

ORDINANCE NO. 1981-3

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF BETHEL, BERKS COUNTY, PENNSYLVANIA, AMENDING THE BETHEL ZONING ORDINANCE OF 1977, ENACTED *July 20*, 1977, TO PROVIDE FOR CHANGES IN THE BOUNDARIES OF THE RURAL, RURAL RESIDENTIAL AND ENVIRONMENTAL PROTECTION DISTRICTS; TO PROVIDE FOR FLAG LOTS; TO PROVIDE FOR CHANGES IN THE SIGN REGULATIONS; TO PROVIDE FOR CHANGES IN THE MEMBERSHIP OF AND PROCEEDINGS BEFORE THE ZONING HEARING BOARD; AND TO PROVIDE FOR CHANGES IN PROCEDURE REGARDING CURATIVE AMENDMENTS

The Board of Supervisors of the Township of Bethel, Berks County, Pennsylvania, hereby enacts the following Ordinance amending provisions of the Zoning Ordinance of 1977 of said Township:

Section 1. The zoning map attached to said Ordinance is amended as shown on the revised Official Zoning Map incorporated by reference into this Ordinance and made a part hereof as if fully described herein.

Section 2. Section 540 of said Ordinance relating to On-Lot Sewer and Water shall be amended to read:

"540 AREA, YARD, AND HEIGHT REGULATIONS FOR THE VC DISTRICT

On-Lot Sewer and Water

<u>Maximum Permitted</u>	<u>Non-Residential Uses</u>	<u>Single Family Detached Dwelling</u>	<u>Single Family Semi-Detached Dwelling Total Bedrooms Not Exceeding Four</u>
Building Height	35 Feet	35 Feet	35 Feet
Lot Coverage	40 Percent	25 Percent	25 Percent
Paved Area	75 Percent	10 Percent	10 Percent

<u>Maximum Permitted</u>	<u>Single Family Semi-Detached Dwelling Total Bedrooms Exceeding Four</u>	<u>Two Family Detached Dwelling</u>	
Building Height	35 Feet	35 Feet	
Lot Coverage	20 Percent	20 Percent	
Paved Area	15 Percent	15 Percent	
<u>Minimum Requirements</u>	<u>Non-Residential Uses</u>	<u>Single Family Detached Dwelling</u>	<u>Total Bedrooms Not Exceeding Four</u>
Lot Size	20,000 Sq. Ft.	20,000 Sq. Ft.	40,000 Sq. Ft.
Building Setback Line	25 Feet	25 Feet	25 Feet
Lot Width			
At Street Line	100 Feet	70 Feet	60 Feet
At Building Set-back line	100 Feet	100 Feet	70 Feet
Rear Yard	35 Feet	30 Feet	30 Feet
Side Yard			
Total	30 Feet	30 Feet	30 Feet
One Side	15 Feet	15 Feet	15 Feet
Area Not Paved or Covered by Buildings	10 Percent		
Distance Between Highway Access Points	75 Feet		
<u>Minimum Requirements</u>	<u>Total Bedrooms Exceeding Four</u>	<u>Two Family Detached Dwelling</u>	
Lot Size	60,000 Sq. Ft.	60,000 Sq. Ft.	
Building Setback Line	25 Feet	25 Feet	
Lot Width			
At Street Line	90 Feet	90 Feet	
At Building Set-back line	100 Feet	120 Feet	
Rear Yard	30 Feet	30 Feet	
Side Yard			
Total	30 Feet	30 Feet	
One Side	15 Feet	15 Feet	
Area Not Paved or Covered by Buildings			
Distance Between Highway Access Points			

Section 3. Section 640 of said Ordinance relating to On-Lot Sewer and Water shall be amended to read:

"640 AREA, YARD, AND HEIGHT REGULATIONS FOR THE RR DISTRICT

On-Lot Sewer and Water

<u>Maximum Permitted</u>	<u>Non-Residential Uses</u>	<u>Single Family Detached Dwelling</u>	<u>Single Family Semi-Detached Dwelling Total Bedrooms Not Exceeding Four</u>
Building Height	35 Feet	35 Feet	35 Feet
Lot Coverage	20 Percent	25 Percent	25 Percent
<u>Maximum Permitted</u>	<u>Single Family Semi-Detached Dwelling Total Bedrooms Exceeding Four</u>	<u>Two Family Detached Dwelling</u>	
Building Height	35 Feet	35 Feet	
Lot Coverage	20 Percent	20 Percent	
<u>Minimum Requirements</u>	<u>Non-Residential Uses</u>	<u>Single Family Detached Dwelling</u>	<u>Total Bedrooms Not Exceeding Four</u>
Lot Size	40,000 Sq. Ft.	20,000 Sq. Ft.	40,000 Sq. Ft.
Building Setback Line	35 Feet	30 Feet	30 Feet
Lot Width At Street Line	140 Feet	70 Feet	60 Feet
At Building Setback Line	140 Feet	100 Feet	70 Feet
Rear Yard	35 Feet	30 Feet	30 Feet
Side Yard Total	40 Feet	30 Feet	30 Feet
One Side	20 Feet	15 Feet	15 Feet
<u>Minimum Requirements</u>	<u>Total Bedrooms Exceeding Four</u>	<u>Two Family Detached Dwelling</u>	
Lot Size	60,000 Sq. Ft.	60,000 Sq. Ft.	
Building Setback Line	30 Feet	30 Feet	

Lot Width		
At Street Line	90 Feet	90 Feet
At Building Set- back Line	100 Feet	120 Feet
Rear Yard	30 Feet	30 Feet
Side Yard		
Total	30 Feet	30 Feet
One Side	15 Feet	15 Feet

Section 4. Section 1012 of said Ordinance shall be amended to read:

"1012 Access to Lots

Every lot created after the effective date of this Ordinance shall be adjacent to a public street or to a private street approved by the Township Supervisors, or have a legally recorded right-of-way of a minimum of fifty feet (50') wide to such public or private street. When the Township permits a subdivision to contain a flag lot under Section 4.517 of the Township of Subdivision Ordinance, the access strip portion of such flag lot shall be a minimum of fifty feet (50') wide, the Area, Yard and Height Regulations of the applicable zoning district notwithstanding. For any such flag lot the minimum lot width at the street line requirement of the applicable zoning district will not have to be met but the minimum lot width at the building setback line requirement of the applicable zoning district will have to be met. In the case of a flag lot, the building setback line shall be established in the wider portion of the lot intended for the construction of a building and shall be established from the lot line toward which a building will front."

Section 5. Section 1029.01 c. of said Ordinance shall be amended to read:

"c. No signs other than school warning signs, official traffic signs, and similar signs shall be erected within the right-of-way

lines of any street or extend over any street right-of-way unless permission is granted by the Township Supervisors."

Section 6. The introductory paragraph of Section 1029.01

n. of said Ordinance shall be amended to read:

"Maximum permitted sizes of certain types of signs shall be in accordance with the regulations contained in the following schedule, unless otherwise permitted in Sections 1029.01.p., 1029.01.q., and 1029.01.r. below:"

Section 7. The following subsections p., q. and r. shall be added to Section 1029.01 of said Ordinance:

- "p. Signs advertising the sale of farm products, nursery products, or livestock produced or raised on a premises, or indicating the type of farm products or livestock utilized or raised on a premises, may be placed on that property provided that no side of any such sign shall exceed ten (10) square feet in area and no more than two (2) such signs shall be erected on any one street frontage.
- "q. Signs advertising a lawful non-conforming use are permitted on a premises provided that no side of any such sign shall exceed nine (9) square feet in area, the sign shall be erected on the premises on which such non-conforming use is located, and no more than one (1) such sign shall be erected on any one street frontage. In addition, one (1) sign of no more than one and one-half (1-1/2) square feet in area on any side may be placed at the nearest street intersection turning movement necessary to reach the use. Any such sign placed in the vicinity of a turning movement shall indicate only the name of the use and the direction of the use.
- "r. Signs for directing members or visitors to churches, schools, service clubs, municipal buildings, hospitals, and libraries, provided that no such sign shall exceed one and one-half (1-1/2) square feet in area on any side and no more than one (1) such sign shall be placed prior to each street intersection

turning movement necessary to reach such use.
Any such sign shall indicate only the name
of the use and the direction of the use."

Section 8. Section 1111 of said Ordinance shall be amended
to read:

"111 Creation of Board

The Township Supervisors hereby create a Zoning Hearing Board, herein referred to as the 'Board', consisting of residents of the Township appointed by the Township 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."

Section 9. Section 1120 of said Ordinance shall be amended
to read:

"1120 HEARING

For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Board, but where a majority of the members are disqualified to act in a particular matter the remaining member or members may act for the Board. The Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive decisions or findings by the Board and accept the decision of the hearing officer as final as provided in the Pennsylvania Municipalities Planning code, as amended. The Board shall conduct hearings and make decisions in accordance with the requirements of the Pennsylvania Municipalities Planning Code, as amended, and the rules of the Board."

Section 10. Section 1150 of said Ordinance shall be amended
to read:

"1150 STAY OF PROCEEDINGS

Upon filing of any proceeding referred to in Section 1141 of this Ordinance and during its pendency before the Board all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer of any agency or body, and all Official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicting that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeal on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. The procedure after such petition shall be as established in the Pennsylvania Municipalities Planning Code, as amended."

Section 11. Section 1382.04 of said Ordinance shall be amended to read:

"1382.04 Curative Amendments - The procedure upon curative amendments shall be as established in the Pennsylvania Municipalities Planning Code, as amended."

Section 12. Any ordinance or part of any ordinance conflicting with the provisions of this Ordinance be and the same is hereby repealed.

Section 13. Should any Section, provision or clause of this Ordinance be declared by the Courts to be unconstitutional or invalid,

such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

ENACTED AND ORDAINED into law by the Board of Supervisors of Bethel Township this 20th day of July, A.D. 1981.

BOARD OF SUPERVISORS OF BETHEL
TOWNSHIP

John D. Joubert

Carl W. Beck

Edwin L. Jeasley
