

**§ 325-16. Purpose.**

The Township encourages industrial development for all reasonable uses subject to consideration of the health, safety and welfare of the Township residents. The zoning districts established in this article are intended to achieve the following:

- A. To provide for industrial development which will serve to compliment the residential and commercial area of the community.
- B. To provide sufficient space, in appropriate locations, to meet the Township's anticipated future needs for industrial activity with due allowance for the need for a range of choice of sites.
- C. To provide that the land most suitable for industry and related activities will be available to them by prohibiting the use of such land by new residential development and, at the same time, to protect residences by separating them from industrial activities.
- D. To provide for industrial development which is free from offensive noise, vibration, smoke, odors, glare, hazards of fire, traffic difficulties or other objectionable effects and likewise to prohibit such activity where objectionable effects are indicated or actually result.
- E. To protect industrial uses against developmental congestion by limiting the bulk of buildings in relation to the land around them and to one another and by providing sufficient off-street parking and loading facilities for such development.
- F. To promote the most desirable use of land by subdivision and building development in accord with a well-considered plan, to promote stable industrial development, to strengthen the economic base of the Township, to protect the character of industrial areas and their suitability to particular uses and to conserve the tax revenues and value of land and buildings throughout the Township.

**§ 325-17. General requirements for industrial districts.**

No lot, parcel or tract of land shall be used and no building or structure shall be erected, altered or remodeled for any use involving the creation of a product or process that causes or creates a dangerous, unhealthy, obnoxious noise, emission, discharge or similar externality that would violate the provisions of § 325-18D.

**§ 325-18. I-1 Limited Industrial District. [Amended by 5-23-2000 by Ord. No. 289]**

- A. Intent. It is the intent of this section to provide an industrial district that is:
  - (1) Compatible with surrounding residential and commercial districts and which will contain a consistent degree of aesthetic quality.
  - (2) Suitable for light manufacturing and assembly, research and development, wholesale, distribution and service uses.
- B. Use regulations. Subject to § 325-124A below, a single building may be erected,

altered or used and a lot may be used for any one or more of the following purposes:

- (1) Research and development, engineering or testing laboratory.
  - (2) Administrative activities and offices related to permitted industrial uses.
  - (3) Warehouses for wholesale sales, distribution or storage, provided no materials are stored outside.
  - (4) Any light machining or manufacturing, testing, repair, storage or distribution of materials, goods, foodstuffs or products.
  - (5) Public utility installations providing no materials are stored outside.
  - (6) Veterinarian or boarding kennel.
  - (7) Day care as an accessory use to and within any permitted use above.
  - (8) Office buildings.
  - (9) Normal and customary accessory uses.
  - (10) Any one of the following uses when authorized as a conditional use by the Board of Supervisors subject to § 325-124 of this chapter:
    - (a) Vocational training facility on 75 acres or more.
    - (b) Tower-based wireless communication facilities in accordance with the provisions and additional conditional use standards as set forth in the wireless communications facilities provisions section of this Zoning Ordinance and the applicable sections of the Township's Subdivision and Land Development Ordinance.<sup>1</sup> **[Amended 3-31-2015 by Ord. No. 422]**
    - (c) Solar energy systems as a principal use. **[Added 7-27-2011 by Ord. No. 392]**
  - (11) Surface land uses affiliated with transmission pipelines subject to § 325-28.3 of this chapter. **[Added 3-11-2015 by Ord. No. 421]**
- C. Area and bulk regulations. The area and bulk regulations shall be based upon developable acreage unless stated otherwise. The following regulations shall apply to all uses permitted in the I-1 District: **[Amended 3-10-2004 by Ord. No. 310]**
- (1) Lot size (minimum): two acres (gross acreage). **[Amended 3-10-2004 by Ord. No. 310]**
  - (2) Building coverage (maximum): 25%. **[Amended 3-10-2004 by Ord. No. 310]**
  - (3) Total impervious coverage (maximum): 65%. **[Amended 3-10-2004 by Ord. No. 310]**

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1. Editor's Note: See Ch. 281, Subdivision and Land Development.

- (4) Green area (minimum): 35%. **[Amended 3-10-2004 by Ord. No. 310]**
  - (5) Lot width at street line (minimum): 100 feet.
  - (6) Lot width at building line (minimum): 150 feet.
  - (7) Front yard (minimum): 75 feet.
  - (8) Rear yard (minimum): 50 feet.
  - (9) Side yard (minimum for each): 35 feet.
  - (10) Height (maximum): 35 feet.<sup>2</sup>
  - (11) Provided that rear or side yards may be reduced to zero along a rail siding by the Board of Supervisors upon satisfactory evidence by the applicant, to the Board's satisfaction, that such a reduction is prudent and necessary for the proposed use or structure.
- D. Performance standards. All uses shall comply with this section and the physical performance standards of § 325-41, and as promulgated on a form provided by the Township, certification or affidavits that the following design standards are to be conformed to by all uses in this district. In all instances, standards adopted by the American Society for Testing and Materials (ASTM) shall be deemed the minimal acceptable standards unless superseded by state or federal regulation:
- (1) No obnoxious, toxic or corrosive fumes or gases shall be emitted as result of the use.
  - (2) No use shall emit offensive odors which are perceptible at lot lines.
  - (3) No use shall discharge into the air dust or other particulate matter.
  - (4) No use shall emit smoke from operations.
  - (5) No use shall produce any heat or glare perceptible at or beyond the lot boundaries.
  - (6) No use shall utilize lighting in a manner which produces glare perceptible at or beyond the lot boundaries.
  - (7) No use shall permit physical vibrations perceptible at or beyond the lot boundaries.
  - (8) No use shall emit potentially harmful radiation.
  - (9) No use shall engage in the production or storage of any material designed for use as an explosive.

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2. **NOTE:** Except that the maximum height may be increased to 50 feet; provided that 1) For each additional one foot over 35 feet, all other yard requirements shall be increased by one foot; or 2) Due to topographic or other site conditions, the Board finds the effect of the increased building height to be inconsequential with regard to internal site design and off-site visibility.

- (10) No use shall engage in the storage of waste materials on the lot for any period beyond 30 days. Such waste material storage shall be located behind the front building line of the primary building and no closer than 50 feet to any rear or side lot line and shall be completely screened from the view of any street or adjoining property.
  - (11) No use shall discharge an objectionable and/or potentially dangerous effluent from plant operations.
  - (12) No industrial lagoons for chemicals or other liquid waste shall be permitted.
  - (13) No use shall be conducted so that noise, whether sustained or sporadic, shall exceed the level of ordinary conversation at the boundaries of the lot as outlined in § 325-41 of this chapter.
  - (14) Where applicable, the regulations in Article IX, Common Regulations, and Article XVII, Signs, shall apply for all uses.
  - (15) Loading facilities shall not be constructed within an area bounded by a triangle 50 feet on each side measured from the nearest point of intersecting street lines.
  - (16) Applicant shall show satisfactory intent to maximize aesthetic quality consistent with the use proposed (i.e., landscaping, screening, signs, etc.).
  - (17) All uses shall be conducted in compliance with applicable governmental regulations.
  - (18) All activity incident to such operation, except outside storage of raw materials and/or finished products, shall be wholly enclosed in suitable, permanent buildings.
  - (19) Outside storage of raw materials and/or finished products only within the buildable area of the lot behind the front building line of the main building and in a confined area which shall not exceed 50% of the floor area of the primary facility, nor 20 feet in height and such storage shall be further subject to regulations outlined in § 325-35, Storage, of this chapter.
  - (20) Storage of bulk liquids, excluding water, in aboveground tanks of greater than 10,000 gallons' capacity shall be prohibited.
- E. Condominium or similar type ownership of buildings is permitted in order to provide for the small business. A condominium group must conform to the above Subsection B; however, zero lot line (party wall) is permitted between units of the building.
- F. Industrial parks approved prior to December 8, 1998. The definition of "developable acreage" in §§ 325-8 and 325-18C, 325-33B(2)(b) and 325-40H(6) of this chapter shall not apply to industrial parks finally approved by the Township prior to December 8, 1998, pursuant to Sections 702(1)(i) and 704 of the West Whiteland Township Zoning Ordinance of 1986, as amended through November

30, 1998 (the "1986 Zoning Ordinance") and shall not apply to each lot created in such industrial parks (the aforesaid industrial parks and lots are hereinafter referred to as "existing industrial parks"). Development of existing industrial parks shall be governed by the provisions of the 1986 Zoning Ordinance, except as modified and controlled by the following special regulations:

- (1) For purposes of area and bulk calculations, "developable acreage" shall mean the gross acreage of the tract or lot minus existing or future rights-of-way, floodplain areas, wetlands and steep slopes of 25% or greater.
- (2) Upon full development, the total impervious coverage of all of the lots in the existing industrial park shall be limited to 60% of the aggregate developable acreage, as defined in Subsection F(1) above, of all of the lots in that existing industrial park.
- (3) Existing perimeter vegetation and buffers in an existing industrial park shall not be removed or disturbed. Perimeter buffers on lots to be developed after the effective date of this subsection shall be a minimum of 15 feet in width, where practical, placed at the property line, right-of-way line or along the rim of stormwater management basins. In cases where a buffer 15 feet in width is not practical, a buffer a minimum of 12 1/2 feet in width shall be provided. The minimum number of shade trees required by Township ordinances may be increased up to 100% if required by the Township when a buffer reduction is permitted. The Township shall determine the locations of the additional shade trees.
- (4) Landscaping of the lots to be developed after the effective date of this subsection shall be in accordance with the then-current Chapter 281, Subdivision and Land Development, of the Code of the Township of West Whiteland; provided that full compliance with the landscaping requirements in the perimeter buffer area is not required if the applicant can demonstrate to the Board of Supervisors during the land development approval process that such landscaping requirements are not achievable within the buffer area due to the existing or necessary future utility easements or other such restrictions on the lot, in which case compliance with the landscaping requirements shall be required to the maximum extent possible as determined by the Township considering the existence of the aforesaid restrictions.
- (5) Parking stall spaces on lots to be initially developed after the effective date of this subsection may be nine feet by 18 feet in size.
- (6) Except as expressly set forth in this subsection to the contrary, all of the provisions and regulations of the West Whiteland Zoning Ordinance of 1986, as amended through November 30, 1998, shall apply to existing industrial parks.

**§ 325-20. Commercial infectious or chemotherapeutic waste facility.**

- A. In addition to meeting all of the area and bulk regulations and design standards of

this article, any conditional use application for a commercial infectious or chemotherapeutic waste facility shall meet the following additional criteria and standards:

- (1) No building or structure shall be located within 200 feet of any property line and 500 feet of any land within a residential zone or land used or improved for residential use, nor within 300 yards of a recreation facility, park, school or playground.
- (2) All structures shall be set back at least a distance equal to their height. At a minimum, the setbacks set forth in § 325-19B shall apply.
- (3) Any area used for the unloading, transfer, storage, processing, incineration or deposition of waste must be completely screened from ground level view at the property line. In addition, such areas must also be completely enclosed by an eight-foot-high security fence, with no openings greater than two inches in any direction. Said fence shall be set back a minimum of 100 feet from all property lines. The security fence shall be completely screened from view along its entire length by a screening buffer of the kind and type meeting the requirements of § 281-35 of Chapter 281, Subdivision and Land Development, of the Code of the Township of West Whiteland.
- (4) A minimum one-hundred-foot-wide landscape strip shall be located along all property lines. No structures, storage, parking or any other related activity or operation shall be permitted within this landscape strip. The landscaping within the landscape strip shall be in accordance with a landscape plan submitted to and approved by the Planning Commission.
- (5) The applicant must demonstrate compliance through a written statement with, and must continue to comply with, all applicable local, state and federal standards and regulations. The applicant shall submit a copy of the applications to the Pennsylvania Department of Environmental Protection ("Department") for a solid waste management permit and an air quality permit. The applicant shall submit evidence, which may take the form of a certification by the Department, that the applications for the solid waste management permit, the air quality permit and the conditional use is consistent with the Pennsylvania Infectious and Chemotherapeutic Waste Plan adopted by the Department pursuant to the Infectious and Chemotherapeutic Waste Disposal Act, Act 93 of 1988, 35 P.S. § 6019.1 et seq. Operation of the facility as an approved conditional use shall be contingent upon the applicant conforming to the terms of a solid waste management permit and an air quality permit and any applicable statutes and regulations. A copy of the approved applications and permits shall be filed with the Township prior to commencing any site preparation activity.
- (6) Sanitary sewage shall be disposed of by means of connection to a public sewer system. The applicant shall provide evidence that any process wastewater generated by the facility, other than sanitary sewage, will be properly collected and disposed of in accordance with all applicable local, state and federal

standards and regulations. If the process wastewater is to be discharged directly to waters of the commonwealth, the applicant shall submit a copy of the NPDES discharge permit and application to the Department for a water quality management permit along with the Department's written response approving the application. If the wastewater is to be discharged to the existing public or a private sewer system for transportation and treatment, the applicant shall submit a letter from the treatment system owner stating the quality and character of the wastewater which will be accepted from the applicant. If there will be no wastewater discharged by the facility, other than sanitary sewage, the applicant shall submit a letter certifying that there will be no wastewater generated, or that any wastewater generated at the facility will be recycled back into the process.

- (7) The applicant shall submit a traffic study prepared by a registered professional engineer experienced in traffic engineering, for approval by the Township. Said study shall indicate the effect the facility and all vehicular traffic generated by the facility will have on the street system within the Township and shall include information on the current traffic flows on this road system and projections of traffic generated by the proposed use. The traffic study shall make reference to and be consistent with the Township Traffic Master Plan, the Official Map and the Comprehensive Plan. Where the traffic study indicates that a street, bridge, underpass or other street facility is deficient in any manner to adequately provide for the intended traffic, it shall be the responsibility of the applicant to provide for the upgrading of such street, bridge, underpass or other street facility as is necessary to alleviate the deficiency.
- (8) The facility shall be provided with access drives which shall originate from a public street and shall provide vehicular access to all unloading areas, process areas and storage areas. Sufficiently long stacking lanes into the facility shall be provided so that vehicles waiting will not back up onto public roads. Improvements to the existing roads shall be provided by the applicant to insure safe turning movements to and from the site and safe through movements on the existing roads. Additionally, all access drives shall meet the following design standards:
  - (a) The drive shall have five inches of 2A modified subbase course, five inches of BCBC, 1 1/2 inches of ID-2 binder course, and 1 1/2 inches of ID-2 wearing course, in accordance with Chapter 281, Subdivision and Land Development, of the Code of the Township of West Whiteland. All materials, equipment and construction methods shall conform to PennDOT Form 408, as amended.
  - (b) Access drives shall have a minimum width of 40 feet.
  - (c) Access drives shall have a maximum gradient of 10% and a minimum gradient of 3/4%.
  - (d) All access drives and paving shall be curbed.

- (e) No access drive or paving shall be located within the one-hundred-year floodplain or other environmentally sensitive areas.
- (9) Access to the site shall be limited to those posted times when an attendant is on duty. All areas of the site shall be protected by locked barricades, fences, gates or other means to prohibit access to the area at unauthorized times or at unauthorized locations.
- (10) Hazardous waste as defined by the Department and/or the United States Environmental Protection Agency ("EPA") shall not be collected, transported, stored, processed or disposed of at any time within the subject property or in conjunction with the operation of the facility.
- (11) The facility shall employ qualified facility operators responsible for supervising all unloading, processing, transfer and deposition of the waste and ash residue and for the operation of all pollution control equipment.
- (12) Compactors, grinders or similar devices may not be used to reduce the volume of waste before incineration.
- (13) Leak- and vector-proof containers shall be provided for the storage of any waste not presently used in any disposal process and for the storage of ash residue. Such containers shall be stored within a wholly enclosed building.
- (14) No more waste shall be stored on the property than what is necessary to keep the facility in operation, but in no circumstance shall such waste be stored for greater than 72 hours.
- (15) A contingency plan for the immediate disposal of all waste on the property in the event of a facility shutdown shall be submitted by the applicant.
- (16) The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating the quantity of water required. If the source is from a public water system, the applicant shall submit documentation that the supplier will supply the water needed. In addition, a water feasibility study shall be provided to enable the Township to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purposes of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. The water feasibility study shall be reviewed by the Township Engineer. A water system which does not provide an adequate supply of water for the proposed development, considering both quantity and quality, or does not provide for adequate groundwater recharge considering the water withdrawn by the proposed development shall not be approved by the Township. The water feasibility study shall include the following information:
  - (a) Calculations of the projected water needs.
  - (b) A geologic map of the area with a radius of at least one mile from the site.



- (c) The location of all existing and proposed wells within 2,500 feet of the site with a notation of the capacity of all high yield wells.
  - (d) The location of all existing on lot sewage disposal systems within 1,000 feet of the site.
  - (e) The location of all streams within 1,000 feet of the site and all known point and nonpoint sources of pollution.
  - (f) Based on the geologic formation(s) underlying the area, a determination of the long-term safe yield.
  - (g) A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams and the groundwater table.
  - (h) A statement of the qualifications and the signature(s) of the person(s) preparing the study.
- (17) The applicant shall submit an emergency management plan prepared by a qualified, registered professional engineer, for approval by the Township.
- B. At the time of conditional use approval, the applicant and the operator shall agree to conduct all activities in strict accordance with the standards in Subsection A(1) through (17) above, and with any other reasonable conditions that may be imposed by the Board at the time of conditional use approval, and that the applicant and operator agrees that in the event of any violation of the above standards or any condition of approval, the Township, its agents and/or employees may enter upon the premises and close the facility. Such agreement shall be in the form of a development agreement with the Township, executed at the time of conditional use approval and recorded with the property deed at the Chester County Office of the Recorder of Deeds.