

ORDINANCE NO. 2014-02

AN ORDINANCE OF BETHEL TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, AMENDING THE BETHEL TOWNSHIP ZONING ORDINANCE BY UPDATING AND ADDING, DEFINITIONS, AND MULTIPLE CHANGES TO DISTRICT REGULATIONS AND PERFORMANCE STANDARDS INCLUDING, BUT NOT LIMITED TO, LIGHTING AND OFF PREMISES SIGNS

WHEREAS Bethel Township, Berks County, Pennsylvania (The Township) enacted Ordinance 2008-02 on March 25, 2008 and entitled "The Bethel Township Zoning Ordinance"; and,

WHEREAS the Bethel Township Zoning Ordinance has been further amended by Ordinance Number 2009-01 on February 16, 2009, Ordinance Number 2010-03 on March 15, 2010, by Ordinance Number 2011-04 on May 16, 2011, by Ordinance Number 2011-07 on December 29, 2011, Ordinance Number 2011-08 on December 29, 2011, and by Ordinance Number 2013-02 on July 22, 2013, and as currently amended will hereinafter be referred to as the "Zoning Ordinance"; and,

WHEREAS the Township Planning Commission has recommended the additions and modifications set forth below; and

WHEREAS the Township believes it is in the best interest and welfare of the citizens of the Township to adopt the recommendations of the Township Planning Commission;

NOW THEREFORE, in consideration of the above recitals, which are incorporated herein by reference, the Board of Supervisors of the Township of Bethel, Berks County, Pennsylvania, hereby **ENACTS AND ORDAINS** as follows:

SECTION 1 Amendments to Section 300 Definitions

Section 300, Definitions of the Zoning Ordinance is hereby amended in the following respects:

- A) The definition of the phrase "AREA AVAILABLE FOR USE" shall be modified to read as follows: "As used to delineate General Agriculture, Intensive Agriculture and Highly Intensive Agriculture operations in this Ordinance, this term shall include all land under control of the applicant at the time of the application, whether owned in fee or equitably through an installment land contract.";
- B) The phrases "Licensed Massage Therapist" and "Lighting Terms" shall be added in alphabetical order and defined to read as follows"

1) "LICENSED MASSAGE THERAPIST. An individual licensed in Pennsylvania under The Massage Therapy Law"

2) "LIGHTING TERMS:

- a. Cutoff – A lighting fixture from which no more than 2.5% of its lamp's intensity is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10% of its lamp's intensity is emitted between 80° and that horizontal plane.
- b. Footcandle – Unit of light density incident on a plane (assumed to be horizontal unless otherwise specified), and measurable with an illuminance meter, a.k.a. light meter.
- c. Full Cutoff – A lighting fixture from which none of its lamp's intensity is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10% of the lamp's intensity is emitted between 80° and that horizontal plane. A full-cutoff luminaire, by definition, also is "fully shielded."
- d. Fully Shielded – Attribute of a luminaire from which no light is emitted at or above a horizontal plane drawn through the lowest light-emitting portion of the luminaire.
- e. Illuminance – Quantity of incident light, measured in footcandles
- f. Light Trespass – Light emitted by a luminaire or installation, which is cast beyond the boundaries of the property on which the lighting installation is sited.
- g. Lumen – As used in the context of this Ordinance, the light-output rating of a lamp.
- h. Luminaire – A complete lighting unit
- i. Luminance – Candela per square meter
- j. Candela - the base unit of luminous intensity in the International System of Units that is equal to the luminous intensity in a given direction of a source which emits monochromatic radiation of frequency

540×10^{12} hertz and has a radiant intensity in that direction of 1/683 watt per unit solid angle — abbreviation *cd*.

- C) The definition of the phrase “Massage Establishment” shall be modified to read as follows: “Any place or establishment where a massage is available, a massage being construed to mean the performance of manipulative exercises upon the human body of another by rubbing, kneading, stroking, or tapping with the hand or hands or with any mechanical or bathing device, with or without supplementary aids, including, but not by way of limitation, a massage school, unless operated by a medical practitioner, chiropractor, professional physical therapist, or licensed massage therapist, as licensed by the Commonwealth of Pennsylvania.”
- D) The definition of the phrase “Medical Office Building” shall be modified to read as follows: “A building used exclusively by physicians, dentists, chiropractors, physical therapists, licensed massage therapists, and similar personnel, for the treatment and examination of patients solely on an outpatient basis, provided that no overnight patients shall be kept on the premises.”

SECTION 2 Amendments to Section 500 V- Village District

Section 520 Uses Permitted by Right, Subsection 520.15 Municipal Use is hereby amended by deleting the period, replacing it with a coma and adding the phrase “§1012, or §1013.” at the end of the sentence of that Subsection.

SECTION 3 Amendments to Section 600 AP-Agricultural Preservation District

Section 620 Uses Permitted by Right, Subsection 620.07 Municipal Use is hereby amended by deleting the period, replacing it with a coma and adding the phrase “§1012, or §1013.” at the end of the sentence of that Subsection.

SECTION 4 Amendments to Section 700 IC- Industrial-Commercial District

- a) Section 720 Uses Permitted by Right, Subsection 720.14 Municipal Use is hereby amended by deleting the period, replacing it with a coma and adding the phrase “§1012, or §1013.” at the end of the sentence of that Subsection.

- b) Section 760 Performance Standards For All Uses Permitted within the Industrial Commercial District, Subsection 760.05 Visual is hereby amended by deleting current wording of subparagraph A, designating existing subparagraphs B and C as C and D respectively, and by sequentially inserting new subparagraphs A and B to read as follows:

“A. For the lighting of predominantly horizontal surfaces such as, but not limited to parking areas, roadways, vehicular and pedestrian passage areas, merchandising and storage areas, automotive-fuel dispensing facilities, automotive sales areas, loading docks, cul-de-sacs, active and passive recreational areas, building entrances, sidewalks, bicycle and pedestrian paths, and site entrances, luminaires shall be aimed straight down and shall meet IESNA full-cutoff criteria. Luminaires with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent or 10-watt compact fluorescent lamp, are exempt from the requirements of this paragraph. In the case of decorative street lighting, the Municipality may approve the use of luminaires that are fully shielded or comply with IESNA cutoff criteria rather than full cutoff.

B. For the lighting of predominantly non-horizontal surfaces such as, but not limited to, facades, landscaping, signs, billboards, fountains, displays and statuary, when their use is specifically permitted by the Municipality, luminaires shall be shielded and shall be installed and aimed so as to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway. Luminaires with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent or 10-watt compact fluorescent lamp, are exempt from the requirements of this paragraph.”

SECTION 5 Amendments to Section 800 EP-Environmental Protection Districts

Section 820 Uses Permitted by Right, Subsection 820.05 Municipal Use is hereby amended by deleting the period, replacing it with a comma and adding the phrase “§1012, or §1013.” at the end of the sentence of that Subsection.

SECTION 6 Amendments to Section 1000 Supplementary Regulations

Section 1000 Supplementary Regulations of the Zoning Ordinance is hereby amended as follows:

a) Section 1016 Environmentally Sensitive Areas Controls is amended by replacing the first portion of the second full sentence of that subsection to read as follows: “driveways may be installed and constructed, in, across or within 25 feet of the above areas provided:”... with the balance of that sentence continuing to read as currently exists;

b) Section 1019 Front Yard Exceptions is amended by designating the existing language as new subsection 1019.1 and adding new subsection 1019.2 to read as follows:

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

c) Section 1024 Motor Vehicle Filling and Service Stations Special Provisions is amended by correcting the spelling of “Vehicle” in the first line of Subsection 1024.01 and by adding new Subsection 1024.04 to read as follows:

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

d) Section 1026 Off-Street Parking is amended by changing the dimensions for Nonparallel parking in the last sentence of Subsection 1026.03(d) to read “19 by 9”. Section 1026 is further amended by deleting the language in Subsection 1026.07 and replacing it with the following language:

“1026.07 Parking facility and vehicular and pedestrian-way lighting (except for safety and security applications and all-night business operations), for commercial, industrial and institutional uses shall be automatically extinguished no later than one hour after the close of business or facility operation. When safety or security lighting is proposed for after-hours illumination, it shall

not be in excess of twenty-five (25) percent of the number of luminaires or illumination level required or permitted for illumination during regular business hours. When it can be demonstrated to the satisfaction of the Municipality that an elevated security risk exists, e.g., a history of relevant crime, an appropriate increase above the twenty-five (25) percent limit may be permitted.

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

e) Section 1029 Signs is amended by adding the following new sentence to the existing language of subsection 1029.07 as follows: “Digital signs not classified as billboards may have scrolling messages provided the provisions of this and related sections are met.” In addition, sSection 1029 is further amended by adding all of the following language in sequence to subsection 1029.20.A Classification of Signs by Use Subsection 13 of that Subsection as follows:

- “8) When new billboards are constructed, or existing billboards are reconstructed, all external lighting shall be located such that the lighting is located at the top of the sign and the lighting is directed downward. The lighting fixtures shall be located and shielded such that light from the fixtures shall not be visible from the opposite side of the sign being illuminated.
- 9) Luminance levels for digital billboards shall be determined as follows:

Maximum Level of Digital Billboard Average Luminance

Candelas per Sq.M. (Nits)

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

Billboard Dimensions (ft.)	D**(ft)	Luminance (Cd./sq.m.)
11 x 22	150	300
10.5 x 36	200	342

14 x 48	250	300
20 x 60	350	330

*Based on an illuminance produced at the viewer's eye of 0.3 footcandles.

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

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

f) Section 1029.20.A Classification of Signs by Use is further amended by deleting the existing language in Subsection (14) Off-Premise Signs and replacing it with the following language:

"(14) Off-Premise Signs – Off premise signs, with the exception of Billboards, shall not be permitted within Bethel Township. Off-premise signs existing as of the date of this Ordinance shall be considered existing non-conforming signs."

g) Section 1030 Non-conforming Uses, Lots and Structures is amended by adding new Subsection 1030.06 to read as follows:

"1030.06 Relief

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

h) Section 1033 Agricultural Standards is hereby amended by deleting the word "Soil" in Subsection 1033.02(g).

i) Section 1038 Telecommunication Facilities is hereby amended by deleting the existing language of Subsection 1038.02 and replacing it with the following:

"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 meet the most current national standards for tower design such as TIA 222 or the then equivalent standards. Such

certification shall include a standard, recognized source for the determination of such wind forces, and shall include a stipulation that an inspection shall be performed after construction and before operation to determine that the tower was constructed according to the plans and these standards, and that the results of that inspection shall be forwarded to the Township Zoning Officer for inclusion with the application file.

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

j) Section 1038 Telecommunications Facilities is hereby further amended by deleting the existing language in Subsection 1038.04 and replacing it with the following language:

“1038.04 The maximum height of such towers shall be restricted to the lowest elevation necessary for proper functioning of the tower to provide the intended telecommunications services. Documentation from the applicant shall be provided certifying that the proposed height is set at the lowest elevation necessary for proper functioning of the tower. Notwithstanding the foregoing the maximum height of such towers shall be 100 feet within the V Village Zoning District, and within 100 feet of any V Village District boundary.”

k) Section 1000 is hereby amended by adding new section 1059 to read as follows:

“1059 – Uses Requiring Governmental Licenses or Other Approvals:

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

SECTION 7 Amendments to Section 1100

Section 1122 Special Exceptions is hereby amended by correcting the spelling of "properties" in the first sentence of Subsection 1122.06.

SECTION 8 Interpretation

Except as otherwise provided herein to the contrary, in the event of a conflict between the provisions of this Ordinance and any other Ordinance of the Township, the more restrictive provisions shall be controlling.

SECTION 9 Severability.

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not render this Ordinance invalid.

SECTION 10 Repealer.

All Ordinances or parts of Ordinances are hereby repealed to the extent, but only to the extent the same are inconsistent with these specific terms, covenants and provisions hereof. Otherwise, the Bethel Township Zoning Ordinance, as amended is hereby ratified and confirmed and shall remain in full force and effect.

SECTION 11 Effective Date.

This Ordinance shall take effect and be in force five (5) days following its enactment.

ENACTED AND ORDAINED this 16 day of June, A.D. 2014.

BOARD OF SUPERVISORS OF
BETHEL TOWNSHIP


Randall G. Haag, Chairman


Carl R. Kauffman, III, Supervisor

Attest:


Jayne K. Seifrit, Secretary


Michael C. Graby, Supervisor