

TOWNSHIP OF NEWLIN  
CHESTER COUNTY, PENNSYLVANIA  
ORDINANCE NO. 2013-02

**AN ORDINANCE OF THE TOWNSHIP OF NEWLIN, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE NEWLIN TOWNSHIP CODE, BEING THE ZONING ORDINANCE, DELETING CERTAIN USES OTHERWISE PROVIDED FOR ACROSS THE UNIONVILLE REGION; DELETING OPTIONS 2 AND 5 RESIDENTIAL SUBDIVISIONS; ADDING VILLAGE OVERLAY STANDARDS AND USES FOR EMBREEVILLE AND MORTONVILLE VILLAGES; RENUMBERING SECTIONS TO REFLECT DELETED AND NEW USES; AND, MODIFYING OTHER REQUIREMENTS TO INCORPORATE REFERENCES TO NEW USES.**

**BE IT ENACTED AND ORDAINED** by the Board of Supervisors of Newlin Township, Chester County, Pennsylvania, and it is hereby ENACTED and ORDAINED, that the Newlin Township Code of Ordinances, being the Zoning Ordinance, is amended as follows;

**SECTION 1. Article I, Section 103 B. 4. And 5.,** is amended to read as follows:

4. By variance. If a particular site contains unique conditions that cause unnecessary hardships or practical difficulties in conforming to this Ordinance, a land use that is not specifically permitted by this Ordinance, and that is not shared elsewhere within the Unionville Area, may be allowed by the Zoning Hearing Board as a variance. A public hearing will be held for the appellant to present the conditions to be reviewed in support of his appeal for a variance.
  
5. By approval of the Zoning Hearing Board as a land use that is substantially similar to permitted uses. This Ordinance does not address all possible land uses that may be appropriate for a particular zoning district. Some land uses, which are not otherwise addressed by this Ordinance, are shared elsewhere in East Marlborough or West Marlborough Townships, thereby implementing the Unionville Area Regional Comprehensive Plan. Some land uses, which are not otherwise addressed by this Ordinance, may be substantially similar to other land uses that are allowed as permitted uses or as special exception uses in which case the applicant may apply to the Zoning Hearing Board for a determination that the proposed land use is substantially similar to another permitted or special exception land use. The Zoning Hearing Board shall hold a public hearing and may allow the proposed land use, with or without conditions, if it determines that the land use is substantially similar to another

permitted land use or special exception use within the same zoning district. This shall not be construed to be an appeal for a variance, and this option shall apply to all zoning districts.

**SECTION 2. Article I, Section 105 A.** is amended to read as follows:

- A. General Goals and Objectives.** This Ordinance is enacted in accordance with a comprehensive land planning program, which includes the Newlin Township Open Space, Recreation and Open Space Plan of 1994, the Unionville Area Regional Comprehensive Plan and *Landscapes*, the 1996 Chester County Comprehensive Plan. Consideration has been given to the character of the Township and its various parts, and the suitability of these parts for various uses. This Ordinance is enacted to support the following general goals and objectives:
1. To preserve and promote open space and the Township's rural character.
  2. To preserve and protect the Township's extensive areas of environmentally sensitive lands and to preserve its ecological balance.
  3. To meet the Township's responsibilities for accepting its fair share of development within the context of protecting site-specific environmentally sensitive lands.
  4. To prevent damage and loss of life from flooding, water pollution (both surface and subsurface), and other dangers.
  5. To protect the Township's potable water resources.
  6. To preserve property values and prevent conflict between adjacent incompatible land uses.
  7. To implement the provisions of the Township's Open Space, Recreation and Environmental Resources Plan of 1994, as it may be amended, including its recommendations for Greenways.
  8. To permit and regulate locally oriented commercial activities.
  9. To implement the Unionville Area Regional Comprehensive Plan, specifically the sharing of land uses across the region.

**SECTION 3. Article I, Section 107** is amended by adding a new Subsection D., Village Overlay. In addition, the concluding paragraph is amended to read as follows:

The entire Township is constituted within the Flexible Rural Development District, and this District is not mapped. The Flood Plain Conservation and Steep Slope Conservation

Overlay districts are not mapped, but apply to areas that meet the definitions of flood plains and steep slopes in this Ordinance. The Village Overlay district, applicable to Embreeville and Mortonville villages, is mapped in Appendix, Village Overlay Districts.

**SECTION 4. Article I, Section 108** is amended by changing the reference to Section 614 to Section 613.

**SECTION 5. Article II, Section 201** is amended by deleting the following definitions: ADULT COMMERCIAL USE; AMUSEMENT PARK; ANIMAL SHELTER; AUTOMOBILE SALES; AUTOMOBILE SERVICE STATION; AUTOMOTIVE REPAIR FACILITIES; BANKING; DRINKING ESTABLISHMENT; GOLF COURSE; HELIPORT; HELISTOP; HIGHWAY COMMERCIAL DEVELOPMENT; HOSPITAL; HOTEL; INDUSTRIAL PARK; JUNKYARD; MEDICAL CENTER; MINI WAREHOUSE; MOTEL; OFFICE BUILDING; OFFICE PARK; PLANNED COMMERCIAL SHOPPING CENTERS; RECREATIONAL FACILITY; RESORT; RESTAURANT, FAST FOOD; RESTAURANT, FAST FOOD WITH DRIVE THROUGH SERVICE; RETIREMENT COMMUNITY; SANITARY LANDFILL; WAREHOUSE; WHOLESALE TRADE; and, WHOLESAILING.

**SECTION 6. Article II, Section 201** is amended by adding or amending the following definitions and inserting them in alphabetical order to read as follows:

**COMMERCIAL USE, NEIGHBORHOOD** - Commercial uses, located in Embreeville and Mortonville villages, intended primarily for the use of local residents. Neighborhood commercial uses include retail businesses for the sale of food, drugs, flowers, household goods, newspapers, stationary, art supplies, fine art sales, and tobacco; and personal service uses, including barber or beauty shops, tailor shop, photographic studios, shoe repair, and similar types of businesses, but shall not include convenience stores as defined elsewhere in this ordinance.

**HISTORIC RESOURCE (or Structure)** - Any structure, parcel, or site that is:

- A. Listed individually on the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminary 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;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of the Interior;
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1. By an approved state program as determined by the Secretary of the Interior;  
or
2. Directly by the Secretary of the Interior in states without approved programs.  
or

**E.** Any building, site or parcel identified as having historic or cultural value in either the Chester County Newlin Township Historic Resource Atlas of 2010, the Unionville Area Regional Comprehensive Plan Chapter 4 of 2011 or the Newlin Township Open Space, Recreation and Environmental Resources Plan of 1994, and all locations listed in the National Register of Historic Places.

**LIVE/WORK UNIT** – A single dwelling unit consisting of both a commercial/office and a residential component that is occupied by the same resident. The live/work unit shall be the primary dwelling of the occupant.

**SECTION 7. Article III, Section 301 A. 6** is amended to read as follows:

6. To implement adopted land use, transportation, and community policies, as identified in the 2011 Unionville Regional Comprehensive Plan:

**SECTION 8. Article III, Sections 301 B. introductory paragraph and subsections 2, 5. And 6.** are amended to read as follows:

**B. Specific Intent of the Residential Development Options.** In order to achieve these purposes in developing residential properties, this Article provides for flexibility in designing residential subdivisions by allowing three "by-right" development options, as well as through the special exception and conditional use options, as summarized below:

2. Reserved.
5. Reserved.
6. **Freestanding Non-Residential Developments.** Several non-residential uses are permitted through the Special Exception Use process (refer to Article 6 of this Ordinance) and through the Conditional Use process (refer to Article 7 of this Ordinance). Such developments may occur primarily in the Village Overlay District.

**SECTION 9. Article III, Section 302 A. 2** is amended to read as follows:

- A. Single-Family Detached Dwellings.**
2. On tracts less than six acres existing on the date of adoption of this ordinance. Single-family detached dwellings are permitted under the provisions of

**Option 1** found in Sections 304 and 305 of this Ordinance or under the provisions of Section 311 of this Ordinance.

**SECTION 10.** Article III, Section 303 E. is amended by restating subsection 1., deleting subsections 2. And 3., and renumbering existing subsection 4., subsection 2. to read as follows:

**E. Special Exception Uses.**

1. Village Overlay District. Special Exception Uses in the Village Overlay district, according to the conditions of Section of this Ordinance.
2. Other Special Exception Uses as specified in Article 6 of this Ordinance.

**SECTION 11.** Article III, Sections 303 G. and 304 B. are deleted in their entirety.

**SECTION 12.** Article III, Sections 304 C. introductory paragraph is amended to read as follows:

**C. Density Determination For Option 1 Subdivisions.** Applicants shall choose between the following two methods of determining the maximum permitted residential density in Option 1 as follows:

**SECTION 13.** Article III, Sections 304 C. 2. b. and d. are amended to read as follows:

- b. Yield Plans shall reflect the dimensional standards for 80,000 sf lots when **Option 1** is chosen, found in Table 4 in Subsection d below. The Yield Plan shall identify the site's primary and secondary resources as identified in the Existing Features/Site Analysis Plan as required by the Newlin Township Subdivision and Land Development Ordinance, and demonstrate that the primary resources could be protected in the development process, by allocating this area to proposed single-family dwelling lots which conform to the density factory of the chosen option.
- d. The following dimensional standards shall be used in the development of Yield Plans for **Option 1** subdivisions:

<b>Regulation</b>	<b>Yield Plan Standard for Option 1: Neutral Density</b>	

Minimum lot area	80,000 sf	
Minimum lot width at building setback line	175 ft	
Minimum front yard setback	40 ft	
Minimum rear yard setback	60 ft	
Minimum side yard setback	40 ft	
Minimum combined side yard setbacks	100 ft	

**SECTION 14.** Article III, Sections 304 F., G., and H. are deleted in their entirety.

**SECTION 15.** Article III, Sections 305 Title, B. and E. are amended to read as follows:

**SECTION 305 DESIGN STANDARDS FOR OPTION 1 SUBDIVISIONS**

**B. Setback Requirements.** Setbacks in Option 1 subdivisions shall be as follows:

<b>Table 9 - Option 1 Subdivisions - Setback Requirements</b>	
<b>Land Feature</b>	<b>Setback</b>
All external road ultimate rights-of-way	100 ft
All other tract boundaries	50 ft
Buildings or barnyards containing livestock	100 ft
Active recreation areas such as courts or playing fields but not including tot lots	150 ft

**E. Orientation Towards Conservation Land.** Not less than 75% of the lots shall directly abut or face conservation land or Greenway land across a street.

**SECTION 16.** Article III, Section 306 A. 7. is deleted in its entirety and existing sections 8., 9. and 10. are renumbered 7., 8., and 9., respectively.

**SECTION 17.** Article III, Section 306 C. 1. is amended to read as follows:

**C. Other Requirements.**

1. No portion of any building lot may be used for meeting the minimum required Greenway land. However, active agricultural land with farm buildings, excluding areas used for residences, may be used to meet the minimum required Greenway land.

**SECTION 18.** Article III, Section 307 A. is amended to read as follows:

- A. **In Option 1 Subdivisions.** In Option 1 subdivisions, required Greenway land shall be subject to permanent conservation easements prohibiting future development and which defines the range of permitted activities. A list of permitted uses of Greenway lands is contained in Section 306 A of this Ordinance.

**SECTION 19.** Article III, Section 308 A. 3. is deleted in its entirety and current section A. 4. is renumbered 3. and is amended to read as follows:

2. Option 1 subdivisions. In Option 1 subdivisions with not more than 10 dwellings, where the Township determines that there would be no specific public benefit accruing from a public dedication (as described above), the recreational land that is part of the requirement for undivided open space shall be designated for private shared recreational usage among the subdivision lot owners, pursuant to a Homeowners' Association approved by the Board of Supervisors.

**SECTION 20.** Article V, Section 506 B. is amended to read as follows:

At any time when a bed and breakfast facility is operated, the principal use of the property upon which it is operated shall remain that of a single-family dwelling.

**SECTION 21.** Article V, Section 508 is amended by changing the reference to Section 606 to a reference to Section 608.

**SECTION 22.** Article V, Section 513 is amended to read as follows:

- A. **SECTION 513 PRINCIPAL USES, BUILDINGS, AND STRUCTURES Flexible Rural Development Standards.** A building, structure, lot, or premises shall be permitted only one principal use. A building, structure, lot, premises, or use may

not be altered, partitioned or subdivided in any manner for the purpose of creating an additional principal use.

- B. Opportunities in the Village Overlay District.** A second principal use shall be permitted in the Village Overlay District, by Special Exception, as an adaptive reuse of an historic structure in accordance with Section 614 and the following:
1. A second residential dwelling unit.
  2. A non-residential use in Section 532 C. 2.

**SECTION 23.** Article V, Section 527 is deleted in its entirety and reserved for future use.

**SECTION 24.** Article V, Section 529 D. 2. is amended by changing the reference to Section 614 to Section 613.

**SECTION 25.** Article V, Section 532 is renumbered Section 533 and a new Section 532 is added to read as follows:

**SECTION 532 VILLAGE OVERLAY DISTRICT**

**A. Purposes.** The purposes of this Section are as follows:

1. To preserve the historic development patterns of the Township.
2. To implement the Unionville Area Regional Comprehensive Plan (2011) Future Land Use Plan.
3. To provide for small-scale non-residential uses that complement the villages.
4. To encourage the adaptive reuse of historic structures in the villages.

**B. General Provisions.**

1. Compliance with these Provisions. No area within the Village Overlay District shall hereafter be used without full compliance with the terms of the Section and other applicable requirements.
2. Overlay. The Village Overlay District shall be deemed to be an overlay on any zoning district now or hereafter enacted. The physical limits of this District are graphically shown on the map in Appendix 6.
3. Boundaries. The boundaries of the Village Overlay District shall follow the property line boundaries as designated on the map in Appendix 6.



4. Additional Requirements to Underlying District. In those areas of the Township where the Village Overlay District applies, the requirements of the Overlay District shall be in addition to and supersede the requirements of the underlying zoning district.
  5. Changes to Village Overlay Boundary – effect on Underlying District. If the boundaries of the Village Overlay District are changed, as a result of legislative or administrative actions or judicial decision, the zoning requirements applicable to the area in question shall revert to the requirements of the underlying zoning district without consideration of this Section.
  6. Changes to the Underlying Zoning District – Effect on Village Overlay District. For any parcel or any part thereof on which the Village Overlay District is an overlay, should the underlying zoning classification be changed as a result of legislative or administrative actions or judicial decision, such change(s) in classification shall have no effect on the boundaries of the Village Overlay District.
  7. Preservation of Other Restrictions. It is not intended by this Section to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However where this Section imposes greater restrictions, the provisions of this Section shall prevail.
- C. **Permitted Uses.** The following are the only uses permitted in the Village Overlay district. Such uses shall also be in compliance with the base zoning district.
1. Uses permitted by right. Uses permitted by right shall be as follows:
    - a. All uses permitted by right in the Flexible Rural Development District, Sections 303 A. – C.
  2. Uses by Special Exception. The following uses shall be permitted in the Village Overlay District as a special exception when authorized by the Zoning Hearing Board. In granting any Special Exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition those expressed below, as it may deem necessary to implement the purposes of this Ordinance, and subject to the provisions of Section 614 of this Ordinance.
    - a. Accessory apartments on less than 2 acres, in accordance with Section 602.
    - b. Bed and breakfast establishments on less than 2 acres, as an adaptive reuse of an historic structure, in accordance with Sections 607 and 614.
    - c. A second principal dwelling, as an adaptive reuse of an historic structure, in accordance with Sections 513 and 614.

- d. Artist studio, as an adaptive reuse of an historic structure, in accordance with Sections 605 and 614.
- e. A live/work unit, in accordance with Section 616.
- f. Neighborhood commercial uses, as an adaptive reuse of an historic structure, in accordance with Sections 619 and 614.
- g. Antique store, as an adaptive reuse of an historic structure, in accordance with Sections 604 and 614.
- h. In the Mortonville section of the Village Overlay district, retail services in accordance with Section 624.
- i. In the Mortonville section of the Village Overlay district, Restaurant, as an adaptive reuse of an historic structure, in accordance with Sections 623 and 614.

**SECTION 26.** Article V, Section 527 is deleted in its entirety and reserved for future use.

**SECTION 27.** Article V, Section 532 is renumbered Section 533.

**SECTION 28.** Article VI, Section 602 is amended to read as follows:

**SECTION 602 ACCESSORY APARTMENT ON LOTS LESS THAN TWO ACRES**

- A. **Village Overlay District.** Accessory apartments may be permitted in accordance with the standards in Section 502.
- B. **FRR District.** Accessory apartments shall meet the following standards:
  - 1. **Location Requirements.** Temporary housing units for elderly family members or persons with disabilities may be permitted as accessory residential dwellings on a lot containing not more than one other single-family detached dwelling. They may be freestanding, semi-detached, or be located within existing structures.
  - 2. **Location within Principal Structure.** As an alternative to 1., above, the accessory apartment may be located within the principal structure or be semi-attached to the principal structure.

3. **Occupancy Limitations.** Not more than two occupants shall occupy of the apartment.
4. **Owner-Occupancy.** The owner of the parcel shall live on the parcel or in the apartment on a permanent basis.
5. **Termination of Occupancy.** The occupation of the apartment shall terminate upon the sale of the parcel, vacancy, or the failure to comply with any of the provisions in this Section.
6. **Parking.** Not less than one off-street parking space shall be provided for the apartment, in addition to the spaces required by Article 8 of this Ordinance for the principal residence. The parking space shall not be located on any additional front yard area.
7. **Apartment Size.** The apartment shall have a maximum floor area of 600 sf.
8. **Setbacks.** All yard setbacks shall be met.
9. **Removal.** Vacant apartments shall be removed completely within 120 days, and no apartment shall be re-used for other uses.
10. **Sewage Disposal.** The Chester County Health Department shall inspect and approve the proposed method of sewage disposal.
11. **Inspections.** The Township Zoning Hearing Board may require periodic inspections of the premises to ensure compliance with these provisions.

**SECTION 29.** Article VI, the current Section 604 is renumbered Section 606 and a new Section 604 is amended to read as follows:

**SECTION 604. ANTIQUE STORE**

The following conditions shall apply to antique stores:

- A. The antique store shall be permitted only as an adaptive reuse of an historic structure in the Village Overlay District and in accordance with Section 617.
- B. The antique store shall contain no more than 1,500 gross square feet of floor area.
- C. The antique store shall provide one parking space per 500 gross square feet of floor area.

**SECTION 30.** Article VI, the current Section 605 is renumbered Section 607 and a new Section 605 is amended to read as follows:

**SECTION 605. ARTIST STUDIO**

The following conditions shall apply to artist studios:

- A. The artist studio shall be permitted only as an adaptive reuse of an historic structure in the Village Overlay District and in accordance with Section 614.
- B. The artist studio shall employ not more than three (3) persons.
- C. Where instructional classes are provided, the use shall be limited to one (1) class at a time with not more than ten (10) students in the class and not more than two (2) instructors.
- D. The artist studio shall provide one parking space per 500 gross square feet of floor area.

**SECTION 31.** Article VI, the current Section 606 is renumbered Section 608; the current Section 607 is renumbered Section 609; the current Section 608 is deleted in its entirety; the current Section 609 is renumbered Section 610; the current Section 610 is renumbered Section 611; the current Section 611 is renumbered Section 612; the current Sections 612 and 613 are deleted in their entirety; the current Section 614 is renumbered Section 613; and, the current Sections 615 and 616 are deleted in their entirety.

**SECTION 32.** Article VI, Section 617 is renumbered Section 614 and subsections B. and D. are amended to read as follows:

- C. **Applicability.** The provisions of this Section shall apply to the sites and structures meeting the definition of Historic Resource in Article 2. Where an historic resource is not identified in the documents listed in the definition, an applicant may submit an Historic Resource Survey Form, available from the Pennsylvania Historical and Museum Commission. The Zoning Hearing Board may determine that the resource is of national, state or local significance, making the resource eligible for the adaptive re-use standards herein.
- D. **Minimum Adjustments.** Any adjustment to the provisions of this Ordinance shall be the minimum necessary to meet the intent of Section 614 A above. This Section shall not apply to any structure within the 100-year floodplain.

**SECTION 33.** Article VI, Section 618 is renumbered Section 615 and Section A is amended to read as follows:

- A. **Location.** The non-professional home occupation shall only be conducted within a building used for residential purposes or in an accessory building, and no products utilized in the non-professional home occupation shall be stored outside unless screened. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

**SECTION 34.** Article VI, a new Section 616 is added to read as follows:

**SECTION 616. LIVE/WORK UNIT.**

The following conditions shall apply to live/work units:

- A. Live/work units shall be permitted only in the Village Overlay District.
- B. The commercial component of the livework unit may be occupied by any use permitted in Section 532 C. 2.
- C. The residential and commercial spaces shall be occupied by the same tenant, and no portion of the live/work unit may be rented or sold separately.
- D. Residential areas are permitted above, to the side, or in the back of the commercial component, provided that there is internal access between the residential and commercial space.
- E. The commercial component shall be designated on the plan submitted to the Zoning Hearing Board. Should the commercial component cease to remain in use, said component may be converted to a residential use, occupied by the same tenant.
- F. No more than two employees (excluding residents of the dwelling unit) shall work or report to work on the premises, and the employment of any persons who do not reside in the live/work unit shall comply with all applicable building code requirements.
- G. The external access for the commercial component shall be oriented to the street and should have at least one external entrance/exit separate from the living space. The entrance to the commercial component shall be located on the ground level.
- H. The live/work unit shall be required to provide parking for the commercial use in accordance with Article 8. The dwelling unit may share parking with the commercial use.
- I. The residential component of a live/work unit shall occupy a minimum of 40% of the usable square floor area of the combined commercial/office and residential components.

**SECTION 35.** Article VI, current Section 619 is renumbered Section 617; current Section 620 is renumbered Section 618 and current Section 621 is deleted in its entirety.

**SECTION 36.** Article VI, a new Section 619 is added to read as follows:

**SECTION 619. NEIGHBORHOOD COMMERCIAL USES.**

Uses meeting the definition of neighborhood commercial uses shall be permitted in the Village Overlay District. The following conditions shall apply to neighborhood commercial uses:

- A. When an adaptive use of an historic structure is employed, the neighborhood commercial uses may occupy up to 3,500 gross square feet of floor area.
- B. New buildings housing neighborhood commercial uses may occupy up to 2,000 gross square feet of floor area.
- C. Parking shall be provided at a rate of one space per 500 gross square feet of floor area.
- D. Parking for uses located in new structures shall be located to the side or rear of the building.

**SECTION 37.** Article VI, current Section 622 is renumbered Section 620; current Section 623 is renumbered Section 621; current Section 624 is deleted in its entirety; current Section 625 is renumbered Section 622; and, current Section 626 and 627 are deleted in their entirety.

**SECTION 38.** Article VI, a new Section 623 is added to read as follows:

**SECTION 623. RESTAURANTS.**

Restaurants shall be permitted in the Mortonville section of the Village Overlay District, as an adaptive reuse of an historic structure, in accordance with Section 614 and the following:

- A. Restaurants may occupy up to 3,500 gross square feet of floor area.
- B. Applicants shall demonstrate adequate provisions for delivery and trash removal. Trash areas shall be screened in accordance with Section 409 M. 4. of the Subdivision and Land Development Ordinance.
- C. Parking shall be provided at a rate of one space per 150 gross square feet of floor area. Shared parking may be employed.

**SECTION 39.** Article VI, a new Section 624 is added to read as follows:

**SECTION 624. RETAIL SERVICES.**

Uses meeting the definition of Retail Services shall be permitted in the Mortonville section of the Village Overlay District. The following conditions shall apply to retail service uses:

- A. When an adaptive use of an historic structure is employed, the retail service uses may occupy up to 3,500 gross square feet of floor area.
- B. New buildings housing retail service uses may occupy up to 2,000 gross square feet of floor area.
- C. Parking shall be provided at a rate of one space per 500 gross square feet of floor area.
- D. Parking for uses located in new structures shall be located to the side or rear of the building.

**SECTION 40.** Article VI, current Section 628 is renumbered Section 625.

**SECTION 41.** Article VI, current Section 629 is renumbered Section 626 and amended to read as follows:

**SECTION 626 RIVER-RELATED RECREATIONAL USES**

- A. **Intent.** This provision is intended to permit the limited use of areas near the Brandywine Creek for river-related recreational uses, while protecting the waterfront area and ensuring the long-term viability of such activities.
- B. **Minimum Lot Size.** The minimum lot size shall be two acres.
- C. **Permitted Uses.**
  - 1. Water-related recreational activities such as boating or swimming facilities, docks, and related facilities, except fueling activities. No motorized boats or vehicles shall be permitted on the water.
  - 2. Retail establishments occupying 1,500 square feet or less of floor area, serving water-related recreational activities. Sit down restaurants, nightclubs and taverns shall not be permitted. No alcoholic beverages shall be sold.
  - 3. Outdoor sales areas shall be considered part of the floor area of the retail establishment. The Board may require fencing and screening of such areas.

- D. Lighting.** The applicant shall submit a lighting plan to the Township containing a layout of all proposed and existing luminaires.
1. The Board may limit the use of lighting within 200 ft from the nearest residential parcel.
  2. In addition to the standards in Section 520, the Board may require that directional luminaires such as floodlights and spotlights be shielded and directed to avoid output onto neighboring residences.
- E. Reuse to Other Uses.** The Board may require the proposed use to be designed such that it may be reused for a permitted use upon the termination of the proposed use.
- F. Control of Nuisances.** The Board may require the applicant to provide a plan for controlling noise, litter, parking, trespassing, sanitation, safe access and egress, and traffic.
- G. Access.** Access shall be from a major or minor collector road.
- H. Landscaping.** The Board may require landscaping and screening of any parking, loading and storage areas. 1999 Newlin Township Zoning Ordinance with 2012 Amendments

**SECTION 42.** Article VI, current Sections 630 and 631 are deleted in their entirety; and, current Section 632 is renumbered Section 627.

**SECTION 43.** Article VI, current Sections 633 is renumbered Section 628 and a new Section 628 A. 3. is added to read as follows:

3. The proposed use is not provided for as a shared use in another municipality as part of the Unionville Area Regional Comprehensive Plan and The Unionville Region Intergovernmental Cooperative Implementation Agreement For Regional Planning.

**SECTION 44.** Article VII, current Sections 701, 702, 703, 704, 707, 708, 709, 710, 711, 712, 714, 716 and 717 are deleted in their entirety.

**SECTION 45.** Article VII, current Section 705 is renumbered Section 701, current Section 713 is renumbered Section 703, current Section 715 is renumbered Section 704 and current Section 718 is renumbered Section 705.

**SECTION 46.** Article VII, current Section 706 is renumbered Section 702; current Section 706 A. is deleted in its entirety; current Section 706 B. is renumbered 702 A. and is amended to read as follows:

- A. Manufacturing, Warehousing and Commercial Storage, Laboratories.** The following conditions shall be applied to manufacturing, warehousing and commercial



storage, and laboratory uses existing (on the date of the ordinance amendment); after that date, such uses are no longer permitted in Newlin Township, thereby implementing the Unionville Area Regional Comprehensive Plan:

**SECTION 47.** Article VII, Table 14 is amended to read as follows:

<b>Table 14 - Minimum Parking Requirements</b>	
<b>Land Use or Activity</b>	<b>Minimum Parking Spaces</b>
Auditorium, place of assembly, and similar facility	One per each three seats or one per each 50 sf of gross floor area, whichever is greater
Bed and breakfast, guest room	One per unit
Campground	One per campsite
Dwelling	Two per dwelling
Farm business or occupation	Five per business or occupation
Group home, lifecare facility and related facility	One and one-half per dwelling or bed
Home occupation	Two per occupation
Office and similar commercial facility	One per each 400 gross sf of floor area
Recreation facility - interior	One per 1000 sf
Recreation facility - exterior	One per 40,000 sf
Restaurant	One per each 100 gross sf of floor area
Retail facility	One per each 200 gross sf of floor area
School and similar facility	One and one-half per each instruction room
Uses not specifically mentioned	Adequate space to accommodate the daily average number of vehicles expected to use the facility

**SECTION 48.** Article X, Section 1002 is amended by changing the reference to Section 609 to a reference to Section 610.

**SECTION 49.** Article X, Section 1003 is amended by changing the reference to Section 632 to a reference to Section 627.

**SECTION 50. Appendix, Section Table 16 is amended to read as follows:**

<b>Table 16 - Summary Of Permitted Uses, Special Exception Uses, Conditional Uses, And Accessory Uses</b>				
<p>Note: This list is intended as a reference convenience. In the event of any conflict or ambiguity between this list and the zoning ordinance text, the provisions of the text shall prevail.</p> <p><b>ABBREVIATIONS:</b></p> <p>P: Permitted Use (Permitted "by-right" Applicants must complete zoning permit.)            SE: Special Exception (Permitted by the Zoning Hearing Board as a special exception.)            CU: Conditional Use (Permitted by the Board of Supervisors as a conditional use.)            A: Permitted as an accessory use to a permitted, conditional or a special exception use.            N: Not permitted</p> <p>* Land uses within the Steep Slope overlay district are as regulated in the Flexible Rural Residential district</p>				
No.	Land Use or Activity	Zoning District*		Section Reference
		Flex. Rural Residential	Floodplain	
1	Accessory apartment (on lots less than 2 acres)	SE	N	602
2	Accessory apartment (on lots 2 acres and above)	A	N	502
3	Accessory structures (e.g., sheds - excluding agricultural uses)	A	N	503
4	Animal shelter	A	N	505
5	Antique Store	SE	N	532,604
6	Animal hospital (for small animals), veterinary facility, kennel	SE	N	603
7	Artist Studio	SE	N	532,605
8	Barn for horses (on lots less than 5 acres)	SE	N	606
9	Bed and breakfast (on lots not less than 5 acres)	A	N	506
10	Bed and breakfast (on lots less than 5 acres)	SE	N	607
11	Business identification sign	P	N	Table 15
12	Campground	CU	N	701
13	Cellular communication facility (when on top of existing facilities...)	A	A	508
14	Cellular communication facility (exceeding limits in Section 508)	SE	N	608
15	Country property accessory dwelling unit (Option 4 developments)	A	N	510
16	Day care facility (for six or more children)	SE	N	609
17	Display and sale of farm products	A	N	511
18	Farm machinery service and repair	SE	N	611
19	Farm-related business	SE	N	612
20	Floodplain special exception uses	--	SE	613
21	Forestry and timber harvesting	SE	SE	514

No.	Land Use or Activity	Flex. Rural Residential	Floodplain	Section Reference
22	Garage and yard sales	A	A	515
23	Garage and yard sales sign	A	N	Table 15
24	Historic structures - adaptive reuse	SE	SE	614
25	Home occupation (non-professional)	SE	N	615
26	Home occupation (professional)	A	A	517
27	Home occupation sign	A	N	Table 15
28	Live/Work Unit	SE	N	532, 616
29	Manure processing, hauling, soil and sludge composting, etc.	SE	N	617

30	Mass outdoor gathering (for more than 300 people)	SE	N	618
31	Manufactured homes	P	N	522
32	Non-conforming pre-existing lots	SE	N	620
33	Nursery and garden material sales	CU	N	715
34	Offices	SE	N	624, 702
35	Option 1 subdivisions – neutral density and basic conservation	P	N	304,305
36	Option 3 subdivisions - estate lots	P	N	304
37	Option 4 subdivisions – country properties and farmettes	P	N	304
38	Public utility	SE	N	624, 708
39	Place of worship and related facilities	SE	N	622
40	Real estate sales sign	A	N	Table 15
41	Retail Services	SE	N	532, 624
42	Restaurants	SE	N	532, 623
43	Riding school, horse boarding facility (commercial facilities)	SE	N	628
44	River-related recreational uses	SE	SE	628
45	Satellite antenna	A	A	528
46	Special event sign	A	N	Table 15
47	Steep Slope Area (above 20%) land uses	P, SE	NA	529
48	Swimming pool, tennis court, and other recreational structures	A	N	530
49	Trailer, motor home, recreational vehicles, & similar facilities	A	N	531
50	Waste storage facility	A	N	532

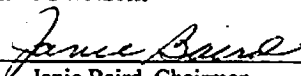
**SECTION 51. Appendix, Section Table 17 is amended to read as follows:**

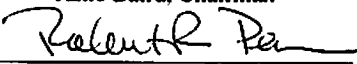
<p align="center"><b>Table 17 –Summary of Bulk and Lot Standards of the Development Options in the Flexible Rural Development District.</b></p> <p align="center"><i>Note: This list is intended as a reference convenience. In the event of any conflict or ambiguity between this list and the zoning ordinance text, the provisions of the text shall prevail.</i></p>								
Development Option	Maximum Density	Minimum Street Frontage	Minimum Lot Area	Minimum Lot Width at Building Setback Line	Minimum Yard Setbacks	Maximum Impervious Coverage	Maximum Height	Minimum Open Space
Option 1: "Neutral Density and Basic Conservation"	1dwelling per 80,000 sf, based on adjusted tract acres or yield plan	100 ft	15,000 sf	80 ft	Front: 25 ft Side: 10 ft, 30 ft for buildings Rear: 25 ft	20% per lot	35 ft	50% of Adjusted Tract Acreage plus 100% of Constrained Land
Option 3: "Estate Lots"	1 dwelling per 4 acres, based on adjusted tract acreage	150 ft	1 acre	150 ft	Front: 40 ft from ROW of Township roads; 40 ft from ROW of new internal roads Side: 50 ft Rear: 60 ft	5% of entire tract		NA
Option 4: "Country Properties and Farnettes"	1 dwelling per 10 gross acres	200 ft	1 acre	200 ft		4% of entire tract		

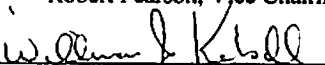
**SECTION 52.** Effective Date. This Ordinance shall become effective five (5) days after enactment as by law provided.

ENACTED AND ORDAINED this 11<sup>th</sup> day of February 2013, by and on behalf of the Board of Supervisors of NEWLIN TOWNSHIP.

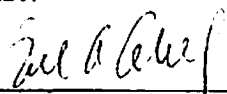
BOARD OF SUPERVISORS OF  
NEWLIN TOWNSHIP

BY:   
Janie Baird, Chairman

BY:   
Robert Pearson, Vice Chairman

BY:   
William Kelsall, Member

ATTEST:

  
Gail Abel – Township Secretary