

ZONING ORDINANCE

TOWNSHIP OF BETHEL

BERKS COUNTY, PENNSYLVANIA

AMENDED AND READOPTED

January 18, 2021  
Ordinance 2021-01

## TABLE OF CONTENTS

SECTION 100 TITLE, SHORT TITLE, DECLARATION OF PURPOSE, STATEMENT OF OBJECTIVES	4
110 TITLE	4
120 SHORT TITLE	4
130 DECLARATION OF PURPOSE	4
140 STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES	5
SECTION 200 APPLICATION AND INTERPRETATION OF REGULATIONS	5
210 SCOPE	5
220 CONTINUATION OF EXISTING USES	5
230 INTERPRETATION	5
240 ZONING CHALLENGES AND APPEALS	5
SECTION 300 DEFINITIONS	6
SECTION 400 DISTRICTS AND BOUNDARIES	30
410 ZONING DISTRICTS	30
420 DISTRICT BOUNDARIES	30
421 ZONING MAP	30
422 DELINEATION OF DISTRICT BOUNDARIES	30
423 DISTRICT BOUNDARIES DIVIDING PROPERTIES	31
430 APPLICATION OF DISTRICT REGULATIONS	31
SECTION 500 V – VILLAGE DISTRICT	32
510 STATEMENT OF INTENT	32
520 USES PERMITTED BY RIGHT	32
530 USES PERMITTED BY SPECIAL EXCEPTION	33
531 USES BY CONDITIONAL USE	35
540 AREA, YARD COVERAGE AND HEIGHT RESTRICTIONS	36
541 INCREASED HEIGHT BY CONDITIONAL USE	39
550 SITE PLAN REVIEW	39
SECTION 500A C - COMMERCIAL	39
510A STATEMENT OF INTENT	39
520A USES PERMITTED BY RIGHT	39
530A USES PERMITTED BY SPECIAL EXCEPTION	42
531A USES PERMITTED BY CONDITIONAL USE	44
540A AREA, YARD COVERAGE AND HEIGHT RESTRICTIONS	45
541A INCREASED HEIGHT BY CONDITIONAL USE	47
550A SITE PLAN REVIEW	47
SECTION 600 AP – AGRICULTURAL PRESERVATION DISTRICT	47
610 STATEMENT OF INTENT	47
620 USES PERMITTED BY RIGHT	48
630 USES PERMITTED BY SPECIAL EXCEPTION	49
631 USES PERMITTED BY CONDITIONAL USE	52
640 SUBDIVISION AND/OR LAND DEVELOPMENT	52
650 SITE PLAN REVIEW	58
SECTION 600A R- RESIDENTIAL DISTRICT	58
610A STATEMENT OF INTENT	58
620A USES PERMITTED BY RIGHT	58
630A USES PERMITTED BY SPECIAL EXCEPTION	60
631A USES PERMITTED BY CONDITIONAL USE	61
640A AREA, YARD, COVERAGE AND HEIGHT RESTRICTIONS	62
650A SITE PLAN REVIEW	62
SECTION 700 IC – INDUSTRIAL COMERCIAL DISTRICT	62
710 STATEMENT OF INTENT	62
720 USES PERMITTED BY RIGHT	62
730 USES PERMITTED BY SPECIAL EXCEPTION	64
731 USES PERMITTED BY CONDITIONAL USE	67
740 AREA, YARD, COVERAGE AND HEIGHT RESTRICTIONS	68
750 SITE PLAN REVIEW	69
760 PERFORMANCE STANDARDS	69
SECTION 800 EP – ENVIRONMENTAL PROTECTION DISTRICT	71
810 STATEMENT OF INTENT	71
811 DISTRICT BOUNDARY LINES	72
820 USES PERMITTED BY RIGHT	72
830 USES PERMITTED BY SPECIAL EXCEPTION	73
840 AREA, YARD, COVERAGE AND HEIGHT RESTRICTIONS	74
850 SITE PLAN REVIEW	75
SECTION 900 AIRPORT DISTRICT OVERLAY	75
SECTION 1000 SUPPLEMENTARY REGULATIONS	81
1010 GENERAL REGULATIONS APPLYING TO ALL DISTRICTS AND USES	81
1011 PROHIBITED USES	81
1012 LOT FRONTAGE REQUIREMENTS	81

1013	ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT	81
1014	RESERVED	81
1015	GARAGE AND YARD SALES	82
1016	ENVIRONMENTALLY SENSITIVE AREAS CONTROLS	82
1017	CORNER LOT RESTRICTIONS	83
1018	FLOODWAY CONTROLS	83
1019	FRONT YARD EXCEPTIONS	85
1020	RESIDENTIAL ACCESSORY STRUCTURES	85
1022	HEIGHT	86
1023	YARDS	87
1024	MOTOR VEHICLE FILLING AND SERVICE STATION-SPECIAL PROVISIONS	87
1025	PRIVATE SWIMMING POOL (NON-COMMERCIAL)	88
1026	OFF-STREET PARKING	89
1027	LOADING AREAS	94
1028	ACCESS DRIVEWAYS	94
1029	SIGNS	95
1030	NON-CONFORMING USES, LOTS AND STRUCTURES	102
1031	SITE PLAN REVIEW	105
1032	RESIDENTIAL CONVERSION REGULATIONS	106
1033	AG. STANDARDS APPLICABLE TO THE AP, I-C, EP ZONING DISTRICTS	106
1034	ADULT BUSINESSES	109
1035	MEDICAL MARIJUANA	110
1036	PENAL INSTITUTIONS	111
1037	DRIVE-IN	112
1038	TELECOMMUNICATIONS FACILITIES	112
1039	HOME OCCUPATIONS	123
1040	HOME PREMISE BUSINESS	124
1041	BULK WATER EXTRACTION	126
1042	MINERAL EXTRACTION	127
1043	MULTIPLE PRINCIPAL USES OF A PROPERTY	129
1044	INTERFERENCE WITH AIRPORT AND HELIPORT OPERATION	129
1045	DAY CARE FACILITIES	129
1046	FENCE REQUIREMENTS	130
1047	SELF STORAGE FACILITIES	130
1048	TEMPORARY STRUCTURES	131
1049	TRUCKING OWNER OPERATOR	132
1050	WINDMILLS – RESIDENTIAL ACCESSORY	132
1051	WINDMILLS – NON-RESIDENTIAL ACCESSORY	135
1052	WINDMILLS – PRINCIPAL USE	139
1053	SOLAR PANELS – RESIDENTIAL ACCESSORY	145
1054	SOLAR PANELS – NON-RESIDENTIAL ACCESSORY	146
1055	SOLAR PANELS – PRINCIPAL USE	146
1056	OUTDOOR WOOD FIRED BOILER	151
1057	FORESTRY	151
1058	PUBLIC EMERGENCY SERVICES TELECOMMUNICATION FACILITY	157
SECTION 1100 ZONING HEARING BOARD		159
1110	CREATION – APPOINTMENT – ORGANIZATION	160
1120	JURISDICTION OF THE ZONING HEARING BOARD	160
1121	VARIANCES	161
1122	SPECIAL EXCEPTIONS	162
1140	HEARINGS	162
1150	STAY OF PRECEEDINGS	164
SECTION 1200 CONDITIONAL USES		164
SECTION 1300 ADMINISTRATION AND ENFORCEMENT		166
1310	APPOINTMENT AND POWERS AND ENFORCEMENT	166
1320	ZONING PERMITS	166
1330	CERTIFICATE OF OCCUPANCY	168
1340	SCHEDULE OF FEES	169
1350	ENFORCEMENT NOTICE	169
1360	CAUSES OF ACTION	170
1370	JURISDICTION	170
1380	ENFORCEMENT REMEDIES	170
1400	PROCEDURES FOR AMENDMENT	171
1401	POWER TO AMEND	171
1402	PROCEDURES FOR AMENDMENT	171
1405	EXEMPTIONS	171
1410	VALIDITY	172
1450	EFFECTIVE DATE AND REPEALER	172

# **ZONING ORDINANCE**

## **BETHEL TOWNSHIP**

### **BERKS COUNTY, PENNSYLVANIA**

BE IT ORDAINED by the Board of Supervisors, Bethel Township, Berks County, Pennsylvania, pursuant to the authority conferred by the Pennsylvania Municipal Planning Code and the amendments thereof and supplements thereto, as follows:

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#### **SECTION 100 TITLE AND SHORT TITLE DECLARATION OF PURPOSE AND STATEMENT OF OBJECTIVES**

##### **110 TITLE**

"An Ordinance to limit and restrict to specified districts or zones, and to regulate therein, buildings and structures according to their construction and nature of land and extent of their use, and the nature and extent of uses of land, in the Township of Bethel, Berks County, Pennsylvania, hereinafter referred to as the Township, and providing for the administration and enforcement of the provisions therein contained and fixing penalties for the violation thereof."

##### **120 SHORT TITLE**

This Ordinance shall be known and may be cited as "The Bethel Township Zoning Ordinance."

##### **130 DECLARATION OF PURPOSE**

The provisions of this Zoning Ordinance are designed for the following purposes:

131 To promote, protect and facilitate the following: the public health, safety, morals, and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, airports, and national defense facilities, the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, Recreation facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural and industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.

132 To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

- 133 To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
- 134 To provide for the use of land within the Township for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, mobile homes and mobile home parks.
- 135 To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

**140 STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES**

This Zoning Ordinance is based upon the objectives, analyses and recommendations that appear in the Township Comprehensive Plan.

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**SECTION 200 APPLICATION AND INTERPRETATION OF REGULATIONS**

**210 SCOPE**

Except as hereinafter provided, no structure or part thereof, and no lot or land or part thereof, shall be erected, structurally altered, enlarged, rebuilt or put to a use except in conformity with this Ordinance.

**220 CONTINUATION OF EXISTING USES**

Any lawfully existing use of a structure or lot, or part thereof, which use constitutes a conforming use under provisions of this Ordinance, may be continued.

**230 INTERPRETATION**

In interpreting and applying the provisions of this Ordinance, said provisions shall be deemed to be the minimum requirements adopted for the promotion of the public health and safety and the general welfare of the residents of the Township. Where the provisions of this Ordinance impose greater restrictions than those of any other statute, ordinance or regulation, the provisions of this Ordinance shall be complied with. Where the provisions of any other Township ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such other Township ordinance or regulation shall be complied with. In interpreting the language to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the governing body, in favor of the property owner and against any implied extension of the restriction.

**240 ZONING CHALLENGES AND APPEALS**

Proceedings for obtaining review of this Ordinance or of any decision, determination

or order of the Township Supervisors, their agencies, or Zoning Officer adopted or issued pursuant to this Ordinance shall be in accordance with the provisions of the Pennsylvania Municipalities Planning Code, as amended.

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## SECTION 300 DEFINITIONS

Certain words and terms are used in this Zoning Ordinance for the purposes thereof and are defined as follows:

- 301 Unless the context clearly indicates the contrary, words used in the present tense include the future, the singular numbers include the plural, and the plural the singular.
- 302 The word "PERSON" includes a profit or non-profit corporation, company, institution, partnership, individual, or other similar entity. The male gender includes the female gender.
- 303 The words "SHALL" and "MUST" are always mandatory; the word "MAY" is permissive.
- 304 The word "LOT" includes the word "PLOT".
- 305 The word "STRUCTURE" includes the word "BUILDING" and shall be construed as if followed by the phrase "or part thereof".
- 306 The word "USE" and the word "USED" refer to any purpose for which a lot or land or part thereof is arranged, intended or designed to be used, occupied, maintained, made available or offered for use; and to any purpose for which a building or structure or part thereof is arranged, intended or designed to be used, occupied, maintained, made available or offered for use, or erected, reconstructed, altered, enlarged, moved or rebuilt with the intention or design of using the same.
- 307 The word "TOWNSHIP" means Bethel Township, Berks County, Pennsylvania; the term "BOARD OF SUPERVISORS" means the Board of Supervisors of said Township; the term "PLANNING COMMISSION" means the Planning Commission of said Township, the term ZONING HEARING BOARD means the Zoning Hearing Board of said Township.
- 308 Definition of Terms - The following definitions apply to this Ordinance. Any words or terms not expressly or clearly defined herein shall have the meaning which is generally accepted within the context in which the words or terms are used.

**ACCESSORY STRUCTURE.** A structure in which an Accessory Use is conducted.

**ACCESSORY STRUCTURE, RESIDENTIAL.** An accessory structure, used primarily for personal, household and/or residential uses and is not used in whole or in part

for any home premise business and/or home occupation.

**ACCESSORY USE.** A subordinate use customarily incidental to, and located on the same lot occupied by, the principal use.

**ADULT BOOK STORE.** A commercial establishment having any of its stock in books, magazines, photographs, videotapes or other materials which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas".

**ADULT MOTION PICTURE THEATER.** An establishment used for presenting motion pictures distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.

**AGRICULTURE.** The raising and keeping of field, truck, or tree crops, and/or the raising and keeping of any member of the animal kingdom as a business enterprise. Kennels as defined herein are specifically excluded from the term Agriculture. The Township, for purposes of this Ordinance, recognizes the following two (2) types of agricultural land uses.

1. **Agriculture (General):** The production, harvesting and preparation of agricultural, agronomic, horticultural, silvicultural, and aquaculture crops and products. As to livestock and livestock products, General Agriculture is the keeping of animals involving "Animal Equivalent Units" of live weight of animals per acre that are less than the amounts specified under the definition of Concentrated Animal Operations, as used herein. In addition, the term General Agriculture includes the acceptance of spent mushroom soil or mushroom compost for dumping, storage or disposal, but does not include highly concentrated agricultural production such as mushroom operations.
2. **Agriculture (Intensive):** The production, harvesting and preparation for market of agricultural, agronomic, horticultural, silvicultural and aquaculture crops and products. As to livestock and livestock products, Intensive Agriculture is the keeping of animals involving "Animal Equivalent Units" of live weight of animals per acre that are equal to or greater than the threshold density definition of Concentrated Animal Operations, as used herein, provided, however, that if the Pennsylvania Department of Agriculture, Pennsylvania Department of Environmental Protection, or other State or Federal Agency revises the density definition of a Concentrated Animal Operation, then the term Intensive Agriculture shall be interpreted in accordance with the regulations of the Pennsylvania Department of Agriculture shall be interpreted in accordance with the regulations of the Pennsylvania Department of Agriculture, Pennsylvania Department of Environmental Protection, or such other Agency, as it relates to the applicable definition. In addition to Concentrated Animal Operations, the term Intensive Agriculture includes, but is not limited to, Concentrated Animal Feeding Operations, and other highly concentrated agricultural production such as mushroom operations.

**ALTERATION.** Any enlargement or reduction in size of a building or structure; the moving of a building or structure from one location to another; any change in or addition to the

structural parts of a building or structure; any change in the means of egress from or access to a building or structure; or any change in use of a building or structure.

**AMUSEMENT AND ENTERTAINMENT ESTABLISHMENTS.** Places of amusement and recreation where an admission fee is charged for participants and/or spectators. This shall include, but not be limited to, bowling lanes, miniature golf courses, go-kart courses, amusement parks, outdoor theaters and amphitheaters, race courses, laser theaters, laser tag, paint ball and similar facilities and indoor music or movie theaters. This does not include Adult Motion Picture Theater or Cabaret.

**ANIMAL UNIT.** One animal unit is the equivalent of 1,000 pounds of animal weight. For purposes of determining animal weight under provisions of this Ordinance, the standard weights for each type of animal operation, as set forth in Table A of 25 Pa. Code § 83.262, as amended, shall be utilized.

**APCA.** Air Pollution Control Act

**APARTMENT UNIT.** A dwelling unit within an Apartment Building.

**AQUACULTURE.** As used in this Ordinance, the term aquaculture shall mean the controlled cultivation of plants and/or animals in man-made or natural bodies of water.

**AREA AVAILABLE FOR USE.** As used to delineate General Agriculture and Intensive Agriculture operations in this Ordinance, this term shall include all land under control of the applicant at the time of the application, whether owned in fee or equitably through an installment land contract.

**AUTO WRECKING OR AUTO SALVAGING –** The dismantling or disassembling of used motor vehicles or recreational vehicles, or storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

**BASEMENT.** A story partly below the finished grade but having at least one-half of its height (measured from finished floor to finished ceiling) above the average level of the finished grade where such grade abuts the exterior walls of the building.

**BED-AND-BREAKFAST.** An owner-occupied single-family detached dwelling where not more than six (6) bedrooms are rented to overnight guests on a daily basis for periods not exceeding one (1) week. Meals, and where duly licensed, alcoholic beverages, may be offered to registered overnight guests only.

**BOARD, ZONING HEARING.** The Zoning Hearing Board of Bethel Township.

**BOARDING, LODGING OR ROOMING HOUSE.** A private dwelling in which at least one room is offered for rent, payable in money or other consideration, whether or not table board is furnished to lodgers, and in which no transients are accommodated and no public restaurant is maintained.

**BUILDING.** A structure, either temporary or permanent, constructed on, erected on, or affixed to the ground with a roof supported by columns or walls.



**BUILDING AREA.** The total area taken on a horizontal plane at the main grade level of all principal and accessory buildings on a lot, excluding unroofed porches, paved terraces, steps, eaves, gutters, but including all enclosed extensions.

**BUILDING HEIGHT.** The vertical distance measured from the lowest elevation of the finished grade at the building, excluding truck loading areas and other similar points of entry, to the highest point on of the roof. Chimneys, spires, cupolas, antennas, and other similar projections shall not be included in calculating the height of a building.

**CABARET.** A club, bar, tavern, theater, hall or similar place which features topless or bottomless dancers, entertainers, or employees, strippers, simulated sex acts, live or actual sex acts, or similar entertainers or entertainment.

**CAMPGROUND.** Any parcel of land used for the purpose of providing a space or spaces for Travel Trailers or tents for camping purposes, regardless of whether a fee has been charged for the leasing, renting, or occupancy of such space. The term Campground shall include travel trailer park.

**CARPORT.** A roofed-over structure open on one (1) or more sides and used in conjunction with a dwelling for the storage of private motor vehicles.

**CARTWAY.** The portion of a street right-of-way, paved or unpaved, intended for vehicular use.

**CEMETERY.** Land used or intended to be used for the burial of the deceased, including columbariums, mausoleums, and mortuaries when operated in conjunction with the cemetery and within the boundaries thereof. This definition shall not include crematoria, which shall be considered as funeral homes.

**CERTIFICATE OF USE AND OCCUPANCY.** A statement, based on an inspection, signed by the Zoning Officer, setting forth that a building, structure and/or sign complies with the Zoning Ordinance, and that a building, structure and/or sign may be lawfully employed for a specific use, as provided in this Ordinance.

**CHURCHES, PLACES OF WORSHIP.** A building, structure, or group of buildings or structures, including accessory structures, designed or intended for public worship. This definition shall include rectories, convents, and church-related educational and/or Day Care facilities, and shall also include Cemeteries, but shall not include the term "school".

**CLEAN WOOD.** Natural wood that has no paint, stains, or other types of coatings, and natural wood that has not been treated with, including but not limited to, copper chromium arsenate, creosote, or pentachlorophenol.

**CLEARED AREA.** Utilized exclusively in the EP - Environmental Protection District, this term refers to the amount of a property which, prior to development, contained trees of at least a 2 inch caliper at a density of at least 1 tree per 100 square feet which, after development, will not contain trees.

**COMMON OPEN SPACE.** A parcel or parcels of land or an area of water, or a combination of land and water, within a development site designed and intended for use or enjoyment for all residents of a development, not including streets, Parking Facilities, and areas set aside for public facilities.

**COMPREHENSIVE PLAN.** The Comprehensive for Bethel Township.

**CONDITIONAL USE.** A form of permitted use, authorized by this Ordinance, under the jurisdiction of the Board of Supervisors. The Board of Supervisors is empowered to grant permission for Conditional Uses, consistent with the public interest, in compliance with the standards and procedures established in this Ordinance, following thorough examination of the proposal, and under any reasonable safeguards necessary to implement the purposes and intent of the Ordinance and to protect the general welfare.

**CONVENIENCE STORE.** A retail sales business which specializes in providing household products and food. Convenience Stores may also provide any or all of the following as an accessory use:

1. The rental of video tapes and the sale of magazines and similar printed materials provided that it is not in conflict with any restrictions related to Adult Book Stores.
2. The preparation and sales of delicatessen sandwiches and similar prepared food items.

**CONVERSION.** The remodeling or alteration of a structure so as to accommodate more leasable or saleable units or a different use than what had originally been intended for the structure. Includes the alteration of a nonresidential structure into a dwelling unit(s) for at least one family or the modification of a single-family structure to accommodate more units than originally intended, with the resulting units each having independent kitchen, bath, and sleeping facilities.

**CORNER LOT.** A lot abutting two or more intersecting public or private streets, or at the point of abrupt change or direction of a single street (an interior angle of less than 135 degrees). The person who intends to establish a use on a corner lot may designate which yard abutting a street will be considered the front yard. The yard opposite that yard shall meet the rear yard requirements of the applicable zoning district. The yard adjoining a street which was not designated the front yard must meet the front yard requirements of the applicable zoning district, and the yard opposite this yard shall meet the side yard requirements of the applicable zoning district.

**DAY CARE.** The offering of care or supervision over minors or special needs adults in lieu of care or supervision by family members. This definition shall not include the offering or provision of overnight accommodations. Day care facilities are defined as follows:

**Adult Day Care Facility** – Adult day care facilities, provide care for elderly, infirm, and/or handicapped adults, and must hold an approved and currently valid certificate or license from the PA Department of Aging, and comply with the regulations of that department. **Child** – For the purposes of Child Day Care, a child is a person under 16 years of age.

**Child Day Care Facility** – Child day care facilities shall be further differentiated by the following three classifications:

- A. Family Day Care Home.** Any premises or dwelling unit other than the child's own home where the child care areas are being used as a family residence, operated for profit or not for profit, in which child day care is provided at any one time on a regular basis to 4, 5, or 6 children, who are not relatives of the caregiver. Day care service for children in this type of facility is different from "baby-sitting."
- B. Group Day Care Home.** A facility in which care is provided for more than 6 but less than 10 children, at any one time, where the child care areas are being used as a family residence.
- C. Day Care Center.** A facility which is licensed to provide care for 7 or more children at any one time, where the child care areas are not being used as a family residence.

**DRIVE-IN.** An establishment which by design, physical facilities, service, or by packaging procedures, encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

**DWELLING.** A building or portion thereof arranged, intended, or designed or used as the living quarters for one or more families living independently of each other. Such buildings as Hospitals, Hotels, Boarding, Rooming, Lodging Houses, Hospital, Nursing, Rest or Retirement Home, Motels, and institutional residences are not included in the definition of dwelling.

- A. Single-Family Detached Dwelling.** A building arranged, intended, or designed to be occupied exclusively as a residence for one family and having no party wall with an adjacent building.
- B. Single-Family Semi-Detached Dwelling.** A building arranged, intended, or designed such that two (2) Dwelling Units exist side by side separated by a common or party wall.
- C. Two-Family Detached Dwelling.** A building designed for and occupied exclusively as a residence for two families, with one family living wholly or partly over the other and with no common or party wall with an adjacent building.
- D. Townhouse.** A building arranged, intended, or designed to be occupied exclusively as a residence for one family which is one of a group of three or more such buildings, placed side by side and separated by unpierced party walls, each dwelling having at least one separate entrance to the outside.
- E. Apartment Building.** A building on a single lot arranged, intended, designed for and occupied as a residence for three or more families, and which the dwelling units may be separated horizontally and/or vertically.

**DWELLING UNIT.** A building or portion thereof providing one (1) or more rooms arranged for the use of one (1) or more individuals living together as a single housekeeping unit, and having no cooking or sanitary facilities in common with any other dwelling unit.

**EPA.** United States Environmental Protection Agency

**EASEMENT.** A right-of-way or other right granted by a property owner for the use of a designated part of his/her property for public, quasi-public, or private purposes, including utilities, drainage ways, and access.

**FAMILY.** One or more individuals related by blood, marriage, or adoption (including persons receiving foster care), or not more than three (3) unrelated persons, living independently as a single housekeeping unit and using cooking facilities and certain rooms in common. A FAMILY shall not be deemed to include the occupants of a college dormitory, residential club, Motel, Hotel, Boarding, Lodging or Rooming House, or other temporary or transient housing facility regardless of the number of occupants.

**FARM STAND.** An open, partially-enclosed or fully enclosed structure located along the roadway for the display and sale of farm products produced on the premises.

**FENCE.** A man-made barrier placed or arranged as a line of demarcation between lots or to enclose a lot or portion thereof. The term “fence” shall be deemed to include a freestanding wall.

**FINANCIAL INSTITUTION.** A bank, savings and loan association, credit union, finance or loan company, or similar company or firm.

**FLEA MARKET.** A retail sales use where more than one vendor displays and sells general merchandise that is new or used, regardless of being located indoor or outdoor.

**FLOODPLAIN.** A relatively flat or low land area adjoining a stream, river, or watercourse, which is subject to partial or complete inundation during a 100-year flood, or any area subject to the unusual and rapid accumulation of surface water from any source.

**FLOOR AREA.** (Gross Floor Area) The sum of the gross horizontal areas of every floor of a building measured to the exterior faces of exterior walls and to the center line of party walls, including basement space and roofed porches, roofed breezeways, roofed terraces, roofed garages, carports, and accessory buildings. Cellar area is excluded.

**FLOOR AREA.** (Gross Leasable) The total floor area designed for occupancy by an owner or tenant, as measured to the center of interior joint walls and the exterior of outside walls.

**FLOOR AREA** (Habitable) The sum of the floor areas of a dwelling unit as measured to the outside surfaces of exterior walls and including all rooms used for habitation, such as living room, dining room, family room, kitchen, bedroom, den, bathroom, closet, hallway, stairway, but not including unfinished cellars or attics, nor service rooms or areas such as utility rooms, nor unheated areas, nor garages.

**FORESTRY** The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

**FUNERAL HOME.** A principal use for the preparation and viewing of the deceased prior to burial or cremation. Funeral Homes shall not include cemeteries.

**GARAGE.** An accessory building maintained primarily for the convenience of the occupant or occupants of the principal building and in which no business or other non-residential use is carried on and no service is rendered to the general public.

**GOLF COURSE.** A golf course with a minimum of 2,800 yards of play and a minimum of nine (9) holes.

**GRADE.** The level of the ground adjacent to the exterior walls of a building or structure, or to a sign.

**GROUP HOME.** A dwelling operated by a responsible individual, family, or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the individual served due to age, emotional, mental, or physical handicap or disability. This definition shall expressly include facilities for the supervised care of developmentally disabled persons and those under treatment for alcohol and/or drug abuse. Group homes must be licensed where required by any appropriate government agencies, and a copy of any such licenses must be delivered to the Township prior to beginning the use.

**HAZARDOUS MATERIAL.** Materials which have the potential to damage health, endanger human life or impair safety, and shall include those materials which are classified as such by State, Federal and/or other regulatory agencies.

**HAZARDOUS WASTE.** Any garbage, refuse, sludge from an industrial or other waste-water treatment plant, sludge from a water supply treatment plant or air pollution facility, and other discarded material including radioactive, solid, liquid, semi-solid, or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining, or agricultural operations, and from community activities, or any combination of the above, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

1. Cause or significantly contribute to an increase in mortality or morbidity in an individual; or
2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, exposed or, or otherwise managed.

**HAZARDOUS WASTE FACILITY.** Any structure, group of structures, above ground or below ground storage containers, or any other area or buildings used for the purpose of permanently housing or temporarily holding hazardous waste for the storage or treatment for any time span other than normal transportation time through the Township.

**HEALTH AND RECREATION CLUB.** A commercial business that offers active recreation and/or fitness activities. Such activities are provided only to club members and their guests. Such facilities do not include golf courses or Massage Establishments

**HIGHWAY ACCESS POINT.** The location or place of egress from or access to a street or highway created by a driveway, minor street, or another highway.

**HIGHWAY FRONTAGE.** The lot dimension measured along the right-of-way line of any street or highway abutting a lot.

**HOME OCCUPATION.** Home Occupations are limited to lawful services provided within the residential dwelling of the service provider. All Home Occupations shall comply with the requirements set forth in Section 1039 of this Ordinance. All of the following Industrial-Commercial uses are expressly excluded from the concept and definition of Home Occupation: sales and/or repairs of automobiles, trucks, boats, travel trailer, and recreational vehicles; car wash; terminal, storage, or transfer facilities for trucking or railroad operations; wholesaling, distribution, warehousing and storage businesses; public utility; telecommunication facility; motor vehicle filling station; junkyard; adult bookstore; adult motion picture theatre; cabaret; self-storage facility; sanitary landfill; hazardous waste facility; methadone treatment facility; bulk water extraction; mineral extraction; and accessory uses and buildings to the above excluded uses. Also excluded from the concept and definition of Home Occupation is Trucking Owner Operator.

**HOME PREMISES BUSINESS:** Any lawful enterprise carried on within the boundary of a property where one of the owners of the enterprise resides. The Home Premises business may be conducted within the dwelling and/or in another structure located upon the property. All Home Premises businesses shall comply with the requirements set forth in Section 1040 of this Ordinance. All of the following Industrial-Commercial uses are expressly excluded from the concept and definition of Home Premises Business: sale, car wash; transfer facilities for trucking or railroad operations; wholesaling, distribution, warehousing and storage businesses; public utility; telecommunication facility; motor vehicle filling station; junkyard; adult bookstore; adult motion picture theatre; cabaret; self-storage facility; sanitary landfill; hazardous waste facility; methadone treatment facility; bulk water extraction; mineral extraction; and accessory uses and buildings to the above excluded uses. Also excluded from the concept and definition of Home Premise Business is Trucking Owner Operator.

**HOSPITAL.** An institution, licensed in the Commonwealth of Pennsylvania as a hospital, which renders inpatient and outpatient medical care on a 24 hour per day basis, and provides primary health services and medical and surgical care to persons. A Hospital shall be deemed to include a sanitarium, sanatorium, clinic, rest home, or other building with an equivalent appellation.

**HOTEL.** A building or part thereof which has a common entrance, common heating system, a general dining room, and which contains seven (7) or more living and sleeping rooms designed to be occupied by individuals or groups of individuals for compensation; any building or part thereof in which rooms are to be occupied by individuals or groups of individuals, which is not a Motel, Boarding, Lodging or Rooming House, or Bed-and-Breakfast, according to the definitions of this section.

**IMPERVIOUS AREA.** Area of the ground on which an improvement or alteration will occur or has occurred which limits or restricts the downward movement of stormwater into the ground. This shall include, but not be limited to, bituminous or concrete paving, roof areas, and areas covered by stone.

**INDUSTRIALIZED HOUSING.** A structure designed primarily for residential occupancy, and classified within Use Group R in accordance with the standards adopted under §145.41 (issued under Section 5 of the Industrialized Housing Act) and which is wholly or in substantial part made, constructed, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on the building site so that concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage or destruction. The term does not include a structure or building classified as an institutional building or manufactured home, as defined by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C.A. §§5401-5426). Also known as a modular structure.

**JUNK.** Any discarded material or article including, but not limited to: scrap metal, scrapped, abandoned, or junked machinery, equipment, furniture, electrical appliances, rags, paper, glass containers, tires or other automotive equipment and parts, buildings and structures or parts thereof; and three (3) or more (one or more in the V District) 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. The term Junk shall not include garbage or rubbish kept in a proper container for the purpose of prompt disposal, nor functional farm machinery located on a farm, nor metal used in conjunction with a welding shop or similar business utilizing metal.

**JUNKYARD.** Any place or establishment where junk is disposed of, stored, or accumulated on the outside of any building, edifice, or structure that is enclosed on all sides; or where the business of selling, buying, or dealing in junk is carried on.

a. On a FARM, farm machinery or equipment used for parts, scrap metal, and scrapped building materials for use on that farm may be stored outside a building and said storage area shall not be considered a JUNKYARD provided that; such material shall be confined to one location on the farm, and shall not cover an area greater than five thousand (5,000) square feet; such material shall be located a minimum of two hundred (200) feet from property lines and public street right-of-ways, unless the material is completely screened from view from adjacent properties year-round; and no more than eighteen (18) cubic yards (9' x9' x 6'H maximum dimensions) of scrap metal and scrapped building materials shall be stored on any one farm outside a building.

**KENNEL.** Any structure or premises in which more than 4 dogs or cats more than 6 months old are housed, groomed, bred, boarded, or trained.

**LAND DEVELOPMENT.** Any of the following activities:

- (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

- (a) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure.
  - (b) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building group or other features.
- (2) A subdivision of land.
- (3) Development in accordance with Section 503(1.1) of the Pennsylvania Municipalities Planning Code, as amended.
- (4) The following are excluded from the definition of land development:
  - (a) The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into not more than three residential units, unless such units are intended to be a condominium.
  - (b) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

**LANDOWNER.** The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

**LANDSCAPE SCREEN.** A completely planted visual barrier composed of evergreen vegetation arranged to form both a low-level and a high-level screen between grade and to a height of at least eight (8) feet within three (3) years after planting.

**LICENSED MESSAGE THERAPIST.** An individual licensed in Pennsylvania under The Massage Therapy Law.

**LIGHT INDUSTRIAL.** Industrial activities which are carried out entirely within an enclosed building and involve no outdoor processes or outdoor storage of primary raw materials on parcels not exceeding five (5) acres including such uses as:

- 1. Manufacturing and processing
- 2. Scientific or industrial research, product development or engineering facilities
- 3. Printing, publishing, lithography and similar processes

**LIGHTING TERMS:**

- 1. Cutoff – A lighting fixture from which no more than 2.5% of its lamp's intensity is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10% of its lamp's intensity is emitted between 80° and that horizontal plane.



2. Foot-candle – Unit of light density incident on a plane (assumed to be horizontal unless otherwise specified), and measurable with an illuminance meter, a.k.a. light meter.
3. Full Cutoff – A lighting fixture from which none of its lamp's intensity is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10% of the lamp's intensity is emitted between 80° and that horizontal plane. A full-cutoff luminaire, by definition, also is "fully shielded."
4. Fully Shielded – Attribute of a luminaire from which no light is emitted at or above a horizontal plane drawn through the lowest light-emitting portion of the luminaire.
5. Illuminance – Quantity of incident light, measured in foot-candles
6. Light Trespass – Light emitted by a luminaire or installation, which is cast beyond the boundaries of the property on which the lighting installation is sited.
7. Lumen – As used in the context of this Ordinance, the light-output rating of a lamp.
8. Luminaire – A complete lighting unit
9. Luminance – Candela per square meter
10. Candela - the base unit of luminous intensity in the International System of Units that is equal to the luminous intensity in a given direction of a source which emits monochromatic radiation of frequency  $540 \times 10^{12}$  hertz and has a radiant intensity in that direction of 1/683 watt per unit solid angle —abbreviation *cd*

**LOT.** A designated parcel, tract or area of land established by a plat or otherwise permitted by law and to be used, developed or built upon as a unit.

**LOT AREA.** The total area included within lot lines, excluding land contained within street right-of-way lines. The Lot Area requirements specified herein shall apply to each Principal Use structure, unless specifically stated otherwise.

**LOT COVERAGE.** The percentage of the Lot Area that is occupied by Impervious Area.

**LOT LINE.** Any boundary of a lot.

**LOT LINE, FRONT.** The Lot Line along a Street Line, and the lot line nearest the Street Line which runs parallel or nearly parallel to the Street Line.

**LOT LINE, REAR.** The lot line, or lines, opposite to the front lot line.

**LOT LINE, SIDE.** Any lot line not a rear lot line or front lot line. The right-of-way line for Interstate 78 shall be considered a Side Lot Line.

**LOT OF RECORD.** Land which constitutes a separate lot or parcel as recorded in the office of the Recorder of Deeds of Berks County, Pennsylvania.

**LOT WIDTH.** The straight line distance between the Side Lot Lines, for the entire depth of the lot.

**MANUFACTURED HOME.** A structure, transportable in one or more sections that, in its traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet; that is built on a permanent chassis; that is designed to be used as a dwelling; that may or may not have a permanent foundation; that is connected to the required utilities; and that contains the plumbing, heating, air conditioning, and electrical systems; except that such term shall include any

structure that meets the size requirements and for which the manufacturer has voluntarily filed a certification required by the secretary of HUD; and that complies with the MHCSS. ALSO KNOWN AS A MOBILE HOME.

**MANUFACTURING.** A function involving either the processing or production of materials, goods, or products.

**MANURE.** The fecal and urinary excrement of livestock and poultry, which may include spilled feed, bedding or litter.

**MANURE STORAGE FACILITY.** A detached facility used for the purpose of storing liquid and/or solid manure from agricultural operations. This facility shall be considered a structure, and shall include, but not be limited to, concrete manure storage facilities and earthen manure storage facilities.

**MASSAGE ESTABLISHMENT.** Any place or establishment where a massage is available, a massage being construed to mean the performance of manipulative exercises upon the human body of another by rubbing, kneading, stroking, or tapping with the hand or hands or with any mechanical or bathing device, with or without supplementary aids, including, but not by way of limitation, a massage school, unless operated by a medical practitioner, chiropractor, professional physical therapist, or licensed massage therapist, as licensed by the Commonwealth of Pennsylvania.

**MEDICAL OFFICE BUILDING.** A building used exclusively by physicians, dentists, chiropractors, physical therapists, licensed massage therapists, and similar personnel, for the treatment and examination of patients solely on an outpatient basis, provided that no overnight patients shall be kept on the premises.

**METHADONE TREATMENT FACILITY.** A facility licensed by the Department of Health to use the drug methadone in the treatment, maintenance or detoxification of persons

**MINERALS** Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

**MOBILEHOME.** A transportable, single family dwelling intended for permanent placement, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

**MOBILEHOME LOT.** A parcel of land in a Mobilehome Park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single Mobilehome.

**MOBILEHOME PARK.** A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more Mobilehome Lots for the placement thereon of Mobilehomes.

**MOTEL.** A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units, designed exclusively for transient travelers, and provided with accessory off-street Parking Facilities. The term MOTEL includes buildings designed as tourist courts, motor lodges, auto courts, and other similar appellations, but shall not be construed to include Mobilehome Parks, Campgrounds, or Dwellings.

**MOTOR VEHICLE FILLING STATION.** Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any retail sales of motor vehicle accessories, which may not include major repairing, body work, painting, vehicular sales nor rental or automatic motor vehicle washes. A "Convenience Store", as herein defined, shall be considered an accessory use to the principal use of "Motor Vehicle Filling Station."

**MOTOR VEHICLES.** All vehicles propelled or drawn by power other than muscular power and intended for use on public highway, construction sites or in agricultural activities to include construction vehicles.

**MOTOR VEHICLE SALES.** Any building or land devoted to the retail sales of motor vehicles, including new and used cars, trucks, recreational vehicles, and/or farm equipment; having both indoor and outdoor display areas, and providing maintenance and repair services if conducted within a wholly enclosed building.

**MUNICIPALITY.** Township of Bethel, Berks County, Pennsylvania.

**MUNICIPAL USE.** Land owned or leased and maintained by the Township or a municipal authority for the purpose of conducting Township or municipal authority related business, functions or activities. Municipal Use shall include such uses as a police station, Public Social and Recreation Facilities (when owned or operated by the Municipality or an agency or organization designated by the Municipality), sewage pump stations and wastewater treatment facilities and appurtenances, and administrative or equipment storage building.

**NATURALLY OCCURRING.** Not created or modified by man at any time.

**NO-IMPACT HOME-BASED BUSINESS.** A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client, or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements: (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses; (2) The business shall employ no employees other than family members residing in the dwelling; (3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature; (4) There shall be no outside appearance of a business use, including but not limited to, parking signs, or lights.

**NONCONFORMING LOT.** A lot the area or dimension or other attribute of which was lawful prior to the adoption or amendment of this Zoning Ordinance, but which fails to conform

to any of the requirements of the zoning district in which it is located by reason of such adoption or amendment.

**NONCONFORMING STRUCTURE.** A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in this Zoning Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the amendment of such Ordinance or amendment or prior to application of such Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

**NONCONFORMING USE.** A use, whether of land or of structure, which does not comply with the applicable use provisions in this Zoning Ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such Ordinance or amendment, or prior to the application of such Ordinance or amendment to its location by reason of annexation.

**NURSING, REST OR RETIREMENT HOMES.** Facilities designed for the housing, boarding, and dining associated with some level of nursing care.

**NUTRIENT MANAGEMENT PLAN.** As used in this Ordinance, this term shall mean a plan for the management of animal waste prepared pursuant to the Pennsylvania Nutrient Management Act, 3. P.S. § 1701, et seq. and the regulations implementing that Act promulgated at 25 Pa. Code Chapter 83, Subchapter D, and approved by the Berks County Conservation District.

**OFFICE.** A place where the primary use is conducting the affairs of a business, profession, or service, including administration, record keeping, clerical work, and similar business functions. An Office shall not include manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair, or storage of materials, goods, or products; nor the sale or delivery of any materials, goods, or products which are physically located on the premises.

**OUTDOOR WOOD-FIRED BOILER.** Also known as outdoor wood-fired furnaces, outdoor wood-burning appliances, outdoor wood-burning boilers, outdoor Wood-Fired Boiler, outdoor hydronic heaters, water stoves, etc. A fuel-burning device:

- (1) Designed to burn clean wood or other approved solid fuels;
- (2) That the manufacturer specifies for outdoor installation or for installation in structures not normally intended for habitation by humans or domestic animals, including structures such as garages and sheds;
- (3) Which heats building space or fluid, or both, through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.
- (4) That has a rated thermal output of less than 350,000 Btu per hour

**PHASE 2 OUTDOOR WOOD-FIRED BOILER.** An Outdoor Wood-Fired Boiler that has been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million British Thermal Units output and is labeled accordingly.

**PARENT TRACT.** A lawfully existing lot of land having its own separate Property Identification Number, as assigned by the Berks County Board of Assessment, located within the Agricultural Preservation District (AP) as of December 23, 2000.

**PARKING FACILITIES.** A lot or part thereof containing Parking Spaces and associated aisles and access ways, further categorized as follows:

**ACCESSORY.** Parking Facilities directly associated with another specific use (such as a parking lot for a school or office building).

**PRINCIPAL.** Parking Facilities not directly associated with another specific use (such as a public parking lot or garage).

**PARKING SPACE.** A stall or berth which is arranged and intended for parking of one licensed, inspected, operable motor vehicle, further categorized as follows:

**OFFSTREET.** A Parking Space located outside of any Street right-of-way; a Parking Space not located along a Private Street.

**ONSTREET.** A Parking Space located within a Street right-of-way or along a Private Street.

**PARTY WALL.** A wall used or adopted for joint service between two buildings or parts thereof.

**PATIO.** An area or courtyard, which is not covered by a roof or permanent awning, and is designed for outdoor living purposes as an accessory use to a structure.

**PENAL INSTITUTION.** For purposes of this Ordinance, a Penal Institution includes, but is not limited to, any detention or rehabilitation facility to which individuals, whether adults or juveniles, and whether convicted, adjudicated, paroled, or detained pending some other status, are directed, ordered or committed by a judge or other legal authority.

**PERSONAL SERVICE ESTABLISHMENT.** A business which provides services for individuals and not for other commercial or industrial businesses. Such establishments do not include Retail Stores and Repair Businesses except as may be clearly incidental to the primary service provided. Examples include barber shops, beauty shops and salons (including incidental sales of hair, skin and nail care products if related services are provided), laundromats, dry cleaning shops (including incidental repair or mending of clothing), tanning salons, etc.

**PRIME AGRICULTURAL LAND.** Land used for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture natural resource and conservation services county soil survey.

**NON - PRIME AGRICULTURAL LAND.** Land used for agricultural purposes that contains soils of the fourth, fifth, sixth, seventh or eighth class as defined by the United States Department of Agriculture natural resource and conservation services county soil survey.

**PREMISES.** A descriptive word to include all improvements, buildings, structures, and land on or within a lot.

**PRINCIPAL BUILDING.** A building in which is conducted the principal use of the lot on which it is situated.

**PRINCIPAL USE.** The main or primary purpose for which any land, structure, or building is designed, arranged, or intended, and for which they may be occupied or maintained under the terms of this Zoning Ordinance.

**PUBLIC NOTICE.** A notice published once each week for two successive weeks in a newspaper of general circulation in the Municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days prior to the date of the hearing.

**PUBLIC UTILITY.** A Company regulated by the Pennsylvania Public Utility Commission. Cellular communications companies and other companies not defined as a public utility by the Pennsylvania Public Utility Commission or other Pennsylvania Laws shall not be considered a public utility.

**Public Emergency Services Telecommunication Facility:** A telecommunication facility to be used principally as part of a public county-wide emergency services communications network providing communications services to the emergency responders that serve Bethel Township, Berks County, Pennsylvania and other Berks County municipalities. The Public Emergency Services Telecommunication Facility includes a Public Emergency Services Telecommunication Facility Antenna Support Structure as well as supporting structures, buildings, accessories and features that operate in conjunction with the Public Emergency Services Telecommunication Facility Antenna Support Structure. For the purpose of this ordinance, a Public Emergency Services Telecommunication Facility is considered a separate use from Telecommunication Facilities.

**Public Emergency Services Telecommunication Facility Antenna Support Structure:**

A telecommunication antenna support structure (tower) to be used principally to elevate antennas and other telecommunication hardware to heights necessary for use as part of a public county-wide emergency services communications network providing communications services to the emergency responders that serve Bethel Township, Berks County, Pennsylvania and other Berks County municipalities.

**QUARRY.** A lot or land or part thereof used for the purpose of extracting stone, sand, gravel, or top soil.

**REPAIR.** A function involving the correction of deficiencies of products that affect its performance and/or appearance.

**REPAIR BUSINESSES.** A business which provides Repair services, further categorized as follows:

**AUTOMOBILE AND SMALL ENGINE EQUIPMENT REPAIR.** The retail repair, servicing, maintenance and reconstruction of automobiles and small engine equipment typically utilized by individuals such as lawn mowers, chain saws, snow blowers, passenger vehicles, boats, recreational vehicles and similar items, excluding commercial trucks, busses and agricultural and construction vehicles and equipment. This excludes car washes.

**HEAVY MACHINERY AND EQUIPMENT REPAIR.** The repair, servicing, maintenance and reconstruction of machinery and equipment typically utilized by manufacturing, commercial, agricultural and industrial establishments. This shall include the repair of busses, trucks and agricultural and construction vehicles and equipment.

**ELECTRONICS AND APPLIANCE REPAIR.** The retail repair, servicing, maintenance and reconstruction of electronic equipment and appliances typically utilized by individuals and small businesses and offices, such as watches, clocks, radios, cash registers, air conditioners, televisions, computers, and home appliances.

**RESTAURANT.** An establishment that serves prepared food primarily on non-disposable tableware, but can provide for incidental carry-out service so long as the area used for carry-out service does not exceed 5% of the total patron seating area. Caterers shall be included in this definition.

**RETAIL STORE.** A building or structure devoted to the sale of commodities to the ultimate consumer. The term Retail Store shall not include the term Adult Book Store.

**RIGHT-OF-WAY.** The total width of any land reserved or dedicated as a street, road, lane, alley, crosswalk, or for other public or semi-public uses.

**SANITARY LANDFILL.** A lot or land or part thereof licensed and regulated by the Township and in conformance with the Pennsylvania Department of Environmental Protection requirements that is used for the disposal and treatment of solid waste.

**SCHOOL.** A use in which supervised education or instruction is offered, including public and private schools, according to the following categories:

**Elementary and Secondary.** Schools with grades Kindergarten through and including 12th.

**Post-Secondary.** Schools offering education or instruction to individuals beyond Secondary, primarily for the purpose of obtaining gainful employment skills and knowledge, including colleges, universities, vocational, trade and business schools.

**Commercial.** Schools offering a variety of educational and instructional activities not included in the Elementary and Secondary, and Post-Secondary schools. Said school may or may not be operated as a gainful business by a person or organization other than a school district, and include dance, martial arts, hobby-oriented, and related schools.

**SELF STORAGE FACILITY.** A building and/or series of buildings divided into separate storage units for personal property and/or property associated with some business or

other organization. These units shall be used solely for dead storage and shall not include processing, manufacturing, sales, research, service, repair, or other non-storage activities.

**SERVICE STREET.** A minor right-of-way providing a secondary vehicular access to the side or rear or two or more properties, which is not the primary means of access to the properties.

**SETBACK LINE.** The line within a property defining the minimum required distance between any building or structure or portions thereof to be erected or altered and a Front Lot Line. Such line shall be measured at right angles from the Front Lot Line upon which said building or structure is located or to be located and shall be parallel to said Front Lot Line.

**SEWAGE FACILITIES.** All terms, expressions and words used in relation to sewage facilities, whether on-lot, community or public, shall be as defined in any and all applicable Pennsylvania Department of Environmental Protection, Rules, Regulations and other publications.

**SHOOTING RANGE.** A place where the public, for a fee or by invitation, can discharge firearms and/or utilize archery equipment for recreation, competition, skill development or training. A Shooting Range does not include hunting when conducted in accordance with the rules and regulations of the Commonwealth of Pennsylvania.

**SHOPPING CENTER.** A group of retail stores planned and designed for the site on which it is built, functioning as a unit, with shared off-street parking provided on the property as an integral part of the unit.

**SITE PLAN REVIEW.** The process by which the Planning Commission evaluates a zoning permit application and makes a recommendation to the Zoning Officer. See Section 1031 of this Ordinance for the procedure and standards involved in a Site Plan Review.

**SIGHT TRIANGLE.** An area within which no vision-obstructing object is permitted above a height of two and one-half feet or below a height of ten feet.

**SIGN.** Any device designed to inform or attract attention. For purposes of this Ordinance, the term SIGN does not include mailboxes, address numbers, names of occupants, flags and insignias of governments, legal notices, devices for the giving of direction or information required by governmental bodies, or devices directing or guiding traffic and parking without the use of advertising matter.

**OFF-PREMISE SIGN.** A sign that directs attention to products, accommodations, services or activities offered at locations other than the property upon which the sign is erected or displayed.

**ON-PREMISE SIGN.** A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services or activities available on the premises.

**SIGN, BUSINESS.** A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.



**SIGN, FREE-STANDING.** An independently supported sign, not attached to any building.

**SIGN, HEIGHT.** The vertical distance measured from the lowest grade adjacent to the sign to its highest point. The highest point in the case of a sign shall include the supporting structure.

**SIGNS, NUMBER.** For the purpose of determining number of signs, a sign shall be considered as a single display surface or device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship or elements, each element shall be considered a single sign.

**SINGLE AND SEPARATE OWNERSHIP.** The ownership of a contiguous land area as one or more lots by one owner, whether a person, partnership, corporation, or other legal entity, irrespective of the fact that parts of the land may have been acquired at different times or that the area may have been divided into parts on any plan or plat. For all purposes, single and separate ownership shall be deemed to include ownership in any combination among family members and/or any entities and/or individuals where any one or more of the family owns and/or controls the entity.

**SOCIAL AND RECREATION FACILITIES.** A building, structure, lot or land area used for social and recreational activities, such as parks, golf courses, swimming pools, playgrounds, picnic grounds, social clubs, and halls, etc., and are further categorized as Private and Public as follows:

**PRIVATE.** Social and Recreation Facilities which are characterized by membership requirements and which are available for use only by members and their guests. Examples include country clubs, swimming pool associations, fraternal and social clubs, etc.

**PUBLIC.** Social and Recreation Facilities which have no membership requirements and are available for use by the general public. Examples include public parks and playgrounds, public golf courses, public swimming pools, public libraries, etc.

**SOIL SURVEY.** The Soil Survey of Berks County, Pennsylvania prepared by the United States Department of Agriculture, Soil Conservation Service in cooperation with the Pennsylvania State University Agricultural Experiment Station and Agricultural Extension Service and The Pennsylvania Department of Agriculture, State Soil and Water Conservation Commission, originally issued September 1970, and as amended from time to time.

**SOIL CAPABILITY CLASS.** A grouping of various soil types into one of eight classes, with each class containing similar characteristics indicating a suitability for agricultural purposes. The Soil Capability Classes utilized in the Ordinance are set forth in the Soil Survey of Berks County.

**SOLID WASTE.** Garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from municipal, industrial, commercial,

agricultural and residential activities. Such wastes shall not include biological excrement or hazardous waste materials as defined in the *Code of Federal Regulations*, Title 40, Chapter 1, Part 261, dated July 1, 1984, as amended.

**SPECIAL EXCEPTION USE.** A use for which the Zoning Hearing Board may grant a permit, pursuant to the provisions of this Ordinance.

**SPECIFIED ANATOMICAL AREAS.** Less than completely and opaquely covered human genitals, pubic region, buttocks, female breasts below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state even if completely or opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES.** Human genitals in a state of sexual stimulation or arousal. Acts of human masturbation, sexual intercourse or sodomy, bestiality, fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts.

**STACK.** Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a furnace, especially that part of a structure extending above a roof.

**STEEP SLOPE.** The naturally occurring area of land characterized by a grade of 15% or steeper but less than 25% over a distance of 50' and an elevation change of 6'.

**STOCKYARD.** A large yard area with pens or stables where cattle, sheep, swine or other livestock are kept ready for sale or shipping. This definition shall include slaughterhouses.

**STORMWATER CONTROL FACILITIES.** Facilities used for the control, storage, retention, detention, or infiltration of stormwater runoff including, but not limited to, infiltration pits and basins, retention and detention basins. Stormwater control facilities shall be considered an accessory use to the principal use for which such facilities have been designed, intended, installed or constructed.

**STORMWATER CONVEYANCE FACILITIES.** Facilities used for the conveyance, collection and discharge of stormwater runoff including, but not limited to, swales, pipes, catch basins and inlets.

**STREET OR ROAD.** Includes any street, road, avenue, thoroughfare, boulevard, highway, freeway, parkway, thru-way, lane, alley, viaduct, court, path and any other way used, or intended to be used, by vehicular traffic.

**PUBLIC STREET OR ROAD:** A street or road that has been dedicated or deeded to, and accepted by, the Township or Commonwealth, or which by custom and use is maintained by the Township or Commonwealth.

**APPROVED PRIVATE STREET OR ROAD:** A legally established right-of-way, not deeded or dedicated to, nor maintained by, the Township, that provides the primary vehicular access to a lot that has been created as part of approved subdivision or land development plan. After the effective date of this Ordinance only an Approved Private Street or Road may be created. All Approved Private Streets or Roads shall comply fully with the requirements of Bethel Township Subdivision and Land

Development Ordinance in effect at the time the subdivision or land development plan is approved.

**PRIVATE STREET OR ROAD:** An access way, not deeded or dedicated to, nor maintained by, the Township, that provides the primary vehicular access to a lot. Any Private Street or Road in existence on the effective date of this Ordinance may continue to exist and may be extended to serve other lots existing as of that date. No Private Road or Street may be created after the effective date of this Ordinance, nor may any Private Road or Street be extended to serve a lot created after the effective date of this Ordinance.

**STREET LINE.** The dividing line between a lot and the outside boundary of a public street or street right-of-way, or between a lot and a private street which serves two or more separately owned homes or buildings.

**STRUCTURE.** Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. The term “structure” includes the term “building”.

**SUBDIVISION.** The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building lot development; provided however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. The term subdivision shall refer, as appropriate in this Chapter, to the process of subdividing land or to the land proposed to be subdivided. The term subdivision includes resubdivision.

**SUPERVISORS.** The Board of Supervisors of the Township of Bethel, Berks County, Pennsylvania

**SWIMMING POOL, PRIVATE.** Any receptacle or artificially constructed container for water, having a wall depth of over three (3) feet at any point within its perimeter, intended or adapted for the purposes of immersion or partial immersion of human beings therein used or intended to be used in connection with residences, available only to the family of the householder and his private guests, not open to the public or publicly owned, not owned and/or operated by any organization, partnership, or corporation, and not otherwise regulated by any statutes or by rules other than those of the Township. This shall include outdoor whirlpools and inflatable pools.

**SWIMMING POOL, PUBLIC OR SEMI-PUBLIC.** Any swimming pool other than a private swimming pool, including publicly and privately-owned pools open to the general public and pools owned and operated in conjunction with membership organizations, Motels, Hotels, and other similar uses.

**TELECOMMUNICATION FACILITIES.** Facilities, not under the jurisdiction of the PUC, which are used for the purpose of communications, which includes cellular, paging, wireless modems, personal communications service (PCS), and other wireless technologies. For

the purpose of this ordinance, a Public Emergency Services Telecommunication Facility is considered a separate use from Telecommunication Facilities.

**TEMPORARY STRUCTURE OR USE.** A structure without permanent foundation or footings that is removed when the designated time period, activity or use for which the temporary structure was erected, has ceased.

**TOWNSHIP.** The Township of Bethel, Berks County, Pennsylvania

**TRAVEL CENTER.** A highway-oriented complex providing fuel and repair services, food and ancillary services, and limited-term parking for over-the-road commercial vehicles.

**TRAVEL TRAILER.** A vehicular portable structure, which is licensed and registered as a motor vehicle, without skirting or permanent foundation, built or designed to be mounted on a chassis or wheels or constructed as an integral part of a self-propelled vehicle for use as a temporary dwelling for travel, recreation, and/or vacation purposes.

**TRUCKING OWNER OPERATOR.** A use in which the resident of a residential property is an owner and/or operator of a truck or trucks used for commercial purposes, whether self-employed, employed by one or more firms, or under contract with one or more firms, and periodically parks the truck(s) on the residential property. This use may also include an in-home office.

**ULTIMATE RIGHT-OF-WAY LINE.** The dividing line between a lot and the outside limit of the ultimate right-of-way of a public street. Identical with Front Lot Line and Street Line.

**USE.** The specific purpose for which land, sign, structure, or building is designed, arranged, intended, or for which it may be occupied or maintained, or any activity, occupation, business, or operation which may be carried on, thereon or therein. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

**VARIANCE.** A waiver, granted by the Zoning Hearing Board, from the terms and conditions of this Ordinance where literal enforcement would create unnecessary hardship and when granting of the waiver would not be contrary to public interest.

**VERY STEEP SLOPE.** The naturally occurring area of land characterized by a grade of 25% or steeper over a distance of 50' and an elevation change of 6'.

**WATER FACILITIES.** All terms, expressions and words used in relation to water facilities shall be as defined in any and all applicable Pennsylvania Department of Environmental Protection, Rules, Regulations and other publications.

**WETLANDS.** Those areas that are inundated and saturated by surface or ground water at a frequency and duration sufficient to support (and that under normal circumstances do support) a prevalence of vegetation typically adapted for life in saturated soil conditions; includes swamps, marshes, bogs and similar areas. Identification of wetlands should be based upon the "Federal Manual for Identifying and Delineating Wetlands," an interagency publication of the Corps of Engineers, Environmental Protection Agency, Fish and Wildlife Service, and Soil Conservation Service, dated January 1989.

**YARD.** The required open unoccupied space on the same lot with a building. The space shall be open and unobstructed from the ground upward, except as otherwise provided in this Ordinance, and not less in depth or width than the minimum required in each zoning district.

**YARD, FRONT.** An open, unoccupied space between the Front Lot Line and a line drawn parallel thereto, at such distance therefrom as may be specified herein for any zoning district, and extending for the full width of the lot.

**YARD, REAR.** An open, unoccupied space between the rear lot line and a line drawn parallel thereto as such distance therefrom as may be specified herein for any zoning district, and extending for the full width of the lot, except that in the case where the rear lot line is included within a service street, the rear yard shall be between the right-of-way line of the service street nearest the front yard of the lot and a line drawn parallel to such right-of-way line of the service street.

**YARD, SIDE.** An open, unoccupied space between the side lot line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any zoning district, and extending from the front yard to the rear yard.

**ZONING OFFICER.** The duly constituted municipal official appointed by the Board of Supervisors and designated to administer and enforce the Zoning Ordinance of the Township.

**ZONING ORDINANCE.** The Bethel Township Zoning Ordinance of 2000, as amended.

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## SECTION 400 DISTRICTS AND BOUNDARIES

### 410 ZONING DISTRICTS

For the purposes of this Ordinance, the Township is hereby divided into the following Zoning Districts:

**V - Village**

**AP - Agricultural Preservation District**

**IC - Industrial - Commercial**

**EP - Environmental Protection**

**R - Residential**

**C - Commercial**

**Airport District Overlay**

### 420 DISTRICT BOUNDARIES

#### 421 Zoning Map

The boundaries of each District or zone are established as shown on the Official Zoning Map of the Township. The Official Zoning Map and all notations, references, and data shown thereon are hereby incorporated by reference into this Ordinance, and shall be as much a part of this Ordinance as if all were fully described herein.

#### 421.1 Airport District Overlay

In addition to the boundaries shown on the Official Zoning Map referred to above, an Airport District Overlay is hereby adopted surrounding the Grimes Airport and shall encompass all of the area shown within the circles superimposed on the Township Zoning Map. The outermost circle shows the extent of the District and the District is subject to the provisions set forth in Section 900 "Airport District Overlay."

#### 422 Delineation of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules apply:

Where district boundaries are indicated as approximately coinciding with the center lines of streets, highways, or alleys, such center lines shall be construed to be such boundaries.

Where district boundaries are indicated as approximately coinciding with plotted lot lines, such lot lines shall be construed to be such boundaries.

Where district boundaries are indicated as approximately coinciding with the center lines of streams, such center lines shall be construed to be such boundaries.

Boundaries indicated as approximately following Township limits shall be construed as following such limits.

Boundaries indicated as parallel to or extensions of features indicated above shall be so construed.

Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered above, the Zoning Officer shall interpret the district boundaries.

#### **423            District Boundaries Dividing Properties**

Where a district boundary line divides a lot, the provisions and regulations of the zoning district which contains a majority area of the lot shall apply.

#### **430            APPLICATION OF DISTRICT REGULATIONS**

No part of a lot area, yard, other open space, or off-street parking or loading space required in connection with one structure, building or use of land shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other structure, building, or use of the land except as permitted or required by this Ordinance or other Township Ordinance or regulations.

No yard or lot existing at the time of passage of this Ordinance which meets the requirements of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth in this Ordinance. A yard or lot existing at the time of passage of this Ordinance which does not meet the minimum requirements of this Ordinance shall not be further reduced below the minimum requirements of this Ordinance.

Where district regulations specify a minimum lot width at the street line, the minimum lot width shall be contiguous along one street line. It is prohibited, when calculating the width of the lot, to add widths along two street lines.

Where district regulations specify a minimum lot width at the building setback line, the minimum lot width shall be contiguous along one building setback line. It is prohibited, when calculating the width of the lot, to add widths along two building setback lines.

The minimum lot width requirements set forth in this ordinance shall be required to be maintained between the street line and the building setback line and for the entire depth of the lot.

Where a lot is formed from part of a lot already improved at the passage of this Ordinance, the separation shall not be made in a manner which results in the violation of any of the provisions of this Ordinance.

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## SECTION 500 V - VILLAGE DISTRICT

### 510 STATEMENT OF INTENT

Village Districts have been established around the Villages of Bethel and Frystown. A mixture of land use types now exists, and such a mixture will be permitted to continue in the future. Presently the most densely developed areas of the Township are located in the Village Districts; in the future the greatest densities of development will be permitted in the Village Districts.

### 520 USES PERMITTED BY RIGHT

Land and buildings in a V District may be used for the following purposes and no others unless a Special Exception, as provided for in Section 530, or a Conditional Use, as provided for in Section 531 is granted:

- 520.01 Single Family Detached Dwelling
- 520.02 Single Family Semi-Detached Dwelling
- 520.03 Two Family Detached Dwelling
- 520.04 Churches, Places of Worship, and Related Uses
- 520.05 Home Occupation, subject to the requirements of Section 1039.
- 520.06 Public Social and Recreation Facilities
- 520.07 Retail Store, including Convenience Stores, up to 10,000 square feet of gross floor area. This shall not include Motor Vehicle Filling Stations, gasoline, diesel or other petroleum product sales.
- 520.08 Office
- 520.09 Medical Office Building
- 520.10 Financial Institutions
- 520.11 Personal Service Establishments
- 520.12 Electronics and Appliance Repair businesses, provided all Repairs are performed within a completely enclosed building.
- 520.13 Restaurant
- 520.14 Municipal Use – Municipal uses shall not be subject to the provisions of § 540, § 1012, or §1013
- 520.15 Cultural and historical facilities, such as museums or historical monuments
- 520.16 Forestry, subject to the Provisions of Section 1057



## **530                    USES PERMITTED BY SPECIAL EXCEPTION**

The following principal uses and any accessory uses associated therewith, and no other uses, are permitted within the Village 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.

- 530.01            Fire Station
- 530.02            Public Utility or Telecommunications Facility
- 530.03            Private Social and Recreation Facilities
- 530.04            Motor Vehicle Filling Station, Automobile and Small Engine Equipment Repair Business
- 530.05            Bed-and-Breakfast
- 530.06            Residential conversion to more than 2 units, subject to Section 1032 of this Ordinance
- 530.07            Home Premises Business, subject to the requirements of Section 1040.
- 530.08            Electronics and Appliance Repair Businesses, where Repairs are not performed within a completely enclosed building.
- 530.09            Boarding, Lodging or Rooming House
- 530.10            Funeral Home, excluding crematorium
- 530.11            Accessory buildings and uses to the above permitted Special Exception uses.
- 530.12            Automotive Repair Home Premise Business subject to the requirements of Section 1058
- 530.13            Apartment Buildings and Townhouses, subject to:
  - a. Public or community sewer and water facilities shall be provided.
  - b. Minimum lot area shall be one acre.
  - c. The overall density of the development shall not exceed eight dwelling units per acre.
  - d. The maximum building height shall be thirty-five (35) feet.
  - e. Open space requirements shall follow the requirements set forth in the Bethel Township Subdivision and Land Development Ordinance, as amended.
  - f. A system for pedestrian circulation throughout the development shall be provided.

- g. The maximum length of an Apartment Building shall be 165 feet.
- h. The number of Townhouses within a continuous grouping shall not exceed eight.
- i. No Apartment Building shall be located within forty (40) feet of a property line of the development.
- j. No Apartment Building shall be located within forty (40) feet of another dwelling.
- k. A Townhouse shall be located at least forty (40) feet from any dwelling which is not in the same row of Townhouses.
- l. No Townhouse shall be located within twenty-five (25) feet of any street right-of-way line.
- m. No Apartment Building shall be located within forty (40) feet of any street right-of-way.
- n. No more than forty percent (40%) of the total area of the development shall be covered by buildings.
- o. No more than thirty percent (30%) of the total area of the development shall consist of paved or other non-vegetated surface.
- p. Exterior storage areas for trash and rubbish shall be completely screened from view on three sides and all trash shall be contained in air-tight, vermin-proof containers.
- q. Common Parking Facilities shall not be designed or located to require cars to back into streets in order to leave the Parking Facilities. All dead-end Parking Facilities shall provide adequate areas into which cars parked in the end stalls of the lots may back.
- r. Common Parking Facilities and access drives shall be located a minimum of ten (10) feet from all structures. Common parking areas shall be a minimum of fifteen (15) feet from all street rights-of-way and from the exterior lot lines of the development.
- s. Entrance and exit ways to Parking Facilities shall have a minimum width of twelve (12) feet for each lane of traffic entering or leaving the areas.
- t. In the case of Townhouses for sale where the sale of land with the Townhouse will not be limited to the land actually covered by the Townhouse, the following regulations shall apply to the Townhouse lot:
  - Minimum lot width 18 feet
  - Minimum lot area 2000 sq. ft.
  - Minimum rear yard 25 feet
  - Minimum side yard (end of row) 20 feet

- u. Parking Facilities shall be designed to prevent through-traffic to other Parking Facilities. No more than sixty (60) Parking Spaces shall be accommodated in any one Parking Facility and all Parking Facilities shall be landscaped in accordance with the provisions of the Bethel Township Subdivision and Land Development Ordinance.
- v. Entrances to and exits from common Parking Facilities shall be located a minimum of eighty (80) feet from the point of intersection of the nearest street curb lines.
- w. All common Parking Facilities and all access drives serving the Parking Facilities shall be paved with a bituminous or concrete surface.

## **531                    USES PERMITTED BY CONDITIONAL USE**

The following principal uses and any accessory uses associated therewith, and no other uses, are permitted within the Village District only by Conditional Use, subject to and in accord with all other relevant provisions of this Ordinance and any conditions which may be imposed by the Board of Supervisors.

- 531.01    Windmills for Residential Accessory Use Wind Energy Generation, subject to the requirements of Section 1050 and other applicable sections of this ordinance.
- 531.02    Windmills for Non-Residential Accessory Use Wind Generation, subject to the requirements and limitations of Section 1050 for Residential Accessory Use Wind generation, and other applicable sections of this ordinance.

**540 - AREA, YARD COVERAGE AND HEIGHT RESTRICTIONS PUBLIC OR COMMUNITY SEWER, AND PUBLIC OR COMMUNITY WATER**

<b><u>MAXIMUM PERMITTED</u></b>	<b>Non-Residential</b>	<b>Single Family Detached Dwelling</b>	<b>Single Family Semi-Detached Dwelling</b>	<b>Two Family Detached Dwelling</b>
BUILDING HEIGHT	35 FEET unless a conditional use is granted pursuant to Section 541	35 FEET	35 FEET	35 FEET
LOT COVERAGE	<b>70%</b>	30%	<b>40%</b>	<b>40%</b>

<b><u>MINIMUM REQUIREMENTS</u></b>	<b>Non-Residential</b>	<b>Single Family Detached Dwelling</b>	<b>Single Family Semi-Detached Dwelling</b>	<b>Two Family Detached Dwelling</b>
LOT AREA	10,000 SQ. FT.	<b><u>12,000 SQ. FT.</u></b>	<b><u>8,700 SQ. FT.</u></b>	12,000 SQ. FT.
SETBACK LINE	25 FEET	25 FEET	25 FEET	25 FEET
LOT WIDTH AT STREET LINE	80 FEET	50 FEET	50 FEET	50 FEET
LOT WIDTH AT SETBACK LINE	80 FEET	70 FEET	60 FEET	70 FEET
REAR YARD	30 FEET	25 FEET	25 FEET	25 FEET
SIDE YARD	10 FEET EACH	10 FEET EACH	20 FEET TOTAL	20 FEET TOTAL

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**540 - AREA, YARD COVERAGE AND HEIGHT RESTRICTIONS,  
continued ON-LOT SEWER, AND ON-LOT WATER**

<b><u>MAXIMUM PERMITTED</u></b>	<b>Non-Residential</b>	<b>Single Family Detached Dwelling</b>	<b>Single Family Semi-Detached Dwelling</b>	<b>Two Family Detached Dwelling</b>
BUILDING HEIGHT	35 FEET unless a conditional use is granted pursuant to Section 541	35 FEET	35 FEET	35 FEET
LOT COVERAGE	70%	25%	20%	20%

<b><u>MINIMUM REQUIREMENTS</u></b>	<b>Non-Residential</b>	<b>Single Family Detached Dwelling</b>	<b>Single Family Semi-Detached Dwelling</b>	<b>Two Family Detached Dwelling</b>
LOT AREA	1 ACRE	1 ACRE	1 ACRE	1 ACRE
SETBACK LINE	25 FEET	25 FEET	25 FEET	25 FEET
LOT WIDTH AT STREET LINE	100 FEET	70 FEET	90 FEET	90 FEET
LOT WIDTH AT SETBACK LINE	100 FEET	100 FEET	100 FEET	120 FEET
REAR YARD	35 FEET	30 FEET	30 FEET	30 FEET
SIDE YARD	15 FEET EACH	15 FEET EACH	20 FEET TOTAL	20 FEET TOTAL

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**540 - AREA, YARD COVERAGE AND HEIGHT RESTRICTIONS,**  
**continued PUBLIC OR COMMUNITY SEWER, AND ON-LOT WATER**

<b><u>MAXIMUM PERMITTED</u></b>	<b>Non-Residential</b>	<b>Single Family Detached Dwelling</b>	<b>Single Family Semi-Detached Dwelling</b>	<b>Two Family Detached Dwelling</b>
BUILDING HEIGHT	35 FEET unless a conditional use is granted pursuant to Section 541	35 FEET	35 FEET	35 FEET
LOT COVERAGE	70%	25%	30%	30%

<b><u>MINIMUM REQUIREMENTS</u></b>	<b>Non-Residential</b>	<b>Single Family Detached Dwelling</b>	<b>Single Family Semi-Detached Dwelling</b>	<b>Two Family Detached Dwelling</b>
LOT AREA	15,000 SQ. FT.	15,000 SQ. FT.	15,000 SQ. FT.	15,000 SQ. FT.
SETBACK LINE	25 FEET	25 FEET	25 FEET	25 FEET
LOT WIDTH AT STREET LINE	100 FEET	70 FEET	60 FEET	70 FEET
LOT WIDTH AT SETBACK LINE	100 FEET	100 FEET	70 FEET	100 FEET
REAR YARD	35 FEET	30 FEET	30 FEET	30 FEET
SIDE YARD	15 FEET EACH	20 FEET EACH	20 FEET TOTAL	20 FEET TOTAL

**540 - AREA, YARD COVERAGE AND HEIGHT RESTRICTIONS,**  
**continued ON-LOT SEWER, AND PUBLIC OR COMMUNITY WATER**

<b><u>MAXIMUM PERMITTED</u></b>	<b>Non-Residential</b>	<b>Single Family Detached Dwelling</b>	<b>Single Family Semi-Detached Dwelling</b>	<b>Two Family Detached Dwelling</b>
BUILDING HEIGHT	35 FEET unless a conditional use is granted pursuant to Section 541	35 FEET	35 FEET	35 FEET
LOT COVERAGE	70%	25%	30%	30%

<b><u>MINIMUM REQUIREMENTS</u></b>	<b>Non-Residential</b>	<b>Single Family Detached Dwelling</b>	<b>Single Family Semi-Detached Dwelling</b>	<b>Two Family Detached Dwelling</b>
LOT AREA	1 ACRE	1 ACRE	1 ACRE	1 ACRE
SETBACK LINE	25 FEET	25 FEET	25 FEET	25 FEET
LOT WIDTH AT STREET LINE	100 FEET	70 FEET	60 FEET	70 FEET
LOT WIDTH AT SETBACK LINE	100 FEET	100 FEET	70 FEET	120 FEET
REAR YARD	35 FEET	30 FEET	30 FEET	30 FEET
SIDE YARD, EACH	15 FEET EACH	20 FEET EACH	20 FEET TOTAL	20 FEET TOTAL

## **541 INCREASED HEIGHT BY CONDITIONAL USE**

The Board of Supervisors may, by conditional use allow non-residential structures to exceed thirty-five (35) feet by conditional use subject to the following standards:

- a. The proposed structure shall otherwise be consisted with the purposes and intent of this Ordinance;
- b. The proposed structure shall in no event exceed Sixty (60) feet in height;
- c. The Board shall find after hearing that the increased height will not adversely affect surrounding property owners;
- d. The Applicant shall demonstrate to the satisfaction of the governing body that fire suppression and other safety concerns shall be addressed in light of the existing fire and safety equipment available; and,

Any increase beyond thirty-five (35) feet shall require that front-yard, side-yard and rear-yard setbacks shall all be increased the same distance as the structure exceeds thirty-five (35) feet beyond the setbacks already required.

## **550 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 the provisions of Section 1031 of this Ordinance, shall be required.

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## **SECTION 500A C - COMMERCIAL DISTRICT**

### **510A STATEMENT OF INTENT**

Commercial Districts have been established in areas around interchanges and as a transitional zone abutting the Village Districts. A mixture of land use types now exists and such a mixture will be permitted to continue in the future. This District provides for a mix of uses which are less impactful than uses included in the I/C-Industrial / Commercial District but of a lesser density than uses in the V-Village District

### **520A USES PERMITTED BY RIGHT**

Land and buildings in the C District may be used for the following purposes and no others unless a Special Exception, as provided for in Section 530A, or a Conditional Use, as provided for in Section 531A is granted:

520A.01 Single Family Detached Dwelling

520A.02 Single Family Semi-Detached Dwelling

520A.03 Two Family Detached Dwelling

520A.04 Apartment Buildings and Townhouses, subject to:

- a. Public or community sewer and water facilities shall be provided.
- b. Minimum lot area shall be one acre.

- c. The overall density of the development shall not exceed eight dwelling units per acre.
- d. The maximum building height shall be thirty-five (35) feet.
- e. Open space requirements shall follow the requirements set forth in the Bethel Township Subdivision and Land Development Ordinance, as amended.
- f. A system for pedestrian circulation throughout the development shall be provided.
- g. The maximum length of an Apartment Building shall be 165 feet.
- h. The number of Townhouses within a continuous grouping shall not exceed eight.
- i. No Apartment Building shall be located within forty (40) feet of a property line of the development.
- j. No Apartment Building shall be located within forty (40) feet of another dwelling.
- k. A Townhouse shall be located at least forty (40) feet from any dwelling which is not in the same row of Townhouses.
- l. No Townhouse shall be located within twenty-five (25) feet of any street right-of-way line.
- m. No Apartment Building shall be located within forty (40) feet of any street right-of-way.
- n. No more than forty percent (40%) of the total area of the development shall be covered by buildings.
- o. No more than thirty percent (30%) of the total area of the development shall consist of paved or another non-vegetated surface.
- p. Exterior storage areas for trash and rubbish shall be completely screened from view on three sides and all trash shall be contained in air-tight, vermin-proof containers.
- q. Common Parking Facilities shall not be designed or located to require cars to back into streets in order to leave the Parking Facilities. All dead-end Parking Facilities shall provide adequate areas into which cars parked in the end stalls of the lots may back.
- r. Common Parking Facilities and access drives shall be located a minimum of ten (10) feet from all structures. Common parking areas shall be a minimum of fifteen (15) feet from all street rights-of-way and from the exterior lot lines of the development.
- s. Entrance and exit ways to Parking Facilities shall have a minimum width of twelve (12) feet for each lane of traffic entering or leaving the areas.



- t. In the case of Townhouses for sale where the sale of land with the Townhouse will not be limited to the land actually covered by the Townhouse, the following regulations shall apply to the Townhouse lot:

Minimum lot width 18 feet

Minimum lot area 2000 sq. ft.

Minimum rear yard 25 feet

Minimum side yard (end of row) 20 feet

- u. Parking Facilities shall be designed to prevent through-traffic to other Parking Facilities. No more than sixty (60) Parking Spaces shall be accommodated in any one Parking Facility and all Parking Facilities shall be landscaped in accordance with the provisions of the Bethel Township Subdivision and Land Development Ordinance.
- v. Entrances to and exits from common Parking Facilities shall be located a minimum of eighty (80) feet from the point of intersection of the nearest street curb lines.
- w. All common Parking Facilities and all access drives serving the Parking Facilities shall be paved with a bituminous or concrete surface.

520A.05 Home Occupation, subject to the requirements of Section 1039.

520A.06 Public Social and Recreation Facilities

520A.07 Retail Store, including Convenience Stores-

520A.08 Office

520A.09 Medical Office Building

520A.10 Financial Institutions

520A.11 Personal Service Establishments

520A.12 Electronics and Appliance Repair businesses, provided all Repairs are performed within a completely enclosed building.

520A.13 Restaurant, Restaurant - Drive-Thru or Fast Food.

520A.14 Municipal Use – Municipal uses shall not be subject to the provisions of § 540, § 1012, or §1013

520A.15 Cultural and historical facilities, such as museums or historical monuments

520A.16 Forestry, subject to the Provisions of Section 1057

- 520A.17      Accessory Uses to the above permitted uses, excluding Outdoor Wood-Fired Boilers.
- 520A.18      No-impact Home Based Business as defined in Section 308
- 520A.19      Family Day Care Homes
- 520A.20      Solar Panels for Residential Accessory Use Solar Photovoltaic (PV) Energy Generation, subject to the requirements of Section 1053.
- 520A.21      Solar Panels for Non-Residential Accessory Use Solar Photovoltaic (PV) Energy Generation, subject to the requirements of Section 1054.
- 520A.22      Motor Vehicle Filling Station, Motor Vehicle Sales & Service and Small Engine Equipment Repair business
- 520A.23      Retail Store, including Convenience Stores and Shopping Centers.
- 520A.24      Hotel or Motel.
- 520A.25      Amusement and Entertainment Establishments.
- 520A.26      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.
- 520A.27      Laundry or dry-cleaning plant.
- 520A.28      Funeral Home
- 520A.29      Recreational Club or Fitness Center
- 520A.30      Wireless Communications Antenna subject to Section 1038.
- 520A.31      Animal Hospitals & Large Animal Veterinary Clinics

**530A            USES PERMITTED BY SPECIAL EXCEPTION**

The following principal uses and any accessory uses associated therewith, and no other uses, are permitted within the 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.

- 530A.01      Group Day Care Homes, Day Care Center, School
- 530A.02      Fire station
- 530A.03      Hospital; Nursing, Rest or Retirement Home
- 530A.04      Public utility or Tower-Based Wireless Communications Facility

- 520A.05 Churches, Places of Worship, and Related Uses
- 530A.06 Bus passenger station, provided that the station shall not be used for the storage or repair of buses
- 530A.07 Residential conversion to more than 2 units, subject to Section 1032 of this Ordinance
- 530A.08 Mobilehome Park, subject to:
- a. The minimum area of a Mobilehome Park shall be ten (10) acres.
  - b. When the Mobilehome Park is served by either a public or community sewage disposal system and by either a public or community water supply system, there shall be a maximum gross density of five (5) dwelling units per acre, the minimum area of a Mobilehome Lot shall be five thousand (5,000) square feet, the minimum lot width at the street line shall be thirty (30) feet, and the minimum lot width at the building setback line shall be forty (40) feet. In all other cases, each Mobilehome shall be placed on a lot which shall meet the requirements listed in Section 540 for Single Family Detached Dwellings.
  - c. Open Space and recreation requirements shall meet the requirements set forth in the Bethel Township Subdivision and Land Development Ordinance, but in no case shall the amount of area set aside for open space be less than 15% of the total area of the Mobilehome Park, said total area shall include all Mobilehome Lots, Streets and any associated feature, facility or improvement related to the Mobilehome Park.
  - d. The minimum allowable distance between any Mobilehome, service or accessory building, or Parking Facility and a boundary line of the Mobilehome Park shall be thirty (30) feet, provided that no Mobilehome shall be located closer than fifty (50) feet to any street located outside the boundary lines of the park. No Mobilehome shall be located closer than twenty-five (25) feet to any street located within the boundary lines of the Mobilehome Park. The minimum allowable distance between any Mobilehome and another Mobilehome, service or accessory building, or common Parking Facility shall be thirty (30) feet.
  - e. Two off-street Parking Spaces shall be provided for each Mobilehome.
  - f. The limits of each Mobilehome Lot shall be clearly marked on the grounds by permanent flush stakes, markers, or other suitable means.
  - g. All manufactured housing to be built in compliance with the standards established by NCSBCS/ANSI A225.1–1994 regarding Manufactured Home Installations.
  - h. All requirements of the Pennsylvania Department of Environmental Protection shall be complied with.
  - 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.

530A.09 Home Premises Business, subject to the requirements of Section 1040.

530A.10 Group Home

530A.11 Medical Marijuana Dispensary subject to the requirements of Section 1035.

530A.12 Light Industrial

530A.13 Accessory buildings and uses to the above permitted Special Exception uses.

#### **531A USES PERMITTED BY CONDITIONAL USE**

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

531A.01 Windmills for Residential Accessory Use Wind Energy Generation, subject to the requirements of Section 1050 and other applicable sections of this ordinance.

531A.02 Windmills for Non-Residential Accessory Use Wind Generation, subject to the requirements and limitations of Section 1050 for Residential Accessory Use Wind generation, and other applicable sections of this ordinance.

## PUBLIC OR COMMUNITY SEWER, AND PUBLIC OR COMMUNITY WATER

<b><u>MAXIMUM PERMITTED</u></b>	<b>Non-Residential</b>	<b>Single Family Detached Dwelling</b>	<b>Single Family Semi-Detached Dwelling</b>	<b>Two Family Detached Dwelling</b>
BUILDING HEIGHT	35 FEET unless a Conditional Use is granted subject to Section 541A	35 FEET	35 FEET	35 FEET
LOT COVERAGE	70%	30%	40%	40%
<b><u>MINIMUM PERMITTED</u></b>	<b>Non-Residential</b>	<b>Single Family Detached Dwelling</b>	<b>Single Family Semi-Detached Dwelling</b>	<b>Two Family Detached Dwelling</b>
LOT AREA	10,000 SQ.FT	12,000 SQ.FT.	8,700 SQ. FT.	12,000 SQ.FT.
SETBACK LINE	25 FEET	25 FEET	25 FEET	25 FEET
LOT WIDTH AT STREET LINE	80 FEET	50 FEET	50 FEET	50 FEET
LOT WIDTH AT SETBACK LINE	80 FEET	70 FEET	60 FEET	70 FEET
REAR YARD	30 FEET	25 FEET	25 FEET	25 FEET
SIDEYARD	10 FEET EACH	10 FEET EACH	20 FEET TOTAL	20 FEET TOTAL

## ON-LOT SEWER, AND ON-LOT WATER

<b><u>MAXIMUM PERMITTED</u></b>	<b>Non-Residential</b>	<b>Single Family Detached Dwelling</b>	<b>Single Family Semi-Detached Dwelling</b>	<b>Two Family Detached Dwelling</b>
BUILDING HEIGHT	35 FEET unless a Conditional Use is granted subject to Section 541A	35 FEET	35 FEET	35 FEET
LOT COVERAGE	70%	25%	20%	20%
<b><u>MINIMUM PERMITTED</u></b>	<b>Non-Residential</b>	<b>Single Family Detached Dwelling</b>	<b>Single Family Semi-Detached Dwelling</b>	<b>Two Family Detached Dwelling</b>
LOT AREA	1½ ACRE	1½ ACRE	1½ ACRE	1½ ACRE
SETBACK LINE	25 FEET	25 FEET	25 FEET	25 FEET
LOT WIDTH AT STREET LINE	100 FEET	70 FEET	90 FEET	90 FEET
LOT WIDTH AT SETBACK LINE	100 FEET	100 FEET	100 FEET	120 FEET
REAR YARD	35 FEET	30 FEET	30 FEET	30 FEET
SIDEYARD	15 FEET EACH	15 FEET EACH	20 FEET TOTAL	20 FEET TOTAL

## PUBLIC OR COMMUNITY SEWER, AND ON-LOT WATER

<b><u>MAXIMUM PERMITTED</u></b>	<b>Non-Residential</b>	<b>Single Family Detached Dwelling</b>	<b>Single Family Semi-Detached Dwelling</b>	<b>Two Family Detached Dwelling</b>
BUILDING HEIGHT	35 FEET unless a Conditional Use is granted subject to Section 541A	35 FEET	35 FEET	35 FEET
LOT COVERAGE	70%	25%	30%	30%
<b><u>MINIMUM PERMITTED</u></b>	<b>Non-Residential</b>	<b>Single Family Detached Dwelling</b>	<b>Single Family Semi-Detached Dwelling</b>	<b>Two Family Detached Dwelling</b>
LOT AREA	15,000 SQ.FT	15,000 SQ.FT.	15,000 SQ. FT.	15,000 SQ.FT.
SETBACK LINE	25 FEET	25 FEET	25 FEET	25 FEET
LOT WIDTH AT STREET LINE	100 FEET	70 FEET	60 FEET	70 FEET
LOT WIDTH AT SETBACK LINE	100 FEET	100 FEET	70 FEET	100 FEET
REAR YARD	35 FEET	30 FEET	30 FEET	30 FEET
SIDEYARD	15 FEET EACH	20 FEET EACH	20 FEET TOTAL	20 FEET TOTAL

## ON-LOT SEWER, AND PUBLIC OR COMMUNITY WATER

<b><u>MAXIMUM PERMITTED</u></b>	<b>Non-Residential</b>	<b>Single Family Detached Dwelling</b>	<b>Single Family Semi-Detached Dwelling</b>	<b>Two Family Detached Dwelling</b>
BUILDING HEIGHT	35 FEET unless a Conditional Use is granted subject to Section 541A	35 FEET	35 FEET	35 FEET
LOT COVERAGE	70%	25%	30%	30%
<b><u>MINIMUM PERMITTED</u></b>	<b>Non-Residential</b>	<b>Single Family Detached Dwelling</b>	<b>Single Family Semi-Detached Dwelling</b>	<b>Two Family Detached Dwelling</b>
LOT AREA	1½ ACRE	1½ ACRE	1½ ACRE	1½ ACRE
SETBACK LINE	25 FEET	25 FEET	25 FEET	25 FEET
LOT WIDTH AT STREET LINE	100 FEET	70 FEET	60 FEET	70 FEET
LOT WIDTH AT SETBACK LINE	100 FEET	100 FEET	70 FEET	120 FEET
REAR YARD	35 FEET	30 FEET	30 FEET	30 FEET
SIDEYARD	15 FEET EACH	20 FEET EACH	20 FEET TOTAL	20 FEET TOTAL

## **541A INCREASED HEIGHT BY CONDITIONAL USE**

The Board of Supervisors may, by conditional use allow non-residential structures to exceed thirty-five (35) feet by conditional use subject to the following standards:

- a. The proposed structure shall otherwise be consisted with the purposes and intent of this Ordinance;
- b. The proposed structure shall in no event exceed Sixty (60) feet in height;
- c. The Board shall find after hearing that the increased height will not adversely affect surrounding property owners;
- d. The Applicant shall demonstrate to the satisfaction of the governing body that fire suppression and other safety concerns shall be addressed in light of the existing fire and safety equipment available; and,

Any increase beyond thirty-five (35) feet shall require that front-yard, side-yard and rear-yard setbacks shall all be increased the same distance as the structure exceeds thirty-five (35) feet beyond the setbacks already required.

## **550A 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 the provisions of Section 1031 of this Ordinance, shall be required.

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## **SECTION 600 AP - AGRICULTURAL PRESERVATION DISTRICT**

### **610 STATEMENT OF INTENT**

The purpose and intent of the Agricultural Preservation District are as follows:

- 610.01 To protect and promote the continuation of agriculture in areas with valuable agricultural lands and soils.
- 610.02 To promote and preserve Farmland, Farmland in Agricultural Security Areas, Farmland enrolled in Act 319 of 1974 as amended (Clean and Green), and Land Capability Classes I, II, III, and IV and other prime soils.
- 610.03 To prevent the irreversible conversion of primary agricultural land to uses that result in its loss as an environmental and essential food and fiber resource within Bethel Township.
- 610.04 To strengthen and preserve strong agricultural activity as a viable component of the Bethel Township economy.
- 610.05 To promote agricultural land use and activities and other uses and activities which act in direct support of agriculture.

- 610.06 To protect and stabilize the essential characteristics of these areas, to minimize conflicting land uses detrimental to agriculture enterprises, and to limit development which requires highways and other public facilities.
- 610.07 To maintain, protect and stabilize agriculture as an ongoing economic activity by permitting only those land use and activities which are either agricultural in nature or act in direct support thereof.
- 610.08 To maintain the agricultural land resource base, that is, agricultural parcels or farms in sizes which will permit efficient, profitable agricultural operations.
- 610.09 To keep separate agricultural land use and activities from incompatible residential, commercial and industrial development, and public facilities.
- 610.10 To protect land for agricultural purposes.
- 610.11 To preserve prime agricultural soils and farmland to the maximum extent allowed by law, considering topography, soil type and classification, and present use.
- 610.12 To recognize that farming and other agriculture activities are the highest, best and fully developed land use.
- 610.13 To further the goals of the Bethel Township Comprehensive Plan of preserving agricultural and farmlands and promoting them as a part of the local economy.
- 610.14 To support the goals and land use plan of the Berks County Comprehensive Plan which identifies Bethel Township as an area containing valuable agricultural uses.

## **620 USES PERMITTED BY RIGHT**

Land and buildings in an AP District may be used for the following purposes and no others unless a Special Exception, as provided for in Section 630, or a Conditional Use, as provided for in Section 631, is granted.

- 620.01 General Agriculture, as defined by this Ordinance, subject to the provisions of section 1033.01 of this Ordinance.
- 620.02 Intensive Agriculture, as defined by this Ordinance, subject to the provisions of Section 1033.02 of this Ordinance.
- 620.03 Single Family Detached Residential Dwellings.
- 620.04 Farm Stand, subject to the following restrictions:
- a. At least fifty percent (50%) of the quantity of the products are produced on the property from which they are offered for sale.
  - b. The structure from which the products are displayed does not exceed six hundred (600) square feet and is located at least seventy-five (75) feet from the



center line of the road and seventy-five (75) feet from the center of nearest intersection.

- c. Parking shall be provided for at least six (6) vehicles; all parking shall be located outside the road right-of-way.
- d. The stand shall be portable and removed during seasons when products are not being offered for sale, except a stand may remain in place throughout the year provided it is located a minimum of one-hundred (100) feet from the center line of the road and one hundred twenty-five (125) feet from the center of the nearest intersection.

620.05 Woodland or game preserve, wildlife sanctuary or similar conservation use.

620.06 Home Occupation, subject to the provisions of section 1039 of this Ordinance.

620.07 Municipal Use. Municipal uses shall not be subject to the provisions of § 644.02, § 1012, or §1013.

620.08 Forestry subject to the Provisions of Section 1057

620.09 Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

620.10 No-impact Home Based Business as defined in Section 308

620.11 Family Day Care Homes

620.12 Solar Panels for Residential Accessory Use Solar Photovoltaic (PV) Energy Generation, subject to the requirements of Section 1053.

620.13 Solar Panels for Non-Residential Accessory Use Solar Photovoltaic (PV) Energy Generation, subject to the requirements of Section 1054.

620.14 Outdoor Wood-Fired Boilers as an accessory use, subject to the requirements of Section 1056.

620.15 Wireless Communications Antenna subject to Section 1038

620.16 Animal Hospitals & Large Animal Veterinary Clinics

## **630 USES PERMITTED BY SPECIAL EXCEPTION**

The following principal uses and any accessory uses associated therewith, and no other uses, are permitted within the Agricultural Preservation 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.

630.01 Intentionally Blank

- 630.02 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.
- 630.03 Public utility uses.
- 630.04 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.
- 630.05 Aquaculture, subject to the following, if applicable:
- a. Applicant shall provide proof that consumptive water usage shall not adversely affect adjoining property owners; a water consumption permit issued by the Susquehanna River Basin Commission shall be deemed sufficient evidence that this requirement is met.
- b. Applicant shall provide a Hydrogeologic Impact Analysis, prepared and certified by duly licensed professionals acceptable to the Board. This analysis shall contain information showing the source or sources of water to be used, whether the water is to be recycled, and the treatment and disposition of the water after use.
- c. Applicant shall provide an Environmental Impact Analysis, prepared and certified by duly licensed professionals acceptable to the Board.
- d. Applicant shall provide a Traffic Impact Analysis, prepared and certified by duly licensed professionals acceptable to the Board.
- e. Applicant shall provide proof that all state and federal regulatory requirements have been or will be met and that relevant permits have been or will be obtained.
- f. All feed, medicines and chemicals used at the premises shall be stored indoors or in sealed containers.
- g. Processing of product raised at the premises shall be limited to preliminary preparation for transportation and/or shipping. No drying, canning, freezing or similar processing shall be permitted.
- h. Applicant shall prepare and prove ability to comply with an odor abatement plan.
- i. Applicant shall prepare and prove ability to comply with a fly abatement plan.

- j. Applicant shall submit a land development plan to the Bethel Township Planning Commission, pursuant to the Bethel Township Planning Commission, pursuant to the Bethel Township Subdivision and Land Development Ordinance of 1999, as amended. Said land development plan shall include a Storm Water Management Plan prepared pursuant to the requirements set forth in the Subdivision and Land Development Ordinance.
- k. The Board may impose other such conditions and limitations as it deems appropriate.
- l. Animal and/or plant waste and any by-products therefrom shall be handled in such a manner as prescribed by law and so as not to degrade the environment.

630.06 Animal hospitals, veterinary facilities, and kennels.

- a. All structures used by animal hospitals, veterinary facilities, or kennels that house animals shall be located at least 200 feet from all lot lines.
- b. Outdoor pens, feed yards, and runs used by animal hospitals, veterinary facilities or kennels shall be 200 feet from any residential lot line.
- c. All kennels shall comply with all applicable state laws and regulations.
- d. Operations open after hours of darkness shall be adequately lighted but 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.
- e. Dogs shall be permitted outdoors between the hours of 10:00 p.m. and 6:00 a.m.
- f. Notwithstanding the provisions of section 644.02 of this Ordinance, the minimum lot size for animal hospital, veterinary facility, or kennel land uses shall be four (4) acres.

630.07 Mushroom production

- a. The production, processing or cultivation of mushrooms shall be construed as Intensive Agriculture and shall be subject to the requirements of section 1033.02 of this Ordinance.
- b. Mushroom houses shall be operated only under the guidelines set forth in "Best Practices for Environmental Protection in the Mushroom Farm Community" (Department of Environmental Protection, document # 254-401-001, December 1997), as amended.
- c. Housing for mushroom industry workers shall not be permitted except in single-family detached dwellings as provided in this Ordinance.

- 630.08 Sawmills
- a. Notwithstanding the provisions of section 644.02 of this Ordinance, the minimum lot size for a sawmill land use shall be fifteen (15) acres.
- 630.09 Other agriculture or plant and animal production land uses not set specifically set forth within this Ordinance
- 630.10 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%.
- 630.11 Churches, Places of Worship. Notwithstanding the provisions of section 644.02 of this Ordinance, the maximum Lot Coverage shall be 50%.
- 630.12 Bed-and-Breakfast
- 630.13 Residential conversion, subject to Section 1032 of this Ordinance
- 630.14 Group Day Care Homes, Day Care Center
- 630.15 Flea Market
- 630.16 Automotive Repair Home Based Business subject to the requirements of Section 1040.09 of this Ordinance

### **631 USES PERMITTED BY CONDITIONAL USE**

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

- 631.01 Trucking Owner Operator, subject to the provisions of Section 1049.
- 631.02 Windmills for Residential Accessory Use Wind Energy Generation, subject to the requirements of Section 1050 and other applicable sections of this ordinance.
- 631.03 Windmills for Non-Residential Accessory Use Wind Generation, subject to the requirements of Section 1051 and other applicable sections of this ordinance.
- 631.04 Airport Use

### **640. SUBDIVISION AND/OR DEVELOPMENT**

- 640.01 In order to achieve the objectives set forth in Section 610 of this Ordinance, subdivision and/or development of properties located wholly or partially within the Agricultural Preservation District shall be subject to the requirements set forth in this section and sections 641 through 645 of this Ordinance.

- 640.02 For properties located partially within the Agricultural Preservation District and partially within an adjoining zoning district, the provisions of section 423 of this Ordinance shall govern applicability of this section and sections 641 through 645.
- 640.03 Subdivision and/or development solely for agricultural purposes shall be governed by section 642.
- 640.04 Subdivision and/or development solely for residential purposes shall be governed by section 643.
- 640.05 Subdivision and/or development solely for non-agricultural, non-residential purposes shall be governed by section 644.
- 640.06 Subdivision and/or development involving a combination of agricultural, residential and/or non-agricultural, non-residential uses shall be governed by section 642 for the portion concerning agricultural development, section 643 for the portion concerning residential development, and section 644 for the portion concerning non-agricultural, non-residential development.

#### **641 Parent Tracts, Soil Capability Classes, Prime Agricultural Land**

- 641.01 For subdivision and/or development purposes, a Parent Tract shall be a lot as defined in Section 308 of this Ordinance.
- 641.02 Prior to any subdivision and/or development, owners and/or developers of parcels within the Agricultural Preservation District shall perform a Soil Capability Class analysis of the Parent Tract. The Soil Capability Class analysis shall be prepared using the information set forth in Soil Survey of Berks County, Pennsylvania.
- a. For subdivision and/or development purposes, land with underlying soils rated as being within Soil Capability Classes I, II and III shall be classified as Prime Agricultural Land.
  - b. For subdivision and/or development purposes, land with underlying soils rated as being within Soil Capability Classes IV, V, VI, VII and VIII, shall be classified as Non-Prime Agricultural Land.

#### **642 Agricultural subdivision and/or development**

- 642.01 Development (buildings, structures or other improvements) solely for agricultural purposes shall be located upon non-Prime Agricultural Land, if possible. To the extent such development must occur on Prime Agricultural Land that development shall occur only on the least productive soils.
- 642.02 Subdivision and/or development solely for agricultural purposes shall be subject to the following area, yard and height requirements:

<u>a. Maximum Permitted</u>	
Lot Size	None
Height (except barns, silos and grain elevators)	35 Feet
Lot Coverage	25 Percent

<u>b. Minimum Required</u>	
Lot Size	10 Acres
Lot Width	
At Street Line	150 Feet
At Setback Line	150 Feet
Rear Yard	40 Feet
Setback Line	40 Feet
Side Yard	
Total	50 Feet
One Side	25 Feet

642.03      The owner and/or developer shall specify on the plan the lot or lots that shall carry the right to erect or place any unused quota of residential dwelling unit rights the Parent Tract may have.

#### **643    Residential subdivision and/or development**

643.01      Residential subdivision and/or development shall not be permitted upon Prime Agricultural Land, except as follows:

a. In the event the entire Parent Tract consists solely of Prime Agricultural Land, a maximum of two (2) single family detached dwellings may be erected on the Prime Agricultural Land, provided such dwellings are located on the least productive soils within the Prime Agricultural Land.

b. In the event the Prime Agricultural Land portion of the Parent Tract encompasses such a large portion of the Parent Tract that the owner/developer cannot erect a single family detached dwelling on the remaining Non-Prime Agricultural Land portion, a maximum of two (2) single family detached dwellings may be erected on the Prime Agricultural Land, provided such dwellings are located on the least productive soils within the Prime Agricultural Land.

643.02      Residential subdivision and/or development shall be permitted on the portion of the Parent Tract consisting of Non-Prime Agricultural Land, subject to the following limitation:

Size of Parent Tract	Maximum Number Total Single Family Detached Dwellings Permitted
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>0 - 5 acres	1
>5 – 15 acres	2
>15 – 30 acres	3
>30 – 60 acres	4
>60 – 90 acres	5
over 90 acres	6 plus 1 single-family dwelling for each 30 acres over 90 acres

In determining the number of single family detached dwellings, all existing dwellings and all proposed dwellings shall be included. Each lot subdivided from the Parent Tract intended for residential use shall be counted as one single family detached dwelling.

Lots created pursuant to this provision shall be located so as to minimize interference with agricultural production. Where more than one new residential lot is permitted, such lots shall be concentrated or grouped in such a manner as to minimize interference with agricultural production.

643.03      Parcels subdivided and/or developed for residential purposes shall be subject to the following area, yard and height requirements:

- a)      Maximum Permitted

Lot Size	2 acres (except as permitted by section 643.06 a.)
Height	35 Feet
Lot Coverage	25 Percent
- b.      Minimum Required

Lot Size	
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None (except as required by section 643.06 b.)

#### Lot Width

At Street Line and for entire distance to the setback line	150 Feet
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At Setback Line	150 Feet
Rear Yard	40 Feet
Setback Line	40 Feet

#### Side Yard (Subject to Residential Accessory Structure provisions of Section 1020)

Total	50 Feet
One Side	25 Feet

643.04 DECREASED LOT WIDTH AT STREET LINE BY SPECIAL EXCEPTION

The Zoning Hearing Board may, by Special Exception, allow the minimum lot width at the street line to be decreased to a width less than that required under § 643.03 subject to the following minimum standards:

- a. All other requirements of the Bethel Township Zoning Ordinance, the Bethel Township Subdivision and Land Development Ordinance, the Bethel Township Driveway Ordinance, and any and all other applicable local, State and Federal ordinances, rules or regulations, applicable to residential development in the AP Zoning District shall be complied with;
- b. The lot being created shall otherwise be consisted with the purposes and intent of this Ordinance, and specifically the purposes and intent of the AP Zoning District;
- c. The minimum lot width at the street line, and for the entire distance to the setback line, shall not be less than 30 feet;

643.05 The owner and/or developer shall specify on the plan the lot or lots that shall carry the right to erect or place any unused quota of residential dwelling unit rights the Parent Tract may have.

643.06 a. A proposed residential lot exceeding the 2-acre maximum lot size may be permitted, provided the owner/developer has a sufficient quota of additional lots available and agrees to use such available lots for this purpose.

Example 1: Assume, based on the size of the Parent Tract, an owner/developer is entitled to create three (3) 2-acre lots. The owner/developer proposes a 2.5-acre lot for the first lot. Since the proposed 2.5-acre lot exceeds the maximum lot size, the owner/developer may use 2 of his/her quota of 3 available lots to create the proposed 2.5-acre lot. The third available lot shall not exceed 2-acres in size.

Example 2: Assume, based on the size of the Parent Tract, an owner/developer is entitled to create three (3) 2-acre lots. The owner/developer proposes a 5-acre lot for the first lot. Since the 5-acre lot exceeds the maximum lot size, the owner/developer may use his/her entire quota of available lots, 3, to create the proposed 5-acre lot. No additional lots may be created.

b. All residential lots created under this section shall be of sufficient area to safely accommodate access, principal and accessory structures and non-municipal water and sewage needs.



## **644 Non-agricultural, non-residential subdivision and/or development**

644.01 Non-agricultural, non-residential subdivision and/or development shall not be permitted on Prime Agricultural Land, except as follows:

a. In the event the entire Parent Tract consists solely of Prime Agricultural Land, all non-agricultural, non-residential development shall be located only on the least productive soils within the Prime Agricultural Land.

644.02 Non-agricultural, non-residential subdivision and/or development is subject to the following area, yard and height restrictions:

a. Maximum Permitted

Lot Size (unless otherwise specified)	3 acres
Height (except telecommunication towers)	35 feet
Lot Coverage	25 Percent

b. Minimum Required

Lot Size	1 Acre
Lot Width	
At Street Line	150 Feet
At Setback Line	150 Feet
Rear Yard	40 Feet
Setback Line	40 Feet
Side Yard	
Total	50 Feet
One Side	25 Feet

644.03 The owner and/or developer shall specify on the plan the lot or lots that shall carry the right to erect or place any unused quota of residential dwelling unit rights the Parent Tract may have.

## **645 Agricultural Use Notification**

All subdivision and/or land development plans shall conspicuously display the following Agricultural Use Notification:

"All lands within the Agricultural Preservation District, as designated by the Bethel Township Zoning Ordinance of 2000, as amended, and the Bethel Township Zoning Map, as amended, are located in an area where land is used for commercial agricultural production. Owners, residents and other users of this property or neighboring property owners may be subjected to occasional inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted local agricultural practices and operations, including but not limited to noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizer, soils amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such conditions and

inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that the state Right-to-Farm Law (Act 133 of 1982) may bar them from obtaining a legal judgment against such normal agricultural operations.”

## **650 SITE PLAN REVIEW**

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

## **660 Airport Area Restriction**

Within the established Runway Protection Zone and the Approach Zone of an airport, the permitted uses within the AP Agricultural Preservation Zoning District are limited to:

620.01 General Agriculture

620.07 Municipal Use

620.08 Forestry

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## **SECTION 600A R - RESIDENTIAL DISTRICT**

### **610A STATEMENT OF INTENT**

The R-Residential District has been created to provide a transitional zoning district between the Agricultural Districts and the more intensely developed commercial districts. The Residential District contains a blend of general agricultural, residential and low intensity commercial uses.

### **620A USES PERMITTED BY RIGHT**

Land and buildings in an R-Residential District may be used for the following purposes and no others unless a Special Exception, as provided for in Section 630A, or a Conditional Use, as provided for in Section 631A, is granted.

620A.01 General Agriculture, as defined by this Ordinance, subject to the provisions of section 1033.01 of this Ordinance.

620A.02 Intensive Agriculture, as defined by this Ordinance, subject to the provisions of section 1033.02 of this Ordinance.

620A.03 Single Family Detached Residential Dwellings.

- 620A.04 Two Family Detached Dwelling subject to site having a single access and shared parking facilities.
- 620A.05 Farm Stand, subject to the following restrictions:
- a. At least fifty percent (50%) of the quantity of the products are produced on the property from which they are offered for sale.
  - b. The structure from which the products are displayed does not exceed six-hundred (600) square feet and is located at least seventy-five (75) feet from the center line of the road and seventy-five (75) feet from the center of nearest intersection.
  - c. Parking shall be provided for at least six (6) vehicles; all parking shall be located outside the road right-of-way.
  - d. The stand shall be portable and removed during seasons when products are not being offered for sale, except a stand may remain in place throughout the year provided it is located a minimum of one-hundred (100) feet from the center line of the road and one hundred twenty-five (125) feet from the center of the nearest intersection.
- 620A.06 Home Occupation, subject to the provisions of section 1039 of this Ordinance.
- 620A.07 Municipal Use. Municipal uses shall not be subject to the provisions of § 644.02, § 1012, or §1013.
- 620A.08 Forestry subject to the Provisions of Section 1057
- 620A.09 Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.
- 620A.10 No-impact Home Based Business as defined in Section 308
- 620A.11 Family Day Care Homes
- 620A.12 Solar Panels for Residential Accessory Use Solar Photovoltaic (PV) Energy Generation, subject to the requirements of Section 1053.
- 620A.13 Solar Panels for Non-Residential Accessory Use Solar Photovoltaic (PV) Energy Generation, subject to the requirements of Section 1054.
- 620A.14 Outdoor Wood-Fired Boilers as an accessory use, subject to the requirements of Section 1056.
- 620A.15 Wireless Communications Antenna subject to Section 1038.

## **630A            USES PERMITTED BY SPECIAL EXCEPTION**

The following principal uses and any accessory uses associated therewith, and no other uses, are permitted within the Residential 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.

630A.01        Residential conversion to more than 2 units, subject to Section 1032 of this Ordinance

630A.02        Mobilehome Park, subject to:

- a. The minimum area of a Mobilehome Park shall be ten (10) acres.
- b. When the Mobilehome Park is served by either a public or community sewage disposal system and by either a public or community water supply system, there shall be a maximum gross density of five (5) dwelling units per acre, the minimum area of a Mobilehome Lot shall be five thousand (5,000) square feet, the minimum lot width at the street line shall be thirty (30) feet, and the minimum lot width at the building setback line shall be forty (40) feet. In all other cases, each Mobilehome shall be placed on a lot which shall meet the requirements listed in Section 540 for Single Family Detached Dwellings.
- c. Open Space and recreation requirements shall meet the requirements set forth in the Bethel Township Subdivision and Land Development Ordinance, but in no case shall the amount of area set aside for open space be less than 15% of the total area of the Mobilehome Park, said total area shall include all Mobilehome Lots, Streets and any associated feature, facility or improvement related to the Mobilehome Park.
- d. The minimum allowable distance between any Mobilehome, service or accessory building, or Parking Facility and a boundary line of the Mobilehome Park shall be thirty (30) feet, provided that no Mobilehome shall be located closer than fifty (50) feet to any street located outside the boundary lines of the park. No Mobilehome shall be located closer than twenty-five (25) feet to any street located within the boundary lines of the Mobilehome Park. The minimum allowable distance between any Mobilehome and another Mobilehome, service or accessory building, or common Parking Facility shall be thirty (30) feet.
- e. Two off-street Parking Spaces shall be provided for each Mobilehome.
- f. The limits of each Mobilehome Lot shall be clearly marked on the grounds by permanent flush stakes, markers, or other suitable means.
- g. All manufactured housing to be built in compliance with the standards established by NCSBCS/ANSI A225.1–1994 regarding Manufactured Home Installations.
- h. All requirements of the Pennsylvania Department of Environmental Protection shall be complied with.

- 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.

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### **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.

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## **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

<b>Minimum Requirements</b>	
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.

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## 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:

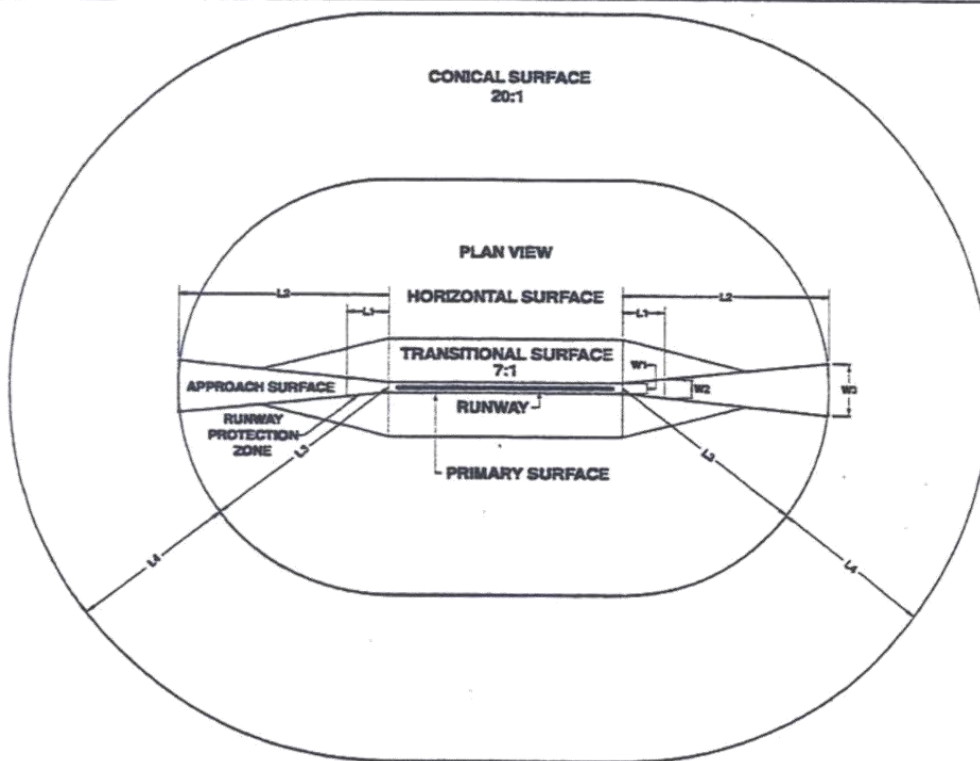
1. No Objection - The subject construction is determined not exceed obstruction standards and marking/lighting is not required to mitigate potential hazard. Under this determination a variance shall be granted.
2. Conditional Determination - The proposed construction/alteration is determined to create 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)	Outer Width (W3)			
Small Airplanes <sup>2</sup>	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
	NP	P	4,000	5,000	5,000	1,000	1,250	20:1	1,000	7:1
		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
Large Airplanes <sup>3</sup>	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
	NP	P	4,000	10,000	5,000	1,000	1,500	20:1	1,000	7:1
		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
Large and Small Airplanes	NP 3/4	P	4,000	10,000	10,000	1,000	3,500	34:1	1,000	7:1
		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
	P	P	4,000	10,000	10,000	1,000	4,000	34:1	1,000	7:1
		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

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

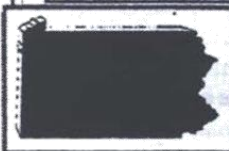
NP = Nonprecision approach 34:1

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



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## **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:

<b>Angle of Parking</b>	<b>Minimum Width (Feet) one-way Traffic</b>	<b>Minimum Width (Feet) two-way Traffic</b>
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 of 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 of 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**

	<b>WCF TYPE</b>	<b>PERMITTED ZONING DISTRICTS</b>	<b>PERMITTED BY RIGHT, CU, OR SE</b>
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**

	<b>WCF out of ROW</b>	<b>WCF in ROW</b>
<b>HEIGHT</b>	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.

<b>Lot Size</b>	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.	
<b>Setbacks</b>	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



investigations, ANSI/EIA-225-G, as amended, shall be submitted to the Township Zoning Officer and/or Engineer prior to construction to document and verify the design specifications of the foundation for the Wireless Support Structure and anchors for the guy wires, if used.

13. Aviation safety. All WCFs shall comply with federal and state laws and regulations concerning aviation safety.
14. Inspections for all WCFs where the new Tower is more than 40 feet in height. A copy of any required inspection report shall be provided to the Township following the inspection. Any repairs advised by report shall be completed by the WCF owner within 60 calendar days after the report is filed with the Township.
15. Equipment Storage. The storage of unused equipment or supplies is prohibited on any WCF site.
16. Retention of Experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist in reviewing and evaluating the application for a WCF, and once approved, in reviewing and evaluating any potential violation of the terms and conditions of this Article. The applicant for the WCF shall reimburse the Township for all costs in providing expert evaluation and consultation in connection with these activities.

#### **Section 1038.06     AESTHETICS, LANDSCAPING, AND SCREENING**

1. Stealth Technology. All WCFs shall employ the most current Stealth Technology available, where appropriate, in an effort to blend the propose WCF into the surrounding environment and minimize aesthetic impact. Equipment buildings and cabinets shall be designed to blend into the environment in which they are situated, to the extent practicable.
2. Landscaping and Screening. An applicant for a Tower-Based WCF where the new Tower is more than 40 feet in height, located outside of the Right-of-Way, shall submit a landscaping and screening design including the following:
  - a) The applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF support structure shall be preserved to the extent practicable.
  - b) Ground mounted equipment shall be screened from public view using an evergreen screen, artificial screen, or fencing, as and unless otherwise directed by Bethel Township.

#### **Section 1038.07     REPLACEMENT, COLLOCATION, OR MODIFICATION**

1. Notwithstanding the requirements for all Tower-Based WCFs and WCFs on Existing Structures, as set forth in this sub-section, an application for Replacement, Collocation or Modification of a previously approved Wireless Support Structure or WCF shall be reviewed for conformance with Bethel Township building permit requirements, including

requirements applicable to the added structural loading of the proposed Antennas and Accessory Equipment. These previously approved facilities shall not be subject to the issuance of new zoning or land use approvals, provided that there is no Substantial Change.

2. Replacement of WCFs on existing Wireless Support Structures or within existing Equipment Compounds may be performed by the applicant without obtaining building or zoning permits from Bethel Township.
3. Any Substantial Change to an existing Tower-Based WCF shall require approval of Bethel Township.
4. Mounting. An applicant proposing a WCF on Existing Structure to be mounted on a building or any other structure shall submit detailed construction and elevation drawings indicating how the WCF on Existing Structure will be mounted on the existing structure for review by the Township building code official for compliance with the building code.
5. Historic Buildings. A Tower-Based WCF shall not be located on a property containing a structure that is listed or either the National or Pennsylvania Registers of Historic Places or eligible to be so listed or is included in the official historical structure list maintained by the Township. Such a historic structure shall not be used as a Wireless Support structure.

#### **Section 1038.08    PERMIT REQUIREMENTS**

1. Collocation Analysis. An application for a new Tower-Based WCF (where the new Tower is more than 40 feet in height and located outside of the Right-of-Way) shall not be approved unless the applicant demonstrates that the Wireless communications equipment planned for the proposed Tower-Based WCF cannot be collocated on an existing structure or building within a mile radius of the proposed Tower-Based WCF location to achieve the coverage or capacity objectives of the applicant.
2. Gap in Coverage or Lack of Adequate Capacity. An application for a Tower-Based WCF (where the new Tower that is more than 40 feet in height and located outside of the Right-of-Way) shall not be approved unless the applicant demonstrates that a significant gap in Wireless coverage exists or lack of adequate capacity is likely to exist within one (1) year of the filing of its application with respect to the applicant in the area.
3. Authorization. An applicant for a WCF shall submit a copy of the lease or other form of written authorization with the property owner confirming that the applicant has standing to file the application and maintain the proposed WCF on the subject lot or property.
4. Licensing and applicable regulations. If the applicant is a commercial wireless communications provider, it must demonstrate that it is licensed by the Federal Communications Commission (FCC) and submit with its application copies of all FCC permits and licenses.

5. Emissions. The applicant shall demonstrate that the proposed WCF will comply with all applicable standards established by the Federal Communication Commission governing human exposure to electromagnetic emissions.
6. Insurance. The applicant shall provide a certificate of insurance issued to the owner/operators of the WCF, evidencing that there is or will be adequate current liability insurance in effect.
7. Permit Fees. Bethel Township may assess appropriate and reasonable permit fees directly related to the actual costs in reviewing and processing the application for approval of a WCF as well as any inspections required.

#### **Section 1038.09     DISCONTINUATION, ABANDONMENT AND REMOVAL**

1. Discontinuation. In the event that use of a Tower-Based WCF is planned to be discontinued, the owner/operator shall provide written notice to Bethel Township of its intent to discontinue use and the date when the use shall be discontinued.
2. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
  - a) All unused or abandoned WCFs and accessory facilities shall be removed within (6-12) months of the cessation of operations at the Site unless a time extension is approved by the Township.
  - b) If the WCF and/or accessory facility is not removed within (6-12) months of the cessation of operations at a Site, or within any longer period approved by Bethel Township, the WCF and accessory facilities and equipment may be removed by Bethel Township and the cost of removal assessed against the owner of the WCF.
  - c) Any unused portions of WCFs, including Antennas, shall be removed within (6-12) months of the time of cessation of operations.

#### **1039             Home Occupations, A Home Occupation use shall be a use permitted by right in all Zoning Districts.**

- 1039.01        The Home Occupation use shall be secondary to the use of the property as a residence.
- 1039.02        No more than two non-resident persons shall be employed by the Home Occupation.
- 1039.03        No machinery or equipment used in or by the Home Occupation shall produce noise, odor, vibration, light or electrical interference at or beyond the property line.
- 1039.04        There shall be no external storage of materials or products.
- 1039.05        All deliveries to and all shipments from the residence shall be made between 7:00 am – 8:00 pm.

- 1039.06      Parking requirements are set forth in Section 1026 of this Ordinance. Further, there shall be a maximum number of four (4) off-street Parking Spaces provided for the Home Occupation use. No on-street parking shall be permitted for a Home Occupation use.
- 1039.07      Signage shall be as set forth in Section 1029 of this Ordinance.
- 1039.08      The exterior of the structure or premises shall be constructed and maintained as a residential dwelling.
- 1039.09      No tractor-trailer, combination truck and/or trailer and/or straight-truck with a total length in excess of twenty five and a half (25.5) feet shall make deliveries to or accept shipments from the Home Occupation.
- 1039.10      The area for the practice of the Home Occupation shall not exceed fifty percent (50%) of the habitable floor area.
- 1040      Home Premises Business, Home Premises Business use shall be a use permitted by Special Exception in all Zoning Districts.**
- 1040.01      The Home Premises Business use shall be secondary to the use of the property as a residence.
- 1040.02      No more than five (5) non-resident persons shall be employed in the Home Premises Business.
- 1040.03      No machinery or equipment used in or by the Home Premises Business shall produce noise, odor, vibration, light or electrical interference at or beyond the property line.
- 1040.04      There shall be no external storage of materials or products in the V and EP Districts. External storage of materials or products shall be permitted in the IC and AP Districts. The location of such materials or products shall be subject to the setback requirements of the appropriate zoning district. Under no circumstances shall discarded, unusable or other similar materials be stored outside.

*(As amended by Ordinance 2002-03)*

- 1040.05      All deliveries to and all shipments from the property shall be made between 7:00 a.m. and 8:00 p.m.
- 1040.06      Parking requirements are set forth in Section 1026 of this Ordinance. Further, there shall be a maximum number of seven (7) off-street Parking Spaces provided for the Home Premises Business use. No on-street parking shall be permitted for a Home Premises Business use.
- 1040.07      Signage shall be as set forth in Section 1029 of this Ordinance.

1040.08 No tractor-trailer, combination truck and/or trailer and/or straight-truck with a length in excess of twenty five and a half (25.5) feet shall make deliveries to or accept shipments from the Home Premises Business, except that trucks exceeding the length limitation may occasionally make deliveries to or shipments from the Home Premises Business so long as the frequency shall not under any circumstances exceed more than 3 times in any 7 day period.

1040.09 AUTOMOTIVE REPAIR HOME BUSINESS PREMISES BUSINESS

- a. Automotive Repair Home Premises Business use shall be a use permitted by Special Exception in the AP, V and C Zoning Districts.
- b. The Automotive Repair Home Premises Business use shall be secondary to the use of the property as a residence.
- c. The minimum lot size for the business must be three (3) acres.
- d. No more than two (2) non-resident persons shall be employed in the Home Premises Business.
- e. Services provided by an Automotive Repair Home Premises Business may include general automotive repair with the exception of the following: Major repairs including spray painting, body work and the complete retreading of tires.
- f. Additional requirements for the business include:
  1. No motor vehicles shall exceed 10,000 pounds in weight.
  2. All service and repair activities shall be enclosed within a building.
  3. All batteries, auto parts and tires must be stored within a building.
  4. Outdoor storage of vehicles.
    - (a) Outdoor storage of vehicles shall be limited to vehicles scheduled for service or repairs, vehicles awaiting pickup after service or repairs, 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.

- g. Automobile wrecking or salvaging activity is not permitted on the premises at any time.
- h. No machinery or equipment used in or by the Home Premises Business shall produce noise, odor, vibration, light or electrical interference at or beyond the property line.
- i. Automotive Repair Home Premises Business shall be screened with solid fencing a minimum height of six (6) feet.
- j. 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.
- k. All deliveries to and all shipments from the property shall be made between 8:00 a.m. and 7:00 p.m.
- l. Parking requirements are set forth in Section 1026 of this Ordinance. Further, there shall be a maximum number of seven (7) off-street Parking Spaces provided for the Home Premises Business use including the spaces as required per Section 6.c. No on-street parking shall be permitted for a Home Premises Business use.
- m. Signage shall be as set forth in Section 1029 of this Ordinance.
- n. No tractor-trailer, combination truck and/or trailer and/or straight-truck with length in excess of twenty-five and a half (25.5) feet shall make deliveries to or accept shipments from the Business, except that trucks exceeding the length limitation may occasionally make deliveries to or shipments from the Business so long as the frequency shall not under any circumstances exceed more than 3 times in any 7 day period.
- o. The garage shall not consist of more than three (3) bays.
- p. Landscaped buffers shall be required where proposed automotive repair home premises businesses are located adjacent to a residential use.
  - 1. Buffers shall be in compliance with Section 5.04.C.1 of the Bethel Township Subdivision and Land Development Ordinance.

**1041**

**Bulk Water Extraction, Bulk water extraction use is permitted by special exception in the IC zoning district, subject to the following provision where applicable:**

The applicant shall bear the responsibility of demonstrating that each of the following standards, if applicable, is or will be satisfied prior to commencement of operation. The Zoning Hearing Board shall have the authority to impose such additional conditions as necessary to assure compliance with the general purpose and intent of this Zoning Ordinance.

- 1041.01 Applicant shall provide a Hydrogeologic Impact Analysis, prepared and certified by duly licensed professionals acceptable to the Board, at least 10 days prior to the first scheduled public hearing on the application for special exception.
- 1041.02 Applicant shall provide a Transportation Impact Analysis, prepared and certified by duly licensed professionals acceptable to the Board, at least 10 days prior to the first scheduled public hearing on the application for special exception.
- 1041.03 Applicant shall provide an Environmental Impact Analysis, prepared and certified by duly licensed professionals acceptable to the Board, at least 10 days prior to the first scheduled public hearing on the application for special exception.
- 1041.04 Utilities and public services shall be available, or made available by the applicant, to adequately serve the proposed use.
- 1041.05 The proposed use will not generate traffic such that hazardous or unduly congested conditions occur.
- 1041.06 The use is appropriate for the site.
- 1041.07 The use shall not adversely affect the character of the neighborhood, or the health and safety of the residents or workers on adjacent properties and in the general neighborhood.
- 1042 Mineral Extraction, Mineral extraction shall be permitted by special exception in the IC zoning district, subject to the following provisions, where applicable:**
- The applicant shall bear the responsibility of demonstrating that each of the following standards, if applicable, is or will be satisfied prior to commencement of operation. The Zoning Hearing Board shall have the authority to impose such additional conditions as necessary to assure compliance with the general purpose and intent of this Zoning Ordinance.
- 1042.01 Applicant shall provide a Hydrogeologic Impact Analysis, prepared and certified by duly licensed professionals acceptable to the Board, at least 10 days prior to the first scheduled public hearing on the application for special exception.
- 1042.02 Applicant shall provide a Transportation Impact Analysis, prepared and certified by duly licensed professionals acceptable to the Board, at least 10 days prior to the first scheduled public hearing on the application for special exception.
- 1042.03 Applicant shall provide an Environmental Impact Analysis, prepared and certified by duly licensed professionals acceptable to the Board, at least 10 days prior to the first scheduled public hearing on the application for special exception.
- 1042.04 Utilities and public services shall be available, or made available by the applicant, to adequately serve the proposed use.

- 1042.05 The proposed use will not generate traffic such that hazardous or unduly congested conditions occur.
- 1042.06 The use is appropriate for the site.
- 1042.07 The use shall not adversely affect the character of the neighborhood, nor the health and safety of the residents or workers on adjacent properties and in the general neighborhood.
- 1042.08 No activity involving the removal, extraction or processing of minerals shall generate or emit air pollutants in excess of the standards established by the Commonwealth of Pennsylvania.
- 1042.09 All quarries, pits, surface mines or other areas where minerals are extracted by the surface mining method shall comply with the requirements of the Surface Mining Conservation and Reclamation Act and its rules and regulations and/or any other applicable state law, rule or regulation.
- 1042.10 All quarries, pits surface mines or other areas where minerals are extracted by the surface mining method, excluding extraction of minerals by the landowner for his own non-commercial purposes from land owned or leased by him, but including all other extractions, shall be licensed under the Surface Mining Conservation and Reclamation Act and/or any other applicable state law, rule or regulation.
- 1042.11 A fence of a minimum height of six (6) feet shall be maintained so as to enclose the mining area, all machinery and all stockpiles.
- 1042.12 Gates, which shall be locked except during business hours, shall be located at all entrances.
- 1042.13 No storage of products, by-products, over-burden or cover materials shall be located closer than one hundred (100) feet from any lot line nor within one hundred (100) from any street not located within the lot.
- 1042.14 No storage of products, by-products, over-burden or cover materials shall exceed a height of fifty (50) feet above grade.
- 1042.15 No quarrying or mining activities and no buildings, structures and equipment shall be located closer than one hundred (100) feet from any lot line, nor within one hundred (100) feet of any street not located within the lot, nor closer than one hundred (100) feet from any district boundary line, provided that an office or storage building may be located no closer than fifty (50) feet to the same.
- 1042.16 Minimum lot size shall be 5 acres in the I-C district and 50 acres in the AP district.



- 1042.17 All blasting operations shall conform to the requirements the Pennsylvania Department of Mines and Mineral Industries, and with all other applicable state and federal laws, rules and regulations. Blasting shall not be permitted between 5 p.m. and 7 a.m. and shall not be permitted on Sundays.
- 1042.18 Where materials are removed from the site, it shall be done in such a manner as to not cause any debris or other material to be deposited beyond the site boundaries.
- 1042.19 All machinery and devices used for extraction purposes shall be removed from the site upon completion of the process.
- 1042.20 Activities shall not cause earth movements or erosion to extend beyond the lot boundaries.
- 1042.21 A planting strip of not less than ten (10) feet in width shall be placed within all side and rear yards or along fences surrounding the mining area, and shall contain evergreen plant material which is planted at a minimum height of four (4) feet and will attain and shall be maintained at a height of not less than eight (8) feet.

**1043 Multiple Principal Uses of a Property:**

- 1043.01 Within the V and AP Zoning Districts no more than two (2) principal uses may be located on a property unless a Special Exception is granted by Zoning Hearing Board.
- 1043.02 Within the EP Zoning District no more than one (1) principal use may be located upon a property unless a Special Exception granted by the Zoning Hearing Board.

**1044 Interference with Airport and Heliport Operation:**

No structure may be erected that would result in the revocation of a license to operate an airport or heliport.

**1045 DAY CARE FACILITIES:**

Day care facilities, as defined in this Ordinance, shall be permitted only in those districts where specified as permitted by right or special exception use, in compliance with the requirements of this section.

- 1045.01 Child day care facilities shall comply with the state’s regulatory standards contained in Sections 8A, 8B, and 8C of Chapter II of the Social Services Manual of the Pennsylvania Department of Public Welfare (hereafter referred to as DPW).
- 1045.02 All day care facilities shall meet the parking requirements found in Section 1026.22

1045.03 An outdoor structured play area or areas shall be provided adjacent to child day care buildings, with adequate safety, separation, and protection from adjoining uses, properties, and roadways.

1045.04 For all day care facilities located on roads other than residential streets, an on-site drop-off area shall be provided with sufficient capacity for the type of facility proposed. All drop-off areas shall provide sufficient turnaround areas so that vehicles can exit the site driving forward.

**1046 FENCE REQUIREMENTS.**

1046.01 No fence or freestanding wall shall be permitted to obstruct sight distance at a street or driveway intersection.

1046.02 Fences may not be placed in any easement area.

1046.03 Fences and freestanding walls are not required to comply with front, side and rear yard building setbacks.

**1047 SELF-STORAGE FACILITIES.**

1047.01 Landscaping shall be provided in accordance with the Bethel Township Subdivision and Land Development Ordinance.

1047.02 One (1) office building may be included on the premises for this purpose and no other, and it shall be considered accessory to the self-storage use. Accessory activity to the storage uses such as sale of storage supplies may take place in the office.

1047.03 Off-street parking spaces shall be provided on the property situated in conjunction with the office for use by employees, service or delivery personnel

or prospective tenants. Sufficient parking to allow for the maximum number of employees on any one shift plus a minimum of three (3) additional spaces must be provided. But in no case, shall fewer than five (5) total spaces be provided.

1047.04 The following uses/activities are specifically prohibited:

- A. servicing or repair of vehicles, boats or other equipment;
- B. auctions;
- C. commercial or private sales other than that listed in Section 1047.03;
- D. flea markets;
- E. yard or garage sales
- F. storage/transfer of vehicles for business purposes.

1047.05 Storage of gasoline and similar petroleum products, radioactive materials, explosives, highly flammable materials, hazardous substances, chemicals, garbage, trash, and animal carcasses or skins shall be prohibited.

1047.06 All storage shall be within closed buildings manufactured for that purpose, built on a permanent foundation of durable, fire resistant, waterproof materials. Trailers, boxcars, sea containers, prefabricated sheds or similar impermanent or movable structures shall not be used for storage.

Outdoor storage shall be allowed in conjunction with self-storage facilities only as a special exception use. The following criteria must be met in addition to the above:

- A. The area of the outdoor storage shall be limited to fifteen percent (15%) of the proposed total storage area as determined by the building foot print(s).
- B. The self-storage facility shall be enclosed and contained by a security fence which shall be:
  - a. Equipped with at least one (1) twenty-four (24) hour automated access gate;
  - b. A minimum of six (6) feet in height.
- C. The area shall be one (1) single designated area separate from the storage units such that stored vehicles shall not interfere with traffic movement through the complex.
- D. Outdoor storage is prohibited in the front, side, and rear yards.
- E. Outdoor storage should be to the rear of the storage buildings, but shall be located in the least environmentally sensitive area of the tract.
- F. Items stored outdoors shall be limited to registered noncommercial automobiles, boats, recreational vehicles, trailers and similar vehicles excluding mobile homes.
- G. No junk shall be stored.
- H. Human habitation of any stored item is strictly prohibited.

#### **1048 TEMPORARY STRUCTURES:**

A temporary permit shall be issued for the authorization of temporary structures or uses necessary during construction or other special circumstances of a discontinuing nature. The time period of the initial permit shall be one (1) year, which may be renewed for three (3) month time periods up to and not exceeding one (1) year. The temporary structure(s) shall be removed completely within thirty (30) days of the expiration of the permit without cost to the Township.

**1049 TRUCKING OWNER OPERATOR:**

- 1049.01 This use shall be secondary to the primary use of the property as a residential dwelling.
- 1049.02 The use shall be limited to residents of the property.
- 1049.03 Truck parking may not occur in the Front, Side or Rear Yard setback areas, and any trucks parked on the property must be either owned or operated by a resident of the property.
- 1049.04 An adequate turnaround area shall be provided so that trucks do not have to back out onto public streets. Truck turning movements shall be illustrated to demonstrate the adequacy of the proposed turnaround area.
- 1049.05 Access drives for the truck parking shall conform to the Bethel Township Driveway Ordinance.
- 1049.06 No more than two (2) trucks may be parked on the property at any time.
- 1049.07 No truck repairs may be conducted on the property unless they are done in a completely enclosed structure.
- 1049.08 An in-home office may be allowed as an accessory use to the Trucking Owner Operator use provided that the in-home office is solely for support of the Trucking Owner Operator use and that the in-home office meets all of the requirements of a No-Impact Home Based Business.

**1050 WINDMILLS FOR RESIDENTIAL ACCESSORY USE WIND ENERGY GENERATION:**

- 1050.01 Windmills for residential wind energy generation shall only be permitted by CONDITIONAL USE in accordance with this Section and Section 1200. It shall be the applicant's burden to demonstrate satisfaction of all Conditional Use and other requirements.
- 1050.02 Except as otherwise provided in the Township Zoning Ordinance, windmills shall be considered accessory structures and the generation of energy as an accessory use only for residential uses in the VC, IC, AP districts and only in accordance with this Section. Power generated by a windmill under this Section shall not exceed 10 KW. There shall be no commercial use of the windmills for the generation of energy, except for that energy generated in excess of the requirements of the property and purchased by a public utility in accordance with the law or other government regulations.
- 1050.03 Wind energy generation shall be limited to one (1) windmill per lot or tract of land, and the minimum lot size shall be one (1) acre.
- 1050.04 The applicant shall demonstrate that the proposed site has sufficient wind for the continued and proper operation of the windmill.

- 1050.05 The maximum height of any windmill, measured from the average approved finished grade at the perimeter of the windmill foundation to the highest vertical point of a blade at its maximum vertical position, shall not exceed 45' feet.
- 1050.06 No windmill shall be placed between the residential dwelling and the street line.
- 1050.07 Only single pole (monopole) windmill structures shall be permitted. A windmill pole shall be self-supporting upon its foundation (i.e., no guy wires).
- 1050.08 No windmill shall be placed closer to a property line, occupied structure, utility, utility line, structure or fuel source than the distance measured by its height plus twenty-five percent (25%) of its height (measured in feet).
- 1050.09 No windmill blade at its lowest point shall be closer to the surface of the ground than fifteen feet (15').
- 1050.10 The proposed location of the windmill shall be demonstrated to protect and maintain existing view sheds of the subject property and those of surrounding properties. In addition, the design color and other visual features of the windmill shall be designed and installed in such a manner so as to create the least visual impact practicable. The applicant shall demonstrate compliance with this section, by among other things, providing photographic perspectives of the proposed site from all sides of the property, adjacent road ways and neighboring properties (with permission of the owners).
- 1050.11 The proposed location and operation of the windmill shall be demonstrated not to interfere with any broadcast, radio, wireless or other telecommunication signals or facilities. In all cases, the location of a windmill shall be clear of and shall not interfere with any existing trees, structures, wires and the like.
- 1050.12 All utilities, lines, cables, wires and other connections to or from the windmill and any other structure associated with the windmill shall be at or below grade, except as otherwise permitted by the Board of Supervisors.
- 1050.13 Noise emitted from the operation of the windmill shall be in accordance with Township Ordinances, including but not limited to those of Section 760.04.
- 1050.14 Windmills shall not be lighted except as otherwise required by law.
- 1050.15 There shall be no antennae, advertising or other items or material affixed to or otherwise placed on the Windmill, except those required for safety or otherwise permitted by the Township.
- 1050.16 Access to a windmill shall not be provided any lower than fifteen feet (15') at the highest point of the windmill base. Other proposed means of access and/or the limitation thereof and security therefore must be approved by the Board of Supervisors as part of the Conditional Use process.

- 1050.17 Caution signs shall be placed at the setback limit warning of ice and blade throws. Signs shall be placed at 100' intervals, no lower than three feet (3') high and a minimum of one (1) square foot, maximum of two (2) square feet reading CAUTION: FALLING OBJECTS. Each sign shall also contain the name and address of the property owner.
- 1050.18 A site plan shall be prepared and certified by a registered professional engineer or a professional land surveyor and submitted with and as part of any Conditional Use application. Applications submitted without a site plan shall be returned to the applicant as incomplete. The site plan shall contain at a minimum, in addition to the other requirements of this Section, the following:
- 1050.18.a Property boundaries and identities of neighboring property owners.
- 1050.18.b Location of all man- made structures on the property, as well as all man- made structures within two hundred feet (200') of the proposed windmill
- 1050.18.c All wires, and overhead structures, both natural and manmade.
- 1050.18.d Soil type(s) where the foundation will be constructed.
- 1050.18.e Complete structural and construction details, including narrative descriptions, demonstrating how the foundation, support and other parts of the windmill will be constructed, installed and maintained, together with the safety features proposed to prohibit unauthorized access.
- 1050.18.f All new structures, together with any alterations to or modifications of existing structures, proposed in connection with the windmill.
- 1050.18.g The applicant shall demonstrate that should the windmill fall, it will fall within the setback prescribed by Section 1930; otherwise the applicant shall provide sufficient setbacks in addition to those prescribed by Section 1930 to comply with the setback area demonstrated by the applicant. In no case shall the setbacks be reduced below those prescribed herein.
- 1050.18.h Information regarding the speed of operation and the braking mechanism(s). No windmills shall be permitted which lack an automatic braking, governing or feathering system to prevent uncontrolled rotation, over speeding and/or excessive pressure on the windmill or any of its component parts.
- 1050.19 The Board of Supervisors may require the submission of additional information at any time prior to, during or following the Conditional Use hearing(s).
- 1050.20 All conditions of any Conditional Use granted by the Board of Supervisors shall be obligations of any succeeding owners of the property. To assist with this subsection, any Conditional Use Approval permitting a windmill shall be recorded verbatim against the property in the County Office of the Recorder of Deeds. In addition, any change in ownership of the property shall be registered with the Township within thirty (30) days of said change in ownership.

- 1050.21 Removal of windmills.
- 1050.21.a Any windmill which has not been in active and continuous service for a period of one (1) year shall be removed from the property to a place of safe and legal disposal.
- 1050.21.b All structures enclosures accessory to the windmill shall also be completely removed from the property to a place of safe and legal disposal.
- 1050.21.c The former windmill site shall be restored to as natural condition as possible within six (6) months of the cessation of active and continuous use.
- 1050.22 Certifications and Inspections.
- 1050.22.a National and State Standards. The applicant shall show that all applicable manufacturer's, Commonwealth of Pennsylvania, and U.S. standards for the construction, operation and maintenance of the proposed windmill have been met, including without limitation, back feed prevention and lightning grounding. Windmills shall be built, operated and maintained to the applicable industry standards of the Institute of Electrical and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI). The applicant for a windmill shall furnish evidence, over the signature of a professional engineer licensed to practice in the Commonwealth of Pennsylvania that such windmill is in compliance with such standards.
- 1050.22.b Annual Inspection Report. Whenever a windmill is authorized by Conditional Use, an annual inspection report prepared by an independent professional engineer licensed in the Commonwealth of Pennsylvania shall be obtained by the property owner and submitted to the Township not later than thirty (30) days following each anniversary of the date on which the Township certified the windmill ready for operation. The inspection report shall certify the structure's soundness and proper operation of the windmill. The requirement to submit the annual report shall be such that it shall be required even if not specifically included in or as part of a Conditional Use decision.
- 1050.23 No windmill shall commence operation until the Township has certified in writing that the conditions of this Section have been satisfied and the windmill has been constructed and installed in accordance with the approved plans and specifications.
- 1051 WINDMILLS FOR ACCESSORY USE NON-RESIDENTIAL WIND ENERGY GENERATION:**
- 1051.01 Windmills for non-residential wind energy generation shall only be permitted by Conditional Use approval of the Board of Supervisors in accordance with this Section and Section 1200. It shall be the applicant's burden to demonstrate satisfaction of all Conditional Use and other requirements.
- 1051.02 Except as otherwise provided in the Township Zoning Ordinance, windmills shall be considered accessory structures and the generation of energy as an

accessory use only in the IC and AP zoning districts for non-residential uses and only in accordance with this Section (windmills accessory to non-residential uses shall be permitted in the VC zoning district but shall be subject to the requirements of Section 1050 of the Zoning Ordinance). Power generated by a windmill under this Section shall not exceed 20KW. There shall be no commercial use of the windmills for the generation of energy, except for that energy generated in excess of the requirements of the property and purchased by a public utility in accordance with the law or other government regulations.

- 1051.03 Wind energy generation shall be limited to one (1) windmill per lot or tract of land, unless the applicant shall demonstrate that the energy provided by a single windmill is insufficient to provide energy for the tract or property. In no event shall any property contain more than three (3) windmills. The minimum lot size shall be one (1) acre.
- 1051.04 The applicant shall demonstrate that the proposed site has sufficient wind for the continued proper operation of the windmill.
- 1051.05 The maximum height of any windmill, measured from the average approved finished grade at the perimeter of the windmill foundation to the highest vertical point of a blade at its maximum vertical position, shall not exceed 55' feet.
- 1051.06 No windmill shall be placed between the non-residential structure and the street line.
- 1051.07 Only single pole (monopole) windmill structures shall be permitted. A windmill pole shall be self-supporting upon its foundation (i.e., no guy wires).
- 1051.08 No windmill shall be placed closer to a property line, occupied structure, utility, utility line, structure or fuel source than the distance measured by its height plus twenty-five percent (25%) of its height (measured in feet).
- 1051.09 No windmill blade at its lowest point shall be closer to the surface of the ground than fifteen feet (15').
- 1051.10 The proposed location of the windmill shall be demonstrated to protect and maintain existing view sheds of the subject property and those of surrounding properties. In addition, the design color and other visual features of the windmill shall be designed and installed in such a manner so as to create the least visual impact practicable. The applicant shall demonstrate compliance with this section, by among other things, providing photographic perspectives of the proposed site from all sides of the property, adjacent road ways and neighboring properties (with permission of the owners).
- 1051.11 The proposed location and operation of the windmill shall be demonstrated not to interfere with any broadcast, radio, wireless or other telecommunication signals or facilities. In all cases, the location of a windmill shall be clear of and shall not interfere with any existing, trees, structures, wires and the like.



- 1051.12 All utilities, lines, cables, wires and other connections to or from the windmill and any other structure associated with the windmill shall be at or below grade, except as otherwise permitted by the Board of Supervisors.
- 1051.13 Noise emitted from the operation of the windmill shall be in accordance with Township Ordinances, including but not limited to those of Section 760.04.
- 1051.14 Windmills shall not be lighted except as otherwise required by law.
- 1051.15 There shall be no antennae, advertising or other items or material affixed to or otherwise placed on the Windmill, except those required for safety or otherwise permitted by the Board of Supervisors.
- 1051.16 Access to a windmill shall not be provided any lower than fifteen feet (15') at the highest point of the windmill base. Other proposed means of access and/or the limitation thereof and security therefore must be approved by the Board of Supervisors as part of the Conditional Use process.
- 1051.17 Caution signs shall be placed at the setback limit warning of ice and blade throws. Signs shall be placed at 100' intervals, no lower than three feet (3') high and a minimum of one (1) square foot, maximum of two (2) square feet reading
- CAUTION: FALLING OBJECTS. Each sign shall also contain the name and address of the property owner.
- 1051.18 A site plan shall be prepared and certified by a registered professional engineer or a professional land surveyor and submitted with and as part of any Conditional Use application. Applications submitted without a site plan shall be returned to the applicant as incomplete. The site plan shall contain at a minimum, in addition to the other requirements of this Section, the following:
- 1051.18.a Property boundaries and identities of neighboring property owners.
- 1051.18.b Location of all manmade structures on the property, as well as all manmade structures within two hundred feet (200') of the proposed windmill.
- 1051.18.c All wires, and overhead structures, both natural and manmade.
- 1051.18.d Soil type(s) where the foundation will be constructed.
- 1051.18.e Complete structural and construction details, including narrative descriptions, demonstrating how the foundation, support and other parts of the windmill will be constructed, installed and maintained, together with the safety features proposed to prohibit unauthorized access.
- 1051.18.f All new structures, together with any alterations to or modifications of existing structures, proposed in connection with the windmill.
- 1051.18.g The applicant shall demonstrate that should the windmill fall, it will fall within the setback prescribed herein.

- 1051.18.h Information regarding the speed of operation and the braking mechanism(s). No windmills shall be permitted which lack an automatic braking, governing or feathering system to prevent uncontrolled rotation, over speeding and/or excessive pressure on the windmill or any of its component parts.
- 1051.19 The Board of Supervisors may require the submission of additional information at any time prior to, during or following the Conditional Use hearing(s).
- 1051.20 All conditions of any Conditional Use granted by the Board of Supervisors shall be obligations of any succeeding owners of the property. To assist with this subsection, any Conditional Use Approval permitting a windmill shall be recorded verbatim against the property in the County Office of the Recorder of Deeds. In addition, any change in ownership of the property shall be registered with the Township within thirty (30) days of said change in ownership.
- 1051.21 Removal of windmills.
- 1051.21.a Any windmill which has not been in active and continuous service for a period of one (1) year shall be removed from the property to a place of safe and legal disposal.
- 1051.21.b All structures enclosures accessory to the windmill shall also be completely removed from the property to a place of safe and legal disposal.
- 1051.21.c The former windmill site shall be restored to as natural condition as possible within six (6) months of the cessation of active and continuous use.
- 1051.22 Certifications and Inspections.
- 1051.22.a National and State Standards. The applicant shall show that all applicable manufacturer's, Commonwealth of Pennsylvania and U.S. standards for the construction, operation and maintenance of the proposed windmill have been met, including without limitation, back feed prevention and lightning grounding. Windmills shall be built, operated and maintained to be applicable industry standards of the Institute of Electrical and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI). The applicant for a windmill shall furnish evidence, over the signature of a professional engineer licensed to practice in the Commonwealth of Pennsylvania that such windmill is in compliance with such standards.
- 1051.22.b Annual Inspection Report. Whenever a windmill is authorized by Conditional Use, an annual inspection report prepared by an independent professional engineer licensed in the Commonwealth of Pennsylvania shall be obtained by the property owner and submitted to the Township not later than thirty (30) days following each anniversary of the date on which the Township certified the windmill ready for operation. The inspection report shall certify the structure soundness and proper operation of the windmill. The requirement to submit the annual report shall be such that it shall be required even if not specifically included in or as part of a Conditional Use decision.

1051.23 No windmill shall commence operation until the Township has certified in writing that the conditions of this Section have been satisfied and the windmill has been constructed and installed in accordance with the approved plans and specifications.

**1052 WIND ENERGY FACILITIES - WINDMILLS FOR PRINCIPAL USE WIND ENERGY GENERATION:**

1052.01 Wind Energy Facilities, which are windmills and associated facilities used for principal use wind energy generation, shall only be permitted by Conditional Use approval of the Board of Supervisors in accordance with this Section and Section 1200. It shall be the applicant's burden to demonstrate satisfaction of all Conditional Use and other requirements.

1052.02 Except as otherwise provided in the Township Zoning Ordinance, windmills shall be considered wind energy facilities and as such principal use structures and the generation of energy as a principal use unless all provisions for accessory use wind generation as stated in either Section 1050 or Section 1051 are met in their entirety. Wind energy facilities shall be permitted only in the IC and only in accordance with this Section.

1052.03 The minimum lot size for Wind Energy Facilities shall be twenty (20) acres.

1052.04 Wind Energy Facilities shall be considered a Land Development and subject to the requirements of the Bethel Township Subdivision and Land Development Ordinance.

**1052.05 DEFINITIONS**

1052.05.a Facility Owner - the entity or entities having an equity interest in the Wind Energy Facility, including their respective successors and assigns.

1052.05.b Operator - the entity responsible for the day-to-day operation and maintenance of the Wind Energy Facility.

1052.05.c Hub Height - the distance measured from the surface of the tower foundation to the height of the Wind Turbine hub, to which the blade is attached.

1052.05.d Occupied Building - a residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the permit application is submitted.

1052.05.e Turbine Height - the distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.

1052.05.f Wind Turbine - a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.

- 1052.05.g Wind Energy Facility - an electric generating facility, whose main purpose is to supply electricity, consisting of one or more Wind Turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.
- All windmills and related facilities shall be considered Wind Energy Facilities unless they meet all of the requirements to be considered accessory use facilities as outlined in either Section 1050 or Section 1051.
- 1052.05.h Non-Participating Landowner - any landowner except those on whose property all or a portion of a Wind Energy Facility is located pursuant to an agreement with the Facility Owner or Operator.
- 1052.06 Design and Installation of Wind Energy Facilities
- 1052.06.a Uniform Construction Code - To the extent applicable, the Wind Energy Facility shall comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999 as amended, and the regulations adopted by the Department of Labor and Industry.
- 1052.06.b Design Safety Certification - The design of the Wind Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.
- 1052.06.c Controls and Brakes - All Wind Energy Facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
- 1052.06.d Electrical Components - All electrical components of the Wind Energy Facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.
- 1052.06.e Visual Appearance; Power Lines –
- 1052.06.e.1 Wind Turbines shall be a non-obtrusive color such as white, off-white or gray.
- 1052.06.e.2 Wind Energy Facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
- 1052.06.e.3 Wind Turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, Facility Owner and Operator.
- 1052.06.e.4 On-site transmission and power lines between Wind Turbines shall, to the maximum extent practicable, be placed underground.

- 1052.06.f Warnings
- 1052.06.f.1 A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- 1052.06.f.2 Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten feet from the ground.
- 1052.06.g Climb Prevention/Locks
- 1052.06.g.1 Wind Turbines shall not be climbable up to fifteen (15) feet above ground surface.
- 1052.06.g.2 All access doors to Wind Turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
- 1052.07 SETBACKS
- 1052.07.a Occupied Buildings
- 1052.07.a.1 Wind Turbines shall be set back from the nearest Occupied Building a distance not less than the greater of the maximum setback requirements for that zoning classification where the turbine is located or 1.1 times the Turbine Height, whichever is greater. The setback distance shall be measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building.
- 1052.07.a.2 Wind Turbines shall be set back from the nearest Occupied Building located on a Non-participating Landowner's property a distance of not less than five (5) times the Hub Height, as measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building.
- 1052.07.b Property lines: All Wind Turbines shall be set back from the nearest property line a distance of not less than the greater of the maximum setback requirements for that zoning classification where the turbine is located or 1.1 times the Turbine Height, whichever is greater. The setback distance shall be measured to the center of the Wind Turbine base.
- 1052.07.c Public roads: All Wind Turbines shall be set back from the nearest public road a distance of not less than 1.1 times the Turbine Height, as measured from the right-of-way line of the nearest public road to the center of the Wind Turbine base.
- 1052.08 Submission Requirements: In addition to the other requirements of this ordinance and other applicable ordinances including but not limited to the Bethel Township Subdivision and land development Ordinance, the following shall be submitted with each application:
- 1052.08.a A narrative describing the proposed Wind Energy Facility, including an overview of the project; the project location; the approximate generating capacity of the Wind Energy Facility; the approximate number, representative types and height

or range of heights of Wind Turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.

- 1052.08.b An affidavit or similar evidence of agreement between the property owner and the Facility Owner or Operator demonstrating that the Facility Owner or Operator has the permission of the property owner to apply for necessary permits for construction and operation of the Wind Energy Facility.
- 1052.08.c Identification of the properties on which the proposed Wind Energy Facility will be located, and the properties adjacent to where the Wind Energy Facility will be located.
- 1052.08.d A site plan showing the planned location of each Wind Turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the Wind Energy Facility to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines and layout of all structures within the geographical boundaries of any applicable setback.
- 1052.08.e Documents related to decommissioning, including a schedule for the decommissioning and financing security.
- 1052.08.f Other relevant studies, reports, certifications and approvals as may be reasonably requested by the Board of Supervisors to ensure compliance with this ordinance.
- 1052.09 All conditions of any Conditional Use granted by the Board of Supervisors shall be obligations of any succeeding owners of the property. To assist with this subsection, any Conditional Use Approval permitting a Wind Energy Facility shall be recorded verbatim against the property in the County Office of the Recorder of Deeds. In addition, any change in ownership of the property shall be registered with the Township within thirty (30) days of said change in ownership.
- 1052.10 Certifications and Inspections.
  - 1052.10.a National and State Standards. The applicant shall show that all applicable manufacturer's, Commonwealth of Pennsylvania and U.S. standards for the construction, operation and maintenance of the proposed windmill have been met, including without limitation, back feed prevention and lightning grounding. Windmills shall be built, operated and maintained to be applicable industry standards of the Institute of Electrical and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI). The applicant for a windmill shall furnish evidence, over the signature of a professional engineer licensed to practice in the Commonwealth of Pennsylvania that such windmill is in compliance with such standards.
  - 1052.10.b Annual Inspection Report. Whenever a windmill is authorized by Conditional Use, an annual inspection report prepared by an independent professional engineer

licensed in the Commonwealth of Pennsylvania shall be obtained by the property owner and submitted to the Township not later than thirty (30) days following each anniversary of the date on which the Township certified the windmill ready for operation. The inspection report shall certify the structure soundness and proper operation of the windmill. The requirement to submit the annual report shall be such that it shall be required even if not specifically included in or as part of a Conditional Use decision.

- 1052.11 No windmill shall commence operation until the Township has certified in writing that the conditions of this Section have been satisfied and the windmill has been constructed and installed in accordance with the approved plans and specifications.
- 1052.12 USE OF PUBLIC ROADS
- 1052.12.a The Applicant shall identify all state and local public roads to be used within the Township to transport equipment and parts for construction, operation or maintenance of the Wind Energy Facility.
- 1052.12.b The Township Engineer or a qualified third party engineer hired by the Township and paid for by the Applicant shall document road conditions prior to construction. The engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits.
- 1052.12.c The Township may bond the road in compliance with state regulations.
- 1052.12.d Any road damage caused by the applicant or its contractors shall be promptly repaired at the Applicant's expense.
- 1052.12.e The Applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.
- 1052.13 LOCAL EMERGENCY SERVICES
- 1052.13.a The Applicant shall provide a copy of the project summary and site plan to the Emergency Services Coordinator and area fire companies.
- 1052.13.b Upon request, the Applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the Wind Energy Facility.
- 1052.14 NOISE AND SHADOW FLICKER
- 1052.14.a Audible sound from a Wind Energy Facility shall not exceed fifty-five (55) dBA, as measured at the exterior of any Occupied Building on a Non-participating Landowner's property. Methods for measuring and reporting acoustic emissions from Wind Turbines and the Wind Energy Facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier.

- 1052.14.b The Facility Owner and Operator shall make reasonable efforts to minimize shadow flicker to any Occupied Building on a Non-participating Landowner's property.
- 1052.15 SIGNAL INTERFERENCE
- 1052.15.a The Applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the Wind Energy Facility.
- 1052.16 LIABILITY INSURANCE
- 1052.16.a There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate. Certificates shall be made available to the Township upon request.
- 1052.17 DECOMMISSIONING
- 1052.17.a The Facility Owner and Operator shall, at its expense, complete decommissioning of the Wind Energy Facility, or individual Wind Turbines, within (12) twelve months after the end of the useful life of the Facility or individual Wind Turbines. The Wind Energy Facility or individual Wind Turbines will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.
- 1052.17.b Decommissioning shall include removal of Wind Turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.
- 1052.17.c Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
- 1052.17.d An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning (Decommissioning Costs) without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (Net Decommissioning Costs). Said estimates shall be submitted to the Township after the first year of operation and every fifth year thereafter.
- 1052.17.e The Facility Owner or Operator shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs; provided that at no point shall Decommissioning Funds be less than twenty five percent (25%) of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the Facility Owner or Operator and participating landowner posting the financial security, provided that the bonding company or



lending institution is authorized to conduct such business within the Commonwealth and is approved by the Township.

1052.17.f Decommissioning Funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township.

1052.17.g If the Facility Owner or Operator fails to complete decommissioning within the period prescribed herein, then the landowner shall have six (6) months to complete decommissioning.

1052.17.h If neither the Facility Owner or Operator, nor the landowner complete decommissioning within the periods prescribed by Paragraphs 17(A) and 17(G), then the Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.

1052.17.i The escrow agent shall release the Decommissioning Funds when the Facility Owner or Operator has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed, or upon written approval of the municipality in order to implement the decommissioning plan.

#### 1052.18 PUBLIC INQUIRIES AND COMPLAINTS

1052.18.a The Facility Owner and Operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.

1052.18.b The Facility Owner and Operator shall make reasonable efforts to respond to the public's inquiries and complaints.

### **1053 SOLAR PANELS FOR RESIDENTIAL ACCESSORY USE SOLAR PHOTOVOLTAIC (PV) ENERGY GENERATION:**

1053.01 Solar panels for residential PV energy generation shall be permitted by Right in accordance with this Section. It shall be the applicant's burden to demonstrate satisfaction of all requirements.

1053.02 Except as otherwise provided in the Township Zoning Ordinance, solar panels shall be considered accessory structures and the generation of energy as an accessory use only for residential uses in all zoning districts and only in accordance with this Section. Power generated by a solar PV system under this Section shall not exceed 10 KW. There shall be no commercial use of the system for the generation of energy, except for that energy generated in excess of the requirements of the property and purchased by a public utility in accordance with the law or other government regulations.

- 1053.03 The placement of solar panels shall comply with all setback and height requirements of the applicable zoning district.
- 1053.04 All utilities, lines, cables, wires and other connections to or from the solar panels and any other structure associated with the system shall be at or below grade.
- 1053.05 Certifications and Inspections. The applicant shall show that all applicable manufacturer, Township (including PA Uniform Construction Code as adopted by the Township), Commonwealth of Pennsylvania, and any other applicable standards for the construction, operation and maintenance of the proposed system have been met. Systems shall be built, operated and maintained to the applicable industry standards of the Institute of Electrical and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI).
- 1054 SOLAR PANELS FOR NON-RESIDENTIAL ACCESSORY USE SOLAR PHOTOVOLTAIC (PV) ENERGY GENERATION:**
- 1054.01 Solar panels for residential PV energy generation shall be permitted by Right in accordance with this Section. It shall be the applicant's burden to demonstrate satisfaction of all requirements.
- 1054.02 Except as otherwise provided in the Township Zoning Ordinance, solar panels shall be considered accessory structures and the generation of energy as an accessory use only for residential uses in all zoning districts and only in accordance with this Section. Power generated by a solar PV system under this Section shall not exceed 20 KW. There shall be no commercial use of the system for the generation of energy, except for that energy generated in excess of the requirements of the property and purchased by a public utility in accordance with the law or other government regulations.
- 1054.03 The placement of solar panels shall comply with all setback and height requirements of the applicable zoning district.
- 1054.04 All utilities, lines, cables, wires and other connections to or from the solar panels and any other structure associated with the system shall be at or below grade.
- 1054.05 Certifications and Inspections. The applicant shall show that all applicable manufacturer, Township (including PA Uniform Construction Code as adopted by the Township), Commonwealth of Pennsylvania, and any other applicable standards for the construction, operation and maintenance of the proposed system have been met. Systems shall be built, operated and maintained to the applicable industry standards of the Institute of Electrical and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI).
- 1055 SOLAR PANELS FOR PRINCIPAL USE SOLAR PHOTOVOLTAIC (PV) ENERGY GENERATION:**

- 1055.01 Solar Energy Facilities, which are facilities used for principal use solar energy generation, shall only be permitted by Conditional Use approval of the Board of Supervisors in accordance with this Section and Section 1200. It shall be the applicant's burden to demonstrate satisfaction of all Conditional Use and other requirements.
- 1055.02 Except as otherwise provided in the Township Zoning Ordinance, Solar Energy Facilities shall be considered principal use structures and the generation of energy as a principal use unless all provisions for accessory use solar energy generation as stated in either Section 1053 or Section 1054 are met in their entirety. Solar energy facilities shall be permitted only in the IC district and only in accordance with this Section.
- 1055.03 The minimum lot size for Solar Energy Facilities shall be twenty (20) acres.
- 1055.04 Solar Energy Facilities shall be considered a Land Development and subject to the requirements of the Bethel Township Subdivision and Land Development Ordinance.
- 1055.05 DEFINITIONS
- 1055.05.a Applicant - the person or entity filing an application under this Ordinance.
- 1055.05.b Facility Owner - the entity or entities having an equity interest in the Solar Energy Facility, including their respective successors and assigns.
- 1055.05.c Operator - the entity responsible for the day-to-day operation and maintenance of the Solar Energy Facility.
- 1055.05.d Occupied Building - a residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the permit application is submitted.
- 1055.05.e Solar Energy Facility - an electric generating facility, whose main purpose is to supply electricity, consisting of one or more solar collector panels or other devices and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.
- 1055.05.f Non-Participating Landowner - any landowner except those on whose property all or a portion of a Solar Energy Facility is located pursuant to an agreement with the Facility Owner or Operator.
- 1055.06 Design and Installation of Solar Energy Facilities
- 1055.06.a Uniform Construction Code - To the extent applicable, the Solar Energy Facility shall comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999 as amended, and the regulations adopted by the Department of Labor and Industry.

- 1055.06.b Design Safety Certification - The design of the Solar Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories or other similar certifying organizations.
- 1055.06.c Electrical Components - All electrical components of the Solar Energy Facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.
- 1055.07 SETBACKS
- 1055.07.a All components of a Solar Energy Facility shall meet the setback requirements of the zoning district in which it will be located.
- 1055.08 Submission Requirements: In addition to the other requirements of this ordinance and other applicable ordinances including but not limited to the Bethel Township Subdivision and Land Development Ordinance, the following shall be submitted with each application:
- 1055.08.a A narrative describing the proposed Solar Energy Facility, including an overview of the project; the project location; the approximate generating capacity of the Solar Energy Facility; the approximate number, representative types and height/extent or range of heights/extent of Solar Panels to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.
- 1055.08.b An affidavit or similar evidence of agreement between the property owner and the Facility Owner or Operator demonstrating that the Facility Owner or Operator has the permission of the property owner to apply for necessary permits for construction and operation of the Solar Energy Facility.
- 1055.08.c Identification of the properties on which the proposed Solar Energy Facility will be located, and the properties adjacent to where the Solar Energy Facility will be located.
- 1055.08.d A site plan showing the planned location of each Solar panel, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the Solar Energy Facility to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.
- 1055.08.e Documents related to decommissioning, including a schedule for the decommissioning and financing security.
- 1055.08.f Other relevant studies, reports, certifications and approvals as may be reasonably requested by the Board of Supervisors to ensure compliance with this ordinance.

- 1055.09 All conditions of any Conditional Use granted by the Board of Supervisors shall be obligations of any succeeding owners of the property. To assist with this subsection, any Conditional Use Approval permitting a Solar Energy Facility shall be recorded verbatim against the property in the County Office of the Recorder of Deeds. In addition, any change in ownership of the property shall be registered with the Township within thirty (30) days of said change in ownership.
- 1055.10 Certifications and Inspections.
- 1055.10.a National and State Standards. The applicant shall show that all applicable manufacturer's, Commonwealth of Pennsylvania and U.S. standards for the construction, operation and maintenance of the proposed Solar Energy Facility have been met, including without limitation, back feed prevention and lightning grounding. Solar Energy Facilities shall be built, operated and maintained to be applicable industry standards of the Institute of Electrical and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI). The applicant for a Solar Energy Facility shall furnish evidence, over the signature of a professional engineer licensed to practice in the Commonwealth of Pennsylvania that such facility is in compliance with such standards.
- 1055.10.b Annual Inspection Report. Whenever a Solar Energy Facility is authorized by Conditional Use, an annual inspection report prepared by an independent professional engineer licensed in the Commonwealth of Pennsylvania shall be obtained by the property owner and submitted to the Township not later than thirty (30) days following each anniversary of the date on which the Township certified the facility ready for operation. The inspection report shall certify the structure soundness and proper operation of the facility. The requirement to submit the annual report shall be such that it shall be required even if not specifically included in or as part of a Conditional Use decision.
- 1055.10.c No Solar Energy Facility shall commence operation until the Township has certified in writing that the conditions of this Section have been satisfied and the facility has been constructed and installed in accordance with the approved plans and specifications.
- 1055.11 USE OF PUBLIC ROADS
- 1055.11.a The Applicant shall identify all state and local public roads to be used within the Township to transport equipment and parts for construction, operation or maintenance of the Solar Energy Facility.
- 1055.11.b The Township Engineer or a qualified third party engineer hired by the Township and paid for by the Applicant shall document road conditions prior to construction. The engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits.
- 1055.11.c The Township may bond the road in compliance with state regulations.

- 1055.11.d Any road damage caused by the applicant or its contractors shall be promptly repaired at the Applicant's expense.
- 1055.11.e The Applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.
- 1055.12 LOCAL EMERGENCY SERVICES
- 1055.12.a The Applicant shall provide a copy of the project summary and site plan to the Emergency Services Coordinator and area fire companies.
- 1055.12.b Upon request, the Applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the Solar Energy Facility.
- 1055.13 LIABILITY INSURANCE
- 1055.13.a There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate. Certificates shall be made available to the Township upon request.
- 1055.14 DECOMMISSIONING
- 1055.14.a The Facility Owner and Operator shall, at its expense, complete decommissioning of the Solar Energy Facility, or individual solar panels, within (12) twelve months after the end of the useful life of the Facility or individual solar panels. The Solar Energy Facility or individual solar panels will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.
- 1055.14.b Decommissioning shall include removal of solar panels, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.
- 1055.14.c Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
- 1055.14.d An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning (Decommissioning Costs) without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (Net Decommissioning Costs). Said estimates shall be submitted to the Township after the first year of operation and every fifth year thereafter.
- 1055.14.e The Facility Owner or Operator shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs; provided that at no point shall Decommissioning Funds be less than twenty five percent (25%) of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered

lending institution chosen by the Facility Owner or Operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by the Township.

- 1055.14.f Decommissioning Funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township.
- 1055.14.g If the Facility Owner or Operator fails to complete decommissioning within the period prescribed by Paragraph 17(A), then the landowner shall have six (6) months to complete decommissioning.
- 1055.14.h If neither the Facility Owner or Operator, nor the landowner complete decommissioning within the periods prescribed herein, then the Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.
- 1055.14.i The escrow agent shall release the Decommissioning Funds when the Facility Owner or Operator has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed, or upon written approval of the municipality in order to implement the decommissioning plan.
- 1055.15 PUBLIC INQUIRIES AND COMPLAINTS
- 1055.15.a The Facility Owner and Operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.
- 1055.15.b The Facility Owner and Operator shall make reasonable efforts to respond to the public's inquiries and complaints.

## **1056 OUTDOOR WOOD-FIRED BOILER:**

- 1056.01 Subject to the provisions contained in this Ordinance, Outdoor Wood-Fired Boiler shall be permitted as an accessory use by Right in all zoning districts with the exception of the Village District. Outdoor Wood-Fired Boilers shall not be permitted by Right, Special Exception or Conditional Use in the Village Zoning District.
- 1056.02 Only Phase 2 Outdoor Wood-Fired Boilers shall be permitted.
- 1056.03 Outdoor Wood-Fired Boilers shall be set back a minimum of 200 feet from any property line.
- 1056.04 The minimum lot size shall be four (4) acres.

- 1056.05 The minimum stack height shall be 20 feet, or at least 2 feet above the highest peak of any residence located within 250 feet of an Outdoor Wood-Fired Boiler.
- 1056.06 The only fuel that may be utilized in Outdoor Wood-Fired Boilers is clean wood, wood pellets made from clean wood, home heating oil, natural gas, propane or that complies with all applicable sulfur limits and is used as a starter or supplemental fuel for dual-fired Outdoor Wood-Fired Boilers.
- 1056.07 Fuels that are prohibited from being utilized and any new or existing Outdoor Wood-Fired Boilers include any material not listed in Section 1056.06, treated or painted wood, furniture, garbage, tires, lawn clippings or yard waste, material containing plastic, material containing rubber, waste petroleum products, paints and paint thinners, chemicals, any hazardous waste, coal, glossy colored paper, construction and demolition debris, plywood particleboard, salt water driftwood, manure, animal carcasses, asphalt products.
- 1056.08 No person shall use or operate a new or existing Outdoor Wood-Fired Boiler between the dates of May 1 and September 30 unless the Outdoor Wood-Fired Boiler is located at least 500 feet from any occupied buildings on adjacent properties and the Outdoor Wood-Fired Boiler is located on a property of at least 20 acres.
- 1056.09 The use and operation of Outdoor Wood-Fired Boilers shall be in full compliance with all applicable federal and state and local rules and regulations, including but not limited to those of the EPA and the Pennsylvania Department of Environmental Protection.

**1057 Forestry Requirements and Procedures:**

- 1057.01 – Scope. A zoning permit shall be required for all forestry/timber harvesting activities, however, an individual property owner need not obtain a permit to cut a tree or trees as part of home maintenance and upkeep, and the following activities are also specifically exempted:
- (1) Removal of diseased or dead trees.
  - (2) Tree Farms
  - (3) Removal of non-native invasive plants.
  - (4) Removal of trees which are in such a condition or physical position as to constitute a danger to the structures or occupants of properties or a public right-of-way.
  - (5) Removal of timber where the value of the trees, logs, or other timber products removed does not exceed \$1,500.
  - (6) When a building Zoning permit is issued for a building, structure or use, the permittee may cut down any trees which exist in the space to be occupied by such building, structure or use not exceeding the standards set forth in the Bethel Township Zoning Ordinance §840.
- 1057.02 - Forestry Management Plan. No timber, harvesting or removal shall occur unless and until a forestry management plan shall be prepared in advance. The Forestry Management Plan shall be submitted to the Zoning Officer as part of the Zoning Permit Application. A copy of the Plan shall also be



available at all times at the harvest site during forestry operations and full compliance with the Plan shall be the joint responsibility of the landowner and forester, and/or contractor.

#### 1057.03 – Contents of Forestry Management Plan.

A. Minimum Requirements. As a minimum, the logging plan or Forestry Management Plan shall include the following:

1. Design, construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails and landings consistent with best management practices established by the State Department of Environmental Protection.
2. Design, construction and maintenance of water and erosion control measures and structures consistent with the best management practices established by the state Department of Environmental Protection.
3. Design, construction and maintenance of stream and wetland crossings, along with applicable regulatory agency approvals.
4. The general location of the proposed operation in relation to municipal and State highways, including any accesses to those highways.
5. Copies of all required permits shall be submitted as an appendix to the plan.
6. Copy of the Erosion and Sediment Control plan and of the "letter of adequacy" if one has been required by the Berks County Conservation District.
7. The criteria for selection of trees to be removed will be clearly stated along with the method used to regenerate and sustain the forest resource.

B. Map. Each forestry management plan shall include a site map containing the following information:

1. Site location and boundaries, including both the boundaries of the property on which the timber harvest will take place and the boundaries of the proposed harvest area within that property.
2. Topographic features of the harvest site.
3. Location of all earth disturbance activities such as roads, landings and water control measures and structures.
4. Location of all crossings of water within the plan area.
5. The general location of the proposed operation to municipal and State highways, including any access to those highways.

C. Compliance with State Law. The forestry management plan shall address and

comply with the requirements of all applicable State laws and regulations including, but not limited to, the following:

1. Erosion and sedimentation control regulations contained in 25 Pennsylvania Code, Chapter 102, promulgated pursuant to the Clean Streams Law (35 P.S. §691.1, et seq.).

2. Stream crossing and wetlands protection regulations contained in 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. §693.1, et seq.).

#### 1057.04 – Notification of Commencement/Completion.

For all forestry and timber harvesting operations, the landowner or operator shall notify the Township Zoning Officer at least ten (10) business days before the operation commences and within five (5) business days before the operation is complete. No timber harvesting shall occur until the notice has been provided. Notification shall be in writing and shall specify the land on which harvesting will occur, the expected size of the harvest area and, as applicable, the anticipated starting or completion date of the operation.

#### 1057.05 – Compliance with Federal Law.

The forestry management plan shall address and comply with the requirements of all applicable Federal laws and regulations including, but not limited to, the best management practices (BMPs) as set forth at 33 CFR 323.4[a][6][i-xv].

#### 1057.06 – General Operational Requirements.

The following requirements shall apply to all forestry/timber harvesting operations in the Township:

a. Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Township or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare.

b. No tops or slash shall be left within twenty-five (25) feet of any public thoroughfare or private roadway providing access to adjoining residential property.

c. All tops and slash between twenty-five (25) feet and fifty (50) feet from a public roadway or private roadway providing access to adjoining residential property or within fifty (50) feet of adjoining residential property shall be lopped to a maximum height of four (4) feet above the surface of the ground.

d. No tops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof.

e. All trash and litter resulting from a timber harvesting or forestry operation shall be removed from the site before it is vacated by the operator.

f. Any soil, stones and/or debris carried onto public roadways must be removed

immediately.

g. On slopes of greater than 25%, uneven-age management shall be practiced where the residual stand must contain 70 square feet of basal area per acre consisting of trees 10 inches or greater in diameter at breast height.

h. When the harvest is completed, any and all dirt roads, skid roads, skid trails, log landing areas, and/or log loading areas must be regraded approximately to original contours, and be seeded and mulched as necessary to establish stable groundcover.

#### 1057.07 – Bond.

In the discretion of the Township Supervisors and in accordance with 67 Pennsylvania Code, Chapter 189, the Township may also require the landowner or operator to furnish a bond to guarantee the repair of excess damage to township roads

#### 1057.08 – Enforcement.

a. Inspections. The Township Zoning Officer, Township Police, or Code Inspections Officer may go upon the site of any timber harvesting operation before, during or after active logging to:

1. Review the logging plan or any other required documents for compliance with this Part
2. Inspect the operation for compliance with the logging plan and other onsite requirements of this Part.

b. Violation Notices; Suspensions. Upon finding that a forestry or timber harvesting operation is in violation of any provisions of this Part, the Township Zoning Officer shall issue the operator and the landowner a written notice of violation describing each violation and specifying a date by which corrective action must be taken. Suspension orders shall be in writing, shall be issued to the operator and the landowner and shall remain in effect until, as determined by the Township Zoning Officer, the operation is brought into compliance with this Part, or other applicable statutes or regulations. The landowner or the operator may appeal an order or decision of an official or employee of the Township in accordance with the provisions of the Pennsylvania Municipalities Planning Code. The Township may order the immediate suspension of any operation upon finding that:

1. The operation is causing an environmental risk;
2. The operation is proceeding without a logging plan; and
3. Corrective action has not been taken by the date specified in a notice of violation.

#### 1057.09 – Penalties.

Any landowner or operator who violates any provision of this Part, or who fails to comply with a notice of violation or suspension order issued under the above section shall be subject to a fine of no less than one hundred dollars (\$100.00), nor more than three hundred dollars

(\$300.00), plus costs and attorney's fees, in accordance with Pennsylvania Municipalities Planning Code. Each day of continued violation of any provision of this Part shall constitute a separate offense.

#### 1057.10 – Specific Definitions.

- a. BASAL AREA--The cross section area of the stem or stems of a tree or of all trees in a stand, generally expressed as square units per unit area. Tree basal is used to determine percent stocking.
- b. DBH (DIAMETER-BREAST-HEIGHT) -- Four and one-half feet above grade.
- c. FELLING -- The act of cutting a standing tree so that it falls to the ground.
- d. FORESTRY MANAGEMENT PLAN -- A written description with a map of a specific commercial forestry operation prepared before the operation commences which meets the requirements of this chapter and the provisions herein.
- e. HAUL ROAD -- A road used to move forest products from the log landing to a public roadway.
- f. LANDING -- A place where logs are assembled for transportation in loads.
- g. LOPPING -- To cut tops and slash into small pieces to allow material to settle close to the ground.
- h. OPERATOR -- The individual, partnership, company, firm, association, or corporation engaged in forestry or timber harvesting, including his agents, or subcontractors, or employees.
- i. OWNER -- An individual, partnership, company, firm, association or corporation that is in actual control of forest land, whether such control is based on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner, and any agents thereof acting on their behalf, such as operators, who set up and administer timber harvesting.
- j. PERMIT -- Written permission, warrant, or license granted by a governmental authority.
- k. SKID ROAD -- Main route for skidding logs from woods to the landing.
- l. SKID TRAIL -- A temporary trail used for skidding logs from the site of felling to the skid road.
- m. SKIDDING -- Dragging trees on the ground, by any means, from the stump to the landing.
- n. SLASH -- Debris left after logging, including logs, chunks, bark, branches, stumps and broken understory trees or brush.
- o. STAND -- A grouping of trees of sufficiently uniform species composition, age, and condition to be distinguished from surrounding stands and managed as a single unit.
- p. TIMBER HARVESTING or LOGGING -- The process of cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products. Clear-cutting or selective cutting of forest lands as part of a land use change are excluded from this definition.
- q. TOPS -- The upper portion of a felled tree not merchantable because of small size, taper, or defect.

r. TREE FARM -- Any commercial establishment which is licensed by the state or federal government for the planting, growing and sale of live trees, shrubs, plants and plant materials for gardening and landscaping purposes. The term includes a farm where evergreen trees are grown for use as Christmas trees; the trees may be felled, or dug up and sold as living Christmas trees for eventual transplantation outdoors.

s. UNEVEN-AGED MANAGEMENT--Uneven-aged management entails maintaining trees of different age classes in the same area.

**1058 Public Emergency Services Telecommunication Facility. The following criteria shall be met for such facilities:**

1058.01 A Landscape Screen, as defined herein, and a safety fence of at least six (6) feet in height with locking gates(s), shall be provided around the entire perimeter of the portion of the property on which the facility is located. Every effort shall be made to blend the facility aesthetics into the surrounding area.

1058.02 All towers shall be set back a minimum distance equal to its height from any property line, unless the applicant provides a certification from a Professional Engineer that the tower has been designed to meet the most current national standards for tower design such as TIA 222 or the then equivalent standards. Such certification shall include a standard, recognized source for the determination of such wind forces, and shall include a stipulation that an inspection shall be performed after construction and before operation to determine that the tower was constructed according to the plans and these standards, and that the results of that inspection shall be forwarded to the Township Zoning Officer for inclusion with the application file.

In no case, however, shall a Public Emergency Services Telecommunication Facility Antenna Support Structure be located closer to any residential dwellings or other structures or buildings intended for human habitation than the total height of the Public Emergency Services Telecommunication Facility Antenna Support Structure. The height and distance shall be measured from the center point of the base of the Public Emergency Services Telecommunication Facility Antenna Support Structure. Buildings intended for human habitation shall include, but not be limited to, commercial, retail, educational, institutional, and other similar use buildings, but shall not include accessory buildings such as storage sheds.

1058.03 All applicants shall be required to contact the owners of all existing towers within the Zoning District to request permission to co-locate on an existing tower. A copy of such notification, as well as all responses, shall accompany the application.

1058.04 The maximum height of such towers shall be restricted to the lowest elevation necessary for proper functioning of the tower to provide public county-wide emergency services communications to the emergency responders that serve Bethel Township, Berks County, Pennsylvania and other Berks County municipalities. Documentation from the applicant shall be provided certifying

that the proposed height is set at the lowest elevation necessary for proper functioning of the tower.

- 1058.05 Applications shall include certification(s) indicating compliance with all Federal Aviation Administration requirements.
- 1058.06 Lighting at the facility shall be the minimum that is absolutely necessary for proper operation and safety of the facility and shall be directed or shielded such that it does not shine on adjacent properties or roadways.
- 1058.07 Access to the facility shall comply with the provisions of the Township Driveway Ordinance and State Highway Occupancy Permit requirements, as applicable.
- 1058.08 Applicants seeking to construct new Public Emergency Services Telecommunications Facilities within the Township must submit a land development plan to the Bethel Township Planning Commission, pursuant to the provisions of the Bethel Township Subdivision and Land Development Ordinance of 1999, as amended, and obtain approval of said plan from the Planning Commission and Supervisors. Notwithstanding anything to the contrary, the Board of Supervisors shall have the power to waive formal land development plan approval under the Township Subdivision and Land Development Ordinance if the applicant demonstrates to the satisfaction of the Board of Supervisors and the Township Engineer that all of the requirements of the Subdivision and Land Development Ordinance, Storm Water Management Ordinance, and other applicable ordinances and regulations will be met.
- 1058.09 The lot coverage shall not exceed 10% not including any Storm Water Management facilities. Areas of the property occupied by impervious areas as of the effective date of this ordinance amendment may be excluded from the calculation of lot coverage.
- 1058.10 The public entity erecting the public county-wide emergency services telecommunication facility and tower may permit collocating and use by commercial and other users subject to the following conditions:
- 1058.10.a The principal use of the facility and structure shall always remain public county-wide emergency services telecommunications providing communications services to the emergency responders that serve Bethel Township, Berks County, Pennsylvania and other Berks County municipalities.
- 1058.10.b The height of the tower shall be limited to the height stated in 1058.04, and shall not be increased to accommodate non-emergency services communications antenna or associated equipment.
- 1058.10.c The facility and structure shall be, and remain in, compliance

with all other provisions of Section 1058.

- 1058.11 If at any time in the future public county-wide emergency services telecommunications ceases to be the principal use of the facility for a period of one year or more, all use of the facility shall cease, and the tower, structure, and all associated facilities shall be removed from the property to a place of safe and legal disposal and the site shall be restored to as natural condition as possible not later than 18 months from the date that public county-wide emergency services telecommunications ceased to be the principal use of the facility.

#### **1059 – Uses Requiring Governmental Licenses or Other Approvals:**

- 1059.01 All uses for which the owners or operators of such use are required to have a license or other approval from a Federal, State or other government unit or agency, including but not limited to medical facilities, day care facilities, nursing and retirement facilities, financial institutions, etc., evidence of current license or approval shall be provided to the Zoning Officer prior to issuance of a Zoning Permit. Such licensing or approvals shall be maintained throughout the duration of the use.

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### **SECTION 1100 ZONING HEARING BOARD**

#### **1110 CREATION, APPOINTMENT AND ORGANIZATION**

- 1110.01 CREATION OF BOARD. The Supervisors hereby create a Zoning Hearing Board, herein referred to as the "Board", consisting of residents of the Township appointed by the Supervisors pursuant to the Pennsylvania Municipalities Planning Code, as amended, who shall be appointed and serve and shall perform all the duties and have all the powers as prescribed by said Code and as herein provided.
- 1110.02 ORGANIZATION. The Board may promulgate such rules and forms for its procedures, not inconsistent with this and other Ordinances of the Township and laws of the Commonwealth of Pennsylvania, as it may deem necessary to the proper performance of its duties and to the proper exercise of its powers. Such rules shall be continued in force and effect until amended or repealed by the Board or by law. The Board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves.
- 1110.03 MEETINGS. Meetings and hearings of the Board shall be held at the call of the chairman and at such times as the Board, by majority vote, may determine.
- 1110.04 MINUTES AND RECORDS. The Board shall keep full public records of its proceedings showing the vote of each member upon each question, or if absent

or failing to vote indicating such fact. The Board shall also keep full public records of its business and other official action, copies of which shall be filed with the Secretary of the Board of Supervisors.

## **1120 JURISDICTION OF THE ZONING HEARING BOARD.**

The Zoning Hearing Board shall have jurisdiction to hear and decide to following matters:

- 1120.01 Substantive challenges to the validity of this Ordinance.
- 1120.02 Challenges to the validity of this Ordinance raising procedural question or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of the Ordinance.
- 1120.03 Appeals from a determination of the Zoning Officer, including, but not limited to, the granting or denial of a zoning permit, the failure to act upon an application for a zoning permit, the issuance of a cease and desist order, or the registration or refusal to register any nonconforming use, structure or lot.
- 1120.04 Appeals from a determination by the municipal engineer or zoning officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
- 1120.05 Applications for variance from the terms of this Ordinance. Applications for variance shall be decided under the standards set forth in section 1121 of this Ordinance.
- 1120.06 Applications for special exception use when provided by this Ordinance. Applications for special exception use shall be decided under the standards set forth in section 1122 of this Ordinance.
- 1120.07 Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Ordinance.
- 1120.08 Appeals from the zoning officer's preliminary opinion obtained pursuant to the provisions of section 916.2 of the Municipalities Planning Code.
- 1120.09 Appeals from the determination of the zoning officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as those opinions related to development not covered by the Bethel Township Subdivision and Land Development Ordinance of 1999, as amended.

## **1121 VARIANCES.**



The Board shall hear applications for variances where it is alleged that the provisions of this Ordinance will inflict unnecessary hardship upon the applicant. In granting any variance the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance, as amended, and the Pennsylvania Municipalities Planning Code, as amended. The Board may, by rule, prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance provided that all of the following findings are made where relevant in a given case:

- 1121.01 That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Zoning Ordinance in the neighborhood or district in which the property is located.
- 1121.02 That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- 1121.03 That such unnecessary hardship has not been created by the appellant.
- 1121.04 That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- 1121.05 That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

**1122 SPECIAL EXCEPTIONS.**

The Board shall issue, upon application, only such Special Exceptions which the Board by the provisions of this Ordinance is specifically authorized to issue. In granting a Special Exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, as amended. The granting of a Special Exception, when specifically authorized by the terms of this Ordinance shall be subject to the following standards and criteria:

- 1122.01 Such use shall be one which is specifically authorized as a Special Exception Use in the zoning district wherein the applicant seeks a Special Exception.
- 1122.02 Such Special Exception shall only be granted subject to any applicable conditions and safeguards as required by this Ordinance.

- 1122.03 Such use shall not adversely affect the character of the zoning district, nor the conservation of property values, or the health and safety of residents or workers on adjacent properties and in the general neighborhood.
- 1122.04 Such use shall be of such size and so located and laid out in relation to its access streets that vehicular and pedestrian traffic to and from such use will not create undue congestion or hazards prejudicial to the general neighborhood.
- 1122.05 Adequate provisions shall be made for the disposal and collection of stormwater runoff.
- 1122.06 Lighting shall not shine directly upon abutting streets or properties. No unshielded lights shall be permitted.
- 1122.07 Vehicular entrances and exits shall not be located within seventy-five (75) feet of the intersection of street lines at a street intersection.
- 1122.08 Such use shall not conflict with the direction of building development in accordance with any Comprehensive Plan or portion thereof which was adopted by the Township Supervisors.
- 1122.09 Services and utilities are available to adequately service the proposed use.
- 1122.10 The layout of the Parking Spaces, truck loading berths, and interior driveways shall be convenient and conducive to safe operation.
- 1122.11 In addition to the foregoing, when the Board considers an application for a special exception for an Intensive Agriculture use in the AP or IC zoning districts, or any other use requiring a special exception within the Agricultural Preservation District, the following specific factors should be considered, when applicable:
- (a) The ability of the applicant to meet the standards generally accepted in Pennsylvania for such Intensive use activities.
  - (b) The ability of the applicant to reduce or abate odors and the continuing ability of the applicant to reduce or abate odors. The Zoning Hearing Board shall not consider the requirement that odors not be noticeable at the property line, unless the standards for such activity would allow for the complete abatement of odors.
  - (c) The amount of traffic that may be caused by the proposed activity and the condition of public roadways serving such activity. The applicant shall show that the proposed activity will not overburden township or state roadways nor will it cause nuisance to other neighboring agricultural activities or residences.

**1130 RESERVED**

**1140 HEARINGS**

The Zoning Hearing Board shall conduct hearings on matters within its

jurisdiction and make decisions in accordance with the following criteria:

- 1140.01 Public Notice, as defined in this Ordinance, of the hearing shall be provided.
- 1140.02 Written notice of the hearing shall be given to the applicant, the Zoning Officer, the Township, all adjoining property owners and anyone who may have requested such notice.
- 1140.03 Written notice of the hearing shall be conspicuously posted at the Township Building, at the location where the hearing will be conducted, and at the subject property at least seven (7) days prior to the scheduled hearing date.
- 1140.04 The first hearing on a matter within the jurisdiction of the Zoning Hearing Board shall be conducted within sixty (60) days of the date the completed application is accepted by the Zoning Officer, unless the applicant agrees in writing to an extension of such time.
- 1140.05 The parties to the hearing shall be the applicant, the Township and any person affected the application, provided such person has timely entered his appearance of record and in writing before the Board.
- 1140.06 The chairman or acting chairman shall have the power to administer oaths and issue subpoenas to compel attendance of witnesses and the production of relevant documents and things.
- 1140.07 Parties to the hearing shall have the right to be represented by counsel and shall have an opportunity to present evidence, cross-examine witnesses and make legal argument.
- 1140.08 The formal rules of evidence shall not apply, but the Board, at its discretion, may limit or bar irrelevant, immaterial or repetitious evidence.
- 1140.09 The Board shall keep a stenographic record of the hearing.
- 1140.10 The members of the Board shall not communicate, directly or indirectly, with any person other than the Board's solicitor, about a matter before the Board while such matter is pending unless all parties to the matter are present and have an opportunity to participate.
- 1140.11 The members of the Board shall not accept any *ex parte* communication, whether in oral or written form, from any party or person regarding a matter pending before the Board.
- 1140.12 The Board shall render a written decision, which shall include findings of fact, discussion and conclusions of law, in each matter within forty-five (45) days of the date of the final hearing on the matter.
- 1140.13 The Board shall cause a copy of its written decision to be delivered to the applicant, to the Zoning Officer, to the Township, and to all persons who became parties to the case through the entry of a written appearance.

## **1150 STAY OF PROCEEDINGS**

- 1150.01 While a matter is pending before the Board, all development shall be stayed, except as provided in section 1150.02.
- 1150.02 When the matter pending before the Board seeks to reverse or limit an approval previously given by the Zoning Officer or other Township agency, the land owner may petition to the Court of Common Pleas of Berks County to require the persons in opposition to the use post a bond as a condition of continuing the proceedings before the Board.

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## **SECTION 1200 CONDITIONAL USES**

Conditional uses shall be heard and determined by the Board of Supervisors in accordance with the following provisions:

- 1200.01 Applicant shall complete and file Five (5) copies of an application for permission to conduct a conditional use on forms promulgated from time to time by the Township. The application and copies thereof shall be submitted to the Township Board of Supervisors, along with such fee as may be established from time to time by resolution of the Township Board of Supervisors. Such application shall include, but shall not be limited to: (i) a copy of the current deed of record showing ownership of the parcel involved; (ii) a plan that at a minimum contains the information required for preliminary plan submission by the Bethel Township Subdivision and Land Development Ordinance; and (iii) a list of all other governmental agencies or regulators and a list of related permits to be issued by the same that are required and/or associated with the activity proposed. The Applicant may attach such other data and information to enable the Supervisors to determine compliance with the provisions of this Ordinance.
- 1200.02 After receipt of the application, the Supervisors shall refer one (1) copy to the Township Planning Commission for its review and one (1) copy to the Township Zoning Officer for his or her review. The Planning Commission and Township Zoning Officer shall provide any comment in writing to the Board of Supervisors within thirty (30) days of receipt of the application.
- 1200.03 The Board of Supervisors shall hold hearing(s) on an application to conduct a conditional use, with the first hearing on such application being conducted within sixty (60) days of receipt of the applications unless an extension of time is agreed upon by the parties. The hearing shall be conducted by the Board of Supervisors or the Board of Supervisors may appoint any member or an independent attorney as hearing officer. Each subsequent hearing on the application, if required, shall be held within forty-five (45) days of the prior hearing. The decision or, where no decision is called for, the findings shall be made by the Board of Supervisors. However, the appellant or the applicant, as the case may be, in addition to the Township may, prior to the decision of the

hearing, waive decision or findings by the Board of Supervisors and accept decision or finding of the hearing officer as final. In granting a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in the Zoning Ordinance, as it may deem necessary to implement the purposes of this act in the Zoning Ordinance last day it could have met to render a decision in the same manner as required by the public notice requirements of this Chapter. If the Supervisors shall fail to provide such notice, the applicant may do so.

- 1200.04 Conditional uses shall meet the specific standard established for each use by this Ordinance and all other applicable Zoning District requirements and General Regulations established by this Ordinance. In addition, the following standards shall be met:
- A. The use shall be one which is specifically authorized as a conditional use in the Zoning District wherein the applicant is seeking a conditional use.
  - B. Services and utilities shall be made available to adequately service the proposed use.
  - C. The use will not generate traffic such that hazardous or unduly congested conditions will result.
  - D. The use is appropriate to the site in question.
  - E. The use conforms with the goals, objectives, and policies of the Township Comprehensive Plan.
  - F. The use conforms with the spirit, purposes and intent of all other applicable provisions of all other Township ordinances.
  - G. The use conforms with all pertinent State and Federal laws, regulations and requirements.
  - H. The use shall not adversely affect the character of the neighborhood, or the health and safety of residents or workers on adjacent properties and in the general neighborhood.
- 1200.05 The applicant shall demonstrate, as a condition of approval of his or her application, that the standards in 1200.06 and those specified elsewhere in this Ordinance for the use in question would be met.
- 1200.06 The granting of permission to conduct a use permitted by condition does not exempt an applicant from acquiring all approvals required by the Township's Subdivision and Land Development Ordinance.
- 1200.07 Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision or, where no decision is called

for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

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## **SECTION 1300 ADMINISTRATION AND ENFORCEMENT**

### **1310 APPOINTMENT AND POWERS OF ZONING OFFICER**

For the administration of this Zoning Ordinance, a Zoning Officer, who shall not hold any elective office in the Township, shall be appointed. The Zoning Officer shall meet qualifications established by the Township and shall be able to demonstrate to the satisfaction of the Township a working knowledge of municipal zoning. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to the Zoning Ordinance. A Zoning Officer may institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.

### **1311 Inspection of Premises**

The Zoning Officer and his deputies and assistants after notification to owner and occupant and at a time agreeable to all parties involved, shall have the right and authority, at a time agreeable to both parties, to enter any building, structure, premises, lot, or land, whether already erected or put into use, or in the course of erecting and putting into use, for the purpose of determining whether or not the provisions of this Ordinance are being complied with.

### **1320 ZONING PERMITS**

#### **1321 Requirements**

No building, structure, or sign shall be erected, constructed, assembled, extended, reconstructed, replaced, demolished, converted, moved, added to, or structurally altered nor shall land, buildings and structures be put to any use or have the use for which they are used changed, without a permit therefore issued by the Zoning Officer. No such permit shall be issued unless there is conformity with the provisions of this Ordinance, except upon written order from the Zoning Hearing Board in the form of a Variance, or upon order from a court of competent jurisdiction.

1321.01 Zoning Permits shall not be required for the following structures:

1321.01.a Lamp posts

1321.01.b Mailboxes

## **1322            Application Procedures**

The application from a Zoning Permit shall be submitted to the Zoning Officer in writing on a form prescribed by the Zoning Officer. The application shall be submitted by the owner or lessee of any building, structure, or land or the agent of either provided, however, that if the application is made by a person other than the owner or lessee, it shall be accompanied by a written authorization from the owner or lessee authorizing the work and designating the agent. The application shall be accompanied by the following information:

- 1322.01        A map of the lot in question, drawn to scale, indicating the lot area and showing all dimensions of the lot lines and the exact location(s) on the lot of all existing and proposed buildings, fences, signs, structures, and alterations to buildings or structures.
- 1322.02        The use, height, length, width, and proportion of the total lot area covered of all proposed and existing buildings, structures, signs, and additions or alterations to buildings, structures, and signs.
- 1322.03        A statement indicating the number of dwelling units and/or commercial or industrial establishments to be accommodated within existing and proposed buildings on the lot. In the case of commercial and industrial uses and Home Occupations, the floor area to be devoted to each use shall be indicated.
- 1322.04        The number, location, and dimensions and design of parking and loading areas, recreation areas, signs, buffer yards and landscaping, means of egress from and ingress to the lot, routes for pedestrian and vehicular traffic, and outdoor lighting.
- 1322.05        Method of proposed water supply and sewage disposal and the location of any on-lot facilities.
- 1322.06        All other information necessary for the Zoning Officer to determine conformance with and provide for enforcement of this Ordinance.
- 1322.07        Only applications which contain all of the necessary information for the Zoning Officer to make a determination as to the conformity to the Zoning Ordinance, and which are accompanied by the required fee, will be considered complete.

## **1323            Approval or Disapproval**

- 1323.01        Except when Site Plan Review is required, the Zoning Officer shall, within ninety (90) days of acceptance of the completed application, determine whether the application fully complies with the provisions of this Zoning Ordinance and all other Township Ordinances. The Zoning Officer shall return one (1) copy of the application containing his determination and signature to the applicant. The Zoning Officer shall retain a copy of the determination for the Township files. If disapproved, the Zoning Officer shall attach a statement to the determination explaining the reasons therefore and informing the applicant of the right to appeal.

1323.02 When Site Plan Review is required, the Zoning Officer shall follow the procedure set forth in section 1031 of this Ordinance. Upon receipt of the Planning Commission's recommendation, but within ninety (90) days of acceptance of the completed application, the Zoning Officer shall determine whether the application fully complies with the provisions of this Zoning Ordinance and all other Township Ordinances. The Zoning Officer shall return one (1) copy of the application containing his determination and signature to the applicant. The Zoning Officer shall retain a copy of the determination for the Township files. If disapproved, the Zoning Officer shall attach a statement to the determination explaining the reasons therefore and informing the applicant of the right to appeal.

#### **1324 Issuance and Posting of Permit**

Upon approval of the application by the Zoning Officer and the payment of the fees established from time to time by resolution of the Township Supervisors, the Zoning Officer shall issue a Zoning Permit which shall be visibly posted on the site of operations during the entire time of construction. The Permit shall expire one (1) year from the date of approval of the application by the Zoning Officer, provided that it may be extended at the discretion of the Zoning Officer for six (6) month periods not exceeding a total of two (2) years.

#### **1325 Rights of a Permit Holder**

A Zoning Permit shall be a license to proceed with the work described on the approved application in accordance with all Township Ordinances. The Zoning Officer shall revoke a permit or approval issued under the provisions of the Zoning Ordinance in case of any false statement or misrepresentation of fact in the application on which the permit or approval was based or for any other cause set forth in the Zoning Ordinance.

#### **1330 CERTIFICATE OF OCCUPANCY**

##### **1331 Requirements**

It shall be unlawful to use and/or occupy any principal building, principal structure, or part thereof, hereafter erected, constructed, assembled, reconstructed, replaced, or structurally altered, enlarged, or moved, in whole or in part, after the effective date of this Ordinance or any principal building, principal structure, or part thereof of which the use is changed, until a certificate of occupancy has been obtained from the Zoning Officer.

##### **1332 Ordinance Conformity**

No certificate of occupancy shall be issued for any building or structure unless all of the provisions of this Zoning Ordinance and other rules, regulations, and Ordinances of the Township have been complied with, along with conditions set forth by the Zoning Hearing Board where applicable.



### **1333 Issuance**

Upon the receipt of written notification that the work for which a Zoning Permit has been issued has been completed, the Zoning Officer shall inspect the premises within ten (10) days to determine that the work has been performed in accordance with the approved application and all Ordinances of the Township. If he is satisfied that the work has been completed in accordance with the approved application, he shall issue a Certificate of Use and Occupancy to the permit holder for the use indicated on the approved application. A copy of the Certificate of Use and Occupancy shall be retained by the Zoning Officer as part of the Township records. If he finds that the work has not been performed in accordance with the approved application, the Zoning Officer shall refuse to issue the Certificate of Use and Occupancy and in writing give the reasons therefore and inform the permit holder of his rights of appeal.

### **1334 Temporary Certificate of Use and Occupancy**

Upon request of the holder of a permit and upon the approval of the Supervisors, the Zoning Officer may issue a Temporary Certificate of Use and Occupancy for a building, structure, sign, or portion thereof before the entire work covered by the permit shall have been completed. Such certificate shall be for a period not to exceed twelve (12) months and the applicant shall demonstrate his intent and formal arrangements to complete all work within the twelve (12) month period. Such portion or portions may be used and/or occupied prior to full completion of the work provided life and the public health, safety, morals and general welfare of the residents and inhabitants of the Township are not endangered.

### **1340 SCHEDULE OF FEES**

The Supervisors shall establish, by resolution, a schedule of fees for requests for zoning permits, certificates of use and occupancy, special exceptions, variances, amendments to this Ordinance and other matters pertaining to this Ordinance.

The schedule of fees shall be available for inspection in the office of the Zoning Officer.

Until all application fees and charges have been paid in full, no action shall be taken on any application or appeal.

### **1350 ENFORCEMENT NOTICE**

**1351** If it appears that a violation of this Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.

**1352** The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

**1353** The enforcement notice shall state at least the following:

The name of the owner of record and any other person against whom the Township intends to take action.

- (1) The location of the property in violation.
- (2) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance.
- (3) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- (4) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within thirty (30) calendar days of receipt of the notice.
- (5) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

**1354** In any appeal of an enforcement notice to the Zoning Hearing Board the Township shall have the responsibility of presenting its evidence first.

**1355** Any filing fees paid by a party to appeal an enforcement notice to the Zoning

Hearing Board shall be returned to the appealing party by the Township if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.

**1360 CAUSES OF ACTION.** In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Supervisors or, with the approval of the Supervisors, an officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Supervisors of the Township. No such action may be maintained until such notice has been given.

**1370 JURISDICTION.** District Justices shall have initial jurisdiction over proceedings brought under section 1380.

**1380 ENFORCEMENT REMEDIES.**

**1381** Any person, partnership or corporation who or which has violated or permitted

the violation of the provisions of this Ordinance, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of the Ordinance shall be paid over to the Township.

**1382**        The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

**1383**        Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

**1400        PROCEDURES FOR AMENDMENT**

**1401        Power to Amend**

The regulations and boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed through amendment by the Township Supervisors.

**1402        Procedure for Amendment**

The procedure to be followed to amend this Ordinance shall be as set forth in Section 609 of the Municipalities Planning Code.

**1405        EXEMPTIONS**

This Ordinance shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

**1410        VALIDITY**


In the event any article, provision, section, subsection, sentence, clause, phrase, portion of this Ordinance or the location of any District boundary shown on the Zoning Map is held to invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any of the remaining articles, provisions, sections, subsections, sentences, clauses, phrases or portions of this Ordinance or remaining portions of the Zoning Map Each is considered severable for this purpose. It is the intent of the Board that the remainder of this Ordinance and Zoning Map shall remain in full force and effect notwithstanding the fact of any such invalid or unconstitutional determination.

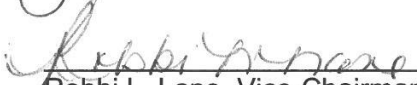
**1450        EFFECTIVE DATE AND REPEALER**

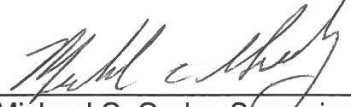
This Ordinance is intended to be a continuation of the overall Zoning plan for the Township Zoning Ordinance of Bethel Township and to be generally consistent with the Bethel Township Comprehensive plan. Although many provisions and sections are re-enactments of sections of the current Bethel Township Zoning Ordinance there are and have been substantial changes and additions to the ordinance and the Zoning Map. Therefore, all ordinances or parts of ordinances in direct conflict with the specific terms, sections, or provisions of this Ordinance and the accompanying map are repealed to the extent, but only to the extent necessary to give full effect to the Ordinance. Except as otherwise provided herein, this Ordinance shall become effective five days after enactment.

ORDAINED and ENACTED as the Bethel Township Zoning Ordinance and Zoning Map by the Board of Supervisors of Bethel Township, Berks County, Pennsylvania in lawful session duly assembled this 18 of January, 2021.

**BOARD OF SUPERVISORS OF  
BETHEL TOWNSHIP**

  
\_\_\_\_\_  
Jacob C. Meyer, Chairman

  
\_\_\_\_\_  
Robbi L. Lane, Vice-Chairman

  
\_\_\_\_\_  
Michael C. Graby, Supervisor

Attest:

  
\_\_\_\_\_  
Jayne K. Seifrit, Township Secretary