

# article XII

## Use Regulations

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### SECTION 1200 APPLICABILITY OF REGULATIONS

- A. Except as provided by law or in this Ordinance, in each district, no building, structure, or land shall be used or occupied except for the purposes permitted in Articles IV through XI and in accordance with the regulations of Section 1202. Unless otherwise specified in this Ordinance, on any property, parcel, or tract of land, only one (1) principal use shall be permitted.
- B. A use not listed in Article IV through XI as noted above, is not permitted in the specific zoning district.

### SECTION 1201 USES SUBJECT TO OTHER REGULATIONS

- A. Uses permitted by right, conditional use, or special exception shall be subject, in addition to the use regulations of Section 1202, to such regulations of yard, lot size, lot width, building area, easements, provisions for off-street parking and loading, landscaping and buffering, and to such other provisions as specified in this Ordinance. Where Ordinance regulations conflict, the more restrictive shall apply.
- B. The laws of the Commonwealth and the regulations of the Chester County Department of Health regarding water supply and waste disposal shall be adhered to. Further, no building permit shall be issued until approval is obtained from the Chester County Department of Health for sewage disposal, unless the premises are served by public sewage facilities.

### SECTION 1202 USES SUBJECT TO SPECIFIC REGULATIONS

#### A. RESIDENTIAL USES

##### (A1) Home Occupations

A home occupation is an activity, conducted for gain by person(s) residing on the premises, that is clearly subordinate to the existing residential use of the property. There shall be two categories of home occupations: major and minor. These uses shall only be permitted in accordance with the standards set forth below.

- a. Minor Home Occupations - Minor home occupations shall be permitted by right in those districts where minor home occupations are a permitted use. A minor home occupation shall meet each of the following criteria:
  - (1) The use is carried on only by the inhabitants of the dwelling;

- (2) The use does not involve any customer or client visits to the dwelling and there are no direct sales of products on the site;
  - (3) There is no exterior indication, including but not limited to signs, advertising or other display, that a home occupation is located on the premises;
  - (4) Commercial pick-up and delivery of goods and supplies is limited to no more than once a week, exclusive of normal United States postal service and parcel service beyond normal residential pick-up and delivery service.
  - (5) The floor area devoted to the use does not exceed twenty-five (25) percent of the ground floor area of the principal residential structure or four-hundred (400) square feet.
- b. Major Home Occupations - A proposed home occupation that does not meet all five (5) of the criteria in Section 1202.A1.a, above, shall be defined as a major home occupation. Major home occupations shall be permitted by special exception in those districts where major home occupations are a permitted use.
- c. A proposed use which cannot meet any of the criteria in Section 1202.A1.a, above, shall not be permitted as a home occupation.
- d. The Code Enforcement Officer shall determine whether a proposed home occupation is defined as major or minor. The applicant shall be responsible for supplying such information as deemed necessary by the Code Enforcement Officer to make this determination. The following procedure for approval and permitting shall apply:
- (1) Upon determining that the proposed use is defined as a minor home occupation and is in conformance with the requirements of this Ordinance, the Code Enforcement Officer shall issue a permit.
  - (2) Where the Code Enforcement Officer determines that the proposed use is a major home occupation, the use shall be permitted only as a special exception and shall require review and approval by the Zoning Hearing Board in accordance with the provisions of Section 1808, Granting of Special Exceptions. The Zoning Hearing Board may attach such reasonable conditions and safeguards as it deems necessary to implement the purposes of this Ordinance. Following approval, the Code Enforcement Officer shall issue a permit.

e. A home occupation permit shall not be transferrable to another person or property. The following limitations shall apply to a home occupation permit:

- (1) The permit shall only be valid for the person and on the property for which it was originally issued.
- (2) In the event that a property with an existing home occupation is sold or leased to someone other than the original permit holder, the new owner or lessor shall be required to obtain a home occupation permit, demonstrating full compliance with the requirements of this Ordinance and other applicable regulations.

f. General Standards

Unless otherwise stated, the following regulations shall apply to all home occupations, whether permitted by right or by special exception:

- (1) A home occupation shall be conducted within a dwelling which is a bona fide residence of the principal practitioner or in an accessory building thereto which is normally associated with the residential use. The home occupation shall be carried on wholly indoors.
- (2) All applicants for a home occupation use shall be required to obtain a permit in accordance with the requirements of Sections 1202.A1.a through 1202.A1.d prior to beginning operation of the use.
- (3) In no way shall the appearance of the residential structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character by the use of materials, construction, lighting, show windows, signs, or advertising visible outside the premises to attract customers or clients, other than those signs permitted by this Ordinance. No interior display of goods shall be visible from the outside.
- (4) For a major home occupation, the total area used for such purposes, whether in the principal or accessory structure, shall not exceed the equivalent of fifty (50) percent of the ground floor area of the principal residential structure. For a minor home occupation, the maximum size shall be as stated in Section 1202.A1.a.(5)
- (5) No more than one (1) person, other than resident members of the immediate family, may be employed or subcontracted at the residence. Use of non-resident employees shall have prior approval from the Zoning Hearing Board.



- (6) No articles shall be sold or offered for sale on-site except such as may be produced on the premises. Sale of such products shall have prior approval from the Zoning Hearing Board, as required for a major home occupation.
- (7) For a major home occupation, no more than one (1) sign shall be permitted per property providing that it is no larger than (2) square feet per side bearing only the name, occupation, telephone number, and office hours of the practitioner. In addition, it shall not be illuminated, animated, or placed in a window. No signs shall be permitted for minor home occupations.
- (8) All commercial vehicles shall be parked on the same lot as the home occupation. Only one (1) commercial vehicle may be parked outside of a garage, an enclosed structure, or a parking space which is screened from view at the street line.
- (9) There shall be no exterior storage of materials or refuse resulting from the operation of the home occupation.
- (10) No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors, dust, or electrical interference detectable to normal senses beyond the property line which is in excess of levels customarily generated by a residential use. No equipment or process shall be used which creates visible or audible interferences in any radio or television receivers off the premises.
- (11) There shall be no storage or use upon the premises of toxic, explosive, polluting, dangerous, or other substances defined as hazardous by the Pennsylvania Department of Community Affairs or the Department of Environmental Resources.
- (12) With the exception of Home Day Care, no home occupation activity shall be conducted between the hours of 8:00 p.m. and 8:00 a.m. which involves individuals entering or leaving the premises or mechanical operations.
- (13) Deliveries from major commercial suppliers which may be disruptive to the neighborhood shall not be made prior to 8:00 a.m. or later than 8:00 p.m.
- (14) Off-street parking shall be provided in sufficient capacity to prevent interference with normal residential parking in the neighborhood.
  - (a) In addition to the off-street parking spaces required for the particular residential use concerned, a major home occupation use shall provide one (1) off-street space per two hundred (200) square feet of total floor area used for the home occupation where customers or clients are expected, plus one (1) space for each non-resident employee.

- (b) A maximum of five (5) off-street parking spaces are permitted on one lot inclusive of the required residential parking. The maximum lot coverage of the district shall not be exceeded.
- (c) Off-street parking spaces required for the home occupation are not permitted in front yards. All off-street parking spaces shall be located at least five (5) feet from any property line. Off-street parking lots with no more than four (4) spaces shall be screened from abutting residences in accordance with Section 1304.C, Off-Street Parking Landscaping Requirements, of this Ordinance. Alternately, a wooden fence may be erected as a visual screen with a minimum height of four (4) feet.

(15) Home occupations shall not include the following:

- Animal hospitals
- Commercial stables and kennels
- Funeral parlors or undertaking establishments
- Bed and breakfast
- Restaurants
- Medical or dental clinics
- Gift shops
- Rental businesses
- Furniture stripping
- Rooming, boarding, or lodging houses
- Auto repair
- Painting of vehicles, trailers, or boats
- Private schools with organized classes
- Welding shops
- Other uses of similar character

g. Standards Applicable to Specific Home Occupations

The following provisions shall apply to specific home occupations as defined below:

(1) Personal Services

Personal services include, but are not limited to, barbers, beauticians, or photographers. Such uses shall meet the following provisions:

- (a) Beauty parlors and barber shops may be permitted as a special exception provided no more than two (2) beauty parlor or barber chairs are provided.

- (b) No more than one (1) person, other than resident members of the immediate family may be employed.

(2) Instructional Services

An instructional service is a home occupation in which the practitioner provides the client with special instruction in a specific area of study. Such uses shall meet the following provisions:

- (a) The establishment of this home occupation shall not require a room or series of rooms specifically designed for this purpose.
- (b) Instructional services involving a maximum of two (2) students at a time are permitted.
- (c) No persons shall be employed other than resident members of the immediate family.

(3) Home Day Care

The following provisions shall apply to accessory home day care uses:

- (a) Family Day Care - A family day care use is a facility in which care is provided for four (4) to six (6) children at any one time, who are not relatives of the care-giver, where the child care areas are being used as a family residence.
  - i. Prior to final approval of the use and issuing of a permit by the Code Enforcement Officer, the applicant shall receive and hold all pertinent approvals and registration certificates from appropriate State or county agencies as a condition of permit approval and continuation.
  - ii. The use shall be conducted in a building designed for residential occupancy and for the safety and well-being of the occupants.
  - iii. A minimum outdoor play area of two hundred (200) square feet of contiguous area shall be provided for each child as a recreational area for the children.

- iv. Family day care uses shall be permitted only as an accessory use in a single-family detached dwelling. There shall be no alterations to exterior facades of residential structures to accommodate accessory day care facilities in a residential district, except for safety purposes which shall be confined to rear or side walls not visible from any public right-of-way.
  - v. In addition to the off-street parking required for a single-family home, at least one (1) additional parking space is required for each employee.
  - vi. The outdoor play area, if within five hundred (500) feet of any street with a classification higher than residential service, non-residential parking lot, water body, or any such safety hazard, shall be enclosed by a fence with a minimum height of four (4) feet or natural barrier suitable to prevent children from crossing.
- (b) Group Day Care - A group day care use is a facility in which care is provided for more than six (6) but no more than eleven (11) children, where the child care areas are being used as a family residence. The following criteria shall be met.
- i. All standards noted above for family day care uses shall be met.
  - ii. Such uses shall be permitted only in single-family detached dwellings.
  - iii. Minimum lot area: twenty-five thousand (25,000) square feet.
  - iv. Group day care facilities shall not be located closer than one-thousand (1,000) feet to any other such use within any residential district.
  - v. Safe off-street loading passenger space and adequate stacking capacity to avoid interference with any adjacent street shall be provided.



- vi. Prior to final approval of the use and issuing of a permit by the Code Enforcement Officer, the applicant shall receive and hold all pertinent approvals and licenses from appropriate State or county agencies as a condition of permit approval and continuation.

(A2) *Residential Conversions*

The conversion of an existing building into two or more dwelling units shall be subject to the following regulations:

- a. Single-family detached or two-family semi-detached dwellings which are converted shall maintain the appearance of the original dwelling with a single front entrance. Additional entrances may be placed on the side or rear of the structure. The dwelling units may share the single front entrance. Exterior stairways and fire escapes shall be located on the rear wall in preference to either the side and, in no case, on a front or side wall facing a street.
- b. Except as necessary for purposes of safety in accordance with the preceding paragraph, there shall be no major structural change in the exterior of the building in connection with the conversion. After conversion, the building shall retain substantially the same structural appearance it had before such conversion.
- c. All applicable Borough Building Code and Chester County Health Department regulations and permit requirements regarding the installation of kitchen and bathroom facilities and septic systems (where applicable) shall be followed and indicated on all plans. Approval by all applicable agencies is required prior to issuance of a building permit.
- d. Separate kitchen and bathroom facilities shall be provided for each dwelling unit.
- e. Trash receptacles shall be screened so as not to be visible from the street or abutting properties except on scheduled pick-up days.
- f. The following minimum floor area requirements shall be met:

| <u>Type of Unit</u> | <u>Minimum Floor Area</u> |
|---------------------|---------------------------|
| Efficiency          | 500 sq. ft.               |
| 1 bedroom           | 600 sq. ft.               |
| 2 bedrooms          | 750 sq. ft.               |
| 3 bedrooms          | 850 sq. ft.               |

A minimum one-hundred-twenty (120) square feet of floor area for each additional bedroom, den, family room, or recreation room shall be required.



g. Residential conversions shall not be permitted on an existing nonconforming lot or in a nonconforming structure.

h. The following minimum area requirements shall be met per dwelling unit:

| <u>Zoning District</u> | <u>Minimum Area<br/>Per Dwelling Unit</u> |
|------------------------|---|
| R-2                    | 4,500 sq. ft.                             |
| R-3                    | 2,500 sq. ft.                             |
| DC                     | 2,500 sq. ft.                             |

i. Parking Requirements

- (1) Off-street parking spaces shall be located to the side or rear of the converted structure.
- (2) Off-street parking lots with five (5) or more spaces shall be buffered from abutting residences in accordance with Section 1304.C, Off-Street Parking Landscaping Requirements, of this Ordinance. Alternately, a wooden fence may be erected as a visual screen with a minimum height of four (4) feet.
- (3) The parking spaces shall have unrestricted ingress and egress to the street.
- (4) Required off-street parking shall be surfaced with an all-weather material such as macadam, gravel, pervious paving, or other similar material.
- (5) The minimum number of parking spaces required shall be as specified in Section 1302.E of this Ordinance.

j. If the individual dwellings are proposed as condominium units, an approved homeowner's association document which meets the requirements of Section 1403.E, Homeowner's Association, of this Ordinance shall be submitted.

*(A3) Manufactured Home Park*

A manufactured home park is a parcel of land under single ownership which has been planned and improved for the placement of manufactured homes for non-transient use, consisting of two (2) or more manufactured homes. Manufactured home parks, where permitted, shall be designed in accordance with the standards set forth below:

- a. Area and Bulk Regulations
  - (1) Minimum Tract Size 5 acres
  - (2) Minimum Tract Width at Street Line 100 feet
  - (3) Minimum Manufactured Home Lot
    - single-wide 3,000 square feet
    - double-wide 5,000 square feet
  - (4) Minimum Manufactured Home Lot Width 25 feet
  - (5) Maximum Lot Coverage 40 percent
  - (6) Minimum Required Open Space 20 percent
- b. Maximum Gross Density 8 homes per acre
- c. Manufactured Home Setback Requirements
  - (1) From public street right-of-way or tract line 50 feet
  - (2) From cartway line of park street 15 feet
  - (3) From another manufactured home 25 feet
  - (4) Accessory uses:
    - from park street 10 feet
    - from public street 50 feet
- d. Service Buildings

Within a manufactured home park, non-residential uses such as a management office, storage facilities for the park residents, laundry facilities, maintenance building, and storage for park maintenance equipment, and a community room for the use of the park residents may be constructed subject to the following standards: A maximum of ten (10) percent of the site area may be used for these purposes. Included in computing the area shall be the buildings, parking, and all required buffer yard requirements.

e. Recreational Facilities

A minimum of ten (10) percent of the site shall be utilized for recreational facilities or areas including, but not limited to tennis courts, playground areas, or other recreational facilities approved by Borough Council. These recreational areas may be included in the required open space.

f. Off-Street Parking

- (1) Two (2) off-street parking spaces shall be provided for each manufactured home lot.
- (2) Additional parking spaces for vehicles of non-residents shall be provided at the rate of two (2) spaces for each ten (10) units. Such parking spaces may only be provided as additional off-street common parking spaces.
- (3) Parking shall be prohibited on internal roads and it shall be the duty of the owner or operator of the manufactured home park to enforce this provision.

g. In addition to the above area and dimensional requirements, the following conditions shall apply:

- (1) No more than one (1) manufactured home shall be placed on a manufactured home lot.
- (2) The area between the ground level and the perimeter of the manufactured home shall be enclosed by skirting of compatible design and material. The hitch which is employed for the normal movement of the unit shall be removed.
- (3) Plans for any manufactured home park shall be submitted in conformance with the Borough Subdivision and Land Development Ordinance.
- (4) Every manufactured home shall have access to an improved street in the manufactured home park in accordance with the Borough Subdivision and Land Development Ordinance.
- (5) No lot shall be rented for residential use of a manufactured home in any such park except for periods of ninety (90) days or more.
- (6) The buffer and landscaping standards of Section 1304 of this Ordinance shall be met.



(A4) *Life Care Facility*

A life care facility is a form of residential use designed and operated for mature adults, of fifty-five (55) years of age or over, containing certain support facilities specifically designed for these individuals. This use shall be subject to the following provisions:

a. Area and Bulk Regulations

- |     |                           |                    |
|-----|---------------------------|--------------------|
| (1) | Minimum Site Area         | 5 acres            |
| (2) | Minimum Front Yard        | 75 feet            |
| (3) | Minimum Side Yards        | 50 feet            |
| (4) | Minimum Rear Yard         | 50 feet            |
| (5) | Minimum Lot Width         | 150 feet           |
| (6) | Maximum Lot Coverage      | 30 percent         |
| (7) | Maximum Building Coverage | 20 percent         |
| (8) | Maximum Density           | 10 units per acre  |
| (9) | Maximum Height            | 3 stories, 35 feet |

b. Support Facilities

- (1) Retail facilities shall be for the use of residents and their guests only. No outside advertising is permitted. The life care retail facilities may occupy no more than one (1) percent of the total floor area of all buildings. Retail facilities shall be limited to the following uses:

|               |                       |
|---------------|-----------------------|
| barber shop   | newsstand             |
| beauty parlor | gift shop             |
| pharmacy      | snack bar/coffee shop |
| thrift shop   | handicraft shop       |
| commissary    |                       |

- (2) Life-Care Nursing Facilities shall be designed for the temporary and long-term care of the residents of the life-care facility. Long-term nursing beds within this facility

shall not exceed one (1) bed per three (3) dwelling units. Two (2) beds shall be equivalent to one (1) dwelling unit in the determination of density.

- (3) Other support facilities may include, but are not limited to, lounge areas, reading rooms, craft rooms, common dining facilities, and recreational rooms.

c. Open Space and Passive Recreational Area

- (1) At least twenty-five (25) percent of the site area shall be maintained as open space which shall not include detention basins, parking lots, accessory buildings, or any impervious surfaces except those used for recreational purposes.

- (2) At least twenty (20) percent of the site, which may be considered part of the open space, shall be developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walks. Outdoor sitting areas shall be landscaped and shall not be located on areas subject to flooding or on slopes in excess of five (5) percent.

- d. Where the life-care facility is not located within one-quarter mile to basic services such as post office, bank, grocery store, library, public transportation, etc., the developer shall outline a transportation service for the residents of the life-care facility, to be provided by the owner or manager, providing access to these facilities at reasonable intervals.

- e. The life-care facility shall be designed to provide efficient pedestrian access between dwelling units, parking, community facilities, and open space areas. Where applicable, pedestrian access shall be provided to mass transit locations.

**B. INSTITUTIONAL USES**

*(B1) Nursing Home*

A licensed nursing home or convalescent home shall be subject to the following provisions:

a. Area and Bulk Regulations

- |     |                    |                    |
|-----|--------------------|--------------------|
| (1) | Minimum Lot Area   | 20,000 square feet |
| (2) | Minimum Lot Width  | 100 feet           |
| (3) | Minimum Front Yard | 50 feet            |
| (4) | Minimum Side Yards | 20 feet            |

- (5) Minimum Rear Yard 35 feet
  - (6) Maximum Lot Coverage 50 percent
  - (7) Maximum Building Coverage 30 percent
- b. A minimum lot area of not less than one-thousand (1,000) square feet per bed shall be provided.
  - c. Each nursing home facility shall provide an outdoor sitting facility. This sitting area shall be landscaped and shall not be located adjacent to parking lots, arterial highways, detention or retention basins, and shall not be located on areas subject to flooding or on slopes over five (5) percent grade.
  - c. Parking areas shall be adequately screened when situated within fifty (50) feet of land zoned for or in residential use.

**(B2) Educational Facility**

A public school or private school, religious or non-religious, which is not conducted as a private gainful business and is licensed under the proper governmental authority shall be subject to the following provisions:

- a. Access shall be taken from a collector street as defined in the Spring City Subdivision and Land Development Ordinance.
- b. Dimensional Requirements
  - Minimum lot area: 5 acres
  - Minimum lot width: 150 feet
  - Minimum front yard: 50 feet
  - Minimum side yards: 30 feet
  - Minimum rear yard: 50 feet
  - Maximum lot coverage: 30 percent
  - Maximum building coverage: 20 percent



- c. Outdoor play areas shall be seventy-five (75) feet from side and rear property lines. Outdoor play areas shall be sufficiently screened to protect adjacent residential neighborhoods from inappropriate noise and other disturbances.

**(B3) Hospital**

A licensed hospital or medical center which has a full-time staff and provides primarily in-patient care shall be subject to the following provisions:

- a. Access shall be from a collector street as defined in the Spring City Subdivision and Land Development Ordinance.
- b. Dimensional Requirements
  - Minimum lot area: 5 acres
  - Minimum lot width: 150 feet
  - Minimum front yard: 50 feet
  - Minimum side yards: 30 feet
  - Minimum rear yard: 50 feet
  - Maximum Building Coverage: 40 percent
  - Maximum Lot Coverage: 60 percent
- c. Where the use adjoins existing residential uses, buffer planting shall be provided in accordance with the requirements of Section 1304.B, Buffering, Screening, and Landscaping, of this Ordinance. Care shall be taken to locate emergency and service entrances where they are not offensive to adjoining neighbors.
- d. Any such use providing convalescent care or care for the chronically sick shall provide an additional lot area of not less than one-thousand (1,000) square feet per bed in use for such long-term care.

**(B4) Community Center**

A community center, adult education center, or other similar facility operated by an educational, philanthropic, or religious institution shall be subject to the following provisions:

- a. The use shall not be conducted as a private, gainful business.
- b. No outdoor active recreation area shall be located nearer to any lot line than the required rear yard depth.

**C. COMMERCIAL USES**

**(C1) Mixed Use**

A mixed use includes one or more commercial, service, office or residential use proposed in combination in one building. Such use shall be subject to the following provisions:

- a. Only those uses permitted in the district shall be permitted within the Mixed Use except as indicated in section 1202.C1.f, below. Where residential uses are proposed, the first floor of the building shall be limited to commercial, service, or office use only.
- b. Where residential uses are proposed, the requirements of section 1202.A2.c, d, e, g, i, and j for residential conversions shall be met for the residential portion of the use.
- c. Parking requirements shall be calculated for each individual use, but may be designed using a common parking lot.
- d. The applicant shall clarify ownership and maintenance responsibilities of the lot, buildings, and other improvements.
- e. A plan for the mixed use shall be prepared by the applicant and submitted for review by the Borough Planning Commission and approval or denial by Borough Council. Approval by Borough Council shall be required prior to the issuance of any building permit or any use and occupancy permit. The plan shall include the following information:
  - (1) The outside dimensions of the building and the lot on which it is situated.
  - (2) The proposed alteration, enlargements, and other structural changes to the building which relate to the proposed mix of uses and a statement indicating how the proposed changes comply with the requirements of section 1202.C1, above.
  - (3) Location of access ways to the lot and to the building.
- f. Residential Mixed Use in the GC General Commercial and I Industrial Districts

In the General Commercial (GC) and Industrial (I) districts, a mixed use where residential uses are proposed shall only be permitted as a conditional use and only when such use is

proposed for existing industrial buildings which have been vacant for at least one (1) year prior to the proposal and which are no longer viable for the purpose for which they were originally constructed. The purpose of permitting the re-use of industrial buildings in these areas is to allow for the preservation of large, older structures which would otherwise remain vacant or be subject to deterioration. Conversions of industrial buildings to a mixed use in these districts shall only be permitted when the following provisions are met in addition to the provisions of Section 1202.C1.a through e above:

- (1) Every effort shall be made to restore the building or structure to its original architectural style.
- (2) All additions, if necessary, shall compliment the existing structure in terms of its original use, bulk, materials, and setbacks.
- (3) Any signage, lighting, or other accessory uses or structures shall be designed in a manner which reflects the original use of the structure or building to the extent possible.
- (4) The removal or alteration of significant architectural features from the building or structure to accommodate a new use shall be prohibited unless it is shown to be a hazard to public health, safety, or welfare.
- (5) Deteriorated architectural features which contribute to the character of the structure shall be repaired rather than replaced; in the event that replacement is necessary, the new material shall match the material being replaced in composition, color, design, texture, and other visual qualities.

**(C2) Shopping Center/Major Retail Use**

A shopping center in which three (3) or more retail uses are located in one (1) building or on a single lot and which is preplanned and designed as a complex of related structures and circulation patterns shall be subject to the following criteria. Such criteria shall also apply to any single proposed retail use twenty-thousand (20,000) square feet or more in gross floor area. Where only two (2) uses are proposed and the combined square footage is less than twenty-thousand (20,000) square feet, the criteria for Mixed Use (C1) shall be met:

- a. The minimum required lot area shall be two (2) acres and, in no case, shall the lot area be less than five-thousand (5,000) square feet per use.
- b. No building or permanent structure, other than a permitted sign, shall be erected within fifty (50) feet of a street line or a property line. No parking or loading or service area shall be



located less than twenty-five (25) feet from any property line and less than ten (10) feet from any street line.

- c. Primary access shall be from a collector street as defined in the Spring City Subdivision and Land Development Ordinance.
- d. Parking lot design and landscaping shall be in accordance with Sections 1302, Off-Street Parking Standards, and 1304, Buffering, Screening, and Landscaping.
- e. Lighting shall be provided in accordance with Section 1305.
- f. Outdoor storage and display shall conform to the provisions of Section 1202.F5.
- g. Establishments furnishing shopping carts shall provide defined areas on the site for the storage of such carts which shall be clearly marked and designed for their storage.
- h. Trash receptacles for patron use shall be provided outside any establishment with take-out service or convenience shopping.
- i. Any establishment which is designed to provide services for more than thirty (30) individuals at one time shall be designed to accommodate access from mass transit vehicles. Suitable pedestrian access to mass transit stops on or adjacent to the property shall be provided.

*(C3) Amusement Hall/Arcade*

An entertainment facility operated as a gainful business within a building or structure providing automatic amusement devices or games, including pool or billiard rooms or similar facilities, shall be subject to the following provisions:

- a. An automatic amusement device or game shall include each coin operated machine, mechanical machine, or electronic machine which operates as a game or contest of skill or amusement of any kind or description. Such devices shall be governed by this use in any location where more than four (4) such devices are located.
- b. No audio speakers or equipment shall be installed inside or outside the location of such use which would cause sounds to emanate to the exterior of the premises.
- c. Such use shall only be operated between the hours of 10:00 a.m. and 10:00 p.m.
- d. This use shall not be located within one-thousand (1,000) feet of a school.

- e. All such uses shall be in compliance with the Spring City Borough Mechanical Amusement Devices Ordinance.

*(C4) Mini-Warehouses*

Warehouses or storage units provided for lease to the general public for the purpose of storage of personal property generally stored in residential structures, and in which each storage unit has direct access from the outside, shall be subject to the following conditions:

- a. Access shall be from a collector street as defined in the Spring City Subdivision and Land Development Ordinance.
- b. The storage facilities complex shall be surrounded by a fence at least eight (8) feet in height of a type approved by the Borough.
- c. The minimum aisle width between buildings shall be twenty (20) feet. Additional width shall be provided to accommodate parking in front of each storage unit; such parking space shall have the minimum dimensions of ten (10) feet by twenty (20).
- d. Each structure shall not exceed six-thousand (6,000) square feet in size and shall be built on a permanent foundation of durable material. Trailers, boxcars, etc., shall not be used for storage.
- e. Preliminary plans shall be reviewed and subject to the approval of Borough police and fire officials regarding security and fire protection.
- f. Storage of explosive, radioactive, toxic, highly flammable, or otherwise hazardous materials shall be prohibited.
- g. No business activity other than leasing of storage units shall be permitted.
- h. Except as noted in Section 1202.C4.i, below, all storage shall be within closed buildings.
- i. Outdoor storage of automobiles, boats, and recreation vehicles is permitted provided they are screened so as not to be visible from adjacent streets or property. A maximum of twenty (20) percent of the total site area may be used for such outdoor storage. Stored vehicles shall not interfere with traffic movements through the complex.
- j. Mini-Warehouses shall not be located within the Flood Hazard District as defined in Section 1102 of this ordinance.

**(C5) Commercial Day Care Center**

Commercial day care facilities shall include those commercial facilities in which care is provided for children and where the child care area is not being used for a family residence. Such a facility shall be subject to the following regulations:

- a. An outdoor play area shall be provided. This area shall be located to the side or rear of the building. The minimum required areas of such an outdoor recreational facility shall be two-hundred (200) square feet for each child.
- b. The outdoor play area shall be enclosed by a fence or natural barrier suitable to restrict children within the play area.
- c. Outdoor play areas shall be sufficiently screened so as to protect residential areas from inappropriate noise and disturbance.
- d. Prior to issuing of a permit by the Code Enforcement Officer, the applicant shall receive and hold all pertinent approvals and licenses from appropriate State or County agencies as a condition of permit approval and continuation.
- e. When used in combination with another non-residential use, a permit shall be required for each use.
- f. Safe, off-street, passenger unloading space and adequate stacking capacity shall be provided to prevent interference with traffic flow on any adjacent street or road. One (1) unloading space per twenty (20) children shall be provided.

**(C6) Restaurant with Drive-In Service**

Such use shall include any place for the sale and consumption of food and beverages, either within the building or off-premises, in which a drive-in window is proposed. Such a use shall comply with the following provisions:

- a. Dimensional Requirements
  - Minimum lot area: 40,000 square feet
  - Minimum lot width: 150 feet
  - Minimum front yard: 50 feet



Minimum side yards: 30 feet

Minimum front yard: 50 feet

- b. The use shall have direct access to a collector street as defined in the Spring City Subdivision and Land Development Ordinance.
- c. There shall be only one point of ingress and one point of egress to the collector street. This may be accomplished in one of the following ways:
  - (1) The ingress and egress are adjacent to each other with no physical separation. Such a driveway shall be at least twenty-four (24) feet wide but not more than thirty-six (36) feet wide.
  - (2) The ingress and egress are adjacent, with a raised island separating them. The island shall be no more than ten (10) feet wide. Each driveway shall be at least fourteen (14) feet wide but not more than twenty-four (24) feet wide.
  - (3) The ingress and egress are separated by at least one-hundred (100) feet, measured centerline to centerline. Each driveway shall be at least fourteen (14) feet wide but not more than twenty-four (24) feet wide.
- d. The access shall be at least forty (40) feet from any existing street intersection. The distance shall be measured from the street right-of-way to the edge of the access driveway.
- e. When this use is adjacent to or on the same lot with a group of commercial facilities, it shall use the common access with the other business establishments and not have a separate access to the abutting collector street.
- f. Drive-in service windows shall have a vehicle stacking lane which can accommodate a minimum of eight (8) cars. The stacking lane shall not be used for parking lot circulation aisles nor shall it conflict in any way with through circulation or parking. The drive-in window shall not face a residential use or zoning district.
- g. A pedestrian walkway shall be provided between an existing sidewalk and the entrance to the restaurant. If there is no sidewalk, one shall be provided along the street frontage.
- h. Trash receptacles shall be provided outside of the restaurant for patron use.
- i. A trash storage area shall be provided which is designed to be screened from the street and adjacent properties to prevent trash from blowing from the area and to permit safe and easy trash removal.

*(C7) Service Station/Car Wash Facility*

The retail sale of vehicular fuels and/or a car wash facility shall be subject to the following regulations:

- a. A minimum lot width of not less than two-hundred (200) feet shall be provided along each street on which the lot abuts.
- b. Access to roads shall be at least forty (40) feet from the intersection of any street.
- c. Fuel pumps shall be at least twenty-five (25) feet from any street right-of-way.
- d. All automotive parts, refuse, and similar articles shall be stored within a building or enclosed area.
- f. All automotive repair or service activities, except those performed at the fuel pumps, shall take place within a completely enclosed building.
- g. Vehicles shall not be stored outdoors while waiting for repairs for more than five (5) days; Junk vehicles may not be stored in the open at any time.
- h. Stacking room for four (4) cars shall be provided at the entrance to each car wash bay. Two (2) drying spaces shall be provided at the exit to each car wash bay. Stacking room for two (2) cars shall be provided at each gas pump island in addition to the required space adjacent to each pump. Stacking spaces shall not interfere with through circulation or parking on the remainder of the lot.

*(C8) Bed and Breakfast*

A bed and breakfast is a building occupied by a resident innkeeper containing four (4) or fewer guest rooms for the temporary lodging of guests for compensation and providing to the occupants such lodging services as maid service and accessory eating and drinking facilities limited to the serving of breakfast. A bed and breakfast shall be subject to the following provisions:

- a. A bed and breakfast shall only be permitted in a single-family detached dwelling.
- b. The minimum lot size shall be that of the underlying district.
- c. No more than four (4) guest rooms shall be provided.
- d. The use shall be carried on primarily by members of the immediate family who shall reside on the premises. Non-resident employees shall be restricted to two (2) in addition to the resident members of the family.

- e. One (1) off-street parking space shall be provided for each guest room, plus one (1) space for each employee and two (2) spaces for the owner(s) of the property. The off-street spaces shall be located either to the rear of the main dwelling or screened from the roadway and adjacent properties by fencing or natural vegetation.
- f. There shall be no use of windows for display or advertising visible outside the premises to attract guests other than a single, non-illuminated sign which may not exceed four (4) square feet in area.
- g. No external alterations, additions, or changes to the exterior structure shall be permitted except as required by the Pennsylvania Department of Labor and Industry or for safety reasons as required by another governmental agency. Fire escapes or external stairways shall be located either to the side or rear of the residence.
- h. There shall be no separate kitchen or cooking facilities in any guest room. Food served to guests on the premises shall be limited to breakfast. Eating facilities shall not be open to the general public.
- i. The use of amenities provided by the guest house, such as porches, decks, swimming pools or tennis courts shall be restricted in use to the guests of the establishment. The use of active outdoor recreation amenities shall be limited to the hours of 9 a.m. to 10 p.m.
- j. The use shall not be established until there is compliance with all Borough rules and regulations and a use and occupancy permit has been issued by the Borough Code Enforcement Officer.
- k. Where an on-lot sewage disposal system is to be used, the application for the use shall be accompanied by a valid Chester County Health Department permit verifying that the sewage system or proposed system can accommodate the maximum potential usage and that an appropriate site for a replacement sewage disposal system is available should the existing system fail. A use and occupancy permit shall not be granted unless the applicant has obtained a Chester County Health Department permit for the proposed use.

*(C9) Kennels*

The keeping of more than five (5) dogs that are more than six (6) months old for breeding, training, selling, or boarding for a fee is subject to the following provisions:

- a. The minimum lot size shall be five (5) acres.
- b. No animal shelter or enclosure shall be located closer than two-hundred (200) feet to any residential building other than the owners.



- c. The total number of dogs on the property shall not exceed five (5) dogs per acre, excluding dogs under six (6) months old.

*(C10) Adult Commercial*

An adult commercial store is a store or shop where the principal use is devoted to the display and selling of pornographic materials which are pictures, drawings, photographs or other depictions or printed matter and paraphernalia, which, if sold knowingly to a child under eighteen (18) years of age, would violate the criminal laws of the Commonwealth of Pennsylvania in effect at the same time thereof.

- a. The building or structure housing such use shall not be located within three-hundred (300) feet of any residential use or district, public or private school, church, recreation facility, or any religious, institutional or educational use.
- b. No such use shall be located within five-hundred (500) feet of a similar use.
- c. No materials sold shall be visible from any window, door, or exterior of the building.
- d. No person under the age of eighteen (18) years of age shall be permitted within an adult commercial store or sold any pornographic material.

**D. INDUSTRIAL USES**

*(D1) Industrial Complex*

An industrial complex is a planned development of industrial and related uses which includes improvements for internal access, coordinated utilities, parking, landscaping, and buffering. An industrial complex shall comply with the following regulations:

- a. An industrial complex shall have a minimum lot size of two (2) acres.
- b. The industrial uses within the complex may be located in detached structures or within a single structure.
  - (1) Where separate lots are proposed within the complex, the minimum lot size for a free-standing use shall be twenty-thousand (20,000) square feet and the area and bulk regulations of Section 1002.B shall apply to the individual lots.
  - (2) Where more than one (1) use is proposed within a single building, there shall be no more than one (1) use per twenty-thousand (20,000) square feet of lot area.



