

- i. All other required improvements shall be in accordance with the Bethel Township

Subdivision and Land Development Ordinance and any and all other applicable Township, State and other regulatory agency requirements.

630A.03. Home Premises business, subject to the provisions of section 1040 of this Ordinance.

- a. Multiple Home Premises businesses shall be permitted by special exception provided each business can independently satisfy all the provisions of section 1040 of this Ordinance.

630A.04 Public utility uses.

630A.05 Tower-Based Wireless Communications Facility.

- a. Notwithstanding the provisions of section 644.02 of this Ordinance, the maximum lot size for a Telecommunication Facility land use shall be one (1) acre.
- b. Telecommunication Facilities are subject to the provisions of section 1038 of this Ordinance.

630A.06 Schools, Elementary and Secondary, through and including the 8th grade only. Notwithstanding the provisions of section 644.02 of this Ordinance the maximum Lot Coverage shall be 50%.

630A.07 Churches, Places of Worship. Notwithstanding the provisions of section 644.02 of this Ordinance, the maximum Lot Coverage shall be 50%.

630A.08 Bed-and-Breakfast

630A.09 Residential conversion, subject to Section 1032 of this Ordinance

630A.10 Group Day Care Homes, Day Care Center

630A.11 Group Home

630A.12 Accessory buildings and uses to the above permitted Special Exception uses.

631A USES PERMITTED BY CONDITIONAL USE

The following principal uses and any accessory uses associated therewith, and no other uses, are permitted within the Residential District only by Conditional Use, in accord with all other relevant provisions of this Ordinance

631A.01 Trucking Owner Operator, subject to the provisions of Section 104

631A.02 Windmills for Residential Accessory Use Wind Energy Generation, subject to the requirements of Section 1050 and other applicable sections of this ordinance.

631A.03 Windmills for Non-Residential Accessory Use Wind Generation, subject to the requirements of Section 1051 and other applicable sections of this ordinance.

640A AREA, YARD, COVERAGE AND HEIGHT RESTRICTIONS

The following are applicable unless other use-specific restrictions are specified:

Maximum Permitted

Building Height	35 ft (except agricultural structures)
Lot Coverage	40 percent

Minimum Requirements

Lot Area	1½ acres
Setback Line	50 ft
Lot Width	
At street line	120 ft
At setback line	120 ft
Rear Yard	50 ft
Side Yard	
Total	40 ft
One side	20 ft

650A SITE PLAN REVIEW

For all uses permitted by right or by Special Exception, Site Plan Review by the Township Planning Commission, pursuant to the provisions of Section 1031 of this Ordinance, shall be required.

SECTION 700 IC - INDUSTRIAL-COMMERCIAL DISTRICT

710 STATEMENT OF INTENT

The Industrial-Commercial Districts have been established to permit a wide variety of commercial and industrial uses to locate in the vicinity of the interchanges of Interstate 78 and along Old 22.

720 USES PERMITTED BY RIGHT

Land and buildings in an IC District may be used for the following purposes and no others unless a Special Exception, as provided for in Section 730, or a Conditional Use, as provided for in Section 731, is granted:

720.01 Retail Store, including Convenience Stores and Shopping Centers.

720.02 Office.

- 720.03 Medical Office Buildings.
- 720.04 Financial Institutions.
- 720.05 Electronics and Appliance Repair businesses.
- 720.06 Restaurant
- 720.07 Motor Vehicle Sales, Automobile and Small Engine Equipment Repair
- 720.08 Terminal, storage, or transfer facilities for trucking or railroad operations.
- 720.09 Hotel or Motel.
- 720.10 Research establishment or laboratory.
- 720.11 Public Social and Recreation Facilities
- 720.12 Amusement and Entertainment Establishments.
- 720.13 Private Social and Recreation Facilities, provided that such facilities will not be used for gunning, trap shooting, or similar purpose and will not be used for the operation of motor vehicles.
- 720.14 Municipal Use, fire station – Municipal Use shall not be subject to the provisions of § 740, § 1012, or §1013.
- 720.15 Wholesaling, distribution, warehousing and storage businesses.
- 720.16 Printing, publishing, lithography and bookbinding.
- 720.17 Laundry or dry cleaning plant.
- 720.18 Public utility, Telecommunications Facility
- 720.19 General Agriculture, subject to the provisions of Section 1033.01 of this Ordinance
- 720.20 Intensive Agriculture, as defined by this Ordinance, subject to the requirements of Section 1033.02 of this Ordinance.
- 720.21 Building materials sales and storage.
- 720.22 Manufacturing, compounding, processing, packaging, and treating of products, subject to section 760.
- 720.23 Heavy Machinery and Equipment Repair businesses
- 720.24 Funeral Home
- 720.25 Forestry subject to the Provisions of Section 1057

- 720.26 Churches, Places of Worship, and Related Uses
- 720.27 Home Occupation, subject to the provisions of section 1039 of this Ordinance.
- 720.28 Accessory uses and buildings to the above permitted uses.
- 720.29 Single-family dwelling, subject to the following limitations:
- a. The single-family dwelling shall be located only upon land used for a General Agriculture or Intensive Agriculture use.
 - b. The single-family dwelling shall be occupied only by the owner, operator, manager or an employee of the agricultural operation.
 - c. No subdivision of a lot containing a single-family dwelling shall be permitted.
- 720.30. Cultural and historical facilities, such as museums and historical monuments.
- 720.31 No-impact Home Based Business as defined in Section 308
- 720.32 Day Care Center
- 720.33 Trucking Owner Operator, subject to the provisions of Section 1049
- 720.34 Solar Panels for Residential Accessory Use Solar Photovoltaic (PV) Energy Generation, subject to the requirements of Section 1053
- 720.35 Solar Panels for Non-Residential Accessory Use Solar Photovoltaic (PV) Energy Generation, subject to the requirements of Section 1054
- 720.36 Outdoor Wood-Fired Boilers as an accessory use, subject to the requirements of Section 1056

730 USES PERMITTED BY SPECIAL EXCEPTION

The following principal uses and any accessory uses associated therewith, and no other uses, are permitted within the Industrial Commercial District only by special exception, which may be granted only by the Zoning Hearing Board, subject to and in accord with all other relevant provisions of this Ordinance and any conditions which may be imposed by the Zoning Hearing Board.

- 730.01 Motor Vehicle Filling Station.
- 730.02 Principal Parking Facilities.
- 730.03 Car wash, subject to:
- a. No water used in the washing of cars shall be discharged onto public roads or onto other properties.

- b. Car washing activities shall be carried out within a building.
- c. An approach drive or parking area to accommodate a minimum of four (4) cars per bay shall be constructed, except in the case of a facility where only one (1) bay is provided. In such case, the approach drive or parking area shall be constructed to accommodate a minimum of eight (8) cars.

730.04 Bus passenger station, including the storage and repair of buses.

730.05 Junk yard, subject to:

- a. The premises shall be maintained so as not to constitute a nuisance or a menace to the health of the residents and inhabitants of the Township and shall be maintained so as not to constitute a place for the breeding of rodents and vermin.
- b. No garbage or organic waste shall be stored.
- c. Whenever any motor vehicle or part thereof shall be received in the junk yard, and shall not be held for resale as an operating unit, all gasoline and oil shall be removed from the motor vehicle or part thereof within seven (7) calendar days.
- d. The manner of storage and arrangement of materials shall be such as to provide for adequate access for firefighting purposes.
- e. The manner of storage, arrangement of materials, and drainage facilities shall be such as to prevent the accumulation or stagnant water upon the premises.
- f. No open burning whatsoever shall be permitted.
- g. All junk yards shall be completely enclosed, except at entrances, by a Landscape Screen, as herein defined, which shall be backed by a fence at least six (6) feet in height. The fence shall contain gates at all entrances which shall be locked except during operating hours.
- h. No materials shall be stored less than twenty-five (25) feet from any street outside the property on which the junk yard is located and no materials shall be stored less than twenty-five (25) feet from a lot line of the lot on which the junk yard is located.
- i. No materials stored within the junk yard shall be stacked to a height exceeding the height of the evergreen planting screen enclosing the junk yard, provided that in no case shall materials be stacked to a height exceeding ten (10) feet.
- j. The construction and operation of a junk yard shall be subject to conditions set forth in any and all other Bethel Township Ordinances and Regulations that may be adopted from time to time, including but not limited to the Bethel Township Junkyard Ordinance.

730.06 Penal Institution, subject to Section 1036 of this Ordinance.

- 730.07 Adult Book Store, pursuant to the provisions of Section 1034 of this Ordinance.
- 730.08 Adult Motion Picture Theater, pursuant to the provisions of Section 1034 of this Ordinance.
- 730.09 Massage Establishment, pursuant to the provisions of Section 1034 of this Ordinance.
- 730.10 Cabaret, pursuant to the provisions of Section 1034 of this Ordinance.
- 730.11 Mini-warehouse
- 730.12 Sanitary landfill, subject to:
- a. The operation of a sanitary landfill shall not be permitted unless a permit for such landfill has been issued by the Pennsylvania Department of Environmental Protection. All landfills shall be operated in accordance with Pennsylvania Act 241 of 1968, as amended (the Pennsylvania Solid Waste Management Act) and the rules and regulations of the Pennsylvania Department of Environmental Protection.
 - b. The construction and operation of a sanitary landfill shall be subject to conditions set forth in any and all other Bethel Township Ordinances that may be adopted from time to time.
- 730.13 Stockyards, subject to the following:
- (a) An off-street parking plan shall be provided at the time of application. This plan will allow maneuverability, parking and loading of trucks, trailers, or other vehicles.
 - (b) Off-street Parking Facilities shall be provided pursuant to Section 1026 in this Ordinance.
 - (c) Operations open after hours of darkness shall be adequately lighted in such a manner that no glare or light is directed toward adjacent properties or onto public streets. No unshielded lights shall be permitted. No lighting shall be utilized in such a manner to produce illumination greater than 0.5-foot candles beyond the lot boundaries.
 - (d) If any stockyard presents a fire hazard, emits smoke, dust or other air pollutants, noise, light/glare, or creates a nuisance as a result of the operation, conditions may be attached as deemed necessary to adequately control and mitigate the potentially detrimental effects that the activity may have on the surrounding area.
 - (e) Waste storage shall not be permitted within 300 feet of any property line.

- (f) Any area being utilized for animal holding or grazing purposes shall be fenced with a minimum of 5 strands of high tensile wire. Fences shall be located outside of the legal right-of-way of any street.
- (g) Solid and liquid wastes shall be disposed of in such a manner that insect or rodent problems are avoided.
- (h) A plan for landscaping and vegetative buffering is required.

730.14 Flea Market

730.15 Bed-and-Breakfast

730.16 Hazardous Waste Facility

- (a) Notwithstanding the provisions of section 740 of this Ordinance, the minimum distance from any portion of a Lot utilized for the storage, processing, treatment or disposal of Hazardous Waste to any property line shall be 1,000 feet.

730.17 Buildings in excess of the maximum permitted building height listed in Section 740.

730.18 Methadone Treatment Facility, subject to the following:

- (a) A methadone treatment facility shall not be established or operated within 500 feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meeting-house or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility."

730.19 Bulk water extraction, subject to the provisions of section 1041.

730.20 Mineral extraction, subject to the provisions of section 1042.

730.21 Accessory uses and buildings to the above permitted uses.

730.22 Home Premises Business, subject to the requirements of Section 1040.

730.23 Campground, subject to requirements set forth in section 830.04 of this Ordinance.

730.24 Travel Center

730.25 Shooting Range

731 USES PERMITTED BY CONDITIONAL USE

731.01 Drive-in, when accessory to any use permitted by Right in Section 720 or by Special Exception in Section 730

731.02 Windmills for Residential Accessory Use Wind Energy Generation, subject to

the requirements of Section 1050 and other applicable sections of this ordinance

731.03 Windmills for Non-Residential Accessory Use Wind Generation, subject to the requirements of Section 1051 and other applicable sections of this ordinance

731.04 Wind Energy Facilities, subject to the requirements of Section 1052 and other applicable sections of this ordinance

731.05 Solar Energy Facilities, subject to the requirements of Section 1055 and other applicable sections of this ordinance

740 AREA, YARD, COVERAGE AND HEIGHT RESTRICTIONS

Maximum Permitted

Building Height	65 ft – for single story structure 40 ft – for multi-story structure
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(The owner/developer of the building shall provide the zoning officer with proof that the fire company serving the area where the building is located has been notified in writing of all structures exceeding 40 feet in height prior to the issuance of an occupancy permit.)

Lot Coverage	70 percent
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Minimum Requirements

Lot Area	40,000 square feet
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Setback Line	50 ft
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Lot Width

At street line	120 ft
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At setback line	120 ft
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Rear Yard	50 ft
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Side Yard

Total	40 ft
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One side	20 ft
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Distance Between Highway

Access Points	100 feet (150 Feet for SR 501, SR 419, Old 22)
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750 SITE PLAN REVIEW

For all uses permitted by right or by Special Exception, Site Plan Review by the Township Planning Commission, pursuant to the provisions of Section 1031 of this Ordinance, shall be required.

760 PERFORMANCE STANDARDS FOR ALL USES PERMITTED WITHIN THE INDUSTRIAL COMMERCIAL DISTRICT

For all uses permitted by right or by special exception within the Industrial Commercial zoning district, the applicant shall demonstrate the ability to comply with each of the applicable following standards:

760.01 Air Management

- a. Open burning is not permitted.
- b. No gases, vapors, or particulates shall be emitted from the facility which are harmful to persons, property, animals, or vegetation beyond the lot lines of the lot on which such gases, vapors or particulates originate.
- c. No radioactive vapors or gases shall be emitted from the facility in amounts which are harmful.
- d. No odors causing annoyance or discomfort to the public shall be detectable beyond the lot lines of the lot on which such odors originate.
- e. The emission of any smoke at a density to the Method 9 federal guidelines of the EPA Air Quality Program) for any three (3) minute period, but at no time may the opacity be greater than sixty percent (60%). This standard shall not be applied to emissions where the presence of uncombined water is the only reason for the failure of the emission to meet the opacity limits. (Uncombined water produces a white "smoke" which vanishes a short distance from the stack.)

760.02 Waste Water Management

- a. Effluent must meet standards set by the Department of Environmental Protection of the Commonwealth of Pennsylvania.
- b. In no case shall potentially dangerous effluent from plant operations be discharged.

760.03 Solid Waste Management

- a. No permanent storage of waste material on the lot shall be permitted. All waste materials awaiting transport shall be screened from view from all adjacent properties.

760.04 Noise and Vibration

- a. Noise limits at lot lines shall be as follows:

	<u>Permissible Noise Limits in dbA</u>	
	<u>Between 10pm and 7 am</u>	<u>Between 7am and 10pm</u>
At lot line adjacent to land zoned V, AP, or EP, 90% of time must be less than:	60	70
Maximum	70	80
At lot line adjacent to land zoned IC, 90% of time must be less than:	65	75
Maximum	75	85

- b. No physical vibration shall be perceptible without use of instrument at or beyond the lot lines.

760.05 Visual

- a. For the lighting of predominantly horizontal surfaces such as, but not limited to parking areas, roadways, vehicular and pedestrian passage areas, merchandising and storage areas, automotive-fuel dispensing facilities, automotive sales areas, loading docks, cul-de-sacs, active and passive recreational areas, building entrances, sidewalks, bicycle and pedestrian paths, and site entrances, luminaires shall be aimed straight down and shall meet IESNA full-cutoff criteria. Luminaires with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent or 10-watt compact fluorescent lamp, are exempt from the requirements of this paragraph. In the case of decorative street lighting, the Municipality may approve the use of luminaires that are fully shielded or comply with IESNA cutoff criteria rather than full cutoff.
- b. For the lighting of predominantly non-horizontal surfaces such as, but not limited to, facades, landscaping, signs, billboards, fountains, displays and statuary, when their use is specifically permitted by the Municipality, luminaires shall be shielded and shall be installed and aimed so as to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway. Luminaires with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent or 10-watt compact fluorescent lamp, are exempt from the requirements of this paragraph.

- c. Any operation producing heat shall be conducted in such a manner as to prevent any effect from the heat beyond the lot lines of the lot on which the operation is located.
- d. No advertising displays shall be utilized in a manner which produces periodic flashing or other intensity changes beyond the lot lines.

760.06 Electromagnetic

- a. No electromagnetic radiation shall be radiated that does not comply with the regulation of the FCC (Federal Communication Commission) or which interferes with the radio or television reception or the operation of other equipment.

760.07 Environmental Compliance

- a. Any and all Uses Permitted By Right shall comply with all regulations of the Pennsylvania Department of Environmental Protection, and any and all other applicable regulatory agency.

SECTION 800 EP - ENVIRONMENTAL PROTECTION DISTRICTS

810 STATEMENT OF INTENT

The intent of the Environmental Protection District to encourage the preservation of the contiguous steep sloped, wooded, mountainous areas of the Township, which are primarily located along the Blue Mountain, and the Little Mountain area. These areas are characterized as having slopes in excess of 15%, are mostly wooded, and are primarily in the Edgemont-Dekalb and Laidig Soil Associations. According to the Soil Survey of Berks County, land within these Associations have moderate to mostly severe limitations for community development, primarily due to slope. These areas are also generally above an elevation of 600 feet.

Since these areas form the headwaters of streams, and provide significant contiguous woodland and wildlife habitat, it is the intent of this district to limit development and

alteration of the natural features of these ecologically important areas. By preserving these features, wildlife populations within the Township can be maintained, stream quality can be protected, the adverse effects of increased storm runoff, erosion and sedimentation minimized, and the recreation potential of the area maintained.

811 DISTRICT BOUNDARY LINES

For the purpose of this Zoning District, the Zoning District boundary lines shown on the Official Zoning Map are to be considered approximate only, and shall be considered to be coinciding with slopes in excess of 15%.

820 USES PERMITTED BY RIGHT

Land and buildings in an EP District may be used for the following purposes and no others unless a Special Exception, as provided for in Section 830, is granted.

- 820.01 Single Family Detached Dwellings
- 820.02 General Agriculture, as defined by this Ordinance, subject to the provisions of section 1033.01 of this Ordinance.
- 820.03 Churches, Places of Worship, and Related Uses. Notwithstanding the provisions of section 840 of this Ordinance, the maximum Lot Coverage shall be 30% and the maximum Cleared Area shall be 40%.
- 820.04 Home Occupation, subject to the requirements of Section 1039.
- 820.05 Municipal Use. Municipal Uses shall not be subject to the provisions of § 840, § 1012, or §1013.
- 820.06 Forestry subject to the Provisions of Section 1057
- 820.07 Accessory Uses and Structures to the above permitted uses, excluding Windmills for Residential Accessory Use Wind Energy Generation and Windmills for Non-Residential Accessory Use Wind Generation
- 820.08 No-impact Home Based Business as defined in Section 308
- 820.09 Family Day Care Home
- 820.10 Solar Panels for Residential Accessory Use Solar Photovoltaic (PV) Energy Generation, subject to the requirements of Section 1053
- 820.11 Solar Panels for Non-Residential Accessory Use Solar Photovoltaic (PV) Energy Generation, subject to the requirements of Section 1054
- 820.12 Outdoor Wood-Fired Boilers as an accessory use, subject to the requirements of Section 1056
- 820.13 Public Emergency Services Telecommunication Facility – This use shall not be subject to the provisions of §1013, but shall be subject to the requirements of Section 1058.

820.14 Intensive Agriculture, as defined by this Ordinance, subject to the requirements of Section 1033.02 of this Ordinance.

830 USES PERMITTED BY SPECIAL EXCEPTION

The following principal uses and any accessory uses associated therewith, and no other uses, are permitted within the Environmental Protection District only by special exception, which may be granted only by the Zoning Hearing Board, subject to and in accord with all other relevant provisions of this Ordinance and any conditions which may be imposed by the Zoning Hearing Board.

830.01 Public utility, Telecommunications Facilities

830.02 Boarding, Lodging or Rooming House

830.03 Penal Institution, subject to Section 1036 of this Ordinance.

830.04 Campground, subject to:

- a. All requirements of the Pennsylvania Department of Environmental Protection shall be complied with.
- b. The minimum area of a Campground shall be five (5) acres.
- c. There shall be a maximum of fifteen (15) travel trailer or tent sites per acre.
- d. Each trailer or camping site shall be a minimum of thirty (30) feet wide and have a minimum area of 3,000 square feet. No space shall be occupied so that a portion of a travel trailer or tent, including awning or other accessory attachment, shall be within ten (10) feet of any portion of any other travel trailer, tent, or building.
- e. Each trailer or camping site shall have at least thirty (30) feet frontage on a road contained within the Campground.
- f. No travel trailer or tent shall be located within fifty (50) feet of the boundary lines of the Campground.
- g. Certificate of Use and Occupancy issued by the Township shall be issued for a period of one (1) year. Renewal shall be according to the same requirements and procedure as made and provided for in Section 1330 for the issuance of the original Certificate of Use and Occupancy.
- h. Prior to the issuance or renewal of a Certificate of Use and Occupancy, the owner of a Campground shall file with and receive approval by the Township Supervisors of a set of Campground regulations. Such regulations shall prescribe, but not be limited to, such controls as maximum term of occupancy of a travel trailer or tent site by an individual tent site tenant; temporary or seasonal storage of travel trailers; policing to control noises and activities that

might endanger the life, safety, or general welfare of other occupants and the owners and/or occupants of adjacent properties.

- i. All Campgrounds shall furnish centralized sanitary and garbage collection facilities. Such facilities shall be set back a minimum of 100 feet from any property lines, and shall be screened with a permanent vegetative screening from adjacent residential or residentially zoned properties. Such screening shall consist of evergreen plant varieties which provide screening from ground level to a minimum height of eight (8) feet.
- j. Any accessory retail or service commercial uses shall be setback a minimum of 100 feet from any property line. Such accessory commercial uses shall be solely designed and constructed to serve the campground's registered guests and their visitors, and shall have their sole access from the private, interior campground roads and not from any public street. Such uses and associated Parking Facilities shall be screened with a permanent vegetative screening from adjacent residential or residentially zoned properties. Such screening shall consist of evergreen plant varieties which provide screening from ground level to a minimum height of eight (8) feet.

- 830.05 Home Premises Business, subject to the requirements of Section 1040.
- 830.06 Schools, Elementary and Secondary, through and including the 8th grade only. Notwithstanding the provisions of section 840 of this Ordinance, the maximum Lot Coverage shall be 40% and the maximum Cleared Area shall be 50%.
- 830.07 Public or Private Social and Recreation Facilities, provided the activities are all of an outdoor nature.
- 830.08 Bed-and-Breakfast
- 830.09 Accessory buildings and uses to the above Special Exception permitted uses

840 AREA, YARD, COVERAGE AND HEIGHT REGULATIONS

Maximum
Permitted

Building Height	35 ft
Lot Coverage	10 percent
Cleared Area:	

Lot Area (Acres)	Maximum Amount
<=5	20% of Lot Area
>5 - <=10	1 acre + 10% of Lot Area over 5 acres
>10 - <=50	1.5 acres + 5% of Lot Area over 10 acres
>50	3.5 acres + 1% of Lot Area over 50 acres

Minimum Requirements	
Lot Area	5 acres
Setback Line	50 ft
Lot Width	
At street line	250 ft
At setback line	250 ft
Rear Yard	60 ft
Side Yard	
Total	80
One side	40 ft

850 SITE PLAN REVIEW

For all non-residential uses, whether permitted by right or by Special Exception, Site Plan Review by the Township Planning Commission, pursuant to Section 1031 of this Ordinance, shall be required.

SECTION 900 AIRPORT DISTRICT OVERLAY

- 910.01 Purpose. The purpose of this Section is to create an Airport District Overlay that considers safety issues around the Grimes Airport in Bethel Township, regulates and restricts the heights of constructed structures and objects of natural growth, creates appropriate zones, establishing the boundaries thereof and providing for changes in the restrictions and boundaries of such zones, creates the permitting process for use within said zones and provides for enforcement, assessment of violation penalties, an appeals process, and judicial review.
- 910.02 Relation to Other Zoning Districts. The Airport District Overlay shall not modify the boundaries of any underlying zoning district. Where identified, the Airport District Overlay shall impose certain requirements on land use and construction in addition to those contained in the underlying zoning district and in the event of any conflict, the provisions of this District shall control.
- 910.03 Definitions. The following words and phrases when used in this ordinance shall have the meaning given to them in this section unless the context clearly indicates otherwise.
- Airport Elevation: The highest point of an airport's useable landing area measured in feet above sea level. The airport elevation of the Grimes Airport is 580 feet.

Airport Hazard: Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous as defined in 14 CFR Part 77 and 74 Pa. Cons. Stat. §5102.

Airport Hazard Area: Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this Ordinance and the Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).

Approach Surface (Zone): An imaginary surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of the runway based on the planned approach. The inner edge of the approach surface is the same width as the primary surface and expands uniformly depending on the planned approach. The approach surface zone, as shown on Figure 1, is derived from the approach surface.

Conical Surface (Zone): An imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) feet horizontally to one (1) foot vertically for a horizontal distance of 4,000 feet. The conical surface zone, as shown on Figure 1, is based on the conical surface.

Department: Pennsylvania Department of Transportation.

FAA: Federal Aviation Administration of the United States Department of Transportation.

Height: For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

Horizontal Surface (Zone): An imaginary plane 150 feet above the established airport elevation that is constructed by swinging arcs of various radii from the center of the end of the primary surface and then connecting the adjacent arc by tangent lines. The radius of each arc is based on the planned approach. The horizontal surface zone, as shown on Figure 1, is derived from the horizontal surface.

Larger Than Utility Runway: A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

Nonconforming Use: Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto.

Non-Precision Instrument Runway: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

Obstruction: Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth by this Ordinance.

Precision Instrument Runway: A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

Primary Surface (Zone): An imaginary surface longitudinally centered on the runway, extending 200 feet beyond the end of paved runways or ending at each end of turf runways. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The primary surface zone, as shown on Figure 1, is derived from the primary surface.

Runway: A defined area of an airport prepared for landing and takeoff of aircraft along its length.

Structure: An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.

Transitional Surface (Zone): An imaginary surface that extends outward and upward from the edge of the primary surface to the horizontal surface at a slope of seven (7) feet horizontally to one (1) foot vertically (7:1). The transitional surface zone, as shown on Figure 1, is derived from the transitional surface.

Tree: Any object of natural growth.

Utility Runway: A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

Visual Runway: A runway intended solely for the operation of aircraft using visual approach procedures.

910.04 **Establishment of Airport Zones:** There are hereby created and established certain zones within this Airport District Overlay, defined in Section 910.03 and depicted on Figure 1 and illustrated on the Zoning Map as Airport Hazard Areas which include:

1. Approach Surface Zone

2. Conical Surface Zone
3. Horizontal Surface Zone
4. Primary Surface Zone
5. Transitional Surface Zone

910.05 Permit Applications. As regulated by Act 164 and defined by 14 Code of Federal Regulations Part 77.13(a) (as amended or replaced), any person who plans to erect a new structure, to add to an existing structure, or to erect and maintain any object (natural or manmade), in the vicinity of the airport, shall first notify the Department's Bureau of Aviation (BOA) by submitting PENNDOT Form AV-57 to obtain an obstruction review of the proposal at least 30 days prior to commencement thereof. The Department's BOA response must be included with this permit application for it to be considered complete. If the Department's BOA returns a determination of no penetration of airspace, the permit request should be considered in compliance with the intent of this Overlay Ordinance. If the Department's BOA returns a determination of a penetration of airspace, the permit shall be denied, and the project sponsor may seek a variance from such regulations as outlined in Section 910.06.

No permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure.

910.06 Variance. Any request for a variance shall include documentation in compliance with 14 Code of Federal Regulations Part 77 Subpart B (FAA Form 7460-1 as amended or replaced). Determinations of whether to grant a variance will depend on the determinations made by the FAA and the Department's BOA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. In particular, the request for a variance shall consider which of the following categories the FAA has placed the proposed construction in:

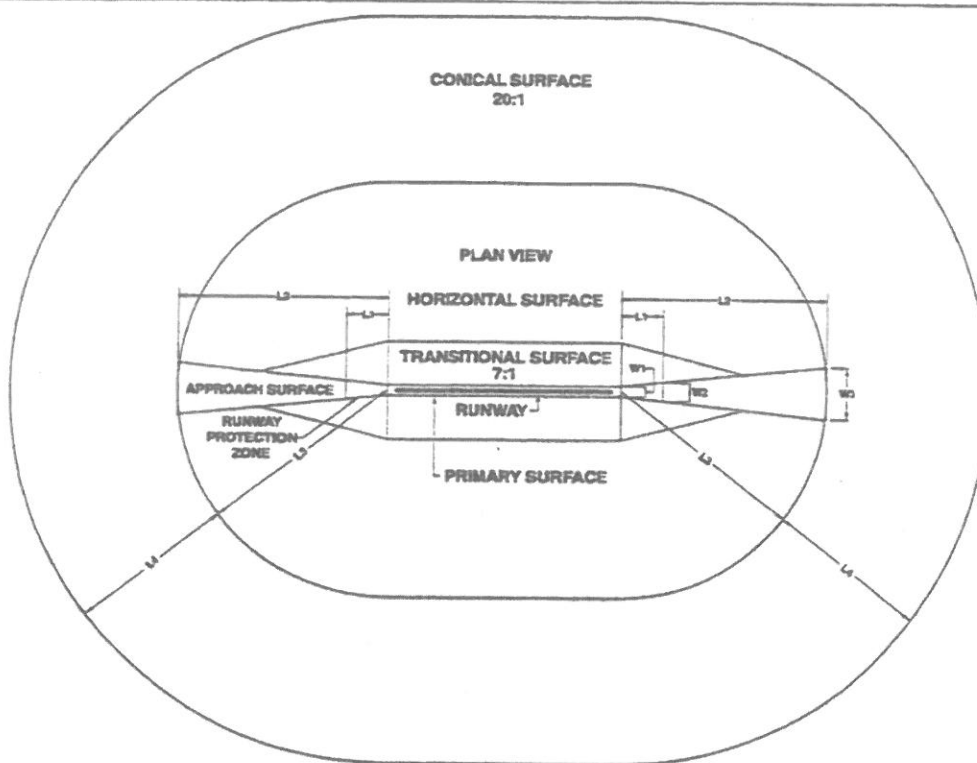
1. No Objection - The subject construction is determined not exceed obstruction standards and marking/lighting is not required to mitigate potential hazard. Under this determination a variance shall be granted.
2. Conditional Determination - The proposed construction/alteration is determined to create some level of encroachment into an airport hazard area which can be effectively mitigated. Under this determination, a variance shall be granted contingent upon implementation of mitigating measures as described in Section 9 - Obstruction Marking and Lighting.
3. Objectionable - The proposed construction/alteration is determined to be a hazard and is thus objectionable. A variance shall be denied and the reasons for this determination shall be outlined to the applicant.

Such requests for variances shall be granted where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and that relief granted will not be contrary to the public interest, will not create a hazard

to air navigation, will do substantial justice, and will be in accordance with the intent of this ordinance.

- 910.07 Use Restrictions. Notwithstanding any other provisions of this Ordinance, no use shall be made of land or water within the Airport District Overlay in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft utilizing the Grimes Airport.
- 910.08 Pre-Existing Non-Conforming Uses: The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as
- of the effective date of this Ordinance, or otherwise interfere with the continuance of a non-conforming use. No non-conforming use shall be structurally altered or permitted to grow higher, so as to increase the non-conformity, and a non-conforming use, once substantially abated (subject to the underlying zoning ordinance,) may only be reestablished consistent with the provisions herein.
- 910.09 Obstruction Marking and Lighting. Any permit or variance granted pursuant to the provisions of this ordinance may be conditioned according to the process described in Section 910.06 to require the owner of the structure or object of natural growth in question to permit the municipality, at its own expense, or require the person requesting the permit or variance, to install, operate, and maintain such marking or lighting as deemed necessary to assure both ground and air safety.
- 910.10 Conflicting Regulations. Where there exists a conflict between any of the regulations or limitations prescribed in this ordinance and any other regulation applicable to the same area, the more stringent limitation or requirement shall govern and prevail.

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FAR PART 77 "IMAGINARY SURFACES" DIMENSION REQUIREMENTS

Runway Type	Runway End		Conical Surface (L4)	Horizontal Surface (L3)	Approach Surface			Approach Slope	Primary Surface Width	Transitional Surface
	Approach	Other			Length (L2)	Inner Width (W1)	Other Width (W3)			
Small Airplanes ²	V	V	4,000	5,000	5,000	250	1,250	20:1	250	7:1
		NP	4,000	5,000	5,000	500	1,250	20:1	500	7:1
		NP 3/4	4,000	5,000	5,000	1,000	1,250	20:1	1,000	7:1
		P	4,000	5,000	5,000	1,000	1,250	20:1	1,000	7:1
	NP	V	4,000	5,000	5,000	500	2,000	20:1	500	7:1
		NP	4,000	5,000	5,000	500	2,000	20:1	500	7:1
		NP 3/4	4,000	5,000	5,000	1,000	2,000	20:1	1,000	7:1
		P	4,000	5,000	5,000	1,000	2,000	20:1	1,000	7:1
Large Airplanes ²	V	V	4,000	5,000	5,000	500	1,500	20:1	500	7:1
		NP	4,000	10,000	5,000	500	1,500	20:1	500	7:1
		NP 3/4	4,000	10,000	5,000	1,000	1,500	20:1	1,000	7:1
		P	4,000	10,000	5,000	1,000	1,500	20:1	1,000	7:1
	NP	V	4,000	10,000	10,000	500	3,500	34:1	500	7:1
		NP	4,000	10,000	10,000	500	3,500	34:1	500	7:1
		NP 3/4	4,000	10,000	10,000	1,000	3,500	34:1	1,000	7:1
		P	4,000	10,000	10,000	1,000	3,500	34:1	1,000	7:1
Large and Small Airplanes	NP 3/4	V	4,000	10,000	10,000	1,000	4,000	34:1	1,000	7:1
		NP	4,000	10,000	10,000	1,000	4,000	34:1	1,000	7:1
		NP 3/4	4,000	10,000	10,000	1,000	4,000	34:1	1,000	7:1
		P	4,000	10,000	10,000	1,000	4,000	34:1	1,000	7:1
	P	V	4,000	10,000	10,000/40,000	1,000	4,000/16,000	50:1/40:1	1,000	7:1
		NP	4,000	10,000	10,000/40,000	1,000	4,000/16,000	50:1/40:1	1,000	7:1
		NP 3/4	4,000	10,000	10,000/40,000	1,000	4,000/16,000	50:1/40:1	1,000	7:1
		P	4,000	10,000	10,000/40,000	1,000	4,000/16,000	50:1/40:1	1,000	7:1

1 - In Feet

2 - Less than 12,500 lbs maximum certified takeoff weight

3 - Greater than 12,500 lbs maximum certified takeoff weight

V = Visual approach 20:1

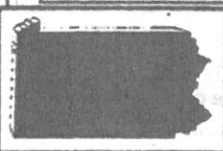
NP = Nonprecision approach 34:1

NP 3/4 = Nonprecision approach with visibility minimums as low as 3/4 statute miles 34:1

P = Precision approach 50:1

Note: L1 is the length of the RPZ and W2 is the outer width of the RPZ as defined by approach visibility minimums

Source: Federal Aviation Administration



Pennsylvania Land Use
Compatibility
Guidelines

FAR PART 77 SURFACES AND DIMENSION REQUIREMENTS

Exhibit
3

SECTION 1000 SUPPLEMENTARY REGULATIONS

1010 GENERAL REGULATIONS APPLYING TO ALL DISTRICTS AND USES

1011 Prohibited Uses

No building or structure may be erected, altered, or used, and no lot or premises may be used for any activity which is continuously noxious, injurious, or offensive by reason of dust, smoke, odor, fumes, noise, vibration, gas, effluent discharge, illumination, or similar substances or conditions.

- 1011.a The use of any portion of a lot or property, other than within a completely enclosed structure, for the storage or accumulation of Junk shall be prohibited in all zoning districts, unless the property is a Junkyard meeting all requirements of this and any and all other applicable rules and regulations. Additionally, within the V Districts, NO scrapped, abandoned, or junked motorized vehicles which are unlicensed, inoperable, or do not have a current and valid inspection sticker as required by the Pennsylvania Vehicle Code, excluding vehicles bearing current farm exemption identification, shall be permitted unless they are in completely enclosed structures.

1012 Lot Frontage Requirements

- 1012.01 Every building constructed or placed on a lot after the effective date of this Ordinance shall be located on a lot which abuts a Public Street or Road or an approved Private Street or Road, or on a lot complying with the provisions of Section 1030.03.a or Section 1030.03.b herein.
- 1012.02 Every lot created after the effective date of this Ordinance shall abut a Public Street or Road or an Approved Private Street or Road.

1013 Erection of More Than One Principal Structure on a Lot

More than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that the Lot Area, Yard, Lot Width and other requirements of this Ordinance pertinent to the District in which the lot is located shall be met for each structure as though it were on an individual lot, unless otherwise specifically provided in this Ordinance. Such a proposal will require the submission of a Land Development Plan in accordance with the Bethel Township Subdivision and Land Development Ordinance.

1014 RESERVED

1015 Garage and Yard Sales

Within any Zoning District, an owner or occupant of a residential dwelling may conduct up to two (2) such sales per year. Such sales shall be conducted for a period not longer than three (3) consecutive days, and may offer for sale personal possessions. Any and all signs or other items associated with the advertisement of the sale shall be removed upon completion of each such sale. There shall be no permitting requirements for a sale conducted in a manner consistent with the provisions of this section. Any sales not conforming to this section shall not be considered a Garage or Yard Sale, but shall be considered a Retail establishment which must therefore conform to all appropriate Zoning Ordinance requirements.

1016 Environmentally Sensitive Areas Controls

In order to protect those parts of the Township which contain environmentally sensitive areas, no development, earth disturbance, changing of existing grade, construction of buildings, nor any other alterations or construction shall be permitted in the following areas:

- a. Wetlands nor within 25 feet of wetlands
- b. Within the EP District, slopes in excess of 25% nor within 10 feet of slopes in excess of 25%
- c. Natural watercourses nor within 25 feet of natural watercourses
- d. Natural drainage ways or areas nor within 10 feet of natural drainage ways or areas

Driveways may be installed and constructed in, across, or within 25 feet of the above areas provided:

- a. All applicable Local, County, State, Federal and any other regulatory agency approvals have been obtained.
- b. Approval from the Berks County Conservation District has been obtained.
- c. A Driveway Permit has been obtained from Bethel Township.
- d. Cuts and fills shall not exceed 6 feet.
- e. Slopes created by cutting or filling shall not exceed 3:1 and shall be immediately stabilized upon construction.

Routine maintenance of the above areas may be performed provided all applicable regulatory agency approvals are obtained.

Improvements or alterations may occur within any of the above areas that are regulated by a state or federal or other regulatory agency provided that all applicable approvals from such agency(ies) are first obtained.

1017 Corner Lot Restrictions

1017.01 On every corner lot there shall be provided a yard, equal in depth to the front yard requirement of a particular zoning district in which the corner lot is located, on each side of the lot which is adjacent to a street. The determination of the rear and side yard shall be made by the Zoning Officer based on existing improvements on the property in order to ensure conformity to side and rear yard setbacks. Where no improvements exist, the property owner shall make such determination which will then be permanent designations for the property.

1017.02 On a corner lot, nothing, including a wall, fence, or other structure, may be erected or altered and no hedge, tree, shrub or other growth shall be maintained such that the safe sight distance, as defined in current Pennsylvania Department of Transportation publications, would be reduced below current standards.

1018 Floodway Controls

1018.01 Designation of Area

- a. For land included within Subdivisions or Land Developments, areas to be regulated under this Section shall be those determined using the methods contained in the Bethel Township Subdivision and Land Development Ordinance.
- b. For land not included within Subdivisions or Land Developments, the areas subject to Floodway Controls shall be those areas mapped as containing alluvial soils by the Soil Conservation Service, United States Department of Agriculture, on maps included within the Soil Survey of Berks County Pennsylvania, issued 1970, as amended, or those areas mapped as Zone A or higher designation flood zones according to FEMA mapping.

1018.02 Uses Permitted by Right

- a. Cultivation and harvesting of crops, pasture, and grazing, nursery or orchard, forestry, lumbering and reforestation when permitted by the prevailing zoning district regulations, in accordance with approved soil conservation practices.
- b. Woodland preserve, nature center, wildlife sanctuary, arboretum, game preserve, outdoor education laboratory, fish hatchery, hunting and fishing reserves, or other use devoted to the protection and propagation of wildlife, when permitted by the prevailing zoning district regulations.
- c. Open areas or yards, subject to the restrictions of this Ordinance, and provided such open areas or yards shall not be used for on-lot sewage disposal systems.
- d. Social and Recreation Facilities, when permitted by the prevailing zoning district regulations, excluding structures or buildings.
- e. Accessory uses.

1018.03 Uses Permitted by Special Exception

- a. Social and Recreation Facilities, when permitted by the prevailing zoning district regulations, that include buildings or structures.
- b. The placement of any structures or fill material.

1018.04 Controls Applicable to All Areas Subject to Floodway Controls

- a. Not more than ten percent (10%) of the area subject to Floodway Controls shall be covered with impervious surfaces.
- b. Adjacent stream neighbors shall not be unreasonably affected by any use of the flood plain areas.
- c. The cross-sectional profile of watercourses and flood plain areas shall not be substantially altered unless approved by the appropriate State and other regulatory agencies.
- d. No outside storage of materials is permitted within flood plain areas.
- e. Fills shall not be located within flood plain areas unless permitted by Special Exception, and are further subject to:
 - 1. Fills shall consist of soil or rock materials only.
 - 2. Adequate provisions shall be made to prevent surface water from damaging the sloping surfaces of fills.
 - 3. Fills shall not adversely affect adjacent properties or other properties in the same watershed.
 - 4. Fills shall be placed and mechanically compacted to minimize sliding and erosion of soil.
 - 5. Fills shall not encroach on natural watercourses.
 - 6. Fill slopes shall be no steeper than one (1) vertical unit to five (5) horizontal units.
- f. Any structure, when approved by Special Exception, shall be firmly anchored to prevent the structure from floating away during time of flooding.
- g. The public interest and general welfare of municipalities and residents in the same watershed shall not be adversely affected.

Approval by all applicable State, Federal and other regulatory agencies shall be obtained.

1018.05 Site Plan Review Required

For all uses to be located within areas subject to floodway controls, Site Plan Review by the Township Planning Commission, required pursuant to the provisions of Section 1031 of this Ordinance, shall be.

1018.06 Boundary Disputes and Appeals Procedures

- a. Should a dispute concerning the boundaries of those areas subject to Floodway Controls arise, an initial determination of the boundaries shall be made by the Zoning Officer, using the criterion listed in Section 1018.01 of this Ordinance.
- b. Any person aggrieved by this determination, claiming that the criterion listed in Section 1018.01 is or has become incorrect because of changes due to natural or other causes, may appeal to the Zoning Hearing Board.
- c. The burden of proof shall be on the person appealing the determination of the Zoning Officer.
- d. If it is determined that the Soil Survey maps are inaccurate regarding the land in question, the area subject to floodway controls shall be determined on the basis of the one hundred (100) year storm and all calculations shall be subject to the approval of the Township Engineer.

1019 Front Yard Exceptions

1019.01 When an unimproved lot is situated between two improved lots with front yard dimensions less than those required for the zoning district in which the unimproved lot is located, the front yard required for the unimproved lot may be reduced to a depth equal to the average of the two adjoining lots; provided, however, that this provision shall only apply in such cases where the improved lots in question are improved as of the time of the adoption of this Ordinance. For the purpose of this section, an unimproved lot shall be the same as a vacant lot and an improved lot shall be one on which a principal building is erected.

1019.02 When increased road right-of-way required by the Township or the Commonwealth results in existing structures becoming non-conforming or more non-conforming with regard to the Front Yard setback, such existing structures shall be deemed to be existing lawful non-conforming structures and will be subject to the provisions of Section 1030 and all other applicable sections of this Ordinance.

1020 Residential Accessory Structures

The placement of a residential Accessory Structure shall be subject to the following requirements:

- 1020.01 The Rear Yard Setback for residential accessory structures shall be five (5) feet in all Zoning Districts.
- 1020.02 No garage or other accessory structure shall be permitted within a required front yard or side yard in any District. Unroofed parking areas are permissible in required front yards and in portions of side yards.
- 1020.03 Any access driveway may be located within a required side yard and required front yard.
- 1020.04 Accessory Structures shall be on the same lot with the principal building or buildings
- 1020.05 Required Accessory Parking Facilities and truck loading spaces shall have safe and adequate access to a public street or an Approved Private Street
- 1020.06 No required Accessory Parking Facilities or off-street truck loading space shall be encroached upon by buildings, open storage, or any other use.
- 1020.07 Within the V zoning district, the Side Yard Setback for residential accessory structures shall be five (5) feet.
- 1020.08 Within the AP Agricultural Preservation Zoning District, the side yard setback for Residential Accessory Structures only shall be ten (10) feet.
- 1020.09 Accessory structures may be built on site or manufactured elsewhere.
- 1020.10 Accessory structures shall not include truck bodies or trailers, gutted mobile homes, used fuel tanks, boxcars, sea containers or similar impermanent or moveable structures which were manufactured for another purpose.

1022 Height

- 1022.01 Nothing herein contained shall restrict the height of a church spire, cupola, dome, mast, belfry, clock tower, radio transmission line (except Telecommunications Facilities), tower, flagpole, chimney flue, water tank, elevator or stair bulkhead, stage tower, scenery loft, smoke stack, silo, mechanical equipment, or similar structure. No such structure shall:
- 1022.011 Have a lot coverage at the base in excess of ten percent (10%) of the lot area.
- 1022.012 Be used for residency or tenancy purposes.
- 1022.013 Have any off-premise sign or device inscribed upon or attached to such structure.

1023 Yards

1023.01 Front Yard. The space in a required front yard shall be open and unobstructed except for an unroofed balcony or terrace projecting from the principal building not more than eight (8) feet, or steps giving access to a porch or first floor entry door of the principal building.

1023.02 All Yards. Every part of a required yard shall be open to the sky and unobstructed except for retaining walls, fences, walkways, lampposts, mailboxes, landscaping timbers, and other non-structure objects, and for accessory buildings in a rear yard, and except for the ordinary projections from buildings of sills, belt courses, and for ornamental features not to exceed six (6) inches. No object, man-made or otherwise, however, shall be altered, erected, constructed, placed or maintained such that the safe sight distance, as defined in current Pennsylvania Department of Transportation publications, would be reduced below current standards.

1023.03 Open or Lattice Enclosed Fireproof Fire Escapes or Stairways. Required by law, projecting into a yard not more than four (4) feet, and the ordinary projections of chimneys, and pilasters shall be permitted when placed so as not to obstruct light and ventilation.

1024 Motor Vehicle Filling and Service Stations - Special Provisions

1024.01 No Motor Vehicle filling or service station shall be located or shall have any building entrance or exit within 200 feet of the entrance or exit to a public or parochial school, private school, public library, theater, assembly hall, Churches, Places of Worship, and Related Uses, Hospital, semi-public institution, public park, playground, or fire station.

1024.02 All Motor Vehicle filling and service stations shall be so arranged and all gasoline pumps shall be so placed, as to permit all services to be rendered entirely within the lot lines. No gasoline or oil pump shall be placed within thirty (30) feet of any street line, side or rear lot line.

1024.03 All ventilation equipment associated with fuel storage tanks shall be set back at least 100 feet and oriented away from any adjoining residential or residentially zoned properties.

1024.04 Under-canopy lighting shall be accomplished using flat-lens full-cutoff luminaires aimed straight down and shielded in such a manner that the lowest opaque edge of the luminaire shall be below the light source and its light-directing surfaces, at all lateral angles around the luminaire. The average maintained illumination in the area directly below the canopy shall not exceed 20 initial foot-candles, with no value exceeding 30 initial foot-candles.

1024.05 Additional requirements for the business include:

1. All service and repair activities shall be enclosed within a building.
2. All batteries, auto parts and tires must be stored within a building.
3. Outdoor storage of vehicles.
 - (a) Outdoor storage of vehicles shall be limited to vehicles scheduled for service or repair awaiting pickup after service or repair, and/or damaged vehicles scheduled to be removed from the site.
 - (b) No more than three (3) undamaged vehicles shall be stored outdoors. No more than one (1) damaged vehicle shall be stored outdoors. No vehicle shall be stored on site for more than one week unless additional time is needed to receive parts ordered for repairs, but in no case shall more than 4 vehicles be stored on site at any time.
 - (c) All vehicles shall be stored within a screened enclosure of fencing and landscaping and only within side and/or rear yard areas set back a minimum of 25 feet from property lines.
4. Automobile wrecking or salvaging activity is not permitted on the premises at any time.
5. No machinery or equipment used in or by the Business shall produce noise, odor, vibration, light or electrical interference at or beyond the property line.
6. The applicant must furnish evidence of how the storage and disposal of materials will be accomplished in a manner that complies with all applicable State and Federal regulations.
7. Parking requirements are set forth in Section 1026 of this Ordinance.
8. Signage shall be as set forth in Section 1029 of this Ordinance.

1025 Private Swimming Pool (Non-Commercial)

- 1025.01 A Private Swimming Pool shall not be located, constructed, or maintained on any lot or land area, except in conformity with these regulations. All applications for swimming pools shall include the location of the on-lot sewage system for the property, and shall show the location and method for the draining of the pool.
- 1025.02 Such pool shall NOT be located in the area of the lot between a line which extends from the principal building (nearest the Front Lot Line) to each Side Lot Line, and the Front Lot Line.
- 1025.03 Every non-commercial swimming pool shall be entirely enclosed with a good quality chain link wire, wooden, or other equivalent fence of not less than four

(4) feet in height. Above-ground pools with a wall height of three (3) feet or more are excluded from this requirement but shall have access to the pool controlled with locking gates or other similar means. Outdoor whirlpools shall have a proper cover, as recommended by the manufacturer, to prevent access when not in use. These requirements shall be considered a minimum standard, and shall not eliminate the responsibility of the property owner to comply with any and all other local, state or federal regulatory requirements.

1025.04 Such pool shall be not less than twenty-five (25) feet from side and rear lot lines in all but the V Village District, where it shall not be less than ten (10) feet from side and rear lot lines.

1025.05 If the water for such pool is supplied from a private well, there shall be no cross-connection with the public water supply system.

1025.06 If the water for such pool is supplied from a public water supply system, the inlet shall be above the overflow level of said pool.

1025.07 On a residential lot, no loud speaker or amplifying device shall be permitted which will project sound beyond the bounds of the property or lot where such pool is located.

1025.08 No lighting or spot lighting shall be permitted which will shine directly beyond the bounds of the property or lot where such pool is located.

1026 Off-Street Parking

1026.01 Off-street Accessory Parking Facilities shall be provided whenever:

- a. A building is constructed or a new use established.
- b. The use of an existing building is changed to a use requiring more Parking Spaces or Facilities.
- c. An existing building is altered so as to increase the amount of Parking Spaces required.

1026.02 On residentially used properties, no off-street parking will occur in a front yard setback unless in an approved parking space or approved driveway area.

1026.03 Parking Facilities shall not be permitted within 10 feet of a side or rear property line unless formal arrangements, satisfactory to the Township, have been made for the establishment of a common Parking Facility which will serve more than one Principal Use.

- a. Parking Spaces shall be guarded by curbs or other protective devices, which are arranged so that parked cars cannot project into the streets, yards or walkways.
- b. Interior drives between rows of Parking Spaces shall have the minimum widths indicated in the following table:

Angle of Parking	Minimum Width (Feet) one-way	Minimum Width (Feet) two-way
	Traffic	Traffic
90 Degrees	25	25
60 Degrees	20	22
45 Degrees	18	22
30 Degrees	11	22
Parallel	11	22

- c. Interior drives in areas where there is no parking permitted shall be at least 12 feet wide for each lane of traffic.
- d. The following lists required minimum space sizes in feet: Standard car spaces:
Parallel-23 by 8 Nonparallel-19 by 9

- 1026.04 Not less than a 4 foot radius of curvature shall be permitted for horizontal curves in Parking Facilities.
- 1026.05 All dead end Parking Facilities shall be designed to provide sufficient back-up area for all end stalls.
- 1026.06 All Parking Facilities shall be adequately marked and maintained for the purpose of defining Parking Spaces and interior drives. As a minimum, the lines of all Parking Spaces and interior drives (including directional arrows, etc.) shall be solid white and 4 inches in width. Painted lines, arrows and dividers shall be provided and maintained to control parking, when necessary to direct vehicular circulation. Parking Facilities containing over 30 vehicles shall be divided by permanent raised curbing that clearly defines Parking Spaces from designated access lanes.
- 1026.07 Parking facility and vehicular and pedestrian-way lighting (except for safety and security applications and all-night business operations), for commercial, industrial and institutional uses shall be automatically extinguished no later than one hour after the close of business or facility operation. When safety or security lighting is proposed for after-hours illumination, it shall not be in excess of twenty-five (25) percent of the number of luminaires or illumination level

required or permitted for illumination during regular business hours. When it can be demonstrated to the satisfaction of the Municipality that an elevated security risk exists, e.g., a history of relevant crime, an appropriate increase above the twenty-five (25) percent limit may be permitted.

Luminaires shall be automatically controlled through the use of a programmable controller with battery power-outage reset, which accommodates daily and weekly variations in operating hours, annual time changes and seasonal variations in hours of darkness. The use of photocells is permitted when in combination with the programmable controller to turn luminaires on at dusk and also for all-night safety/security dusk-to-dawn luminaire operation when such lighting is specifically approved by the municipality. The use of motion detectors is permitted.

- 1026.08 All Parking Facilities shall provide for sufficient handicapped accessibility in the design of sidewalks, ramps, curbs and related facilities including the number of specific handicapped Parking Spaces in accordance with applicable Federal, State or local regulations.
- 1026.09 All Parking Facilities shall be constructed and maintained with a paved surface of concrete or bituminous materials.
- 1026.10 Every Parking Facility shall be connected to a street by means of an access drive. This access drive shall be at least 12 feet wide for each travel lane.
- 1026.11 Parking Facilities shall be provided with adequate facilities to collect and convey stormwater in accordance with the Stormwater Management Requirements of the Bethel Township Subdivision and Land Development Ordinance.
- 1026.12 Buffer planting shall be provided where Parking Facilities are adjacent to residential properties. The buffer planting area shall be at least 15 feet wide. The buffer planting shall consist of a Landscape Screen, as herein defined.
- 1026.13 Speed Bumps.
 - a. Speed bumps, constructed as part of access drives or Parking Facilities, shall be marked with permanent, yellow diagonal stripes.
 - b. The speed bumps shall be in the form of mounds or depressions in the pavement and shall be designed to restrain motor vehicle speed.
 - c. There shall be a warning sign posted at each entrance to a Parking Facilities having speed bumps.
 - d. In no case shall the overall height (or depth) of speed bumps exceed 3 inches.
- 1026.14 In any Parking Facility containing 20 or more Parking Spaces, 5% of the total area of the lot shall be devoted to interior landscaping. For the purpose of computing the total area of a Parking Facility, all areas within the perimeter of the Parking Facility shall be counted, including all Parking Spaces and access drives, aisles, islands and curbed areas. Interior landscaping shall consist of vegetated areas only, and shall be uniformly spaced and located throughout the Parking Facility. Artificial vegetation and

areas covered by stone shall not be included in calculating the interior landscaping area, and only the vegetated areas inside the Parking Facility perimeter as described in this section shall be counted. The interior landscaping shall consist of ground cover, shrubs, and trees. There shall be at least one (1) shade tree provided for each 300 square feet or fraction thereof of required interior landscaping area. These trees shall be at least one and one-half inches (1-1/2") in caliper, and shall have a clear trunk at least five (5) feet above finished grade elevation. No vegetation shall be allowed which will obstruct safe sight distances or clear sight triangles. The interior landscaping requirements shall be in addition to any other landscape screening or buffering required in this or other Township Ordinances.

- 1026.15 Common Parking Facilities for two (2) or more uses may be established, provided that the number of spaces provided is not less than the sum of the spaces required for each individual use.
- 1026.16 All common Parking Facilities shall be graded to provide convenient vehicular access and proper drainage. The maximum grade of the Parking Facilities shall not exceed six percent (6%). Surface water shall not discharge onto public sidewalks or other premises.
- 1026.17 No areas necessary to fulfill the off-street parking requirements of this Ordinance shall be used for the sales, dead storage, repair, dismantling, or servicing of vehicles.
- 1026.18 Off-street Parking Facilities existing at the effective date of this Ordinance shall not be subsequently reduced to an amount less than that required under this Ordinance similar new building or use.
- 1026.19 When the required number of Parking Spaces is computed and a fraction of a Parking Space results, any fraction below one-fourth (1/4) may be disregarded and any fraction over one-fourth (1/4) shall necessitate the provision of a full Parking Space.
- 1026.20 Where parking requirements are determined by the number of seats and no permanent seats are provided, the number of Parking Spaces to be provided shall be based upon the capacity for temporary seats in normal usage.
- 1026.21 Parking Facilities shall be arranged so that no portion of any vehicle parked within a designed Parking Space can extend over any property line of the lot on which it is parked.
- 1026.22 Where a building contains a mixture of uses, the total requirements shall be the sum of the requirements of the component uses.
- 1026.23 Minimum Off-street Parking Space requirements shall be as follows:
- a. Residential Uses, Boarding, Lodging or Rooming House: Two (2) spaces per dwelling unit

- b. Home Occupation and Home Premises business: Per Sections 1039 and 1040, respectively
- c. Restaurant: One (1) space for each four (4) seats plus one (1) space for each employee on the largest shift
- d. Retail Store: One (1) space for each 200 square feet of gross Retail floor area plus one (1) space for each employee on the largest shift
- e. Office: One (1) space for each 200 square feet of gross floor area
- f. Motel, Hotel, Bed-and-Breakfast: One (1) space for each rental unit plus one (1) for each employee on the largest shift
- g. Medical Office Building: Six (6) spaces for each person engaged in practice
- h. Motor Vehicle Filling Station (without Convenience Store): One (1) space for each employee
- i. Commercial, business, industrial, or related uses which do not involve Retail or Repair: One (1) space for each employee on largest shift
- j. Hospital: One (1) space for each three beds plus one (1) space for each employee on the largest shift
- k. Drive-Thru and Fast Food Restaurants: One (1) space for each two (2) seats and one (1) space for each employee on the largest shift
- l. Churches, Places of Worship: One (1) space for each four (4) seats
- m. Funeral Home: One (1) space for each four (4) seats
- n. Places of public assemblage: One (1) space for every four (4) seats or one (1) space for each 200 square feet of gross floor area, whichever is greater
- o. Convenience Store: One (1) space per 200 square feet of gross floor area
- p. Day Care: One (1) space per employee plus one space for every four (4) individuals accommodated
- q. School - Elementary and Secondary, through the 9th grade: One (1) space per employee, plus one space for every 50 square feet of assembly seating area
- r. School - Elementary and Secondary, 10th through 12th grade: One (1) space per employee plus one (1) space for every two (2) students.
- s. School - Post-Secondary and Commercial: One (1) space per employee plus one (1) space for every student

- t. Personal Service Establishment: One (1) space for each employee plus; three (3) spaces for every two (2) salon or barber chairs, tanning tables, or one (1) space per 100 square feet of customer service area, whichever is larger.
- u. Repair Businesses: One (1) space for each employee plus one (1) space for each seat in customer waiting area plus one (1) space per 100 square feet of customer service area.
- v. Social and Recreation Facilities: One (1) space per employee plus sufficient spaces to accommodate the maximum capacity of the facility. Information shall be provided to the Zoning Officer on parking characteristics of other similar facilities.
- w. Adult Book Store, Adult Motion Picture Theater, Cabaret, or Massage Establishment: One (1) space for each seventy-five (75) square feet of net floor space
- x. Financial Institution: One (1) space per employee plus two (2) spaces for each inside teller, loan officer, and other employees which directly serve customers

For any building or use not covered above, the Zoning Officer shall apply the standard for Off-street Parking Spaces in the above schedule deemed to most closely approximate the proposed building or use. An applicant may provide information on parking characteristics of like uses of similar size for consideration. Under no circumstances shall On-street Parking Spaces be utilized to meet the above requirements for any use.

1027 Loading Areas

Off-street loading and unloading spaces, with proper access from a street, driveway, or alley, shall be provided on any lot on which a building for trade, business, or industry is hereafter erected or substantially altered. All such areas for the loading and unloading of vehicles, and for the servicing of establishments by refuse collection, fuel and other service vehicles, shall be of such size, design, and

arrangement that they may be used without blocking or otherwise interfering with the use of automobile accessways, Parking Facilities and pedestrian ways. Loading areas shall not be located within required front yards.

The number and size of loading spaces provided shall be appropriate for the use to be conducted on the premises. At least one loading space shall be provided with each use. When a zoning permit is applied for, the application for the permit shall show all provisions for off-street loading and include supporting data (data on number, frequency and size of vehicles which will use the loading facilities) which justify the number and size of spaces provided.

1028 Access Driveways

1028.01 All access driveways may be used for separate or combined entrance or exit.

1028.02 All access driveways shall be constructed in accordance with Ordinance No. 2006-

06 The Bethel Township Driveway Ordinance, as amended. Specifications not addressed by Ordinance 2006-06, shall conform to PA Code Title 67, Chapter 441.1028.03 Any access driveway may be located within a required side yard, required front yard, or required rear yard, except as may be noted in other Township regulations.

1029 Signs

General Regulations for All Signs.

- 1029.01 Signs must be constructed of durable material and maintained in good condition.
- 1029.02 No sign shall be maintained within the Township in such a state of disrepair as to have the appearance of complete neglect, which is rotting or falling down, which is illegible or has loose parts separated from original fastenings.
- 1029.03 Whenever a sign becomes structurally unsafe or endangers the safety of the building or premises, or endangers the public safety, the Zoning Officer shall give written notice to the owner of the premises on which the sign is located that such sign be made safe or removed within 5 days.
- 1029.04 Advertising painted upon or displayed upon a barn or other building or structure shall be regarded as a flat wall sign and the regulations pertaining thereto shall apply.
- 1029.05 Each sign shall be removed when the circumstances leading to its erection no longer apply.
- 1029.06 Signs may be interior lighted with nonglaring lights, or may be illuminated by floodlights or spotlights that are shielded so there is no direct light transmitted to other properties or public rights-of-way.
- 1029.07 No sign shall be of the intermittent flashing or rotating type. Digital signs not classified as billboards may have scrolling messages provided the provisions of this and related section are met.
- 1029.08 No sign located within 300 feet of any traffic light shall be illuminated with red, green or yellow lights or neon tubing.
- 1029.09 All electrically illuminated signs shall be constructed to the standards of the National Board of Fire Underwriters.
- 1029.10 Signs must be positioned so that they do not interfere with any clear sight triangle.
- 1029.11 Determination of Size. The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, including any border framing or decorative attachments, but not including any supporting frame work or bracing incidental to the display itself. Where the sign consists of individual letters or

symbols attached to a building, wall or window, the area of the sign shall be considered to be that of the smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign; provided, however, for a double-face sign, if the interior angle formed by the two faces of the double-face sign is less than 45 degrees and the two faces are at no point more than 3 feet from one another, the area of only the larger face shall be included.

1029.12 No loud, vulgar, indecent or obscene advertising matter shall be displayed in any manner including, but not limited to:

- a. Act or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law. (2) Scenes wherein a person displays the vulva or the anus or other genitals. (3) Scenes wherein artificial devices are employed to depict, or drawings are employed to portray any of the prohibited signs, photographs or graphic representations described above. (4) Any other graphic illustration pertaining to specified sexual activities and/ or specified anatomical areas.

1029.13 No sign shall be erected or located as to prevent free ingress or egress from any window, door or fire escape.

1029.14 No sign shall be placed in such a position that it will obscure light or air from a building or which would create a traffic danger.

1029.15 No sign shall be permitted which is permanently attached to public utility poles, or trees which are within the right-of-way of any street.

1029.16 No sign located within a Floodplain Zone shall exceed 6 square feet of area per side.

1029.17 In the event that a symbol, trademark or other such figure is used as a sign post or standard which could be construed to indicate or identify a particular use or business, that symbol, trademark or figure is to be computed as part of the total allowable sign area.

1029.18 In all zones, only those signs referring directly to materials or products made, sold or displayed on the premises shall be permitted, except as otherwise noted.

1029.19 Specific Regulations for Signs. In addition to the general sign regulations listed in the preceding subsections, specific regulations contained within the following subsections shall also apply to all signs. For the purposes of this Chapter, each sign is classified by its (A) use; and, by its (B) type of construction. Specific sign requirements are listed by use, and then by construction type; therefore, each sign must comply with those regulations specified for its classification of use, and its classification by type of construction.

1029.20 Classification of Signs

1029.20.A Classification of Signs by Use. All signs shall be divided into the following types

of uses and shall be subject to the specific regulations listed therewith:

- (1) Official Traffic Signs. No specific regulations are applied to this type of sign use when the signs are erected by or with written approval from the Township Supervisors.
- (2) Name Signs Indicating the Name of the Occupant of a Dwelling, and Trespassing or Hunting or similarly restrictive signs, or signs indicating the private nature of a driveway or premises. The area on one side of such sign shall not exceed 2 square feet. When attached to a building, it shall not project more than 6 inches from a wall.
- (3) Identification Signs Identifying Schools, Churches, Places of Worship, and Related Uses, Hospitals or Similar Institutions. A total of 40 square feet will be allowed. Not more than one such sign per organization will be permitted on the site except that a maximum of two such signs shall be permitted when the property fronts on two or more public streets.
- (4) Temporary Signs of Contractors, Architects, Engineers, Mechanics and Artisans. The signs shall be displayed only while actual work is in progress, and shall not exceed a total of 100 square feet in area for all signs combined; and, provided further, that such signs must be removed promptly upon completion of work. Should such sign be left on the site beyond the allowable time frame, the Township may impound it and recover a fee from the owner of the sign equal to the costs of removal and storage of the sign.
- (5) Real Estate Sale-Sold-Rent Signs When Placed on the Property to be Sold, or Rented.
 - (a) Single Family Residential - These signs shall not exceed 6 square feet in area. No more than one sign per property is permitted unless the property fronts on more than one street; in which case, two signs are permitted. All such signs shall be removed within 5 days after final transactions are completed. No such signs shall be located off of the site.
 - (b) All Other - These signs shall not exceed 40 square feet in area. No more than one sign per property is permitted unless the property fronts on more than one street; in which case, two signs are permitted. All such signs shall be removed within 5 days after final transactions are completed. Such signs may be located off of the site.
- (6) Residential Development Signs. Name of a residential subdivision or neighborhood. Such sign shall not include the name of any builder, contractor, Realtor or other person or business associated with the construction/ sale of homes within the development; instead, only the name of the development shall be displayed. Residential development signs shall not exceed an overall size of 32 square feet, exclusive of any ornamental support structures. Only one residential development sign shall be permitted per frontage at the entrance to such development, and no more than two such signs shall be permitted per development. The combined total sign area for one or more residential

development signs shall not exceed one square foot per dwelling unit within the development. The applicant shall submit a written description of the maintenance responsibilities for all residential development signs.

- (7) Home Occupation and Home Premises Business Signs. Signs advertising Home Occupations or Home Premises Businesses shall not be larger than 12 inches by 24 inches, and may only include the name, occupation and logotype or trade mark, if appropriate, of the practitioner.
- (8) Public Use and Utilities Signs. Signs necessary for the identification, operation or protection of public use and public utilities are permitted so long as the general regulations of this section are met.
- (9) Business, Commercial or Industrial Signs. A sign for a use conducted on the premises which shall identify the written name and/ or the type of business and/ or any trademark of an article for sale or rent on the premises or otherwise call attention to a use conducted on the premises. The total sign area shall not exceed 1 square foot per 5 lineal feet of lot frontage with a maximum size of 80 square feet. One sign is allowed per lot or per adjoining lots occupied by the same use. If the lot's frontage exceeds 1,000 feet, one additional sign is permitted.
- (10) Functional Signs, such as those designating rest rooms, entrance, exit, delivery, directional or other signs not otherwise defined or directly connected with the business or profession conducted upon the premises, but attendant or accessory thereto. Two signs per frontage used for vehicular access are permitted. Each sign shall not exceed 2 square feet in total sign area.
- (11) Planned Center Signs. Signs advertising the name of an integrated development such as a planned shopping center, Office or apartment complex or industrial park. These signs shall devote no less than 50% of the total sign area to the advertisement of the planned center's name. Additionally, individual uses within the center may be advertised, but shall be flat-wall, wall projecting and/ or roof signs as defined herein; no other ground signs shall be permitted for those uses within the planned center. Only one planned center sign per frontage of the planned center shall be permitted. The size of such sign shall not exceed 1 square foot for each 4 feet of frontage contained within the planned center. In no case shall a planned center sign exceed a maximum size of 120 square feet nor an overall height of 20 feet.
- (12) Temporary (Special Event) Signs and Banners. One such sign may be permitted per lot for one period not exceeding 30 days during any calendar year. Such signs shall be limited to a maximum of 32 square feet in total sign area.
- (13) Billboards. These signs are only permitted by Special Exception, subject to the following standards:
 - (a) Maximum sign size shall be 600 square feet.
 - (b) All signs shall be intended and placed only for view of motorists on Interstate Route 78.

- (c) For proposed signs with a height in excess of thirty-five (35) feet, the applicant shall demonstrate that the additional height is necessary for the function of the sign due to existing physical, topographical or other features.
- (d) Signs shall be a minimum of 100 feet from any building or structure.
- (e) Signs shall not be further than fifty (50) feet from the right-of-way of Interstate Route 78.
- (f) There shall be a minimum setback from adjoining properties and street rights-of-way, other than that of Interstate Route 78, of fifty (50) feet.
- (g) There shall be a minimum of 600 feet between signs. This shall include signs on both sides of the Interstate.
- (h) When new billboards are constructed, or existing billboards are reconstructed, all external lighting shall be located such that the lighting is located at the top of the sign and the lighting is directed downward. The lighting fixtures shall be located and shielded such that light from the fixtures shall not be visible from the opposite side of the sign being illuminated.
- (i) Luminance levels for digital billboards shall be determined as follows

Maximum Level of Digital Billboard Average Luminance

Candelas per Sq.M. (Nits)

(Based on IESNA Lighting Zone E2 – Low Ambient Electric Light – 0.3 fc above ambient electric light)

Billboard Dimensions (ft.)	D**(ft)	Luminance (Cd./sq.m.)
11 x 22	150	300
10.5 x 36	200	342
14 x 48	250	300
20 x 60	350	330

*Based on an illuminance produced at the viewer's eye of 0.3 foot-candles.

** Distance measured at ground level to observer facing the billboard perpendicularly

- (j) For digital billboards with the capability of displaying multiple messages, a ten (10) second minimum display time shall be provided per message, and any visual dissolve or fading in which any part of one message appears with any part of a second message is prohibited. Further, there shall be no appearance of animation, movement, or flow of the message/display, nor of flashing or sudden bursts of light.

- (14) Off-Premise Signs – Off premise signs, with the exception of Billboards, shall not be permitted within Bethel Township. Off-premise signs existing at the time of adoption of this amendment (June 16, 2014) shall be considered existing non-conforming signs.

1029.20.B Classification of Signs by Type of Construction. All signs shall be divided into the following types of construction and shall be subject to the specific regulations listed therewith:

(1) Ground Sign.

- (a) Any sign erected upon a permanently affixed independent structure (legs or base) so that such structure is the main support of the sign. Ground signs shall not include temporary signs that are attached to mobile trailers containing wheels and capable of being towed from one site to the next.
- (b) No ground sign shall project to a point nearer than 12 feet from the edge of a street right-of-way, (unless obstructing view, at which time further setback is required). No support for any ground sign shall be located nearer than 12 feet to any property line. Such signs shall not exceed 20 feet in height nor exceed 80 square feet in total sign area; however, planned center signs may have a maximum size of 100 square feet. Billboards, as regulated herein, are exempt from these specific requirements.

(2) Flat Wall Sign.

- (a) A sign erected, or displayed on, or parallel to the surface of a building.
- (b) Flat wall signs may have a maximum area of 15% of the wall area of the wall on which the sign is to be erected.
- (c) Flat wall signs may be erected upon a canopy or marquee if the structural strength of such canopy or marquee is sufficient to safely carry the additional load; and, provided that such signs may not extend beyond the edges of said canopy or marquee or extend within otherwise prohibited areas. Flat wall signs shall not project more than 12 inches from the building wall and must be located so that the lower edge is a minimum of 8 feet above grade where the sign projects from the wall more than 6 inches.

(3) Wall Projecting Sign.

- (a) Any sign mounted upon a building so that its principal face is not parallel to the building wall.
- (b) Projecting signs shall be located upon the buildings so that the lower edge is a minimum of 10 feet above grade. Projecting signs may project a maximum of 10 feet from the building wall; provided, however, that no sign shall project to a point nearer than 12 feet from the edge of the street right-of-way.

- (c) No projecting sign shall extend more than 5 feet above the top of the wall upon which it is mounted, nor above the permitted structural height as listed in each zone.
- (d) Wall projecting signs may be erected upon a canopy or marquee if the structural strength of such canopy or marquee is sufficient to safely carry the additional load; and, provided that such signs may not extend beyond the edges of said canopy or marquee or extend within otherwise prohibited areas.

(4) Roof Sign.

A sign erected or displayed upon the roof of any building or structure or a wall sign, a portion of which exceeds the height of the building; however, all roof signs must comply with structural height limitations required in each zone.

- (a) No roof sign shall be placed upon the roof of any building so as to prevent the free passage from one part of the roof to the other thereof, or interfere with any openings in such roof.
- (b) No sign erected upon the roof of any building shall project beyond the edges of said roof in any horizontal direction.
- (c) Roof signs may extend above the roof, or top of wall, a distance equal to 1/2 the height of the roof or wall, or 5 feet, whichever is the smaller height.
- (d) Roof signs may have a maximum area of 15% of the roof or wall area to which the sign is attached.
- (e) No roof sign parallel to a building shall extend in length a distance greater than 2/3 the length of the wall to which it is parallel.

1029.21 Permits.

1029.21.A Requirements for Signs. The following signs shall be permitted without requirement of permit for erection when erected and maintained in conformity hereto:

- (1) Official traffic signs.
- (2) Residential accessory use or name signs.
- (3) Temporary signs of contractors, architects, engineers, mechanics and artisans.
- (4) Real estate sale-sold-rent-development signs.
- (5) Functional signs.
- (6) Signs within buildings, not visible from outdoors.

1029.21.B All other signs shall require the obtainment of a permit prior to the erection or installation of the sign. All applications for sign permits shall be accompanied by

scaled plans or diagrams showing the following:

- (1) Exact dimensions of the lot, including any right-of-way lines or building upon which the sign is proposed to be erected.
- (2) Exact size, dimensions and location of the said sign on the lot or building together with its type, construction, materials to be used and the manner of installation.
- (3) Any other lawful information which may be required of the applicant by the Zoning Officer.
- (4) Application for permit shall be made in writing to the Zoning Officer and shall contain all information necessary for such Officer to determine whether the proposed sign, or the proposed alterations, conform to all the requirements of this Section.
- (5) No sign permit shall be issued except in conformity with the regulations of this Section, except upon order of the Zoning Hearing Board, granted pursuant to the procedures established for the issuance of a variance or special exception.

1030 Non-conforming Uses, Lots and Structures

1030.01 Intent

Within each of the zoning districts established by this Ordinance and any amendment heretofore or hereafter enacted, there exist lots, structures, and/or uses of land and structures that were lawful prior to the adoption of this Ordinance or amendment, but which are prohibited, regulated or restricted under the provisions of this Ordinance. It is the intent of this Ordinance to permit these existing nonconformities to remain or continue until they are brought into compliance with the applicable provisions of this Ordinance or are removed or terminated. It is the further intent of this Ordinance that such existing nonconformities shall not be used as a basis for adding other structures or uses not permitted within the same zoning district.

1030.02 Nonconforming Uses

- a. Nonconforming uses are declared by this Ordinance to be incompatible with permitted uses in the zoning district where located.
- b. A lawful nonconforming use, existing at the time this Ordinance was adopted, may continue until such time as the use is terminated.
- c. A lawful nonconforming use, existing at the time this Ordinance was adopted, shall be deemed to have been terminated if:
 - (1) Such use has been discontinued for a period of twelve (12) consecutive months. After this time period has passed, unless the owner or operator of the use has notified the Township otherwise, a presumption shall arise that the owner or operator of the use has abandoned the use.

(2) The owner of the property or operator of the use notifies the Zoning Officer that the use has ceased; or

(3) The use has been changed to a conforming use.

d. A lawful nonconforming use, existing at the time this Ordinance was adopted, shall not be expanded or converted to a different nonconforming use except as provided by section 1030.06 of this Ordinance.

e. An unlawful use of land and/or structure, existing at the time this Ordinance was adopted, shall not be deemed to be a nonconforming use.

1030.03 Nonconforming Lots

For the purposes of this section, all adjacent lots under single and separate ownership as of the effective date of this Ordinance shall be considered to be one lot with regards to meeting the width, area, and all other requirements of the Zoning Ordinance.

1030.03.a For all lots as of the effective date of this Ordinance which are non-conforming lots only because they do not meet the minimum lot width at the street line requirements of this ordinance, but conform in every way with all other upon such requirements of this ordinance, a principal structure and accessory structures may be erected lot, subject to the following:

1030.03.a.1 Said structures shall be limited to single-family detached residential use and general agricultural use.

1030.03.a.2 Should such lot have less than 30 feet of lot width at the street line, evidence that an easement has been secured which provides for at least 30 feet of total width for access, along with the associated easement agreement, shall be submitted to the Zoning Officer and may be reviewed by the Township Solicitor for adequacy prior to the issuance of a zoning permit.

1030.03.a.3 Access to the lot shall comply with all requirements of the Bethel Township Driveway Ordinance.

1030.03.b For all lots as of the effective date of this Ordinance which are lawfully non-conforming lots solely because they do not meet the minimum lot width at the street line requirements or the minimum lot area requirements of this ordinance, but conform in every way with all other requirements of this ordinance, a principal structure and accessory structures may be erected upon such lot, subject to the following:

1030.03.b.1 Said structures shall be limited to Public Emergency Services Telecommunications Facility, general agricultural use, and single-family detached residential use provided the area of the lot is at least one acre and is also of sufficient area to accommodate a primary and reserve on-lot sewage system.

1030.03.b.2 Should such lot have less than 30 feet of lot width at the street line, evidence that an easement has been secured which provides for at least 30 feet of total width for access, along with the associated easement agreement, shall be submitted to the Zoning Officer and may be reviewed by the Township Solicitor for adequacy prior to the issuance of a zoning permit.

1030.03.b.3 Access to the lot shall comply with all requirements of the Bethel Township Driveway Ordinance.

1030.04 Nonconforming Structures

A lawful structure, existing at the time this Ordinance was adopted, but which could not be built under the terms of this Ordinance may continue so long as said structure remains otherwise lawful.

1030.04.a Enlargement or Alteration. The total building footprint area of enlargements or alterations constructed after the effective date of this Ordinance may be up to 50% of the total building footprint area of the nonconforming structure as it existed on the effective date of this Ordinance, so long as there is no further encroachment of dimensional criteria.

1030.04.b Maintenance. Normal maintenance and repair of a nonconforming structure is permitted as long as the maintenance or repair does not increase the nonconformity of the structure.

1030.04.c Destruction. In the event a nonconforming structure is destroyed by any means, voluntarily or involuntarily, such nonconforming structure may not be rebuilt unless it is in complete conformity to the requirements of the zoning district in which it is located or a variance is obtained from the Zoning Hearing Board.

1030.04.d Damage. In the event a nonconforming structure is damaged or removed to the extent that more than fifty percent (50%) of the structure is unusable, such nonconforming structure may not be rebuilt or repaired, but shall be removed in its entirety. In the event a nonconforming structure is damaged or removed to the extent that less than fifty percent (50%) of the structure is unusable, such nonconforming structure may be rebuilt or repaired, but only to the extent that such rebuilding or repair does not increase the nonconformity of said structure.

1030.04.e An unlawful structure, existing at the time this Ordinance was adopted, shall not be deemed to be a nonconforming structure.

1030.05 Registration

The Zoning Officer, or other official designated by the Supervisors, shall assemble and maintain a listing of all non-conforming lots, structures, and uses.

1030.06 Relief

All requests for relief from the requirements of any of the provisions of Section 1030 this section shall be by application to the Zoning Hearing Board for a Special Exception.

1031 Site Plan Review

1031.01 Procedure

- a. When a provision of this Ordinance requires a site plan review, the Zoning Officer shall inform the applicant for the zoning permit of the requirements of this section.
- b. The Zoning Officer shall present the application for the zoning permit and any related materials submitted by the applicant to the Planning Commission at the next scheduled public meeting of the Planning Commission. The Zoning Officer shall inform the applicant of the time and date of the Planning Commission public meeting at which the information will be presented.
- c. The applicant may attend the Planning Commission meeting and supplement the Zoning Officer's presentation of the application to the Planning Commission.
- d. After consideration of the application and the Site Plan Review standards set forth in section 1031.02 of this Ordinance, the Planning Commission shall make a recommendation to the Zoning Officer regarding the application.
- e. The Zoning Officer shall consider the recommendation of the Planning Commission as part of the determination whether to approve or disapprove the application pursuant to section 1323 of this Ordinance.

1031.02 Standards

Whenever a Site Plan Review is required under this Ordinance, the Planning Commission shall consider, when applicable:

- a. The adequacy of the public highways serving the site.
- b. The effect of any increase in vehicular traffic on the public highways and the public safety.
- c. The adequacy of the access routes to and within the site.
- d. The adequacy of the public and private utilities serving the site, including but not limited to, electric, natural gas, water and sewage.
- e. The effect the proposed use would have on adjoining properties, including, but not limited to, traffic, noise, light, air quality, dirt and dust, water and sewage, and stormwater run-off.
- f. The adequacy of the buffering or screening proposed.
- g. Adequacy of parking

1031.03 Exception

No Site Plan Review shall be required when the applicant for a zoning permit is required to submit a subdivision and/or land development plan to the Planning Commission pursuant to the Bethel Township Subdivision and Land Development Ordinance, Ordinance No. 1999-3, as amended, or any successor Ordinance.

1032 Residential Conversion Regulations

Where permitted by the applicable zoning district regulations, a Single Family Detached Dwelling may be converted into a dwelling for a greater number of families by Special Exception, subject to the following requirements:

- 1032.01 Each dwelling unit shall not have less than 800 square feet of floor area.
- 1032.02 Two off-street Parking Spaces shall be provided for each dwelling unit.
- 1032.03 The lot area per dwelling unit shall not be reduced to less than 10,000 square feet per dwelling unit in V Zoning Districts and the lot area per dwelling unit shall not be reduced to less than 20,000 square feet per dwelling unit in EP Zoning Districts.
- 1032.04 The method of sewage disposal shall be approved by the Township Sewage Enforcement Officer and/or the Pennsylvania Department of Environmental Protection, as applicable.
- 1032.05 The total number of dwelling units shall not exceed six (6), though the Zoning Hearing Board may establish a lesser maximum in individual cases.
- 1032.06 The Zoning Hearing Board may establish such additional conditions in each individual case as it may deem necessary in the public interest.

1033 Agriculture Standards Applicable to the AP, I-C and EP Zoning Districts

- 1033.01.a Animal Equivalent Units that are less than the amounts specified under the definition of Concentrated Animal Operations and Concentrated Animal Feeding Operations, shall be considered as General Agriculture.
- 1033.01.b All areas outside of an enclosed building used for feeding or grazing of animals shall be completely fenced so that animals cannot leave the lot.
- 1033.01.c All buildings and structures for the housing of livestock or poultry for general agriculture, located in all zones, shall be located not less than fifty feet (50') from the adjoining lot line. Any exhaust shall be directed away from the closest adjoining residences or commercial buildings.
- 1033.02 Agriculture (Intensive) Standards
 - 1033.02.a Animal Equivalent Units that are equal to or exceed the amounts specified under definitions for Concentrated Animal Operations and Concentrated Animal Feeding Operations shall be considered as Intensive Agriculture.

- 1033.02.b All buildings and structures for the housing of livestock or poultry for intensive agricultural operations in all zones, shall be located the greater of (a) the distance required by an approved odor management plan from an adjoining lot line or residence or building within which people are employed on an adjoining lot or (b) seventy-five feet (75') from all lot lines or (c) one hundred feet (100') of an adjoining residence or commercial building in which people are employed or work on an adjoining lot. Any exhaust shall be directed away from the closest adjoining residences or commercial buildings. Notwithstanding the foregoing, a setback requirement for a manure storage facility, shall be the setback imposed by the State Conservation Commission or the Berks County Conservation District.
- 1033.02.c No Intensive Agriculture building shall be built in the one hundred (100) year floodplain.
- 1033.02.d Intensive Agriculture activities shall be conducted in a manner consistent with accepted agriculture best management practices, and best available technologies, as issued by the Pennsylvania Department of Agriculture, the State Conservation District, the Pennsylvania Department of Environmental Protection, Pennsylvania State University – College of Agriculture, or similar recognized entities and shall be subject to all Local, State and Federal Regulations. The management of mushroom waste, shall be in specific conformity with the DEP manual entitled Best Practices for Environmental Protection in the Mushroom Farm Community, and the failure to so comply will result in the mushroom waste being subject to all State and Federal Regulations for residual waste application, storage, composting and transportation.
- 1033.02.e A Nutrient Management Plan as approved by the State Conservation Commission or a delegated Conservation District under the guidelines of the Pennsylvania Code for applicable Intensive Agriculture operations, shall be provided to the Township of Bethel. If the Pennsylvania Department of Agriculture, Pennsylvania Department of Environmental Protection, or other State or Federal Agency revises the requirements regarding nutrient plans, then this section shall be interpreted in accordance with the revised regulations of the Pennsylvania Department of Agriculture, Pennsylvania Department of Environmental Protection, or such other agency.
- 1033.02.f An Odor Management Plan developed by a Certified Odor Management Specialist, as approved by the State Conservation Commission or a delegated Conservation District under the guidelines of the Pennsylvania Code for applicable Intensive Agriculture operations, shall be provided to the Township of Bethel. If the Pennsylvania Department of Agriculture, Pennsylvania Department of Environmental Protection, or other State or Federal Agency revises the requirements regarding odor plans, then this section shall be interpreted in accordance with the revised regulations of the Pennsylvania Department of Agriculture, Pennsylvania Department of Environmental Protection, or such other agency.

- 1033.02.g Bethel Township shall be provided with a copy of any required National Pollutant Discharge Elimination System (NPDES) Permit application submitted to the Pennsylvania Department of Environmental Protection and a copy of the NPDES Permit approved by the Pennsylvania Department of Environmental Protection.
- 1033.02.h A Stormwater Management Plan shall be prepared for all proposed Intensive Agriculture uses, and submitted to the Township Engineer for approval.
- 1033.02.i A driveway occupancy permit shall be secured from the Township Zoning Officer or from the Pennsylvania Department of Transportation, with a copy to the Township, to establish that access onto the Township or State roads is suitable to accommodate the amounts and sizes of truck traffic that will be generated by the Intensive Agriculture operation.
- 1033.02.j The Bethel Township Zoning Officer shall be provided with a copy of the Nutrient Management Plan Summary Information required to be submitted to the State Conservation Commission pursuant to 25 Pa. Code Section 83.281.
- 1033.02.k Intensive Agriculture activities require the issuance of a Zoning Permit by the Township Zoning Officer, which shall be issued upon demonstration of compliance by the Applicant with the Intensive Agriculture Standards of this Section.
- 1033.02.l Intensive Agriculture activities may only be conducted on tracts with a contiguous net area of 10 acres or more which are used as part of the agricultural operation. Intensive Agriculture Operations may be permitted by the Board of Supervisors on tracts having less than ten contiguous acres if the Applicant provides a business model clearly demonstrating that annual revenue from the Intensive Agriculture operation will exceed \$10,000 on said tract.
- 1033.03 The following standards shall apply to any agricultural operation utilizing or proposing to utilize food processing wastes:
- a) All putrescible food processing wastes shall be fed to the animals on the premises or removed from the premises within 72 hours after the putrescible food processing wastes are delivered to the premises.
 - b) All food processing wastes shall be stored in enclosed buildings or sealed containers prior to being fed to the animals.
 - c) Only such amounts of food processing waste as can reasonably be expected to be consumed by the animals on the premises or by animals on other premises operated by the owner shall be brought on the premises.
 - d) Food processing wastes shall be transported to and from the premises only in sealed containers.
 - e) The owner shall at all times maintain a current Nutrient Management Plan.

f) The owner shall at all times comply with all applicable state and federal laws and regulations governing the transportation, storage, use and disposal of food processing wastes.

g) All Zoning Permit Applications, Land Development Plans, or Subdivision Plans for such facilities shall specifically and prominently include these regulations.

1034 Adult Businesses

No authorization for a zoning permit or occupancy permit, as the case may be, shall be granted for an Adult Book Store, Adult Motion Picture Theater, Cabaret, or Massage Establishment, where authorized, unless the following regulations are and will be complied with:

- 1034.01 No Adult Book Store, Adult Motion Picture Theater, Cabaret, or Massage Establishment shall be located within 1000 feet of any school, Churches, Places of Worship, and Related Uses, public library, residential dwelling, Nursing, Rest or Retirement Home, Group Home, Campground, child care facility, cultural facilities such as museums and the like, community center, park, playground, other lands where minors congregate, or the boundary of the Zoning District established by this Ordinance.
- 1034.02 No Adult Book Store, Adult Motion Picture Theater, Cabaret, or Massage Establishment shall be conducted in a Mobilehome or other readily transportable structure or unit.
- 1034.03 No application for an Adult Book Store, Adult Motion Picture Theater, Cabaret, or Massage Establishment shall be approved unless the applicant has entered into a written agreement with the Township Board of Supervisors providing that no advertising sign for the proposed use, either on or off the premises, except for one (1) business identification sign on the premises which does not exceed nine (9) square feet in area, will be located within the Township and requiring the applicant to reimburse the Township for reasonable and necessary court costs, attorney's fees, witness fees, and incidental costs incurred by the Township in enforcing the agreement.
- 1034.04 An adult business shall not be located within one thousand (1,000) feet of any other adult business.
- 1034.05 No materials, merchandise, or film offered for sale, rent, lease, loan, or for view upon the premises shall be exhibited or displayed outside of a building or structure, nor shall they be visible from the outside of the building or structure.
- 1034.06 No sign shall be erected upon the premises pictorially depicting or giving a visual representation of the content of materials, merchandise or film offered therein.
- 1034.07 Each entrance to the premises shall be clearly posted with a notice specifying that persons under the age of eighteen (18) years are not permitted to enter therein and warning all other persons that they may be offended upon entry.

1034.08 No unlawful sexual activity or conduct shall be permitted.

1035 Medical Marijuana

1035.01 Dispensaries, which in addition to meeting the procedures set forth in Section 1122 for a conditional use, must meet the following specific requirements:

1. The dispensing of Medical Marijuana can only be conducted by a Dispensary permitted under Act 16.
2. A Dispensary may only dispense Medical Marijuana indoors in an enclosed and secure facility.
3. Any application for a conditional use must be accompanied by a security plan addressing the safety and security of the physical facility, personnel, and the public.
4. The lot or property line of a Dispensary may not be located within 1,000 feet of the property line of the lot or property line of a public, private or parochial school or a day-care center.
5. A Dispensary may sell medical devices and instruments, which are needed to administer Medical Marijuana.
6. A Dispensary shall meet the same municipal zoning and land use requirements as other commercial facilities that are located in the same zoning district, as well as any additional special standards applicable to this use as may be required under Act 16.

1035.02 Grower/Processor, which in addition to meeting the procedures set forth in Section 1122 for a conditional use, must meet the following specific requirements:

1. A Permit from the Pennsylvania Department of Health for the conduct of a Grower/Processor operation under Act 16 would be required as a condition of any zoning approval from the Borough.
2. The growing of Medical Marijuana can only be conducted by a Grower/Processor permitted under Act 16 and cannot be conducted separate from the processing activity.
3. A Grower/Processor shall meet the same municipal zoning and land use requirements as other manufacturing, processing and production facilities that are located in the same zoning district, as well as any

additional special standards applicable to this use as may be required under Act 16.

4. A Grower/Processor use is not considered as an agricultural use, but rather as a manufacturing use.
5. A Grower/Processor use may only be conducted indoors in an enclosed and secure facility.
6. Any application for a conditional use must be accompanied by a security plan addressing the safety and security of the physical facility, personnel, and the public.

1036 Penal Institutions.

No authorization for a building permit or occupancy permit, as the case may be, shall be granted by the Zoning Hearing Board for a Penal Institution, unless the Zoning Hearing Board shall first determine that the following standards (in addition to those set forth in Section 1135 of this Ordinance) are and will be complied with:

- 1036.01 The minimum lot area for a Penal Institution shall be ten (10) acres.
- 1036.02 The entire perimeter of any property on which a Penal Institution is located shall be fully enclosed by a chain link fence at least six (6) feet high and topped with barbed or razor wire.
- 1036.03 Every Penal Institution shall have qualified security personnel on active duty twenty-four (24) hours per day. Active duty shall not include any sleeping time.
- 1036.04 To the extent permitted by law, every Penal Institution shall provide monthly reports to the Bethel Township Police Department, or in the absence of such a department, the Bethel Township Board of Supervisors, listing the names, descriptions and criminal records of each individual directed, ordered or committed to the Penal Institution.
- 1036.05 No Penal Institution shall be permitted where the Penal Institution would endanger the health, safety, morals, or property (both real and personal property) of the surrounding neighborhood.
- 1036.06 No Penal Institution shall be permitted within one thousand (1,000) feet of any residential structure, school, public library, Churches, Places of Worship, and Related Uses, such distance to be measured from the closest boundary of the property on which the Penal Institution is located.
- 1036.07 No Penal Institution shall be permitted within two thousand (2,000) feet of the boundary of a Village District, such distance to be measured from the closest boundary of the property on which the Penal Institution is located.

1036.08 The Zoning Hearing Board may impose such other conditions or requirements in each individual case as it may deem necessary to protect the public interest.

1037 Drive-In For such establishments, the following criteria shall be met:

1037.01 Exterior trash receptacles shall be provided and routinely emptied so as to prevent the scattering of litter. All applications shall include a description of a working plan for the cleanup of litter.

1037.02 The subject property shall front on, and have direct access to, a collector road as defined in the Bethel Township Subdivision and Land Development Ordinance. Otherwise, the road on which the Drive-In is located shall be improved to the standards for collector roads as defined in the Bethel Township Subdivision and Land Development Ordinance for the entire length of road frontage of the property on which the Restaurant is located.

1037.03 All drive-thru window lanes shall be clearly designated from the Parking Facility's interior drives by a curb, landscape island, or painted line.

1037.04 Any exterior speaker/microphone system shall be arranged and/or screened to prevent objectionable noise impact on adjoining properties.

1037.05 All exterior seating/play areas shall be completely enclosed by a fence of at least three (3) feet in height.

1038 WIRELESS COMMUNICATIONS FACILITIES

1038.01 PURPOSE

The purposes of this article include a desire to establish reliable standards for the siting, design, permitting, construction, operation, inspection, maintenance, repair, modification, removal and replacement of wireless communications facilities in Bethel Township in recognition of the federal Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996); the federal Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act) Pub. L. No. 112-96, 126 Stat. 156 (2012), and FCC regulations promulgated thereunder by the Federal Communications Commission (FCC), including the FCC's Report and Order of October 21, 2014, FCC 14-153 (rel. Oct. 21, 2014); and the Pennsylvania Wireless Broadband Collocation Act (Act 191 of 2012), 53 P.S. § 11702.1 *et. seq.* Moreover, the Township desires to plan and accommodate for the managed deployment of infrastructure that is necessary to accommodate the wireless communications needs of the Township's residents, businesses and emergency service providers. While the Township recognizes the benefit of wireless communications facilities in providing high quality communications service and enhancement, the Township also recognizes that it has an obligation to protect public safety through the standards set forth in the following provisions.

1038.02 DEFINITIONS

The definitions found herein apply only to Wireless Communications Facilities and the regulations found in this Article.

Accessory Equipment: Any equipment serving or being used in conjunction with a wireless telecommunications facility or wireless support structure. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar equipment.

Antenna: Telecommunications equipment that transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services. An antenna shall not include private residence-mounted satellite dishes or television antennas or amateur radio equipment including, without limitation, ham or citizen band radio antennas.

Base Station: A structure or equipment at a fixed location that enables Federal Communications Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this subpart or any equipment associated with a tower.

- (i) The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services as well as unlicensed wireless services (i.e., wifi) and fixed wireless services (i.e. point to point microwave transmissions) such as microwave backhaul.
- (ii) The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).
- (iii) The term includes any structure other than a tower that, at the time the relevant application is filed with Bethel Township under this subpart, supports or houses equipment described in sub-paragraphs (i) and (ii) of this section, that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
- (iv) The term does not include any structure that, at the time the relevant application is filed with Bethel Township under this section, does not support or house equipment described in sub-paragraphs (i) or (ii) of this section.

Collocation: The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Distributed Antenna System (DAS): A small network of antennas that are connected to a common source that provides coverage in a building or a small geographic area.

Eligible Facilities Request: Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving (i) collocation of new transmission equipment.; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment.

Eligible Support Structure: Any tower or base station, provided that it is existing at the time the relevant application is filed.

Equipment Compound: An area surrounding or adjacent to a wireless support structure within which base stations, power supplies or accessory equipment are located.

Modification: The improvement, upgrade or expansion of existing wireless telecommunications facilities or base stations on an existing wireless support structure or the

improvement, upgrade or expansion of the wireless telecommunication facilities located within an existing equipment compound, if the improvement, upgrade, expansion or replacement does not substantially change the physical dimensions of the wireless support structure.

Monopole: A tower which consists of a single pole structure without any guy wires, designed and erected on the ground or on top of a structure, to support communications antennas and connect appurtenances.

Replacement: The replacement of existing wireless telecommunications facilities on an existing wireless support structure or within an existing equipment compound due to maintenance, repair or technological advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight and height as the wireless telecommunications facilities initially installed and that does not substantially change the physical dimensions of the existing wireless support structure.

Right-of-Way (ROW): The surface of and space above and below any real property in the municipality in which the federal government, Commonwealth, municipality or municipal authority has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, or any other public place, area or property under the control of the federal government, Commonwealth, municipality or municipal authority, and any non-exclusive public or utility easements established, dedicated, platted, improvement or devoted for utility purposes. Private rights-of-way and other government-owned lands not listed above shall not be considered a right-of-way. The phrase "in the right(s)-of-way" means in, on, over, along, above and/or under the Right(s)-of-Way.

Site: For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

Stealth Technology: State-of-the-art design techniques used to blend objects into the surrounding environment and to minimize the visual impact as much as possible. These design techniques are applied to wireless communications towers, antennas and other facilities which blend the proposed WCF into the existing structure or visual backdrop in such

a manner as to render it less visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure and facilities constructed to resemble trees, shrubs, light poles, utility poles or flag poles.

Substantial Change OR Substantially Change: A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

- (i) for towers other than towers in the public rights-of-way, it increases the original height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other existing towers or base stations, it increases the original height of the structure by more than 10% or more than ten feet, whichever is greater. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances to the passage of the Spectrum Act in 2012.
- (ii) for towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other existing towers or base stations, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
- (iii) for any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
- (iv) it entails any excavation or deployment outside the current site.

Tower: Any structure that exceeds ten feet (10') in height and is built for the sole or primary purpose of supporting any Federal Communication Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services (i.e. wifi) and fixed wireless services (i.e. point to point microwave transmission) such as microwave backhaul, and the associated site. A building, water tower, electrical transmission tower, utility pole, light pole, traffic signal pole, flag pole or other similar structure designed and constructed for a sole or primary purpose other than supporting any Federal Communications Commission-licensed or authorized antennas and their associated facilities shall not be considered a tower.

Tower-Based Wireless Communications Facilities (Tower-Based WCF): Wireless communications facilities that include the installation of a new tower to support the transmission equipment. A WCF that requires the replacement of an existing structure (i.e. building, water tower, utility pole, light pole, traffic signal pole, flag pole or other similar structure) to support the weight of a WCF is not considered a Tower-Based WCF.

Transmission Equipment: Equipment that facilitates transmission for any Federal Communications Commission-licensed or authorized wireless communications service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless

communications service including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as a microwave backhaul.

WCF on Existing Structure: Wireless communications facilities located on existing structures such as, but not limited to buildings, water towers, electrical transmission towers, utility poles, light poles, traffic signal poles, flag poles and other similar structures that do not require the installation of a new tower. This term includes the replacement of an existing structure with a similar structure that is required to support the weight of the proposed WCF.

Wireless: Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, personal communications service (PCS), microwave, satellite, or radio signals.

Wireless Communications Facility (WCF): The set of equipment and network components including antennas, transmitters, receivers, base stations, cabling and accessory equipment, used to provide wireless data and telecommunication services. The term shall not include the wireless support structure.

Wireless Support Structure: A freestanding structure, such as a guyed or self-supporting monopole or tower, electrical transmission tower, water tower or other structure, including but not limited to buildings, light poles, utility poles, traffic signals and other similar structures that could support the placement or installation of wireless telecommunications facilities if approved by the municipality.

1038.03 PERMITTED AND PROHIBITED ZONING DISTRICTS FOR WIRELESS COMMUNICATIONS FACILITIES (WCF)

**TABLE 1038.1
Permitted Zoning Districts**

	WCF TYPE	PERMITTED ZONING DISTRICTS	PERMITTED BY RIGHT, CU, OR SE
a.	Tower-Based WCF Located in the ROW	All Zoning Districts	Not Permitted
b.	Tower-Based WCF where the Tower is 40' or less in height, Located Out of the ROW	Non-Residential lots or properties in All Zoning Districts (subject to Table 1038.2 below)	By Right
		Municipal owned property in all zoning districts	
c.	Tower-Based WCF where the Tower is more than 40' in height, Located Out of the ROW	AP, C, IC Zoning Districts	By Right
		Church, School, Public, or Semi-Public or other institutional lots or properties in V and R Zoning Districts	CU or SE
d.	WCF on Existing Structures	All zoning districts	By Right
e.	Eligible Facilities Request		

Section 1038.04 BULK AND AREA REQUIREMENTS

**TABLE 1038.2
Tower-Based WCFs**

	WCF out of ROW	WCF in ROW
HEIGHT	Tower-Based WCFs shall be designed to Minimum Functional Height. Applicants must submit documentation justifying the total height. The maximum height of any Tower-Based WCF shall be 150'.	WCF's on existing structures shall be designed to Minimum Functional Height, not to exceed 40 feet in V, R, and EP Zoning Districts and 60 feet in AP, C and IC Zoning Districts. Applicants must submit documentation justifying the total height.

Lot Size	Only use on lot or property:	Subject to underlying zoning district.	Not Applicable.
	Combined with another use on lot or property:	Area needed to accommodate the WCF and guy wires, Accessory Equipment, and if required security fence, landscaping and screening.	
Setbacks	Towers:	Setback from property lines, not lease lines, at least (100%-110%) of the combined height of the Wireless Support Structure and Antennas, or the applicable minimum building setback in the underlying zoning district, whichever is greater	Not Applicable
	Equipment buildings/cabinets:	Subject to applicable minimum accessory use or structure setback in the underlying zoning district.	See Section 1038.05

Section 1038.05 DESIGN CONSTRUCTION AND OPERATIONS

1. All WCFs shall be sited, designed, constructed, operated, inspected maintained, repaired, Modified, removed and Replaced in strict compliance with all current, applicable, federal and state technical and safety codes.
2. Subdivision plan approval shall not be required when a WCF is located on a leased parcel that is less than the entire lot or property *OR* Subdivision/land development plan approval shall be required for Tower-Based WCFs.
3. All WCFs shall be operated in accordance with all applicable FCC rules regarding interference with public safety communications or the reception of broadband, television, radio or other communications service.
4. Collocation. All Tower-Based WCFs where the Tower is more than 40 feet in height, located outside of the Right-of-Way, shall be designed to accommodate both the applicant's Antennas and comparable Antennas for future users. As a condition of

approval for all Tower-Based WCFs where the Tower is more than 40' in height, the applicant shall agree to allow other service providers to collocate Antennas on the Tower where technically and economically feasible.

5. Signage. All WCFs shall include a posted sign at the location. Such signage shall include the ownership, contact name and phone number in the event of an emergency and Federal Communications Commission (FCC) registration number (if applicable). Such signage shall not include commercial advertising and is subject to approval by the municipality. No other signs shall be allowed on any WCF, or Wireless Support Structures.
6. Lighting. Towers shall not be artificially lighted beyond what is required by law.
7. Noise. All WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards established by the municipality. The use of a backup generator in emergency situations and periodic maintenance and testing by the wireless communications provider's technicians shall be permitted, where such noise standards may be exceeded on a temporary basis.
8. Vehicular Access.
 - a) An access driveway, one off-street parking space, and sufficient turnaround area shall be provided to ensure adequate emergency and service access to all Tower-Based WCFs located outside of the Right-of-Way.
 - b) Use of existing roads, whether public or private, shall be made to the maximum extent practicable.
 - c) Where possible, access driveway construction shall at all times minimize ground disturbance and the cutting of vegetation.
 - d) Access driveway grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion.
 - e) An Applicant shall present documentation to the Zoning Officer that the property owner has granted an access easement for the proposed WCF, if located on a lot or property.
 - f) Any required access easement shall be a minimum of 20 feet in width and the access driveway shall be improved with a dust-free, all weather surface, including gravel, to a width of at least 10 feet throughout its entire length. Where grade exceeds 8% within the first 50 feet of the driveway from a public or private road, the first 25 feet shall be paved.
 - g) Vehicular access to all WCFs shall not interfere with parking or vehicular circulation for a principal use, if located on the lot or property. Nonetheless, where appropriate and available, existing parking for the principal or other uses on the lot or property may be utilized for access to the WCF.

9. Fencing. A security fence may be required to surround any Tower-Based WCF located outside the Right-of-Way, where the Tower is more than 40 feet in height, including guy wires, associated equipment, and building. If a fence is required, it shall be a minimum height of six (6) feet and a maximum eight (8') feet and may include barbed wire. Relief from the requirement for a security fence may be given by the Township when the fence would not be appropriate or feasible.
10. Safety in Rights-of-Way.
- a) Schedule of Operations. Bethel Township shall determine the time, place and manner of siting, design, construction, maintenance, repair, Modification, removal and/or Replacement of all WCFs located in the Right-of-Way, based on public safety, traffic management, physical burden on the Right-of-Way and related considerations. For public utilities, hosting a WCF, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.
 - b) Alteration of a WCF. Within 60 days following written notice from the Township or such longer period as the municipality determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a WCF located in the Right-of-Way shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under any one of the following circumstances:
 - c) Visual obstruction. All WCFs and Accessory Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the Right-of-Way as determined by the Township. In no case shall ground-mounted equipment, walls, screening or landscaping be located within (18) inches of the face of the curb, or in an area in which there are no curbs, within (3) feet of the edge of cart way.
11. Maintenance. An Applicant for a WCF shall describe anticipated maintenance needs, including frequency of service, personnel needs and equipment needs, and the traffic, safety and noise impacts of such maintenance.
- a) Any Tower-Based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - b) Maintenance shall be performed using the best available technology to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.
12. Soil report. An Applicant for a Tower-Based WCF where the new Tower is more than 40 feet in height, shall submit a soil report complying with the standards of geotechnical