided into districts that represent three (3) levels of stormwater management. The boundaries of the stormwater management districts are shown on an official release rate map, included as part of the Chester Creek Stormwater Management Plan (see Plate 6, Release Rate Map). A copy of the official release rate map at a reduced scale is included as Plate 1 in Appendix A of this Article. This map is for reference only. The exact location of the stormwater management district boundaries as they apply to a given development site must be determined by mapping the boundaries using the two-foot topographic contours (or the most accurate data required) provided as part of the drainage plan.

- (2) All other areas of the municipality not in the Chester Creek watershed shall be required to utilize a 100% release rate when developing stormwater controls in conformance with subsection (c) hereof.

(c) Stormwater Management District Implementation Provisions (Performance Standards).

- (1) General - Post-development rates of runoff from any regulated activity shall not exceed the peak release rates of runoff prior to development for the design storms specified on the official stormwater management release rate map, Appendix A, and subsection (b) hereof.
- (2) Standards for managing runoff:
- A. For new development from each subarea in the Chester Creek watershed for the 2-, 5-, 10-, 25-, 50-, and 100-year design storms are shown in Table 403-1. Development sites located in each of the districts must control post-development peak runoff rates to the specified percentage of pre-development peak runoff rates for the design storms as shown in the table.

TABLE 403-1 CONTROL CRITERIA FOR STORMWATER MANAGEMENT DISTRICTS	
DISTRICT	CONTROL CRITERIA
100%	Post-development peak discharge for all design storms must be no greater than predevelopment peak discharges
75%	Post-development peak discharge for all design storms must be no greater than seventy-five percent (75%) of the predevelopment peak discharges.
50%	Post-development peak discharge for all design storms must be no greater than fifty percent (50%) of the predevelopment peak discharges.

SOURCE: Gannett Fleming, 2001

- B. All other areas of the municipality shall utilize a 100% release rate for the purpose of implementation of this Article.
- (3) Redevelopment projects shall meet peak discharge requirements based on the adjusted runoff control number (RCN) or "C" value illustrated by Figure B-3 in Appendix B.
- (4) Sites Located in More than One District - for a proposed development site located within two or more release category subareas, the peak discharge rate from any subarea shall be the predevelopment peak discharge for each subarea multiplied by the applicable release rate. The calculated peak discharges shall apply regardless of whether the grading plan changes the drainage area by subarea.

- (5) Off-site Areas - Off-site areas that drain through a proposed development site are not subject to release rate criteria when determining allowable peak runoff rates. However, on-site drainage facilities shall be designed to safely convey off-site flows through the development site.
- (6) Site Areas - Where the site area to be impacted by a proposed development activity differs significantly from the total site area, as determined by the municipal Engineer, only the proposed development area and areas contributory to the proposed stormwater management facilities shall be subject to the release rate criteria.

(d) Water Quality Requirements.

- (1) In addition to the performance standards and design criteria requirements of subsection (b) and (c) and subsections (e) and (f), the applicant shall comply with the following water quality requirements unless otherwise exempted by provisions of this Article.
 - A. The applicant shall first provide infiltration facilities in areas where soils are suitable for infiltration and shall direct the runoff from impervious surfaces into those infiltration facilities. The volume of storage to be provided shall be no less than the net increase in runoff from the 2-year storm event, or one (1) inch of runoff from the total area draining to the infiltration facility, whichever is greater.
 - B. If a perennial or intermittent stream passes through the site, the applicant shall create a riparian buffer extending a minimum of fifty (50) feet to either side of the top of the bank of the channel. The buffer area shall be maintained with appropriate native vegetation (see list of technical references in Appendix C of this Article). If the applicable rear or side yard setback is less than fifty (50) feet, the buffer width may be reduced to twenty-five (25) percent of the setback to a minimum of ten (10) feet. If an existing buffer is legally prescribed (e.g., deed covenant, easement, etc.) and it exceeds the requirement of this Article, the existing buffer shall be maintained.
 - C. Detain the 2-year, 24-hour design storm runoff based on using the SCS Type II distribution. Provisions shall be made so that the detained runoff takes a minimum of twenty-four (24) hours to drain from the facility from a point where the maximum volume of water is captured (i.e., the maximum water surface elevation is achieved in the facility). Release of water can begin at the start of the storm (i.e., the invert of the water quality orifice is at the invert of the facility). The design of the facility shall consider and minimize the chances of clogging and sedimentation potential. The applicant may also utilize infiltration facilities in lieu of extended detention. The volume of infiltration provided for the contributing area may be deducted from the volume requirement for extended detention.
- (2) The applicant shall submit designs for water quality facilities to the municipal Engineer for review and approval. Such designs may achieve the water quality objectives through a combination of BMPs.

- (3) In selecting the appropriate BMPs or combinations thereof, the applicant shall consider the following:
 - A. Total contributing area
 - B. Permeability and infiltration rate of the site soils
 - C. Slope and depth to bedrock
 - D. Seasonal high water table
 - E. Proximity to building foundations and well heads
 - F. Erodibility of soils
 - G. Land availability and configuration of the topography
 - H. Consistency with approved watershed and stormwater management plans or regulations.
- (4) The following additional factors should be considered when evaluating the suitability of BMPs used to control water quality at a given development site:
 - A. Peak discharge and required volume control
 - B. Streambank erosion
 - C. Efficiency of the BMPs to mitigate potential water quality problems
 - D. The volume of runoff that will be effectively created
 - E. The nature of the pollutant being removed
 - F. Maintenance requirements
 - G. Creation/protection of aquatic and wildlife habitat
 - H. Recreational value
 - I. Enhancement of aesthetic and property value.
- (e) Calculation Methodology.
 - (1) Any stormwater runoff calculations involving drainage areas greater than two hundred (200) acres, including on-and off-site areas, shall use a generally accepted calculation technique that is based on the NRCS soil-cover complex method. Table-405-1 summarizes acceptable computation methods. It is assumed that all methods will be selected by the design professional based on the individual limitations and suitability of each method for a particular site.

TABLE 405-1 ACCEPTABLE COMPUTATION METHODOLOGIES FOR STORMWATER MANAGEMENT PLANS		
METHOD	METHOD DEVELOPED BY	APPLICABILITY
TR-20 or commercial package based on TR-20	USDA-NRCS	When use of full model is desirable or necessary
Tr-55 or commercial package based on TR-55	USDA-NRCS	Applicable for plans within the model's limitations
HEC-HMS	U.S. Army Corps of Engr.	When use of full model is desirable or necessary
PSRM	Penn State Univ.	When use of full model is desirable or necessary
Rational Method or commercial package based on Rational Method*	Emil Kuiching (1889)	For sites with a total contributing drainage area of less than one hundred (100) acres
Other methods	Various	As approved by the Municipal Engineer

* Use of the Rational Method to estimate peak discharges from drainage areas that contain more than one hundred (100) acres must be approved by the municipal Engineer.

SOURCE: Gannett Flemmg, 2001

- (2) All calculations consistent with this Article using the soil-cover complex method shall use the appropriate design rainfall depths for the various return period storms presented in Table B-1 in Appendix B of this Article. If a hydrologic computer model such as PSRM or HEC- 1 is used for stormwater runoff calculations, then the duration of rainfall shall be twenty-four (24) hours. The NRCS "S" curve shown in Figure B-1, Appendix B of this Article shall be used for the rainfall distribution.
- (3) For the purposes of pre-development flow rate determination undeveloped land shall be considered as "meadow" good condition, type "B" soils, (RCN = 58, Rational "C" = 0.12) unless the natural ground cover generates a lower curve number or Rational "C" value (i.e., forest). If a proposed development meets the definition of redevelopment as defined in Section 1370.02, the applicant may adjust the pre-development RCN or "C" value based on the curves presented in Figure B-3.

- (4) All calculations using the Rational Method shall use rainfall intensities consistent with appropriate times of concentration for overland flow and return periods from the design storm curves from PA Department of Transportation Design Rainfall Curves (1986) (Figure B-2). Times of concentration for overland flow shall be calculated using the methodology presented in Chapter 3 of Urban Hydrology for Small Watersheds, NRCS, TR-55 (as amended or replaced from time to time by NRCS). Times of concentration for channel and pipe flow shall be computed using Manning's Equation.
- (5) RCNs for both existing and proposed conditions to be used in the soil-cover complex method shall be obtained from Table B-2 in Appendix B of this Article.
- (6) Runoff coefficients (C) for both existing and proposed conditions for use in the Rational Method shall be obtained from Table B-3 in Appendix B of this Article.
- (7) Runoff characteristics of off-site areas that drain through a proposed development shall be based on actual existing conditions, not $RCN=58$ or $C=0.12$, and shall be assumed to not have any controls implemented on future development (i.e., no release rate restrictions).
- (8) Where uniform flow is anticipated, the Manning equation shall be used for hydraulic computations and to determine the capacity of open channels, pipes, and storm sewers. Values for Manning's roughness coefficient (n) shall be consistent with Table B-4 in Appendix B.
- (9) Outlet structures for stormwater management facilities shall be designed to meet the performance standards of this Article using any generally accepted hydraulic analysis technique or method. Acceptable methods are presented in Handbook of Hydraulics, by King and Brater (McGraw Hill). In addition, application of computer programs such as HY-8 (Federal Highway Administration) or FlowMaster (Haestad Methods) will also be accepted.
- (10) The design of any stormwater detention facilities intended to meet the performance standards of this Article shall be verified by routing the design storm hydrograph through these facilities using the Storage-Indication Method. For drainage areas greater than twenty (20) acres in size, the design storm hydrograph shall be computed using a calculation method that produces a full hydrograph. The Municipality may approve the use of any generally accepted full hydrograph approximation technique that uses a total runoff volume that is consistent with the volume from a method that produces a full hydrograph.
- (11) The Municipality has the authority to require that computed existing runoff rates be reconciled with field observations and conditions. If the designer can substantiate through actual physical calibration that more appropriate runoff and time of concentration values should be utilized at a particular site, then appropriate variations may be made upon review and recommendation of the municipal Engineer. Calibration shall require detailed gauge and rainfall data for the particular site in question.

(f) Design Criteria for Stormwater Management Facilities.

- (1) Any stormwater management facility (i.e., detention basin) designed to store runoff and requiring a berm or earthen embankment required or regulated by this Article shall be designed to provide an emergency spillway to handle flow up to and including the 100-year post-development conditions. The height of the embankment must be set so as to provide a minimum one (1.0) foot of freeboard above the maximum pool elevation computed when the facility functions for the 100-year postdevelopment inflow. Should any stormwater management facility require a dam safety permit under DEP Chapter 105, the facility shall be designed in accordance with Chapter 105 and meet the regulations of Chapter 105 concerning dam safety which may be required to pass storms larger than the 100-year event.
- (2) Any facilities that constitute water obstructions (e.g., culverts, bridges, outfalls, or stream enclosures) and any work involving wetlands as directed in DEP Chapter 105 regulations (as or replaced from time to time by DEP) shall be designed in accordance with Chapter 105 and will require a permit from DEP. Any other drainage conveyance facility that does not fall under Chapter 105 regulations shall be designed to convey, without damage to the drainage structure or roadway, runoff from a minimum 25-year design storm. Municipalities may require design based on a larger storm event. Open channels shall be designed with a minimum of one (1.0) foot of freeboard. Any facility that constitutes a dam as defined in DEP Chapter 105 regulations may require a permit under dam safety regulations. Any facility located within a PennDOT right-of-way must meet PennDOT minimum design standards and permit submission requirements. If the primary drainage facilities do not have capacity for future flows, then a safe drainage path must be provided to convey up to the 100-year design storm (without impacting structures).
- (3) Storm sewers must be able to convey post-development runoff from a minimum 25- year design storm without surcharging inlets.
- (4) Adequate erosion protection shall be provided along all open channels and at all points of discharge.
- (5) The design of all stormwater management facilities shall incorporate sound engineering principles and practices. The Municipality shall reserve the right to disapprove any design that would result in the occurrence or continuation of an adverse hydrologic or hydraulic condition within the watershed.
- (6) Stormwater drainage systems shall be provided in order to permit unimpeded flow along natural watercourses, except as modified by stormwater management facilities or open channels consistent with this Article.
- (7) The existing points of concentrated drainage that discharge onto adjacent property shall not be altered without permission of the adjacent property owner(s) and shall be subject to any applicable discharge criteria specified in this Article.

- (8) Areas of existing diffused drainage discharge shall be subject to any applicable discharge criteria in the general direction of existing discharge, whether proposed to be concentrated or maintained as diffused drainage areas, except as otherwise provided by this Article. If diffused flow is proposed to be concentrated and discharged onto adjacent property, the applicant must document to the Municipality in accordance with subsection (e) hereof that adequate downstream conveyance exists to safely transport the concentrated discharge, or the applicant must obtain drainage easements from affected downstream property owners and provide the facilities to safely convey the flow.
- (9) Downstream Hydraulic Capacity Analysis - Any downstream capacity hydraulic analysis conducted in accordance with this Article shall use the following criteria for determining adequacy for accepting increased peak flow rates:
 - A. Natural or man-made channels or swales must be able to convey the increased runoff associated with a 2-year return period event within their banks at velocities consistent with protection of the channels from erosion. Acceptable velocities shall be based upon criteria included in the DEP Erosion and Sediment Pollution Control Program Manual.
 - B. Natural or man-made channels or swales must be able to convey the increased 25-year return period runoff without creating any hazard to persons or property.
 - C. Culverts, bridges, storm sewers, or any other facilities which must pass or convey flows from the tributary area must be designed in accordance with DEP, Chapter 105 regulations (if applicable) and, at a minimum, pass the increased 25-year return period runoff.
- (10) Where a development site is traversed by watercourses, riparian buffers shall be provided conforming to the line of such watercourses. The width of the buffers shall be determined as set forth in subsection (d)(1)B. Excavating, placing of fill, building structures, or making any alterations that may adversely affect the flow of stormwater within any portion of the riparian buffer shall be prohibited unless the proposed work is associated with a regulated wetlands mitigation program. The buffer must be defined through a deed covenant.
- (11) When it can be shown that, due to topographic conditions, natural drainageways on the site cannot adequately provide for drainage, open channels may be constructed conforming substantially to the line and grade of such natural drainageways. Work within natural drainageways shall be subject to approval by DEP through the Joint Permit Application process, or, where deemed appropriate by DEP, through the General Permit process.
- (12) Any stormwater management facilities regulated by this Article that would be located in or adjacent to waters of the Commonwealth or wetlands shall be subject to approval by DEP through the Joint Permit Application process, or, where deemed appropriate by DEP, the General Permit process. When there is a question as to whether wetlands may be involved, it is the responsibility of the applicant or his agent to show that the land in question cannot be classified as wetlands; otherwise, approval to work in the area must be obtained from DEP.

- (13) Any stormwater management facilities regulated by this Article that would be located on state highway rights-of-way shall be subject to approval by PennDOT.
 - (14) Minimization of impervious surfaces and infiltration of runoff through seepage beds, infiltration trenches, etc. are required, where soil conditions permit, to reduce the size or eliminate the need for detention facilities.
 - (15) In order to promote overland flow and infiltration/percolation of stormwater, roof drains must discharge into an accepted BMP providing infiltration and filtering of the stormwater.
- (g) Erosion and Sedimentation Requirements.
- (1) Whenever the vegetation and topography are to be disturbed, such activity must be in conformance with Chapter 102, Title 25, Rules and Regulations, Part I, Commonwealth of Pennsylvania, DEP, Subpart C, protection of Natural Resources, Article II, Water Resources, Chapter 102, "Erosion Control," and in accordance with the Delaware County or Chester County Conservation Districts, as appropriate, and the standards and specifications of the appropriate municipal government.
 - (2) Additional erosion and sedimentation control design standards and criteria that must be applied where infiltration BMPs are proposed include the following:
 - A. Areas proposed for infiltration BMPs shall be protected from sedimentation and compaction during the construction phase to maintain their maximum infiltration capacity.
 - B. In order to ensure compliance with Chapter 102, the timing of the installation and operation of the infiltration BMP shall be at the discretion of the municipal Engineer.
(Ord. 23-2003. Passed 12-23-03.)

1370.05 PROHIBITIONS.

- (a) Prohibited Discharges.
- (1) No person in the Municipality shall allow, or cause to allow, stormwater discharges into the Municipality's separate storm sewer system which are not composed entirely of stormwater, except (1) as provide in subsection (a)(2) below, and (2) discharges allowed under a state or federal permit.
 - (2) Discharges which may be allowed under the Municipality's NPDES permit based on a finding the Municipality that discharge(s) do not significantly contribute to pollution to surface waters of the Commonwealth are:
 - Discharges from firefighting activities
 - Uncontaminated water from foundation or form footing drains
 - Portable water sources including dechlorinated water line and fire hydrant flushings
 - Flows from riparian habitants and wetlands
 - Lawn watering
 - Irrigation drainage
 - Pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed)

- Routine external building washdown (which does not use detergents or other compounds)
 - Air conditioning condensate
 - Water from individual residential car washing
 - Dechlorinated swimming pool discharges
 - Springs
 - Uncontaminated groundwater
 - Water from Crawl space pumps
- (3) In the event that the Municipality subsequently determines that any of the discharges identified in Section 1370.05(a)(2) significantly contribute to pollution of waters in the Commonwealth, or is so notified by DEP, the Municipality will notify the responsible person to cease the discharge.
- (4) Upon notice provided by the Municipality under Section 1370.05(a)(3), the discharger will have a reasonable time, as determined by the Municipality, to cease the discharge consistent with the degree of pollution caused by the discharge.

(b) Prohibited Connections. The following connections are prohibited except as provided in subsection (a)(2) above:

- (1) Any drain or conveyance, whether on the surface or subsurface, which allows any non-storm water discharge including sewage, process wastewater, and wash water, to enter the separate storm sewer system, and any connections to the storm drain systems from indoor drains and sinks;
- (2) Any drain or conveyance connected from a commercial or industrial land use to the separate storm sewer system which has not been documented in plans, maps, or equivalent records, and approved by the Municipality.

(c) Roof Drains.

- (1) Roof drains shall not be connected to streets, sanitary or storm sewers or roadside ditches, except as provided in subsection (c)(2).
- (2) When it is more advantageous to connect directly to streets or storm sewers, connections of roof drains to streets or roadside ditches may be permitted by the Municipality.
- (3) Roof drains shall discharge to infiltration areas or vegetative BMPs to the maximum extent practicable.

(d) Alteration of BMPs.

- (1) No person shall modify, remove, fill landscape or alter any existing stormwater BMP, unless part of an approved maintenance program, without the written approval of the Municipality.
- (2) No person shall place any structure, fill, landscaping or vegetation into a stormwater BMP or within a drainage easement, which would limit or alter the functioning of the BMP, without the written approval of the Municipality. (Ord. 23-2003. Passed 12-23-03.)

1370.06 INSPECTIONS.

(a) The municipal Engineer or his municipal assignee shall inspect all phases of the installation of the permanent stormwater management and water quality facilities, including non-structural BMPs.

(b) During any stage of the work, if the municipal Engineer determines that the permanent stormwater management facilities, water quality facilities, or non-structural BMPs are not being installed in accordance with the approved Chester Creek Stormwater Management Plan, the Municipality shall revoke any existing municipal permits or issue a stop work order until a revised drainage plan is submitted and approved, as specified in this section. (Ord. 23-2003. Passed 12-23-03.)

1370.07 FEES AND EXPENSES.

(a) General. The fee required by this chapter is the municipal review fee. The municipal review fee shall be established by the Municipality to defray review costs incurred by the Municipality and the municipal Engineer. All fees shall be paid by the applicant.

(b) Municipal Drainage Plan Review Fee. The Municipality shall establish a review fee schedule by separate resolution of the municipal Governing Body based on the size of the regulated activity and based on the Municipality's costs for reviewing drainage plans. The Municipality may periodically update the review fee schedule to ensure that review costs are adequately reimbursed.

(c) Expenses covered by Fees. The fees required by this Article shall, at a minimum, cover:

- (1) Administration costs.
- (2) The review of the drainage plan by the Municipality and the municipal Engineer.
- (3) The site inspections.
- (4) The inspection of stormwater management facilities and drainage improvements during construction.
- (5) The final inspection upon completion of the stormwater management facilities and drainage improvements presented in the drainage plan.

(d) Additional Costs. Applicant will be invoiced for any additional costs incurred by the Municipality in the course of reviewing the development plan. These costs may include, but are not limited to, special studies by qualified engineers or surveyors, field reconnaissance, and testing.

(Ord. 23-2003. Passed 12-23-03.)

1370.08 MAINTENANCE RESPONSIBILITIES.

(a) Performance Guarantee. The applicant shall provide a financial guarantee to the Municipality for the timely installation and proper construction of all stormwater management controls as required by the approved stormwater plan and this (article equal to the full construction cost of the required controls.

(b) Maintenance Responsibilities.

- (1) The drainage plan for the development site shall contain an operation and maintenance plan prepared by the applicant and approved by the municipal Engineer. The operation and maintenance plan shall outline required routine maintenance actions and schedules necessary to ensure proper operation of the facility(ies).
- (2) The drainage plan for the development site shall establish responsibilities for the continued operation and maintenance of all proposed stormwater control facilities, consistent with the following principles:
 - A. If a development consists of structures or lots that are to be separately owned and in which streets, sewers, and other public improvements are to be dedicated to the Municipality, stormwater control facilities may also be dedicated to and maintained by the Municipality.
 - B. If a development site is to be maintained in single ownership or if sewers and other public improvements are to be privately owned and maintained, then the ownership and maintenance of stormwater control facilities shall be the responsibility of the owner or private management entity.
- (3) The Municipality, upon recommendation of the municipal Engineer, shall make the final determination on the continuing maintenance responsibilities prior to final approval of the drainage plan. The Municipality reserves the right to accept the ownership and operating responsibility for any or all of the stormwater management controls.

(c) Maintenance Agreement for Privately Owned Stormwater Facilities.

- (1) Prior to final approval of the site's stormwater management plan, the property owner shall sign and record a maintenance agreement covering all stormwater control facilities that are to be privately owned. Said agreement, designated as Appendix E, is attached and made a part hereto.
- (2) Other items may be included in the agreement where determined necessary to guarantee the satisfactory maintenance of all facilities. The maintenance agreement shall be subject to the review and approval of the municipal Solicitor and Municipality.

(d) Post-Construction Maintenance Inspections.

- (1) Stormwater detention and retention basins or facilities shall be inspected by, or under the direction of, a registered professional engineer on behalf of the applicant or responsible entity (including the municipal Engineer for dedicated facilities) on the following basis:
 - A. Annually for the first five (5) years.
 - B. Once every three (3) years thereafter.
 - C. During or immediately after the cessation of a 100-year or greater storm event.

- (2) The entity conducting the inspection shall be required to submit a report to the Municipality within one (1) month following completion of the inspection. The report will present documentation regarding the condition of the facility and recommend necessary repairs, if needed. Any needed repairs shall be implemented by the owner within one (1) month of the report issuance date.

(c) Municipal Stormwater Maintenance Fund. If stormwater facilities are accepted by the Municipality for dedication, persons installing stormwater facilities shall be required to pay a specified amount to the municipal stormwater maintenance fund to help defray costs of periodic inspections and maintenance expenses. The amount of the deposit shall be determined as follows:

- (1) If the storage facility is to be owned and maintained by the Municipality, the deposit shall cover the estimated costs for maintenance and inspections for ten (10) years. The municipal Engineer will establish the estimated costs utilizing information submitted by the applicant.
- (2) The amount of the deposit to the fund shall be converted to present worth of the 10-year maintenance costs. The municipal Engineer shall determine the present worth equivalents, which shall be subject to the approval of the Municipality.
- (3) If a storage facility is proposed that also serves as a recreational facility (e.g., ball field, pond), the Municipality may reduce or waive the amount of the maintenance fund deposited based upon the value of the land for public recreational purpose.
- (4) If at some future time a storage facility (whether publicly or privately owned) is eliminated due to the installation of storm sewers or other storage facility, the unused portion of the maintenance fund deposit will be applied to the cost of abandoning the facility and connecting to the storm sewer system or other facility. Any amount of the deposit remaining after the costs of abandonment are paid will be returned to the depositor. (Ord. 23-2003. Passed 12-23-03.)

1370.09 ENFORCEMENT AND PENALTIES.

(a) Right of Entry. Upon presentation of proper credentials, duly authorized representatives of the Municipality may enter at reasonable times upon any property within the Municipality to inspect the condition of the stormwater structures and facilities in regard to any aspect regulated by this Article.

(b) Notification. In the event that a person fails to comply with the requirements of this Article or fails to conform to the requirements of any permit issued hereunder, the Municipality shall provide written notification of the violation. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of these violations(s). Failure to comply within the time specified shall subject such person to the penalty provision of this Article. All such penalties shall be deemed cumulative and shall not prevent the Municipality from pursuing any and all other remedies. It shall be the responsibility of the owner of the real property on which any regulated activity is proposed to occur, is occurring, or has occurred, to comply with the terms and conditions of this Article.

(c) Enforcement. The Municipality is hereby authorized and directed to enforce all of the provisions of this article. All inspections regarding compliance with the drainage plan shall be the responsibility of the municipal Engineer or other qualified persons designated by the Municipality.

- (1) A set of design plans approved by the Municipality shall be on file at the site throughout the duration of the construction activity. Periodic inspections may be made by the Municipality or designee during construction.
- (2) It shall be unlawful for any person, firm, or corporation to undertake any regulated activity under Section 1370.01(d) on any property except as provided for in the approved drainage plan and pursuant to the requirements of this Article. It shall be unlawful to alter or remove any control structure required by the drainage plan pursuant to this Article or to allow the property to remain in a condition that does not conform to the approved drainage plan.
- (3) At the completion of the project, and as a prerequisite for the release of the performance guarantee, the owner or his representatives shall:
 - A. Provide a certification of completion from an engineer, architect, surveyor, or other qualified person verifying that all permanent facilities have been constructed according to the plans and specifications and approved revisions thereto.
 - B. Provide a printed set of as-built drawings to the Municipality.
 - C. Provide a set of as-built drawings to the County Conservation District. Such plans shall be prepared in accordance with established criteria and procedures and in a format (electronic or otherwise) as required by the Conservation District for long-term storage.
- (4) After receipt of the certification by the Municipality, a final inspection shall be conducted by the Governing Body or its designee to certify compliance with this Article.
- (5) Suspension and Revocation of Permits.
 - A. Any municipal permit issued under this Article may be suspended or revoked or a stop work order may be issued by the Municipality for:
 1. Non-compliance with or failure to implement any provision of the permit.
 2. A violation of any provision of this Article or any other applicable law, ordinance, rule, or regulation relating to the project.
 3. The creation of any condition or the commission of any act during construction or development which constitutes or creates a hazard or nuisance, or which endangers the life or property of others.
 - B. A suspended permit shall be reinstated by the Municipality when:
 1. The municipal Engineer or his designee has inspected and approved the corrections to the stormwater management and erosion and sediment pollution control measure(s) and/or;

2. The Municipality is satisfied that the violation of the Ordinance, law, or rule and regulation has been corrected.
 3. A permit that has been revoked by the Municipality cannot be reinstated. The applicant may apply for a new permit under the procedures outlined in this Article.
- (6) **Occupancy Permit.** An occupancy permit shall not be issued by the Municipality unless all requirements of this Article have been met. The occupancy permit shall be required for each lot owner and/or applicant for all subdivisions and land development in the Municipality.
- (d) **Public Nuisance.**
- (1) The violation of any provision of this Article is hereby deemed a public nuisance.
 - (2) Each day that a violation continues shall constitute a separate violation.
- (e) **Enforcement Remedies.**
- (1) Anyone violating the provisions of this Article shall be subject to a fine of not more than six hundred dollars (\$600.00) for each violation plus court costs and attorney fees. Each day that the violation continues shall be a separate offense.
 - (2) In addition, the Municipality, through its Solicitor, may institute injunctive, mandamus, or any other appropriate action or proceeding at law or in equity for the enforcement of this Article. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.
- (f) **Appeals.**
- (1) Any person aggrieved by any action of the Municipality or its designee, relevant to the provisions of this Article, may appeal to the Municipality within thirty (30) days of that action.
 - (2) Any person aggrieved by any decision of the Municipality, relevant to the provisions of this Article, may appeal to the County Court of Common Pleas in the county where the activity has taken place within thirty (30) days of the Governing Body's decision.
(Ord. 23-2003. Passed 12-23-03.)

ARTICLE 1370-A
Overlay Parking District

1370-A.01	Intent and purpose.	1370-A.05	Overall requirements.
1370-A.02	Definition of temporary parking lot.	1370-A.06	Area and bulk standards.
1370-A.03	Location of Overlay Parking District.	1370-A.07	Performance standards.
		1370-A.08	Permit fee.
1370-A.04	Use regulations.	1370-A.09	Application process.

CROSS REFERENCES

Parking generally - see TRAF. Art. 511

Off-street parking and loading facilities - see P. & Z. Art. 1375

1370-A.01 INTENT AND PURPOSE.

The intent and purpose of this Article is to create a parking overlay district which allows temporary parking during sports events and other special events on parcels that have accessible vacant areas suitable for parking cars for the duration of stadium and entertainment events. Further, the intent of this Article is to:

- (a) Provide orderly standards for the development of temporary parking areas that protect and maintain existing sidewalks, curbs, lighting, trees, and other streetscape infrastructure in the public right of way; and
- (b) Provide performance-based standards that protect neighboring properties from impacts of temporary parking including those impacts caused by noise, light, and other impacts that extend beyond property lines; and
- (c) Ensure the safety, health and welfare of City of Chester residents and visitors. (Ord. 10-2010. Passed 8-11-10.)

1370-A.02 DEFINITION OF TEMPORARY PARKING LOT.

A temporary parking lot is an off-street, ground level area used for periodic short term parking associated with games and other events held at sports and entertainment venues in the City of Chester. (Ord. 10-2010. Passed 8-11-10.)

1370-A.03 LOCATION OF OVERLAY PARKING DISTRICT.

Temporary parking facilities shall be allowed in the following zoning districts:

- R-3 Residence Districts;
- C-1 Commercial Districts;
- C-2 Commercial Districts;
- C-4 Commercial Districts;
- M-1 Industrial Districts; and
- M-2 Industrial Districts.

(Ord. 10-2010. Passed 8-11-10.)

1370-A.04 USE REGULATIONS.

In the Parking Overlay District an area or lot may be used for temporary parking purposes only for the following use:

- (a) Permitted Use. Parking lot without a principal building.

1370-A.05 OVERALL REQUIREMENTS.

Conditions for Approval. As a condition of approval, the following requirements shall be met:

- (a) Applicant shall submit a plan to the Planning Department for review accompanied by the following:
 - (1) Property line map for the proposed parking lot showing dimensions for all property lines;
 - (2) Street or public right-of-way to which the property has vehicular access;
 - (3) Deed, Agreement of Sale, and/or Signed Lease; and
 - (4) If the property is not owned by the applicant, a letter from the property owner must be submitted stating the owner acknowledges and approves the zoning request.
- (b) Every temporary parking lot shall require a Temporary Permit subject to conditions that the use be conducted in a manner consistent with public safety and all traffic laws.
- (c) An attendant must be present at all times in which a property is in use as a temporary parking lot to ensure safe and accessible ingress and egress from the lot, to ensure drive lanes are clear of cars and persons and are passable, and to ensure the safety of on-site property.
- (d) The use of a parking lot consisting of 30,000 square feet or less shall be restricted to the parking of passenger vehicles only. No commercial vehicles shall be parked or stored.
- (e) The temporary parking lot shall at no time be used for outdoor sales, display or storage.
- (f) The temporary parking lot shall be clear of vegetation, buildings, construction debris, and other encumbrances and the site should be a suitable grade for the temporary parking of passenger vehicles. (Ord. 10-2010. Passed 8-11-10.)

1370-A.06 AREA AND BULK STANDARDS.

(a) Lot Area. For corner lots the minimum lot size shall be 3,000 square feet. For interior lots the minimum lot size shall be 6,000 square feet.

(b) Setbacks. Temporary parking may occupy any part of a front, side, or rear yard provided that the use complies with all Performance Standards of this Article.

(c) Lot Width. The width of the temporary parking lot shall be no less than thirty (30) feet. (Ord. 10-2010. Passed 8-11-10.)

1370-A.07 PERFORMANCE STANDARDS.

(a) Access. Access shall be shown on a submitted plan/drawing and must be reviewed and approved by the Planning Department which shall consider the impact the additional traffic may have on the surrounding community. Each entrance to and exit from such parking lot shall be located at least twenty (20) feet from any street intersection and at least twenty (20) feet from any adjacent residential property.

Access driveways across footways of property abutting on public rights-of-way shall be subject to the approval of the City Engineer.

(b) Screening Fence. To reduce glare from headlights on neighboring properties, a nontransparent wall or fence shall be located along property lines that are within fifty (50) feet of a residential use. The minimum height of the wall or fence shall be equivalent to the maximum height of a wall or fence in the zoning district in which the site is located or six feet, whichever is less. If a fence with perforations through more than fifty percent (50%) of the surface area is provided, vertical landscaping shall be provided to screen the outdoor area from adjacent properties.

(c) Barriers. A Temporary Traffic Barrier shall be placed around existing buildings to protect them from potential vehicle conflicts.

(d) Signs. A two-sided temporary "A" sign shall be installed at least six hours before an event indicating that the site is being used for temporary parking. The sign shall include a parking rate and the permit number for the parking area. Signs shall comply with the requirements of Article 1373 for the zoning district where the facility is located. Signs located in a residential district shall not exceed twelve (12) square feet. All signs shall be removed when the event is over.

(e) Hours of Operation. The allowable hours of operation shall coincide with the stadium event parking hours at official parking venues.
(Ord. 10-2010. Passed 8-11-10.)

1370-A.08 PERMIT FEE.

The fees for temporary parking lot permits are as follows:

- | | |
|---|-----------|
| (a) For lots with between 10 and 20 parking spaces: | \$30.00 |
| (b) For lots with between 21 and 50 parking spaces: | 50.00 |
| (c) For lots with between 51 and 75 parking spaces: | \$150.00 |
| (c) For lots with 76 parking spaces or more: | \$300.00. |

(Ord. 10-2010. Passed 8-11-10.)

1370-A.09 APPLICATION PROCESS.

(a) Each property owner or lot operator seeking a permit shall fill out an application form which will ask for contact information and a notarized permission form from the property owner if the applicant is leasing the property or acting as an agent of the property owner.

(b) A permit with a permit number will be issued by the Mayor's Office after review and approval of the application by the Planning Department and the City Engineer. (Ord. 10-2010. Passed 8-11-10.)

TITLE SEVEN - Zoning General Provisions

- Art. 1371. General Regulations.
- Art. 1373. Signs.
- Art. 1375. Off-Street Parking and Loading Facilities.
- Art. 1377. Nonconforming Buildings; Uses and Lots.
- Art. 1378. Supplemental Regulations.
- Art. 1380. Performance Standards.
- Art. 1382. Child Daycare Facility Regulations.

ARTICLE 1371 General Regulations

- | | | | |
|---------|---|---------|--------------------------------|
| 1371.01 | Public service corporations. | 1371.06 | Front yard exception. |
| 1371.02 | Reduction of lot. | 1371.07 | Rear and side yard exceptions. |
| 1371.03 | Vision obstruction. | 1371.08 | Rear dwelling. |
| 1371.04 | Conversion into two-family
and multiple dwellings. | 1371.09 | Courts. |
| 1371.05 | Dwelling group. | 1371.10 | Buffering and landscaping. |

CROSS REFERENCES

- Fences, walls and hedges - see BLDG. Art. 1725
Awnings - see BLDG. Art. 1727
-

1371.01 PUBLIC SERVICE CORPORATIONS.

This Zoning Ordinance shall not apply to any existing or proposed building or extension thereof used or to be used by public service corporations if, upon petition of the corporation, the public utility commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. (Ord. 27-1948 §1100. Passed 9-14-48.)

1371.02 REDUCTION OF LOT.

No lot area shall be so reduced that the area of the lot or the dimensions of the open spaces shall be smaller than herein prescribed.
(Ord. 27-1948 §1103. Passed 9-14-48.)

1371.03 VISION OBSTRUCTION.

No walls, fence, sign or other structure shall be erected or altered, and no hedge, tree, shrub or other growth shall be maintained or permitted, which may cause danger to traffic on a street or public road by obscuring the view.
(Ord. 27-1948 §1104. Passed 9-14-48.)

1371.04 CONVERSION INTO TWO-FAMILY AND MULTIPLE DWELLINGS.

The Zoning Hearing Board may authorize as a special exception the conversion of any building in R-1 and R-2 Residence Districts into a dwelling for more than one family; provided, that in R-1 Residence Districts, the lot area shall not be reduced to less than 2,000 square feet per family, and in R-2 Residence Districts the lot areas shall not be reduced to less than 750 square feet per family; and provided further, that the yard and building area requirements for the district in which the building is located are not reduced thereby. If such exception is authorized, the Board may prescribe such further conditions with respect to the conversion and use of such buildings as it deems appropriate.
(Ord. 27-1948 §1105. Passed 9-14-48.)

1371.05 DWELLING GROUP.

The Zoning Hearing Board may authorize as a special exception after public hearing the erection of a dwelling group in any residence district; provided, that:

- (a) Such dwelling group, as a unit, shall comply with the area and height regulations of the district in which it is located;
- (b) Not more than twenty-five percent of the lot area shall be occupied by buildings; and
- (c) The distance between any two buildings shall be not less than twenty feet.

(Ord. 27-1948 §1106. Passed 9-14-48.)

1371.06 FRONT YARD EXCEPTION.

The front yard of a proposed building may be decreased in depth to the average formed by the front yard requirement for the district and the alignment of existing buildings within 100 feet on each side of the proposed building, and within the same block, if such alignment of existing buildings is less than the front yard requirement for the district.
(Ord. 27-1948 §1107. Passed 9-14-48.)

1371.07 REAR AND SIDE YARD EXCEPTIONS.

A private garage or other accessory building may be erected within the rear and/or side yards of any lot; provided, that it shall be entirely separated from the main building; and provided further, that it shall be located not less than ten feet farther back from the front street line than the rear-most portion of the main building.
(Ord. 27-1948 §1108. Passed 9-14-48.)

1371.08 REAR DWELLING.

No building to the rear of and on the same lot with a main building shall be erected or used for residence purposes, except for domestic employees of the owners or tenants of the main building, unless such rear building conforms with all use, height and area requirements of the district in which it is located, and unless there is direct access to it through an open space on the same lot of at least twelve feet in width and extending from the dwelling to a public street or highway, or to a private street or highway which is not less than fifty feet in width and which has a cartway so constructed and maintained that vehicles of all kinds may readily pass over it all seasons of the year. For the purpose of this section an alley shall not constitute a public street or highway unless it exceeds thirty feet in width.

(Ord. 27-1948 §1109. Passed 9-14-48.)

1371.09 COURTS.

Where a court is required by the provisions of the City Building Code for the purpose of furnishing adequate light and air, or where a court is otherwise provided, such court shall conform to the following requirements; provided, that such court need not extend below the lowest story which it serves:

(a) Outer Court.

- (1) In residence districts, and in commercial and industrial districts where courts are provided to serve rooms used for residence purposes, the width of a court shall be not less than six inches for each foot of height, but in no case less than six feet. The length of a court shall not be greater than twice its width.

- (2) In commercial and industrial districts where courts are provided to serve rooms used for nonresidence purposes, the width of the court shall be not less than three inches for each foot of height, but in no case less than four feet. The length of a court shall be not greater than six times its width.
 - (b) Inner Court.
 - (1) In residence districts, and in commercial and industrial districts where courts are provided to serve rooms used for residence purposes, the width of a court shall be not less than nine inches for each foot of height, but in no case less than twelve feet.
 - (2) In commercial and industrial districts where courts are provided to serve rooms used for nonresidence purposes, the width of a court shall be not less than four inches for each foot of height, but in no case less than six feet.
 - (3) The horizontal area of any inner court shall be not less than twice the square of its width.
 - (c) Obstructions. Courts shall be unobstructed to the sky, except that cornices, eaves, gutters, belt courses, sills, pilasters, and ornamental features may project not more than eight inches into such courts. No fence or wall more than six feet in height shall be permitted within the limits of any required outer court, and, in residence districts, no accessory building shall be located within any required court.
- (Ord. 27-1948 §1112. Passed 9-14-48.)

1371.10 BUFFERING AND LANDSCAPING.

(a) A fence, wall, hedge, landscaping, earth berm, natural buffer area, or any combination thereof shall be provided to obscure certain uses and features or portions of a specific use of feature which by their nature are unsightly or which by their scale or design represent the potential to negatively impact adjacent properties.

The following specific uses or features shall be enclosed or screened from adjacent properties and from the public view and/or from a public street:

- (1) Commercial Trash Dumpsters.
- (2) Dumpsters and trash handling facilities.
- (3) Outdoor storage or materials or equipment.
- (4) Three or more thirty gallon containers used to store or collect household and commercial waste and/or recycling materials from multi-family, commercial and industrial buildings.
- (5) Vehicles being stored for repair or salvage.
- (6) Commercial vehicles, including trailers, parked in a lot overnight.

(b) Commercial type trash dumpsters used to collect trash from multi-family buildings, commercial and industrial areas shall be located a minimum of four feet from any property line and shall be provided with an enclosure and/or fence.

- (1) A fence and/or enclosure designed to screen a trash dumpster from adjacent properties or from a public street shall be of an opaque material and not less than six feet in height.
- (2) No trash dumpster shall be located within or occupy a designated off-street parking space.

(c) All industrial uses and heavy commercial activities shall provide additional buffering along the property boundaries between themselves and residential uses.

- (1) The buffer shall have a depth of not less than twenty feet measured from the property line to the nearest principal building. Within this buffer area no structure, storage of materials, parking and storage of vehicles shall be permitted.
 - (2) The buffer shall consist of an all season vegetative treatment landscaped and maintained on a regular basis. Planted visual screens shall be part of the buffer area and devoted exclusively to shrub and tree planting.
- (Ord. 8-1998 §1: Passed 4-9-98.)

ARTICLE 1373

Signs

- | | | | |
|---------|--|---------|--|
| 1373.01 | Scope and applicability. | 1373.06 | Business license required;
fee. |
| 1373.02 | Permitted signs not requiring
a permit. | 1373.07 | Bond required. |
| 1373.03 | Permitted signs requiring a
permit. | 1373.08 | Permit fees and annual
inspection fees. |
| 1373.04 | Prohibited signs. | | |
| 1373.05 | General regulations. | | |

CROSS REFERENCES

Power to regulate - see 3rd Class §2403(17) (53 P.S. §37403(17))
 Posting without consent - see GEN. OFF. 729.01
 Definitions - see P. & Z. 1321.27 et seq.

1373.01 SCOPE AND APPLICABILITY.

(a) Any sign hereafter erected or maintained in the City shall conform with the provisions of this article and any other ordinance or regulations of the City relating thereto.

(b) A permit is required for all signs hereafter erected within the City except those listed in Section 1373.02. A permit shall be obtained upon the filing of an application with the Building Official for the City, accompanied by a plan drawn to scale, showing the sign, size and location of the sign with respect to the building and to the boundaries of the lot upon which it is situated and upon payment of applicable fees in accordance with Section 1373.08.

(c) Nonconforming Signs. Signs and their respective illumination existing at the time of the passage of this article and which do not conform to the requirements of this article shall be considered nonconforming signs and once destroyed or removed shall be replaced only with conforming signs and lighting. Nonconforming signs may be painted, repaired, including lighting, and altered in their wording provided such modifications do not exceed the dimensions of the existing signs.

(d) Abandoned Signs. No person shall maintain or permit to be maintained on any premises owned or controlled by him, a sign which has been abandoned. An abandoned sign for the purpose of this article is a sign erected on, and/or related to the use of a property which becomes vacant and unoccupied for a period of sixty days or more; any sign which was erected for an occupant or business; or any sign which relates to a time, event or purpose which is past. Any such abandoned sign shall be removed by the land owner or person controlling the property, within thirty days of the abandonment as herein defined. (Ord. 6-1984. Passed 9-5-84.)

1373.02 PERMITTED SIGNS NOT REQUIRING A PERMIT.

The following signs, exactly as herein described, are exempt from the need to secure permits but shall still be subject to the general regulations of Section 1373.05.

- (a) Decorations for a recognized officially designated holiday provided they do not create traffic or fire hazard.
- (b) Official and governmental signs which shall include safety signs, trespassing signs, signs indicating scenic or historical points of interest and traffic signs. Such signs may be illuminated subject to Section 1373.05(k).
- (c) Signs designating the name of the owner or occupant of a property, the address of such property, the private ownership of roadways or other property provided:
 - (1) Such sign is not in excess of one square foot in area.
 - (2) Not more than one such sign is erected for each use.
- (d) Temporary yard sale or garage sale signs, provided such signs:
 - (1) Do not exceed two square feet in area.
 - (2) Shall be removed within twenty-four hours after such sale.
- (e) Temporary real estate signs advertising the premises upon which they are erected as "for sale", "sold", "for rent" or "rented", when erected by the landowner, a broker or other person interested in the sale or rental of such premises provided:
 - (1) Such sign is located and maintained within the property lines of the subject premises and is not greater than one in number for each street on which the premises has frontage.
 - (2) The size of any such sign is not in excess of four square feet.
- (f) Signs indicating the location and direction of premises available for, or in the process of development, but not erected upon such premises, and having inscribed thereon the name of the owner, developer, builder or agent provided:
 - (1) The size of any such sign shall not be in excess of two square feet.
 - (2) Such signs shall be kept within a radius of 1,000 feet of such development.
 - (3) Such signs shall be spaced at locations only where a change in direction is involved, but no closer than 300 feet apart unless otherwise approved by Council.
 - (4) All such signs shall be removed when all the buildings, stores or lots on the premises have been rented or sold or within one year from the date the application for such signs has been approved, whichever occurs first.

- (g) Temporary signs of contractors, mechanics, architects, painters, paper hangers and other artisans during the period such persons are performing work on the premises on which such signs are erected, provided the size thereof is not in excess of twelve square feet.
- (h) Temporary signs announcing a political, public, educational, charitable, civic, religious or similar campaign or event provided:
 - (1) Each such sign does not exceed twelve square feet.
 - (2) Such sign may be erected for a period not to exceed thirty days in any calendar year.
- (i) Window Signs. Such signs shall be used to serve as an accessory sign to the sign associated with the principal permitted use.
 - (1) Window signs shall be permitted in the commercial districts and where nonconforming commercial uses occur in other districts.
 - (2) The total area of window signs shall not exceed twenty-five percent (25%) of the total glass area of the window in which it is placed, however, the sign glass area coverage may be increased to fifty percent (50%) for seven days in any three month period when the message is related to special sales, special events and the like.
- (j) Informational signs such as entrance, exit and visitor's or patron's parking sign, on the same lot as the use to which the sign related provided:
 - (1) The area of such sign shall not exceed two square feet in area.
 - (2) Such sign shall not contain any advertising.(Ord. 6-1984. Passed 9-5-84.)

1373.03 PERMITTED SIGNS REQUIRING A PERMIT.

The following signs exactly as herein described under each specific district are permitted provided a sign permit has been obtained for such sign.

- (a) Residential District. The following signs may be erected and maintained in the residential districts upon issuance of a sign permit.
 - (1) Home occupation and home professional office signs indicating the name or activity of the occupant of the building provided:
 - A. Not more than one such sign shall be erected for each unit.
 - B. Such sign shall not exceed one square foot in area.
 - (2) Business signs for nonconforming uses which are located in a building other than a residence and which indicate the name or activity of the occupant of the building provided:
 - A. Not more than one such sign shall be erected for each unit.
 - B. Such sign shall not exceed one square foot in area.
 - (3) Signs advertising the sale or construction of a subdivision or land development provided:
 - A. Not more than one sign is permitted per street entrance to the subdivision and is located on the property to be subdivided.

- B. Such sign does not exceed thirty-two square feet in area.
- C. Such sign may not be erected until the subdivision has been approved by Council.
- (4) Signs naming a subdivision or land development provided:
 - A. Such sign does not exceed twenty-four square feet in area for each exclusive entrance to a subdivision or other land development.
 - B. Such signs are restricted to the subdivision or land development name.
- (5) Signs identifying a school, college, church, hospital, municipal building, or other such institution or public service facility provided:
 - A. Such sign does not exceed twenty square feet.
 - B. Only one such sign is erected.
- (6) Only the following signs shall be illuminated in the residential districts:
 - A. An identification sign of a physician, dentist, District Justice, hospital and any such other person or establishment whose services in an emergency are considered essential to public health, safety and welfare.
 - B. An identification sign of a school, church or other similar permitted use provided the sign is illuminated only between the hours of dusk and midnight prevailing time.
- (b) Commercial District. The following signs may be erected and maintained for commercial districts upon issuance of a sign permit.
 - (1) Any sign permitted in the residential district which relates to a use permitted in the commercial district.
 - (2) Real estate signs advertising the sale or rental of the premises upon which they are erected provided:
 - A. The size of any such sign shall not exceed twenty-four square feet.
 - B. Not more than one sign shall be permitted for each street on which the premise has frontage.
 - (3) Real estate development signs advertising the development of the premises upon which they are erected provided:
 - A. Not more than one such sign shall be permitted for each street the premise fronts.
 - B. The size of any such sign shall not exceed fifty square feet.
 - C. All such signs shall be removed when all the buildings, stores or lots on the premises have been rented or sold, or within one year of the date the application for such sign was approved, whichever occurs first.
 - (4) Signs advertising one business use when located on the site where such use is conducted provided:
 - A. The total area of the sign shall not exceed twenty-five square feet in area.
 - B. Not more than one such sign shall be permitted for each street on which the premise has frontage.
 - C. One sign shall be located on a permitted principal building.

- (5) In the case of a group of business uses on a lot held in single and separate ownership, one single freestanding sign including individual signs identifying different establishments may be erected on a common backing provided:
 - A. The total area of the sign does not exceed fifty square feet.
 - B. Any individual sign does not exceed twenty-five square feet.
 - C. The structural backing for all such signs shall be uniform and no sign may extend, in any direction, beyond the outside edge of the backing.
- (6) In the case of a group of uses on a lot held in single and separate ownership, each individual use shall be permitted a sign provided:
 - A. Only parallel signs shall be permitted for each individual establishment.
 - B. Each individual sign shall not exceed twenty-five square feet in area.
- (7) In the case of an individual business or commercial use such as a gasoline filling station, retail store and the like, an accessory sign may be erected and maintained provided each such sign does not exceed four square feet in area.
- (8) Flood lights, flashing or twirling signs, balloons or other devices shall only be permitted for a new business and an existing business:
 - A. For special occasions not more than four times a year for a period of not more than a total of sixteen days.
 - B. Provided such sign or display shall not exceed the area stated hereinbefore, for permanent signs.
- (9) All signs in commercial districts may be illuminated subject to Section 1373.05.
- (c) Industrial Districts. The following signs may be erected and maintained in the industrial district upon issuance of a sign permit.
 - (1) Any sign permitted in all other districts which specifically relates to a permitted use in the industrial districts.
 - (2) For any other principal permitted use, a sign to display the name of the owner of the premises and the activity conducted thereon, or product produced thereon provided:
 - A. Only one sign may be permitted on each street to which the building has frontage.
 - B. Such sign shall not exceed twenty-five square feet.
 - (3) In the case of a group of uses on a lot held in single and separate ownership, one single freestanding sign including individual signs identifying different establishments may be erected on a common backing provided:
 - A. The total area of the sign does not exceed fifty square feet.
 - B. Any individual sign does not exceed twenty-five square feet.
 - C. The structural backing for all such signs shall be uniform and no sign may extend, in any direction, beyond the outside edge of the backing.
 - (4) In the case of a group of uses on a lot held in single and separate ownership, each individual use shall be permitted a sign provided:
 - A. Only parallel signs shall be permitted for each individual establishment.
 - B. Each individual sign shall not exceed twenty-five square feet in area.

- (5) Signs of any type for the purpose of the business of outdoor advertising when authorized as a special exception by the Zoning Hearing Board of the City.
- A. Such signs shall not exceed 300 square feet in area.
 - B. Such signs shall not be more than thirty feet nor less than three feet in height above the ground as measured from the ground to the underside of the sign.
 - C. No such sign shall be located closer than fifteen feet from any property line or street right-of-way line.
 - D. Such signs shall not be closer than fifty feet to any other such sign on the same lot.
 - E. Such signs shall not be constructed within the "clear sight triangle" as defined in Section 1301.02(d).
 - F. Notwithstanding the provision of subsection D., no sign exceeding 300 square feet in area shall be located within 3000 feet of another sign, existing or proposed, exceeding 300 square feet in area. (Ord. 2-1999. Passed 1-28-99.)

1373.04 PROHIBITED SIGNS.

It is unlawful to erect or maintain the following signs.

- (a) Spinning, flashing, blinking, animated, twinkling or any other moving objects used for commercial advertising purposes whether containing a message or not.
 - (b) Animated, or lighted moving signs of any type, except those portions of signs which indicate time and temperature changes.
 - (c) Signs placed, inscribed or supported upon the highest roofline or upon any structure which extends above the highest roofline of any building.
 - (d) Signs inscribed on the facade of any building or structure.
 - (e) Signs on mobile stands which can be moved from place to place and thereby not permanently affixed to the ground.
- (Ord. 6-1984. Passed 9-5-84.)

1373.05 GENERAL REGULATIONS.

The following regulations shall apply to all sign uses including those signs not requiring a permit.

- (a) Every sign permitted in this article shall be constructed of durable materials, firmly supported and shall be kept in good condition and repair. Any sign which is allowed to become dilapidated shall be removed by and at the expense of the land owner or lessee of the property on which it is located.
- (b) No sign shall be so located or arranged that it interferes with traffic through glare, through blocking of required sight lines for streets, sidewalks or driveways, through confusion with a traffic control device, by reason of color, location, shape or other characteristics, or through any other means.

- (c) No sign except removable political signs, directional signs, as described in Section 1373.02, and temporary removable yard or garage sale signs shall be placed on any tree, telegraph, electric light or public utility pole or upon rocks or other natural features and shall not exceed two square feet.
- (d) No signs except those of a duly constituted governmental body, including traffic signs and similar regulatory notices and temporary signs as described in subsection (c) hereof, shall be allowed within the right-of-way lines of a street, unless specifically authorized otherwise by the City and in compliance with any prevailing regulations of the Pennsylvania Department of Transportation.
- (e) All permanent signs affixed to any permitted building shall be integrated into the architectural design of the building on which they are placed.
- (f) Double Faced Signs.
 - (1) Any sign may be double faced provided it has two parallel surfaces that are opposite and matching in size and shape and are not over ten inches apart.
 - (2) The sign shall be considered as one sign and only one face shall be used to calculate the total size of the sign.
 - (3) Should the two surfaces deviate from being parallel, or should they differ in size or shape, the sign shall be considered as two signs.
- (g) Freestanding Signs. Such signs shall be permitted on the premises of the use for which they are intended and may be erected provided:
 - (1) No freestanding sign shall be erected closer to the street line than five feet or one-half the distance between the street right-of-way line and the building at its closest point, whichever is less.
 - (2) No portion of such sign shall be less than five feet above the mean ground level except as specified in subsection (h) hereof, which regulates ground signs.
 - (3) No portion of such sign shall exceed thirteen feet above the average ground level, except that in commercial districts, no portion of such sign shall exceed eighteen feet.
 - (4) Any vehicle to which a sign is affixed in such a manner that the carrying of such sign or signs no longer is incidental to the vehicle's primary purpose in itself, shall be considered a freestanding sign and as such be subject to the provisions regarding freestanding signs in the district in which such vehicle is located.
- (h) All ground signs shall have an open unobstructed area of nine inches to two feet between the ground and the bottom of the sign so that this area may be maintained free of weeds and debris, and other undesirable material.
- (i) Projecting Signs. Such sign may be erected and maintained provided:
 - (1) Any support for such sign shall project no more than six inches from the facade of such building.
 - (2) Such sign shall not project more than four feet from the building facade.
 - (3) No part of the sign shall be less than seven nor more than thirteen feet above the ground or walkway level.
 - (4) No projecting sign shall be permitted within twenty-five feet of any other projecting sign.

- (j) Off-Premise Signs.
 - (1) No more than two off-premise signs shall be permitted for any use or land development.
 - (2) Each off-premise sign must be permitted by the land owner of the premises upon which it is erected.
- (k) Illuminated Signs. Signs shall be illuminated only when provided for hereafter in each specific district. The following regulations shall apply to all permitted illuminated signs.
 - (1) Signs shall be illuminated so that such lighting permits no direct light to shine on abutting properties or in the normal line of vision of the public when using the streets.
 - (2) The source of such lighting shall not be visible from the street nor from any normal vantage point.
 - (3) All externally illuminated signs shall be turned off one-half hour after the closing of the business or entity which they identify or advertise and shall remain off until the business or entity is next opened, except those signs named in Section 1373.03(a)(6)A.
 - (4) No illuminated sign shall be lighted on those days when the business or permitted use is not open for business except those signs named in Section 1373.03(a)(6)A.
- (l) Each sign shall be removed within seven days of the time when the circumstances leading to its erection no longer apply, or as provided for otherwise herein.
- (m) All sign provisions of this article shall also apply to smoke stacks, water towers, silos and other similar structures.
(Ord. 6-1984. Passed 9-5-84.)

1373.06 BUSINESS LICENSE REQUIRED; FEE.

(a) No person shall engage in the business of outdoor advertising within the City without obtaining an annual license from the Director of Public Safety.

(b) The fee for such license shall be payable on the first Monday of each calendar year and shall be one hundred dollars (\$100.00) annually.
(Ord. 6-1984. Passed 9-5-84.)

1373.07 BOND REQUIRED.

No person shall engage in the business of outdoor advertising within the City by means of billboards or advertising sign boards, roof signs, wall bulletins or wall signs, until such person has filed with the Department of Public Safety a bond in the sum of ten thousand dollars (\$10,000) with sureties to be approved by the Director of Public Safety. The condition of such bond shall be that the person so engaged in the business of outdoor advertising shall faithfully comply with the provisions of this article and shall save and keep the City and its officials harmless from all damages, liabilities, losses or judgments that may be claimed against the City by reason of the negligent erection or negligent maintenance of any such sign or bulletin.
(Ord. 6-1984. Passed 9-5-84.)

1373.08 PERMIT FEES AND ANNUAL INSPECTION FEES.

(a) The fees for permits as required by this article are as follows: Five dollars (\$5.00) per each one thousand dollars (\$1,000) or any fractional part thereof, construction value up to one million dollars (\$1,000,000). Thereafter, one dollar (\$1.00) per each one thousand dollars (\$1,000) or any fractional part thereof, construction value.

(b) It shall be the duty of the Building Inspector or his authorized agent to inspect every board, sign and wall bulletin within the City at least once annually.
(Ord. 6-1984. Passed 9-5-84.)

(c) Each year after the erection or placement of any sign or bulletin, the person erecting or controlling and maintaining the same shall pay an annual license fee of twenty dollars (\$20.00) for each billboard, and each advertising sign board and each wall bulletin or sign, and twenty dollars (\$20.00) for each roof sign, to the Building Inspector on or before the first Monday of April of each year.
(Ord. 9-2002. Passed 2-27-02.)

(d) If the annual inspection fee is not paid when due, the sign or bulletin mentioned in such section shall be taken down and removed and, if not promptly done, the Building Inspector is authorized to remove or cause it to be removed at the cost and expense of the person owning, controlling and maintaining the same.
(Ord. 6-1984. Passed 9-5-84.)

ARTICLE 1375
Off-Street Parking and Loading Facilities

1375.01	Purpose.	1375.03	Required parking ratios.
1375.02	General parking requirements.	1375.04	Off-street loading and unloading space.

CROSS REFERENCES

Parking space defined - see P. & Z. 1321.16
Junk vehicles - see TRAF. Art. 519
Overlay Parking District - see P. & Z. Art. 1370-A

1375.01 PURPOSE.

The purpose of this article is so that each use permitted in the City is provided with adequate off-street parking, loading and unloading facilities to prevent congestion, inconvenience and nuisance to residences, businesses and visitors.
(Ord. 18-2003. Passed 9-24-03.)

1375.02 GENERAL PARKING REQUIREMENTS.

(a) Each use in all the zoning districts shall be provided with sufficient off-street parking. Parking spaces for single family residents shall be permitted in a garage, car port or in a designated driveway and in no case shall this space encroach into a grass area of the front yard, a public right-of-way, sidewalk, street, alley, etc. In no case shall any portion of a public or private street be utilized in complying with the parking requirements of this section.

(b) The parking of any motor vehicle on the sidewalk or in the front yard of any lot zoned residential is strictly prohibited, except upon a driveway paved with asphalt, masonry or similar hardened surface and constructed in accordance with City of Chester regulations.

(c) Where the computation of required parking spaces result in a fraction of a space, only the fraction of one-half or more shall be counted as one additional space.

(d) Parking requirements are expressed in terms of parking spaces for motor vehicles gauged to the specific land use. Unless otherwise specified, gross floor area of the development shall be used to determine the necessary number of parking spaces.

(e) In parking areas with five (5) or more spaces, each space shall be clearly line-stripped and maintained. In addition, the area shall be adequately lighted so as to assist in the safe maneuvering of motor vehicles and to provide security for users of the parking area. All lighting shall be arranged to avoid glare on adjacent properties.

(f) Off-street parking areas shall have parking spaces not less than one-hundred eighty (180) square feet in area exclusive of access drives or aisles, and shall be functionally arranged and provided with adequate maneuvering lanes. Access aisle widths shall not be less than the following:

Angle of Parking	One-way Aisle	Two-way Aisle (feet)
90	20	24
60	18	20
45	16	18
30	14	18
Parallel	12	18

(g) Off-street parking areas for non-residential uses located adjacent to residential uses shall be provided with an adequate buffer to screen noise, glare and fumes from the residential use. The buffer may consist of a landscaping/fence combination screen at least four (4) feet in height.

(h) Off-street parking areas for 10 vehicles or more shall include landscape planter islands within such parking areas. Raised planter islands shall be placed at each end of a row of parking spaces which begins or terminates at an internal circulation drive, and within each row of parking spaces planter islands shall be placed so that there are not more than 15 parking spaces in a continuous row without an intervening landscaped planter island; except that aggregate islands may be provided when approved by the Planning Commission, in order to create a larger green space which may be desirable, or otherwise achieve a meaningful design objective.

(i) Off-street parking may be provided in parking structures when authorized as a special exception by the Zoning Hearing Board. All parking structures must adhere to the set-back requirements in the respective Zoning District.

(j) When parking structures are utilized to provide all or some of the parking required to serve a principal structure(s) no surface parking shall be permitted within the required set-backs.

(k) No parking structure shall exceed 60 percent of the height of the principal building for which the parking structure serves as an accessory use.

(l) Parking structures shall be designed to minimize blank facades through the use of innovative architectural detail and landscaping. The design of the exterior of the parking structure shall be compatible with the exterior design of the principal structure to the extent that the parking facility is clearly identified with the principal structure. Building materials used for parking structure shall be the same as those used on the principal structure. Where the parking structure is physically connected to, or an integral part of the principal structure, the facade treatment of the principal structure shall be extended onto the parking structures.

(m) Within an enclosed parking structure or deck the following aisle widths and parking space angles shall apply:

Angle of Parking Space (degree)	Minimum Aisle Width (feet)
45 to 60	18
60 to 75	22
90	24

Parking layouts using 90 degree parking spaces shall be designed for two-way travel. Parking layouts using less than 90 degree parking spaces shall be for one-way travel only, clearly marked and signed as such. (Ord. 18-2003. Passed 9-24-03.)

1375.03 REQUIRED PARKING RATIOS.

(a) Spaces for off-street parking shall be provided as required below:

A. Residential

- | | | |
|----|--|---|
| a. | Single-family dwelling unit | Two (2) off-street spaces for each dwelling unit |
| b. | Multi-family dwellings | One (1) off-street space per dwelling unit.
Two (2) off-street spaces per dwelling unit with two (2) or more bedroom units.
Plus, one (1) additional space for every (4) dwellings units for guest in multi-family developments of twenty (20) or more units. |
| c. | Home occupations, major | One (1) off-street space for every two hundred (200) square feet of space devoted to office use or home occupation, plus residential requirement. |
| d. | Residential conversion from one (1) family unit to two (2) or more | Two (2) off-street space from one (1) family unit for each unit created. |
| e. | Rooming house, boarding | One (1) off-street space for every two (2) guest bedrooms plus two (2) off-street spaces for |
| f. | Child daycare centers | One (1) off-street space for every employee. |

- g. Single Room Occupancy Facility One (1) off-street guest parking space for every four (4) units plus one (1) additional parking space for every two employees.
- B. Commercial, Retail & Office
- a. Convenience stores, grocery, variety, etc. One (1) off-street space for every one hundred twenty-five (125) square feet of gross floor area.
- b. Retail Store, Person Service Businesses such as barber shops, Hair salons, nail salons, tailor Similar uses. One (1) off-street space for every two hundred (200) square feet of gross floor area
- c. Restaurant, Tavern, Bar
(1) Sit-down One (1) off-street space for every one hundred fifty (150) feet of gross floor area, plus one (1) space for every three (3) employees on the shift of greatest employment.
(2) Carry-out One (1) off-street space for every four hundred (400) square feet of gross floor area, plus one (1) space for every three (3) employees on the shift of greatest employment.
(3) Drive-in Ten (10) spaces for every two thousand (2,000) square feet of gross floor area, plus one (1) space for every three (3) employees on the shift of greatest employment.
- d. Office Professional, Bank, etc. One (1) off-street space for every two (2) employees, plus one (1) space for every one thousand (1,000) sq. ft. of area devoted to patron use.
- e. Medical, Dental Offices or Clinics One (1) off-street space for each physician or dentist, plus one off street space for each two (2) other employees and one (1) space for every one hundred (100) square feet of waiting room space.
- f. Hotel, Motel, Bed & Breakfast Inn One (1) off-street parking space for each guest room, plus one (1) off-street space for every three (3) employees.
- g. Auto Repair, Service, Sales or Gasoline One (1) off-street parking space for each three hundred (300) square feet of floor area devoted to repair and sales area.

B. Commercial, Retail & Office (Cont.)

- h. Theme amusement park, entertainment center, sports stadium, conference center, commercial recreational facilities, cultural facilities, movie theater
One (1) off-street parking space for each four (4) seats provided, plus one (1) off-street parking space for each three (3) employees in the largest working shift.
- i. Marina
One (1) off-street parking space for each one (1) boat slip provided, plus one space for each four hundred (400) square feet of retail sales space or boat repair area.
- j. Gaming facilities
Forty (40) off-street parking spaces for every fifteen hundred (1,500) square feet of floor area for gaming and support services, plus one (1) space for every three (3) employees and one (1) tour bus space for every two thousand (2,000) square feet of gross floor area.
- k. Shopping centers
One (1) off-street parking space for every two hundred fifty (250) square feet of gross leasable floor area.
- l. Laundromat, self-service
One (1) off-street space for every two (2) washing machines.
- m. Other commercial buildings
One (1) off-street space for every four hundred (400) square feet of floor area.
- n. Funeral home
One (1) off-street space for every seventy-five (75) square feet of floor area in viewing rooms or parlors, plus one (1) space for each official funeral car.

C. Institutional and Governmental

- a. Auditoriums, churches, and other place of public assembly
One (1) off-street space for every five (5) seats, plus one (1) space for every one hundred fifty (150) square feet of meeting room area.
- b. Educational institutions
One (1) off-street space for each faculty member or other full time employee, plus two (2) for each classroom.
- c. Community center, library or similar use
One (1) off-street space for every two hundred fifty (250) square feet of gross floor area.

C. Institutional and Governmental (Cont.)

- d. Community residence facility One (1) off-street space for every four (4) residents and one (1) space for every employee on the shift of greatest employment.
- e. Hospitals, sanitariums, convalescent homes, nursing homes and similar uses One (1) off-street parking space for each five (5) beds, and one (1) space for each three (3) employees or staff.
- f. Half-way house, dependent care facility, home for sheltered care adults, or any similar uses One (1) off-street parking space for five (5) residents, plus one (1) space for each employee on the shift of greatest employment.
- g. Dormitories One (1) off-street parking space for every three (3) residents.

D. Industrial and Other Related Uses

- a. Research development, light manufacturing and assembly One (1) off-street space for every three (3) employees in the largest working shift, plus one (1) space for every seven hundred fifty (750) square feet of gross floor space when the facility has more than five thousand (5,000) square feet of gross floor area.
- b. Storage, warehousing and distribution One (1) off-street space for every one thousand (1,000) square feet of gross floor area, plus one (1) for every employee on the shift of greatest employment.
- c. Public Mini-storage facilities One (10 off-street space for each employee, plus one (1) space for every four (400) hundred square feet of gross floor area.
- d. Building materials, storage and sales One (1) off-street space for every three (3) employees, plus one (1) space for every four hundred (400) square feet of gross floor area.
- e. Heavy Manufacturing: Assembling machines, modular housing components; port facilities; shipbuilding; handling, processing, incinerating, transferring or storage of waste materials. One (1) off-street space for every two (2) employees on the shift of greatest employment.

(Ord. 18-2003. Passed 9-24-03; Ord. 8-2010. Passed 7-14-10; Ord. 13-2010. Passed 9-8-10.)

(b) The parking spaces required in the above section may be located elsewhere than on the same lot when specifically authorized by the Planning Commission, subject to the following conditions:

- (1) The Owners of the lands involved shall submit with their application a site plan showing location of the off-street parking area.
- (2) The off-street parking area shall be located within 200 feet of the buildings being served.

(c) The Planning Commission may reduce the number of off-street parking spaces to be paved initially up to 25 percent for a proposed use, provided that the plan submitted shows that sufficient land is reserved and properly identified to meet the requirements of the ordinance as such time as any such additional parking spaces may be required.
(Ord. 18-2003. Passed 9-24-03.)

1375.04 OFF-STREET LOADING AND UNLOADING SPACE.

(a) Paved off-street loading and unloading area, sufficient to meet the needs of the use and with proper access to a public street, common service driveway, or alley shall be provided. Particular care shall be required for oversized motor vehicles and trailers. The off-street loading and unloading space shall be in addition to the required off street parking space, and in no case shall the required space be less than one. Loading and unloading facilities shall be located on the same property as the use served, except in the case of multi-tenanted office and industrial buildings and amusement or commercial, recreation type activities.

- (1) Each space shall consist of a 55 foot space. The height clearance shall be at least 15 feet.
- (2) Areas for the loading and unloading of delivery trucks and other vehicles and for the servicing of establishments or shops by refuse collection, fuel and other service vehicles, shall have adequate and unobstructed access from a street, service driveway or alley and shall be so arranged that they may be used without blocking or otherwise interfering with the use of automobile access ways, parking facilities or pedestrian ways.
- (3) For commercial establishments providing drive-through customer service, the following shall apply:
 - A. Each door, window, canopy or other position or facility used for such service shall be not less than 10 feet wide and 120 feet long.
 - B. Each such waiting area shall be entirely located within the confines of the lot; shall be continuously separated from street or property lines by landscaped and curbed planter beds a minimum of 10 feet wide and shall not block or cross normal circulation patterns, entrances or exits for customers not using the drive-through facilities.

(b) All loading and unloading areas in view of any residential use shall be screened from the residential uses with a landscaping/fence combination screen at least five (5) feet in height and measured from the ground level.
(Ord. 18-2003. Passed 9-24-03.)

ARTICLE 1377
Nonconforming Buildings, Uses and Lots

1377.01 Nonconforming buildings or uses. 1377.02 Nonconforming lots.

CROSS REFERENCES

Nonconforming lot, structure and use defined - see Planning Act 247 §612 (53 P.S. § 10612)

Registration of nonconforming uses - see Planning Act 247 §613 (53 P.S. § 10613)

Temporary nonconforming permits - see P. & Z. 1325.05

1377.01 NONCONFORMING BUILDINGS OR USES.

(a) Continuations. Any lawful use of a building or land existing at the effective date of this section, or authorized by a building permit issued prior thereto, may be continued although such use does not conform to the provisions of this Zoning Ordinance.

(b) Extension. A nonconforming use of a portion of a building may be extended throughout the building if no structural alterations or additions are made therein; provided, that such extension may include structural alterations or additions when authorized as a special exception. A nonconforming use may be extended upon the lot occupied by such use and held in single and separate ownership at the effective date of this section when authorized as a special exception; provided, that any extension or enlargement shall conform to the area and height regulations of the district in which it is situated.

(c) Change. A nonconforming use of a building or land may be changed to a nonconforming use of the same or more restricted classification, if no structural alterations are made therein, provided, that such change may include structural alterations when authorized as a special exception. Whenever a nonconforming use of a building or land has been changed to a use of a more restricted classification or to a conforming use, such use shall not thereafter be changed to a use of a less restricted classification.

(d) Restoration. A nonconforming building which has been damaged or destroyed by fire or other causes to an extent of not more than seventy-five percent of its value, or a nonconforming building which has been legally condemned, may be reconstructed and used for the same nonconforming use; provided, that (1) the reconstructed building shall not exceed in height, area and volume the building destroyed or condemned, and (2) building reconstruction shall be commenced within one year from the date the building was destroyed or condemned and shall be carried on without interruption.

(e) Abandonment. If a nonconforming use of a building ceases for a continuous period of one year or more, or if nonconforming use of land ceases for any length of time for any reason, subsequent use of such building or land shall be in conformity with the provisions of this Zoning Ordinance. (Ord. 27-1948 §1101. Passed 9-14-48.)

1377.02 NONCONFORMING LOTS.

A building may be erected or altered on any lot held at the effective date of this section in single and separate ownership which is not of the required minimum area of width or is of such unusual dimensions that the owner would have difficulty in providing the required open spaces for the district in which such lot is situated; provided, a special exception is authorized. (Ord. 27-1948 §1102. Passed 9-14-48.)

ARTICLE 1378
Supplemental Regulations

1378.01	Purpose.	1378.08	Reserved.
1378.02	Overall requirements.	1378.09	Screening.
1378.03	Accessory structures and uses.	1378.10	Landscaping.
1378.04	Decks.	1378.11	Swimming pools (private).
1378.05	Fences.	1378.12	Single Room Occupancy Facilities.
1378.06	Projections into rear yards.		
1378.07	Satellite antennas.		

1378.01 PURPOSE.

The purpose of this article is to identify certain regulations and standards which are generally common to all zoning districts or are applicable to more than one district.
(Ord. 19-2003. Passed 9-24-03.)

1378.02 OVERALL REQUIREMENTS.

(a) Every principal building shall hereafter be built on a lot with frontage on a public or private street.

(b) No lot or premises shall hereafter be reduced in area in any manner so as to violate the provisions of this article.
(Ord. 19-2003. Passed 9-24-03.)

1378.03 ACCESSORY STRUCTURES AND USES.

The following standards and regulations shall apply to all accessory structures.
Accessory structures including carports, garages and storage or utility sheds, etc.

- (a) Accessory structures and uses must be clearly incidental to the principal structure of the lot.
- (b) Prior to the construction or erection of any accessory structure, a permit must be obtained from the Building Official.
- (c) Except for carports, fences and signs, accessory structures shall be permitted in rear yards only.
- (d) No accessory structures shall be more than one (1) story or fifteen (15) feet in height.
- (e) Except for fences, there shall be not less than three (3) feet between an accessory structure and a side or rear lot line.

- (f) Accessory structures shall not cover more than twenty (20) per cent of the lot on which they are located.
- (g) Only one (1) storage or utility shed containing not more than one hundred twenty (120) square feet shall be permitted on a lot.
- (h) Utility and storage sheds shall not be used for parking, painting, or repair of motor vehicles.
(Ord. 19-2003. Passed 9-24-03.)

1378.04 DECKS.

Decks are subject to the following regulations and standards:

- (a) Prior to constructing a deck, a permit must be obtained from the Building Official.
- (b) Applications for permits must include a detailed sketch of the proposed deck which shows all dimensions of the deck, the distance from all lot lines and the relationship to the principal building.
- (c) The construction details and all materials used in deck construction shall be in compliance with the City's building code.
- (d) Decks which are three (3) or more feet above ground shall have a hand railing.
- (e) In the case of semi-detached dwellings, rear decks shall be placed no closer than one (1) foot from the common property line.
- (f) Decks shall be permitted in rear yards only.
(Ord. 19-2003. Passed 9-24-03.)

1378.05 FENCES.

The following standards and regulations apply to fences, walls and hedges:

- (a) Except as specifically stated otherwise, fences shall be permitted in the side and rear yards. However, in residential districts where a property has no rear yard or rear yard of a depth less than that required on the block and where the majority of the properties on the block have fences in the front yard, the owner or renter may erect a fence in the front yard. Such fence shall not exceed four (4) feet in height.
- (b) Prior to the erection of a fence, a permit must be obtained from the Building Official.
- (c) Fences, walls and hedges in residential districts shall not exceed the following height limits:
 - (1) When located in front of the building line: Four (4) feet.
 - (2) When located behind the building line: Six (6) feet.
- (d) Fences, walls, and hedges in nonresidential districts shall comply with the requirements below:
 - (1) Commercial districts.
 - A. Except in the C-S district, fences shall erected or placed only behind the building line and shall have a height of not more than six (6) feet.
 - B. In the C-S district, fences may be placed in front of the building line and shall have a height of not more than eight (8) feet.

- (2) University district. The height of fences shall not exceed six (6) feet except in the case of buildings or facilities, such as certain laboratories or other facilities, that require greater security measures, in which case the height shall not exceed eight (8) feet.
- (3) Waterfront districts.
 - A. Industrial uses shall comply with the requirements in subsection (4) below.
 - B. Commercial and entertainment uses shall comply with subsection (1) above.
- (4) Industrial districts. Fences shall not exceed twelve (12) feet.
- (e) Fences separating properties shall be erected or placed inside the property line of the person erecting the fence.
- (f) For security reasons, fences that exceed six (6) feet shall not be solid or opaque.
- (g) Fence shall be erected with the finished side facing out.
- (h) Fences surrounding tennis courts or ball fields may have a height of not more than twelve (12) feet.
- (i) No fence shall be erected along the centerline of a common driveway easement. (Ord. 19-2003. Passed 9-24-03.)

1378.06 PROJECTIONS INTO REAR YARDS.

No principal building or part thereof shall be erected within, or shall project into, any required yard in any district, except for unenclosed porches, decks, one-story bay windows, eaves, chimneys, balconies, fire escapes, buttresses, cornices or steps, and none of these except decks or similar projections shall encroach more than three (3) feet into the required yard. (Ord. 19-2003. Passed 9-24-03.)

1378.07 SATELLITE ANTENNAS.

The provisions below are intended to comply with the Telecommunications Act of 1996 and the regulations of the Federal Communications Commission. To that end, most of the regulations in this section are related to safety considerations.

- (a) Satellite antennas shall comply with all Federal Communications Commission regulations.
 - (b) To the extent feasible, antennas shall be placed in locations that are not visible from public streets, provided that such placement would allow reception of an acceptable quality signal.
 - (c) The diameter of these antennas shall not exceed one (1) meter (thirty-nine (39) inches).
 - (d) The installation and placement of these antennas shall comply with the City's fire code.
 - (e) These antennas shall not be placed on or attached to fire escapes.
 - (f) Antennas shall not be placed near electric power lines.
- (Ord. 19-2003. Passed 9-24-03.)

1378.08 RESERVED.

1378.09 SCREENING .

The following standards and regulations shall apply to all screens:

- (a) A planted visual screen, as defined in Article 1321, shall be provided and continually maintained under the following circumstances:
 - (1) Where a nonresidential use, structure or additional is proposed on a lot adjacent to an existing residential use or a residential district.
 - (2) Where a multi-family residential structure is proposed on a lot adjacent to an existing single-or two-family dwelling.
 - (3) Any other instance where screening is required by this article, the Zoning Hearing Board, City Council or other City ordinances or codes.
 - (b) All mechanical equipment not enclosed in a structure shall be fully and completely screened in a manner compatible with the architectural and landscaping style of the remainder of the lot. Such screening shall be subject to site plan review by the City Planning Commission.
 - (c) Screen design, including the type of plant material uses, spacing of plant materials, the use and location of earth berms and, when permitted, privacy fence design and construction, shall be subject to review by the City Planning Commission.
 - (d) A privacy fence may be substituted for a planted screen when there is insufficient area to provide and maintain such a screen, where specifically permitted in this article and upon a recommendation from the City Planning Commission.
 - (e) Dumpsters and other outdoor trash receptacles, where permitted, shall be screened from adjacent properties and from public streets.
 - (f) Planted visual screens shall comply with the following requirements:
 - (1) Except for the screening of outdoor trash receptacles, planted visual screens shall be placed inside the property lines of the lot owner providing the screen.
 - (2) Screens shall include a row of evergreen species which are indigenous to the area so as to provide a year-round visual screen.
 - (3) Whenever possible, screening shall incorporate earthen mounds or berms to improve sound as well as visual buffering and shall be broken at points of vehicular or pedestrian access or where necessary for groundwater drainage.
 - (4) Plant materials used in the screen planting shall be at least six (6) feet in height when planted and be of species which will produce within two (2) years a complete, effective visual screen, and no plantings shall be placed with their center closer than four (4) feet from any property line.
 - (5) All existing trees within the required planting screen which are more than three (3) inches in caliper and/or eight (8) feet in height shall be preserved whenever possible.
 - (6) Screening shall be placed and located so as not to obstruct sight distances at intersections.
 - (7) A privacy fence must be constructed of opaque material and must comply with all other standards pertaining to fences as contained herein.
 - (8) Screens shall be perpetually maintained during the period that the principal use causing the need or screening is in operation. Any plant material which does not survive shall be replaced within six (6) months.
- (Ord. 19-2003. Passed 9-24-03.)

1378.10 LANDSCAPING.

(a) General Regulations.

- (1) Except for single-family dwellings and two family dwellings, any part or portion of a site which is not used for buildings or other structures, loading and parking spaces and aisles, sidewalks and designated storage areas shall be planted and maintained with landscaping. Maximum advantage shall be taken of existing trees and shrubs in landscaping.
- (2) All landscaped planting areas shall be planted with grass seed, sod or other ground cover and shall be maintained and kept clean of all debris, rubbish, weeds and tall grass, provided, however, that if such land is naturally wooded, it may continue in its natural state.
- (3) Unless otherwise specified, landscaped planning areas may be part of the required front, side and rear yards.

(b) Landscaping Plans.

- (1) Landscaping shall be installed and maintained in accordance with a landscaping plan and approved by the City Planning Commission. The landscaping plan shall depict all proposed plantings which relate to complement, screen or accentuate buildings, roads, parking areas, sidewalks, walkways, sitting areas, service or maintenance structures, courtyards and other site features.
- (2) The landscaping plan shall be coordinated with the development plan and shall show the location, type, size, height and other characteristics of the proposed landscaping.
- (3) The plan shall be accompanied or shall include information regarding the continued maintenance of plantings indicating that all plantings will be replaced, if damaged, diseased or dead, in locations shown on the approved plan.

(c) Specific Requirements. No fewer than three (3) evergreen and/or deciduous shrubs shall be planted for every twenty-four (24) feet of building and/or lot frontage, as required below:

<u>Zoning District or Use</u>	<u>Minimum Landscaping Requirements</u>
Multi-family	One (1) tree or two (2) shrubs (which may be placed in containers) for every twenty (20) feet of building width at the front of the building.
C-1 District (CBD)	Same as for multi-family dwellings
C-2 District	Not applicable
C-3 District	Landscaped area not less than six (6) feet wide along all street frontages.
C-4 District	Landscaped area not less than six (6) feet wide along all street frontages and adjacent to at least two (2) sides of each principal building.
C-S District	Landscaped area not less than six (6) feet wide along all street frontage.
University District	Same as the C-4 District.

(Ord. 19-2003. Passed 9-24-03.)

1378.11 SWIMMING POOLS (PRIVATE).

The following regulations shall apply to all noncommercial swimming pools:

- (a) A permit must be obtained from the Building Official prior to erection or construction of any swimming pool.
- (b) Swimming pools shall comply with all other applicable local and state regulations including the Codified Ordinances of the City of Chester.
- (c) At the time of application for a permit, it shall be demonstrated that the drainage of the pool is adequate and shall not drain onto a neighboring property.
- (d) The swimming pool shall be intended and used solely for the enjoyment of the occupants of the property on which it is located and their guests.
- (e) All swimming pools shall be placed behind the front of the principal building. In the case of a corner lot, no swimming pool shall be placed closer to the side street than the principal building.
- (f) All swimming pools shall be located not less than six (6) feet from any property line or from the principal permitted use on the lot.
- (g) A fence not less than four (4) feet in height must surround all swimming pools. The type, quality and design of the fence shall be adequate to serve as a safeguard and protection to children. All fences shall have self-locking gates in order to prevent unauthorized children and animals from entering the pool area.

- (h) The swimming pool may be lighted by underwater or exterior lights or both, provided that all exterior lights are located so that the light is neither directed nor reflected upon adjacent properties in such a manner as to be a nuisance or annoyance to neighbors. Underwater lighting shall be in compliance with the applicable building/electrical code.
- (i) All swimming pools, including the apparatus and equipment pertaining to the operation of the pool, shall be constructed and erected in accordance with all applicable codes, ordinances and regulations of the City of Chester.
- (j) A private swimming pool shall not be operated as a business nor maintained in a manner to be hazardous or obnoxious to adjacent property owners.
(Ord. 19-2003. Passed 9-24-03.)

1378.12 SINGLE ROOM OCCUPANCY FACILITIES.

A Single Room Occupancy (SRO) Facility shall comply with the requirements of this Article, where allowed by Title Five (Zoning Districts).

- (a) Purpose. The provisions of this Article are intended to provide opportunities for the development of permanent, affordable housing for small households and for people with special needs in proximity to transit and services, and to establish standards for these small units.
- (b) Location. A Single Room Occupancy Facility may be proposed and approved, when authorized by a Special Exception from the Zoning Hearing Board in the R-3 zoning district. A proposed Single Room Occupancy Facility may not be located within 2000 feet of another Single Room Occupancy Facility. Any Single Room Occupancy Facility must be located within one (1) block of a public transportation access stop, including but not limited to train stations and bus stops.
- (c) Project Review and Approval. A proposed Single Room Occupancy shall require the approval of a Special Exception Permit and compliance with Article 1141 and Article 1309 as applicable.
- (d) Development Standards for Single Room Occupancy Facilities.
 - (1) Density. The minimum number of single occupancy units in a given facility shall be four (4) units. The maximum number of single room occupancy units in a given facility shall be twelve (12) units.
 - (2) Common area. One hundred (100) square feet of interior common space per living unit shall be provided, excluding janitorial storage, laundry facilities and common hallways.
 - (3) Laundry facilities. Laundry facilities must be provided in a separate room at the ratio of one washer and one dryer for every six (6) units or fractional number thereof.
 - (4) Cleaning supply room. A cleaning supply room or utility closet with a wash tub with hot and cold running water shall be provided on each floor of the Single Room Occupancy Facility.
- (e) Development Standards for Single Room Occupancy Units.
 - (1) Unit size. A Single Room Occupancy unit shall have a minimum size of 150 square feet and a maximum of 400 square feet.
 - (2) Occupancy. A Single Room Occupancy unit shall accommodate a maximum of two persons. For units accommodating two persons the minimum size shall measure 250 square feet and the maximum size shall measure 400 square feet.

- (3) Bathroom. A Single Room Occupancy unit is required to contain partial or full bathroom facilities. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink, and bathtub, shower or bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities shall be provided in accordance with the Pennsylvania Building Code for congregate residences with a least one full bathroom per floor.
- (4) Kitchen. A Single Room Occupancy unit is not required to but may contain partial or full kitchen facilities. A full kitchen includes a sink, a refrigerator and a stove, range top or oven. A partial kitchen is missing a least one of these appliances. If a full kitchen is not provided, common kitchen facilities shall be provided with at least one full kitchen per floor.
- (5) Closet. Each Single Room Occupancy unit shall have a separate closet.
- (6) Unit design. Living units shall have amenities sufficient to sustain daily living including, but not limited to, furnishings, built-in cabinets, closets, miscellaneous storage, and individually controlled heating and ventilation.
- (7) Code compliance. Single Room Occupancy units shall comply with all requirements of the Pennsylvania Building Code.
- (8) Internal security. There shall be a security plan emphasizing residents' safety without unreasonably imposing on residents' activities.
- (f) Accessibility. All Single Room Occupancy units shall comply with all applicable accessibility and adaptability requirements. All common areas shall be fully accessible.
- (g) Management.
 - (1) Facility management. A Single Room Occupancy Facility with 8 or more units shall provide twenty-four (24) hour on-site management and maintenance. An SRO Facility with less than 8 units shall provide a management office on-site.
 - (2) Management plan. A management plan shall be submitted with the application for a Single Room Occupancy facility and shall be approved by the City. The management plan must address management and operation of the facility, rental procedures, safety and security of residents and building maintenance.
 - (3) Security. Applicants shall consult with the Police Department for advice on security measures prior to submitting an application to the Zoning Hearing Board. The Zoning Hearing Board shall obtain recommendations from the Police Department prior to granting a special exception. The Police Department's recommendations may address, but are not limited to:
 - A. Locations for closed circuit television (CCTV) units (these units may be monitored or taped as required).
 - B. Location and design of entrances into the facility, including visibility of the entryway/lobby from outside the building.
 - C. Alarms on exit doors.
 - D. Type of locks (for the overall facility and for individual rooms).
 - E. Optical viewers (peepholes).
 - F. Lighting.

- (4) Facility rules. In addition to security measures, the Police Department shall review a set of Facility (House) Rules for the Single Room Occupancy facility. Such Facility Rules shall include, but not be limited to rules governing the following:
- A. On site consumption of alcoholic beverages.
 - B. Alterations to living units.
 - C. On site automobile repair.
 - D. Use of common areas, including quiet hours.
 - E. Garbage and litter control.
 - F. Guests, including visitation.
 - G. Harassment.
 - H. Heating.
 - I. Inspections of living units.
 - J. Insurance of personal property.
 - K. Keys/lock outs.
 - L. Laundry room use.
 - M. Loitering.
 - N. Pets.
 - O. Phones.
 - P. Registration of occupants.
 - Q. Smoking.
 - R. Soliciting.
 - S. Subletting.
 - T. Substances abuse.
- (h) Parking. Off street parking shall be provided in accordance with Article 1375.03.A.
- (i) Tenancy. Tenancy of Single Room Occupancy units shall be a minimum of 30 days or more. (Ord. 13-2010. Passed 9-8-10.)

ARTICLE 1380
Performance Standards

1380.01 Title.	1380.04 Performance standards.
1380.02 Purpose.	1380.05 Enforcement.
1380.03 Administration.	

1380.01 TITLE.

The title of this article shall be the City of Chester Performance Standards Ordinance, and same may be cited in that manner.
(Ord. 13-1998. Passed 4-9-98.)

1380.02 PURPOSE.

It is the purpose of this section to provide appropriate standards relating to the operation of certain activities throughout the City. Such operations may create or maintain such excessive impacts on adjacent properties as to be a deterrent to the public health, comfort, convenience, safety and welfare. These standards are therefore provided to protect the public interest and promote the public health and welfare. These standards shall apply to all lands within the City.

(Ord. 13-1998. Passed 4-9-98.)

1380.03 ADMINISTRATION.

(a) Interpretation and Application of Standards.

- (1) The performance standards contained herein shall be the minimum standards to be met and maintained by all uses established after the effective date of this Article. Standards established by the Pennsylvania Department of Environmental Protection (DEP) or the United States Environmental Protection Agency shall apply where those standards are more restrictive than the standards set forth below.
- (2) If any existing use or building or other structure is extended, enlarged, reconstructed or requires a new permit from DEP, the performance standards herein shall apply to such extended, enlarged, or reconstructed portions of a building or use requiring a new permit.

(b) Application Submittal.

(1) Applications for industrial uses in the City of Chester industrial districts shall be accompanied by a certification from a professional engineer registered in the Commonwealth of Pennsylvania that the proposed use can meet the performance standards set forth in this article. All applications shall include, but shall not be limited to, the following information items:

- A. Plans of existing or proposed construction and development;
- B. A description of existing or proposed machinery, processes and products;
- C. Specifications for the mechanisms and techniques used or proposed to be used in restricting possible dangerous or objectionable conditions as set forth in this Article;
- D. Measurement of estimate of the amount or rate of emission of any dangerous or objectionable elements as set forth in this article.

(c) Application Review. Applications for industrial use shall be submitted to the Zoning Officer. Each application will be reviewed by the City Engineer for compliance with these performance standards. No application for industrial use shall be approved until it is certified in writing by the City Engineer that the proposed use can meet these performance standards.

(Ord. 13-1998. Passed 4-9-98.)

1380.04 PERFORMANCE STANDARDS.

(a) Air Quality. There shall be no emission of smoke, ash, dust, fumes, vapors, gases or other matter toxic noxious to the air which violates the rules set forth by the Environmental Protection Agency and the Pennsylvania Air Pollution Control Laws, including the standards set forth in Chapter 123 (Standards for Contaminants), and Chapter 131 (Ambient Air Quality Standards), Article 111, Title 25, Pennsylvania Department of Environmental Protection, Rules and Regulations. No zoning approval will be granted to any regulated source of air pollution prior to the receipt of a valid operating permit issued by the Pennsylvania Department of Environmental Regulation.

(b) Fire and Explosive Hazards. All activities and all storage of flammable and explosive material at any point shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate fire fighting and fire suppression equipment, and devices as detailed and specified by the requirements of the City Fire Commissioner and the laws of the Commonwealth of Pennsylvania. All buildings and structures and activities within such buildings and structures shall conform to the requirements of the City Fire Commissioner and to the requirements of Chapter 211, title 25, Rules and Regulations, Pennsylvania Department of Environmental Protection, for storing, handling and use of explosives.

(c) Glare and Heat. No direct or sky-reflected glare, whether from flood lights or high temperature processes such as combustion or welding or otherwise, so as to be visible at the lot line shall be permitted. These regulations shall not apply to signs or floodlighting of parking areas otherwise permitted by the Chester City Zoning Ordinance. There shall be no emission or transmission of heat or heated air so as to be discernible at the lot line.

(d) Liquid and Solid Waste. There shall no discharge at any public or private sewerage system, or watercourses or into the ground of any materials in such a way or such a nature as will contaminate or otherwise cause the emission of hazardous materials in violation of the laws of Chester City and the Commonwealth of Pennsylvania, and specifically of Chapters 71, 73, 75, 93, 95 and 101, Title 25, Pennsylvania Department of Environmental Protection, Rules and Regulations.

(e) Noise. No person shall operate, or cause to be operated on private or public property any source of continuous sound (any sound which is static, fluctuating or intermittent with a recurrence greater than one (1) time in any fifteen (15) second interval) in such a manner as to create a sound level which exceeds the limits set forth in the following table when measured at or within the property boundary of receiving land use.

Receiving Land Use Category	Time	Sound Level Limit
Residential, Recreation Open Space	1) 7:00 a.m. - 10:00 p.m. 2) 10:00 p.m. - 7:00 a.m.	60 dBA 55 dBA
Institutional	1) 7:00 a.m. - 10:00 p.m. 2) 10:00 p.m. - 7:00 a.m. plus Sundays and legal holidays	55 dBA 50 dBA
Commercial and office	1) 7:00 a.m. - 10:00 p.m. 2) 10:00 p.m. - 7:00 a.m.	65 dBA 60 dBA
M-1 Industrial	At all times	70 dBA
M-2 Industrial	At all times	75 dBA
M-3 Industrial	At all times	75 dBA

- (1) For any source of sound which emits a pure tone, the maximum sound level limits set forth in the above table shall be reduced by five (5) dBA. For any source of sound which emits an impulsive sound (a sound of short duration, with an abrupt onset and rapid decay and an occurrence of not more than one time in any fifteen (15) second interval) the excursion of sound pressure level shall not exceed twenty (20) dBA over the ambient sound level, regardless of time of day or night of receiving land use, using the "fast" meter characteristics of a Type II Meter, meeting the ANSI specifications S1.4-1971, as they may be amended from time to time.

- (2) The maximum permissible sound levels in the previous table shall not apply to any of the following noise sources.
- A. The emission of sound for the purpose of alerting persons to the existence of an emergency or associated practice drills, or the emission of sound in the performance of emergency work.
 - B. The unamplified human voice;
 - C. Construction or routine maintenance of public services utilities;
 - D. Domestic power tools;
 - E. Public celebrations specifically authorized by City Council;
 - F. Bells or chimes operated by institutional uses (e.g. churches, schools, etc.)
 - G. Operating motor vehicles, except that such vehicles shall not exceed the noise levels established in Chapter 157 of Title 67 of the Pennsylvania Code of Regulations, Subchapter B, Established Sound Levels.
- (3) Pre-existing uses not in conformance. Where an industry or commercial business has established its use away from other incompatible uses and subsequently, through the encroachment of development, now finds itself adjoining a receiving land category which would require a reduction in noise generation, said industry or commercial business shall not emit a noise which exceeds the maximum noise limitation for the receiving land category by more than ten (10) decibels.

(f) Odors. No uses shall emit odorous gases or other odorous matter in such quantities to be offensive at any point on or beyond its lot lines. The guide for determining such quantities of offensive odors shall be the fifty percent (50%) response level of Table 1 (Odor Thresholds in Air), "Research of Chemical Odors: Part 1 - Odor Thresholds for 53 Commercial Chemicals," October, 1986, Manufacturing Chemists Association, Inc., Washington, D.C.

(g) Vibration. In an M-1 or M-2 district, a persons shall not conduct a use so as to create earthborne vibrations on the bounding property line that exceed the displacement contained in the following table.

ALLOWABLE DISPLACEMENT OF EARTHBORNE VIBRATIONS (M-1 AND M-2 DISTRICTS)	
Frequency (Cycles per second)	Displacement (Inches)
0 to 10	0.0010
10 to 20	0.0008
20 to 30	0.0005
30 to 40	0.0004
40 and over	0.0003

In an M-3 district, a person shall not conduct a use so as to create earthborne vibrations on the bounding property line that exceed the displacement contained in the following table:

ALLOWABLE DISPLACEMENT OF EARTHBORNE VIBRATIONS (M-3 DISTRICTS)	
Frequency (Cycles per second)	Displacement (Inches)
0 to 10	0.0020
10 to 20	0.0016
20 to 30	0.0010
30 to 40	0.0006
40 and Over	0.0005

(h) Radioactivity or Electrical Disturbances. There shall be no activities which emit dangerous radioactivity at any point. There shall be no radio or electrical disturbances — adversely affecting the operation of equipment belonging to someone other than the creator of the disturbance. If any use is proposed which incorporates the use of any radioactive material, equipment or supplies, such use shall be in strict conformity with Chapters 221, 223, 225, 227 and 229, Title 25, Article V, Pennsylvania Department of Environmental Protection, Rules and Regulations, as amended or as such laws may hereafter be amended.

(i) Public Health and Safety. No use shall create any other objectionable condition in an adjoining area which will endanger public health and safety or be detrimental to the public use of the surrounding area.
(Ord. 13-1998. Passed 4-9-98.)

1380.05 ENFORCEMENT.

(a) The Zoning Officer, City Engineer, Building Official, Health Officer and Fire Commissioner shall investigate any purported violation of the performance standards noted below.

(b) The provisions of this article shall be administered and enforced by the Building Official appointed by City Council who shall have the power to administer the Zoning Ordinance in accordance with its literal terms, as well as the power to make inspection of buildings or premises necessary to carry out his duties in the enforcement of this article.

(c) The provisions of this article shall be severable, and if any provision thereof shall be held to be unconstitutional, invalid or illegal by any court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this article. It is hereby declared as a legislative intent that this article would have been enacted had such unconstitutional, invalid or illegal provisions not been included therein.
(Ord. 13-1998. Passed 4-9-98.)

ARTICLE 1382
Child Daycare Facility Regulations

- | | |
|---|--------------------------------|
| 1382.01 Purpose. | 1382.04 Development standards. |
| 1382.02 Overall requirements. | 1382.05 Existing structures. |
| 1382.03 Location of child daycare facilities. | |

CROSS REFERENCES
Defined - see P. & Z. 1321.38

1382.01 PURPOSE.

The purpose of this Section is to provide for the development of licensed child daycare within the City while preserving the character of our neighborhoods by identifying certain regulations and standards which are common to all child care facilities.
(Ord. 8-2010. Passed 7-14-10.)

1382.02 OVERALL REQUIREMENTS.

(a) The establishment of a child daycare facility in the City of Chester shall require that an application be filed with the Planning Department.

(b) A child daycare facility shall require Design Review in compliance with Article 1309; and shall comply with all requirements of the Pennsylvania Code, Title 55; Public Welfare. (Ord. 8-2010. Passed 7-14-10.)

1382.03 LOCATION OF CHILD DAYCARE FACILITIES.

Child care facilities shall be allowed to locate in the following zoning districts:

- (a) A Family Daycare Facility is permitted in the R-1, R-2 and R-3 Zoning Districts by right.
- (b) A Child Daycare Center is permitted in the C-1, and C-2 Zoning Districts by right.
- (c) A Group Daycare Facility is permitted in the C-1 and C-2 Zoning Districts by right and shall be permitted in the R-3 zoning district by special exception.
- (d) No child daycare facility shall be permitted within 100 feet of a vacant or abandoned structure or non-residential nuisance uses, including but not limited to, auto repair, tavern, halfway house, or prison.
- (e) No child daycare facility shall be permitted in a multi-family dwelling unit.
(Ord. 8-2010. Passed 7-14-10.)

1382.04 DEVELOPMENT STANDARDS.

(a) Family Daycare Facility. The establishment of a family child daycare facility shall require that an application be filed with and approved by the Planning Commission. The application shall be approved if the Planning Department determines that the application complies with the following regulations.

- (1) Minimum separation between daycare homes. Within a residential district, there shall be no more than one family daycare facility allowed within 500 feet of any other child daycare facility.
- (2) Loading area. The location of loading and unloading areas shall be submitted as a plan and must be approved by the Planning Department which shall consider the impact the additional traffic may have on the surrounding community in making their determination. The criteria to be used to review the impacts shall include, but not be limited to, roadway and on-street parking configurations, closest intersection locations, and the layout of streets and adjacent land uses.
- (3) Noise standards. A family child daycare facility shall comply with the noise regulations of Section 1380.04.
- (4) Parking. Off-street parking shall be provided at a ratio of one parking space for each employee other than the resident. Parking may be tandem and located on a driveway that leads to covered parking.
- (5) Outdoor play space. A family daycare facility shall provide an outdoor play space as follows, however, the requirement to provide outdoor play space may be waived by the Planning Department if proof is provided that the family child daycare home is located within 200 feet of a public park.
 - A. Minimum size. The total area of the outdoor play space shall be a minimum of 75 square feet per child.
 - B. Location on site. No outdoor play space shall be within 25 feet of a residential structure on an abutting lot in a residential zoning district.
 - C. Screening fence. A wall or fence shall surround the outdoor play area. The minimum height of the wall or fence shall be equivalent to the maximum height of a wall or fence in the zoning district in which the site is located or six feet, whichever is less. If a fence with perforations through more than fifty percent (50%) of the surface area is provided, vertical landscaping shall be provided to screen the outdoor play area from adjacent properties.
- (6) Play equipment. Play equipment shall not be located within the front yard.
- (7) Signs. Signs shall comply with the requirements of Article 1373 for the zoning district where the facility is located.

(b) Group Daycare Facility. The establishment of a Group Daycare Facility shall require that an application be filed with and approved by the Planning Department. The application shall be approved if the Planning Department determines that the application complies with the following regulations.

- (1) Prohibited locations. A group daycare facility shall not be located in a residential unit that is attached to another residential unit.
- (2) Minimum separation between daycare facilities. Within a residential district, there shall be no more than one group daycare facility allowed within 500 feet of any other daycare facility of whatever type.
- (3) Loading area. The location and design of passenger loading, and unloading areas shall be submitted as a plan and must be reviewed and approved by the Planning Department which shall consider the impact the additional traffic may have on the surrounding community. The criteria to be used to review the impacts shall include, but not be limited to, roadway and on-street parking configurations, closest intersection locations, and the layout of streets and adjacent land uses.
- (4) Noise standards. A group daycare facility shall comply with the noise regulations of Section 1380.04.
- (5) Parking. Off-street parking shall be provided at a ratio of one parking space for each employee other than the resident. Parking may be tandem and located on a driveway that leads to covered parking.
- (6) Outdoor play space. A group daycare facility shall provide an outdoor play space as follows. However, the requirement to provide outdoor play space may be substituted if proof is provided that the group daycare facility is located within 200 feet of a public park.
 - A. Minimum size. The total area of the outdoor play space shall be a minimum of 75 square feet per child.
 - B. Location on site. No outdoor play space shall be within 25 feet of a residential structure on an abutting lot in a residential zoning district.
 - C. Screening fence. A wall or fence shall surround the outdoor play area. The minimum height of the wall or fence shall be equivalent to the maximum height of a wall or fence in the zoning district in which the site is located or six feet, whichever is less. If a fence with perforations through more than fifty percent (50%) of the surface area is provided, vertical landscaping shall be provided to screen the outdoor play area from adjacent properties.
- (7) Play equipment. Play equipment shall not be located within the front yard.
- (8) Signs. Signs shall comply with the requirements of Article 1373 for the zoning district corresponding with the proposed location.

(c) Child Daycare Centers. Each child daycare center shall comply with the following requirements.

- (1) Outdoor play space. A child daycare center shall provide an outdoor play space as follows.
 - A. Minimum size. The total area of the outdoor play space shall be a minimum of 75 square feet per child.
 - B. Location on site. No outdoor play space shall be within 25 feet of a residential structure on an abutting lot in a residential zoning district.

- C. Screening fence. A wall or fence shall surround the outdoor play area. The minimum height of the wall or fence shall be equivalent to the maximum height of a wall or fence in the zoning district in which the site is located or six feet, whichever is less. If a fence with perforations through more than fifty percent (50%) of the surface area is provided, vertical landscaping shall be provided to screen the outdoor play area from adjacent properties.
- (2) Side and rear landscape buffers. Landscaping shall be used to buffer noise in side and rear setback areas adjacent to residential zoning districts. The following minimum density of plant materials shall be maintained in these areas: For each 100 square feet of yard area or fraction thereof, 0.10 canopy trees (24 inch box or larger), 0.20 under-story trees (15 gallon or larger), and 2.0 shrubs (five gallons or larger). Where an existing mature landscape element is retained on the site, it may be counted as double in meeting these minimum requirements (e.g., where two canopy trees are required, one existing canopy tree may be used to meet the guideline).
- (3) Parking. See Section 1375.03(a)A.f. Parking shall not be located in an existing front or corner side setback unless located on a driveway leading to a covered parking space.
- (4) Loading area. The location and design of passenger loading and unloading areas shall be submitted as a plan and must be reviewed and approved by the Planning Department which shall consider the impact the additional traffic may have on the surrounding community in making their determination. The criteria to be used to review the impacts shall include, but not be limited to, roadway and on-street parking configurations, closest intersection locations, and the layout of streets and adjacent land uses.
- (5) Hours of operation.
- A. The allowable hours of operation shall be established for each child daycare center by the Planning Department which shall make their determination based on the general character of the community, and the impact of additional activity, noise and traffic on the surrounding community.
- B. Outdoor activities may only be conducted between the hours of 7:00 a.m. and 7:00 p.m. in residential zoning districts and 6:00 a.m. and 7:30 p.m. in non-residential zoning districts.
(Ord. 8-2010. Passed 7-14-10.)

1382.05 EXISTING STRUCTURES.

An existing structure may be converted to a Child Daycare Center consistent with the provisions of this Section and provided the structure is larger than 2,000 square feet.
(Ord. 8-2010. Passed 7-14-10.)

