

# Supreme Court of Pennsylvania

## Court of Common Pleas Civil Cover Sheet

DELAWARE

County

For Prothonotary Use Only:

Docket No:

*The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.*

SECTION A

### Commencement of Action:

- Complaint     
  Writ of Summons     
  Petition     
 \*LAND USE APPEAL  
 Transfer from Another Jurisdiction     
  Declaration of Taking

Lead Plaintiff's Name:  
UPPER DARBY SCHOOL DISTRICT

Lead Defendant's Name:  
BOROUGH OF CLIFTON HEIGHTS, ET AL.

Are money damages requested?  Yes  No      Dollar Amount Requested:  within arbitration limits  outside arbitration limits (check one)

Is this a *Class Action Suit*?  Yes  No      Is this an *MDJ Appeal*?  Yes  No

Name of Plaintiff/Appellant's Attorney: Robert W. Gundlach, Jr., Clair E. Wischusen & Andrew R. Stoll

Check here if you have no attorney (are a Self-Represented (Pro Se) Litigant)

SECTION B

**Nature of the Case:** Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

#### TORT (do not include Mass Tort)

- Intentional  
 Malicious Prosecution  
 Motor Vehicle  
 Nuisance  
 Premises Liability  
 Product Liability (does not include mass tort)  
 Slander/Libel/ Defamation  
 Other: \_\_\_\_\_

#### MASS TORT

- Asbestos  
 Tobacco  
 Toxic Tort - DES  
 Toxic Tort - Implant  
 Toxic Waste  
 Other: \_\_\_\_\_

#### PROFESSIONAL LIABILITY

- Dental  
 Legal  
 Medical  
 Other Professional: \_\_\_\_\_

#### CONTRACT (do not include Judgments)

- Buyer Plaintiff  
 Debt Collection: Credit Card  
 Debt Collection: Other \_\_\_\_\_  
 Employment Dispute: Discrimination  
 Employment Dispute: Other \_\_\_\_\_  
 Other: \_\_\_\_\_

#### REAL PROPERTY

- Ejectment  
 Eminent Domain/Condemnation  
 Ground Rent  
 Landlord/Tenant Dispute  
 Mortgage Foreclosure: Residential  
 Mortgage Foreclosure: Commercial  
 Partition  
 Quiet Title  
 Other: \_\_\_\_\_

#### CIVIL APPEALS

- Administrative Agencies
- Board of Assessment  
 Board of Elections  
 Dept. of Transportation  
 Statutory Appeal: Other \_\_\_\_\_  
 Zoning Board  
 Other: Land Use Appeal

#### MISCELLANEOUS

- Common Law/Statutory Arbitration  
 Declaratory Judgment  
 Mandamus  
 Non-Domestic Relations  
 Restraining Order  
 Quo Warranto  
 Replevin  
 Other: \_\_\_\_\_

**FOX ROTHSCHILD LLP**  
By: Robert W. Gundlach, Jr., Esquire  
Clair E. Wischusen, Esquire  
Andrew R. Stoll, Esquire  
Attorney I.D. Nos. 49751; 306752; 321272  
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**ATTORNEYS FOR APPELLANT**

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UPPER DARBY SCHOOL DISTRICT	:	IN THE COURT OF COMMON PLEAS
4611 Bond Avenue	:	
Drexel Hill, PA 19026	:	DELAWARE COUNTY, PENNSYLVANIA
<i>Appellant</i>	:	
v.	:	CIVIL ACTION - ZONING
	:	
BOROUGH OF CLIFTON HEIGHTS	:	No.
30 South Springfield Road	:	
Clifton Heights, PA 19018	:	
	:	
and	:	
	:	
CLIFTON HEIGHTS BOROUGH	:	
COUNCIL	:	
30 South Springfield Road	:	
Clifton Heights, PA 19018	:	
<i>Appellees</i>	:	

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**NOTICE OF LAND USE APPEAL**

Appellant Upper Darby School District (the “District”), through its undersigned counsel, and pursuant to 42 Pa.C.S. § 5571.1(a)(2) and Section 1002-A(b) of the Pennsylvania Municipalities Planning Code (“MPC”), 53 P.S. § 11002-A(b), files the following procedural challenge to the validity of the Borough of Clifton Heights Ordinance Nos. 867, 868, 869, and 870 (the “Ordinances”) based on procedural defects in their enactment, and, in support thereof, states the following:

**I. PRELIMINARY STATEMENT**

1. Before the Court is a procedural challenge to the validity of four Ordinances adopted by the Borough of Clifton Heights (the “Borough”) and Clifton Heights Borough

Council (the “Borough Council”). As detailed below, the Borough adopted certain provisions of the Ordinances in an attempt to thwart the District’s plans to construct a middle school on property the District owns and currently leases to the Borough known as the “Clifton Heights Athletic Fields.” In rushing to get the Ordinances on its books, the Borough failed to comply with the notice and enactment procedures of the MPC. In particular, the Borough:

(i) failed to publish a notice of Ordinance No. 869 that summarized the provisions in reasonable detail;

(ii) failed to provide a copy of Ordinance No. 870 for comment by the Delaware County Planning Commission prior to enactment as required by Section 505(a) of the MPC; and

(iii) failed to hold a “public hearing” on Ordinance Nos. 867, 868, 869, and 870 prior to enactment.

Because the Borough failed to strictly comply with the statutory procedures under the MPC, the Ordinances should be declared procedurally defective and *void ab initio*.

## **II. PARTIES AND THE PROPERTY**

2. Appellant is Upper Darby School District (“District”), a school district of the second class in the County of Delaware, with a mailing address of 4611 Bond Avenue, Drexel Hill, Pennsylvania 19026.

3. Appellees are the Borough of Clifton Heights and Clifton Heights Borough Council (“Borough Council”), who maintain offices at 30 South Springfield Road, Clifton Heights, Pennsylvania 19018.

4. The District is the legal owner of real property in the Borough known as the “Clifton Heights Athletic Fields” and located at 217 North Springfield Road, Clifton Heights,

Pennsylvania 19018, and as further identified on the Delaware County Tax Map as parcel No. 10-00-01772-00 (the “Property”).

5. The Property is located in the Residential Conservation District (“RCD Zoning District”).

### **III. BACKGROUND**

6. Pursuant to a lease dated April 15, 1992 (the “Lease”), the District leased the Property to the Borough for use as athletic fields and to host certain community events.

7. The Lease provided the District with the right to terminate the Lease, upon ninety (90) days’ written notice, if the District determined that the Property was necessary or appropriate for public school use.

8. In recent years, the District’s middle schools have become overcrowded to the point that students have been housed in “temporary” modular classrooms—otherwise known as trailers—that have been in use for twenty-five years and are well beyond their normal lifespan. In addition, the other classrooms are accommodating more students than are recommended by educators for a proper learning environment.

9. To address the overcrowding in the two existing middle schools, the District determined it was necessary to construct a third District middle school on the Property.

10. Although this required the District to terminate the Lease effective as of August 6, 2019, the District is committed to continuing use of the Property as a place of gathering and recreation for Borough residents, and as a place where Borough youth can participate in sports programs. To that end, the District intends to enter memoranda of understanding with the community groups that have been using the Property to allow them to continue their use of the fields as a first priority after the students. The District also intends to allow community groups

to use the gymnasium at the new middle school for community and athletic activities, and to provide the community with the temporary use of the high school athletic fields during construction of the middle school. Although the District has circulated drafts of such memoranda of understanding, the community groups have not returned them or otherwise responded to the District.

11. Despite the District's willingness to work with the Borough and its constituents, the Borough remains actively opposed to the District's plans to construct the new middle school, including by interfering with certain infiltration testing for the project, and has refused to meaningfully engage with the District about its plans.

12. After learning that the District was terminating the Lease, the Borough hastily passed four Ordinances designed to thwart the District's development of the Property.

#### **IV. THE PROCEDURALLY DEFECTIVE ORDINANCES**

13. The Ordinances make numerous amendments to the Borough's Zoning Ordinance (the "Zoning Ordinance") and the Borough's Subdivision and Land Development Ordinance ("SALDO") as follows.

14. Ordinance No. 867 amends the Borough's SALDO by requiring submission of certain impact statements in connection with the development of commercial and industrial uses involving a building of more than 5,000 square feet (including the proposed school). A true and correct copy of Ordinance 867 is attached as Exhibit "A."

15. Ordinance No. 868 amends the Zoning Ordinance by removing "public school-related uses" as a use by-right and making that public school use a conditional use. A true and correct copy of Ordinance 868 is attached as Exhibit "B."

16. Ordinance No. 869 amends the Borough's Zoning Ordinance, including making substantial changes to the area and bulk regulations in the RCD Zoning District; including regulations intended to frustrate the District's ability to develop a middle school on the Property. Among other amendments applicable to the Property, Ordinance No. 869:

(a) reduces the permitted height of structures from three stories or 35 feet, down to one story or 12 feet;

(b) reduces the permitted lot coverage restriction from 40% down to 30%;

(c) changes the definition of "total improvement area" to include graded and other non-impervious areas; and

(d) increases the front-yard setback requirement from 25 feet to 75 feet.

A true and correct copy of Ordinance 869 is attached as Exhibit "C."

17. Ordinance No. 870 amends the Borough's SALDO by repealing the current standard of The Delaware County Subdivision and Land Development Ordinance of 1978 and replacing it with The Delaware County Subdivision and Land Development Ordinance of 2016.

A true and correct copy of Ordinance 870 is attached as Exhibit "D."

**V. THE BOROUGH'S FAILURE TO STRICTLY COMPLY WITH STATUTORY PROCEDURES**

18. Before the Borough could adopt the Ordinances, it was required to follow certain statutory procedures under the MPC to provide public notice and to hold a public hearing where members of the public could exercise their right to be heard. *See* 53 P.S. §§ 10505, 10506, 10609, 10610.

19. In addition, the Borough was required to submit a copy of each proposed Ordinance to the Delaware County Planning Commission for comment at least 30 days prior to the public hearing. *See* 53 P.S. §§ 10505(a), 10609(e).

20. In its haste to adopt the Ordinances, the Borough failed to give proper notice of Ordinance No. 869 because it failed to summarize the provisions in reasonable detail.

21. The Borough also failed to submit a copy of proposed Ordinance No. 870 to the Delaware County Planning Commission for comment prior to enactment.

## **VI. THE SHAM “PUBLIC HEARING”**

22. On May 28, 2019, the Borough Council purported to hold a “public hearing” prior to the adoption of the Ordinances.

23. The District attended the hearing to provide public comment regarding the Ordinances and to demonstrate the District’s willingness to work with the Borough on the District’s proposed plan to build a third District middle school.

24. Counsel for the District appeared, as did the School Board’s President and Vice President.

25. The District’s engineer and architect also appeared and were prepared to provide public comment regarding the potential impact of the Ordinances on the District’s plans to construct a middle school on the Property.

26. Borough Solicitor Francis J. Catania initially advised the District’s Counsel that representatives of the District would be given the opportunity to address the Council regarding the Ordinances.

27. However, after the hearing commenced, Solicitor Catania announced that the District’s representatives would not be permitted to speak because, according to Solicitor Catania, the District is not a “resident” or “taxpayer” of the Borough.

28. Solicitor Catania failed to provide any authority for the proposition that the District was prohibited from participating in the public hearing notwithstanding the District's ownership of Property in the Borough that would be impacted by the Ordinances.

**A. Ordinance No. 869 is procedurally defective and void ab initio because the Borough did not advertise the ordinance with sufficient specificity.**

29. Section 610 of the MPC requires municipalities to provide notice of a proposed zoning ordinance by publishing an advertisement that "include[s] either the full text thereof or the title and a brief summary, prepared by the municipal solicitor and setting forth all the provisions in reasonable detail." 53 P.S. § 10610.

30. In advertising proposed Ordinance No. 869, the Borough failed to comply with Section 610(a) of the MPC because, among other things, the advertisements did not set forth the full text or a brief summary of the provisions in reasonable detail.

31. Instead, the Borough provided only a one sentence statement which did not sufficiently identify the affected or amended code provisions. A true and correct copy of the Borough's advertisements of Ordinance 869 is attached hereto as Exhibit "E."

32. The advertisements failed to indicate that proposed Ordinance 869 made substantial changes to the definitions and other provisions in the existing ordinance; some or all of which were amended in a way that would significantly impact the property rights of many landowners, including the District.

33. Among other deficiencies, the Borough's advertisement failed to summarize the following amendments:

(a) reduction of the permitted height of structures from three stories or 35 feet, down to one story or 12 feet;

(b) reduction of the permitted lot coverage restriction from 40% down to 30%;

(c) expansion of the definition of “total improvement area” to include graded and other non-impervious areas; and

(d) increase of the front-yard setback requirement from 25 feet to 75 feet.

34. Thus, the Borough failed to apprise members of the public that the proposed ordinance would limit the height of school buildings to only 12 feet (which precludes the construction of a modern middle school with a gymnasium) and increase the front yard setback to 75 feet, which frustrates the ability to maintain the existing athletic fields.

35. The Borough’s failure to provide a brief summary setting forth all of the provisions in reasonable detail deprived affected landowners, including the District, sufficient notice as to the impact the enactment of Ordinance 869 would have on their property rights.

36. The Borough’s failure to strictly comply with the publication requirements under Section 610(a) of the MPC renders the enactment of Ordinance 869 procedurally defective and *void ab initio*. See *Davis-Haas v. Exeter Twp. Zoning Hearing Bd.*, 166 A.3d 527, 551 (Pa. Commw. 2017) (“the strict compliance test is applied to prompt assertions of the shared public right to participate in the adoption of the new ordinance”).

**B. Ordinance No. 870 is procedurally defective and *void ab initio* because the Borough failed to submit the ordinance to the Delaware County Planning Department.**

37. Section 505 of the MPC sets forth the procedural requirements for amending a SALDO. This section provides, in part, that: “If a county planning agency shall have been created for the county in which the municipality proposing the amendment is located, then, at least 30 days prior to the hearing on the amendment, the municipality shall submit the proposed amendment to said county planning agency for recommendations.” 53 P.S. § 10505(a).

38. In rushing to pass Ordinance No. 870, the Borough neglected to comply with the MPC by failing to send a copy to the Delaware County Planning Commission for comment at least 30 days prior to the public hearing. *See* 53 P.S. § 10505(a).

39. The Borough's failure to comply with the requirements of Section 505(a) of the MPC renders Ordinance No. 870 procedurally defective and *void ab initio*.

**C. Ordinance Nos. 867, 868, 869, and 870 are procedurally defective and void ab initio because the Borough failed to hold a "public hearing."**

40. Sections 505 and 609 of the MPC require that amendments to a zoning ordinance or subdivision and land development ordinance shall become effective and enacted only after a "public hearing." 53 P.S. §§ 10505(a), 10609(b).

41. Section 107 of the MPC defines a "public hearing" as "a formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with [the MPC]." 53 P.S. § 10107.

42. The District was entitled to provide public comment at the May 28, 2019 hearing because the District is the owner of land in the Borough which would be directly and adversely affected by the Ordinances. In fact, the District owns *the* Property which is most directly targeted by the Ordinances.

43. The Borough's May 28, 2019 hearing was a "sham" and did not constitute a "public hearing" on the Ordinances for purposes of Sections 505(a) and 609(b) of the MPC because the Borough wrongfully precluded the District from exercising its right to provide public comment to the Borough Council.

44. Because a "public hearing" was not held prior to passage of Ordinance Nos. 867, 868, 869, and 870 the Borough did not strictly comply with the MPC enactment procedure for the enactment of SALDO and zoning ordinance amendments. 53 P.S. §§ 10505(a), 10609(b).

45. The Borough's failure to comply with Sections 505(a) and 609(b) of the MPC renders the Ordinances procedurally defective and *void ab initio*. See *Lower Gwynedd Twp. v. Gwynedd Properties, Inc.*, 591 A.2d 285, 287 (Pa. 1991) (holding that "statutory publication requirements are mandatory and that ordinances adopted without strict compliance are void"); see also *Schadler v. Zoning Hearing Bd. of Weisenberg Twp.*, 850 A.2d 619, 626 (Pa. 2004).

WHEREFORE, Appellant Upper Darby School District requests an Order declaring that the Borough of Clifton Heights Ordinance Nos. 867, 868, 869, and 870 are *void ab initio* due to procedural defects in their enactment.

Respectfully Submitted,

**FOX ROTHSCHILD LLP**



By:

Robert W. Gundlach, Jr., Esquire  
Clair E. Wischusen, Esquire  
Andrew R. Stoll, Esquire  
*Attorneys for Appellant*

Date: June 27, 2019

**FOX ROTHSCHILD LLP**  
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**ATTORNEYS FOR APPELLANT**

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UPPER DARBY SCHOOL DISTRICT	:	IN THE COURT OF COMMON PLEAS
4611 Bond Avenue	:	
Drexel Hill, PA 19026	:	DELAWARE COUNTY, PENNSYLVANIA
<i>Appellant</i>	:	
v.	:	CIVIL ACTION - ZONING
	:	
BOROUGH OF CLIFTON HEIGHTS	:	No.
30 South Springfield Road	:	
Clifton Heights, PA 19018	:	
and	:	
CLIFTON HEIGHTS BOROUGH	:	
COUNCIL	:	
30 South Springfield Road	:	
Clifton Heights, PA 19018	:	
<i>Appellees</i>	:	

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**CERTIFICATE OF SERVICE**

I, the undersigned hereby certify that on this date a time-stamped copy of Appellant's Land Use Appeal was served upon the following parties by first class mail, postage prepaid, addressed as follows:

Francis J. Catania, Esquire  
Cantania & Parker, LLP  
230 N. Monroe Street, 2<sup>nd</sup> Floor  
P.O. Box 2029  
Media, PA 19063  
*Attorney for Appellees*

Borough of Clifton Heights  
Clifton Heights Borough Council  
30 South Springfield Road  
Clifton Heights, PA 19018

**FOX ROTHSCHILD LLP**

By:   
\_\_\_\_\_  
Andrew R. Stoll, Esquire  
*Attorneys for Appellant*

Date: June 27, 2019

# **EXHIBIT A**

**BOROUGH OF CLIFTON HEIGHTS  
DELAWARE COUNTY, PENNSYLVANIA  
ORDINANCE NO. 867**

AN ORDINANCE OF THE BOROUGH OF CLIFTON HEIGHTS, DELAWARE COUNTY, PENNSYLVANIA, AMENDING ORDINANCE 715 THE BOROUGH'S SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, ADOPTED DECEMBER 30, 1991 (CHAPTER 300 SUBDIVISION AND LAND DEVELOPMENT, OF THE CODIFIED ORDINANCES OF THE BOROUGH OF CLIFTON HEIGHTS (ADOPTED AUGUST 15, 1988 AND AS REPUBLISHED IN THE 2012 CODIFICATION) TO ADD A SECTION TITLED "IMPACT STATEMENTS REQUIRED" ESTABLISHING SPECIFIC STANDARDS FOR IMPACT STATEMENTS TO BE SUBMITTED BY APPLICANTS UNDER THE ORDINANCE INCLUDING MARKET ANALYSIS, ENVIRONMENTAL IMPACT ANALYSIS, TRAFFIC IMPACT STUDY, AND COMMUNITY AND FISCAL IMPACT ANALYSIS; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE; AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT AS PROVIDED BY PENNSYLVANIA LAW.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the Borough Council of the Borough of Clifton Heights, Delaware County, Pennsylvania, as follows:

**SECTION 1. IMPACT STATEMENTS.**

The following impact statements shall be submitted for all proposed uses or zoning changes involving the development or redevelopment (including construction, work or renovation) of any parcel or structure in the Borough of one (1) acre or greater ("Project"); or when required for use by this chapter or deemed necessary for use by the Borough Council or Zoning Hearing Board. These impact statements will be required by the Borough and must be found to be satisfactory prior to approving the use, the conditional use, special exception or any zoning change.

**SECTION 2. MARKET ANALYSIS.**

For all commercial and industrial uses involving the use of a building of more than 5,000 square feet of floor space, the applicant shall submit a market analysis which will:

- A. Establish the fiscal viability of the project.
- B. Examine the potential impact of these uses on the C-1 and C-2 Zoning Districts.

### SECTION 3. ENVIRONMENTAL IMPACT ANALYSIS.

An environmental impact analysis shall include the following information:

- A. An encroachment map which illustrates (a) all natural features, including slopes in excess of 8%, floodplain and floodway areas, wetland, trees and wooded areas, rock outcroppings, swales and gullies collecting concentration of water run-off, and (b) a regrading plan which illustrates all disturbances of the identified natural feature areas. The amount of each natural feature disturbed shall be indicated and illustrated on the encroachment map.
- B. A map narrative of the geologic, topographical, soil and hydrological characteristics of the site.
- C. A map and a narrative identifying the biological resources of the tract, including vegetation and wildlife.
- D. A narrative of the historic resources of the site.
- E. A map locating any hazardous waste sites located on the site, along with a narrative describing the type of wastes involved, the potential impact of these wastes on the surrounding environment, animal and plant life, the proposed method of removing and/or containing these wastes, and the related approvals and permits from the relevant agencies.
- F. A map and narrative of the visual resources of the site.
- G. All potential impacts on this site from the proposed development and measures to mitigate the adverse effects.

### SECTION 4. TRAFFIC IMPACT STUDY.

- 1. A traffic impact study is intended to enable the Borough to assess the traffic impacts of a proposal. Specifically, its purpose is to:
  - A. Identify any traffic problems that may be created in the existing highway network as a result of the proposal.
  - B. Delineate solutions to potential problems and to present

improvements to be incorporated into the proposal or into the highway and/or public transit systems within the study area.

C. Assist in the protection of air quality and the conservation of energy and to encourage the use of public transit where available.

2. **Preparation of Study.** The traffic impact study shall be prepared by the Borough's traffic engineer and/or transportation planner in accordance with accepted traffic-engineering standards, with the cost borne by the applicant. The traffic study area shall be the area of land within the Borough that is likely to be affected by the development; the selected area shall be approved by the Borough and its traffic engineer prior to initiating the study and public notice of the approved study must be given. Specific intersections to be included in the study shall also be approved by the Borough prior to initiating work. Based on the findings of the study, Borough Council may require improvements, which will alleviate hazardous or congested situations, as a condition for approval.

3. **Applicability.**

A. A traffic impact study shall be submitted with all developments with more than 10,000 square feet of floor area and all developments of 30 or more dwelling units.

1) Proposals that would not be required to produce a traffic impact study by reason of size, above, must produce a study if the expected number of trips generated per day exceeds 300.

2) The anticipated number of trips per day shall be determined through the use of the most-recent edition of the Institute of Transportation Engineers' (ITE) Trip Generation Report. The proposed use or development shall be identified using the appropriate ITE land use code. Where doubt exists, the applicant shall seek guidance from the Borough Engineer.

B. An application which requires a traffic impact study shall not be considered complete until the traffic impact study is submitted to the appropriate review body in accordance with the provisions of this section.

C. The appropriate review body, at its discretion, may require any other subdivision, land development, zoning change, special exception or

conditional use application to be accompanied by a traffic impact study.

- D. The Borough Council may waive the requirement for a traffic impact study where, in the opinion of the Borough Council in consultation with the Borough Zoning Officer, Planner and Engineer, it is determined that the proposal is not expected to create a significant traffic impact.

**4. General requirements and standards.**

A traffic impact study shall contain the following information.

**A. General site description.**

- 1) The site description shall include the size, location, proposed land uses, construction staging and completion date of the proposed subdivision or land development. If the development is residential, types of dwelling units shall also be included. A brief description of other major existing and proposed developments within the study area shall be provided. The general site description shall also include probable socioeconomic characteristics of potential site users to the extent that they may affect the transportation needs of the site (i.e., number of senior citizens).
- 2) Photographs should be obtained and labeled for all the study intersections and proposed access driveways. It is recommended that two views be taken of each approach for the intersections. Photographs should consider elements such as horizontal/vertical alignment of roadways, trees, buildings or other roadside objects, pavement markings, drainage, signal heads and placement:
  - a. Approximately 200 feet from the intersection to provide an overview of the study area and overall study context.
  - b. Approximately 50 feet from the intersection.

**B. Transportation facilities description.**

- 1) The description shall contain a full documentation of the proposed internal and existing external transportation system. This description shall include proposed internal vehicular, bicycle and pedestrian circulation, all proposed ingress and egress locations, all internal roadway widths and rights-of-way, parking conditions, traffic channelization and any traffic signals or other intersection-control devices at all intersections within the site.

- 2) The report shall describe the entire external roadway system within the study area and include discussion of existing design deficiencies and potential safety hazards. Major intersections in the study area shall be identified, photographed and sketched. All existing and proposed and public transportation services and facilities within a one-half- mile radius of the site shall also be documented. The applicant shall identify all existing and proposed pedestrian and bike facilities that would be affected by the proposed development. Pedestrian facilities include sidewalks, intersection treatments, and off- road paths or trails. Bicycle facilities include on-street bike lanes, paved shoulders, and off-road paths or trails. The traffic impact study shall include review and discussion of all available accident reports within the study area during the prior three years.
  - 3) All future highway improvements, including proposed construction and traffic signalization, shall be noted. The four-year Regional Transportation Improvement Program maintained by the Delaware Valley Regional Planning Commission and the PennDOT Twelve-Year Plan shall be used as a source of information when determining if any future roadway improvements are scheduled for the adjacent road network. Any proposed roadway improvements due to proposed surrounding developments shall be recorded.
- C. Existing traffic conditions. Existing traffic conditions shall be measured and documented for all roadways and intersections in the study area. Existing traffic volumes for average daily traffic, peak highway hour(s) traffic, and peak development-generated hour(s) documentation shall be included in the report. Traffic counts are to be performed from 6:00 a.m. to 10:00 a.m. and from 3:00 p.m. to 7:00 p.m. Traffic count data shall not be more than one year old. Traffic counts shall be taken on a Tuesday, Wednesday, or Thursday of a non- holiday week. Traffic counts shall be taken during the school year. Traffic counts shall be collected during average volume conditions, during fair weather, and in consideration of any construction activities or special events which may be taking place in the area. Additional counts (conducted on a Saturday for a commercial development or residential development in close proximity to the commercial district or tourist attractions) may also be required in some cases. The Borough Engineer shall make such determinations. Traffic counts shall be submitted to the Borough of Clifton Heights. Roadway characteristics shall be described and

illustrated. Features to be addressed shall include lane configurations, geometry, signal timing, traffic control devices, posted speed limits, and sight distance limitations. Existing levels of service shall be calculated for all intersections and turning movements within the study area. This analysis will determine the adequacy of the existing roadway system to adequately serve the existing traffic demand. Roadways, intersections, or individual movements experiencing levels of service below C, and/or volume/capacity ratios greater than or equal to 1.0, shall be noted as deficient. A volume/capacity analysis based upon existing volumes shall be performed during the peak highway hour(s) and the peak development-generated hour(s) for all roadways and major intersections in the study area. Levels of service shall be determined for each location using the current edition of the Highway Capacity Manual methodology. All analysis must utilize Highway Capacity Software, version 4. e, or latest.

**D. Transportation impact of the development.** Estimation of vehicular trips to result from the proposal shall be completed for the average daily peak highway hour(s) and peak development-generated hour(s). Vehicular trip generation rates to be used for this calculation shall be obtained from the manual Trip Generation, Eighth Edition, Institute of Transportation Engineers, 2008 (as amended). These development-generated traffic volumes shall be provided for the inbound and outbound traffic movements as estimated, and the reference source(s) methodology followed shall be documented. All turning movements shall be calculated. These generated volumes shall be distributed to the study area and assigned to the existing roadways and intersections throughout the study area. Documentation of all assumptions used in the distribution and assignment phase shall be provided. Traffic volumes shall be assigned to individual access points. If school crossings are to be used, pedestrian volumes shall be assigned to each crossing. Any characteristics of the site that will cause particular trip generation problems shall be noted.

**E. Analysis of transportation impact.**

- 1) The total future traffic demand shall be calculated. This demand shall consist of the combination of the existing traffic expanded to the completion year (using a background growth rate for the area

from PennDOT, Pennsylvania Traffic Data, latest edition), the development-generated traffic, and the traffic generated by other proposed developments in the study area. A separate trip distribution figure shall be provided. A second volume capacity analysis shall be conducted using the future conditions' volumes without development. This analysis shall be performed during the peak highway hour(s) and peak development-generated hour(s) for all roadways and major intersections in the study area. Level of service calculations shall be completed for all major intersections. A third volume capacity analysis shall be conducted using the total future demand and the future roadway capacity.

- 2) If staging of the proposed development is anticipated, calculations for each stage of completion shall be made. This analysis shall be performed during the peak highway hour(s) and peak development-generated hour(s) for all roadways and major intersections in the study area. Level of service calculations shall be completed for all major intersections. It is usually at these locations that capacity is most restricted. All access points and pedestrian crossings shall be examined as to the feasibility of installing traffic signals. This evaluation shall compare the projected traffic and pedestrian volumes to the warrants for traffic signal installation.

**F. Sight distance analysis.** Sight distance measurements shall be performed at any proposed driveway and/or existing driveway to determine sufficient sight distance to the left and right of the driveway. Sight distances shall be compared to the desirable sight distance standards as specified in Title 67 of Pa. Code, Chapter 441, Access to and Occupancy of Highways by Driveways and Local Roads, April 2006. Sight distance shall also be compared to PennDOT's safe stopping sight distance (SSSD) requirements as specified in A Policy on Geometric Design of Highways and Streets (5th Edition), of the American Association of State Highway and Transportation Officials (AASHTO), Chapter III, Elements of Design, 2004.

**G. Auxiliary lane analysis.** An auxiliary lane analysis shall be completed utilizing Highway Research Record (HRR) 211 (1967). HRR 211 provides graphs based upon the speed of the roadway and the percentage of left turns. Utilizing the future build with development traffic volumes, points shall be plotted on the graphs. Based on the

plotted points, it should determine that the study area intersections associated with the proposed developments do or do not satisfy the left-turn-lane warrant. Right-turn-lane analysis should be based upon the Access Management, Location and Design Participant Notebook, Publication Number FHWA-HI-92-033, United States Department of Transportation, Federal Highway Administration NHI Course Number 15255, February 1992. Deceleration lanes should be provided for all high-volume driveways. For low- and medium-volume driveways, the designer should refer to the AASHTO at-grade intersections deceleration lane warrants.

#### H. Conclusions and recommended improvements.

- 1) Levels of service for all roadways and intersections shall be listed. All individual turning movement of roadways and/or intersections showing a level of service below "C" shall be considered deficient, and specific recommendations for the elimination of these problems shall be listed. This listing of recommended improvements shall include, but not be limited to, the following elements: internal circulation design, site access location and design, external roadway and intersection design/safety improvements, traffic signal installation and operation, including signal timing, and transit design improvements. All physical roadway improvements shall be shown in sketches.
- 2) Existing and/or future public transportation service shall also be addressed. A listing of all actions to be undertaken to increase present public transportation usage and improve service, if applicable, shall be included.
- 3) The listing of recommended improvements for both roadways and transit shall include, for each improvement, the party responsible for the improvement, the cost and funding of the improvement, and the completion date for the improvement.
- 4) The study shall outline mitigation measures and demonstrate any changes to the level of service achieved by these measures. Any alternatives or suggested phasing of improvements shall be described. The mitigation measures may include recommendations such as roadway widening, turning lanes, deceleration lanes/tapers, changes to signalization, use of access management techniques, or a reduction in the proposed intensity of the use. The responsibility and timing of all recommended

roadway improvements shall be described within the traffic impact study.

- I. **Time of submission.** The traffic impact study shall be submitted to the Planning Commission with the preliminary plan submission. Revisions to preliminary plans may constitute the need for resubmission of the traffic impact study or the revised conditions.
- J. **Implementation.** The Borough Council shall review the traffic impact study to analyze its adequacy in solving any traffic problems that will occur due to the land development or subdivision. The Borough Council may determine that certain improvements on and/or adjacent to the site and within the study area are necessary requirements for land development or subdivision plan approval and may attach these as conditions to the approval. If the governing body determines that such additional improvements are necessary, the developer shall have the opportunity to submit alternative improvement designs to obtain plan approval.
- K. **Emergency response organizations.** Borough of Clifton Heights shall submit the traffic impact study with the land development plans proposing the construction of nonresidential buildings or multifamily residential dwellings to the Fire Department, Police Department and any other emergency response organization having jurisdiction within the area of the proposed development for review and comment.

#### **SECTION 5. COMMUNITY AND FISCAL IMPACT ANALYSIS.**

The analysis shall include the following information.

- A. An analysis of the social and demographic characteristics of the proposed development in terms of future residents and users.
- B. An analysis of the potential cost/benefits of the development, including a profile of any possible Borough, county and/or school district revenues which the proposal may generate and any respective costs which it may create.
- C. An analysis of the proposed impact of the development on the community's

facilities, including schools, parks and recreational areas, libraries, hospitals, fire protection, police protection and ambulance and rescue services. In the case of parks and recreational needs, the analysis should explain how these needs will be met on site.

- D. Identification of utility needs of the future residents and users of the site, including water supply, sewerage disposal, refuse disposal, storm drainage and electric transmissions. The analysis should discuss:
- 1) The ability of existing utility installations to meet the projected needs of the development;
  - 2) The need for additional or expanded utility installations;
  - 3) The ability to achieve an adequate system for storm drainage and stormwater management.

**SECTION 6. REPEAL.** All Ordinances or resolutions or parts of Ordinances or resolutions, insofar as they are inconsistent herewith, are hereby repealed.

**SECTION 7. SEVERABILITY.** If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, section, or parts of this Ordinance. It is hereby declared as the intent of the Borough Council, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

**SECTION 8.** This Ordinance shall become effective as provided by the laws of the Commonwealth of Pennsylvania.


ENACTED and ORDAINED this 28<sup>th</sup> day of May, 2019.

BOROUGH OF CLIFTON HEIGHTS

Attest

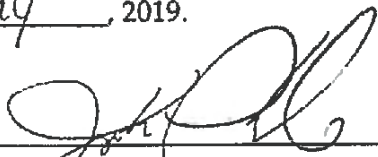
  
\_\_\_\_\_  
Kimberly Duffy,  
Secretary

By:

  
\_\_\_\_\_  
Ronald Berry  
President

(SEAL)

APPROVED this 28<sup>th</sup> day of May, 2019.

By:   
\_\_\_\_\_  
Joseph F. Lombardo, Jr.  
Mayor

# **EXHIBIT B**

**BOROUGH OF CLIFTON HEIGHTS  
DELAWARE COUNTY, PENNSYLVANIA  
ORDINANCE NO. 868**

AN ORDINANCE OF THE BOROUGH OF CLIFTON HEIGHTS, DELAWARE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 340 ZONING, ARTICLE VII – RCD CONSERVATION DISTRICTS, OF THE CODIFIED ORDINANCES OF THE BOROUGH OF CLIFTON HEIGHTS (ADOPTED AUGUST 15, 1988 AND AS REPUBLISHED IN THE 2012 CODIFICATION) TO REMOVE “A. PUBLIC SCHOOL AND SCHOOL-RELATED USES” AS A USE BY RIGHT FROM SECTION 340-35, AND TO PLACE THAT USE IN THE NEW SECTION TITLED SECTION 340-35(a) CONDITIONAL USES; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE; AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT AS PROVIDED BY PENNSYLVANIA LAW.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the Borough Council of the Borough of Clifton Heights, Delaware County, Pennsylvania, as follows:

**SECTION 1.** Chapter 340 Zoning, Article VII – RCD Conservation Districts, Section 340-35 Uses By Right, of the Codified Ordinances of the Borough of Clifton Heights (adopted August 15, 1988 and as republished in the 2012 Codification), is hereby amended to repeal the following use by right:

“A. Public school and school-related uses.”

**SECTION 2.** Chapter 340 Zoning, Article VII –RCD Conservation Districts, of the Codified Ordinances of the Borough of Clifton Heights (adopted August 15, 1988 and as republished in the 2012 Codification), is hereby amended to add the following Section 340-35(a) titled Conditional Uses:

“§340-35(a) Conditional Uses

The following uses shall be permitted as conditional uses only, subject to the applicable provisions of Sections 340-115 and 340-116 Procedures and Standards for Conditional Uses.

1. Public school and school related uses.

2. Uses of the same general character as any of the permitted uses of Section 340-35, subject to the Borough's compatibility standards."

**SECTION 3.** Repeal. All Ordinances or resolutions or parts of Ordinances or resolutions, insofar as they are inconsistent herewith, are hereby repealed.

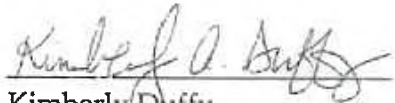
**SECTION 4.** Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, section, or parts of this Ordinance. It is hereby declared as the intent of the Borough Council, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

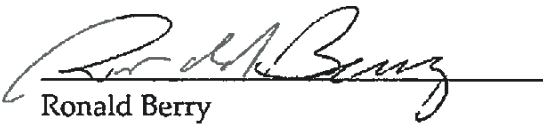
**SECTION 5.** This Ordinance shall become effective as provided by the laws of the Commonwealth of Pennsylvania.

ENACTED and ORDAINED this 28<sup>th</sup> day of May, 2019.

BOROUGH OF CLIFTON HEIGHTS

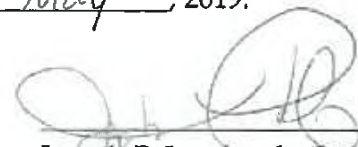
Attest

  
Kimberly Duffy,  
Secretary

By:   
Ronald Berry  
President

(SEAL)

APPROVED this 28<sup>th</sup> day of May, 2019.

By:   
Joseph F. Lombardo, Jr.  
Mayor

# **EXHIBIT C**

**BOROUGH OF CLIFTON HEIGHTS  
DELAWARE COUNTY, PENNSYLVANIA  
ORDINANCE NO. 869**

AN ORDINANCE OF THE BOROUGH OF CLIFTON HEIGHTS, DELAWARE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 340 ZONING OF THE CODIFIED ORDINANCES OF THE BOROUGH OF CLIFTON HEIGHTS (ADOPTED AUGUST 15, 1988 AND AS REPUBLISHED IN THE 2012 CODIFICATION); PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE; AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT AS PROVIDED BY PENNSYLVANIA LAW.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the Borough Council of the Borough of Clifton Heights, Delaware County, Pennsylvania, as follows:

**SECTION 1** Chapter 340 Zoning, of the Codified Ordinances of the Borough of Clifton Heights (adopted August 15, 1988 and as republished in the 2012 Codification), is hereby amended as follows:

**Article I, §340-2 Purpose; community development objectives, is amended to add:**

“D. This Ordinance seeks to preserve and protect the environment by adopting standards for that purpose.”

**Article II, §340-12 Definitions, is amended as follows:**

The definition of ACCESSORY BUILDING is repealed in its entirety and replaced with the following:

“ACCESSORY BUILDING

A building detached from a principal building on the same lot and customarily incidental and subordinate to the principal building.

The definition of BUILDING COVERAGE is repealed in its entirety and replaced with the following:

**"BUILDING COVERAGE**

The aggregate of the maximum horizontal cross-sectional areas of all buildings on a lot including roofed porches, breezeways, and balconies, but excluding sidewalks, driveways, and other hard surface areas not directly related to a building. The area of in-ground swimming pools is included in the building coverage. Decks, patios, sheds, detached garages, above-ground pools, etc., shall not be counted towards building coverage in residential districts."

The definition of CONVERSION is repealed in its entirety and replaced with the following:

**"CONVERSION**

Any change of use or physical layout of a structure from which it was originally intended."

The definition of DWELLING UNIT is repealed in its entirety and replaced with the following:

**"DWELLING UNIT**

One or more rooms designed constituting a separate housekeeping unit which, at a minimum, must include cooking, sleeping and sanitary facilities."

The definition of HOME OCCUPATION is amended to add the following as the first sentence "A home occupation is a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling." and to add the following new section "F. No customer, client or patient traffic (whether vehicular or pedestrian), pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use shall be permitted."

The definition of LOT AREA is repealed in its entirety and replaced with the following:

**"LOT AREA**

The total horizontal area included within the lot lines, except that no portion of the lot within the right of way of a street shall be included in the lot area."

The definition of LOT LINE, REAR is added as follows:

**"LOT LINE, REAR**

Any lot line other than a front lot line, which is parallel with or within forty-five (45) degrees of being parallel with the street line and which does not intersect the street line."

The definitions of RIGHT-OF-WAY and RIPARIAN BUFFERS are added as follows:

**"RIGHT-OF-WAY**

Land set aside for public use or ownership as a street, sidewalk, crosswalk, drainage way, utility course, or other similar facility.

**RIPARIAN BUFFERS**

Those areas along watercourses, ponds, and other water bodies so designated for the preservation or regeneration of natural vegetation for the protection of surface water resources. A riparian buffer is comprised of the area measured within 100 feet of the annual mean high-water edge (top of bank) or to the limit of the one-hundred-year flood plain, whichever distance is greater."

The definition of TOTAL IMPROVEMENT AREA is repealed in its entirety and replaced with the following:

**"TOTAL IMPROVEMENT AREA**

That portion of an individual lot which has been improved; said improvement shall include all structures, as well as paved parking areas and driveways. That portion of an individual lot which has been improved; said improvements shall include all physical additions and changes to land, such as grading, paving, curbing, utilities, culverts, sidewalks, monuments, crosswalks, bridges, earthworks, streetlights, wells, street trees and other plantings and other proposed structures. For purposes of determining The Total Improvement Area, the following shall be deducted from the area:

<u>Feature</u>	<u>Percent of Area Deduction</u>
Stormwater Management Easements	100%
Rights-of-Way	100%
Surface Water	100%
Wetlands	100%
Steep Slopes	100%
Riparian Buffers	50%
Wetland Buffer	50%"

The definition of YARD, FRONT is amended to add the following as the last sentence:

"A corner lot shall have a front yard setback on each street on which it abuts. However, when a corner lot abuts on three (3) streets then only two (2) front yard setbacks are required and the remaining frontage shall become a rear yard."

The definition of YARD, REAR is amended to add the following as the last sentence:

"In the case of a corner lot the rear yard will extend only to the front yard setback. There will be one (1) side yard, one (1) rear yard and two front yards for each corner lot. If a corner lot abuts three (3) streets the owner or developer must designate on the plot plan which street frontage shall be the rear yard. Any street frontage which is so designated as a rear yard must be contiguous to the side yard."

**Article III, R-1 Residential Districts, §340-13 Purpose** is amended as follows:

**"§ 340-13 Purpose.**

**It is the purpose of this district to protect, maintain and preserve the existing low intensity residential character, as well as to promote those principles expressed in the Comprehensive Plan."**

**Article III, R-1 Residential Districts, § 340-17 Area and bulk regulations, section I** is repealed in its entirety and replaced with the following:

**" I. Accessory buildings shall not be located in the required front yard or within five (5) feet of any property line. The Zoning Hearing Board may by Special Exception reduce this rear and side yard requirement to not less than three (3) feet if fencing and landscaping is provided to protect adjoining properties."**

**Article IV, R-2 Residential Districts, § 340-18 Purpose** is repealed in its entirety and replaced with the following:

**" § 340-18 Purpose.**

**It is the purpose of this district to protect, maintain and preserve the existing medium intensity residential character, as well as to promote those principles expressed in the Comprehensive Plan."**

**Article IV, R-2 Residential Districts, § 340-22 Area and bulk regulations, section J** is repealed in its entirety and replaced with the following:

**" J. Accessory buildings shall not be located in the required front yard or within five (5) feet of any property line. The Zoning Hearing Board may by Special Exception reduce this rear and side yard requirement to not less than three (3) feet if fencing and landscaping is provided to protect adjoining properties. "**

**Article V, R-3 Residential Districts, § 340-23 Purpose** is repealed in its entirety and replaced with the following:

**"§ 340-23 Purpose.**

It is the purpose of this district to allow for diversity in housing types, including multi-family dwellings, while preserving the overall character of the Borough, as well as to promote those principles expressed in the Comprehensive Plan."

**Article V, R-3 Residential Districts, § 340-27 Area and bulk regulations,** is amended to add the following as section I:

**"I. Accessory buildings shall not be located in the required front yard or within five (5) feet of any property line. The Zoning Hearing Board may by Special Exception reduce this rear and side yard requirement to not less than three (3) feet if fencing and landscaping is provided to protect adjoining properties."**

**Article VI, RCZ Cluster Districts (Overlay R-1, R-2, R-3 and RCD Districts,** the title is repealed and replaced with "Article VI, RCZ Cluster Districts (Overlay R-1, R-2, R-3)".

**Article VI, RCZ Cluster Districts (Overlay R-1, R-2, R-3), §340-28 Purpose, §340-28 Purpose,** section A is repealed in its entirety and replaced with the following:

**"§ 340-28 Purpose.**

**A. It is the purpose of this district to create and promote an alternative method of residential development through the cluster zoning concept which is permitted by special exception as an option in the R-1, R-2, and R-3 Residential Districts."**

**Article VI, RCZ Cluster Districts (Overlay R-1, R-2, R-3), §340-28 Purpose, § 340-29 Uses by special exception,** section C is repealed and

replaced with the following:

**"C. All residential uses permitted by right within the R-3 Residential District."**

**Article VII, RCD Conservation Districts, § 340-34 Purpose is repealed in its entirety and replaced with the following:**

**"§ 340-34 Purpose.**

**It is the purpose of this district to maintain the open space, parks and certain Borough-owned properties, in accordance with the Comprehensive Plan of Clifton Heights Borough. It is the purpose of this district to foster the protection of natural resources and to preserve and maintain open space, parks and certain Borough-owned properties in accordance with the Comprehensive Plan of Clifton Heights Borough."**

**Article VII, RCD Conservation Districts, § 340-35 Uses by right, as amended by Ordinance 868, is amended to add the following sections B through F:**

- " B. Passive recreation uses, such as parks, and trails;**
- C. Swimming Pools;**
- D. Tennis Courts;**
- E. Tot Lots;**
- F. Nature Conservation Areas."**

**Article VII, RCD Conservation Districts, Section 340-35(a) Conditional Uses remains as adopted and set forth in Ordinance 868.**

**Article VII, RCD Conservation Districts, § 340-38 Area and bulk regulations, is repealed in its entirety and replaced with the following:**

**"§ 340-38 Area and bulk regulations.**

**The following regulations shall be observed:**

- A. Lot area: No minimum.**

- B. Frontage: 100 feet minimum.
- C. Total improvement coverage (see definition for area deduction): 30%.
- D. Front yard: 75 feet minimum.
- E. Side yard: 35 feet minimum for each side yard.
- F. Rear yard: 50 feet minimum.
- G. Building height: No building shall exceed one story or 12 feet in height."

Article VII, RCD Conservation Districts is amended to add the following section titled "§ 340-38(a) Parking regulations":

"§ 340-38(a) Parking regulations.  
The parking and unloading regulations shall follow the requirements of Article XII, relating to the specific uses."

Article XII, Off-Street Parking and Loading, § 340-68 Off-street parking requirements, A is amended to add the following at the end of A:

"College or High School	12 Spaces per classroom
Pre-School, Elementary, or Middle School	3 Spaces per classroom"

Article XII, Off-Street Parking and Loading, § 340-68 Off-street parking requirements, E the entry for Parallel is amended to delete the Stall Depth of "18 feet 6 inches" and to replace the Stall Depth with "22 feet".

Article XIV, Supplemental Regulations § 340-84 Condominiums is deleted in its entirety and replaced with the following:

"§ 340-84 Condominiums.  
In the event that multifamily dwellings are converted or developed as condominiums, such condominiums shall be owned and

operated in accordance with the Uniform Condominium Act, 68 Pa. C.S.A. §3101 et seq., as amended.”

**Article XIV, Supplemental Regulations § 340-87 Landscaping, buffering and screening, is amended to add the following section F and G:**

**“F. A ten (10) foot wide buffer planting strip shall be provided at sides and rear wherever a non-residential use adjoins a Residential District.**

**G. The riparian buffer shall be maintained within 100 feet of the top of stream bank and shall remain as open, undeveloped area. It shall be maintained to clear the area of invasive plant species and restored with native plant species to help shade the stream and provide an attractive visual setting along the stream.”**

**Article XIV, Supplemental Regulations is amended to add the following § 340-90(a) Traffic Impact Study.**

**“ § 340-90(a) Traffic Impact Study.**

**A. In order to more effectively evaluate the impact of any use permitted by special exception, conditional use or any variance to the allowable use in any district, the applicant for special exception or use variance shall be required to submit a traffic impact study.**

**B. A traffic impact study is intended to enable the Borough to assess the traffic impacts of a proposal. The traffic impact study shall:**

**(1) Identify any traffic problems that may be created in the existing highway network as a result of the proposal.**

**(2) Delineate solutions to potential problems and to present improvements to be incorporated into the proposal or into the highway and/or public transit systems within the study area.**

**(3) Indicate how the proposed improvements will assist in the protection of air quality and the conservation of energy and to encourage the use of public transit where available.**

C. Preparation of Study. The traffic impact study shall be prepared by a Professional Engineer and/or Transportation Planner in accordance with accepted traffic engineering standards, with the cost borne by the applicant. The traffic study area shall be the area of land within the Borough that is likely to be affected by the development. Specific intersections to be included in the study shall be approved by the Borough prior to initiating work. Based on the findings of the study, Borough Council may require improvements, which will alleviate hazardous or congested situations, as a condition for approval.

D. Applicability.

(1) A traffic impact study shall be submitted with all developments with 10,000 or more square feet of building floor area and all subdivisions of 10 or more dwelling units.

(a) Proposals that would not be required to produce a traffic impact study by reason of size, above, must produce a study if the expected number of trips generated per day exceeds 300.

(b) The anticipated number of trips per day shall be determined through the use of the most-recent edition of the Institute of Transportation Engineers (ITE) Trip Generation Report. The proposed use or development shall be identified using the appropriate ITE land use code. Where doubt exists, the applicant shall seek guidance from the Borough Engineer.

(2) The Borough Council may waive the requirement for a traffic impact study where, in the opinion of the Borough Council in consultation with the Borough Zoning Officer, Planner and Engineer, it is determined that the proposal is not expected to create a significant traffic impact.

E. General Requirements and Standards. A traffic impact study shall contain the following information:

(1) General Site Description.

(a) The site description shall include the size, location, proposed land uses, construction staging and completion date of the proposed subdivision or land development. If the development is residential, types of dwelling units shall also be included. A brief description of other major existing and proposed developments within the study area shall be provided. The general site description shall also include probable socioeconomic characteristics of potential site users to the extent that they may affect the transportation needs of

the site (i.e., number of senior citizens).

(b) Photographs should be obtained and labeled for all the study intersections and proposed access driveways. It is recommended that two views be taken of each approach for the intersections. Photographs should consider elements such as horizontal/vertical alignment of roadways, trees, buildings or other roadside objects, pavement markings, drainage, signal heads and placement:

1. Approximately 200 feet from the intersection to provide an overview of the study area and overall study context.

2. Approximately 50 feet from the intersection.

(2) Transportation Facilities Description.

(a) The description shall contain a full documentation of the proposed internal and existing external transportation system. This description shall include proposed internal vehicular, bicycle and pedestrian circulation, all proposed ingress and egress locations, all internal roadway widths and rights-of-way, parking conditions, traffic channelization and any traffic signals or other intersection-control devices at all intersections within the site.

(b) The report shall describe the entire external roadway system within the study area and include discussion of existing design deficiencies and potential safety hazards. Major intersections in the study area shall be identified, photographed and sketched. All existing and proposed and public transportation services and facilities within a one-half-mile radius of the site shall also be documented. The applicant shall identify all existing and proposed pedestrian and bike facilities that would be affected by the proposed development. Pedestrian facilities include sidewalks, intersection treatments, and off-road paths or trails. Bicycle facilities include on-street bike lanes, paved shoulders, and off-road paths or trails. The traffic impact study shall include review and discussion of all available accident reports within the study area during the prior five years.

(c) All future highway improvements, including proposed construction and traffic signalization, shall be noted. The Regional Transportation Improvement Program maintained by the Delaware Valley Regional Planning Commission and the PennDOT Transportation Improvement Program shall be used as a source of information when determining if any future roadway improvements are scheduled for the adjacent road network. Any

proposed roadway improvements due to proposed surrounding developments shall be recorded.

(3) Existing Traffic Conditions. Existing traffic conditions shall be measured and documented for all roadways and intersections in the study area. Existing traffic volumes for average daily traffic, peak highway hour(s) traffic, and peak development-generated hour(s) documentation shall be included in the report. Traffic counts are to be performed from 6:00 a.m. to 10:00 a.m. and from 3:00 p.m. to 7:00 p.m. Traffic count data shall not be more than one year old. Traffic counts shall be taken on a Tuesday, Wednesday, or Thursday of a nonholiday week. Traffic counts shall be taken during the school year. Traffic counts shall be collected during average volume conditions, during fair weather, and in consideration of any construction activities or special events which may be taking place in the area. Additional counts (conducted on a Saturday for a commercial development or residential development in close proximity to the commercial district or tourist attractions) may also be required in some cases. The Borough Engineer shall make such determinations. Traffic counts shall be submitted in electronic format to the Borough. Roadway characteristics shall be described and illustrated. Features to be addressed shall include lane configurations, geometry, signal timing, traffic control devices, posted speed limits, and sight distance limitations. Existing levels of service shall be calculated for all intersections and turning movements within the study area. This analysis will determine the adequacy of the existing roadway system to adequately serve the existing traffic demand. Roadways, intersections, or individual movements experiencing levels of service below C, and/or volume/capacity ratios greater than or equal to 1.0, shall be noted as deficient. A volume/capacity analysis based upon existing volumes shall be performed during the peak highway hour(s) and the peak development-generated hour(s) for all roadways and major intersections in the study area. Levels of service shall be determined for each location using the current edition of the Highway Capacity Manual methodology. All analysis must utilize Highway Capacity Software, version 4.1e, or latest.

(4) Transportation Impact of the Development. Estimation of vehicular trips to result from the proposal shall be completed for the average daily peak highway hour(s) and peak development-

generated hour(s). Vehicular trip generation rates to be used for this calculation shall be obtained from the manual Trip Generation, Eighth Edition, Institute of Transportation Engineers, 2008 (as amended). These development-generated traffic volumes shall be provided for the inbound and outbound traffic movements as estimated, and the reference source(s) methodology followed shall be documented. All turning movements shall be calculated. These generated volumes shall be distributed to the study area and assigned to the existing roadways and intersections throughout the study area. Documentation of all assumptions used in the distribution and assignment phase shall be provided. Traffic volumes shall be assigned to individual access points. If school crossings are to be used, pedestrian volumes shall be assigned to each crossing. Any characteristics of the site that will cause particular trip generation problems shall be noted.

(5) Analysis of Transportation Impact.

(a) The total future traffic demand shall be calculated. This demand shall consist of the combination of the existing traffic expanded to the completion year (using a background growth rate for the area from PennDOT, Pennsylvania Traffic Data, latest edition), the development-generated traffic, and the traffic generated by other proposed developments in the study area. A separate trip distribution figure shall be provided. A second volume capacity analysis shall be conducted using the future conditions' volumes without development. This analysis shall be performed during the peak highway hour(s) and peak development-generated hour(s) for all roadways and major intersections in the study area. Level-of-service calculations shall be completed for all major intersections. A third volume capacity analysis shall be conducted using the total future demand and the future roadway capacity.

(b) If staging of the proposed development is anticipated, calculations for each stage of completion shall be made. This analysis shall be performed during the peak highway hour(s) and peak development-generated hour(s) for all roadways and major intersections in the study area. Level-of-service calculations shall be completed for all major intersections. It is usually at these locations that capacity is most restricted. All access points and pedestrian crossings shall be examined as to the feasibility of installing traffic signals. This evaluation shall compare the projected traffic and

pedestrian volumes to the warrants for traffic signal installation.

(6) **Sight Distance Analysis.** Sight distance measurements shall be performed at any proposed driveway and/or existing driveway to determine sufficient sight distance to the left and right of the driveway. Sight distances shall be compared to the desirable sight distance standards as specified in 67 Pa. Code Chapter 441, Access to and Occupancy of Highways by Driveways and Local Roads. Sight distance shall also be compared to PennDOT's safe stopping sight distance (SSSD) requirements as specified in A Policy on Geometric Design of Highways and Streets (Latest Edition), of the American Association of State Highway and Transportation Officials (AASHTO), Chapter III, Elements of Design.

(7) **Auxiliary Lane Analysis.** An auxiliary lane analysis shall be completed utilizing Highway Research Record (HRR) 211 (1967). HRR 211 provides graphs based upon the speed of the roadway and the percentage of left turns. Utilizing the future build with development traffic volumes, points shall be plotted on the graphs. Based on the plotted points, it should determine that the study area intersections associated with the proposed developments do or do not satisfy the left-turn-lane warrant. Right-turn-lane analysis should be based upon the Access Management, Location and Design Participant Notebook, Publication No. FHWA-HI-92-033, United States Department of Transportation, Federal Highway Administration NHI Course No. 15255, February 1992. Deceleration lanes should be provided for all high-volume driveways. For low- and medium-volume driveways, the designer should refer to the AASHTO at-grade intersections deceleration lane warrants.

(8) **Conclusions and Recommended Improvements.**

(a) **Levels of service for all roadways and intersections shall be listed.** All individual turning movement of roadways and/or intersections showing a level of service below C shall be considered deficient, and specific recommendations for the elimination of these problems shall be listed. This listing of recommended improvements shall include, but not be limited to, the following elements: internal circulation design, site access location and design, external roadway and intersection design/safety improvements, traffic signal installation and operation, including signal timing, and transit design improvements. All physical roadway improvements shall be shown in sketches.

(b) Existing and/or future public transportation service shall also be addressed. A listing of all actions to be undertaken to increase present public transportation usage and improve service, if applicable, shall be included.

(c) The listing of recommended improvements for both roadways and transit shall include, for each improvement, the party responsible for the improvement, the cost and funding of the improvement, and the completion date for the improvement.

(d) The study shall outline mitigation measures and demonstrate any changes to the level of service achieved by these measures. Any alternatives or suggested phasing of improvements shall be described. The mitigation measures may include recommendations such as roadway widening, turning lanes, deceleration lanes/tapers, changes to signalization, use of access management techniques, or a reduction in the proposed intensity of the use. The responsibility and timing of all recommended roadway improvements shall be described within the traffic impact study.

(9) Time of Submission. The traffic impact study shall be submitted to the Planning Commission with the preliminary plan submission. Revisions to preliminary plans may constitute the need for resubmission of the traffic impact study or the revised conditions.

(1) Implementation. The Borough Council shall review the traffic impact study to analyze its adequacy in solving any traffic problems that will occur due to the land development or subdivision. The Borough Council may determine that certain improvements on and/or adjacent to the site and within the study area are necessary requirements for land development or subdivision plan approval and may attach these as conditions to the approval. If the governing body determines that such additional improvements are necessary, the developer shall have the opportunity to submit alternative improvement designs to obtain plan approval.

(2) Emergency Response Organizations. The applicant shall submit the traffic impact study with the land development plans proposing the construction of nonresidential buildings or multifamily residential dwellings to the Fire Department, Police Department and any other emergency response organization having jurisdiction within the area of the proposed development for

review and comment.”

**Article XIX, Special Exceptions and Conditional Uses, § 340-114 Standards for special exceptions, the first paragraph is repealed in its entirety and replaced with the following:**

**“ § 340-114 Standards for special exceptions.**

**The Zoning Hearing Board shall grant a special exception only in those cases where the provisions of the specific zoning district explicitly provide for such a procedure. An environmental impact assessment report and a Traffic Impact Study shall be prepared and submitted to the Zoning Hearing Board for each use permitted by special exception; such impact reports shall be prepared in accordance with the requirements contained in Article XIV, Supplemental Regulations, of this chapter. In addition, all of the following general standards and any other reasonable conditions or safeguards necessary to implement the purpose of this chapter shall be met: “**

**Article XIX, Special Exceptions and Conditional Uses, § 340-115 Procedure for granting conditional uses is amended to add the following section D:**

**“ D. The applicant shall provide written notification of the filing of an application for conditional use to all property owners within 200 feet of the subject property as follows:**

**(1) The 200 feet shall be measured at a right angle from all points on every property line.**

**(2) The names and addresses of the adjacent property owners shall be obtained from records of the Delaware County Tax Assessment Office.**

**(3) The notification shall be sent by regular first-class mail, postage prepaid, a minimum of 14 days prior to the first scheduled public hearing of the Borough Council. At the hearing, the applicant shall provide a copy of the actual notice mailed and a list of those**

names and addresses to which the notice was sent.

(4) At a minimum, the written notice shall contain the street address of the parcel, a general description of what is proposed by the applicant, the time, date and location of the hearing where the application will be considered, and shall inform the property owner that only one notice will be provided and that he or she is not required to attend but may attend if interested."

Article XIX, Special Exceptions and Conditional Uses, § 340-116 Standards for conditional uses is repealed in its entirety and replaced with the following:

"§ 340-116 Standards for conditional uses.

The Borough Council shall grant a conditional use only in those areas where the provisions of the specific zoning district explicitly provide for such a procedure and where the following general standards and any other reasonable conditions or safeguards necessary to implement the purpose of this chapter are determined to have been met:

A. That those standards established for the grant of a special exception are met.

B. In granting any conditional use, the Borough Council may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter and the Pennsylvania Municipalities Planning Code.

C. Prior to the commencement of the conditional use hearing or during the proceedings of the conditional use hearing, the Borough Council may consider the comments of the Planning Commission, Zoning Officer, Engineer, the appointed professional consultants and/or other agencies that could assist Borough Council with the merits of the conditional use application. All such comments shall be made either in writing and presented as evidence during the hearing or as part of sworn testimony at the conditional use hearing.

D. All of the standards for conditional uses hereinafter set forth shall, where relevant, apply to all conditional uses within the Borough and are deemed definitional in character so that the failure to comply with any standards shall be deemed a failure to bring the applicant within that definitional aspect for which a conditional use

may be granted; or, in the discretion of the Borough Council, such failure to comply with the standards may be deemed a basis for the imposition of appropriate conditions to such grant. It is further the intention of Borough Council that the standards hereinafter described shall be deemed additional standards and shall in no way impair any other applicable standard described elsewhere in this chapter. Where there is a conflict between the standards set forth in this article and other standards elsewhere established by this chapter or other applicable ordinances, it is intended that the more stringent thereof shall apply, and it is not the intent of this article to abrogate or impair any other such standards or requirements.

E. Borough Council shall consider the following general issues and site requirements prior to rendering its decision on a conditional use application:

- (1). That the subject proposal is consistent with the policy recommendations outlined in the Borough's officially adopted Comprehensive Plan.
- (2). That the subject proposal will not substantially or permanently impair the appropriate use or development of adjacent property.
- (3). That the grant of conditional use, if authorized, will represent the least modification of regulations applicable to the district involved.
- (4). The applicant shall establish by a fair preponderance of credible evidence that the use intended at the location intended shall not be contrary to the public health, safety, morals and/or public welfare.
- (5). The applicant shall provide evidence with supporting documentation that adequate screening and buffering is provided between the lands in question and surrounding residential uses and residentially zoned districts to screen the facility from view and preclude any glare from lighting or noise from being ascertainable beyond the boundaries of the property.
- (6). The applicant shall provide evidence with supporting documentation that the local fire department has the abilities to provide adequate fire protection and emergency management services for the proposed use.
- (7). Where, in the opinion of Borough Council, the use or facility may require supervision and protection, the applicant shall provide

evidence with supporting documentation that additional security measures will be accounted for by the owner or site manager so the facility or use does not create a continuous burden on the emergency management services and providers.

(8). The applicant shall provide evidence with supporting documentation that the existing or proposed sanitary sewage disposal facilities have sufficient capacity for the proposed use.

(9). The applicant shall provide evidence with supporting documentation that the existing or proposed municipal water supply facilities have sufficient capacity for the proposed use.

(10). The applicant shall provide evidence with supporting documentation that there will be no increase in surface water runoff and erosion within the property or at the boundaries of the facility as a result of the site improvements."

"Attachments:" is amended to add the following:

"340c Table of Permitted Uses"

**SECTION 3.** Repeal. All Ordinances or resolutions or parts of Ordinances or resolutions, insofar as they are inconsistent herewith, are hereby repealed.

**SECTION 4.** Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, section, or parts of this Ordinance. It is hereby declared as the intent of the Borough Council, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

**SECTION 5.** This Ordinance shall become effective as provided by the laws of the Commonwealth of Pennsylvania.

ENACTED and ORDAINED this 28<sup>th</sup> day of May, 2019.

BOROUGH OF CLIFTON HEIGHTS

Attest

Kimberly A. Duffy  
Kimberly Duffy,  
Secretary

By: Ronald Berry  
Ronald Berry  
President

(SEAL)

APPROVED this 28<sup>th</sup> day of May, 2019.

By: Joseph F. Lombardo, Jr.  
Joseph F. Lombardo, Jr.  
Mayor

**BOROUGH OF CLIFTON HEIGHTS  
DELAWARE COUNTY, PENNSYLVANIA  
ORDINANCE NO. 870**

AN ORDINANCE OF THE BOROUGH OF CLIFTON HEIGHTS, DELAWARE COUNTY, PENNSYLVANIA, REPEALING AND REPLACING CHAPTER 300 SUBDIVISION AND LAND DEVELOPMENT, SECTION 300-1 ADOPTION OF STANDARDS OF THE CODIFIED ORDINANCES OF THE BOROUGH OF CLIFTON HEIGHTS (ADOPTED AUGUST 15, 1988 AND AS REPUBLISHED IN THE 2012 CODIFICATION) TO ADOPT THE DELAWARE COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF 2016; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE; AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT AS PROVIDED BY PENNSYLVANIA LAW.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the Borough Council of the Borough of Clifton Heights, Delaware County, Pennsylvania, as follows:

**SECTION 1.** Chapter 300. Subdivision and Land Development, Section 300-1. Adoption of Standards, of the Codified Ordinances of the Borough of Clifton Heights (adopted August 15, 1988 and as republished in the 2012 Codification) is hereby repealed and replaced with the following:

**"§300-1. Adoption of Standards.** The Delaware County Subdivision and Land Development Ordinance of 2016 is hereby adopted by reference."

**SECTION 2.** Repeal. All Ordinances or resolutions or parts of Ordinances or resolutions, insofar as they are inconsistent herewith, are hereby repealed.

**SECTION 3.** Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, section, or parts of this Ordinance. It is hereby declared as the intent of the Borough Council, that this Ordinance would have been adopted had such

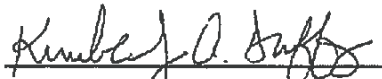
unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

**SECTION 4.** This Ordinance shall become effective as provided by the Laws of the Commonwealth of Pennsylvania.

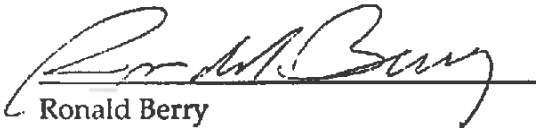
ENACTED and ORDAINED this 28<sup>th</sup> day of May, 2019.

BOROUGH OF CLIFTON HEIGHTS

Attest

  
Kimberly Duffy,  
Secretary

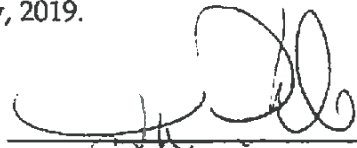
By:

  
Ronald Berry  
President

(SEAL)

APPROVED this 28<sup>th</sup> day of May, 2019.

By:

  
Joseph F. Lombardo, Jr.  
Mayor

# **EXHIBIT D**

**BOROUGH OF CLIFTON HEIGHTS  
DELAWARE COUNTY, PENNSYLVANIA  
ORDINANCE NO. 870**

AN ORDINANCE OF THE BOROUGH OF CLIFTON HEIGHTS, DELAWARE COUNTY, PENNSYLVANIA, REPEALING AND REPLACING CHAPTER 300 SUBDIVISION AND LAND DEVELOPMENT, SECTION 300-1 ADOPTION OF STANDARDS OF THE CODIFIED ORDINANCES OF THE BOROUGH OF CLIFTON HEIGHTS (ADOPTED AUGUST 15, 1988 AND AS REPUBLISHED IN THE 2012 CODIFICATION) TO ADOPT THE DELAWARE COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF 2016; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE; AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT AS PROVIDED BY PENNSYLVANIA LAW.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the Borough Council of the Borough of Clifton Heights, Delaware County, Pennsylvania, as follows:

**SECTION 1.** Chapter 300. Subdivision and Land Development, Section 300-1. Adoption of Standards, of the Codified Ordinances of the Borough of Clifton Heights (adopted August 15, 1988 and as republished in the 2012 Codification) is hereby repealed and replaced with the following:

"§300-1. Adoption of Standards. The Delaware County Subdivision and Land Development Ordinance of 2016 is hereby adopted by reference."

**SECTION 2.** Repeal. All Ordinances or resolutions or parts of Ordinances or resolutions, insofar as they are inconsistent herewith, are hereby repealed.

**SECTION 3.** Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, section, or parts of this Ordinance. It is hereby declared as the intent of the Borough Council, that this Ordinance would have been adopted had such

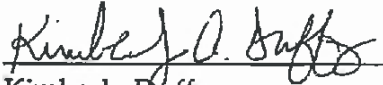
unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.


SECTION 4. This Ordinance shall become effective as provided by the Laws of the Commonwealth of Pennsylvania.

ENACTED and ORDAINED this 28<sup>th</sup> day of May, 2019.

BOROUGH OF CLIFTON HEIGHTS

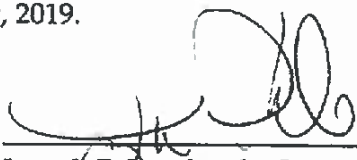
Attest

  
\_\_\_\_\_  
Kimberly Duffy,  
Secretary

By:   
\_\_\_\_\_  
Ronald Berry  
President

(SEAL)

APPROVED this 28<sup>th</sup> day of May, 2019.

By:   
\_\_\_\_\_  
Joseph F. Lombardo, Jr.  
Mayor

# **EXHIBIT E**

# Pennsylvania Public Notices

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Friday, May 24, 2019

## LEGAL NOTICES

**BOROUGH OF CLIFTON HEIGHTS DELAWARE COUNTY, PENNSYLVANIA NOTICE OF PUBLIC HEARING** A Public Hearing on proposed Ordinance No. 869 summarized below will be held on Tuesday, May 28, 2019, at 7:00 P.M. at the Borough Hall, 30 S. Springfield Road, Clifton Heights, Delaware County, Pennsylvania. Anyone wishing to be heard with respect to the proposed Ordinance should be present at that time. **SUMMARY OF PROPOSED ORDINANCE NO. 869 NOTICE IS HEREBY GIVEN** that the Borough Council of the Borough of Clifton Heights will consider for adoption proposed Ordinance No. 869 at the regular Borough Council Meeting on Tuesday, May 28, 2019 at 7:30 P.M. at the Borough Hall, 30 S. Springfield Road, Clifton Heights, Delaware County, Pennsylvania. Proposed Ordinance No. 869 as summarized, is an Ordinance of the Borough of Clifton Heights, Delaware County, Pennsylvania, amending Chapter 340 Zoning of the Codified Ordinances of the Borough of Clifton Heights (adopted August 15, 1988 and as republished in the 2012 Codification) to: clarify its purpose (Art. I); amend and add Definitions (Art. II); amend the Purpose and Area and Bulk Regulations for R-1, R-2, R-3, RCZ, and RCD Districts (Art. III); further amends RCD Uses by Right, Area and Bulk Regulations and Parking Regulations (Art. VII); changes Off-Street Parking and Loading requirements (Art. XII); amends Supplemental Regulations for Condominiums, Landscaping, buffering and screening (Art. XIV); adds a Traffic Impact Study requirement (Art. XIV); amends Standards for Special Exceptions and Conditional Uses and Procedures and Standards for Conditional Uses (Art. XIX); provides for the repeal of inconsistent ordinances; provides for the severability of the ordinance; and provides that the ordinance shall take effect as provided by Pennsylvania law. A full text of this Proposed Ordinance has been provided to the Delaware County Daily Times, the Law Library of Delaware County and is available for inspection without charge or may be obtained for a charge not greater than the cost thereof at the office of Borough Secretary, 30 S. Springfield Road, Clifton Heights, Delaware County, Pennsylvania by all interested persons from 9:00 A.M. to Noon, and from 1:00 P.M. to 3:00 P.M., Monday through Friday. Francis J. Catania Borough Solicitor DCT, May 10, May 17, a-1

Appeared in: *Delaware County Daily Times* on Friday, 05/10/2019

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