

ARTICLE XXIII
Supplementary Regulations

§ 150-229. Accessory uses and structures.

- A. Fences and walls. Except as hereinafter provided, no fence or wall (except required junkyard or tennis court walls or fences and a retainer wall of a building permitted under the terms of this chapter) shall be erected to a height of more than three feet in a front yard and more than six feet in any other yard within an agricultural, open space or residential zone. A fence in the Agricultural Zone or in the Rural Residential Zone erected for the purpose of containing livestock may be erected to a height of five feet in a front yard, provided that the fence complies with all other sections of this chapter dealing with setbacks for agricultural fences and clear sight triangles. Within any industrial, commercial or quarry zone, no fence or wall shall be erected to a height of more than 10 feet in any yard. No fence shall block motorists' view of vehicles entering or exiting the property. [Amended 9-12-1996 by Ord. No.96-18]. In the cases of double frontage lots in any zone, a fence of up to six (6) feet high may be erected in a front yard on the non-address street provided that the fence is set back ten (10) feet from the right-of-way. **[Amended 6-28-2001 by Ord. No. 01-03]**
- B. Swimming pools. No permanent structure shall be permitted without an operable filtration system utilizing chlorine, bromine or some other antibacterial agent. All swimming pools shall be completely enclosed by a four-foot-high fence or wall with a selfclosing gate. This does not apply to above-ground pools having a wall measuring four (4) feet in height and having a retractable ladder. Such fence or wall shall be erected before any pool is filled with water. All pools must be set back ten (10) feet from all lot lines, measured from either the wall of the pool or any associated decking or concrete aprons. No water from a pool shall be discharged onto any public street or alley. **[Amended 6-28-2001 by Ord. No. 01-03]**
- C. Tennis courts. All tennis courts shall include an open mesh permanent fence ten (10) feet in height behind each baseline. Such fence shall extend parallel to said baseline at least ten (10) feet beyond the court's playing surface, unless the entire court is enclosed. Any lighting fixtures shall be arranged to prevent objectionable glare on adjoining property.
- D. Satellite dish antennas. Satellite dish antennas are subject to all accessory use standards. Furthermore, no satellite dish antenna located within the agricultural, open space or residential zones shall be used to transmit video format data. All ground-mounted satellite dish antennas located within the industrial, commercial or quarry zones that are used to transmit video format data shall be completely enclosed by an eight-foot-high nonclimbable fence that includes signage warning of dangerous radiation levels. Any gates within the fence shall be locked when unattended. Satellite dish antennas within the industrial, commercial or quarry

zones shall comply with all principal use standards. Any satellite dish antennas shall be set back a distance at least equal to its overall height above the ground.

- E. Alternative energy sources. Wind energy conversion systems (WECS) shall not be permitted in the front yard area of any property. Height regulations do not apply to WECS units, provided that the height of the WECS unit shall not be greater than the shortest distance measured along a horizontal plane from the unit to any lot line. WECS units may be placed on the roof of any structure, provided that the perimeter of the unit does not cover twenty-five percent (25%) of the roof area of the structure on which the WECS unit is placed. The additional height extension shall be so positioned that the height of the WECS unit above the roof is less than the distance measured along a horizontal plane from such unit to any lot line. All transmission lines to and from any freestanding WECS unit or any supporting building or structure shall be buried underground. Solar energy units shall be permitted in any zone, subject to the requirements of that zone.

§ 150-230. Unenclosed storage.

- A. Recreational vehicles, boats, campers, trailers and trucks. In any residential zones, no boats, campers, recreational vehicles, trailers and/or trucks with more than two (2) axles, except personal pickup trucks, shall be stored or parked within any front yard.
- B. Outdoor stockpiling. In all zones, no outdoor stockpiling of any material or outdoor storage of trash is permitted in the front yard. In any residential zone, the outdoor stockpiling of materials, except firewood, for more than one (1) year is prohibited.
- C. Trash, garbage, refuse or junk. Except as provided in §150-335 or other Township ordinances, the outdoor accumulation of trash, garbage, refuse or junk for a period exceeding fifteen (15) days is prohibited.

§ 150-231. Driveway requirements for single-family dwellings.

- A. Only one (1) driveway connection per lot frontage is permitted; no more than two (2) driveway connections per lot shall be permitted.
- B. Driveways shall not connect with a public street within forty (40) feet of the right-of-way lines of any intersecting streets nor within five (5) feet of a fire hydrant.
- C. Driveways shall be located and constructed so that a clear sight triangle of seventy-five (75) feet, as measured along the street center line, and five (5) feet along the driveway center line is maintained; no permanent obstructions over three (3) feet high are permitted within this area.

- D. A driveway shall not exceed a slope of eight percent (8%) within twenty-five (25) feet of the street right-of-way line.
- E. Driveway access shall be provided to the street of lesser classification when there is more than one (1) street classification involved. The Township Comprehensive Plan shall be referred to for designation of street classifications.
- F. No driveway shall provide a curb cut exceeding twenty-five (25) feet in width.
- G. Any construction or improvements affecting vehicular access to a property may require curbing to be installed along the affected street frontage.
- H. All driveways shall be set back at least two (2) feet from any side lot lines.
- I. All driveways shall be paved at least seventy-five (75) feet from the street right-of-way line.

§ 150-232. Access drives. [Amended 3-24-1988 by Ord. No. 88-02; 8-24-1989 by Ord. No.89-09; 3-14-1996 by Ord. No.96-08]

Access drives shall conform to the specifications set forth in the West Manchester Township Access Drive Ordinance, Ordinance No.96-01, Chapter 42 of the Code of the Township of West Manchester.

§ 150-233. Exterior lighting.

All exterior lighting shall be arranged and shielded to prevent objectionable illumination or glare upon adjoining properties and/or public rights-of-way.

§ 150-234. Demolition of structures.

Demolition of any structure must be completed within three (3) months of the issuance of a permit. "Completion" consists of tearing the structure down to grade, filling any resulting cavity to grade and removing all resulting materials from the lot. A structure may be partly demolished only if a building remains and the demolition of the part is complete as aforesaid. All evidence of the part which was demolished must be removed from the exterior surfaces of the remaining building.

§ 150-235. Minimum habitable floor area. [Amended 12-8-1994 by Ord. No.94-13]

All dwelling units must conform to the minimum habitable floor area following:

- A. Single-family, duplex and townhouse dwelling units: seven hundred (700) square feet per dwelling unit.
- B. Multifamily dwellings: four hundred (400) square feet per dwelling unit.

C. Efficiency apartment [one (1) person]: three hundred fifty (350) square feet per dwelling unit.

§ 150-236. Drainage.

A. Adequate drainage required. No principal building may be erected, structurally altered or relocated on land which is not adequately drained at all times. In addition, all work must conform to the Township Stormwater Management Ordinance.¹⁰

B. Drainage upon adjoining properties; slopes.

(1) In order to protect adjoining property owners and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land may be made which would:

(a) Result in a slope of more than twenty percent (20%) within twenty (20) feet of a property line.

(b) Alter the existing topography in any way so as to adversely affect adjoining properties.

(2) Any alteration of a site's drainage will be the responsibility of the property owner.

(3) In no case may any slope exceed the normal angle of slippage of the material involved. All slopes must be protected against erosion.

C. Obstruction to drainage prohibited. Damming, filling or otherwise interfering with the natural flow of a surface watercourse is not permitted without approval of the Township Supervisors.

§ 150-237. Land subject to flooding.

All land uses must comply with the West Manchester Township Floodplain Management Ordinance.³³

§ 150-238. Modification of setback requirements; applicability.

A. Front setback or buildings on built-up streets. Where at least two adjacent buildings within 100 feet of a property are set back lesser distances than required,

¹⁰ Editor's Note: See Ch. 113, Stormwater Management.

³³ Editor's Note: See Ch. 75, Flood Damage Prevention.

the average of the lesser distances becomes the required minimum front setback for the property. However, in no case shall the setback line be less than 25 feet from any abutting street right-of-way line.

B. Accessory or appurtenant structures. The setback regulations do not apply to the following unless otherwise indicated: **[Amended 6-28-2001 by Ord. No. 01-03]**

(1) School bus shelters, telephone booths and cornices, eaves, chimneys, steps, canopies and similar extensions; but do apply to porches and patios, whether covered or not.

(2) Open fire escapes.

(3) Minor utility structures, articles or ornamentation or decoration.

(4) Fences and retaining walls.

§ 150-239. Height limit exceptions. [Amended 12-12-1991 by Ord. No.91-14; 4-9-1998 by Ord. No.98-06]

A. The height regulations do not apply to the following structures or projections, provided that such structures or projections are set back a horizontal distance at least equal to their height from any property line:

(1) Water towers, personal use antennas, utility poles, smokestacks, chimneys, farm silos, windmills, flagpoles or other similar structures.

(2) Rooftop structures for the housing of elevators, stairways, water storage tanks, ventilating fans and other mechanical appurtenances, if such structures do not cover more than 25% of the roof on which they are located.

(3) Parapet walls or cornices used solely for ornamental purposes, if not in excess of five feet above the roof line.

B. In no case shall any freestanding or rooftop structure above the maximum permitted height be used for the purpose of providing additional floor space for residential, commercial or industrial purposes.

§ 150-240. Buildings under construction.

If the construction is completed by one year after the effective date of this chapter, a building, the foundation of which was completed before the effective date, may be constructed without being bound by the requirements of this chapter. In like manner, a building, the foundation of which was completed before an amendment, may be constructed if the construction is completed within one year after the amendment.

§ 150-241. Division of built-on lots.

No lot may be formed from part of a lot occupied by a building unless each newly created lot will meet all the applicable provisions of this chapter.

§ 150-242. Status of subdivision or land development plans.

- A. From the time an application for approval of a subdivision or land development plan, whether preliminary or final, is duly filed as provided in the Subdivision and Land Development Ordinance,⁷ and while such application is pending approval or disapproval, no enactment or amendment of this chapter shall affect the decision on such application adversely to the applicant, and the applicant shall be entitled to a decision in accordance with the provisions of this chapter as it stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in this chapter.
- B. When a preliminary or final subdivision or land development plan has been approved or approved subject to conditions acceptable to the applicant, no subsequent enactment or amendment in this chapter or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval. Where final approval is preceded by preliminary approval, the five-year period shall be counted from the date of preliminary approval.

§ 150-243. Nonconforming lots.

On a lot held in single and separate ownership on the effective date of this chapter or any amendment thereto, which does not fulfill the regulations for the minimum lot area and/or lot width for the zone in which it is located, a building may be erected, altered and used and the lot may be used for a conforming (permitted) use, provided that the setback requirements are not less than the minimum specified herein for the zone in which the lot is located.

**§ 150-243.1. Communications antenna and communications equipment building.
[Added 4-9-1998 by Ord. No.98-06]**

- A. A building-mounted communications antenna shall not be located on any single-family detached dwelling or duplex dwelling or any accessory structure associated therewith.

⁷ Editor's Note: See Ch. 121, Subdivision and Land Development.

- B. An omnidirectional or whip communications antenna shall not exceed a maximum height of 10 feet above the existing structure and seven inches in diameter.
- C. A directional or panel communications antenna shall not exceed a height of 10 feet above the existing structure and three inches in diameter.
- D. Any applicant proposing a communications antenna to be mounted on a building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.
- E. Any applicant proposing a communications antenna to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review by the Zoning Officer for compliance with the Township's ordinances and regulations. The applicant shall also submit detailed drawings showing the coverage area for the communications antenna.
- F. Any applicant proposing a communications antenna to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antenna is to be mounted so that installation and maintenance of the antenna and communications equipment building can be accomplished.
- G. A communications antenna shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- H. A communications antenna shall not cause radio frequency interference with other communications facilities located in the Township.
- I. A communications equipment building shall be subject to the height and setback requirements of the applicable zoning district for an accessory structure.
- J. The owner or operator of a communications antenna shall be licensed by the Federal Communications Commission to operate such antennas.