

ZONING ORDINANCE

TOWNSHIP OF BETHEL

BERKS COUNTY, PENNSYLVANIA

AMENDED AND READOPTED

January 18, 2021
Ordinance 2021-01

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ZONING ORDINANCE

BETHEL TOWNSHIP

BERKS COUNTY, PENNSYLVANIA

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

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

110 TITLE

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

120 SHORT TITLE

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

130 DECLARATION OF PURPOSE

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

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

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

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

140 STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES

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

SECTION 200 APPLICATION AND INTERPRETATION OF REGULATIONS

210 SCOPE

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

220 CONTINUATION OF EXISTING USES

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

230 INTERPRETATION

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

240 ZONING CHALLENGES AND APPEALS

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

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

SECTION 300 DEFINITIONS

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

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

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

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

for any home premise business and/or home occupation.

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

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

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

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

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

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

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

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

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

APCA. Air Pollution Control Act

APARTMENT UNIT. A dwelling unit within an Apartment Building.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COMPREHENSIVE PLAN. The Comprehensive for Bethel Township.

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

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

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

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

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

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

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

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

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

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

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

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

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

EPA. United States Environmental Protection Agency

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Cause or significantly contribute to an increase in mortality or morbidity in an individual; or

2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, exposed or, or otherwise managed.

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

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

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

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

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

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

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

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

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

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

JUNK. Any discarded material or article including, but not limited to: scrap metal, scrapped, abandoned, or junked machinery, equipment, furniture, electrical appliances, rags, paper, glass containers, tires or other automotive equipment and parts, buildings and structures or parts thereof; and three (3) or more (one or more in the V District) scrapped, abandoned, or junked motorized vehicles which are unlicensed, inoperable, or do not have a current and valid inspection sticker as required by the Pennsylvania Vehicle Code, excluding vehicles bearing current farm exemption identification. The term Junk shall not include garbage or rubbish kept in a proper container for the purpose of prompt disposal, nor functional farm machinery located on a farm, nor metal used in conjunction with a welding shop or similar business utilizing metal.

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

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

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

LAND DEVELOPMENT. Any of the following activities:

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

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

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

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

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

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

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

LIGHTING TERMS:

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

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

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

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

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

LOT LINE. Any boundary of a lot.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MUNICIPALITY. Township of Bethel, Berks County, Pennsylvania.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TOWNSHIP. The Township of Bethel, Berks County, Pennsylvania

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 400 DISTRICTS AND BOUNDARIES

410 ZONING DISTRICTS

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

V - Village

AP - Agricultural Preservation District

IC - Industrial - Commercial

EP - Environmental Protection

R - Residential

C - Commercial

Airport District Overlay

420 DISTRICT BOUNDARIES

421 Zoning Map

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

421.1 Airport District Overlay

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

422 Delineation of District Boundaries

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

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

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

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

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

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

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

423 District Boundaries Dividing Properties

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

430 APPLICATION OF DISTRICT REGULATIONS

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

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

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

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

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

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

SECTION 500 V - VILLAGE DISTRICT

510 STATEMENT OF INTENT

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

520 USES PERMITTED BY RIGHT

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

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

530 USES PERMITTED BY SPECIAL EXCEPTION

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

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

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

Minimum lot width 18 feet

Minimum lot area 2000 sq. ft.

Minimum rear yard 25 feet

Minimum side yard (end of row) 20 feet

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

531 USES PERMITTED BY CONDITIONAL USE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

541 INCREASED HEIGHT BY CONDITIONAL USE

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

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

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

550 SITE PLAN REVIEW

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

SECTION 500A C - COMMERCIAL DISTRICT

510A STATEMENT OF INTENT

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

520A USES PERMITTED BY RIGHT

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

- 520A.01 Single Family Detached Dwelling
- 520A.02 Single Family Semi-Detached Dwelling
- 520A.03 Two Family Detached Dwelling
- 520A.04 Apartment Buildings and Townhouses, subject to:
 - a. Public or community sewer and water facilities shall be provided.
 - b. Minimum lot area shall be one acre.

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

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

Minimum lot width 18 feet

Minimum lot area 2000 sq. ft.

Minimum rear yard 25 feet

Minimum side yard (end of row) 20 feet

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

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

520A.06 Public Social and Recreation Facilities

520A.07 Retail Store, including Convenience Stores.

520A.08 Office

520A.09 Medical Office Building

520A.10 Financial Institutions

520A.11 Personal Service Establishments

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

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

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

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

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

- 520A.17 Accessory Uses to the above permitted uses, excluding Outdoor Wood-Fired Boilers.
- 520A.18 No-impact Home Based Business as defined in Section 308
- 520A.19 Family Day Care Homes
- 520A.20 Solar Panels for Residential Accessory Use Solar Photovoltaic (PV) Energy Generation, subject to the requirements of Section 1053.
- 520A.21 Solar Panels for Non-Residential Accessory Use Solar Photovoltaic (PV) Energy Generation, subject to the requirements of Section 1054.
- 520A.22 Motor Vehicle Filling Station, Motor Vehicle Sales & Service and Small Engine Equipment Repair business
- 520A.23 Retail Store, including Convenience Stores and Shopping Centers.
- 520A.24 Hotel or Motel.
- 520A.25 Amusement and Entertainment Establishments.
- 520A.26 Private Social and Recreation Facilities, provided that such facilities will not be used for gunning, trap shooting, or similar purpose and will not be used for the operation of motor vehicles.
- 520A.27 Laundry or dry-cleaning plant.
- 520A.28 Funeral Home
- 520A.29 Recreational Club or Fitness Center
- 520A.30 Wireless Communications Antenna subject to Section 1038.
- 520A.31 Animal Hospitals & Large Animal Veterinary Clinics

530A USES PERMITTED BY SPECIAL EXCEPTION

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

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

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

Township, State and other regulatory agency requirements.

- 530A.09 Home Premises Business, subject to the requirements of Section 1040.
- 530A.10 Group Home
- 530A.11 Medical Marijuana Dispensary subject to the requirements of Section 1035.
- 530A.12 Light Industrial
- 530A.13 Accessory buildings and uses to the above permitted Special Exception uses.

531A USES PERMITTED BY CONDITIONAL USE

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

- 531A.01 Windmills for Residential Accessory Use Wind Energy Generation, subject to the requirements of Section 1050 and other applicable sections of this ordinance.
- 531A.02 Windmills for Non-Residential Accessory Use Wind Generation, subject to the requirements and limitations of Section 1050 for Residential Accessory Use Wind generation, and other applicable sections of this ordinance.

PUBLIC OR COMMUNITY SEWER, AND PUBLIC OR COMMUNITY WATER

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

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

ON-LOT SEWER, AND ON-LOT WATER

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

<u>MINIMUM PERMITTED</u>	Non-Residential	Single Family Detached Dwelling	Single Family Semi-Detached Dwelling	Two Family Detached Dwelling
LOT AREA	1½ ACRE	1½ ACRE	1½ ACRE	1½ ACRE
SETBACK LINE	25 FEET	25 FEET	25 FEET	25 FEET
LOT WIDTH AT STREET LINE	100 FEET	70 FEET	90 FEET	90 FEET
LOT WIDTH AT SETBACK LINE	100 FEET	100 FEET	100 FEET	120 FEET
REAR YARD	35 FEET	30 FEET	30 FEET	30 FEET
SIDEYARD	15 FEET EACH	15 FEET EACH	20 FEET TOTAL	20 FEET TOTAL

PUBLIC OR COMMUNITY SEWER, AND ON-LOT WATER

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

ON-LOT SEWER, AND PUBLIC OR COMMUNITY WATER

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

541A INCREASED HEIGHT BY CONDITIONAL USE

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

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

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

550A SITE PLAN REVIEW

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

SECTION 600 AP - AGRICULTURAL PRESERVATION DISTRICT

610 STATEMENT OF INTENT

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

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

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

620 USES PERMITTED BY RIGHT

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

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

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

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

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

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

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

620.08 Forestry subject to the Provisions of Section 1057

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

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

620.11 Family Day Care Homes

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

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

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

620.15 Wireless Communications Antenna subject to Section 1038

620.16 Animal Hospitals & Large Animal Veterinary Clinics

630 USES PERMITTED BY SPECIAL EXCEPTION

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

630.01 Intentionally Blank

- 630.02 Home Premises business, subject to the provisions of section 1040 of this Ordinance.
- a. Multiple Home Premises businesses shall be permitted by special exception provided each business can independently satisfy all the provisions of section 1040 of this Ordinance.
- 630.03 Public utility uses.
- 630.04 Tower-Based Wireless Communications Facility.
- a. Notwithstanding the provisions of section 644.02 of this Ordinance, the maximum lot size for a Telecommunication Facility land use shall be one (1) acre.
- b. Telecommunication Facilities are subject to the provisions of section 1038 of this Ordinance.
- 630.05 Aquaculture, subject to the following, if applicable:
- a. Applicant shall provide proof that consumptive water usage shall not adversely affect adjoining property owners; a water consumption permit issued by the Susquehanna River Basin Commission shall be deemed sufficient evidence that this requirement is met.
- b. Applicant shall provide a Hydrogeologic Impact Analysis, prepared and certified by duly licensed professionals acceptable to the Board. This analysis shall contain information showing the source or sources of water to be used, whether the water is to be recycled, and the treatment and disposition of the water after use.
- c. Applicant shall provide an Environmental Impact Analysis, prepared and certified by duly licensed professionals acceptable to the Board.
- d. Applicant shall provide a Traffic Impact Analysis, prepared and certified by duly licensed professionals acceptable to the Board.
- e. Applicant shall provide proof that all state and federal regulatory requirements have been or will be met and that relevant permits have been or will be obtained.
- f. All feed, medicines and chemicals used at the premises shall be stored indoors or in sealed containers.
- g. Processing of product raised at the premises shall be limited to preliminary preparation for transportation and/or shipping. No drying, canning, freezing or similar processing shall be permitted.
- h. Applicant shall prepare and prove ability to comply with an odor abatement plan.
- i. Applicant shall prepare and prove ability to comply with a fly abatement plan.

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

630.06 Animal hospitals, veterinary facilities, and kennels.

- a. All structures used by animal hospitals, veterinary facilities, or kennels that house animals shall be located at least 200 feet from all lot lines.
- b. Outdoor pens, feed yards, and runs used by animal hospitals, veterinary facilities or kennels shall be 200 feet from any residential lot line.
- c. All kennels shall comply with all applicable state laws and regulations.
- d. Operations open after hours of darkness shall be adequately lighted but in such a manner that no glare or light is directed toward adjacent properties or onto public streets. No unshielded lights shall be permitted. No lighting shall be utilized in such a manner to produce illumination greater than 0.5 foot-candles beyond the lot boundaries.
- e. Dogs shall be permitted outdoors between the hours of 10:00 p.m. and 6:00 a.m.
- f. Notwithstanding the provisions of section 644.02 of this Ordinance, the minimum lot size for animal hospital, veterinary facility, or kennel land uses shall be four (4) acres.

630.07 Mushroom production

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

- 630.08 Sawmills
 - a. Notwithstanding the provisions of section 644.02 of this Ordinance, the minimum lot size for a sawmill land use shall be fifteen (15) acres.
- 630.09 Other agriculture or plant and animal production land uses not set specifically set forth within this Ordinance
- 630.10 Schools, Elementary and Secondary, through and including the 8th grade only. Notwithstanding the provisions of section 644.02 of this Ordinance the maximum Lot Coverage shall be 50%.
- 630.11 Churches, Places of Worship. Notwithstanding the provisions of section 644.02 of this Ordinance, the maximum Lot Coverage shall be 50%.
- 630.12 Bed-and-Breakfast
- 630.13 Residential conversion, subject to Section 1032 of this Ordinance
- 630.14 Group Day Care Homes, Day Care Center
- 630.15 Flea Market
- 630.16 Automotive Repair Home Based Business subject to the requirements of Section 1040.09 of this Ordinance

631 USES PERMITTED BY CONDITIONAL USE

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

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

640. SUBDIVISION AND/OR DEVELOPMENT

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

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

641 Parent Tracts, Soil Capability Classes, Prime Agricultural Land

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

642 Agricultural subdivision and/or development

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

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

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

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

643 Residential subdivision and/or development

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

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

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

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

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

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

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

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

- a) Maximum Permitted

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

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

Lot Width

At Street Line and for entire distance to the setback line 150 Feet

At Setback Line	150 Feet
Rear Yard	40 Feet
Setback Line	40 Feet

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

Total	50 Feet
One Side	25 Feet

643.04 DECREASED LOT WIDTH AT STREET LINE BY SPECIAL EXCEPTION

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

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

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

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

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

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

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

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

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

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

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

a. Maximum Permitted

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

b. Minimum Required

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

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

645 Agricultural Use Notification

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

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

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

650 SITE PLAN REVIEW

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

660 Airport Area Restriction

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

620.01 General Agriculture

620.07 Municipal Use

620.08 Forestry

SECTION 600A R - RESIDENTIAL DISTRICT

610A STATEMENT OF INTENT

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

620A USES PERMITTED BY RIGHT

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

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

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

620A.03 Single Family Detached Residential Dwellings.

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

630A USES PERMITTED BY SPECIAL EXCEPTION

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

- 630A.01 Residential conversion to more than 2 units, subject to Section 1032 of this Ordinance
- 630A.02 Mobilehome Park, subject to:
- a. The minimum area of a Mobilehome Park shall be ten (10) acres.
 - b. When the Mobilehome Park is served by either a public or community sewage disposal system and by either a public or community water supply system, there shall be a maximum gross density of five (5) dwelling units per acre, the minimum area of a Mobilehome Lot shall be five thousand (5,000) square feet, the minimum lot width at the street line shall be thirty (30) feet, and the minimum lot width at the building setback line shall be forty (40) feet. In all other cases, each Mobilehome shall be placed on a lot which shall meet the requirements listed in Section 540 for Single Family Detached Dwellings.
 - c. Open Space and recreation requirements shall meet the requirements set forth in the Bethel Township Subdivision and Land Development Ordinance, but in no case shall the amount of area set aside for open space be less than 15% of the total area of the Mobilehome Park, said total area shall include all Mobilehome Lots, Streets and any associated feature, facility or improvement related to the Mobilehome Park.
 - d. The minimum allowable distance between any Mobilehome, service or accessory building, or Parking Facility and a boundary line of the Mobilehome Park shall be thirty (30) feet, provided that no Mobilehome shall be located closer than fifty (50) feet to any street located outside the boundary lines of the park. No Mobilehome shall be located closer than twenty-five (25) feet to any street located within the boundary lines of the Mobilehome Park. The minimum allowable distance between any Mobilehome and another Mobilehome, service or accessory building, or common Parking Facility shall be thirty (30) feet.
 - e. Two off-street Parking Spaces shall be provided for each Mobilehome.
 - f. The limits of each Mobilehome Lot shall be clearly marked on the grounds by permanent flush stakes, markers, or other suitable means.
 - g. All manufactured housing to be built in compliance with the standards established by NCSBCS/ANSI A225.1-1994 regarding Manufactured Home Installations.
 - h. All requirements of the Pennsylvania Department of Environmental Protection shall be complied with.