

ZONING ORDINANCE

TOWNSHIP OF BETHEL BERKS COUNTY, PENNSYLVANIA

1997

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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:

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 Bethel Township, 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 Zoning Ordinance of 1997."

130 DECLARATION OF PURPOSE

The provisions of this zoning ordinance are designed for the following purposes:

131 To promote and protect the health, safety, morals and general welfare of the community, while encouraging sound and coordinated development that provides for the proper density of population, ample and safe transportation systems, community, amenities, sanitation provisions and harmony with the natural surroundings.

132 To prevent unfavorable conditions such as blight, overcrowding, pollution, health hazards, obnoxious odors, noises, and sights; floods, fires, and other hazards. This Zoning Ordinance has been formulated with consideration for all aspects of the Township including existing development, natural restrictions, and the suitability of various parts for particular uses and structures.

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 building or 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 the regulations of this Ordinance. Any lawfully existing use, building or land that does not conform to such regulations of this Ordinance, shall be deemed nonconforming.

220 CONTINUATION OF EXISTING USES

Any legally established existing use of a building or structure, lot or land, 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 Zoning Ordinance, they shall be held 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 statute, ordinance, or regulation impose greater restrictions than this Ordinance, the provisions of such other Township statute, 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 USES NOT PROVIDED FOR

Whenever, under this Ordinance, a use is neither specifically permitted nor denied, and an application is made by an applicant to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board to hear and decide such requests as a Special Exception. The Zoning Hearing Board shall have the authority to permit the use or deny the use in accordance with the standards governing Special Exception applications. The use may be permitted if it is similar to and compatible with the permitted uses in the zone in which the subject property is located, is not permitted in any other zone under the terms of this Ordinance, and in no way is in conflict with the general purposes and intent of this Ordinance. The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and would not be detrimental to the public health, safety and welfare of the surrounding area.

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

SECTION 300
DEFINITIONS

- 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 word "SHALL" and "MUST" is 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.

Definition of Terms

- ACCESSORY USE OR BUILDING. A subordinate use or building customarily incidental to, and located on the same lot occupied by, the principal use or building.
- ADULT BOOK STORE. A commercial establishment having any of its stock in trade 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 Anatomical Areas" for observation by patrons therein.
- AGRICULTURE. The cultivation of the soil and the raising and harvesting of the products of the soil, including, but not limited to, animal or fowl husbandry or dairy farming.
- AGRICULTURAL PRODUCT. A direct product of the cultivation of the soil, animal or fowl husbandry, or dairy farming.
- 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.
- APARTMENT UNIT. A dwelling unit within an apartment building. An apartment building is a building on a single lot designed for and occupied as a residence for three or more families and in which the dwelling may be separated horizontally and/or vertically.
- APPROVED PRIVATE STREET. A legally established right-of-way which provides the primary vehicular access to a lot and which has not been dedicated or deeded to the Township, but approved by the Board of Supervisors.

AUTOMOBILE 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 car washes. A "Convenience Store", as herein defined, shall be considered an accessory use to the principal use of "Automobile Filling Station"; "Restaurant - Dive-Thru Or Fast-Food" as herein defined, with the condition that at least 75% of the food service must be carry-out service, shall be considered an accessory use to the principal use of "Automobile Filling Station".

AUTOMOBILE SALES. Any building or land devoted to the retail sales of passenger vehicles, including accessory service and repair facilities if conducted within a wholly enclosed building.

AUTOMOBILE SERVICE. The retail repair, servicing, maintenance and reconstruction of passenger vehicles but not including car washes.

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.

BOARD. The Zoning Hearing Board of Bethel Township.

BOARDING, LODGING OR ROOMING HOUSE. A private dwelling in which at least two rooms are 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 of the building 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.

BUILDING 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.

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.

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.

CHURCH, PLACES OF WORSHIP, AND RELATED USES. A building, structure, or group of buildings or structures, including accessory uses, designed or intended for public worship. This definition shall include rectories, convents, and church-related educational and/or day care facilities, but shall not include "school".

COMMON OPEN SPACE. Parcel or parcels of land or an area of water, or a combination of land and water, within the development site designed and intended for use or enjoyment for all residents of the development in which it is located. Land included within the right-of-way lines of streets shall not be classified as common open space. Common open spaces shall not include required open areas between buildings and between buildings and street rights-of-way, driveways, parking areas and property lines of the development. No dwelling unit, residential accessory buildings, or parking areas may be located within the common open spaces.

COMMON PARKING AREA. A parking facility other than those provided within the lot lines of a lot on which one single family detached dwelling, one single family semi-detached dwelling, or one townhouse is located.

COMPREHENSIVE PLAN. The Comprehensive Development Plan for Bethel Township as adopted by the Township Supervisors.

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 provided that it is not in conflict with any restrictions related to Adult Book Stores.
2. The preparation and sales of delicatessen sandwiches.

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.

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, nursing homes, motels, and institutional residences are not included in the definition of dwelling.

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.

MOBILE HOME. A transportable, single family dwelling constructed in accordance with the specifications of the State of Pennsylvania intended for permanent occupancy contained in one unit, or in two or more units originally designed by the manufacturer 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 with a permanent foundation to which the mobile home shall be securely anchored, and with skirting around the base. Mobile homes shall be considered single family detached dwellings. Two or more units originally designed to be single units cannot be joined together to be one unit.

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.

SINGLE FAMILY SEMI-DETACHED DWELLING. A building arranged, intended, or designed to be occupied exclusively as a residence for two families, each living on one side of a common or party wall.

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 unperced party walls, each dwelling having at least one separate entrance to the outside.

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.

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.

FAMILY. One or more individuals 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, or boarding or rooming house.

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.

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.

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.

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.

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

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. A business or office conducted in the home by members of the resident family provided that not more than two persons are employed who are not members of the family and that such persons shall be employed in the principal building only; that not more than fifty percent (50%) of the habitable floor area shall be used for such purposes; that signs indicating products made or services rendered shall be in accord with this ordinance; that adequate space for parking and loading shall be provided; that there shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than a sign; and that no machinery or equipment that would produce noise, odor, vibration, light, or electrical interference beyond the bounds of the immediate property shall be permitted.

HOSPITAL. A building used for the diagnosis, treatment, or other care of human ailments, unless otherwise specified. 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, rooming or boarding house according to the definitions of this section.

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 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. It 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.

i. 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. An establishment in which five (5) or more domesticated, customary household pets of the same species, including, but not limited to, dogs, more than six (6) months old are kept, trained, bred, boarded, or sold.

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.

LOT. A parcel of land used or designed to be used by one use or structure, or by a related group of uses or structures, and the accessory uses or structures customarily incident thereto, including such open spaces as are arranged or designed and required in connection with such structure or group of structures. A LOT may be or may not be the land shown as a single lot on a duly recorded plat or other official record.

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.

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.

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 or professional physical therapist licensed by the Commonwealth of Pennsylvania.

MEDICAL OFFICE BUILDING. A building used exclusively by physicians, dentists, and similar personnel, for the treatment and examination of patients, provided that no overnight patients shall be kept on the premises.

MEMBERSHIP CLUB. A building, structure, or lot or land area used as a private club, fraternal, or social organization.

MINI-WAREHOUSE. Also known as self-storage facilities. 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.

MOBILE HOME LOT. A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

MOBILE HOME PARK. A parcel or contiguous parcels of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two or more mobile home lots.

MOTEL. A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units, designed primarily for transient automobile 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 mobile home parks and trailer camps.

MUNICIPALITY. Township of Bethel, Berks County, Pennsylvania.

MUNICIPAL USE. A land use owned and maintained by the Township or a municipal authority and including such uses as a library, park, playground, and administrative or equipment storage building.

NONCONFORMING USE. A use, whether of land or of a 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.

NONCONFORMING LOT. A lot the area or dimension of which was lawful prior to the adoption or amendment of The Bethel Zoning Ordinance of 1997, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE. A structure or part of structure manifestly not designed to comply with the applicable use or extent of use provisions in The Bethel Zoning Ordinance of 1997 or amendment hereafter enacted, where such structure lawfully existed 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. Such nonconforming structures include, but are not limited to, nonconforming signs.

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

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.

OPEN SPACE. A space unoccupied by buildings or paved surfaces and open to the sky on the same lot with the building.

PARKING AREA. A lot or part thereof used for the storage or parking of licensed, inspected, operable motor vehicles, with or without the payment of rent or charges in money or other consideration.

PARKING SPACE. A stall or berth which is arranged and intended for parking of one licensed, inspected, operable motor vehicle in a garage or parking area.

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

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 ROAD. A public thoroughfare, including a street, road, lane, alley, court, or similar terms, which has been dedicated or deeded to the Township and accepted by it.

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.

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.

RESTAURANT - DRIVE-THRU OR FAST-FOOD. An establishment that serves prepared food generally packaged in paper or plastic or similar wrappers. Such food can be consumed either on or off the site.

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.

ROADSIDE STAND. An open or enclosed stand situated along the roadway for the purpose of selling agricultural or horticultural products produced on the premises.

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.

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.

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.

SHOOTING RANGE. A place where members of the public, for a fee or by invitation, can discharge firearms for recreation, competition, skill development, and 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.

SIGHT TRIANGLE. An area within which no vision-obstructing object is permitted above a height of two and one-half feet nor below a height of ten feet.

SIGN. Any device designed to inform or attract attention of persons not on the premises on which the sign is located. For purposes of this ordinance, **SIGN** does not include mail boxes, names of occupants, or other identifications not having commercial connotations; flags and insignias of governments; legal notices, signs giving direction or information required by governmental bodies, or signs directing or guiding traffic and parking without the use of an advertising matter.

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

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 AND SURFACE AREA. 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. The surface area of a sign shall be computed to include the entire area within a regular geometric form or the combinations of regular geometric forms comprising all of the display area of the sign and including all the elements of the matter displayed. Structural members not bearing advertising matter shall not be included in the computation of the surface area.

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 include biological excrement nor 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, fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts.

STREET. Includes any street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

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" shall specifically not include:

- »Lampposts
- »Sidewalks and Walkways
- »Fences
- »Landscaping Timbers
- »Retaining Walls

SWIMMING POOL, PRIVATE. Any receptacle or artificially constructed container for water, having a wall depth of two (2) feet or more 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.

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, and other wireless technologies.

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.

TRAVEL TRAILER PARK. Any parcel of land used for the purpose of providing a space or spaces for travel trailers for camping purposes, regardless of whether a fee has been charged for the leasing, renting, or occupancy of such space.

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 non-conforming 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.

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.

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 designated to administer and enforce the Zoning Ordinance of the Township.

ZONING ORDINANCE. Bethel Township Zoning Ordinance of 1997.

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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:

- VC - Village Center
- RR - Rural Residential
- R - Rural
- IC - Industrial and Commercial
- EP - Environmental Protection

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.

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 being approximately parallel to center of right-of-way lines of streets or highways, such district boundaries shall be construed as being parallel to the center of right-of-way lines at such distance from the center of right-of-way lines as indicated on the Official Zoning Map. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of map.

Where district boundaries are indicated as being approximately perpendicular to the right-of-way lines of streets or highways, such district boundaries shall be construed as being perpendicular to the right-of-way lines.

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.

Where a district boundary line divides a lot which was in single ownership at the effective date of this Ordinance, at the election of the property owner the regulations of either zoning district may be extended a distance of not more than fifty (50) feet beyond the district boundary line into the remaining portion of the lot.

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.

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

VC - VILLAGE CENTER DISTRICTS

510 STATEMENT OF INTENT

Village Center Districts have been established within the villages in the Township. 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, in the future the greatest densities of development will be permitted in the Village Center Districts.

520 USES PERMITTED BY RIGHT

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

520.01 Single family detached dwelling

520.02 Single family semi-detached dwelling

520.03 Two family detached dwelling

520.04 Apartments 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. No less than twenty percent (20%) of the total area of the development shall be permanently set aside for non-commercial common space purposes, such as park recreation, or conservation of natural features. The common open space shall be suitable for the designated purpose and contain no structure or parking facility except as related to and incidental to open space uses. Further, said open space shall not include any of the following: Areas with a slope of greater than six (6) percent, or; areas utilized for storm water management, or; areas located within designated floodways or floodplains as shown on FEMA mapping or as may be calculated.

Common open space areas may be reserved for private use or may be offered for dedication to the Township. For land which is not dedicated to and accepted by the Township, written agreements satisfactory to and approved by the Township Supervisors shall be made for the perpetual preservation and maintenance of the undedicated common open space areas.

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.

520.15 Automobile service business

520.14 Restaurants, including fast-food and drive-thru, taverns, cafes, or similar places serving food and beverage

520.13 Shops for the repair of goods such as watches, clocks, radios, televisions, and home appliances

520.12 Personal service establishments such as barber shops, beauty shops, Laundromats, laundry and dry cleaning shops, and tailor and seamstress shops

520.11 Financial institutions

520.10 Medical or dental clinic

520.09 Business, professional, or governmental office or studio

520.08 Retail sale of goods, including convenience stores.

520.07 Park, playground, swimming pool, or similar non-commercial recreation area owned and operated by a public or private non-profit agency

520.06 Home Occupation

520.05 Church, Sunday School, or similar place of worship; parish house

w. All common parking areas and all access drives serving the parking areas shall be paved.

v. Entrances to and exits from common parking areas shall be located a minimum of eighty (80) feet from the point of intersection of the nearest street curb lines.

u. Parking areas shall be designed to prevent through-traffic to other parking areas. No more than sixty (60) parking spaces shall be accommodated in any one parking area and all parking areas shall be landscaped.

Minimum lot width	18 feet
Minimum lot area	2000 sq. ft.
Minimum rear yard	25 feet
Minimum side yard (end of row)	20 feet

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:

s. Entrance and exit ways to parking areas shall have a minimum width of twelve (12) feet for each lane of traffic entering or leaving the areas.

development.

r. Common parking areas 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

may back.

q. Common parking areas shall not be designed or located to require cars to back into streets in order to leave the parking areas. All dead-end parking lots shall provide adequate areas into which cars parked in the end stalls of the lots

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.

o. No more than thirty percent (30%) of the total area of the development shall be paved.

n. No more than twenty percent (20%) of the total area of the development shall be covered by buildings.

520.16 Motels or hotels
520.17 Accessory uses and buildings to the above permitted uses.
530 USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board, subject to Section 1135:

530.01 Nursery school, day care center, elementary school, middle school, junior high school, or senior high school, approved by the Pennsylvania Department of Education, when required

530.02 Municipal use or building, police station, fire station, library

530.03 Hospital, convalescent home, nursing home, or retirement home

530.04 Public utility, or telecommunications building, structure or facility

530.05 Membership club or lodge, provided that all activities shall be carried on within a building

530.06 Parking lots and garages

530.07 Bus passenger station, provided that the station shall not be used for the storage or repair of buses

530.08 Automobile Filling Station

530.09 Accessory buildings and uses to the above permitted Special Exception uses

530.10 Residential conversion, subject to Section 1032 of this Ordinance

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SECTION 540 - PUBLIC OR COMMUNITY SEWER, AND PUBLIC OR COMMUNITY WATER				
MAXIMUM PERMITTED		MINIMUM REQUIREMENTS		
Single Family	Single Family	Single Family	Non-Residential	
Two Family Detached Dwelling	Semi-Detached Dwelling	Detached Dwelling	Non-Residential	
35 FEET	35 FEET	35 FEET	35 FEET	BUILDING HEIGHT
30%	30%	30%	40%	LOT COVERAGE
15%	15%	15%	75%	PAVED AREA
25 FEET	25 FEET	25 FEET	25 FEET	LOT AREA
50 FEET	50 FEET	50 FEET	80 FEET	BUILDING SETBACK LINE
70 FEET	60 FEET	70 FEET	80 FEET	LOT WIDTH AT STREET LINE
25 FEET	25 FEET	25 FEET	30 FEET	LOT WIDTH AT BUILDING SETBACK LINE
10 FEET	10 FEET	10 FEET	10 FEET	REAR YARD SIDE YARD, EACH
N/A	N/A	N/A	10%	AREA NOT PAVED OR COVERED BY BUILDINGS

SECTION 540 - ON-LOT SEWER, AND ON-LOT WATER				
MAXIMUM PERMITTED		MINIMUM REQUIREMENTS		
Single Family	Single Family	Single Family	Non-Residential	
Two Family Detached Dwelling	Semi-Detached Dwelling	Detached Dwelling	Non-Residential	
35 FEET	35 FEET	35 FEET	35 FEET	BUILDING HEIGHT
20%	20%	25%	40%	LOT COVERAGE
15%	15%	10%	75%	PAVED AREA
25 FEET	25 FEET	25 FEET	25 FEET	LOT AREA
90 FEET	90 FEET	70 FEET	100 FEET	BUILDING SETBACK LINE
120 FEET	100 FEET	100 FEET	100 FEET	LOT WIDTH AT STREET LINE
30 FEET	30 FEET	30 FEET	35 FEET	LOT WIDTH AT BUILDING SETBACK LINE
15 FEET	15 FEET	15 FEET	15 FEET	REAR YARD SIDE YARD, EACH
N/A	N/A	N/A	10%	AREA NOT PAVED OR COVERED BY BUILDINGS

For all non-residential uses, whether permitted by right or by Special Exception, Site Plan review by the Township Planning Commission is required prior to the issuance of a zoning permit in accordance with Section 1031 of this Ordinance.

550 SITE PLAN REVIEW

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SECTION 600

RR - RURAL RESIDENTIAL DISTRICTS

610 STATEMENT OF INTENT

Rural Residential Districts have been created to provide for residential development at low to medium densities, the actual density depending upon the availability of public sewer and water facilities. In addition, agricultural activities and certain other non-residential uses are allowed.

620 USES PERMITTED BY RIGHT

Land and buildings in an RR District may be used for the following purposes and no others unless a Special Exception, as provided for in Section 630, is granted:

620.01 Single family detached dwellings

620.02 Agricultural land uses, buildings, and activities, including the sale and repair of farm machinery and related equipment, provided that:

a. All agricultural buildings are subject to Section 1033 and Section 1035 of this Ordinance.

620.03 Park, playground, swimming pool, or similar non-commercial recreation area owned and operated by a public or private non-profit agency

620.04 Church, Sunday School, or similar place of worship; parish house

620.05 Home occupation

620.06 Cultural and historical facilities, such as museums or historical monuments

620.07 Accessory buildings and uses to the above permitted uses

630 USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board, subject to Section 1135:

630.01 Single family semi-detached dwelling

630.02 Two family detached dwelling

630.03 Nursery school, day care center, elementary school, middle school, junior high school, or senior high school, approved by the Pennsylvania Department of Education when required

630.04 Police station, fire station, municipal use or building, library

630.05 Hospital, convalescent home, nursing home or retirement home

630.06 Public utility, or telecommunications building, structure, or facility

630.07 Private outdoor recreation areas such as parks, playgrounds, picnic grounds, swimming clubs, golf courses, or country clubs

630.08 Membership club or lodge, provided that all activities shall be carried on within a building

630.09 Mobile home park, subject to:

a. The minimum area of a mobile home park shall be ten (10) acres.

b. When the mobile home 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 mobile home 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 mobile home shall be placed on a lot which shall meet the requirements listed in Section 640 for single family detached dwellings.

c. Not less than fifteen percent of the total area of the mobile home park shall be devoted to recreation areas for the use of all residents of the park. Provisions shall be made by the owner of the mobile home park for the development, installation, and perpetual maintenance of such recreation areas. Further, said open space shall not include any of the following: Areas with a slope of greater than six (6) percent, or; areas utilized for storm water management, or; areas located within designated floodplains as shown on FEMA mapping or as may be calculated.

d. The minimum allowable distance between any mobile home, service or accessory building, or parking facility and a boundary line of the mobile home park shall be thirty (30) feet, provided that no mobile home shall be located closer than fifty (50) feet to any street located outside the boundary lines of the park. No mobile home shall be located closer than twenty-five (25) feet to any street located within the boundary lines of the mobile home park. The minimum allowable distance between any mobile home and another mobile home, service or accessory building, or common parking facility shall be thirty (30) feet.

e. Two off-street parking spaces shall be provided for each mobile home.

f. The limits of each mobile home lot shall be clearly marked on the grounds by permanent flush stakes, markers, or other suitable means.

g. An evergreen planting screen shall be placed along all boundary lines of the mobile home park separating the mobile home park from adjacent properties and/or streets. The screen shall be a year-round screen which shall be maintained permanently. Plant material which does not live shall be replaced within one year. The screen shall screen structures and uses on the property on which it is located from the view of the people on adjacent properties and/or streets. The distance between trees shall be such that a full screen will be provided. The permissible distance between plants will vary with the species of planting.

h. All requirements of the Pennsylvania Department of Environmental Protection shall be complied with.

630.10 Development containing apartments, townhouses, or single family detached dwellings, subject to:

a. The development shall be served by public or community sewage disposal and water supply facilities.

b. The minimum amount of land in the development shall be five (5) acres.

c. The overall density of the development shall not exceed eight (8) dwelling units per acre.

d. The maximum building height shall be thirty-five (35) feet.

e. Not less than twenty percent (20%) of the total area of the development shall be permanently set aside for non-commercial common space purposes, such as park, recreation, or conservation of natural features. The common open space areas shall be suitable for the designated purpose and contain no structure or parking facility except as related to and incidental to open space uses. Further, said open space shall not include any of the following: Areas with a slope of greater than six (6) percent, or; areas utilized for storm water management, or; areas located within designated floodplains or floodplains as shown on FEMA mapping or as may be calculated.

Common open space areas may be reserved for private use or may be offered for dedication to the Township. For land which is not dedicated to and accepted by the Township, written agreements satisfactory to and approved by the Township Supervisors shall be made for the perpetual preservation and maintenance of the undedicated common open space areas.

630.11 Residential conversion, subject to Section 1032 of this Ordinance.

Minimum lot area	8000 sq. ft.
Minimum lot width	50 ft at street line
Minimum rear yard	70 ft at building setback line
Minimum side yard	25 ft
Minimum front yard	10 ft from each side
	25 ft

x. Single family detached dwellings shall meet the following requirements:

w. All common parking areas and all access drives serving the parking areas shall be paved.

v. Entrances to and exits from common parking areas shall be located a minimum of eighty (80) feet from the point of intersection of the nearest street curb lines.

u. Parking areas shall be designed to prevent through-traffic to other parking areas. No more than sixty (60) parking spaces shall be accommodated in any one parking area and all parking areas shall be landscaped.

Minimum lot width	18 feet
Minimum lot area	25 feet
Minimum side yard (end of row)	20 feet
	2000 sq. ft.

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:

s. Entrance and exit ways to parking areas shall have a minimum width of twelve (12) feet for each lane of traffic entering or leaving the areas.

rights-of-way.

r. Common parking areas and access drives shall be located a minimum of twenty (20) feet from all structures and from the exterior lot lines of the development. Common parking areas shall be a minimum of fifteen (15) feet from all street

may back.

q. Common parking areas shall not be designed or located to require cars to back into streets in order to leave the parking areas. All dead-end parking lots shall provide adequate areas into which cars parked in the end stalls of the lot

p. Exterior storage areas for trash and rubbish shall be completely screened from view on three sides and all trash and rubbish shall be contained in air-tight, vermin-proof containers.

o. No more than thirty percent (30%) of the total area of the development shall be paved.

n. No more than twenty percent (20%) of the total area of the development shall be covered by buildings.

m. No apartment building shall be located within forty (40) feet of any street right-of-way.

l. No townhouse shall be located within thirty (30) feet of any street right-of-way line.

k. A townhouse shall be located at least forty (40) feet from any dwelling which is not in the same row of townhouses.

j. No apartment building shall be located within forty (40) feet of another dwelling.

i. No apartment building or townhouse shall be located within fifty (50) feet of a property line of the development.

h. The number of townhouses within a continuous grouping shall not exceed eight (8).

g. The maximum length of an apartment building shall be 165 feet.

f. A system for pedestrian circulation throughout the development shall be provided.

SECTION 640 - PUBLIC OR COMMUNITY SEWER, AND PUBLIC OR COMMUNITY WATER					
MAXIMUM PERMITTED		Non-Residential		Single Family Detached Dwelling	Two Family Detached Dwelling
BUILDING HEIGHT	35 FEET	35 FEET	35 FEET	35 FEET	35 FEET
LOT COVERAGE	30%	30%	30%	30%	30%
MINIMUM REQUIREMENTS	Non-Residential	Single Family Detached Dwelling	Single Family Detached Dwelling	Single Family Detached Dwelling	Two Family Detached Dwelling
LOT AREA	10,000 SQ. FT.	10,000 SQ. FT.	10,000 SQ. FT.	12,000 SQ. FT.	12,000 SQ. FT.
BUILDING SETBACK LINE	25 FEET	25 FEET	25 FEET	25 FEET	25 FEET
LOT WIDTH AT STREET LINE	80 FEET	60 FEET	60 FEET	50 FEET	60 FEET
LOT WIDTH AT BUILDING SETBACK LINE	80 FEET	80 FEET	80 FEET	60 FEET	80 FEET
REAR YARD LINE	30 FEET	25 FEET	25 FEET	25 FEET	25 FEET
SIDE YARD, EACH	10 FEET	10 FEET	10 FEET	25 FEET	25 FEET
AREA NOT PAVED OR COVERED BY BUILDINGS	10%	N/A	N/A	N/A	N/A

SECTION 640 - ON-LOT SEWER, AND ON-LOT WATER					
MAXIMUM PERMITTED		Non-Residential		Single Family Detached Dwelling	Two Family Detached Dwelling
BUILDING HEIGHT	35 FEET	35 FEET	35 FEET	35 FEET	35 FEET
LOT COVERAGE	20%	25%	25%	20%	20%
MINIMUM REQUIREMENTS	Non-Residential	Single Family Detached Dwelling	Single Family Detached Dwelling	Single Family Detached Dwelling	Two Family Detached Dwelling
LOT AREA	1 ACRE	1 ACRE	1 ACRE	1 ACRE	1 ACRE
BUILDING SETBACK LINE	35 FEET	30 FEET	30 FEET	30 FEET	30 FEET
LOT WIDTH AT STREET LINE	140 FEET	70 FEET	70 FEET	90 FEET	90 FEET
LOT WIDTH AT BUILDING SETBACK LINE	140 FEET	100 FEET	100 FEET	100 FEET	120 FEET
REAR YARD LINE	35 FEET	30 FEET	30 FEET	30 FEET	30 FEET
SIDE YARD, EACH	15 FEET	15 FEET	15 FEET	15 FEET	15 FEET
AREA NOT PAVED OR COVERED BY BUILDINGS	10%	N/A	N/A	N/A	N/A

SECTION 640 - PUBLIC OR COMMUNITY SEWER, AND ON-LOT WATER				
MAXIMUM PERMITTED	Non-Residential	Single Family Detached Dwelling	Single Family Semi-Detached Dwelling	Two Family Detached Dwelling
BUILDING HEIGHT	35 FEET	35 FEET	35 FEET	35 FEET
LOT COVERAGE	25%	25%	25%	25%
MINIMUM REQUIREMENTS	Non-Residential	Single Family Detached Dwelling	Single Family Semi-Detached Dwelling	Two Family Detached Dwelling
LOT AREA	20,000 SQ. FT.	20,000 SQ. FT.	40,000 SQ. FT.	40,000 SQ. FT.
BUILDING SETBACK LINE	30 FEET	30 FEET	30 FEET	30 FEET
LOT WIDTH AT STREET LINE	100 FEET	70 FEET	60 FEET	70 FEET
LOT WIDTH AT BUILDING SETBACK LINE	100 FEET	100 FEET	70 FEET	100 FEET
REAR YARD SIDE YARD, EACH	30 FEET	30 FEET	30 FEET	30 FEET

SECTION 640 - PUBLIC OR COMMUNITY SEWER, AND ON-LOT WATER

SECTION 640 - ON-LOT SEWER, AND PUBLIC OR COMMUNITY WATER				
MAXIMUM PERMITTED	Non-Residential	Single Family Detached Dwelling	Single Family Semi-Detached Dwelling	Two Family Detached Dwelling
BUILDING HEIGHT	35 FEET	35 FEET	35 FEET	35 FEET
LOT COVERAGE	25%	25%	25%	25%
MINIMUM REQUIREMENTS	Non-Residential	Single Family Detached Dwelling	Single Family Semi-Detached Dwelling	Two Family Detached Dwelling
LOT AREA	1 ACRE	1 ACRE	1 ACRE	1 ACRE
BUILDING SETBACK LINE	30 FEET	30 FEET	30 FEET	30 FEET
LOT WIDTH AT STREET LINE	100 FEET	70 FEET	60 FEET	70 FEET
LOT WIDTH AT BUILDING SETBACK LINE	100 FEET	100 FEET	70 FEET	100 FEET
REAR YARD SIDE YARD, EACH	30 FEET	30 FEET	30 FEET	30 FEET

650 SITE PLAN REVIEW

For all non-residential uses, except agricultural uses, whether permitted by right or by Special Exception, Site Plan review by the Township Planning Commission is required prior to the issuance of a zoning permit in accordance with Section 1031 of this Ordinance.

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SECTION 700

R - RURAL DISTRICT

710 STATEMENT OF INTENT

It is the intent of the Rural District to preserve rural areas of the Township in their present state, with the predominant land uses being agricultural and low density residential.

720 USES PERMITTED BY RIGHT

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

720.01 Single family detached dwellings

720.02 Agricultural land uses, buildings, and activities, including the sale and repair of farm machinery and related equipment, provided that:

a. All agricultural buildings are subject to Section 1033 and Section 1035 of this Ordinance.

720.03 Processing of agricultural products grown on the same premises when accessory to the growing of products

a. All buildings used for the processing of agricultural products are subject to Section 1033 of this Ordinance.

720.05 Roadside stand for the sale of farm products

720.06 Outdoor recreation areas such as parks, playgrounds, picnic grounds, swimming clubs, golf courses, and country clubs. These areas shall be defined as those used primarily in a participatory manner by the general public, as opposed to those used primarily in a spectator manner.

720.07 Church, Sunday School, or other place of worship; parish house

720.08 Home occupation

720.09 Accessory uses to the above permitted uses

730 USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board, subject to Section 1135:

730.01 Membership clubs, provided that the club shall not be used for the operation of motor vehicles

730.02 Cemetery

730.03 Nursery school, day care center, elementary school, middle school, junior high school, or senior high school, approved by the Pennsylvania Department of Education when required

730.04 Police station, fire station, municipal use or building, library

730.05 Hospital, convalescent home, nursing home or retirement home

730.06 Public utility, or telecommunications building, structure, or facility

730.07 Kennels and animal hospitals, provided that outdoor pens and feed yards shall not be located closer than 200 feet to any lot line

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For all non-residential uses, except agricultural uses, whether permitted by right or by Special Exception, Site Plan review by the Township Planning Commission is required prior to the issuance of a zoning permit in accordance with Section 1031 of this Ordinance.

750 SITE PLAN REVIEW

Lot Area	1 acre
Building Setback Line	50 ft
Lot Width	100 ft
At street line	140 ft
At building setback line	50 ft
Rear Yard	60 ft
Side Yard	30 ft
Total	60 ft
One side	30 ft

Minimum Requirements

Building Height	35 ft
Lot Coverage	20 percent

Maximum Permitted

740 AREA, YARD, AND HEIGHT REGULATIONS

- 730.08 Commercial stables or riding academy
- 730.09 Residential conversion, subject to Section 1032 of this Ordinance
- 730.10 Penal institution, subject to Section 1036 of this Ordinance.

SECTION 800
IC - INDUSTRIAL-COMMERCIAL DISTRICT

810 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.

820 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 830, is granted:

- 820.01 Retail sale of goods, including convenience stores and shopping centers.
- 820.02 Business, professional, or governmental office or studio.
- 820.03 Medical or dental clinics.
- 820.04 Financial institutions
- 820.05 Shops for the repair of such goods as watches, clocks, radios, televisions, and home appliances.
- 820.06 Restaurant, including drive-thru and fast food, tavern, cafe, or similar place serving food and beverage.
- 820.07 Automobile and machinery sales and service, excluding sales of junked automobiles or machinery.
- 820.08 Home occupation.
- 820.09 Hotel or motel.
- 820.10 Research establishment or laboratory.
- 820.11 Parks, playgrounds, picnic areas.
- 820.12 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, amusement parks, outdoor theaters and amphitheaters, race courses, and indoor theaters.
- 820.13 Membership club or lodge, provided that such club or lodge will not be used for gunning, trap shooting, or similar purpose and will not be used for the operation of motor vehicles.
- 820.14 Municipal use or building, fire station, police station, library, art gallery, or museum.
- 820.15 Wholesaling, distribution, and storage businesses.
- 820.16 Printing, publishing, lithography and bookbinding.
- 820.17 Laundry or dry cleaning plant.
- 820.18 Public utility, or telecommunications building, structure, or facility
- 820.19 Agriculture land uses, buildings, and activities, provided that:
 - a. All agricultural buildings are subject to Section 1033 and Section 1035 of this ordinance.
 - b. Mushroom culture is prohibited.
- 820.20 Building materials sales and storage.

820.21 Manufacturing, compounding, processing, packaging, and treating of products such as bakery goods, candy, confections, dairy products, cosmetics, musical instruments, toys and novelties, clocks, jewelry, optical products, electronic devices, scientific and precision instruments, automotive parts and machinery, building materials, hardware, tool and metal components, clothing, paper, cardboard and metal containers, cloth, wire, wood, and glass, subject to section 860.

820.22 Mining, quarrying, and earth extraction industries subject to:

- a. No quarry or surface mine shall generate or emit air pollutants or noise in excess of standards established by the Commonwealth of Pennsylvania.
- b. 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.
- c. All quarries, pits, surface mines, or other areas where minerals are extracted by the surface mining method, excluding extraction of minerals by a 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.
- d. 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.
- e. Gates, which shall be locked except during business hours, shall be located at all entrances.
- f. No storage of products, by-products, over-burden, or cover material shall be located closer than one hundred (100) feet to any lot line nor within one hundred (100) feet of any street not located within the lot.
- g. No storage of products, by-products, over-burden, or cover material shall exceed a height of fifty (50) feet above normal grade.
- h. No quarrying or mining activities and no buildings, structures, and equipment shall be located closer than one hundred (100) feet to any lot line, nor within one hundred (100) feet of any street not located within the lot, nor closer than one hundred (100) feet to any district boundary line, provided that an office or storage building shall be located no closer than fifty (50) feet to the same.
- i. Minimum lot area shall be five (5) acres.
- j. All blasting operations shall conform with the requirements of 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.
- k. All mining, quarrying, and extraction activities shall be located a minimum of 1,000 feet from any entrance or exit ramp of an Interstate Highway.
- l. Where materials are removed from the site, it shall be done in such a manner as to not cause any debris or material to be deposited beyond the sight boundaries.
- m. All machinery and devices used for extraction purposes shall be removed from the sight upon completion of the process.
- n. Activities shall not cause earth movements or erosion to extend beyond the lot boundaries.
- o. A planting strip not less than ten 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.

p. The construction and operation of such an industry 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.

820.23 Terminal, storage, or transfer facilities for trucking, busing, or railroad operations.

820.24 Accessory uses and buildings to the above permitted uses.

830 USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board, subject to Section 1135:

830.01 Automobile filling station.

830.02 Parking lots and garages.

830.03 Car wash, subject to:

a. No water used in the washing or 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.

830.04 Bus passenger station.

830.05 Travel trailer park or campground, subject to:

a. All requirements of Title 25 chapter 191 of the Rules and Regulations of the Pennsylvania Department of Environmental Protection, as amended, shall be complied with.

b. The minimum area of a travel trailer park or 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 2,000 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 travel trailer park or campground.

f. No travel trailer or tent shall be located within thirty (30) feet of the boundary lines of the travel trailer park or campground.

g. All Certificates of Use and Occupancy issued by the Township shall be issued for a period of one (1) year and shall expire concurrently and require renewal at the same time as the Permit issued by the Pennsylvania Department of Environmental Protection. 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.

Prior to the issuance or renewal of a Certificate of Use and Occupancy, the owner of a travel trailer park or campground shall file with and receive approval by the Township Supervisors of a set of Travel Trailer Park 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 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.

830.06 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.

d. The manner of storage and arrangement of materials shall be such as to provide for adequate access for fire fighting 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 an evergreen planting screen of a minimum height of six (6) feet 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.

830.07 Within a commercial building, one dwelling unit per commercial use in the building for the use of a proprietor, caretaker, or similar employee.

830.08 Accessory uses and buildings to the above permitted uses.

830.09 Adult Book Store.

830.10 Adult Motion Picture Theater.

830.11 Massage Establishment.

830.12 Cabaret.

830.13 Mini-warehouse

830.14 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 and Regulations that may be adopted from time to time.

830.15 Penal institution, subject to Section 1036 of this Ordinance.

830.16 Uses not otherwise specifically mentioned as uses permitted by right or special exception in any other Zoning District.

840 AREA, YARD, AND HEIGHT REGULATIONS

Maximum Permitted	
Building Height	50 ft
Lot Coverage	30 percent
Paved Area	70 percent

Minimum Requirements	
Lot Area	40,000 square feet
Building Setback Line	50 ft
Lot Width	120 ft
At street line	120 ft
At building setback line	120 ft
Rear Yard	50 ft
Side Yard	40 ft
Total	40 ft
One side	20 ft
Area Not Paved or Covered by Buildings	10 percent
Distance between Highway Access Points	75 feet

850 SITE PLAN REVIEW

For all uses permitted by right or by Special Exception, Site Plan review by the Township Planning Commission is required prior to the issuance of a zoning permit in accordance with Section 1031 of this Ordinance.

860 PERFORMANCE STANDARDS FOR MANUFACTURING, COMPOUNDING, PROCESSING, PACKAGING, AND TREATING OF PRODUCTS, AS LISTED IN SECTION 820.21

The Township Supervisors may require safeguards to assure compliance with the following performance standards. Upon request of the Township, the owner shall furnish or obtain proof at his own expense that he is in compliance with the following standards:

1. 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 greater than No. 1 on the Ringlemann Smoke Chart as published by the US Bureau of Mines shall not be permitted, except that smoke of density of No. 2 may be emitted for not more than four (4) minutes in any thirty (30) minute period. 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.)

2. Waste Water Management

a. Effluent must meet standards set by the Township.

b. In no case shall potentially dangerous effluent from plant operations be discharged.

3. Solid Waste Management

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

4. Noise and Vibration

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

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

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

5. Visual

a. No lighting shall be utilized in a manner which produces glare perceptible at or beyond the lot lines.

b. 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.

c. No advertising displays shall be utilized in a manner which produces periodic flashing or other intensity changes beyond the lot lines.

6. 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.

7. All regulations of the Pennsylvania Department of Environmental Protection shall be complied with.

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SECTION 900

EP - ENVIRONMENTAL PROTECTION DISTRICTS

910 STATEMENT OF INTENT

It is the purpose of this District to discourage intensive development in areas which present severe limitations to development because of such factors as steep slope, shallow depth to bedrock, stoniness, high water table, and flooding, and which are generally classified as having severe limitations for on-site sewage disposal and are not proposed to be sewered. It is also the intent of this District to encourage the preservation of ecologically critical factors such as the headwaters of streams and the surrounding watersheds, wildlife habitats, and extensive wooded areas. The wooded areas have even increased importance because they are located on steep slopes and in the watersheds surrounding the headwaters of streams. By preserving these factors, 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.

920 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 930, is granted. Any use listed in Section 920 to be located on a slope in excess of twenty-five percent (25%) shall be subject to the requirements of the Bethel Township Storm Water Management Ordinance.

920.01 Single family detached dwellings

920.02 Agricultural land uses, buildings, and activities, provided that all agricultural buildings shall be subject to Section 1033 of this Ordinance

920.03 Nurseries and greenhouses

920.04 Outdoor recreation areas, such as parks, playgrounds, picnic grounds, or swimming clubs

920.05 Church, Sunday School, or other place of worship; parish house

920.06 Home occupation

920.07 Municipal use

920.08 Accessory uses and buildings to the above permitted uses

930 USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board, subject to Section 1135:

930.01 Public utility, or telecommunications buildings, structures, or facilities

930.02 Accessory buildings and uses to the above Special Exception permitted uses

930.03 Residential conversion, subject to Section 1032 of this Ordinance

930.04 Penal institution, subject to Section 1036 of this Ordinance.

940 AREA, YARD, AND HEIGHT REGULATIONS

Maximum Permitted

Building Height

35 ft

Lot Coverage

10 percent

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For all uses permitted by Right or by Special Exception, Site Plan review by the Township Planning Commission is required prior to the issuance of a zoning permit in accordance with Section 1031 of this Ordinance. A Site Plan review shall NOT be required for any accessory structures, and shall not be required for additions to, or extensions of, principal structures as long as such addition or extension does not exceed 50% of the footprint of the existing principal structure and does not exceed 1,000 square feet. With the application for a zoning permit, the landowner shall submit a soils map of the lot, based upon the Berks County Soil Survey but also verified in the field. He shall also submit existing and proposed contours at two (2) feet intervals.

950 SITE PLAN REVIEW

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

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.

1012 Access to Lots

Every lot created after the effective date of this Ordinance shall abut a public street or a private street approved by the Township Supervisors.
The minimum width of the lot which abuts the street, as measured at the street line, shall be as set forth for the applicable Zoning District in this Ordinance. One, and only one, lot may be subdivided from a tract of land which exists at the time of the effective date of this Ordinance, which will contain less than the required minimum width at the street line as set forth for the applicable Zoning District. For such lot, the minimum lot width at the street line shall be fifty (50) feet. The minimum lot width at the building setback line requirement of the applicable Zoning District, however, will have to be met, as well as any and all other requirements.

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 area, yard, 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. For determination of conformity to this section, a separate plan shall be prepared and submitted to the Zoning Officer and other applicable Township reviewing entities (e.g. Engineer, Solicitor, Planning Commission, Board of Supervisors, etc.) which will show that all applicable provisions of this ordinance are met.

1014 Accessory Building and Principal Building Addition Setback Exceptions

On any lot on which a principal building existed at the effective date of this Ordinance, an accessory building to such existing principal building, or an addition to such principal building which is constructed after the effective date of this Ordinance does not have to be set back further from any street right-of-way than the principal building which existed at the effective date of this Ordinance.

1015 Conduct of Agricultural Activities

Agricultural activities permitted to be conducted within the Township by this Ordinance may be conducted even though those activities may create an annoyance or inconvenience to neighboring residential uses due to sights, sounds, smells and other conditions resulting from the agricultural activities, provided that the agricultural activities are conducted in accordance with any and all requirements of the Township and State and are not conducted in a manner which creates a definite danger to the health or safety of neighboring uses.

1016 Slope Controls

The following controls shall apply in all areas where the slope of the land exceeds twenty-five percent (25%):

1016.01 An erosion and sediment control plan shall be prepared in accordance with State and County Erosion & Sedimentation Pollution Control regulations prior to the establishment of any building, structure, or use.

1016.02 Prior to any alteration of the existing grade, a grading plan shall be approved by the Township Engineer.

c. The cross-sectional profile of watercourses and flood plain areas shall not be substantially altered unless approved by the Township Supervisors and, where applicable, the appropriate State agencies.

b. Adjacent stream neighbors shall not be unreasonably affected by any use of the flood plain areas.

a. Not more than ten percent (10%) of the area subject to Floodway Controls shall be covered with impervious surfaces.

1018.04 Controls Applicable to All Areas Subject to Floodway Controls

a. Outlet installations for sewage treatment plants or sewage pumping stations.

1018.03 Uses Permitted by Special Exception:

e. Accessory uses and structures customarily incidental to a permitted outdoor recreation use, such as refreshment stands, concessions, fireplaces, pavilions, and picnic tables, provided that such accessory uses are operated only when the principal use is open and are being used in conjunction with the principal use, and further provided that such accessory uses do not seriously impede, restrict, or otherwise restrict flood flows.

d. Recreational uses, when permitted by the prevailing zoning district regulations, including private or commercial, as well as public, such as parks, camps, picnic areas, golf courses, fishing, sport, or boating clubs; not to include enclosed structures but permitting piers, docks, floats, or shelters usually found in developed outdoor recreational areas. Any toilet facilities provided shall be connected to public water and sewerage systems.

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.

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.

a. Cultivation and harvesting of crops, pasture, and grazing, nursery or orchard, forestry, lumbering and reforestation when permitted by the prevailing zoning district regulations, according to recognized soil conservation practices.

1018.02 Uses Permitted by Right:

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.

Ordinance.

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 Appendix V of the Township's Subdivision and Land Development

1018.01 Designation of Area

1018 Floodway Controls

Pennsylvania Department of Transportation publications, would be reduced below current standards.
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

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.

1017 Corner Lot Restrictions

1016.03 The applicant shall indicate the methods whereby structural and foundation problems caused by slope conditions will be overcome and the natural watershed will be maintained.

1020.01

No accessory building shall be constructed within five (5) feet of any rear lot line.

requirements:

The placement of a garage, accessory parking area, or other accessory building or use shall be subject to the following

1020 Placement of Accessory Uses and Structures

building is erected.

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

1019 Front Yard Exceptions

subject to the approval of the Township Engineer.

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

c. The burden of proof shall be on the person appealing the decision of the Zoning Officer.

b. Any person aggrieved by this decision, 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.

Ordinance.

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

1018.06 Boundary Disputes and Appeals Procedures

For all uses to be located within areas subject to floodway controls, Site Plan review by the Township Planning Commission is required prior to the issuance of a zoning permit in accordance with Section 1031 of this Ordinance.

1018.05 Site Plan Review Required

affected.

g. The public interest and general welfare of municipalities and residents in the same watershed shall not be adversely

f. Any structure constructed shall be firmly anchored to prevent the structure from floating away during time of flooding.

6. Fill slopes shall be no steeper than one (1) vertical unit to two (2) horizontal units.

5. Fills shall not encroach on natural watercourses.

4. Fills shall be placed and mechanically compacted to minimize sliding and erosion of soil.

3. Fills shall not adversely affect adjacent properties or other properties in the same watershed.

2. Adequate provisions shall be made to prevent surface water from damaging the sloping surfaces of fills.

1. Fills shall consist of soil or rock materials only. Sanitary landfills shall not be permitted.

subject to:

e. Fills shall not be located within flood plain areas unless permitted by the Township Supervisors, and are further

d. No outside storage of materials is permitted within flood plain areas.

1020.02 No garage or other necessary building shall be 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 not otherwise required for a planting screen in commercial and industrial districts provided that the parking area is of sufficient size for vehicle storage and maneuvering, and provided that ingress and egress points are clearly established for the safe channelization of traffic to and from the adjacent streets.

1020.03 Any access driveway may be located within a required side yard and required front yard.

1020.04 Accessory buildings and uses shall be on the same lot with the principal building or buildings or on an immediate adjacent lot in the same ownership.

1020.05 Required accessory parking areas and truck loading spaces shall have safe and adequate access to a public street or a private street approved by the Township Supervisors.

1020.06 No required accessory parking area or off-street truck loading space shall be encroached upon by buildings, open storage, or any other use.

1021 Small Lots of Record

A building or structure containing a permitted or special exception use may be erected on any lot of record with less than the required lot width or lot area if separately owned and not adjacent to any lot in the same ownership at the effective date of this Ordinance, provided that all yard, height, and coverage requirements shall be met.

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, 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 advertising 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 front yard shall be open to the sky and unobstructed except for retaining walls, fences, walkways, lamp posts, 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 Automobile Filling and Service Stations - Special Provisions

1024.01 No automobile 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, church, hospital, semi-public institution, public park, playground, or fire station.

- 1024.02 All automobile 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 fifteen (15) feet of any street line, or side lot line, nor within twenty (20) feet of any Rural Residential District boundary line.
- 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.
- 1025.04 Such pool shall be not less than twenty-five (25) 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 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 facilities.
 - c. An existing building is altered so as to increase the amount of parking spaces required.
- 1026.02 Each parking space shall have a minimum area of 200 square feet and minimum dimensions of ten (10) feet by twenty (20) feet. In addition, appropriate driveways, aisles, and maneuvering space shall be provided as necessary to permit safe and convenient access to and use of the area provided for parking purposes. Proper access from a street, alley, or driveway shall be provided. All parking spaces and associated curbing, accessways, ramps, etc. shall conform to the 1990 Americans with Disabilities Act, as amended.
- 1026.03 Joint 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.
- 1026.04 All parking spaces and means of access, other than those relating to a dwelling, shall be adequately illuminated during night hours of use. The illumination shall be designed and located so that the light sources are shielded from adjoining properties and public and private streets. The illumination shall not be of excessive brightness and shall not produce a glare noxious at or beyond the boundaries of the parking area.

1026.05 All common parking areas shall be graded to provide convenient vehicular access and proper drainage. The maximum grade of the parking area shall not exceed six percent (6%). Surface water shall not discharge onto public sidewalks or other premises.

1026.06 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.

1026.07 Off-street parking facilities existing at the effective date of this Zoning Ordinance shall not be subsequently reduced to an amount less than that required under this Ordinance for a similar new building or use.

1026.08 The width of aisles in parking areas shall be no less than listed in the following table:

Angle of Parking	Aisle Width	
	One-Way	Two-Way
90°	20 ft	24 ft
60°	18 ft	20 ft
45°	15 ft	20 ft
30°	12 ft	20 ft

1026.09 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.

1026.10 Where parking requirements are determined by the number of seats and no permanent seats are provided, only temporary seats, the number of parking spaces to be provided shall be based upon the capacity for temporary seats in normal usage.

1026.11 Parking areas 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.

1026.12 Where a building contains a mixture of uses, the total requirements shall be the sum of the requirements of the component uses.

1026.13 Minimum off-street parking requirements shall be as follows:

a. Residential Uses:

Two (2) parking spaces per dwelling unit

b. Home Occupation:

One (1) per non-resident employee plus one (1) space for each 300 feet of floor space used for such home occupation

c. Restaurant, Tavern or Similar Use:

One (1) space for each four (4) seats plus one (1) space for each employee on the largest shift

d. Retail and Service Establishment:

One (1) space or each 200 square feet of gross floor area

e. Office Buildings:

One (1) space for each 200 square feet of gross floor area

f. Motel, Hotel, Tourist Home, or Similar Establishment:

One (1) space for each rental unit plus one (1) for each employee on the largest shift

g. Medical, Dental, or Paramedical Offices and Clinics:

Six (6) spaces for each person engaged in practice

h. Laboratory:

One (1) space for each employee

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.

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.

1027 Loading Areas

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.

u. 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

t. Motor Vehicle Service Station or Repair Garage:
Two (2) spaces per service bay

s. Skating Rink, Swimming Pool, Dance Hall, Indoor Recreational Establishment:
One (1) space per fifty (50) square feet devoted to patron use

r. High School:
One (1) space per four (4) students

q. Elementary and Junior High School:
One (1) space per employee

p. Nursery School:
One (1) space per employee plus one space for loading and unloading of children for each five (5) children accommodated in the school

o. Library or Museum:
One (1) space per 300 square feet of gross floor area

n. Auditorium, Theater, Municipal Building, Place of Worship, Club or Lodge, or other place 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

m. Funeral Home:
One (1) space for each four (4) seats

l. Bowling Alley:
Five (5) spaces per alley

k. Drive-thru and Fast Food Restaurants:
One (1) space for each two (2) seats and one (1) space for each two (2) employees

j. Hospital:
One (1) space for each three beds plus one (1) space for each three employees

i. Industrial, Wholesaling, or Warehousing Establishment:
One (1) space for each employee

1028 Access Driveways

- 1028.01 All access driveways for a public garage, public parking area, motor vehicle service station, or car washing station may be used for separate or combined entrance or exit. Every separate entrance or exit access driveway shall have a minimum unobstructed width of ten (10) feet. Every combined entrance and exit access driveway shall have a minimum total unobstructed width of twenty (20) feet. No more than sixty (60) feet of total access driveways will be permitted to any one street from any one lot.
- 1028.02 There shall be no more than one (1) access entrance and one (1) exit, or two (2) combined exit or entrances to each street from any one lot.
- 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

1029.01 Definitions

- a. On-Premises Sign: An On-Premises Sign is a sign which directs attention to a person, business, product, or activity conducted on the same lot.
- b. Off-Premises Sign: An Off-Premises Sign is a sign which directs attention to a person, business, product, or activity not conducted on the same lot.

1029.02 Area

- a. The area of a sign shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.
- b. The area of a sign painted upon or applied to a building shall be considered to include all lettering, wording, and accompanying design or symbols together with any backing associated with the sign.
- c. Where a sign consists of individual letters or symbols attached to or painted on a surface, building, wall or window, the area of the sign shall be considered to be that of the smallest rectangle or other shape which encompasses all of the letters and symbols.

1029.03 Signs Permitted in All Zoning Districts (Unless Otherwise Noted Below)

a. On-Premises Signs

- 1) Official traffic signs and other official federal, state, county, or township government signs.

- 2) Signs displaying the name and address, profession, or home occupation of the occupant of a dwelling, provided that the area of any such sign shall not exceed two (2) square feet and not more than one (1) such sign shall be erected for each dwelling unit, unless such property fronts on more than one (1) street, in which case one (1) such sign may be erected on each street frontage.

- 3) Signs advertising the name or sale of agricultural products, nursery products or livestock produced or raised on the premises, or denoting membership in agricultural associations, cooperatives, or indicating specialization in a particular breed of cattle, hogs, or other animals, or in particular hybrids or strains of plants, provided that the area of any such sign shall not exceed fifteen (15) square feet. Not more than one (1) such sign shall be placed on the property held in single separate ownership unless such property fronts on more than one (1) street, in which case one (1) such sign may be erected on each street frontage.

- 4) In A-1, RR, R and EP Zoning Districts, signs identifying and indicating the activities and services of schools, churches, libraries, municipal buildings, and other public or semi-public principal uses and buildings permitted in the applicable zoning district, provided that the area of any such sign shall not exceed fifteen (15) square feet (except that a

- sign consisting of open lettering attached to a building shall not have an area exceeding ten percent (10%) of the building wall to which it is attached, nor any dimension exceeding twelve (12) feet, and not more than one (1) free-standing sign shall be placed on any property held in single and separate ownership unless such property fronts on more than one (1) street, in which case one (1) sign of each type may be erected on each street frontage.
 - 5) Signs advertising the sale or rental of property, provided that the area of any such sign shall not exceed six (6) square feet and not more than one (1) such sign shall be placed on property held in single and separate ownership, unless such property fronts on more than one street, in which case one (1) such sign may be erected on each street frontage. Such signs shall be removed immediately upon final settlement on or renting of the property.
 - One (1) off-premises sign not exceeding six (6) square feet in area shall be permitted for each premise for sale.
 - 6) Temporary signs of contractors, mechanics, painters, architects, builders, or auctioneers, during the period in which their work is being performed, provided that the area of any such sign shall not exceed fifteen (15) square feet and not more than one (1) such sign for each contractor or the like shall be placed on the property. Such signs shall be removed immediately upon completion of the work.
 - 7) Trespassing signs, signs indicating the private nature of a road, driveway or premises, and signs controlling fishing or hunting on the premises provided that the area of any such sign shall not exceed two (2) square feet.
 - 8) Temporary signs announcing a campaign, drive, or event of a civic, philanthropic, educational, or religious organization. Such signs shall not exceed fifteen (15) square feet in area and shall be removed within twenty-four (24) hours after completion of the campaign, drive, or event.
 - 9) Memorial signs or tablets
 - 10) Signs identifying public utilities, provided that the area of any such sign shall not exceed fifteen (15) square feet and provided that not more than one (1) such sign shall be placed along each lot line.
 - 11) Signs advertising the sale or development of a residential subdivision, provided that the area on any one (1) side of any such sign shall not exceed fifteen (15) square feet and not more than one (1) such sign shall be erected on each street frontage.
 - 12) Signs within a residential development to direct persons to a rental office or sample unit within that development provided that no such sign shall exceed four (4) square feet in area.
 - 13) Identification signs for the purpose of displaying the name of a residential development, provided that no more than one (1) such sign shall be allowed for each entrance to the development from a public street and no such sign shall exceed fifteen (15) square feet in area.
 - 14) Signs advertising a lawful non-conforming use, provided that no side of any such sign shall exceed fifteen (15) square feet in area and no more than one (1) such sign shall be erected on the premises.
 - 15) In A-1, RR, R, and EP Zoning Districts, signs identifying a hospital, convalescent, nursing, or retirement home; recreation area; club or lodge; cemetery or mausoleum; kennel or animal hospital; stable or riding academy; or other principal uses and buildings permitted in the applicable zoning district, other than public or semi-public uses and buildings and other than dwellings, provided that no side of any such sign shall exceed fifteen (15) square feet in area and no more than one (1) such sign shall be erected on the premises.
- b. Off-Premises Signs
- 1) Advertising signs, provided that such signs shall not exceed fifteen (15) square feet in area in A-1, RR, R, EP, and VC Districts, nor 120 square feet in I-c Districts and no more than two (2) such signs relating to any use shall be placed in the Township.
 - 2) Signs erected in conjunction with a political election subject to the following:

f. The distance from the ground to the highest part of any free standing sign shall not exceed ten (10) feet in A-1, RR, R, EP, and VC Districts. The distance from the highest part of any free-standing sign in an IC District shall not

may contain interior illumination or be illuminated by shielded flood lights. Signs shall be shielded from adjoining properties and streets. Unprotected light bulbs shall be prohibited. Signs beyond the lot boundaries. No direct beams of light shall be directed toward adjacent properties or public roads, and all light sources shall be utilized in a manner which produces noxious glare nor light intensity greater than one (1) foot-candle

d. Every sign shall be constructed in a workmanlike manner and every sign shall be kept in good condition. Peeling paint shall be removed and replaced, broken letters or other parts shall be repaired or replaced, broken lights shall be replaced, and similar maintenance tasks shall be performed when necessary.

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.

b. No sign shall be placed in such a position, or have such source of illumination, that it will cause any danger to pedestrians or vehicular traffic.

a. Except in the case of school warning signs, traffic control signs, signs giving time and temperature, and similar municipal signs, signs shall not contain moving parts nor use flashing or intermittent illumination. The source of light shall be steady and stationary.

1029.05 General Sign Regulations

4) No sign attached to a building facade shall have an area exceeding ten percent (10%) of the area of the building wall to which it is attached, nor have any dimension exceeding twelve (12) feet.

3) No more than two (2) separate signs shall be placed on any one (1) property.

2) No more than one (1) free-standing sign shall be allowed on any one (1) property.

1) The area of any sign shall not exceed 120 square feet in the IC District, nor fifteen (15) square feet in the VC District.

a. Business signs, subject to:

1029.04 Additional Signs Permitted in VC and IC Districts

3) Official traffic signs and other official federal, state, county or township government signs.

v) Political signs shall not be posted earlier than one month prior to a primary election. A successful primary election candidate may keep his or her political signs posted from the primary election until the general election, subject to the other provisions hereof. Such signs shall be properly maintained at all times. If they are not, the Township may remove same and deduct the cost thereof from the deposit required under Paragraph (iv) above.

iv) No permit shall be issued for the erection of such sign until a deposit has been made with the zoning officer in accordance with a fee schedule adopted by the Board of Supervisors to guarantee removal of all such signs within the time prescribed. Failure to comply shall result in forfeiture of the deposit.

iii) Signs shall be removed within twenty-four (24) hours after the date of the election.

ii) No such sign shall exceed fifteen (15) square feet in area, except political signs posted along Interstate Route 78 under section 1029.07 of this Ordinance.

i) No such signs shall be erected until permit has been obtained from the Township. Every person who wishes to post political signs in the Township shall file an application for a permit on a form provided by the Township. The application shall cover all signs which the applicant wishes to post in Bethel Township.

- g. No sign shall be erected or located so as to prevent free ingress to or egress from any window, door, or fire escape.
 - h. No sign which emits smoke, visible vapors or particulates, sound, or odor shall be permitted.
 - i. No portion of any sign shall project over any lot line.
 - j. Red, green, or amber lights, except those contained within a school warning sign, traffic control sign, or similar sign, shall not be so located that they could create a danger by being construed as traffic lights. At a minimum, no red, green, or amber lights shall be placed within seventy-five (75) feet of the intersection of street right-of-way lines at a street intersection.
 - k. The area immediately surrounding each sign shall be kept in a clean, sanitary, and healthful condition. No accumulations of loose paper, bottles, cans, garbage or similar items shall be permitted.
 - l. Any sign which becomes dilapidated or which creates a hazard to the public health, safety, or welfare shall be removed at the expense of the owner or lessee. The Township Zoning Officer shall make the determination as to state of repair.
 - m. No sign shall project more than twelve (12) inches from the building facade to which it is attached, except that the signs may project from the front of a building perpendicular to the front of the building a distance of not more than four (4) feet provided that such signs are entirely located underneath a roof overhang or similar architectural feature, such signs are no more than twelve (12) square feet in area on any one (1) side, and the lowest portion of all sign facings are at least eight (8) feet above the ground.
 - n. No free-standing sign shall be placed within five (5) feet of any other structure.
 - o. A sign shall be removed when the use or event to which it refers is terminated.
 - p. No more than one (1) sign on a mobile stand which can be moved from place to place or stand which can be made mobile shall be permitted on any one property. Mobile signs shall comply with all regulations applicable to permanent signs and shall not, in any event, exceed fifteen (15) square feet in area.
 - q. A sign affixed to any vehicle or other object in such manner that the carrying of such sign or signs no longer is incidental to the primary purpose of the vehicle or object but becomes the primary purpose itself, shall be prohibited.
 - r. Banner, inflatable, and other types of non-permanent signs are prohibited, except that the Zoning Officer may issue a temporary Zoning Permit for such signs upon approval of the Township Supervisors at the time of application, but in no case for longer than thirty (30) days. Banner, inflatable, and other non-permanent signs shall comply with all pertinent regulations applicable to permanent signs.
 - s. Free-standing signs shall be secured so they are not readily subject to movement due to force of wind or other natural phenomena.
- 1029.06
- a. As noted in Section 1321 of this Ordinance, zoning permits are required for signs except for the following exemptions:
- 1) Official traffic and governmental signs
 - 2) Signs indicating the name and/or address of the occupant of a dwelling
 - 3) On-premises signs advertising the rental or sale of premises.
 - 4) Trespassing signs and signs indicating the private nature of premises or controlling hunting activities on the premises.

a. The Zoning Officer shall assemble and maintain a listing of non-conforming uses, buildings, and structures.

1030.04 Registration

be possible due to specific circumstances and conditions of the specific property in question. repairs will not result in more non-conformity than existed prior to the damage, and that complete conformity will not applicant shall demonstrate to the Zoning Hearing Board that such reconstruction, structural alterations, restorations or Zoning Ordinance of 1997, as amended. In giving consideration to approving a Special Exception under this section, the reconstruction, structural alterations, restorations or repairs shall be by Special Exception, unless such said damage; provided, however, that if the damage exceeds fifty percent (50%) of its then fair market value, structurally altered, restored, or repaired in whole or in part in the same location on the property as it was located prior to b. If a non-conforming building or structure that is devoted to a conforming use is damaged, it may be reconstructed, prior to such damage, and that it be completely restored within one (1) year of such damage.

a. If a conforming building or structure employed for a non-conforming use is damaged it may be restored, reconstructed, or used as before, provided that the floor area of such building, or structure shall not exceed the floor area which existed

1030.03 Restoration

Any lawful use which occupies any building or structure, lot, or land at the effective date of this Ordinance or any amendment thereto, but does not comply with the permitted, accessory, or special exception use regulations of the District in which it is situated after the effective date of this Ordinance or any amendment thereto, may be continued as a non-conforming use in the building or structure or upon the lot or land so occupied.

1030.02 Continuation of Non-Conforming Uses

An unlawful building or structure, or unlawful use of a building or structure, lot, or land existing at the effective date of the Ordinance shall not be deemed to be a non-conforming building, structure, or use.

1030.01 Unlawful Uses Not To Be Construed as Non-Conforming

1030 Non-Conforming Uses and Non-Conforming Buildings or Structures

7) There shall be a minimum of 600 feet between signs.

6) 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.

5) Signs shall not be further than fifty (50) feet from the right-of-way of Interstate Route 78.

4) Signs shall be a minimum of 100 feet from any building or structure.

3) Maximum height to the top of such a sign shall be thirty-five (35) feet.

2) All signs shall be intended and placed only for view of motorists on Interstate Route 78.

1) Maximum sign size shall be 200 square feet.

a. In addition to the signs permitted by Sections 1029.03 and 1029.04, advertising signs may, including political signs, be placed along the right-of-way of Interstate Route 78, by Special Exception, subject to the following standards:

1029.07 Advertising Signs Along Interstate Route 78

5) Temporary signs that will not be in place for longer than six (6) months in a twelve (12) month period and meet all other requirements of the ordinance for the district in which they are located

1030.05 Extension

a. A non-conforming use shall not be enlarged or extended upon land not owned, leased, or under option to purchase at the time of the enactment of this Ordinance, but may otherwise be enlarged or extended such that said extended or enlarged non-conforming use will not occupy more than fifty percent (50%) of the area occupied by the non-conforming use at the effective date of this Ordinance. Such expansion shall be by Special Exception, and shall not further violate any provision of this Zoning Ordinance.

1030.06 Change of Use

a. A non-conforming use may be changed to a conforming use. A proposal to change from one non-conforming use to another non-conforming use shall be by application to the Zoning Hearing Board for a Special Exception.

b. A non-conforming use shall not be extended to displace a conforming use.

1030.07 Termination

A non-conforming use shall be deemed to have been terminated and shall not thereafter be reinstated:

a. When it is changed to a conforming use.

b. When it has been voluntarily discontinued for a period of twelve (12) consecutive months without correspondence from the owner of the property indicating otherwise.

c. When the owner of the property has indicated in writing that the non-conforming use has ceased to exist.

1030.08 Repairs and Maintenance

Normal maintenance and repairs of a building or other structure containing a non-conforming use is permitted, provided that it does not extend the floor area occupied by the non-conforming use.

1031 Site Plan Review Standards

Whenever Site Plan Review is required for a use, the Township Planning Commission shall determine that the site makes adequate provision, where applicable, for the following:

1031.01 Access facilities adequate for the estimated traffic to and from the site so as to assure the public safety and to avoid traffic congestion. Vehicular entrances and exits shall be clearly visible from the street and not within seventy-five (75) feet of an intersection of street lines.

1031.02 Adequate collection and disposal of stormwater runoff from the site shall be provided.

1031.03 Adequate provision of space between buildings on the lot and of setbacks from private drives, roads, streets, or driveways, if any, so as to assure ample light, air, and usable open space in the interest of public health, safety, and general welfare.

1031.04 Lighting facilities adequate for the safety of pedestrian and vehicular traffic.

1031.05 Adequate inclusion of plant material to provide effective planting screens where deemed advisable by the Planning Commission. A planting plan specifying type, size, and location of existing and proposed plant material may be required and approved by the Planning Commission prior to issuing a zoning permit.

1031.06 Truck loading and unloading berths (where applicable) pursuant to the provisions of Section 1027 will not interfere with traffic circulation nor be detrimental in appearance to the site or its surrounding area.

1031.07 In IC Districts, adjacent to every side and rear lot line abutting a VC, R, RR or EP Zoning District, a protective planting strip shall be required not less than ten (10) feet nor more than thirty (30) feet in width, situated within any required side or rear yard, designed and laid out with a Landscape Screen as defined herein. A planting plan

specifying type, size, and location of existing and proposed plant material shall be required and approved by the Planning Commission prior to issuing a zoning permit.

1031.08 Any other information the Planning Commission deems necessary to assure conformity to this and any other Township Ordinance or regulation.

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 VC Districts and the lot area per dwelling unit shall not be reduced to less than 20,000 square feet per dwelling unit in RR, R and 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 additional controls in each individual case as it may deem necessary in the public interest.

1033 Agricultural Building Regulations

a. All new agricultural buildings, which will not be an expansion of an existing building, intended for the housing of animals or fowl shall not be less than 100 feet from any lot line. All other new agricultural buildings, which will not be an expansion of an existing building, shall meet the yard regulations of the applicable zoning district. All lawful agricultural buildings which existed at the effective date of this Ordinance may be expanded subject to the yard requirements of the applicable zoning district, provided that and not withstanding any other provision of this Ordinance, in the case of a lawful agricultural building which prior to the effective date of this Ordinance was constructed closer to a lot line than is permitted by this Ordinance, the agricultural building may be expanded into the required yard provided that the expanded portion of the building is located no closer to the lot line than the existing portion of the building.

b. The following regulations shall apply to any new buildings, or expansion to existing buildings used for the raising or housing of livestock or poultry, or used for the processing of agricultural products which, when constructed or erected, will bring the total square footage of all buildings constructed or erected after September 21, 1992 the effective date of amending Ordinance 1992-5 that are used for the purposes described in this section, to 5,000 square feet or more:

i) The building shall not be constructed or located closer than 600 feet to any existing church, school, eating establishment, or residential dwelling, unless the residential dwelling is under the same ownership as that of the property on which the agricultural building is located, nor shall it be located closer than 300 feet to any property line.

ii) A nutrient management plan, prepared according to methodologies acceptable to the Soil Conservation Service (SCS) or other authorized agency, must be submitted along with the application for a Zoning Permit. The Zoning Officer shall have the right to verify with the SCS or other acceptable agency that the methodology used is acceptable. An erosion and sediment control plan must also be prepared, and a copy of a letter indicating approval of the plan from the Conservation District, and a copy of the plan must be submitted with the Zoning Permit Application.

c. The following regulations shall apply to any agricultural operation proposing to utilize food processing wastes:

- (i) 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.
 - (ii) All food processing wastes shall be stored in enclosed buildings or sealed containers prior to being fed to the animals.
 - (iii) Only such amounts of food processing wastes 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.
 - (iv) Food processing wastes shall be transported to and from the premises only in sealed containers.
 - (v) The owner shall at all times maintain a current nutrient management plan.
 - (vi) 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.
 - (vii) 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, 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, church or other place of worship, public library, residential dwelling, nursing, rest or retirement home, group home, travel trailer park, child care facility, community center, park, playground, campground, 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 mobile home or other readily transportable structure or unit.
 - 1034.03 No 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 Restrictions on Agricultural Activities within 2,000 Feet of Village Center Districts
- On that portion of any property which is located within 2,000 feet of a VC District boundary line, hereinafter referred to as a "Buffer Zone", the following restrictions shall apply:
- 1) With respect to a property containing up to and including two (2) acres within a Buffer Zone, no more than two (2) units of animals or fowl shall be confined on the property within the Buffer Zone.
 - 2) With respect to a property containing more than two (2) acres within a Buffer Zone, no more than one (1) unit of animals or fowl shall be confined on the property within the Buffer Zone for each acre or fraction thereof which is within the Buffer Zone.
 - 3) No more than five (5) units of animals or fowl may be confined on a property in a Buffer Zone at any one time within 200 feet of the place of confinement of another unit of animals or fowl.
 - 4) In determining the number of acres contained within Buffer Zone, all properties which are contiguous and under the same ownership shall be included as a whole and treated as one (1) property for the purposes of this Ordinance.
 - 5) In calculating a unit of animals or fowl, the following shall be used:

1 dairy cattle	= 1 unit of animal
1 beef cattle	= 1 unit of animal
1 horse	= 1 unit of animal
2 sheep	= 1 unit of animal
15 fowl	= 1 unit of fowl
5 fur bearing animals	= 1 unit of animal
1 dairy cattle	= 1 unit of animal
 - 6) The keeping of kennels and hogs, and mushroom culture shall not be permitted at any location within the Buffer Zone.
- 1036 Penal Institutions. 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, paroled, or detained pending some other status, are directed, ordered or committed by a judge or other legal authority. A penal institution includes both residential and day-time-only facilities. A penal institution includes half-way houses and similar facilities. 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 regulations (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 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, or lower the real estate values of the surrounding neighborhood.
 - 1036.06 No penal institution shall be permitted within six hundred (600) feet of any residential structure, school, public library, church or other place of worship, 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 Center District or Rural Residential 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.
- 1036.09 A Landscape Screen, as defined herein, shall be provided around the entire perimeter of the property on which the penal institution is located.
- 1037.01 Restaurant - Drive-Thru Or Fast-Food For such establishments, the following criteria shall be met:
 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 an arterial or collector road.
- 1037.03 All drive-thru window lanes shall be clearly designated from the parking lot'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. Telecommunication Facilities The following criteria shall be met for such facilities:
 1038.01 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.
 1038.02 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 withstand maximum wind forces expected for the area. 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 to determine that the tower was constructed according to the plans, and that the results of that inspection shall be forwarded to the Township Zoning Officer for inclusion with the application file.
 1038.03 All applicants shall be required to contact the owners of all existing towers within the Township to request permission to co-locate on an existing tower. A copy of such notification, as well as all responses, shall be accompany the application.
 1038.04 The maximum height of such towers shall be 100 feet within the VC and RR Zoning Districts, and within 100 feet of these Zoning Districts. The maximum height of such towers shall not be restricted within the R, EP, and IC Zoning Districts, except that documentation from the applicant shall be provided certifying that the height proposed is the minimum necessary for proper functioning of the tower.
 1038.05 Applications shall include certification(s) indicating compliance with all Federal Aviation Administration requirements.
 1038.06 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.
 1038.07 Access to the facility shall comply with the Township Driveway Ordinance and State Highway Occupancy Permit requirements, as applicable.

SECTION 1100

ZONING HEARING BOARD

1100 CREATION - APPOINTMENT - ORGANIZATION

1111 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.

1112 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.

1113 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.

1114 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 Township Supervisors and the Secretary of the Township Planning Commission. The Board shall submit an annual report of its activities to the Township Supervisors and the Township Planning Commission.

1120 HEARINGS

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, and the rules of the Board.

1130 FUNCTIONS OF THE ZONING HEARING BOARD

The Zoning Hearing Board shall have the following functions:

1131 Appeals from the Zoning Officer

To hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of this Ordinance or the Official Zoning Map or any valid rule or regulation governing the action of the Zoning Officer.

1132 Challenges to the Validity of Zoning Ordinance or the Official Zoning Map

The Board shall hear challenges to the validity of this Ordinance or the Official Zoning Map except as indicated in the Pennsylvania Municipalities Planning Code, as amended. In all such challenges, the Board shall take evidence and make a record thereon as provided in Section 1120 of this Ordinance. At the conclusion of the hearing, the Board shall

- e. Adequate provisions shall be made for the disposal and collection of stormwater runoff.
 - d. 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.
 - c. Such use shall not adversely affect the character of the zoning district, nor the conservation of property values, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.
- b. Such Special Exception shall only be granted subject to any applicable conditions and safeguards as required by this Ordinance.
- a. Such use shall be one which is specially authorized as a Special Exception Use in the zoning district wherein the applicant seeks a Special Exception.
- To issue, upon application, only such Special Exceptions which the Board by the provisions of this Ordinance is specifically authorized to issue. The granting of a Special Exception, when specifically authorized by the terms of this Ordinance shall be subject to the following standards and criteria:

1135 Special Exceptions

- e. 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.
- d. 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.
- c. That such unnecessary hardship has not been created by the appellant.
- b. 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.
- a. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot area or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such condition, and not circumstances or conditions generally created by the provisions of this Zoning Ordinance in the neighborhood or district in which the property is located.

1134 Variances To authorize, upon appeal in specific cases, such variance(s) from the terms of this Ordinance as will not be contrary to public interest, where a literal enforcement of this Ordinance will result in unnecessary hardship. 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 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 the following findings are made where relevant in a given case:

Where the Board has jurisdiction over matters pursuant to sections 1131, 1132, and 1134 of this Ordinance, the Board shall also hear all appeals which an applicant may elect to bring before it with respect to any municipal ordinance or requirement pertaining to the same development plan or development. In any such case, the Board shall have no power to pass upon the non-zoning issues, but shall take evidence and make a record thereon as provided in Section 120 of this Ordinance. At the conclusion of the hearing, the Board shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.

1133 Unified Appeals

decide all contested questions and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.

No person shall be allowed to file any proceeding with the Board later than thirty (30) days after any application for development, preliminary or final, has been approved by an appropriate officer of the Township, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval has been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.

1142 Time Limitations

Appeals under Section 1131 and proceedings to challenge the Ordinance under Section 1132 may be filed with the Board in writing by the landowner affected, by any officer or agency of the Township, or any person aggrieved. Requests for a variance under Section 1134 and for a Special Exception under Section 1135 may be filed with the Board by any landowner or any tenant with the permission of such landowner.

1141 Parties Appellant Before the Zoning Hearing Board

Applications and appeals, together with the required filing fee as established by the Township Supervisors, shall be submitted to the Zoning Officer of the Township, or such other person who may be designated from time to time by the Board of Supervisors. The Board shall act in strict accordance with the procedures specified by the Pennsylvania Municipalities Planning Code, as amended, and by this Ordinance. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board. Every appeal or application shall refer to the specific provision of this Ordinance involved and shall exactly set forth the interpretation that is claimed, the grounds for any challenges to the validity of this Ordinance, the use for which a special exception is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.

1140 PROCEDURES FOR APPLICATION TO THE ZONING HEARING BOARD

1136 To exercise any other power specifically granted to the Board under the terms of this Ordinance. The Zoning Hearing Board shall forward a copy of all applications for Special Exception to the Township Planning Commission for review and recommendation.

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.

I. A public utility transformer station shall not be located in a VC, RR, or EP District if adequate service can be provided by locating the transformer station in an R District, and any transformer located in a VC or RR District shall provide a suitable evergreen plant material planting strip adjacent to the front, side and rear lot lines. Such planting strip shall not be less than six (6) feet wide and shall contain a planting screen at a height of not less than six (6) feet.

k. Membership clubs shall serve a social, athletic, or community purpose and not a business. They shall not cause or create a nuisance to adjoining properties or the general neighborhood.

j. The layout of the parking spaces, truck loading berths, and interior driveways shall be convenient and conducive to safe operation.

i. Services and utilities are available to adequately service the proposed use.

h. 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.

g. Vehicular entrances and exits shall not be located within seventy-five (75) feet of the intersection of street lines at a street intersection.

f. Lighting shall not shine directly upon abutting streets or properties. No unshielded lights shall be permitted.

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, that all Official Action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating 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 appeals 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.

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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.

1322.02 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.

1322.01 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.

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 two sets of the following information:

1322 Application Procedures

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 the court of competent jurisdiction.

1321 Requirements

1320 ZONING PERMITS

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.

1312 Inspection of Premises

It shall be the duty of the Zoning Officer, who may not hold elective office in the Township, to administer and enforce the provisions of this Ordinance. He shall have such duties and powers as are conferred on him by this Ordinance and as are reasonably implied for that purpose.

1311 Duties

1310 APPOINTMENT AND POWERS OF ZONING OFFICER

ADMINISTRATION AND ENFORCEMENT

SECTION 1300

Proceedings for securing review of any 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 Pennsylvania Municipalities Planning Code, as amended.

1201

ZONING CHALLENGES AND APPEALS

SECTION 1200

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.

1323 Approval or Disapproval

Upon receipt of the application and all accompanying information, the Zoning Officer shall examine them to determine compliance with this Zoning Ordinance and all other Township Ordinances. Within thirty (30) days from the day he receives the application, the Zoning Officer shall either approve or disapprove the application and return one (1) copy of the application and accompanying information containing the Zoning Officer's decision and signature to the applicant. The other copy shall be retained by the Zoning Officer. If disapproved, the Zoning Officer shall attach a statement to the application explaining the reasons therefore and informing the applicant of his rights 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 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

The 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 Township 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 at the direction of the Township 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. The Zoning Officer shall also issue a Temporary Certificate of Use and Occupancy for such temporary uses as tents, trailers, and buildings on construction sites, or other temporary use and/or occupancy upon order of the Township Supervisors. Such temporary certificates shall be issued only upon written agreement of the applicant to remove such tent, trailer, or building upon expiration of the certificate.

1340 SCHEDULE OF FEES, CHARGES, AND EXPENSES

The Township Supervisors shall establish, by resolution, a schedule of fees and charges for requests for zoning permits, certificates of use and occupancy, special exceptions, variances, amendments to this Ordinance and other matters pertaining to this Ordinance. A collection procedure shall also be established.

The schedule of fees shall be available for inspection in the office of the Zoning Officer and may be altered or amended by the Township Supervisors by resolution.

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

1350 PENALTIES

Any person, partnership, or corporation who or which shall violate or permit the violation of the provisions of this Ordinance shall upon being found liable therefor in a civil enforcement proceeding commenced by the Township pay a judgment of not more than \$500.00 plus all court costs, including reasonable attorneys 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 shall enforce the judgment pursuant to applicable rules of civil procedure. Each day that a violation continues shall constitute a separate offense, unless the District Justice determines that there was a good faith basis for the person, partnership or corporation violating this 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 attorneys' fees collected for the violation of this Ordinance shall be paid over to the Township.

1360 ENFORCEMENT REMEDIES

In case any building, structure, or land is, or is proposed to be, erected, constructed, reconstructed, assembled, extended, replaced, structurally altered, converted, maintained, or used in violation of any ordinance enacted under this act or prior enabling laws, the Township Supervisors or with the approval of the Township Supervisors, an officer of the Township, in addition to other remedies, may institute in the name of the Township any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land, or to prevent, in or about such premises, any act, conduct, business, or use constituting a violation.

1370 STOP ORDER

1371 Scope

A Stop Order may be issued in the following instances:

If activities regulated by this Ordinance are undertaken without a Zoning Permit or Certificate of Use and Occupancy being granted by the Township.

If an activity undertaken under a Zoning Permit deviates from the application either during or after completion of the work.

If a use is conducted in a way which is in violation of the use requirements, area, yard and height regulations, performance standards, or general regulations of this Ordinance.

If an activity permitted by Special Exception or Variance is not conducted in accordance with the terms of the granting of the Special Exception or Variance.

1372 Notice to Owner

A Stop Order shall be issued by the Zoning Officer and delivered to the owner of any property or his agent. Delivery shall be construed to include certified mail or posting on property.

1373 Contents

The Stop Order shall be in writing and state the nature of the violation and under which conditions work or use may continue. A reasonable period of time may be permitted to allow for the required corrections.

1374 Unlawful Continuance

Any person who shall continue in violation of any Stop Order shall be in violation of this Ordinance and subject to the penalties provided within this Ordinance.

1380 PROCEDURES FOR AMENDMENT

1381 Power to Amend

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

1382 Procedure for Amendment

The following requirements shall be observed in making any amendment to this Ordinance:

1382.01 Every proposed amendment or change not initiated by the Township Planning Commission shall be referred to the Township Planning Commission at least thirty (30) days prior to the date of the public hearing the Township Supervisors hold on the amendment to provide the Township Planning Commission an opportunity to submit recommendations.

1382.02 The recommendations of the Township Planning Commission shall be submitted in writing to the Township Supervisors prior to the public hearing.

1382.03 All proposed amendments to this Ordinance shall be submitted to the County Planning Commission for their recommendations at least forty-five (45) days prior to the public hearing.

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

1382.05 The Township Supervisors shall hold a public hearing before voting on the enactment of any amendment or change. Public notice of such hearings shall be given as required by law and shall include either the full text of the proposed amendment or change or a brief summary of the principal provisions in reasonable detail and a reference to where within the Township copies of the proposed amendment or change may be examined, in addition to the time and place of the hearing. If, after any public hearing held upon an amendment or change, the proposed amendment or change is revised, or further revised, to include land previously not affected by it, the Township Supervisors shall hold another public hearing pursuant to public notice prior to voting on the amendment or change. The Township Supervisors shall vote on the proposed amendment within ninety (90) days after the last public hearing.

1390 EXEMPTIONS

Enacted and ordained into an Ordinance
this 15th day of August, 1997.

John J. Brown
James W. Johnson
James D. Smith

This Ordinance shall become effective five (5) days after adoption, as required by law.

1500 EFFECTIVE DATE

If any article, section, subsection, paragraph, clause, phrase, or provision of this Ordinance or the location of any District boundary shown on the Zoning Map that forms a part thereof shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance or Zoning Map as a whole or any part or provisions hereof other than the part so adjudged to be invalid or unconstitutional.

1400 VALIDITY

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.