

or disposal of Hazardous Waste to any property line shall be 1,000 feet.

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

730.19 Methadone Treatment Facility, subject to the following:

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

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

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

730.22 Accessory uses and buildings to the above permitted uses.

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

(As amended by Ordinance 2002-03)

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

(As amended by Ordinance 2002-03)

730.25 Travel Center

(As amended by Ordinance 2002-03)

730.26 Shooting Range

(As amended by Ordinance 2002-03)

731 USES PERMITTED BY CONDITIONAL USE

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

740 AREA, YARD, COVERAGE AND HEIGHT RESTRICTIONS

Maximum Permitted

Building Height 65 ft – for single story structure

40 ft – for multi-story structure

(The owner/developer of the building shall provide the zoning officer with proof that the fire company serving the area where the building is located has been notified in writing of all structures exceeding 40 feet in height prior to the issuance of an occupancy permit.)

(As amended by Ordinance 2002-03)

Lot Coverage 70 percent

Minimum Requirements

Lot Area 40,000 square feet

Setback Line 50 ft

Lot Width

 At street line 120 ft

 At setback line 120 ft

Rear Yard 50 ft

Side Yard

 Total 40 ft

 One side 20 ft

Distance between Highway

 Access Points 100 feet (150 Feet for SR 501, SR 419, Old 22)

750 SITE PLAN REVIEW

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

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

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

760.01 Air Management

a. Open burning is not permitted.

b. No gases, vapors, or particulates shall be emitted from the facility which are

harmful to persons, property, animals, or vegetation beyond the lot lines of the lot on which such gases, vapors or particulates originate.

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

760.02 Waste Water Management

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

760.03 Solid Waste Management

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

760.04 Noise and Vibration

- a. Noise limits at lot lines shall be as follows:
Permissible Noise Limits in dbA

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

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

760.05 Visual

- a. No lighting shall be utilized in a manner which produces a reading of greater than 1 foot candle beyond the lot lines adjacent to an existing residential property or adjacent to a zoning district which permits residential uses.
- 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.

760.06 Electromagnetic

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

760.07 Environmental Compliance

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

SECTION 800 EP - ENVIRONMENTAL PROTECTION DISTRICTS

810 STATEMENT OF INTENT

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

Since these areas form the headwaters of streams, and provide significant contiguous woodland and wildlife habitat, it is the intent of this district to limit development and alteration of the natural features of these ecologically important areas. By preserving these features, wildlife populations within the Township can be maintained, stream quality can be protected, the adverse effects of increased storm runoff, erosion and sedimentation minimized, and the recreation potential of the area

maintained.

811 DISTRICT BOUNDARY LINES

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

820 USES PERMITTED BY RIGHT

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

- 820.01 Single Family Detached Dwellings
- 820.02 General Agriculture, as defined by this Ordinance, subject to the provisions of section 1033.01 of this Ordinance.
- 820.03 Churches, Places of Worship, and Related Uses. Notwithstanding the provisions of section 840 of this Ordinance, the maximum Lot Coverage shall be 30% and the maximum Cleared Area shall be 40%.
- 820.04 Home Occupation, subject to the requirements of Section 1039.
- 820.05 Municipal Use. Municipal Uses shall not be subject to the provisions of § 840.
- 820.06 Forestry
- 820.07 Accessory Uses and Structures to the above permitted uses
- 820.08 No-impact Home Based Business as defined in Section 308

(As amended by Ordinance 2004-02)

- 820.09 Family Day Care Home

830 USES PERMITTED BY SPECIAL EXCEPTION

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

- 830.01 Public utility, Telecommunications Facilities
- 830.02 Boarding, Lodging or Rooming House
- 830.03 Penal Institution, subject to Section 1036 of this Ordinance.

830.04 Campground, subject to:

- a. All requirements of the Pennsylvania Department of Environmental Protection shall be complied with.
- b. The minimum area of a Campground shall be five (5) acres.
- c. There shall be a maximum of fifteen (15) travel trailer or tent sites per acre.
- d. Each trailer or camping site shall be a minimum of thirty (30) feet wide and have a minimum area of 3,000 square feet. No space shall be occupied so that a portion of a travel trailer or tent, including awning or other accessory attachment, shall be within ten (10) feet of any portion of any other travel trailer, tent, or building.
- e. Each trailer or camping site shall have at least thirty (30) feet frontage on a road contained within the Campground.
- f. No travel trailer or tent shall be located within fifty (50) feet of the boundary lines of the Campground.
- g. Certificates of Use and Occupancy issued by the Township shall be issued for a period of one (1) year. Renewal shall be according to the same requirements and procedure as made and provided for in Section 1330 for the issuance of the original Certificate of Use and Occupancy.
- h. Prior to the issuance or renewal of a Certificate of Use and Occupancy, the owner of a Campground shall file with and receive approval by the Township Supervisors of a set of Campground regulations. Such regulations shall prescribe, but not be limited to, such controls as maximum term of occupancy of a travel trailer or tent site by an individual tent site tenant; temporary or seasonal storage of travel trailers; policing to control noises and activities that might endanger the life, safety, or general welfare of other occupants and the owners and/or occupants of adjacent properties.
- i. All Campgrounds shall furnish centralized sanitary and garbage collection facilities. Such facilities shall be set back a minimum of 100 feet from any property lines, and shall be screened with a permanent vegetative screening from adjacent residential or residentially zoned properties. Such screening shall consist of evergreen plant varieties which provide screening from ground level to a minimum height of eight (8) feet.
- j. Any accessory retail or service commercial uses shall be setback a minimum of 100 feet from any property line. Such accessory commercial uses shall be solely designed and constructed to serve the campground's registered guests and their visitors, and shall have their sole access from the private, interior campground roads and not from any public street. Such uses and associated Parking Facilities shall be screened with a permanent vegetative screening from adjacent

residential or residentially zoned properties. Such screening shall consist of evergreen plant varieties which provide screening from ground level to a minimum height of eight (8) feet.

- 830.05 Home Premises Business, subject to the requirements of Section 1040.
- 830.06 Intensive Agriculture, as defined by this Ordinance, subject to the requirements of Section 1033.02 of this Ordinance.
- 830.07 Schools, Elementary and Secondary, through and including the 8th grade only. Notwithstanding the provisions of section 840 of this Ordinance, the maximum Lot Coverage shall be 40% and the maximum Cleared Area shall be 50%.
- 830.08 Public or Private Social and Recreation Facilities, provided the activities are all of an outdoor nature.
- 830.09 Bed-and-Breakfast
- 830.10 Accessory buildings and uses to the above Special Exception permitted uses
- 830.11 Group Day Care Home

840 AREA, YARD, COVERAGE AND HEIGHT REGULATIONS

Maximum Permitted

Building Height	35 ft
Lot Coverage	10 percent

Cleared Area:

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

Minimum Requirements

Lot Area	5 acres
Setback Line	50 ft

Lot Width

At street line 250 ft

At setback line 250 ft

Rear Yard 60 ft

Side Yard

Total 80 ft

One side 40 ft

850 SITE PLAN REVIEW

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

SECTION 900 RESERVED

SECTION 1000 SUPPLEMENTARY REGULATIONS

1010 GENERAL REGULATIONS APPLYING TO ALL DISTRICTS AND USES

1011 Prohibited Uses

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

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

1012 Lot Frontage Requirements

1012.1 Every building constructed or placed on a lot after the effective date of this Ordinance shall be located on a lot which abuts a Public Street or Road or an approved Private Street or Road.

1012.2 Every lot created after the effective date of this Ordinance shall abut a Public Street or Road or an Approved Private Street or Road.

(As amended by Ordinance 2002-03)

1013 Erection of More Than One Principal Structure on a Lot

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

1014 RESERVED

1015 Garage and Yard Sales

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

1016 Environmentally Sensitive Areas Controls

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

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

areas

Driveways may be installed and constructed within or across the above areas provided:

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

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

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

1017 Corner Lot Restrictions

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

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

1018 Floodway Controls

1018.01 Designation of Area

- a. For land included within Subdivisions or Land Developments, areas to be regulated under this Section shall be those determined using the methods contained in the Bethel Township Subdivision and Land Development Ordinance.

- b. For land not included within Subdivisions or Land Developments, the areas subject to Floodway Controls shall be those areas mapped as containing alluvial soils by the Soil Conservation Service, United States Department of Agriculture, on maps included within the Soil Survey of Berks County Pennsylvania, issued 1970, as amended, or those areas mapped as Zone A or higher designation flood zones according to FEMA mapping.

1018.02 Uses Permitted by Right:

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

1018.03 Uses Permitted by Special Exception:

(As amended by Ordinance 2002-03)

- a. Social and Recreation Facilities, when permitted by the prevailing zoning district regulations, that include buildings or structures.

(As amended by Ordinance 2002-03)

- b. The placement of any structures or fill material.

(As amended by Ordinance 2002-03)

1018.04 Controls Applicable to All Areas Subject to Floodway Controls

- a. Not more than ten percent (10%) of the area subject to Floodway Controls shall be covered with impervious surfaces.
- b. Adjacent stream neighbors shall not be unreasonably affected by any use of the flood plain areas.

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

1018.05 Site Plan Review Required

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

1018.06 Boundary Disputes and Appeals Procedures

- a. Should a dispute concerning the boundaries of those areas subject to Floodway Controls arise, an initial determination of the boundaries shall be made by the Zoning Officer, using the criterion listed in Section 1018.01 of this Ordinance.
- b. Any person aggrieved by this determination, claiming that the criterion listed in Section 1018.01 is or has become incorrect because of changes due to natural

or other causes, may appeal to the Zoning Hearing Board.

- c. The burden of proof shall be on the person appealing the determination of the Zoning Officer.
- d. If it is determined that the Soil Survey maps are inaccurate regarding the land in question, the area subject to floodway controls shall be determined on the basis of the one hundred (100) year storm and all calculations shall be subject to the approval of the Township Engineer.

1019 Front Yard Exceptions

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

1020 Residential Accessory Structures

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

- 1020.01 The Rear Yard Setback for residential accessory structures shall be five (5) feet in all Zoning Districts.
- 1020.02 No garage or other accessory structure shall be permitted within a required front yard or side yard in any District. Unroofed parking areas are permissible in required front yards and in portions of side yards.
- 1020.03 Any access driveway may be located within a required side yard and required front yard.
- 1020.04 Accessory Structures shall be on the same lot with the principal building or buildings
- 1020.05 Required Accessory Parking Facilities and truck loading spaces shall have safe and adequate access to a public street or an Approved Private Street
- 1020.06 No required Accessory Parking Facilities or off-street truck loading space shall be encroached upon by buildings, open storage, or any other use.
- 1020.07 Within the V zoning district, the Side Yard Setback for residential accessory structures shall be five (5) feet.

(As amended by Ordinance 2002-03)

1020.08 - Within the AP Agricultural Preservation Zoning District, the side yard setback for Residential Accessory Structures only shall be ten (10) feet.

(As amended by Ordinance 2005-06)

1020.09 Accessory structures may be built on site or manufactured elsewhere.

1020.10 Accessory structures shall not include truck bodies or trailers, gutted mobile homes, used fuel tanks, boxcars, sea containers or similar impermanent or moveable structures which were manufactured for another purpose.

1022 Height

1022.01 Nothing herein contained shall restrict the height of a church spire, cupola, dome, mast, belfry, clock tower, radio transmission line (except Telecommunications Facilities), tower, flagpole, chimney flue, water tank, elevator or stair bulkhead, stage tower, scenery loft, smoke stack, silo, mechanical equipment, or similar structure. No such structure shall:

1022.011 Have a lot coverage at the base in excess of ten percent (10%) of the lot area.

1022.012 Be used for residency or tenancy purposes.

1022.013 Have any off-premise sign or device inscribed upon or attached to such structure.

1023 Yards

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

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

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

not to obstruct light and ventilation.

1024 Motor Vehicle Filling and Service Stations - Special Provisions

- 1024.01 No Motor Vehicle filling or service station shall be located or shall have any building entrance or exit within 200 feet of the entrance or exit to a public or parochial school, private school, public library, theater, assembly hall, Churches, Places of Worship, and Related Uses, Hospital, semi-public institution, public park, playground, or fire station.
- 1024.02 All Motor Vehicle filling and service stations shall be so arranged and all gasoline pumps shall be so placed, as to permit all services to be rendered entirely within the lot lines. No gasoline or oil pump shall be placed within thirty (30) feet of any street line, side or rear lot line.
- 1024.03 All ventilation equipment associated with fuel storage tanks shall be set back at least 100 feet and oriented away from any adjoining residential or residentially zoned properties.

1025 Private Swimming Pool (Non-Commercial)

- 1025.01 A Private Swimming Pool shall not be located, constructed, or maintained on any lot or land area, except in conformity with these regulations. All applications for swimming pools shall include the location of the on-lot sewage system for the property, and shall show the location and method for the draining of the pool.
- 1025.02 Such pool shall NOT be located in the area of the lot between a line which extends from the principal building (nearest the Front Lot Line) to each Side Lot Line, and the Front Lot Line.
- 1025.03 Every non-commercial swimming pool shall be entirely enclosed with a good quality chain link wire, wooden, or other equivalent fence of not less than four (4) feet in height. Above-ground pools with a wall height of three (3) feet or more are excluded from this requirement but shall have access to the pool controlled with locking gates or other similar means. Outdoor whirlpools shall have a proper cover, as recommended by the manufacturer, to prevent access when not in use. These requirements shall be considered a minimum standard, and shall not eliminate the responsibility of the property owner to comply with any and all other local, state or federal regulatory requirements.
- 1025.04 Such pool shall be not less than twenty-five (25) feet from side and rear lot lines.
- 1025.05 If the water for such pool is supplied from a private well, there shall be no cross-connection with the public water supply system.
- 1025.06 If the water for such pool is supplied from a public water supply system, the

inlet shall be above the overflow level of said pool.

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

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

1026 Off-Street Parking

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

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

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

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

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

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

- c. Interior drives in areas where there is no parking permitted shall be at least 12 feet wide for each lane of traffic.

d. The following lists required minimum space sizes in feet: Standard car spaces:
Parallel-23 by 8 Nonparallel-18 by 10

- 1026.04. Not less than a 4 foot radius of curvature shall be permitted for horizontal curves in Parking Facilities.
- 1026.05. All dead end Parking Facilities shall be designed to provide sufficient back-up area for all end stalls.
- 1026.06. All Parking Facilities shall be adequately marked and maintained for the purpose of defining Parking Spaces and interior drives. As a minimum, the lines of all Parking Spaces and interior drives (including directional arrows, etc.) shall be solid white and 4 inches in width. Painted lines, arrows and dividers shall be provided and maintained to control parking, when necessary to direct vehicular circulation. Parking Facilities containing over 30 vehicles shall be divided by permanent raised curbing that clearly defines Parking Spaces from designated access lanes.
- 1026.07. Parking Facilities, main entrances, exits, streets and pedestrian areas shall be provided with lights such that the areas are illuminated to the standards as indicated in the corresponding Appendix.
- 1026.08. All Parking Facilities shall provide for sufficient handicapped accessibility in the design of sidewalks, ramps, curbs and related facilities including the number of specific handicapped Parking Spaces in accordance with applicable Federal, State or local regulations.
- 1026.9. All Parking Facilities shall be constructed and maintained with a paved surface of concrete or bituminous materials.
- 1026.10. Every Parking Facility shall be connected to a street by means of an access drive. This access drive shall be at least 12 feet wide for each travel lane.
- 1026.11. Parking Facilities shall be provided with adequate facilities to collect and convey stormwater in accordance with the Stormwater Management Requirements of the Bethel Township Subdivision and Land Development Ordinance.
- 1026.12. Buffer planting shall be provided where Parking Facilities are adjacent to residential properties. The buffer planting area shall be at least 15 feet wide. The buffer planting shall consist of a Landscape Screen, as herein defined.
- 1026.13. Speed Bumps.
 - a. Speed bumps, constructed as part of access drives or Parking Facilities, shall be marked with permanent, yellow diagonal stripes.
 - b. The speed bumps shall be in the form of mounds or depressions in the pavement

and shall be designed to restrain motor vehicle speed.

c. There shall be a warning sign posted at each entrance to a Parking Facilities having speed bumps.

d. In no case shall the overall height (or depth) of speed bumps exceed 3 inches.

- 1026.14. In any Parking Facility containing 20 or more Parking Spaces, 5% of the total area of the lot shall be devoted to interior landscaping. For the purpose of computing the total area of a Parking Facility, all areas within the perimeter of the Parking Facility shall be counted, including all Parking Spaces and access drives, aisles, islands and curbed areas. Interior landscaping shall consist of vegetated areas only, and shall be uniformly spaced and located throughout the Parking Facility. Artificial vegetation and areas covered by stone shall not be included in calculating the interior landscaping area, and only the vegetated areas inside the Parking Facility perimeter as described in this section shall be counted. The interior landscaping shall consist of ground cover, shrubs, and trees. There shall be at least one (1) shade tree provided for each 300 square feet or fraction thereof of required interior landscaping area. These trees shall be at least one and one-half inches (1-1/2") in caliper, and shall have a clear trunk at least five (5) feet above finished grade elevation. No vegetation shall be allowed which will obstruct safe sight distances or clear sight triangles. The interior landscaping requirements shall be in addition to any other landscape screening or buffering required in this or other Township Ordinances.
- 1026.15 Common Parking Facilities for two (2) or more uses may be established, provided that the number of spaces provided is not less than the sum of the spaces required for each individual use.
- 1026.16 All common Parking Facilities shall be graded to provide convenient vehicular access and proper drainage. The maximum grade of the Parking Facilities shall not exceed six percent (6%). Surface water shall not discharge onto public sidewalks or other premises.
- 1026.17 No areas necessary to fulfill the off-street parking requirements of this Ordinance shall be used for the sales, dead storage, repair, dismantling, or servicing of vehicles.
- 1026.18 Off-street Parking Facilities existing at the effective date of this Ordinance shall not be subsequently reduced to an amount less than that required under this Ordinance for a similar new building or use.
- 1026.19 When the required number of Parking Spaces is computed and a fraction of a Parking Space results, any fraction below one-fourth (1/4) may be disregarded and any fraction over one-fourth (1/4) shall necessitate the provision of a full Parking Space.

- 1026.20 Where parking requirements are determined by the number of seats and no permanent seats are provided, the number of Parking Spaces to be provided shall be based upon the capacity for temporary seats in normal usage.
- 1026.21 Parking Facilities shall be arranged so that no portion of any vehicle parked within a designed Parking Space can extend over any property line of the lot on which it is parked.
- 1026.22 Where a building contains a mixture of uses, the total requirements shall be the sum of the requirements of the component uses.
- 1026.23 Minimum Offstreet Parking Space requirements shall be as follows:
- a. Residential Uses, Boarding, Lodging or Rooming House: Two (2) spaces per dwelling unit
 - b. Home Occupation and Home Premises business: Per Sections 1039 and 1040, respectively
 - c. Restaurant: One (1) space for each four (4) seats plus one (1) space for each employee on the largest shift
 - d. Retail Store: One (1) space for each 200 square feet of gross Retail floor area plus one (1) space for each employee on the largest shift
 - e. Office: One (1) space for each 200 square feet of gross floor area
 - f. Motel, Hotel, Bed-and-Breakfast: One (1) space for each rental unit plus one (1) for each employee on the largest shift
 - g. Medical Office Building: Six (6) spaces for each person engaged in practice
 - h. Motor Vehicle Filling Station (without Convenience Store): One (1) space for each employee
 - i. Commercial, business, industrial, or related uses which do not involve Retail or Repair: One (1) space for each employee on largest shift
 - j. Hospital: One (1) space for each three beds plus one (1) space for each employee on the largest shift
 - k. Drive-Thru and Fast Food Restaurants: One (1) space for each two (2) seats and one (1) space for each employee on the largest shift
 - l. Churches, Places of Worship: One (1) space for each four (4) seats
 - m. Funeral Home: One (1) space for each four (4) seats

- n. Places of public assemblage: One (1) space for every four (4) seats or one (1) space for each 200 square feet of gross floor area, whichever is greater
- o. Convenience Store: One (1) space per 200 square feet of gross floor area
- p. Day Care: One (1) space per employee plus one space for every four (4) individuals accommodated
- q. School - Elementary and Secondary, through the 9th grade: One (1) space per employee, plus one space for every 50 square feet of assembly seating area
- r. School - Elementary and Secondary, 10th through 12th grade: One (1) space per employee plus one (1) space for every two (2) students.
- s. School - Post-Secondary and Commercial: One (1) space per employee plus one (1) space for every student
- t. Personal Service Establishment: One (1) space for each employee plus; three (3) spaces for every two (2) salon or barber chairs, tanning tables, or one (1) space per 100 square feet of customer service area, whichever is larger.
- u. Repair Businesses: One (1) space for each employee plus one (1) space for each seat in customer waiting area plus one (1) space per 100 square feet of customer service area.
- v. Social and Recreation Facilities: One (1) space per employee plus sufficient spaces to accommodate the maximum capacity of the facility. Information shall be provided to the Zoning Officer on parking characteristics of other similar facilities.
- w. Adult Book Store, Adult Motion Picture Theater, Cabaret, or Massage Establishment: One (1) space for each seventy-five (75) square feet of net floor space
- x. Financial Institution: One (1) space per employee plus two (2) spaces for each inside teller, loan officer, and other employees which directly serve customers

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

1027 Loading Areas

Off-street loading and unloading spaces, with proper access from a street, driveway, or alley, shall be provided on any lot on which a building for trade, business, or

industry is hereafter erected or substantially altered. All such areas for the loading and unloading of vehicles, and for the servicing of establishments by refuse collection, fuel and other service vehicles, shall be of such size, design, and arrangement that they may be used without blocking or otherwise interfering with the use of automobile accessways, Parking Facilities and pedestrian ways. Loading areas shall not be located within required front yards.

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

1028 Access Driveways

- 1028.01 All access driveways may be used for separate or combined entrance or exit.
- 1028.02 All access driveways shall be constructed in accordance with Ordinance No. 2006-06 The Bethel Township Driveway Ordinance, as amended. Specifications not addressed by Ordinance 2006-06, shall conform to PA Code Title 67, Chapter 441.1028.03 Any access driveway may be located within a required side yard, required front yard, or required rear yard, except as may be noted in other Township regulations.

1029 Signs

General Regulations for All Signs.

- 1029.01 Signs must be constructed of durable material and maintained in good condition.
- 1029.02 No sign shall be maintained within the Township in such a state of disrepair as to have the appearance of complete neglect, which is rotting or falling down, which is illegible or has loose parts separated from original fastenings.
- 1029.03 Whenever a sign becomes structurally unsafe or endangers the safety of the building or premises, or endangers the public safety, the Zoning Officer shall give written notice to the owner of the premises on which the sign is located that such sign be made safe or removed within 5 days.
- 1029.04 Advertising painted upon or displayed upon a barn or other building or structure shall be regarded as a flat wall sign and the regulations pertaining thereto shall apply.
- 1029.05 Each sign shall be removed when the circumstances leading to its erection no longer apply.

- 1029.06 Signs may be interior lighted with nonglaring lights, or may be illuminated by floodlights or spotlights that are shielded so there is no direct light transmitted to other properties or public rights-of-way.
- 1029.07 No sign shall be of the intermittent flashing or rotating type.
- 1029.08 No sign located within 300 feet of any traffic light shall be illuminated with red, green or yellow lights or neon tubing.
- 1029.09 All electrically illuminated signs shall be constructed to the standards of the National Board of Fire Underwriters.
- 1029.10 Signs must be positioned so that they do not interfere with any clear sight triangle.
- 1029.11 Determination of Size. The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, including any border framing or decorative attachments, but not including any supporting frame work or bracing incidental to the display itself. Where the sign consists of individual letters or symbols attached to a building, wall or window, the area of the sign shall be considered to be that of the smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign; provided, however, for a double-face sign, if the interior angle formed by the two faces of the double-face sign is less than 45 degrees and the two faces are at no point more than 3 feet from one another, the area of only the larger face shall be included.
- 1029.12 No loud, vulgar, indecent or obscene advertising matter shall be displayed in any manner including, but not limited to:
- a. Act or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law. (2) Scenes wherein a person displays the vulva or the anus or other genitals. (3) Scenes wherein artificial devices are employed to depict, or drawings are employed to portray any of the prohibited signs, photographs or graphic representations described above. (4) Any other graphic illustration pertaining to specified sexual activities and/ or specified anatomical areas.
- 1029.13 No sign shall be erected or located as to prevent free ingress or egress from any window, door or fire escape.
- 1029.14 No sign shall be placed in such a position that it will obscure light or air from a building or which would create a traffic danger.
- 1029.15 No sign shall be permitted which is permanently attached to public utility poles, or trees which are within the right-of-way of any street.

- 1029.16 No sign located within a Floodplain Zone shall exceed 6 square feet of area per side.
- 1029.17 In the event that a symbol, trademark or other such figure is used as a sign post or standard which could be construed to indicate or identify a particular use or business, that symbol, trademark or figure is to be computed as part of the total allowable sign area.
- 1029.18 In all zones, only those signs referring directly to materials or products made, sold or displayed on the premises shall be permitted, except as otherwise noted.
- 1029.19 Specific Regulations for Signs. In addition to the general sign regulations listed in the preceding subsections, specific regulations contained within the following subsections shall also apply to all signs. For the purposes of this Chapter, each sign is classified by its (A) use; and, by its (B) type of construction. Specific sign requirements are listed by use, and then by construction type; therefore, each sign must comply with those regulations specified for its classification of use, and its classification by type of construction.
- 1029.20. Classification of Signs

1029.20.A. Classification of Signs by Use. All signs shall be divided into the following types of uses and shall be subject to the specific regulations listed therewith:

- (1) Official Traffic Signs. No specific regulations are applied to this type of sign use when the signs are erected by or with written approval from the Township Supervisors.
- (2) Name Signs Indicating the Name of the Occupant of a Dwelling, and Trespassing or Hunting or similarly restrictive signs, or signs indicating the private nature of a driveway or premises. The area on one side of such sign shall not exceed 2 square feet. When attached to a building, it shall not project more than 6 inches from a wall.
- (3) Identification Signs Identifying Schools, Churches, Places of Worship, and Related Uses, Hospitals or Similar Institutions. A total of 40 square feet will be allowed. Not more than one such sign per organization will be permitted on the site except that a maximum of two such signs shall be permitted when the property fronts on two or more public streets.
- (4) Temporary Signs of Contractors, Architects, Engineers, Mechanics and Artisans. The signs shall be displayed only while actual work is in progress, and shall not exceed a total of 100 square feet in area for all signs combined; and, provided further, that such signs must be removed promptly upon completion of work.

Should such sign be left on the site beyond the allowable time frame, the Township may impound it and recover a fee from the owner of the sign equal to the costs of removal and storage of the sign.

- (5) Real Estate Sale-Sold-Rent Signs When Placed on the Property to be Sold, or Rented.
- (a) Single Family Residential - These signs shall not exceed 6 square feet in area. No more than one sign per property is permitted unless the property fronts on more than one street; in which case, two signs are permitted. All such signs shall be removed within 5 days after final transactions are completed. No such signs shall be located off of the site.
- (b) All Other - These signs shall not exceed 40 square feet in area. No more than one sign per property is permitted unless the property fronts on more than one street; in which case, two signs are permitted. All such signs shall be removed within 5 days after final transactions are completed. Such signs may be located off of the site.
- (6) Residential Development Signs. Name of a residential subdivision or neighborhood. Such sign shall not include the name of any builder, contractor, Realtor or other person or business associated with the construction/ sale of homes within the development; instead, only the name of the development shall be displayed. Residential development signs shall not exceed an overall size of 32 square feet, exclusive of any ornamental support structures. Only one residential development sign shall be permitted per frontage at the entrance to such development, and no more than two such signs shall be permitted per development. The combined total sign area for one or more residential development signs shall not exceed one square foot per dwelling unit within the development. The applicant shall submit a written description of the maintenance responsibilities for all residential development signs.
- (7) Home Occupation and Home Premises Business Signs. Signs advertising Home Occupations or Home Premises Businesses shall not be larger than 12 inches by 24 inches, and may only include the name, occupation and logotype or trade mark, if appropriate, of the practitioner.
- (8) Public Use and Utilities Signs. Signs necessary for the identification, operation or protection of public use and public utilities are permitted so long as the general regulations of this section are met.
- (9) Business, Commercial or Industrial Signs. A sign for a use conducted on the premises which shall identify the written name and/ or the type of business and/ or any trademark of an article for sale or rent on the premises or otherwise call attention to a use conducted on the premises. The total sign area shall not exceed 1 square foot per 5 lineal feet of lot frontage with a maximum size of 80 square feet. One sign is allowed per lot or per adjoining lots occupied by the

same use. If the lot's frontage exceeds 1,000 feet, one additional sign is permitted.

- (10) Functional Signs, such as those designating rest rooms, entrance, exit, delivery, directional or other signs not otherwise defined or directly connected with the business or profession conducted upon the premises, but attendant or accessory thereto. Two signs per frontage used for vehicular access are permitted. Each sign shall not exceed 2 square feet in total sign area.
- (11) Planned Center Signs. Signs advertising the name of an integrated development such as a planned shopping center, Office or apartment complex or industrial park. These signs shall devote no less than 50% of the total sign area to the advertisement of the planned center's name. Additionally, individual uses within the center may be advertised, but shall be flat-wall, wall projecting and/ or roof signs as defined herein; no other ground signs shall be permitted for those uses within the planned center. Only one planned center sign per frontage of the planned center shall be permitted. The size of such sign shall not exceed 1 square foot for each 4 feet of frontage contained within the planned center. In no case shall a planned center sign exceed a maximum size of 120 square feet nor an overall height of 20 feet.
- (12) Temporary (Special Event) Signs and Banners. One such sign may be permitted per lot for one period not exceeding 30 days during any calendar year. Such signs shall be limited to a maximum of 32 square feet in total sign area.
- (13) Billboards. These signs are only permitted by Special Exception, subject to the following standards:
 - 1) Maximum sign size shall be 600 square feet.
 - 2) All signs shall be intended and placed only for view of motorists on Interstate Route 78.
 - 3) For proposed signs with a height in excess of thirty-five (35) feet, the applicant shall demonstrate that the additional height is necessary for the function of the sign due to existing physical, topographical or other features.
 - 4) Signs shall be a minimum of 100 feet from any building or structure.
 - 5) Signs shall not be further than fifty (50) feet from the right-of-way of Interstate Route 78.
 - 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.
 - 7) There shall be a minimum of 600 feet between signs. This shall include signs on both sides of the Interstate.
- (14) Off-Premise Sign

(a) Signs associated with uses located within Bethel Township: Two such signs may be permitted within the Township for each on-premise sign allowed for a specific use. Each such sign shall be limited to a maximum 32 square feet per side in total area. Approval for additional signs shall be by special exception.

(b) Signs associated with uses not located within Bethel Township: Two such signs shall be permitted within the Township for each such use (e.g. business, church, etc.) not located within the Township. Each such sign shall be limited to a maximum of 32 square feet per side in total area. Approval for additional such signs shall be by special exception.

(As amended by Ordinance 2002-03)

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

(1) Ground Sign.

(a) Any sign erected upon a permanently affixed independent structure (legs or base) so that such structure is the main support of the sign. Ground signs shall not include temporary signs that are attached to mobile trailers containing wheels and capable of being towed from one site to the next.

(b) No ground sign shall project to a point nearer than 12 feet from the edge of a street right-of-way, (unless obstructing view, at which time further setback is required). No support for any ground sign shall be located nearer than 12 feet to any property line. Such signs shall not exceed 20 feet in height nor exceed 80 square feet in total sign area; however, planned center signs may have a maximum size of 100 square feet. Billboards, as regulated herein, are exempt from these specific requirements.

(2) Flat Wall Sign.

(a) A sign erected, or displayed on, or parallel to the surface of a building.

(b) Flat wall signs may have a maximum area of 15% of the wall area of the wall on which the sign is to be erected.

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

(3) Wall Projecting Sign.

- (a) Any sign mounted upon a building so that its principal face is not parallel to the building wall.
- (b) Projecting signs shall be located upon the buildings so that the lower edge is a minimum of 10 feet above grade. Projecting signs may project a maximum of 10 feet from the building wall; provided, however, that no sign shall project to a point nearer than 12 feet from the edge of the street right-of-way.
- (c) No projecting sign shall extend more than 5 feet above the top of the wall upon which it is mounted, nor above the permitted structural height as listed in each zone.
- (d) Wall projecting signs may be erected upon a canopy or marquee if the structural strength of such canopy or marquee is sufficient to safely carry the additional load; and, provided that such signs may not extend beyond the edges of said canopy or marquee or extend within otherwise prohibited areas.

(4) Roof Sign.

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

1029.21 Permits.

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

- (1) Official traffic signs.

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

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

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

1030 Non-conforming Uses, Lots and Structures

1030.01 Intent

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

1030.02 Nonconforming Uses

a. Nonconforming uses are declared by this Ordinance to be incompatible with permitted uses in the zoning district where located.

b. A lawful nonconforming use, existing at the time this Ordinance was adopted, may continue until such time as the use is terminated.

c. A lawful nonconforming use, existing at the time this Ordinance was adopted, shall be deemed to have been terminated if:

(1) Such use has been discontinued for a period of twelve (12) consecutive months. After this time period has passed, unless the owner or operator of the use has notified the Township otherwise, a presumption shall arise that the owner or operator of the use has abandoned the use.

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

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

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

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

1030.03 Nonconforming Lots

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

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

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

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

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

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

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

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

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

1030.04 Nonconforming Structures

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

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

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

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

1030.04.d. Damage. In the event a nonconforming structure is damaged or

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

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

1030.05 Registration

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

1031 Site Plan Review

1031.01 Procedure

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

1031.02 Standards

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

- a. The adequacy of the public highways serving the site.

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

1031.03 Exception

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

1032 Residential Conversion Regulations

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

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

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

1033.01 GENERAL AGRICULTURE STANDARDS

- (a) A structure housing a General Agriculture use shall not be located within 200 feet from any residence located upon an adjacent property or 100 feet from any property line.

1033.02 INTENSIVE AND HIGHLY INTENSIVE AGRICULTURE STANDARDS

- (a) A structure housing an Intensive or a Highly Intensive Agriculture use shall not be located within 1,000 feet of the district boundary with the Village (V) zoning district.
- (b) A structure housing an Intensive or a Highly Intensive Agriculture use shall not be located within 300 feet of any property line.
- (c) A structure housing an Intensive or a Highly Intensive Agriculture use shall not be located within 600 feet of a residence located upon an adjacent property.
 - (1) For purpose of this section only, this prohibition shall not apply to the expansion of the structure if the structure and the Intensive or Highly Intensive Agriculture use existed at the time the residence on the adjacent property was built.
- (d) The applicant shall prepare a fly abatement and control plan and prove the ability to fully comply with such a plan.
- (e) An approved Nutrient Management Plan, when applicable, prepared pursuant to the provisions Title 25, Chapter 83, Subchapter D, of the Pennsylvania Code, shall be submitted to the Township prior to the issuance of a zoning permit.
- (f) A Stormwater Management Plan shall be prepared pursuant to the Bethel Township Subdivision and Land Development Ordinance and approved by Planning Commission.
- (g) A Conservation Plan approved by the Berks County Soil Conservation District shall be submitted to the Township prior to the issuance of a zoning permit.
- (h) Solid and liquid wastes shall be disposed of in a manner to avoid creating insect or rodent problems.
- (i) No discharges of liquid wastes and/or sewage shall be permitted into a reservoir, sewage or storm water disposal system, stream or open body of water, or into the ground unless the discharges are in compliance with the standards approved by the local, state and/or federal regulatory agencies.
- (j) The applicant shall provide proof of compliance with the standards as may be set

forth in treatises recognized by agricultural authorities or as the same may be produced by the Pennsylvania Department of Agriculture, Department of Environmental Protection, Pennsylvania State University College of Agricultural Sciences, or similar entity. These treatises shall include, but are not limited to, "Best Practices for Environmental Protection in the Mushroom Community," "The Environmental Standards of Production for Large Pork Producers in Pennsylvania" and others as they are developed.

(k) All proposed Intensive Agriculture uses and Highly Intensive Agriculture uses shall be reviewed by the Berks County Cooperative Extension. The applicant shall submit a Cooperative Extension review letter prior to issuance of a zoning permit.

(1) For purposes of this section only, the applicant shall be deemed to have complied with the requirements of this section if he can provide proof that the Berks County Cooperative Extension has had an opportunity to review the proposed use and has not issued a review letter within thirty (30) days of the date the applicant submitted the proposed use for review.

(l) The applicant shall prepare an odor abatement plan and prove the ability to fully comply with such a plan. Recognition must be given that certain agricultural activities do produce odors, but the applicant shall show that odors can be reduced to a minimum or abated.

1033.03 The following standards shall apply to any agricultural operation utilizing or proposing to utilize food processing wastes:

a) All putrescible food processing wastes shall be fed to the animals on the premises or removed from the premises within 72 hours after the putrescible food processing wastes are delivered to the premises.

b) All food processing wastes shall be stored in enclosed buildings or sealed containers prior to being fed to the animals.

c) Only such amounts of food processing 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.

d) Food processing wastes shall be transported to and from the premises only in sealed containers.

e) The owner shall at all times maintain a current Nutrient Management Plan.

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

g) All Zoning Permit Applications, Land Development Plans, or Subdivision Plans

for such facilities shall specifically and prominently include these regulations.

1034 Adult Businesses

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

1034.01 No Adult Book Store, Adult Motion Picture Theater, Cabaret, or Massage Establishment shall be located within 1000 feet of any school, Churches, Places of Worship, and Related Uses, public library, residential dwelling, Nursing, Rest or Retirement Home, Group Home, Campground, child care facility, cultural facilities such as museums and the like, community center, park, playground, other lands where minors congregate, or the boundary of the Zoning District established by this Ordinance.

(As amended by Ordinance 2002-03)

1034.02 No Adult Book Store, Adult Motion Picture Theater, Cabaret, or Massage Establishment shall be conducted in a Mobilehome or other readily transportable structure or unit.

1034.03 No application for an Adult Book Store, Adult Motion Picture Theater, Cabaret, or Massage Establishment shall be approved unless the applicant has entered into a written agreement with the Township Board of Supervisors providing that no advertising sign for the proposed use, either on or off the premises, except for one (1) business identification sign on the premises which does not exceed nine (9) square feet in area, will be located within the Township and requiring the applicant to reimburse the Township for reasonable and necessary court costs, attorney's fees, witness fees, and incidental costs incurred by the Township in enforcing the agreement.

1034.04 An adult business shall not be located within one thousand (1,000) feet of any other adult business.

1034.05 No materials, merchandise, or film offered for sale, rent, lease, loan, or for view upon the premises shall be exhibited or displayed outside of a building or structure, nor shall they be visible from the outside of the building or structure.

1034.06 No sign shall be erected upon the premises pictorially depicting or giving a visual representation of the content of materials, merchandise or film offered therein.

1034.07 Each entrance to the premises shall be clearly posted with a notice specifying that persons under the age of eighteen (18) years are not permitted to enter therein and warning all other persons that they may be offended upon entry.

1034.08 No unlawful sexual activity or conduct shall be permitted.

1035 RESERVED

1036 Penal Institutions.

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

1036.01 The minimum lot area for a Penal Institution shall be ten (10) acres.

1036.02 The entire perimeter of any property on which a Penal Institution is located shall be fully enclosed by a chain link fence at least six (6) feet high and topped with barbed or razor wire.

1036.03 Every Penal Institution shall have qualified security personnel on active duty twenty-four (24) hours per day. Active duty shall not include any sleeping time.

1036.04 To the extent permitted by law, every Penal Institution shall provide monthly reports to the Bethel Township Police Department, or in the absence of such a department, the Bethel Township Board of Supervisors, listing the names, descriptions and criminal records of each individual directed, ordered or committed to the Penal Institution.

1036.05 No Penal Institution shall be permitted where the Penal Institution would endanger the health, safety, morals, or property (both real and personal property) of the surrounding neighborhood.

1036.06 No Penal Institution shall be permitted within one thousand (1,000) feet of any residential structure, school, public library, Churches, Places of Worship, and Related Uses, such distance to be measured from the closest boundary of the property on which the Penal Institution is located.

1036.07 No Penal Institution shall be permitted within two thousand (2,000) feet of the boundary of a Village District, such distance to be measured from the closest boundary of the property on which the Penal Institution is located.

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

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

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

working plan for the cleanup of litter.

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

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

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

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

1038 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 accompany the application.

1038.04 The maximum height of such towers shall be 100 feet within the V Zoning Districts, and within 100 feet of this Zoning Districts. The maximum height of such towers shall not be restricted within the AP, 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.
- 1038.08 Applicants seeking to construct new telecommunications facilities within the Township must submit a land development plan to the Bethel Township Planning Commission, pursuant to the provisions of the Bethel Township Subdivision and Land Development Ordinance of 1999, as amended, and obtain approval of said plan from the Planning Commission and Supervisors. Applicants seeking to co-locate telecommunications facilities on existing towers or other structures are not required to submit a land development plan for approval, but are subject to Site Plan Review by the Bethel Township Planning Commission, pursuant to section 1031 of this Ordinance.
- 1039 Home Occupations A Home Occupation use shall be a use permitted by right in all Zoning Districts.**
- 1039.01. The Home Occupation use shall be secondary to the use of the property as a residence.
- 1039.02. No more than two non-resident persons shall be employed by the Home Occupation.
- 1039.03. No machinery or equipment used in or by the Home Occupation shall produce noise, odor, vibration, light or electrical interference at or beyond the property line.
- 1039.04. There shall be no external storage of materials or products.
- 1039.05 All deliveries to and all shipments from the residence shall be made between 7:00 a.m. and 8:00 p.m.
- 1039.06 Parking requirements are set forth in Section 1026 of this Ordinance. Further, there shall be a maximum number of four (4) offstreet Parking Spaces provided for the Home Occupation use. No onstreet parking shall be permitted for a Home Occupation use.
- 1039.07 Signage shall be as set forth in Section 1029 of this Ordinance.
- 1039.08 The exterior of the structure or premises shall be constructed and maintained

as a residential dwelling.

- 1039.09 No tractor-trailer, combination truck and/or trailer and/or straight-truck with a total length in excess of twenty five and a half (25.5) feet shall make deliveries to or accept shipments from the Home Occupation.

(As amended by Ordinance 2004-02)

- 1039.10 The area for the practice of the Home Occupation shall not exceed fifty percent (50%) of the habitable floor area.

1040 Home Premises Business. Home Premises Business use shall be a use permitted by Special Exception in all Zoning Districts.

- 1040.01 The Home Premises Business use shall be secondary to the use of the property as a residence.

- 1040.02 No more than five (5) non-resident persons shall be employed in the Home Premises Business.

- 1040.03 No machinery or equipment used in or by the Home Premises Business shall produce noise, odor, vibration, light or electrical interference at or beyond the property line.

- 1040.04 There shall be no external storage of materials or products in the V and EP Districts. External storage of materials or products shall be permitted in the IC and AP Districts. The location of such materials or products shall be subject to the setback requirements of the appropriate zoning district. Under no circumstances shall discarded, unusable or other similar materials be stored outside.

(As amended by Ordinance 2002-03)

- 1040.05 All deliveries to and all shipments from the property shall be made between 7:00 a.m. and 8:00 p.m.

- 1040.06 Parking requirements are set forth in Section 1026 of this Ordinance. Further, there shall be a maximum number of seven (7) offstreet Parking Spaces provided for the Home Premises Business use. No onstreet parking shall be permitted for a Home Premises Business use.

- 1040.07 Signage shall be as set forth in Section 1029 of this Ordinance.

- 1040.08 No tractor-trailer, combination truck and/or trailer and/or straight-truck with a length in excess of twenty five and a half (25.5) feet shall make deliveries to or accept shipments from the Home Premises Business, except that trucks exceeding the length limitation may occasionally make deliveries to or shipments from the Home Premises Business so long as the frequency shall

not under any circumstances exceed more than 3 times in any 7 day period.

(As amended by Ordinance 2004-02)

1041 Bulk Water Extraction. Bulk water extraction use is permitted by special exception in the IC zoning district, subject to the following provisions, where applicable:

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

1041.01 Applicant shall provide a Hydrogeologic Impact Analysis, prepared and certified by duly licensed professionals acceptable to the Board, at least 10 days prior to the first scheduled public hearing on the application for special exception.

1041.02 Applicant shall provide a Transportation Impact Analysis, prepared and certified by duly licensed professionals acceptable to the Board, at least 10 days prior to the first scheduled public hearing on the application for special exception.

1041.03 Applicant shall provide an Environmental Impact Analysis, prepared and certified by duly licensed professionals acceptable to the Board, at least 10 days prior to the first scheduled public hearing on the application for special exception.

1041.04 Utilities and public services shall be available, or made available by the applicant, to adequately serve the proposed use.

1041.05 The proposed use will not generate traffic such that hazardous or unduly congested conditions occur.

1041.06 The use is appropriate for the site.

1041.07 The use shall not adversely affect the character of the neighborhood, nor the health and safety of the residents or workers on adjacent properties and in the general neighborhood.

1042 Mineral Extraction. Mineral extraction shall be permitted by special exception in the IC zoning district, subject to the following provisions, where applicable:

The applicant shall bear the responsibility of demonstrating that each of the following standards, if applicable, is or will be satisfied prior to commencement of operation. The Zoning Hearing Board shall have the authority to impose

such additional conditions as necessary to assure compliance with the general purpose and intent of this Zoning Ordinance.

- 1042.01 Applicant shall provide a Hydrogeologic Impact Analysis, prepared and certified by duly licensed professionals acceptable to the Board, at least 10 days prior to the first scheduled public hearing on the application for special exception.
- 1042.03 Applicant shall provide a Transportation Impact Analysis, prepared and certified by duly licensed professionals acceptable to the Board, at least 10 days prior to the first scheduled public hearing on the application for special exception.
- 1042.04 Applicant shall provide a Environmental Impact Analysis, prepared and certified by duly licensed professionals acceptable to the Board, at least 10 days prior to the first scheduled public hearing on the application for special exception.
- 1042.05 Utilities and public services shall be available, or made available by the applicant, to adequately serve the proposed use.
- 1042.06 The proposed use will not generate traffic such that hazardous or unduly congested conditions occur.
- 1042.07 The use is appropriate for the site.
- 1042.08 The use shall not adversely affect the character of the neighborhood, nor the health and safety of the residents or workers on adjacent properties and in the general neighborhood.
- 1042.09 No activity involving the removal, extraction or processing of minerals shall generate or emit air pollutants in excess of the standards established by the Commonwealth of Pennsylvania.
- 1042.10 All quarries, pits, surface mines or other areas where minerals are extracted by the surface mining method shall comply with the requirements of the Surface Mining Conservation and Reclamation Act and its rules and regulations and/or any other applicable state law, rule or regulation.
- 1042.11 All quarries, pits surface mines or other areas where minerals are extracted by the surface mining method, excluding extraction of minerals by the landowner for his own non-commercial purposes from land owned or leased by him, but including all other extractions, shall be licensed under the Surface Mining Conservation and Reclamation Act and/or any other applicable state law, rule or regulation.
- 1042.12 A fence of a minimum height of six (6) feet shall be maintained so as to enclose the mining area, all machinery and all stockpiles.

- 1042.13 Gates, which shall be locked except during business hours, shall be located at all entrances.
- 1042.14 No storage of products, by-products, over-burden or cover materials shall be located closer than one hundred (100) feet from any lot line nor within one hundred (100) feet from any street not located within the lot.
- 1042.15 No storage of products, by-products, over-burden or cover materials shall exceed a height of fifty (50) feet above grade.
- 1042.16 No quarrying or mining activities and no buildings, structures and equipment shall be located closer than one hundred (100) feet from any lot line, nor within one hundred (100) feet of any street not located within the lot, nor closer than one hundred (100) feet from any district boundary line, provided that an office or storage building may be located no closer than fifty (50) feet to the same.
- 1042.17 Minimum lot size shall be 5 acres in the I-C district and 50 acres in the AP district.
- 1042.18 All blasting operations shall conform to the requirements the Pennsylvania Department of Mines and Mineral Industries, and with all other applicable state and federal laws, rules and regulations. Blasting shall not be permitted between 5 p.m. and 7 a.m. and shall not be permitted on Sundays.
- 1042.19 Where materials are removed from the site, it shall be done in such a manner as to not cause any debris or other material to be deposited beyond the site boundaries.
- 1042.20 All machinery and devices used for extraction purposes shall be removed from the site upon completion of the process.
- 1042.21 Activities shall not cause earth movements or erosion to extend beyond the lot boundaries.
- 1042.22 A planting strip of not less than ten (10) feet in width shall be placed within all side and rear yards or along fences surrounding the mining area, and shall contain evergreen plant material which is planted at a minimum height of four (4) feet and will attain and shall be maintained at a height of not less than eight (8) feet.
- 1043 Multiple Principal Uses of a Property:**
- 1043.01 Within the V and AP Zoning Districts no more than two (2) principal uses may be located on a property unless a Special Exception is granted by Zoning Hearing Board.

- 1043.02 Within the EP Zoning District no more than one (1) principal use may be located upon a property unless a Special Exception granted by the Zoning Hearing Board.

(As amended by Ordinance 2002-03)

1044 Interference with Airport and Heliport Operation:

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

(As amended by Ordinance 2002-03)

1045 DAY CARE FACILITIES:

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

- 1045.01 Child day care facilities shall comply with the state's regulatory standards contained in Sections 8A, 8B, and 8C of Chapter II of the Social Services Manual of the Pennsylvania Department of Public Welfare (hereafter referred to as DPW).
- 1045.02 All day care facilities shall meet the parking requirements found in Section 1026.22
- 1045.03 An outdoor structured play area or areas shall be provided adjacent to child day care buildings, with adequate safety, separation, and protection from adjoining uses, properties, and roadways.
- 1045.04 For all day care facilities located on roads other than residential streets, an on-site drop-off area shall be provided with sufficient capacity for the type of facility proposed. All drop-off areas shall provide sufficient turnaround areas so that vehicles can exit the site driving forward.

1046. FENCE REQUIREMENTS.

- 1046.01 No fence or freestanding wall shall be permitted to obstruct sight distance at a street or driveway intersection.
- 1046.02 Fences may not be placed in any easement area.
- 1046.03 Fences and freestanding walls are not required to comply with front, side and rear yard building setbacks.

1047 SELF-STORAGE FACILITIES.

- 1047.01 Landscaping shall be provided in accordance with the Bethel Township Subdivision and Land Development Ordinance.
- 1047.02 One (1) office building may be included on the premises for this purpose and no other, and it shall be considered accessory to the self-storage use. Accessory activity to the storage use such as sale of storage supplies may take place in the office.
- 1047.03 Off-street parking spaces shall be provided on the property situated in conjunction with the office for use by employees, service or delivery personnel or prospective tenants. Sufficient parking to allow for the maximum number of employees on any one shift plus a minimum of three (3) additional spaces must be provided. But in no case, shall fewer than five (5) total spaces be provided.
- 1047.04 The following uses/activities are specifically prohibited:
- A. servicing or repair of vehicles, boats or other equipment;
 - B. auctions;
 - C. commercial or private sales other than that listed in Section 1047.03;
 - D. Flea markets;
 - E. Yard or garage sales
 - F. Storage/transfer of vehicles for business purposes.
- 1047.05 Storage of gasoline and similar petroleum products, radioactive materials, explosives, highly flammable materials, hazardous substances, chemicals, garbage, trash, and animal carcasses or skins shall be prohibited.
- 1047.06 All storage shall be within closed buildings manufactured for that purpose, built on a permanent foundation of durable, fire resistant, waterproof materials. Trailers, boxcars, sea containers, prefabricated sheds or similar impermanent or movable structures shall not be used for storage.

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

- A. The area of the outdoor storage shall be limited to fifteen percent (15%) of the proposed total storage area as determined by the building foot print(s).
- B. The self-storage facility shall be enclosed and contained by a security fence which shall be:
 - a. Equipped with at least one (1) twenty-four (24) hour automated access gate;

- b. A minimum of six (6) feet in height.
- C. The area shall be one (1) single designated area separate from the storage units such that stored vehicles shall not interfere with traffic movement through the complex.
- D. Outdoor storage is prohibited in the front, side, and rear yards.
- E. Outdoor storage should be to the rear of the storage buildings, but shall be located in the least environmentally sensitive area of the tract.
- F. Items stored outdoors shall be limited to registered noncommercial automobiles, boats, recreational vehicles, trailers and similar vehicles excluding mobile homes.
- G. No junk shall be stored.
- H. Human habitation of any stored item is strictly prohibited.

1048 TEMPORARY STRUCTURES:

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

1049 TRUCKING OWNER OPERATOR:

- 1049.01 This use shall be secondary to the primary use of the property as a residential dwelling.
- 1049.02 The use shall be limited to residents of the property.
- 1049.03 Truck parking may not occur in the Front, Side or Rear Yard setback areas, and any trucks parked on the property must be either owned or operated by a resident of the property.
- 1049.04 An adequate turnaround area shall be provided so that trucks do not have to back out onto public streets. Truck turning movements shall be illustrated to demonstrate the adequacy of the proposed turnaround area.
- 1049.05 Access drives for the truck parking shall conform to the Bethel Township Driveway Ordinance.
- 1049.06 No more than two (2) trucks may be parked on the property at any time.

- 1049.07 No truck repairs may be conducted on the property unless they are done in a completely enclosed structure.
- 1049.08 An in-home office may be allowed as an accessory use to the Trucking Owner Operator use provided that the in-home office is solely for support of the Trucking Owner Operator use and that the in-home office meets all of the requirements of a No-Impact Home Based Business.

SECTION 1100 ZONING HEARING BOARD

1110 CREATION, APPOINTMENT AND ORGANIZATION

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

1120 JURISDICTION OF THE ZONING HEARING BOARD.

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

- 1120.01 Substantive challenges to the validity of this Ordinance.
- 1120.02 Challenges to the validity of this Ordinance raising procedural question or

alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of the Ordinance.

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

1121 VARIANCES.

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

- 1121.01 That there are unique physical circumstances or conditions, including

irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Zoning Ordinance in the neighborhood or district in which the property is located.

1121.02 That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

1121.03 That such unnecessary hardship has not been created by the appellant.

1121.04 That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

1121.05 That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

1122 SPECIAL EXCEPTIONS.

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

1122.01 Such use shall be one which is specifically authorized as a Special Exception Use in the zoning district wherein the applicant seeks a Special Exception.

1122.02 Such Special Exception shall only be granted subject to any applicable conditions and safeguards as required by this Ordinance.

1122.03 Such use shall not adversely affect the character of the zoning district, nor the conservation of property values, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.

1122.04 Such use shall be of such size and so located and laid out in relation to its access streets that vehicular and pedestrian traffic to and from such use will not create undue congestion or hazards prejudicial to the general neighborhood.

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

1130 RESERVED

1140 HEARINGS

The Zoning Hearing Board shall conduct hearings on matters within its jurisdiction and make decisions in accordance with the following criteria:

- 1140.01 Public Notice, as defined in this Ordinance, of the hearing shall be provided.

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

1150 STAY OF PROCEEDINGS

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

SECTION 1200 CONDITIONAL USES

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

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

decision or finding of the hearing officer as final. In granting a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in the Zoning Ordinance, as it may deem necessary to implement the purposes of this act in the Zoning Ordinance.

1200.04 The Supervisors shall render a written decision, or when no decision is called for, make written findings on the conditional use application within forty-five (45) days after the last hearing before the Supervisors. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. Should the decision be based on a section of this Ordinance, any rule or regulation, a reference to such section, rule or regulation must be made and a reason why the conclusion is appropriate based on the facts found shall be included.

1200.05 Where the Board of Supervisors fails to render the decision within the period required by the previous subsection, or fails to commence, conduct, or complete the required hearing as provided in this Part, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board of Supervisors to meet or render a decision as hereinabove provided, the Supervisors shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this Chapter. If the Supervisors shall fail to provide such notice, the applicant may do so.

1200.06 Conditional uses shall meet the specific standard established for each use by this Ordinance and all other applicable Zoning District requirements and General Regulations established by this Ordinance. In addition the following standards shall be met:

- A. The use shall be one which is specifically authorized as a conditional use in the Zoning District wherein the applicant is seeking a conditional use.
- B. Services and utilities shall be made available to adequately service the proposed use.
- C. The use will not generate traffic such that hazardous or unduly congested conditions will result.
- D. The use is appropriate to the site in question.
- E. The use conforms with the goals, objectives, and policies of the Township Comprehensive Plan.

- F. The use conforms with the spirit, purposes and intent of all other applicable provisions of all other Township ordinances.
- G. The use conforms with all pertinent State and Federal laws, regulations and requirements.
- H. The use shall not adversely affect the character of the neighborhood, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.

- 1200.07 The applicant shall demonstrate, as a condition of approval of his or her application, that the standards in 1200.06 and those specified elsewhere in this Ordinance for the use in question would be met.
- 1200.08 The granting of permission to conduct a use permitted by condition does not exempt an applicant from acquiring all approvals required by the Township's Subdivision and Land Development Ordinance.
- 1200.09 Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

SECTION 1300 ADMINISTRATION AND ENFORCEMENT

1310 APPOINTMENT AND POWERS OF ZONING OFFICER

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

1311 Inspection of Premises

The Zoning Officer and his deputies and assistants after notification to owner and occupant and at a time agreeable to all parties involved, shall have the right and authority, at a time agreeable to both parties, to enter any building, structure, premises, lot, or land, whether already erected or put into use, or in the course of

erecting and putting into use, for the purpose of determining whether or not the provisions of this Ordinance are being complied with.

1320 ZONING PERMITS

1321 Requirements

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

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

1321.01.a. Lamp posts

1321.01.b. Mailboxes

1322 Application Procedures

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

1322.01 A map of the lot in question, drawn to scale, indicating the lot area and showing all dimensions of the lot lines and the exact location(s) on the lot of all existing and proposed buildings, fences, signs, structures, and alterations to buildings or structures.

1322.02 The use, height, length, width, and proportion of the total lot area covered of all proposed and existing buildings, structures, signs, and additions or alterations to buildings, structures, and signs.

1322.03 A statement indicating the number of dwelling units and/or commercial or industrial establishments to be accommodated within existing and proposed buildings on the lot. In the case of commercial and industrial uses and Home Occupations, the floor area to be devoted to each use shall be indicated.

1322.04 The number, location, and dimensions and design of parking and loading areas, recreation areas, signs, buffer yards and landscaping, means of egress from and ingress to the lot, routes for pedestrian and vehicular traffic, and

outdoor lighting.

- 1322.05 Method of proposed water supply and sewage disposal and the location of any on-lot facilities.
- 1322.06 All other information necessary for the Zoning Officer to determine conformance with and provide for enforcement of this Ordinance.
- 1322.07 Only applications which contain all of the necessary information for the Zoning Officer to make a determination as to the conformity to the Zoning Ordinance, and which are accompanied by the required fee, will be considered complete.

1323 Approval or Disapproval

- 1323.01 Except when Site Plan Review is required, the Zoning Officer shall, within ninety (90) days of acceptance of the completed application, determine whether the application fully complies with the provisions of this Zoning Ordinance and all other Township Ordinances. The Zoning Officer shall return one (1) copy of the application containing his determination and signature to the applicant. The Zoning Officer shall retain a copy of the determination for the Township files. If disapproved, the Zoning Officer shall attach a statement to the determination explaining the reasons therefore and informing the applicant of the right to appeal.
- 1323.02 When Site Plan Review is required, the Zoning Officer shall follow the procedure set forth in section 1031 of this Ordinance. Upon receipt of the Planning Commission's recommendation, but within ninety (90) days of acceptance of the completed application, the Zoning Officer shall determine whether the application fully complies with the provisions of this Zoning Ordinance and all other Township Ordinances. The Zoning Officer shall return one (1) copy of the application containing his determination and signature to the applicant. The Zoning Officer shall retain a copy of the determination for the Township files. If disapproved, the Zoning Officer shall attach a statement to the determination explaining the reasons therefore and informing the applicant of the right to appeal.

1324 Issuance and Posting of Permit

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

1325 Rights of a Permit Holder

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

1330 CERTIFICATE OF OCCUPANCY

1331 Requirements

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

1332 Ordinance Conformity

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

1333 Issuance

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

1334 Temporary Certificate of Use and Occupancy

Upon request of the holder of a permit and upon the approval of the Supervisors, the Zoning Officer may issue a Temporary Certificate of Use and Occupancy for a building, structure, sign, or portion thereof before the entire work covered by the permit shall have been completed. Such certificate shall be for a period not to exceed twelve (12) months and the applicant shall demonstrate his intent and formal arrangements to complete all work within the twelve (12) month period. Such portion

or portions may be used and/or occupied prior to full completion of the work provided life and the public health, safety, morals and general welfare of the residents and inhabitants of the Township are not endangered.

1340 SCHEDULE OF FEES

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

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

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

1350 ENFORCEMENT NOTICE

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

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

1353 The enforcement notice shall state at least the following:

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

1354 In any appeal of an enforcement notice to the Zoning Hearing Board the

Township shall have the responsibility of presenting its evidence first.

1355 Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Township if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.

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

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

1380 **ENFORCEMENT REMEDIES.**

1381 Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of the Ordinance shall be paid over to the Township.

1382 The court of common pleas, upon petition, may grant an order of stay, upon

cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

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

1400 PROCEDURES FOR AMENDMENT

1401 Power to Amend

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

1402 Procedure for Amendment

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

1405 EXEMPTIONS

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

1410 VALIDITY

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.

1450 EFFECTIVE DATE AND REPEALER

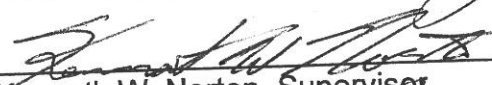
This Ordinance is intended to be a substantial re-enactment of the Bethel Township Zoning Ordinance of 2000, as amended by Ordinance 2002-3, 2003-01, 2004-02, 2004-03, and 2005-06. Generally, the effective date shall be the date of enactment as set forth in this Ordinance. Notwithstanding the foregoing, however, in order to maintain the intent of the Bethel Township Comprehensive Plan and implement the scheme of zoning that was originally contemplated by the enactment of the Bethel Township Zoning Ordinance of 2000, especially, but not necessarily limited to the agricultural preservation zoning district, certain effective dates as

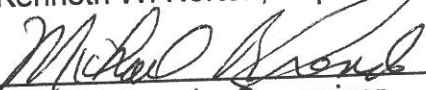
specified in the Ordinance relate to the date of enactment of the original Bethel Township Zoning Ordinance of 2000 in order to continue the conceptual plan of zoning for the Township. While intended as a substantial re-enactment of the Ordinance as amended, a number of corrections, improvements, and technical changes have also been made. Therefore, all ordinances or parts of ordinances in conflict with the specific terms of this Ordinance are expressly repealed to the extent, but only to the extent necessary to give full effect to the Ordinance. Except as otherwise provided herein, this Ordinance shall become effective five days after enactment.

ORDAINED and ENACTED as an Ordinance by the Board of Supervisors of Bethel Township, Berks County, Pennsylvania, in lawful session duly assembled this 25 day of March, 2008.


BOARD OF SUPERVISORS
BETHEL TOWNSHIP


Randall Haag, Chairman


Kenneth W. Norton, Supervisor


Michael Orendo, Supervisor

Attest:


Jayne Seifrit, Township Secretary