

## CHAPTER 27

### ZONING

#### ARTICLE I

##### TITLE, PURPOSE, INTERPRETATION, AND APPLICATION

**Section 101. Title**

**Section 102. Purposes: Statement of Community Development Objectives**

**Section 103. Interpretation**

**Section 104. Application**

#### ARTICLE II

##### DEFINITIONS

**Section 201. Definitions**

#### ARTICLE III

##### ZONING MAP AND ZONING DISTRICTS

**Section 301. Official Zoning Map**

**Section 302. Classes of Districts**

**Section 303. Interpretation of District Boundaries**

**Section 304. Application of District Regulations**

#### ARTICLE IV

##### DISTRICT REGULATIONS

**Section 401. R Rural District**

**Section 402. A-1 Agricultural District**

**Section 403. A-2 Agricultural District**

**Section 404. A-3 Agricultural District**

**Section 405. R-1 Low Density Residential District**

**Section 406. R-2 Medium Density Residential District**

**Section 407. C General Commercial District**

**Section 408. HC Highway Commercial District**

**Section 409. IC Industrial Commercial District**

**Section 410. IC-2 Industrial Commercial District**

**Section 411. LI Light Industrial District**

**Section 412. GI General Industrial District**

## ZONING

- Section 413. Conservation Subdivision Overlay District**
- Section 414. General Regulations for Conservation by Design Subdivision**
- Section 415. Use Regulations**
- Section 416. Maximum Dwelling Units & Minimum Greenway Land**
- Section 417. Dimensional Standards for Option One: Basic Conservation with Neutral Density**
- Section 418. Greenway Land Use and Design Standards**
- Section 419. Greenway Land: Permanent Protection**
- Section 420. Greenway Land and Common Facilities:  
Ownership and Maintenance**
- Section 421. Additional Definitions**
- Section 422. Standards for Hamlets and Village Option**
- Section 423. Uses for Hamlets and Villages**
- Section 424. Density, Intensity and Minimum Greenway Land For Hamlets and Villages**
- Section 425. Area and Dimensional Standards for Hamlets and Villages**
- Section 426. Additional Standards for Hamlets and Villages**
- Section 427. Greenway Land Design Standards for Hamlets and Villages**
- Section 428. Design Standards for Villages**

## ARTICLE V

### GENERAL REGULATIONS

- Section 500. Compliance with Other Township Regulations**
- Section 501. Access to Structures**
- Section 502. Erection of More than One Principal Structure or Building on a Lot**
- Section 503. Accessory Buildings, Structures, and Uses**
- Section 504. Projections into Yards**
- Section 505. Landscaping**
- Section 506. Lighting**
- Section 507. Prohibited Uses**
- Section 508. Front Yard Exceptions**
- Section 509. Fences, Free Standing Walls and Hedges**
- Section 510. Corner Lot Restrictions**
- Section 511. Golf Courses**
- Section 512. Common Open Space Requirements in Cluster Developments**
- Section 513. Wireless Communications Facilities**
- Section 514. Colocation of Wireless Communications Facilities**
- Section 515. Height Exceptions**
- Section 516. Slope Controls**
- Section 517. Standards for Public Utility Uses**
- Section 518. Home Occupation Regulations**
- Section 519. Recreational Development Regulations**
- Section 520. Lots in Two Districts**

- Section 521. Lot Area and Lot Width for Lots Not Served with Public Water and/or Sanitary Sewers**
- Section 522. Shopping Centers**
- Section 523. Mini Self Storage Units**
- Section 524. Disposal of Junk**
- Section 525. Unsafe Buildings and Structures**
- Section 526. Mobile Home Requirements**
- Section 527. Conduct of Agricultural Activities**
- Section 528. Wooded Area Controls**
- Section 529. Control of Street Access**
- Section 530. Storage of Vehicles and Recreational Equipment**
- Section 531. Loading Areas**
- Section 532. Floodplain Controls**
- Section 533. Driveways**
- Section 534. Off-Street Parking**
- Section 535. Signs**
- Section 536. Home Offices**
- Section 537. Airport Zoning**
- Section 538. Bed and Breakfast Regulations**
- Section 539. Municipal Use Regulations**
- Section 540. Transient Retail Business, Peddling and Soliciting**
- Section 541. Adult Day Care Center**
- Section 542. Child Day Care Center**
- Section 543. Family Child Day Care Home**
- Section 544. Age Restricted Housing**
- Section 545. Assisted Living Center or Personal Care Facility**
- Section 546. Nursing Home**
- Section 547. Retirement Community**
- Section 548. Group Home or Group Lodge, Within a Single Family Detached Dwelling**
- Section 549. Apartment Buildings and Townhouses**
- Section 550. Planned Residential Development**
- Section 551. Cluster Development**
- Section 552. Medical Marijuana Dispensary**
- Section 553. Medical Marijuana Grower/Processor**

## **ARTICLE VI**

### **NON-CONFORMING LOTS, USES, STRUCTURES AND BUILDINGS**

- Section 601. Statement of Intent**
- Section 602. Non-Conforming Lots of Record**
- Section 603. Non-Conforming Uses of Land**
- Section 604. Non-Conforming Structures or Buildings**
- Section 605. Non-Conforming Uses of Structures or Buildings**
- Section 606. Unsafe or Unlawful Structures or Buildings**

## **ZONING**

### **Section 607. Uses under Special Exception Provisions not Non-Conforming Uses**

### **Section 608. Non-Conforming Signs**

## **ARTICLE VII**

### **ADMINISTRATION AND ENFORCEMENT**

#### **Section 700. Zoning Officer**

#### **Section 701. Zoning Permits**

#### **Section 702. Certificate of Use and Occupancy**

#### **Section 703. Schedule of Fees, Charges and Expenses**

#### **Section 704. Amendments**

#### **Section 705. Causes of Action**

#### **Section 706. Enforcement Notice**

#### **Section 707. Enforcement Remedies**

#### **Section 708. Appeals**

#### **Section 709. Conditional Use Procedures**

## **ARTICLE VIII**

### **ZONING HEARING BOARD**

#### **Section 800. Creation and Organization**

#### **Section 801. Public Hearings**

#### **Section 802. Functions of the Zoning Hearing Board**

#### **Section 803. Procedures for Application to the Zoning Hearing Board**

#### **Section 804. Time Limitations**

#### **Section 805. Submission of Applications for Special Exceptions and Variances to the Board of Supervisors**

## **ARTICLE IX**

### **ENACTMENT**

#### **Section 900. Public Utilities Corporation Exempted**

#### **Section 901. Severability**

#### **Section 902. Repeal of Conflicting Ordinances**

#### **Section 903. Effective Date**

### **Exhibit A Zoning Map**

**ARTICLE I****TITLE, PURPOSE, INTERPRETATION AND APPLICATION****Section 101. Title**

This Ordinance shall be known as, and may be cited as, the Ontelaunee Township Zoning Ordinance of 2000.

Ord. 2015-3, 12/3/2015, §6.

**Section 102. Purposes: Statement of Community Development Objectives**

This Zoning Ordinance, including the provisions, requirements, and districts as herein-after set forth, is based upon and intended to give effect to the policies and objectives set forth in the Comprehensive Plan of the Township of Ontelaunee (hereinafter referred to as the "Municipality") and is intended to promote public health, safety, and the general welfare by achieving, among others, the following purposes and objectives for the development of the Township of Ontelaunee:

- A. Prevent the overcrowding of land.
- B. Avoid undue traffic and population congestion.
- C. Provide for adequate areas for vehicular parking and loading.
- D. Provide for adequate light and air.
- E. Conserve the value of land and buildings.
- F. Provide for adequate transportation, water, sewerage, parks, schools and other public facilities.
- G. Encourage the harmonious and orderly development of land.
- H. Maintain the character of existing residential neighborhoods and protect residential areas against hazards created from uses more appropriately conducted in commercial and industrial districts.
- I. Encourage each land use to locate in those areas the Township has determined are most appropriate for each land use.
- J. Encourage the quality of future development in the Township by providing adequate use, area, yard, and height regulations, performance standards, and general regulations in the Township Zoning Ordinance.

## ZONING

K. Discourage development within the floodplains within the Township and permit only limited development of the areas of steeper slopes in the Township.

Ord. 2015-3, 12/3/2015, §6.

### **Section 103. Interpretation**

In interpreting and applying the provisions of this Zoning Ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health and safety and the general welfare of the residents and occupants of the Township. Where the provisions of this Ordinance impose greater restrictions than those of any other Township statute, ordinance or regulation, the provisions of this Ordinance shall take precedence. Where provisions of any other Township statute, ordinance or regulations impose greater restrictions than this Ordinance, the provisions of such other Township statute, ordinance, or regulations shall be complied with unless otherwise stated in this Ordinance.

Ord. 2015-3, 12/3/2015, §6.

### **Section 104. Application**

Except as hereinafter provided, no building, structure, land, or parts thereof in the Township shall be used or occupied, erected, constructed, assembled, moved, enlarged, removed, reconstructed, or structurally altered unless in conformity with the provisions of this Ordinance.

Ord. 2015-3, 12/3/2015 §6.

## ARTICLE II

### DEFINITIONS

#### **Section 201. Definitions**

For the purpose of this Ordinance, certain terms, phrases, and words are defined as follows:

##### **Section 201.1 Tense, Gender, and Number**

Words used in the present tense include the future; words in the masculine gender include the feminine and the neuter; the singular number includes the plural, and the plural the singular.

##### **Section 201.2 General Terms**

The word “shall” or “must” is always mandatory; the word “may” is permissive. The words “used for” includes “designed for,” “arranged for,” “intended for,” “maintained for,” or “occupied for.” The word “building” includes “structure” and shall be construed as if followed by the phrase “or part thereof.” The word “person” includes “individual,” “profit or non-profit corporation,” “organization,” “partnership,” “company,” “unincorporated association,” or other similar entities.

##### **Section 201.3 Terms, Phrases, and Words Not Defined**

When terms, phrases, or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

##### **Section 201.4 Specific Terms**

A. Terms or words used herein, unless otherwise expressly stated, shall have the following meanings:

1. **ACCESS DRIVE** - A private drive providing vehicular access between a public or private street and a building, parking area or loading area within a land development.
2. **ACCESSORY BUILDING OR STRUCTURE** - A building or structure subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal building.
3. **ACCESSORY USE** - A subordinate use of a portion of a lot which is customarily incidental to the main or principal use of the land or of a building on a lot.
4. **ADULT BUSINESS USE** - Any adult bookstore, adult cabaret, adult theater, or adult mini-motion picture theater as described below, and which,

## ZONING

under the State Obscenity Code, as amended must exclude minors or may not knowingly disseminate to minors.

- a. **ADULT BOOKSTORE** - An establishment, having as a substantial or significant portion of its stock in trade (for sale or rental), books, magazines and other materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" of "specified anatomical areas," as defined by the State Obscenity Code, as amended.
- b. **ADULT CABARET** - A cabaret, tavern, theater or club which features strippers, male or female impersonators, or similar entertainers who exhibit, display or engage in nudity, sexual conduct or sadomasochistic abuse, as defined by the State Obscenity Code, as amended.
- c. **ADULT MINI-MOTION PICTURE THEATRE** - An enclosed building offering video presentations distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons within private viewing booths and/or by use of token or coin operated viewing booths and/or by use of token or coin-operated projectors or other video machines as defined in the State Obscenity Code, as amended.
- d. **ADULT THEATRE** - Any business, indoor or outdoor, which exhibits a motion picture show or other presentation which, in whole or part, depicts nudity, sexual conduct, or sadomasochistic abuse as defined in the State Obscenity Code, as amended.

5. **ADULT DAY CARE CENTER** - Any premises operated for profit in which adult daycare is simultaneously provided for four or more adults who are not relatives of the operator.
6. **AGE RESTRICTED HOUSING** - A dwelling unit, including single family detached dwellings, single family semi-detached dwellings, townhouses or apartment units, in which at least one resident shall be at least 55 years of age.
7. **AGRICULTURE** - The cultivation of the soil and the raising and harvesting of the products of the soil, including but not limited to nursery, horticulture, animal husbandry, and dairy farming, but excluding kennels and forestry.
8. **AGRICULTURE (INTENSIVE)** - Specialized agricultural activities, including but not limited to pig, poultry, and dry lot livestock production, which due to the intensity of production necessitate special control of

operation, raw material storage and processing, and the disposal of liquid and solid wastes.

9. **ALTERATION, STRUCTURAL** - Any enlargement 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 such as the bearing walls, supporting partitions, columns, beams, or girders; any change in the means of egress from or access to a building or structure.
10. **ANTENNA** - Any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc) or any other wireless antenna. An antenna shall not include tower-based wireless communications facilities defined below. [Ord. 2017-2]
11. **APPROVED PRIVATE STREET** - A right-of-way which provides the primary vehicular access to a lot, not dedicated or deeded to the Township, but approved by the Board of Supervisors and shown on a recorded subdivision or land development plan.
12. **ASSISTED LIVING CENTER OR PERSONAL CARE FACILITY** - Assisted living centers are non-institutionalized facilities or group quarters that provide food, shelter, and personal assistance or supervision, on the basis of a state or federal license, for a period exceeding twenty-four (24) consecutive hours for at least four (4) persons who are over the age of eighteen (18), are not able to live on their own, but do not yet need the level of continuous nursing care that a Nursing Home offers.
13. **ATTIC** - That part of a building which is immediately below and wholly or partly within the roof framing.
14. **BASE STATION** - any structure or equipment at a fixed location that enables FCC-licenses or authorized communications between user equipment and a communications network. Includes structures other than towers that support or house an antenna, transceiver, or other associated equipment that constitutes part of a "base station" at the time the relevant application is filed with the State or municipal authorities, even if the structure was not built for the sole or primary purpose of providing such support, but does not include structures that do not at that time support or house base station components. The term includes buildings, light poles, utility poles, water towers, etc., as well as DAS systems and small cells. [Ord. 2017-2]
15. **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

## ZONING

“exterior walls of the building. A basement shall be considered as one story in determining the permissible number of stories.

16. **BOARD OF SUPERVISORS** - Board of Supervisors of the Township of Ontelaunee, Berks County, Pennsylvania.
17. **BOARD OR ZONING HEARING BOARD** - The Zoning Hearing Board of Ontelaunee Township.
18. **BOARDER, ROOMER, OR LODGER** - A person occupying any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes, and paying compensation for lodging or board and lodging by pre-arrangement for a week or more at a time to an owner or operator. Any person occupying such room or rooms and paying such compensation without pre-arrangement or for less than a week at a time shall be classified for purposes of this Ordinance not as a roomer, boarder, or lodger, but as a guest of a commercial lodging establishment (motel or hotel).
19. **BUFFER STRIP** - A continuous strip of landscaped land which is clear of all buildings and paved areas.
20. **BUILDING** - Any combination of materials forming any structure which is erected on the ground, designed, intended, or arranged for the housing, sheltering, enclosure, or structural support of persons, animals, or property of any kind. A mobile home or trailer shall be deemed to be a building.
21. **BUILDING AREA** - The total area taken on a horizontal plane at the main grade level of all primary and accessory buildings on a lot, excluding un-roofed porches, paved terraces, steps, eaves and gutters, but including all enclosed extensions.
22. **BUILDING, ATTACHED** - A building which has two (2) side walls or portions thereof in common with adjacent buildings.
23. **BUILDING, DETACHED** - A building surrounded by open space on all four sides within the same lot.
24. **BUILDING LENGTH** - The longest horizontal measurement of a building.
25. **BUILDING LINE OR BUILDING SETBACK LINE** - The line within a property defining the minimum required distance between any building or structure or portions thereof to be erected or altered and an adjacent street right-of-way. Such line shall be measured at right angles from the street right-of-way line which abuts the property upon which said building or structure is located or to be located and shall be parallel to said right-of-way line.

26. **BUILDING, SEMI-DETACHED** - A building which has one (1) wall or portion thereof in common with an adjacent building.
27. **BUILDING SETBACK** - The minimum distance a building or structure must be set back from a street right-of-way line.
28. **CAMPGROUND** - A parcel of land on which is provided a space or spaces for travel trailers or tents for camping purposes, regardless of whether a fee has been charged for the occupancy of such space.
29. **CARPORT** - A roofed-over structure open on two (2) or more sides and used in conjunction with a dwelling for the storage of private motor vehicles.
30. **CARTWAY** - The portion of a street right-of-way, whether paved or unpaved, intended for vehicular use.
31. **CELLAR** - A story partly below the finished grade, having at least one-half of its height (measured from finished floor to finished ceiling) below the average level of the adjoining finished grade where such grade abuts the exterior walls of the building. A cellar shall not be considered a story in determining the permissible number of stories.
32. **CERTIFICATE OF USE AND OCCUPANCY** - A statement, based on an inspection, signed by the Zoning Officer, setting forth that a building, structure, sign, and/or land complies with the Zoning Ordinance, and/or that a building, structure, sign, and/or land may be lawfully employed for specific uses, or both, as set forth therein.
33. **CHILD DAY CARE CENTER** - Any premises operated for profit in which child daycare is provided simultaneously for seven or more children who are not relatives of the operator, except such centers operated under social service auspices.
34. **CHURCH** - A building used for public worship by a congregation, excluding buildings used exclusively for residential, educational, burial, recreational or other uses not normally associated with worship.
35. **CLUB OR LODGE** - An association of persons for some common non-profit activity (not including groups organized primarily to render a service which is customarily carried on as a business) in which no person employed by the Association spends more than one-fourth of his time in the sale of prepared foods.
36. **CO-LOCATION** - The mounting of one or more WCFs, including antennae, on an existing tower-based WCF or utility or light pole. [Ord. 2017-2]

## ZONING

37. **COMMERCIAL SCHOOL** - A school for the teaching of a trade or skill, carried on as a business.
38. **COMMON OPEN SPACE** - A parcel or parcels of land or an area of water (excluding storm water detention facilities), or a combination of land and water within a development site, designed and intended for use or enjoyment of all residents of the development in which it is located. Land included within the right-of-way lines of streets shall not be classified as common open space. Common open spaces shall not include required open areas between buildings and required open areas between buildings and street rights-of-way, driveways, parking areas and property lines of the parcel.
39. **COMMON PARKING AREA** - A parking facility other than those serving one single family detached dwelling, one single family semi-detached dwelling, one townhouse, or one two family detached dwelling.
40. **COMMON WALL** - A wall used or adopted for joint service between two buildings or parts thereof.
41. **CONDITIONAL USE** - A use which shall only be permitted by the Township Supervisors pursuant to the provisions of this Ordinance.
42. **CONDOMINIUM** - Real estate, portions of which in accordance with the provisions of the Pennsylvania Uniform Condominium Act of 1980 as amended are designated for separate ownership and the remainder of which is designed for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.
43. **CONSTRUCTION SITE** - The total land required for all buildings and/or uses within a unified development.
44. **CORNER LOT** - A lot abutting two or more intersecting public or private streets, or at the point of abrupt change of direction of a single street (an interior angle of less than one hundred thirty five degrees (135°)).
45. **DATE COLLECTION UNIT (DCU)** - Any ground-mounted structure that is designed and constructed primarily for the purpose of data collection, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes structures used to wirelessly read utility meters and for other remote monitoring purposes. For the purposes of this ordinance, the term includes facilities that are not solely under the jurisdiction of the Pennsylvania Public Utility Commission, except where permitted by law. The term includes the structure and any supporting structures thereto. [Ord. 2017-2]

46. **DISPENSARY** – A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the PA Department of Health to dispense medical marijuana pursuant to the Pennsylvania Medical Marijuana Act, 35 P.S. §10231.101 et seq. [2017-4]
47. **DISTANCE BETWEEN BUILDINGS** - This measurement shall be made at the closest point.
48. **DISTRIBUTED ANTENNA SYSTEMS (DAS)** - Network of spatially separated antenna sites connected to a common source that provides wireless service within a geographic area or structure. [Ord. 2017-2]
49. **DISTRICT** - A portion of Ontelaunee Township within which certain uniform regulations and requirements or combinations thereof apply under the provisions of this Ordinance.
50. **DOMESTIC FARM ANIMAL** - Any animal typically associated with agriculture or animal husbandry related activities. Examples of domestic farm animals include, but are not limited to: horses, chickens, ducks, cows, goats, sheep, buffalo, pigs, llamas, alpacas, etc.
  - a. **DOMESTIC FARM ANIMAL, LARGE** - A domestic farm animal having an average adult weight of three hundred (300) pounds or greater. Examples of Large Domestic Farm Animals shall include, but are not limited to: cattle, horses, buffalo, llamas, etc.
  - b. **DOMESTIC FARM ANIMAL, MEDIUM** - A domestic farm animal having an average adult weight of more than fifty pounds but less than three hundred (300) pounds, not including birds. Examples of Medium Domestic Farm Animals shall include, but are not limited to: sheep, goats, pigs, alpacas, etc.
  - c. **DOMESTIC FARM ANIMAL, SMALL** - A domestic farm animal having an average adult weight of less than fifty (50) pounds, not including birds. Small Domestic Farm Animals are those which are typically housed in pens or related structures as opposed to being allowed to graze in an open area or pasture. Examples of Small Domestic Farm Animals shall include, but are not limited to: rabbits, guinea pigs, ferrets, mink, etc.
  - d. **DOMESTIC FARM ANIMAL, POULTRY** - Examples of Poultry Domestic Farm Animals may include, but not be limited to: chickens, ducks, geese, pheasants, etc.
51. **DRIVE THROUGH RESTAURANT** - An eating establishment in which the principal business is the sale of foods and/or beverages to the customer in a ready-to-consume state for either within the restaurant building, or for

## ZONING

carry-out with consumption on or off the premises and which may be dispensed by means of drive-through windows for service to customers in their vehicles. Service to parked vehicles by restaurant employees is prohibited.

52. **DWELLING** - A building arranged, intended, designed, or used as the living quarters for one or more families living independently of each other upon the premises. The term "dwelling" shall not be deemed to include hotel, motel, nursing home, institutional residences, rooming house or tourist home.
  - a. **APARTMENT BUILDING** - A building on a single lot arranged, intended, or designed to contain three or more apartment units, and in which the apartment units may be separated horizontally and/or vertically.
  - b. **APARTMENT UNIT** - A dwelling unit within an apartment building or building converted to apartment use in accordance with this Ordinance.
  - c. **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.
  - d. **SINGLE FAMILY SEMI-DETACHED DWELLING** - A building arranged, intended or designed to be occupied exclusively as a residence for one family, which is one of two such buildings placed side by side and separated by an unpierced party wall.
  - e. **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 not less than two (2) independent exterior to interior accessways.
  - f. **TWO FAMILY DETACHED DWELLING** - A building arranged, intended, or designed to be occupied exclusively as a residence for two families, with one family living wholly or partly over the other and with no common wall with an adjacent building.
53. **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.
54. **ESSENTIAL SERVICES** - The erection, construction, alteration, or maintenance by public utilities or municipalities or other governmental agencies of underground or overhead gas, electric, steam or water

transmission or distribution systems, collection, communication, supply, or disposal systems and their essential buildings, excluding communications towers and communications antennas as defined herein.

55. **FAMILY** - (a) One or more persons, related by blood, marriage, adoption, or guardianship with not more than two (2) roomers, boarders, lodgers, or (b) not more than three (3) unrelated persons, living together as a single housekeeping unit and using cooking facilities and certain rooms in common.
56. **FAMILY CHILD DAY CARE HOME** - A home other than the child's own home, operated for profit or not-for-profit, in which child daycare is provided at any one time to four, five or six children unrelated to the operator.
57. **FARM** - An area of land used for agriculture, as defined in this Ordinance.
58. **FCC** – Federal Communications Commission.
59. **FENCE** - A barrier constructed of wood, metal, chain link, or similar materials designed for the purpose of limiting or excluding access to a lot or for the purpose of screening a lot or portion thereof from the exterior of the lot.
60. **FINANCIAL INSTITUTION** - Bank, savings and loan association, savings bank, investment company, investment manager, investment banker, securities broker/dealer, philanthropic foundation.
61. **FLOOR AREA OR GROSS FLOOR AREA** - The gross floor space of the building or buildings, measured from the exterior faces of exterior walls or from the center line of walls separating buildings. In particular, the floor area of a building or buildings shall include:
  - a. Basement space.
  - b. All spaces other than cellar space with structural headroom of seven feet, six inches (7'6") or more.
  - c. Interior balconies and mezzanines.
  - d. Enclosed or roofed porches or terraces or other roofed spaces.
  - e. Attic spaces (with or without a finished floor) providing structural headroom of seven feet and six inches (7'6") or more is available over fifty percent (50%) of such attic space.
  - f. Accessory buildings.

However, the “floor area” shall not include:

## ZONING

- a. Cellar space, except that cellar space used for retailing.
- b. Elevator shafts, stairwells, bulkheads, accessory water tanks or cooling towers.
- c. Terraces, breezeways, uncovered steps, or open space.

62. **FLOOR AREA RATIO** - The floor area in square feet of all buildings on a lot divided by the area of such lot in square feet.

63. **GARAGE, PRIVATE** - An enclosed space for the storage of one or more private motor vehicles provided that no business, occupation, or service is conducted nor space therein leased to a non-resident of the premises.

64. **GOVERNING BODY** - Shall mean the Board of Supervisors of Ontelaunee Township.

65. **GRADE** - The level of the ground adjacent to a building, structure, exposed storage, or sign.

66. **GRAZABLE ACRES** - Contiguous land area in pasture condition, utilized for the habitation of animals. Residences or structures not intended for the housing of such animals may not be included within the grazable area. Grazable acres shall not include those areas outside required animal enclosures.

67. **GROUP HOME** - A household of two (2) or three (3) members, not necessarily related by blood, marriage, adoption, or legal guardianship, who, because their physical, emotional or behavioral condition or their social or interpersonal skills otherwise would limit, inhibit, or prevent their ability to function as useful or productive members of society, are provided supportive services through a nonprofit social service agency.

68. **GROUP LODGE** - A household of more than three (3), but not more than six (6) members, not necessarily related by blood, marriage, adoption or legal guardianship, who, because their physical, emotional or behavioral condition or their social or interpersonal skills otherwise would limit, inhibit or prevent their ability to function as useful or productive members of society, are provided supportive services through a nonprofit social service agency.

69. **GROWER/PROCESSOR** – A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the PA Department of Health pursuant to the Pennsylvania Medical Marijuana Act, 35 P.S. §10231.101, et seq. to grow and process medical marijuana. [2017-4]

70. **HAZARDOUS WASTE** - Hazardous Waste as defined in the Pennsylvania Solid Waste Management Act, as amended.
71. **HEALTH FITNESS CENTER** - Health fitness centers are multi-use facilities offering a range of sporting and physical activities. Health fitness centers contain various equipment for the purpose of physical exercise; areas for classes such as aerobics training or the like; and items usually attributed to a health spa, such as therapeutic massages. Health fitness centers may be known as gyms or health clubs.
72. **HEIGHT OF BUILDINGS** - The vertical distance from the average grade around the building (including walk out basements) to the average roof height of the building.
73. **HEIGHT OF SIGNS OR OTHER STRUCTURES** - The vertical distance measured from the average grade at the front of the structure or sign to its highest point. The highest point in the case of a sign shall include the supporting structure.
74. **HIGHWAY ACCESS POINT** - A place of egress from or access to a street or highway created by a driveway or another street or highway.
75. **HIGHWAY FRONTRAGE** - The lot dimension measured along the right-of-way line of any one street or highway abutting a lot.
76. **HOME OCCUPATION** - An occupation customarily conducted within a dwelling unit, clearly incidental and secondary to the use of the dwelling for residential purposes, such as but not limited to the studio of an artist; the professional office of a physician, dentist, lawyer, engineer, architect, writer, or accountant; teaching of not more than six (6) pupils simultaneously, or in the case of musical instruction, not more than two (2) pupils at a time; a beauty shop or barber shop.

Among the uses that shall not be interpreted as a home occupation are an animal hospital, commercial stables and kennels, funeral parlor, tourist home, restaurant, wholesaling, retailing, storage or mail order activities in which goods are distributed on the residential property, the dispensing of food or drink, the repair, servicing, storage or rental of motor vehicles, clinics and hospitals, and machine and welding shops.
77. **HOTEL** - A building or group of buildings containing individual rooms for rental, primarily for transients, with common hallways for all rooms on the same floor, and where no provision is made for cooking in any individual room or suite. "Hotel" does not include institutional or educational uses and buildings where human beings are housed under legal constraint.

## ZONING

78. **IMPERVIOUS** - Not easily penetrated by water (i.e., roads, buildings, sidewalks, access drives, loading areas, parking areas, and paved recreation courts).
79. **IMPERVIOUS COVERAGE** - The percentage of a lot covered by impervious surfaces.
80. **JUNK** - Scrap or discarded material, not including refuse or garbage kept in a proper container for the purpose of prompt disposal.
81. **JUNK YARD** - A lot, land, or structure, or part thereof, used for the buying, trading, collecting, dismantling, storage, and/or sale of scrap metal, scrapped, abandoned, or junked motor vehicles, machinery, equipment, glass, and containers, but not including refuse or garbage kept in a proper container for the purpose of prompt disposal. The term junk yard shall not be deemed to include scrap processing operations or automobile shredding establishments.
82. **KENNEL** - A commercial establishment wherein domesticated pets are kept for the purpose of breeding, boarding, sale, or show purposes.
83. **LAKES AND PONDS** - Natural or artificial bodies of water which retain water year round. Artificial ponds may be created by dams, or result from excavation. The shoreline of such water bodies shall be measured from the spillway crest elevation rather than permanent pool if there is any difference. Lakes are bodies of water two (2) or more acres in extent. Ponds are any water bodies less than two (2) acres in extent.
84. **LIVING UNIT FOR THE ELDERLY** - A dwelling unit in which at least one resident shall be at least fifty five (55) years of age.
85. **LOT** - A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed, or built upon as a unit. The area and depth of a lot abutting a street shall be determined by measurements to the street line.
86. **LOT AREA COVERED BY BUILDINGS (BUILDING COVERAGE)** - The percentage of a lot covered by principal and accessory buildings, excluding underground equipment and underground enclosures therefor, detention ponds and utility lines.
87. **LOT COVERAGE** - A percentage of lot area which may be covered by buildings and structures.
88. **LOT FRONTRAGE** - That portion of a block or lot which fronts on a street.
89. **LOT LINE** - A line forming the front, rear or side boundary of a lot.

- a. **FRONT LOT LINE** - The line separating a lot from a street right-of-way. The front lot line is also the street line.
- b. **REAR LOT LINE** - The lot line which is opposite the front lot line. The rear line of any triangularly or irregularly shaped lot shall be established such that it will be at least ten feet (10') long.

90. **LOT OF RECORD** - A lot or parcel recorded in the office of the Recorder of Deeds of Berks County, Pennsylvania.

91. **LOT SIZE** - The area of a lot, excluding land contained within street right-of-way lines.

92. **LOT WIDTH** - The distance between side lot lines, determined by establishing the shortest straight line distance. It shall not be measured along an arc.

93. **MAJOR RECREATIONAL EQUIPMENT** - Vehicles or equipment including boats and boat trailers, jet skis, snow mobiles, travel trailers, pick-up campers or coaches designed to be mounted on automotive vehicles, motorized dwellings, tent trailers, car trailers, trailers for hauling vehicles and/or equipment, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

94. **MASSAGE PARLOR** - Any establishment having a source of income or compensation derived from the practice of massage and which has a fixed place of business where any person, firm, association, or corporation engages in or carries on the practice of massage; provided, however, that a person licensed or certified by the State as a massage therapist shall be present in the establishment during all hours such establishment is open for business. [Ord. 2015-3]

95. **MATURE TREE** - Any deciduous tree with a DBH greater than or equal to six inches (6") and any coniferous tree with a height greater than or equal to six feet (6').

96. **MEDICAL MARIJUANA** – Marijuana for certified medical use as set forth in the Pennsylvania Medical Marijuana Act, 35 P.S. §10231.101 et seq. [2017-4]

97. **MOBILE HOME** - A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) 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. The construction of a mobile home shall comply with any applicable Federal, State, or Township standards and shall bear any required seal indicating compliance with those standards.

98. **MOBILE HOME LOT** - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.
99. **MOBILE HOME PARK** - A parcel or contiguous parcels of land which has been so designated and improved that it contain two or more mobile home lots for the placement thereon of mobile homes.
100. **MONOPOLE** – A WCF or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications antennae and connecting appurtenances. [Ord. 2017-2]
101. **MOTEL** - A building or group of buildings containing individual rooms or apartment accommodations primarily for transients, each of which is provided with a separate exterior entrance and a parking space, and offered principally for rental and use by motor vehicle travelers. The term “motel” includes but is not limited to auto courts, motor courts, motor inns, or motor lodges.
102. **MOTOR VEHICLE SERVICE STATION** - A structure, building, or area of land or any portion thereof that is used primarily for the retail sale of gasoline or any other motor vehicle fuel which may or may not include facilities for lubricating, washing, sale of accessories, and otherwise servicing motor vehicles, but not including body repair or painting thereof. Any business or industry dispensing gasoline only for its own use and vehicles will not be deemed to be a motor vehicle service station.
103. **MUNICIPAL USE** - Buildings, structures, or land owned and maintained by the Township or an authority created by the Township.
104. **MUNICIPAL UTILITY** - A utility owned and/or operated by a municipal government unit or a municipal authority.
105. **MUNICIPALITY** - Shall mean Ontelaunee Township, Berks County, Pennsylvania.
106. **NON-CONFORMING STRUCTURE OR BUILDING** - A structure or building, or part thereof, which does not conform to the applicable provisions and requirements of the district in which it is located, either at the time of the enactment of this Ordinance or as a result of subsequent amendments thereto. Non-conforming structures shall include, but are not limited to, non-conforming signs.
107. **NON-CONFORMING USE** - The use of a building, structure, sign, or use of land which does not conform to the applicable provisions and requirements of the district in which it is located, either at the time of the enactment of this Ordinance or as a result of subsequent amendments thereto.

However, no existing use shall be deeded non-conforming solely because of the existence of less than the required off-street parking spaces.

108. **NON-TOWER WIRELESS COMMUNICATIONS FACILITY (non-tower WCF)** - All non-tower wireless communications facilities, including, but not limited to, data collection units, communications antennae and related equipment. Non-tower WCF shall include support structures for communications antennae and related equipment that is mounted to the ground or at ground-level. Other non-ground mounted examples include, but are not limited to, installation of a WCF on an existing utility pole, light pole, barn, church steeple, farm silo, water tower or other similar structure. Not included are towers and supporting structures on residential dwellings for private noncommercial amateur purposes including, but not limited to, ham radios and citizen band radios. [Ord. 2017-2]
109. **NURSING HOME** - Any premises operated for profit in which nursing care and related medical or other health services are provided, for a period exceeding 24 hours, for two or more individuals, who are not relatives of the operator, who are not acutely ill and are not in need of hospitalization, but who, because of age, illness, disease, injury, convalescence or physical or mental infirmity need such care.
110. **OFFICIAL ZONING MAP** - Ontelaunee Township's Zoning Map.
111. **OPEN AREA** - Ground upon which no principal or accessory buildings, structures or uses and paved areas are permitted.
112. **OUTDOOR ADVERTISING SIGN** - A sign, including the supporting structure, which directs the attention of the general public to a business, service or activity not conducted or product not offered or sold upon the premises on which the sign is located.
113. **PARKING LOT** - An off-street surfaced area designed solely for the parking of motor vehicles, including driveways, passageways, and maneuvering space appurtenant thereto.
114. **PARKING SPACE** - A space within a building or on a lot, used for the parking of a motor vehicle, exclusive of driveways, passageways, and maneuvering space.
115. **PARTY WALL** - A wall used or adopted for joint service between two buildings or parts thereof.
116. **PAVED AREA** - The percentage of a lot covered by paving.
117. **PAVING** - Hard material such as concrete, asphalt, or brick, applied to a lot in order to smooth or firm the surface of the lot.

## ZONING

118. **PEDDLING** - The selling or offering for sale of any goods, wares, services or merchandise for immediate delivery which the person selling or offering for sale carries with him for traveling, or has in his possession or control, upon the streets or sidewalks; or from house to house; or by visitation to private residences; or by entering in or upon private property within the Township.
119. **PERSONS** - Individuals, corporations, companies, associations, joint stock companies, firms, partnerships, limited liability companies, corporations and other entities established pursuant to statutes of the Commonwealth of Pennsylvania; provided, that "person" does not include or apply to the Township or to any department or agency of the Township. [Ord. 2017-2]
120. **PLACE OF WORSHIP** - A building used for public worship by a congregation, excluding buildings used exclusively for residential, educational, burial, recreational or other uses not normally associated with worship.
121. **PLANNING COMMISSION** - Ontelaunee Township Planning Commission.
122. **POULTRY FARMING** - The raising of birds and fowl, including but not limited to, chickens, ducks, pigeons, roosters, geese, and turkeys.
123. **PREMISES** - A descriptive word to include all improvements, buildings, structures and land on or within a lot.
124. **PRINCIPAL BUILDING** - A building in which a principal use on a lot is conducted.
125. **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.
126. **PROFESSIONAL** - Doctor, surgeon, dentist, psychiatrist, psychologist, chiropractor and licensed professional persons offering similar medical care,; optician, architect, artist, accountant, insurance agent, real estate broker, teacher, engineer, lawyer, musician, surveyor, landscape architect, land planner, systems analyst, or computer programmer.
127. **PUBLIC HEARING** - A formal meeting held pursuant to Public Notice by the Board of Supervisors or Planning Commission, intended to inform and obtain public comments, prior to taking action in accordance with this Ordinance.
128. **PUBLIC MEETING** - A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act".

129. **PUBLIC NOTICE** - Notice published once each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and 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 from the date of the hearing.
130. **PUBLIC ROAD** - A public thoroughfare, including a street, road, lane, alley, court, or similar terms, which has been dedicated or deeded to the Township and accepted by it.
131. **PUBLIC UTILITY TRANSMISSION TOWER** - A Structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.
132. **QUASI-MUNICIPAL USE** - Buildings, structures, or land owned and/or maintained by a service related organizations as officially recognized by the Township. Such service related organizations include those that provide services to the Township, such as fire-rescue, emergency medical and/or law enforcement departments.
133. **RETAINING WALL** - A wall for holding in place a mass of earth, typically at the edge of an excavation.
134. **RETIREMENT COMMUNITY** - A residential development, with a least one 55 years or older resident in each household, consisting of a building or group of buildings designed and used specifically for the residence and care of elderly and disabled persons to include two or more of the following uses: Age Restricted Housing, Nursing Home, Assisted Living Center or Personal Care Facility or Adult Day Care Center. A surviving spouse of any age shall be permitted to continue living in the Community if their spouse dies after initial occupancy.
135. **RIGHT-OF-WAY or ROW** - The surface of and space above and below any real property in the Township in which the Township or Commonwealth has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, or any other public place, area or property under the control of the Township or Commonwealth, and any unrestricted public or utility easements established, dedicated, platted, improved or devoted for utility purposes, but excluding lands other than streets that are owned by the Township or Commonwealth. The phrase "in the right(s)-of-way" means in, on, over, along, above and/or under the right(s)-of-way. [Ord. 2017-2 and Ord. 2017-4]
136. **ROOMING HOUSE** - A building or parts thereof occupied by four (4) or more unrelated persons for living or sleeping purposes which persons are

## ZONING

also unrelated to the owner or owners of the building if such owner or owners also live therein.

- 137. **SANITARY SEWAGE DISPOSAL, ON-SITE** - Any structure designed to treat sanitary sewage within the boundaries of any individual lot.
- 138. **SANITARY SEWAGE SYSTEM, COMMUNITY** - A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a temporary central treatment and disposal plant, generally serving a neighborhood area approved by the Township and other agencies having the power to regulate.
- 139. **SANITARY SEWAGE SYSTEM, PUBLIC** - A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant.
- 140. **SCREEN** - Vegetative material, fence, etc. planted or constructed to screen the buildings, structures and uses on the lot on which the screen is located from the view of people on adjoining properties or streets.
- 141. **SERVICE STREET (ALLEY)** - A minor right-of-way providing secondary vehicular access to the side or rear of two or more properties, which is not the primary means of access to the properties.
- 142. **SHOPPING CENTER** - Shopping center shall mean a group of stores, four (4) or more in number, planned and designed as an integrated unit with off-street parking provided on the property as an integral part of the unit. Shopping Center shall also mean a single store or a group of stores less than four (4) in number where the total gross floor area of the store or stores exceeds fifty thousand square feet (50,000 sq. ft.).
- 143. **SIGHT TRIANGLE** - An area within which no vision obstructing object is permitted, as provided for in this Ordinance.
- 144. **SIGN** - Any structure, wall, or other surface, or any device or part thereof, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device, or other representations used for announcement, direction, information, attraction, or advertisement. Does not include the flag, pennant, or insignia of any nation, state, city or other political unit, nor public traffic or directional signs.
  - a. **AREA OF SIGN** - The area of a sign shall be construed to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or closed, on which they are displayed, but not including any supporting framework and bracing which is incidental to the display itself. Where the sign consists of individual letters or symbols attached to or painted on a

surface, the area shall be considered to be the smallest rectangle which can be drawn to encompass all of the letters and symbols

In calculating the area of a double-face sign, only one side shall be considered, provided both faces are identical.

- b. **OFF PREMISES SIGN** - A sign which directs attention to an organization or event of an organization not located or conducted on the property on which the sign is located.
- 145. **SIGNS, ADVERTISING** - A "sign" which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where the sign is displayed.
- 146. **SIGN, BUSINESS** - A "sign" which directs attention to a business, profession or industry conducted on the premises or to products sold, manufactured or assembled upon the same premises upon which it is displayed. Signs offering premises for sale, rent or development, or advertising the services of professionals or building trades during construction or alteration shall be deemed a "business sign."
- 147. **SIGN, FREE-STANDING** - An independently supported sign, not attached to any building.
- 148. **SINGLE AND SEPARATE OWNERSHIP** - The ownership of a lot by one or more persons, partnerships, or corporations, which ownership is separate and distinct from that of any adjoining lot.
- 149. **SLOPE** - A slope of ten percent (10%) would be a two feet (2') change in vertical elevation over twenty feet (20') of horizontal distance.
- 150. **SOLICITING** - The seeking or taking of contracts or orders for any goods, wares, services or merchandise for future delivery, or for subscriptions or contributions, upon any of the streets or sidewalks; or from house to house; or by visitation to private residences; or by entering in or upon private property; within the Township of Ontelaunee. Taking of contracts or orders for home or other building repairs, improvements and alterations; and also orders or contracts for any mechanical, electrical, plumbing or heating device or equipment for house or other building improvements or repairs, upon or from the places aforesaid within said Township.
- 151. **SOLID WASTE** - Waste including solid, liquid, semisolid, or contained gaseous materials.
- 152. **SPECIAL EXCEPTION** - Permission granted by the Zoning Hearing Board, with appropriate restrictions, to undertake certain activities specified in this Ordinance or to occupy or use land, buildings or structures for a specific purpose or in a certain manner specified in this Ordinance.

153. **STEALTH TECHNOLOGY** - Camouflaging methods applied to wireless communications towers, antennae and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennae, building-mounted antennae painted to match the existing structure, and facilities constructed to resemble trees, shrubs, flag poles and light poles. [Ord. 2017-2]
154. **STORY** - That portion of a building included between the surface of any floor and the surface of the floor next above it or if there be no floor above it, then the space between any floor and the ceiling next above it. A basement, but not a cellar, shall be deemed to be a story. Each level of a split level building, excluding cellars, shall be considered a half story.
155. **STORY, HALF** - Any space immediately below and wholly or partly within the roof framing, with or without a finished floor, where the clear height of not more than seventy five percent (75%) of such space has structural headroom of seven feet and six inches (7'6") or more. Any space which has more than seventy five percent (75%) of its area having such headroom shall be deemed to be a full story. In addition, each level of a split level building, excluding cellars, shall regardless of its proximity to the roof framing, be considered a half story.
156. **STREET** - A public or private right-of-way, excluding driveways, intended as a means of vehicular and pedestrian travel, furnishing access to abutting properties. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, highway and similar terms.
157. **STREET FRONTAGE** - The lot dimension measured along the street line or right-of-way line of any one street or highway abutting a lot.
158. **STREET LINE** - The dividing line between a lot and the outside boundary of a public street, road, or highway right-of-way legally open or officially mapped by a municipality or higher governmental authority, between a lot and the outside boundary of a street shown on a recorded subdivision or land development plan, or between a lot and a private street, road, or way over which the owners or tenants of one or more lots held in single and separate ownership have a right-of-way.
159. **STRUCTURE** - Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.
160. **STRUCTURE HEIGHT** - The measurement from the ground level to the highest point in the structure or any support.

161. **STUDIO** - The working place of a painter, sculptor, or such other similar artistic endeavor; a place for the study of an art such as dancing, singing, or acting, or such other similar artistic endeavor.
162. **SUBSTANTIALLY CHANGE OR SUBSTANTIAL CHANGE** (where related to Wireless Communication Facilities) – A modification to the physical dimensions of a tower or base station as measured from the dimensions of the tower or base station inclusive of any modifications approved prior to the passage of the Spectrum Act (effective February 22, 2012), if it meets any of the following criteria:
  - a. For towers outside of the public rights-of-way, it increases the height by more than twenty feet (20') or ten percent (10%), whichever is greater; for all base stations, it increases the height of the tower or base station by more than ten percent (10%) or ten feet (10'), whichever is greater;
  - b. For towers outside of the public rights-of-way, it protrudes from the edge of the tower more than twenty feet (20'), or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for all base stations, it protrudes from the edge of the structure more than six feet (6');
  - c. It involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets;
  - d. It entails any excavation or deployment outside the current site of the tower or base station;
  - e. It would defeat the existing concealment elements of the tower or base station; or
  - f. It does not comply with conditions associated with the prior approval of the tower or base station, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding “substantial change” thresholds.

[Ord. 2017-2]

163. **SWIMMING POOL** - Any structure intended for swimming or recreational bathing that contains water over twenty-four (24") inches deep. This includes in-ground, above ground, and on-ground swimming pools.
164. **TELECOMMUNICATIONS EQUIPMENT BUILDING** – The building or cabinet in which electronic receiving, relay or transmitting equipment for a telecommunications facility is housed and covering an area on the

## ZONING

ground not greater than two hundred square feet (200 sq. ft.). [Ord. 2017-2]

165. **TENT SALE** - Any temporary structure, enclosure or shelter which is constructed of canvas or pliable material supported in any manner except by air or the contents it protects, which is erected for less than thirty (30) days and is used for the sole purpose of the sale of merchandise.

166. **TOTAL SITE AREA** - The portion of a total tract that results after all existing and proposed road and utility rights-of-way, non-contiguous land, land previously reserved as permanent open space, and land used or zoned for another use are deducted.

167. **TOWER-BASED WIRELESS COMMUNICATIONS FACILITY (Tower-Based WCF)** – Any structure that is used for the purpose of supporting one or more antennae, including, but not limited to, self-supporting lattice towers and monopoles. DAS hub facilities are considered to be tower-based WCFs. [Ord. 2017-2]

168. **TOWNSHIP** - Township of Ontelaunee, Berks County, Pennsylvania.

169. **TOWNSHIP PLANNING COMMISSION** - Planning Commission of the Township of Ontelaunee, Berks County, Pennsylvania.

170. **TOWNSHIP SUPERVISORS** - Board of Supervisors of the Township of Ontelaunee, Berks County, Pennsylvania.

171. **TRANSIENT RETAIL BUSINESS** - The entering into, beginning or carrying out of any temporary business for the sale of any goods, wares, service or merchandise whatsoever by which the person hires, leases, occupies or uses any room, apartment, store, shop, building, railway car or other place or structure for the exhibition and sale of such goods, wares or merchandise within said Township. For the purposes of this Ordinance, Tent Sales shall be considered a transient retail business.

172. **TRAVEL TRAILER** - A vehicular portable structure 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.

173. **UNIT OF USE** - A single use.

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

175. **VARIANCE** - Relief, granted by the Zoning Hearing board, from the terms and conditions of this Ordinance provided those conditions contained hereafter relating to establishing the entitlement to variances are found to exist by the Zoning Hearing Board.
176. **WALL (FREE STANDING)** - A barrier constructed of stone, brick, concrete, masonry, or similar materials designed for the purpose of limiting or excluding access to a lot or for the purpose of screening a lot or portion thereof from the exterior of the lot.
177. **WATERCOURSE** - Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed and banks.
178. **WATER DISTRIBUTION SYSTEM, COMMUNITY** - A system for supplying and distributing water from a common source to two (2) or more dwellings and/or other buildings within a single neighborhood.
179. **WATER DISTRIBUTION SYSTEM, ON-SITE** - A system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.
180. **WATER DISTRIBUTION SYSTEM, PUBLIC** - A system for supplying and distributing water from a common source to dwellings and other buildings, but generally not confined to one neighborhood.
181. **WETLAND** - Those areas that are inundated and saturated by surface or groundwater 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, including swamps, marshes, bogs, and similar areas.
182. **WETLAND MARGIN** - A transitional area extending one hundred feet (100') from the outer limit of wetlands.
183. **WIRELESS** - Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals. [Ord. 2017-2]
184. **WIRELESS COMMUNICATIONS FACILITY (WCF)** – The antennae, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services. [Ord. 2017-2]
185. **WIRELESS COMMUNICATIONS FACILITY APPLICANT (WCF Applicant)** – Any person that applies for a wireless communications facility

## ZONING

building permit, zoning approval and/or permission to use the public ROW or other Township owned land or property. [Ord. 2017-2]

186. **WIRELESS SUPPORT STRUCTURE** – A freestanding structure, such as a tower-based wireless communications facility or any other support structure that could support the placement or installation of a wireless communications facility if approved by the Township. [Ord. 2017-2]

187. **WOODLAND** - Areas, groves, or stands of mature, or largely mature [i.e., greater than six inches (6") caliper] covering an area greater than one-quarter (1/4) acre; or areas, groves or stands of mature trees [greater than twelve inches (12") caliper] consisting of more than ten (10) trees.

188. **YARD** - The open space on the same lot with a building or structure. 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.

- a. **YARD, FRONT** - An open space between an adjacent street right-of-way 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.
- b. **YARD, REAR** - An open space between the rear 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.
- c. **YARD, SIDE** - An open 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.

189. **ZONING OFFICER** - The agent or official designated by the Governing Body to administrate and enforce the Zoning Ordinance of the Municipality.

190. **ZONING ORDINANCE** - Ontelaunee Township Zoning Ordinance of 2015.

Ord. 2015-3, 12/3/2015 §5-6; as amended by Ord. 2017-2, 2/2/2017, §1-2; as amended by Ord. 2017-4, 4/6/2017, §1-2



## ARTICLE III

### ZONING MAP AND ZONING DISTRICTS

#### **Section 301. Official Zoning Map**

Ontelaunee Township is hereby divided into zones, or districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Ordinance, together with all future notations, references and amendments.

#### **Section 301.1 Identification of Official Zoning Map**

The Official Zoning Map shall be identified by the signatures of the Governing Body and attested to by the Secretary of that Body, together with the date of the adoption of this Ordinance.

#### **Section 301.2 Changing the Official Zoning Map**

If, in accordance with the provisions of this Ordinance and the Pennsylvania Municipalities Planning Code changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Governing Body.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance or any state law, if applicable. All changes shall be noted on the Official Zoning Map by date with a brief description of the nature of the change.

#### **Section 301.3 Location of Official Zoning Map**

The Official Zoning Map shall be located in a place, as designated by the Governing Body, and shall be the final authority as to the current zoning status of land and water areas in the Municipality, regardless of unofficial copies which may have been made or published from time to time.

#### **Section 301.4 Replacement of Official Zoning Map**

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Governing Body may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signatures of the Governing Body, attested by the Secretary of that Body, and bearing the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted

\_\_\_\_\_ as part of Ordinance No. \_\_\_\_\_ of  
Ontelaunee Township, Berks County, Pennsylvania.

Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

Ord. 2015-3, 12/3/2015 §6; as amended by Ord. 2018-7, 8/2/2018, §§1-5; and Ord. 2018-13, 11/1/2018, §§1-5; Ord. 2022-6, 8/4/2022, §§1-5.

### **Section 302. Classes of Districts**

For the purpose of this Ordinance, the Municipality is hereby divided into classes of districts which shall be designated as follows:

R	-	Rural
A-1	-	Agricultural
A-2	-	Agricultural
A-3	-	Agricultural
R-1	-	Low Density Residential
R-2	-	Medium Density Residential
C	-	General Commercial
HC	-	Highway Commercial
IC	-	Industrial-Commercial
IC-2	-	Industrial-Commercial
LI	-	Light Industrial
GI	-	General Industrial

Ord. 2015-3, 12/3/2015 §6.

### **Section 303. Interpretation of District Boundaries**

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

#### **Section 303.1 Designation of District Boundaries**

Boundaries indicated as approximately following the center line of streets, railroad rights-of-way, streams, rivers, existing lot lines, or Municipal boundary lines shall be construed to follow such features indicated. Boundaries indicated as extensions of such features shall be so construed. Where a district boundary line does not follow such a line, its position is shown on said Official Zoning Map by a specific dimension expressing its distance in feet from a street right-of-way line or other boundary line as indicated and running parallel to said line. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

## ZONING

### Section 303.2 Determination of Location of Boundaries

Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or if uncertainty exists as to the true location of a district boundary line in a particular instance, the Zoning Officer shall request the Zoning Hearing Board to render its determination with respect thereto.

Ord. 2015-3, 12/3/2015 §6.

### Section 304. Application of District Regulations

- A. No building, structure, or land shall be used or occupied and no building, structure, or part thereof shall be erected, constructed, assembled, moved, enlarged, reconstructed, removed, or structurally altered without the issuance of a Permit by the Zoning Officer, unless exempted by this Zoning Ordinance.
  - 1. Compliance with this Ordinance in no way relieves responsibility of complying with other Township Ordinances.
- B. No part of a yard, common open space, other open space, or off-street parking or loading space required in connection with one structure, building, or use of the land shall be included as part of a yard, common open space, 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.
- C. Where setback, screening, or buffering requirements from zoning districts are imposed, zoning districts in adjacent municipalities shall be considered in addition to those in the Township.
- D. 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 shall not be further reduced below the minimum requirements of this Ordinance.
- E. Where district regulations specify a minimum lot width at the street line, the minimum lot width shall be provided contiguous along the street line of one street. It is prohibited, when calculating the width of a lot, to add widths along the street lines of two or more streets. In the case of a corner lot, the minimum lot width must be provided along the street line of one street, but does not have to be provided along the street line of each street on which the lot fronts, unless otherwise required by this Ordinance.
- F. Where district regulations specify a minimum lot width at the building setback line, the minimum lot width shall be provided contiguous along the building setback line established from one street. It is prohibited, when calculating the width

of a lot, to add widths along the building setback lines established from two (2) or more streets. In the case of a corner lot, the minimum lot width must be provided along the building setback line established from one street, but does not have to be provided along the building setback line established from each street on which the lot fronts, unless otherwise required by this Ordinance.

- G. In the case of a lot of irregular shape in which a portion of the lot abuts a street and a portion not abutting a street abuts the rear yards of lots which have frontage on the same street as does the irregularly shaped lot, on the irregularly shaped lot a building setback line shall be established from the abutting rear yards. As a minimum, the building setback requirements of the applicable zoning district shall be used in establishing such building setback line.
- H. Buildings and/or lots may be owned in condominium ownership. Such buildings and/or lots shall comply with all applicable zoning requirements.
  - 1. Condominium declarations shall be submitted to and approved by the Township prior to issuance of any Zoning Permit for a building or lot in condominium ownership, and after such approval shall be filed with the Recorder of Deeds of the County of Berks and the Township.
  - 2. Condominium declarations shall be in accordance with the provisions of the Pennsylvania Uniform Condominium Act of 1980, as amended. In the case of a building in condominium ownership situated on a parcel of land, the building coverage and paved area regulations of the applicable zoning district shall apply to the entire building as it is situated on the entire parcel, and shall not be applied to each unit of occupancy within the building.
- I. When minimum requirements are established for lot size and/or common open space, such minimum requirements shall be met within Ontelaunee Township.
- J. When calculating the permissible number of dwelling units within a subdivision or land development in Ontelaunee Township, only land located within Ontelaunee Township shall be used.
- K. The minimum lot width at the building setback line established in the Area, Height and Yard Regulations of the Zoning Districts listed in this Zoning Ordinance shall be measured at the minimum building setback established in said Area, Height and Yard Regulations.
- L. A canopy, such as that over gasoline pumps at a motor vehicle service station, shall not be located within any required front, rear, or side yard established in the applicable zoning district.
- M. Steps within yards for the purpose of walking from one (1) level of the yard to another may be located anywhere within yards.

## ZONING

N. The measurement of building length shall be made along one building wall, in one general direction.

Ord. 2015-3, 12/3/2015 §6.

## ARTICLE IV

### DISTRICT REGULATIONS

#### **Section 401. R Rural District**

##### **Section 401.1 Specific Intent**

The R Rural District has been created to protect the public health, safety and welfare through the use of regulations that protect resources within the Township, retain open space and relate the specific effects of development on a site to the conditions and circumstances of the site. Furthermore, this District is specifically intended to achieve the following:

- A. To recognize areas within Ontelaunee Township which contain environmentally sensitive resources including water bodies, water courses, floodplains and woodlands;
- B. To recognize that disturbance of these environmentally sensitive resources results in negative impacts to the public health, safety, and welfare by causing greater erosion, siltation and sedimentation, flooding, degradation of water quality, and other adverse effects on the environment;
- C. To promote the preservation of natural and scenic resources.
- D. To control the intensity of development in areas of sensitive environmental resources and natural resources;
- E. To require evaluation of potential environmental impacts associated with land disturbances;
- F. To require protection of environmentally sensitive features to the greatest extent possible by minimizing disturbance of these areas;
- G. To establish standards for land uses that takes into account the unique characteristics of the land and the site;
- H. To comply with and implement the purposes of the Comprehensive Plan of Ontelaunee Township.

##### **Section 401.2 Uses Permitted By Right**

Land and buildings in an R Rural District shall be used for the following purposes and no others, unless a Special Exception as provided for in Section 401.3 below is granted:

- A. Agriculture and greenhouses subject to:

## ZONING

1. All grazing or pasture areas utilized for this purpose shall be securely fenced.
2. No farm or any other out building other than a dwelling shall be constructed closer than seventy-five feet (75') to any property line.
3. No slaughter, manure storage area, or sludge storage area shall be established closer than two hundred feet (200') to any property line.
4. Intensive agricultural uses are not permitted.
5. The growing, processing, packing, storage, and shipping of mushrooms is not permitted.

B. Display and sale of agricultural products grown on the premises, subject to:

1. At least three (3) off-street parking spaces are provided for customers.
2. The sale of farm products shall be conducted within a structure or from a stand which shall be no closer than thirty feet (30') to any street right-of-way line or lot line.
3. The sale of agricultural products shall be conducted only by the proprietor of the farm on which the stand is located or by a person employed on that farm for the purpose of participating in the conduct of agricultural operations.
4. The sale of agricultural products on a farm shall be secondary to the use of the farm for agricultural activities.

C. Lodges or clubs for hunting, fishing, gunning, or other similar recreational purposes.

D. Public and non-profit private outdoor recreation areas and facilities, including and limited to parks (except amusement parks), playgrounds, hiking trail, riding trail or academy, picnic grounds, swimming pools and swimming areas, boating areas, and camps (not including campgrounds).

E. Public uses owned and operated by the Township or a Municipal Authority organized by the Township, subject to the provisions of Section 539 of this Ordinance.

F. Woodland preserve, wildlife sanctuary, or similar conservation use.

G. Tower-Based Wireless Communications Facility on Township owned and utilized property subject to compliance with all federal regulations and construction safety standards. [Ord. 2019-5, 11/7/2019, §2.]

H. Accessory uses, buildings or structures located on the same lot as the permitted principal use or building. [Ord. 2019-5,11/7/2019, §3.]

**Section 401.3 Uses Permitted By Special Exception**

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board pursuant to Section 802.5 of this Ordinance.

- A. Accessory uses, buildings or structures not located on the same lot as the permitted principal use.
- B. Single family detached dwellings.
- C. Bed and Breakfast, subject to the provisions of Section 538 of this Ordinance.

**Section 401.4 Uses Permitted By Condition**

The following use is permitted when approved as a conditional use by the Board of Supervisors pursuant to the applicable provisions of this Ordinance:

- A. Quasi-Municipal Use, as defined by this Ordinance, subject to the provisions of Section 539 of this Ordinance.

**Section 401.5 Procedures**

- A. Phase I. The applicant shall prepare an “Existing Conditions Map” of the parcel which shall identify and calculate the areas composed of the following resources:

Natural Resources:

- Floodplains (100-year);
- Wetlands;
- Watercourses, including lakes, ponds and streams;
- Areas of steep slope, including areas of very steep slopes (twenty five percent (25%) and over) and areas of steep slopes (between fifteen percent (15%) and twenty five percent (25%));
- Woodlands;
- Wetland margins (the areas within one hundred feet (100') of a wetland);

Manmade Resources:

- Existing and proposed roadways;
- Existing and proposed rights-of-way (including utility and access rights-of-way);

- B. Phase II. The applicant shall calculate the “Protected Area” of the parcel, which shall be determined as follows:

## ZONING

Natural and Manmade Feature	Open Space Percentage	Acres of Land in Resource	Resource Protected Land (Acres in Resource x Open Space Percentage)
Floodplain	100%	x _____	= _____
Wetlands	100%	x _____	= _____
Watercourses	100%	x _____	= _____
Woodland	70%	x _____	= _____
Woodland (if overlapping another protected feature)	90%	x _____	= _____
Very Steep Slope (25% and over)	90%	x _____	= _____
Steep Slope (15-24%)	80%	x _____	= _____
Wetland Margin	80%	x _____	= _____
Total Protected Area			_____

Individual acreage results shall be totaled to result in the “Protected Area.” The Protected Area shall be deducted from the total site area. The resulting figure shall be the “Developable Area.” Calculations of permissible density shall be based on this figure.

In the event that two (2) or more resources overlap, the resource with the greatest protection standard (the largest Open Space Percentage) shall apply.

C. Phase III. The “Performance Standards” of Section 401.6 below shall be applied to the parcel. This will determine the site’s specific maximum permitted density.

Alternative to the use of the Performance Standard – Applicants may choose not to base density calculations on the use of the Performance Standards, in which case the Base Standards in Section 401.6 shall be used instead. A lower density is required with the use of the base standard.

### Section 401.6 Performance Standards

A. Performance and Base Standards – Applicants may choose to use the standards identified as Performance Standard or use the Base Standard. Applicants choosing to use the Performance Standard shall comply with the standards below and shall receive the density bonus that is applicable. Applicants choosing to use the Base Standard shall also follow the applicable standard below, although the density bonus shall not apply.

Minimum Percentage of Tract Permanently Restricted to Open Space*	Maximum Site Density	Minimum Lot Size	Minimum Site Area

Base Standard	None	1 dwelling unit or use per 2 acres	2 acres	2 acres
Performance Standard	40%	1 dwelling unit or use per 1 acre of developable area	43,560 sq. ft.	10 acres

\*Lands are to be perpetually restricted to open space through deed restriction, conservation easement, transfer to a private conservation organization, or other means acceptable to the Township, in accordance with Section 512 of this Ordinance.

B. The minimum lot size shall be applied to only those parcels that first contain the minimum site area. For example, when using the Performance Standard, a new parcel may only be created when the parent tract contains a minimum of ten (10) acres, at which time the newly created lot may be one (1) acre in area.

Section 401.7 Area, Yard and Height Regulations (Except as noted elsewhere in this Ordinance)

**Maximum Permitted**

Building Height	
Barns, silos and other Agricultural Buildings	No maximum
All other Buildings	35 feet
Lot Area Covered by Buildings	15 percent
Lot Area Covered by Impervious Surface	30 percent

**Minimum Requirements**

Lot Size	2 acres, unless the 1 acre performance standard of Section 401.5 is applied.
Front Yard	50 feet
Rear Yard	50 feet
Each Side Yard	20 feet
Lot Width	
At Street Line	100 feet
At Building Setback Line	150 feet

Ord. 2015-3, 12/3/2015, §6.

**Section 402. A-1 Agricultural District**

**Section 402.1 Specific Intent**

## ZONING

It is the purpose of the A-1 Agricultural District to provide for agricultural, low density residential, and certain recreational, public and community facility uses.

### Section 402.2 Uses Permitted By Right

Land and buildings in an A-1 District may be used for the following purposes and no others unless a Special Exception as provided for in Section 402.3 below is granted:

A. Agriculture and greenhouses, subject to:

1. All grazing or pasture areas utilized for this purpose shall be securely fenced.
2. No farm or any other out building other than a dwelling shall be constructed closer than seventy-five feet (75') to any property line.
3. No slaughter or manure storage area or sludge storage area shall be established closer than two hundred feet (200') to any property line.
4. Intensive Agricultural Uses are not permitted.
5. The growing, processing, packing, storage and shipping of mushrooms is not permitted.

B. Roadside stands for the sale of farm products grown on the premises, subject to:

1. At least three (3) off-street parking spaces are provided for customers.
2. The sale of farm products shall be conducted within a structure or from a stand which shall be no closer than thirty feet (30') to any street right-of-way line or lot line.
3. The sale of agricultural products shall be conducted only by the proprietor of the farm on which the stand is located or by a person employed on that farm for the purpose of participating in the conduct of agricultural operations.
4. The sale of agricultural products on a farm shall be secondary to the use of the farm for agricultural activities.

C. Lodges and clubs for hunting, fishing, gunning or other similar recreational purposes.

D. Public and non-profit private outdoor recreation areas and facilities, such as parks (except amusement parks), playgrounds, hiking trail, riding trail or academy, picnic grounds, tennis courts, swimming areas and pools, and camps (not including campgrounds).

- E. Single family detached dwellings.
- F. Public uses owned or operated by the Township or a Municipal Authority organized by the Township subject to the provisions of Section 539 of this Ordinance.
- G. Accessory uses, buildings and structures to the above-permitted uses when on the same lot as the permitted use.

#### Section 402.3 **Uses Permitted By Special Exception**

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board pursuant to Section 802.5 of this Ordinance.

- A. Churches or similar places of worship, parish houses, convents and other housing for religious personnel.
- B. Cemeteries and necessary incidental structures.
- C. Accessory use, building or structure not located on the same lot as the permitted principal use.
- D. The dumping, storage or disposal in any manner of spent or used mushroom soil or mushroom compost, provided no storage shall be within two hundred feet (200') of a street or lot line.
- E. Golf courses and country clubs (except driving ranges, chip and putt golf courses, and miniature golf courses) subject to Section 511 of this Ordinance.
- F. State licensed elementary school, middle school, junior high school, senior high school, college, or university.
- G. Tower Based Wireless Communications Facilities subject to Section 513 of this Chapter. [Ord. 2017-2]
- H. [Reserved]. [Ord. 2017-2]
- I. Bed and Breakfast, subject to the provisions of Section 538 of this Ordinance.

#### Section 402.4 **Uses Permitted By Condition**

The following uses are permitted when approved as a Conditional Use by the Board of Supervisors pursuant to the applicable provisions of this Ordinance:

- A. Quasi-Municipal Use, as defined by this Ordinance, subject to the provisions of Section 539 of this Ordinance.

## ZONING

- B. Family Child Day Care Home, subject to the provisions of Section 543 of this Ordinance.
- C. Age Restricted Housing, consisting of Single Family Detached dwellings, subject to the provisions of Section 544 of this Ordinance.
- D. Age Restricted Housing, consisting of Cluster Development of Single Family Detached dwellings, subject to the provisions of Sections 544 and 551 of this Ordinance.
- E. Assisted Living Center or Personal Care Facility, subject to the provisions of Section 545 of this Ordinance.
- F. Cluster Development of single family detached dwellings, subject to the provisions of Section 551 of this Ordinance.

Section 402.5 Area, Yard and Height Regulations (Except as noted elsewhere in this Ordinance)

### Maximum Permitted

Building Height	
Barns, Silos and Other Agricultural Uses	No Maximum
All Other Buildings	35 Feet
Lot Area Covered by Buildings	10 Percent
Lot Area Covered by Impervious Surface	20 Percent

### Minimum Requirements

Lot Size	1 Acre
Lot Width	
At Street Line	100 Feet
At Building Setback Line	150 Feet
Front Yard	50 Feet
Each Side Yard	20 Feet
Rear Yard	50 Feet

Ord. 2015-3, 12/3/2015, §6; as amended by Ord. 2017-2, 2/2/2017, §3-4.

## **Section 403. A-2 Agricultural District**

### Section 403.1 Specific Intent

It is the purpose of the A-2 Agricultural District to provide for agricultural, low density residential, and certain recreational, public and community facility uses.

**Section 403.2 Uses Permitted By Right**

Land and buildings in an A-2 District may be used for the following purposes and no others unless a Special Exception as provided for in Section 403.3 below is granted:

- A. Agriculture and greenhouses, subject to:
  1. All grazing or pasture areas utilized for this purpose shall be securely fenced.
  2. No farm or any other out building other than a dwelling shall be constructed closer than seventy-five feet (75') to any property line.
  3. No slaughter or manure storage area or sludge storage area shall be established closer than two hundred feet (200') to any property line.
  4. Intensive Agricultural Uses are not permitted.
- B. The growing, processing, packing, storage and shipping of mushrooms, including wholesale and retail sales thereof, subject to:
  1. The dumping, storage or disposal in any manner of spent or used mushroom soil or mushroom compost shall be in strict compliance with the applicable regulations of the Commonwealth of Pennsylvania then in effect.
- C. Roadside stands for the sale of farm products grown on the premises, subject to:
  1. At least three (3) off-street parking spaces are provided for customers.
  2. The sale of farm products shall be conducted within a structure or from a stand which shall be no closer than thirty feet (30') to any street right-of-way line or lot line.
  3. The sale of agricultural products shall be conducted only by the proprietor of the farm on which the stand is located or by a person employed on that farm for the purpose of participating in the conduct of agricultural operations.
  4. The sale of agricultural products on a farm shall be secondary to the use of the farm for agricultural activities.
- D. Lodges and clubs for hunting, fishing, gunning or other similar recreational purposes.

## ZONING

- E. Public and non-profit private outdoor recreation areas and facilities, such as parks (except amusement parks), playgrounds, hiking trails, riding trail or academy, picnic grounds, tennis courts, swimming areas and pools, and camps (not including campgrounds).
- F. Single family detached dwellings.
- G. Public uses owned or operated by the Township or a Municipal Authority organized by the Township subject to the provisions of Section 539 of this Ordinance.
- H. Accessory uses, buildings and structures to the above-permitted uses when on the same lot as the permitted use.

### Section 403.3 **Uses Permitted By Special Exception**

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board pursuant to Section 802.5 of this Ordinance.

- A. Churches or similar places of worship, parish houses, convents and other housing for religious personnel.
- B. Cemeteries and necessary incidental structures.
- C. Commercial composting for mushroom operations, subject to:
  - 1. No offensive or unpleasant odors are permitted beyond the lot lines of the lot on which such odors originate.
  - 2. All organic materials to be used in on-site composting shall be stored under roof in a totally enclosed structure having impervious flooring with drainage and suitable protection so as to insure that there is no runoff from said structure onto surrounding lands.
  - 3. All on-site composting shall be performed under roof in a partially enclosed structure having impervious flooring with drainage and suitable protection so as to insure that there is no runoff from said structure onto surrounding lands.
- D. Accessory use, building or structure not located on the same lot as the permitted principal use.
- E. Golf courses and country clubs (except driving ranges, chip and putt golf courses, and miniature golf courses), subject to Section 511 of this Ordinance.
- F. Mobile home parks pursuant to the requirements of the Township's Subdivision and Land Development Ordinance and the regulations of the Commonwealth of Pennsylvania.

G. Tower-Based Wireless Communications Facilities subject to Section 513 of this Chapter. [Ord. 2017-2]

H. [Reserved]. [Ord. 2017-2]

I. Campgrounds, subject to:

1. All Rules and Regulations of the Pennsylvania Department of Environmental Protection shall be complied with.
2. All buildings and structures shall be clearly incidental to the use of the site as a campground and shall be for the use of the occupants of the campground only.
3. Every campground shall be separated from a public street and from adjoining properties by a buffer strip no less than one hundred feet (100') in width, which shall contain an evergreen planting screen no less than five feet (5') in height when planted. Such screen shall be permanently maintained.
4. No portions of the campground shall be used for year-round occupancy.
5. All Certificates of Use and Occupancy issued by the Township shall be issued for a period of one (1) year. Renewal shall be according to the same requirements and procedure as made and provided for issuance of the original Certificate of Use and Occupancy.

Prior to the issuance or renewal of a Certificate of Use and Occupancy, the owner of a Campground shall file with and receive approval by the Township Supervisors of a set of Regulations. Such regulations shall prescribe, but not be limited to, such controls as maximum term of occupancy of a site by an individual tenant; temporary or seasonal storage of travel trailers; policing to control noises and activities that might endanger the life, safety or general welfare of other occupants and the owners and/or occupants of adjacent properties.

Upon due notice, the Township Supervisors may revoke a Certificate of Use and Occupancy for failure by the owner of a Campground to enforce such regulations and the same shall not be reinstated or renewed until satisfactory guarantees of future enforcement are provided.

6. There shall be a maximum gross density of ten (10) travel trailer or tent sites per acre. Each site shall be a minimum width of twenty-five feet (25'). Each site shall provide a clear, generally level, well-drained pad for accommodating the travel trailer or tent.
7. Sites shall be so dimensioned and arranged that when any space is occupied no portion of any travel trailer or tent, including accessory attachments,

## ZONING

shall be within ten feet (10') of any portion of any other travel trailer, tent, or building, including accessory attachments. Each site shall contain at least one (1) parking space which is clear, generally level, and well-drained and no less than ten feet (10') by twenty feet (20') in area.

8. Each site shall abut and have direct access to a paved internal roadway which shall be a minimum of twenty feet (20') in width. Parking shall not be permitted on the roads. In all other respects, the roads shall meet the standards of the Ontelaunee Township Subdivision and Land Development Ordinance.
9. A tenant shall not occupy a space in the campground for more than nine (9) consecutive weeks. Occupancy of any space in the park for four (4) or more nights in any one week shall be considered occupancy for one (1) week.

After occupancy in the campground for nine (9) consecutive weeks, a tenant shall not occupy a space in the park for more than three (3) nights in any one (1) week for a period of four (4) consecutive weeks.

10. The owner of the campground shall maintain a daily registration list in the park office. Such list shall indicate the tenants of the park for every night and shall be made available to the Township upon request of the Township Supervisors or person authorized by the Supervisors. The owner shall retain each registration list for a period of one (1) year.
11. A minimum of twenty percent (20%) of the gross area of the campground shall be devoted to active and passive recreation facilities for the use of tenants only. These facilities shall not be located within one hundred feet (100') of any property line.

J. Bed and Breakfast, subject to the provisions of Section 538 of this Ordinance.

### Section 403.4 Uses Permitted By Condition

The following uses are permitted when approved as a Conditional Use by the Board of Supervisors pursuant to the applicable provisions of this Ordinance:

- A. Quasi-Municipal Use, as defined by this Ordinance, subject to the provisions of Section 539 of this Ordinance.
- B. Family Child Day Care Home, subject to the provisions of Section 543 of this Ordinance.
- C. Age Restricted Housing, consisting of Single Family Detached dwellings, subject to the provisions of Section 544 of this Ordinance.
- D. Assisted Living Center or Personal Care Facility, subject to the provisions of Section 545 of this Ordinance.

Section 403.5 Area, Yard and Height Regulations (Except as noted elsewhere in this Ordinance)

**Maximum Permitted**

**Building Height**

Barns, Silos and Other Agricultural Uses	No Maximum
All Other Buildings	35 Feet
Lot Area Covered by Buildings	50 Percent
Lot Area Covered by Impervious Surface	70 Percent

**Minimum Requirements**

Lot Size	1 Acre
Lot Width	
At Street Line	100 Feet
At Building Setback Line	150 Feet
Front Yard	50 Feet
Each Side Yard	20 Feet
Rear Yard	50 Feet

Ord. 2015-3, 12/3/2015, §6, as amended by Ord. 2017-2, 2/2/2017, §5-6.

**Section 404. A-3 Agricultural District**

**Section 404.1 Specific Intent**

It is the purpose of the A-3 Agricultural District to provide for agricultural, intensive agricultural, low density residential, and certain recreational, public and community facility uses.

**Section 404.2 Uses Permitted By Right**

Land and buildings in an A-3 District may be used for the following purposes and no others unless a Special Exception as provided for in Section 404.3 below is granted:

A. Agriculture and greenhouses, subject to:

## ZONING

1. All grazing or pasture areas utilized for this purpose shall be securely fenced.
2. No farm or any other out building other than a dwelling shall be constructed closer than seventy-five feet (75') to any property line.
3. No slaughter or manure storage area or sludge storage area shall be established closer than two hundred feet (200') to any property line.
4. Intensive Agricultural Uses are permitted only as a conditional use.
5. The growing, processing, packing, storage, and shipping of mushrooms is not permitted.

B. Roadside stands for the sale of farm products grown on the premises, subject to:

1. At least three (3) off-street parking spaces are provided for customers.
2. The sale of farm products shall be conducted within a structure or from a stand which shall be no closer than thirty feet (30') to any street right-of-way line or lot line.
3. The sale of agricultural products shall be conducted only by the proprietor of the farm on which the stand is located or by a person employed on that farm for the purpose of participating in the conduct of agricultural operations.
4. The sale of agricultural products on a farm shall be secondary to the use of the farm for agricultural activities.

C. Lodges and clubs for hunting, fishing, gunning or other similar recreational purposes.

D. Public and non-profit private outdoor recreation areas and facilities, such as parks (except amusement parks), playgrounds, hiking trails, riding trail or academy, picnic grounds, tennis courts, swimming areas and pools, and camps (not including campgrounds).

E. Single family detached dwellings.

F. Public uses owned or operated by the Township or a Municipal Authority organized by the Township subject to the provisions of Section 539 of this Ordinance.

G. Accessory uses, buildings and structures to the above-permitted uses when on the same lot as the permitted use.

H. Tower-Based Wireless Communications Facilities subject to Section 513 of this Chapter. [Ord. 2017-2]

Section 404.3 Uses Permitted By Special Exception

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board pursuant to Section 802.5 of this Ordinance:

- A. Churches or similar places of worship, parish houses, convents and other housing for religious personnel.
- B. Cemeteries and necessary incidental structures.
- C. Office of veterinarian or animal hospital or clinic, subject to:
  - 1. All buildings in which animals are housed shall be located at least one hundred feet (100') from all lot lines.
  - 2. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot be perceived at the lot lines.
  - 3. Outdoor runs shall not be provided.
  - 4. No person shall cause, suffer, or permit any odor which causes annoyance or discomfort to the public from any source in such a manner that these malodors are detectable outside of the property of the person on whose land the source is being operated.
- D. Accessory use, building or structure not located on the same lot as the permitted principal use.
- E. The dumping, storage or disposal in any manner of spent or used mushroom soil or mushroom compost, provided no storage shall be within two hundred feet (200') of a street or lot line.
- F. Golf courses and country clubs (except driving ranges, chip and putt golf courses, and miniature golf courses), subject to Section 511 of this Ordinance.
- G. Kennel, subject to:
  - 1. All buildings in which animals are housed shall be located at least one hundred feet (100') from all lot lines.
  - 2. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot be perceived at the lot lines.
  - 3. Outdoor runs may be provided so long as a double evergreen screen is provided around the runs, and the runs are a minimum of three hundred feet (300') from all lot lines. No animal shall be permitted to use the outdoor runs between 8:00 p.m. and 8:00 a.m.

## ZONING

4. No person shall cause, suffer, or permit any odor which causes annoyance or discomfort to the public from any source in such a manner that these malodors are detectable outside of the property of the person on whose land the source is being operated.
5. The total number of dogs on the property shall not exceed twenty-five (25) dogs per acre, excluding dogs under six (6) months old.

H. Tower-Based Wireless Communications Facilities, subject to Section 513 of this Chapter. [Ord. 2017-2]

I. [Reserved]. [Ord. 2017-2]

J. Intensive agricultural uses subject to:

1. The minimum lot size shall be ten acres.
2. Intensive agricultural activities shall not be located closer than six hundred feet (600') to any existing church, school, eating establishment or dwelling, unless the dwelling is under the same ownership as that property on which the intensive agricultural activity is located, nor shall it be located closer than three hundred feet (300') to any property line.
3. No more than two (2) animal equivalent units per acre shall be contained on the property. In calculating an animal equivalent unit, the following shall be used:

1 dairy cattle =	1 animal equivalent unit
1 beef cattle =	1 animal equivalent unit
1 horse =	1 animal equivalent unit
4 hogs =	1 animal equivalent unit
5 sheep =	1 animal equivalent unit
5 goats =	1 animal equivalent unit
250 poultry =	1 animal equivalent unit

4. The applicant shall demonstrate that the site is capable of handling the waste material to remain on the site.
5. Commercial composting is prohibited.
6. An erosion and sedimentation control plan shall be approved by the Township and the Berks County Conservation District.
7. No intensive uses may occur in a 100-year flood plain.
8. All on-site composting shall be performed under roof in a partially enclosed structure having impervious flooring with drainage and suitable protection

so as to insure that there is no runoff from said structure onto surrounding lands.

9. All organic materials to be used in on-site composting shall be stored under roof in a totally enclosed structure having impervious flooring with drainage and suitable protection so as to insure that there is no runoff from said structure onto surrounding lands.

K. Bed and Breakfast, subject to the provisions of Section 538 of this Ordinance.

**Section 404.4 Uses Permitted By Condition**

The following use is permitted when approved as a conditional use by the Board of Supervisors pursuant to the applicable provisions of this Ordinance:

- A. Quasi-Municipal Use, as defined by this Ordinance, subject to the provisions of Section 539 of this Ordinance.
- B. Family Child Day Care Home, subject to the provisions of Section 543 of this Ordinance.
- C. Age Restricted Housing, consisting of Single Family Detached dwellings, subject to the provisions of Section 544 of this Ordinance.
- D. Assisted Living Center or Personal Care Facility, subject to the provisions of Section 545 of this Ordinance.

**Section 404.5 Area, Yard and Height Regulations (Except as noted elsewhere in this Ordinance)**

**Maximum Permitted**

**Building Height**

Barns, Silos and Other Agricultural Uses	No Maximum
All Other Buildings	35 Feet

Lot Area Covered by Buildings	10 Percent
Lot Area Covered by Impervious Surface	20 Percent

**Minimum Requirements**

Lot Size	1 Acre
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**Lot Width**

At Street Line	100 Feet
At Building Setback Line	150 Feet

Front Yard	50 Feet
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## ZONING

Each Side Yard 20 Feet

Rear Yard 50 Feet

Ord. 2015-3, 12/3/2015, §6, as amended by Ord. 2017-2, 2/2/2017, §7-8.

### **Section 405. R-1 Low Density Residential District**

#### **Section 405.1 Specific Intent**

It is the purpose of the R-1 Low Density Residential District to permit low density residential development and the continuation of agricultural activities.

#### **Section 405.2 Uses Permitted By Right**

Land and buildings in an R-1 District may be used for the following purposes and no others unless a Special Exception as provided for in Section 405.3 below is granted:

- A. Single family detached dwellings
- B. Agriculture and greenhouses subject to:
  - 1. All grazing or pasture areas utilized for this purpose shall be securely fenced.
  - 2. No farm or any other out building other than a dwelling shall be constructed closer than seventy-five feet (75') to any property line.
  - 3. No slaughter or manure storage area or sludge storage area shall be established closer than two hundred feet (200') to any property line.
  - 4. Intensive Agricultural Uses are not permitted.
  - 5. The growing, processing, packing, storage and shipping of mushrooms is not permitted.
- C. State licensed elementary school, middle school, junior high school, senior high school, college or university.
- D. Churches or similar places of worship and parish houses.
- E. Public structures owned or operated by the Township or a Municipal Authority organized by the Township subject to the provisions of Section 539 of this Ordinance.

- F. Accessory uses, buildings and structures to the above permitted uses when on the same lot as the permitted use.

#### Section 405.3 Uses Permitted By Special Exception

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board pursuant to Section 802.5 of this Ordinance.

- A. Outdoor recreation areas, including parks (except amusement park), playgrounds, hiking trail, camps (not including campgrounds), tennis court or swimming pool or area.

No commercial activity shall be permitted except for the charging of admission, sale of refreshments or prepared food, rental or sale of athletic equipment, or such other purpose as is clearly incidental to the permitted recreational use.

- B. Golf courses and country clubs (except driving ranges, chip and putt golf courses and miniature golf courses), subject to Section 511 of this Ordinance.
- C. Accessory use, building or structure not located on the same lot as the permitted principal use.
- D. Bed and Breakfast, subject to the provisions of Section 538 of this Ordinance.

#### Section 405.4 Uses Permitted By Condition

The following use is permitted when approved as a conditional use by the Board of Supervisors pursuant to the applicable provisions of this Ordinance:

- A. Family Child Day Care Home, subject to the provisions of Section 543 of this Ordinance.
- B. Age Restricted Housing, consisting of Single Family Detached dwellings, subject to the provisions of Section 544 of this Ordinance.
- C. Age Restricted Housing, consisting of Planned Residential Development (PRD), subject to the provisions of Sections 544 and 550 of this Ordinance.
- D. Age Restricted Housing, consisting of Cluster Development of Single Family Detached dwellings, subject to the provisions of Sections 544 and 551 of this Ordinance.
- E. Assisted Living Center or Personal Care Facility, subject to the provisions of Section 545 of this Ordinance.
- F. [Reserved]. [Ord. 2025-1].
- G. Cluster Development, subject to the provisions of Section 551 of this Ordinance.

## ZONING

Section 405.5 Area, Yard, and Height Regulations (Except as noted elsewhere in this Ordinance)

### SINGLE FAMILY DETACHED DWELLING

<u>Maximum Permitted</u>	Without Both Public or Community Sewage Disposal and Water Supply	With Both Public or Community Sewage Disposal and Water Supply	Non-Residential Uses
Building Height	35 Feet	35 Feet	35 Feet
Lot Area Covered by Buildings	15 Percent	25 Percent	20 Percent
Lot Area Covered by Impervious Surface	25 Percent	35 Percent	40 Percent
<u>Minimum Requirements</u>			
Lot Size	1 Acre	20,000 sq. ft.	1 Acre
Lot Width			
At Street Line	100 Feet	75 Feet	150 Feet
At Building Setback Line	150 Feet	100 Feet	150 Feet
Front Yard	40 Feet	30 Feet	40 Feet
Each Side Yard	20 Feet	15 Feet	20 Feet
Rear Yard	50 Feet	30 Feet	50 Feet

Ord. 2015-3, 12/3/2015, §6; as amended by Ord. 2025-1, 1/5/2025, §§ 1-2..

## **Section 406. R-2 Medium Density Residential District**

### Section 406.1 Specific Intent

It is the purpose of the R-2 Medium Density Residential District to permit medium density residential development and multiple-family development.

### Section 406.2 Uses Permitted By Right

Land and buildings in an R-2 District may be used for the following purposes and no others unless a Special Exception as provided for in Section 406.3 below is granted:

- A. Single family detached dwelling
- B. Single family semi-detached dwelling
- C. Two family detached dwelling
- D. State licensed elementary school, middle school, junior high school or senior high school.
- E. Churches or similar places of worship and parish houses.
- F. Public structures owned or operated by the Township or a Municipal Authority organized by the Township subject to the provisions of Section 539 of this Ordinance.
- G. Accessory uses, buildings and structures to the above permitted uses when on the same lot as the permitted use.

Section 406.3 Uses Permitted By Special Exception

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board pursuant to Section 802.5 of this Ordinance.

- A. Park (except amusement park), playground, tennis courts, and similar non-commercial recreation areas owned and operated by a public or private non-profit agency.
- B. Golf courses and country clubs (except driving ranges, chip and putt golf courses and miniature golf courses), subject to Section 511 of this Ordinance.
- C. Accessory use, building or structure not located on the same lot as the permitted principal use.
- D. Group home or group lodge, within a single family detached dwelling, subject to the provisions of Section 548 of this Ordinance.
- E. Apartment buildings and townhouses, subject to the provisions of Section 549 of this Ordinance.
- F. Bed and Breakfast, subject to the provisions of Section 538 of this Ordinance.

Section 406.4 Uses Permitted By Condition

The following uses are permitted when approved as a Conditional Use by the Board of Supervisors pursuant to the applicable provisions of this Ordinance:

- A. Family Child Day Care Home, subject to the provisions of Section 543 of this Ordinance.

## ZONING

- B. Age Restricted Housing, consisting of Single Family Detached dwellings, subject to the provisions of Section 544 of this Ordinance.
- C. Age Restricted Housing, consisting of Single Family Semi-Detached dwellings, subject to the provisions of Section 544 of this Ordinance.
- D. Age Restricted Housing, consisting of Two Family Detached dwellings, subject to the provisions of Section 544 of this Ordinance.
- E. Age Restricted Housing, consisting of Apartment or Townhouse dwellings, subject to the provisions of Sections 544 and 549 of this Ordinance.
- F. Assisted Living Center or Personal Care facility, subject to the provisions of Section 545 of this Ordinance.
- G. Planned Residential Development, subject to the provisions of Section 550 of this Ordinance.

Section 406.5 Area, Yard, And Height Regulations (Except as noted elsewhere in this Ordinance)

	SINGLE FAMILY DETACHED DWELLING			TWO FAMILY DETACHED DWELLING		
Without Both Public or Community Sewage Disposal and On-Site Water Supply	Public or Community Sewage Disposal and On-Site Water Supply	Public or Community Sewage Disposal and On-Site Water Supply	Without Both Public or Community Sewage Disposal and On-Site Water Supply	Public or Community Sewage Disposal and On-Site Water Supply	Public or Community Sewage Disposal and On-Site Water Supply	Public or Community Sewage Disposal and On-Site Water Supply
<b>Maximum Permitted</b>						
Building Height	35 Feet	35 Feet	35 Feet	35 Feet	35 Feet	35 Feet
Lot Area Covered by Buildings	15 Percent	25 Percent	30 Percent	15 Percent	25 Percent	35 Percent
Lot Area Covered by Impervious Surface	25 Percent	35 Percent	35 Percent	25 Percent	35 Percent	50 Percent
<b>Minimum Requirements</b>						
Lot Size	1 Acre	20,000 sq.ft.	10,000 sq.ft.	2 Acres	40,000 sq.ft.	15,000 sq.ft.
Lot Width						
At Street Line	100 Feet	75 Feet	50 Feet	120 Feet	100 Feet	60 Feet
At Building Setback	150 Feet	100 Feet	70 Feet	160 Feet	120 Feet	60 Feet
Front Yard	40 Feet	30 Feet	30 Feet	40 Feet	30 Feet	30 Feet
Each Side Yard	20 Feet	15 Feet	10 Feet	20 Feet	15 Feet	10 Feet
Rear Yard	50 Feet	30 Feet	30 Feet	50 Feet	30 Feet	30 Feet

	NON-RESIDENTIAL USES			SINGLE FAMILY SEMI DETACHED DWELLING		
	Without Both Public or Commu- nity Sewage Disposal and Water Sup- ply	Public or Community Sewage Dis- posal and On-Site Wa- ter Supply	Public or Community Sewage Dis- posal and Public or Community Water Sup- ply	Without Both Public or Commu- nity Sewage Disposal and Water Supply	Public or Community Sewage Dis- posal and On-Site Wa- ter Supply	Public or Community Sewage Dis- posal and Public or Community Water Sup- ply
<b>Maximum Permitted</b>						
Building Height	35 Feet	35 Feet	35 Feet	35 Feet	35 Feet	5 Feet
Lot Area Covered by Buildings	20 Percent	35 Percent	35 Percent	25 Percent	35 Percent	35 Percent
Lot Area Covered by Impervious Surface	40 Percent	55 Percent	65 Percent	35 Percent	45 Percent	50 Percent
<b>Minimum Requirements</b>						
Lot Size	1 Acre	20,000 sq.ft.	10,000 sq.ft.	1 Acre	20,000 sq.ft.	7,500 sq.ft.
Lot Width						
At Street Line	150 Feet	100 Feet	70 Feet	60 Feet	50 Feet	30 Feet
At Building Setback	150 Feet	100 Feet	70 Feet	80 Feet	60 Feet	30 Feet
Front Yard	40 Feet	30 Feet	30 Feet	30 Feet	30 Feet	30 Feet
Each Side Yard	20 Feet	15 Feet	10 Feet	15 Feet	10 Feet	10 Feet
Rear Yard	50 Feet	30 Feet	30 Feet	30 Feet	30 Feet	30 Feet

Ord. 2015-3, 12/3/2015, §6; as amended by Ord. 2025-1, 5/1/2025, §3.

## Section 407. C General Commercial District

### Section 407.1 Specific Intent

It is the purpose of the C General Commercial District to provide for the expansion of general commercial uses in areas where such uses already exist.

### Section 407.2 Uses Permitted By Right

Land and buildings in a C District may be used for the following purposes and no others unless a Special Exception as provided for in Section 407.3 below is granted:

- A. Retail stores or shops or service establishments for the conducting of retail business or service, except adult bookstores and similar adult retail businesses; may include, but not limited to, the sale of dry goods, variety merchandise, clothing, foods, beverages, drugs, furnishings or other household supplies, sale and repair of jewelry, clocks, optical goods, and musical instruments. [Ord. 2015-3]
- B. Business, professional, or government offices and office buildings.

## ZONING

- C. Banks and other similar financial institutions.
- D. Bowling alleys, skating or hockey rink, tennis or racquetball courts, amusement room for the use of electronic and/or mechanical coin operated devices, and similar indoor places of amusement or recreation.
- E. Restaurants, cafes, taverns, or other places serving food and beverages including drive-through restaurants but not including drive-in restaurants.
- F. Theaters or motion picture theaters, except drive-ins and adult theaters.
- G. Hotels and motels.
- H. Shopping centers pursuant to Section 522 of this Ordinance.
- I. Church or similar place of worship.
- J. Quasi-Municipal Use, as defined by this Ordinance, subject to the provisions of Section 539 of this Ordinance.
- K. Library, post office, art gallery or museum.
- L. Commercial school for the teaching of trades, arts or skills.
- M. Fine arts studio.
- N. Child Day Care Center, as defined by this Ordinance, subject to the provisions of Section 542 of this Ordinance.
- O. Adult Day Care Center, as defined by this Ordinance, subject to the provisions of Section 541 of this Ordinance.
- P. Lumber and building materials supply establishments, provided that all materials stored outside of buildings shall be enclosed by a fence a minimum of four feet (4') in height.
- Q. Shops of plumbers, painters, masons, cabinet makers, carpenters, electricians, heating contractors, upholsterers, homebuilders, metal workers, and similar skilled tradesmen, provided there shall be no outdoor storage of materials used by the tradesmen nor shall any skills be performed outside a building.
- R. Funeral home.
- S. Health fitness center.
- T. Personal or household service establishments such as, but not limited to, barber shops, beauty shops, laundromats, laundry and dry cleaning shops (but not laundry or dry cleaning plants), tailor and seamstress shops, shops renting and

repairing household goods, shoes, jewelry and appliances, medical equipment rental shops, and video rental shops.

- U. Public structures owned and operated by the Township or a Municipal Authority organized by the Township subject to the provisions of Section 539 of this Ordinance.
- V. Mini self-storage units pursuant to Section 523 of this Ordinance.
- W. Accessory uses, buildings and structures located on the same lot with the permitted principal use.

**Section 407.3 Uses Permitted By Special Exception**

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board pursuant to Section 802.5 of this Ordinance.

- A. Motor vehicle service station, provided that:
  - 1. All automobile parts, dismantled vehicles, and similar articles shall be stored within a building.
  - 2. Fuel pumps shall be at least twenty-five feet (25') from any street right-of-way line.
  - 3. All activities except those required to be performed at the fuel pumps shall be performed within a completely enclosed building.
- B. Car wash, subject to:
  - 1. A paved approach drive to accommodate a minimum of four cars per bay shall be constructed for the purpose of avoiding an accumulation of cars backing upon a public thoroughfare, except in the case of a facility where only one bay is provided. In such case, the approach drive or parking area shall be constructed to accommodate a minimum of eight cars. A traffic study shall be submitted which indicates whether the proposed number of bays will be adequate, and if it will not, the number of bays shall be increased in accordance with the results of the traffic study.
  - 2. No structures for car washing or vacuum shall be located less than forty feet (40') from any lot line.
- C. Repair garage, subject to:
  - 1. All repair activities shall be performed within a completely enclosed building.

## ZONING

2. All outdoor storage of vehicles awaiting repair shall be screened from view by a fence or planting screen constructed of such material and in such a manner that the outdoor storage of vehicles is not visible from public streets and adjoining properties.
3. All automobile parts, dismantled vehicles, and similar articles shall be stored within a building.

D. Car, truck, mobile home, or recreational vehicle sales agency, with accessory service facilities, provided that all items for sale and all parking areas shall be located a minimum of twenty-five feet (25') from lot lines and street rights-of-way.

E. Drive-in food service establishments.

F. Wholesale businesses.

G. Club or lodge for fraternal or service purposes.

H. Commercial greenhouse or nursery.

I. Miniature golf course, driving range, tennis courts, pitch and putt golf course, and other similar outdoor place of amusement or recreation.

J. Hospital or medical clinic.

K. Tower-Based Wireless Communications Facilities subject to Section 513 of this Chapter. [Ord. 2017-2]

L. [Reserved]. [Ord. 2017-2]

M. Accessory use, building or structure not located on the same lot with the permitted principal use.

N. Any other uses as determined by the Zoning Hearing Board to be of the same general character as a use permitted by right or special exception when not specifically permitted elsewhere in this Ordinance.

O. Bed and Breakfast, subject to the provisions of Section 538 of this Ordinance.

### Section 407.4 Uses Permitted By Condition

The following uses are permitted when approved as a Conditional Use by the Board of Supervisors pursuant to the applicable provisions of this Ordinance:

- A. Nursing Home, subject to the provisions of Section 546 of this Ordinance.
- B. Retirement Community, subject to the provisions of Section 547 of this Ordinance.

C. Warehousing, distributing, and wholesale of manufactured foods, goods, and materials, truck and freight terminals, delivery and distribution centers, etc. Manufacturing and manufacturing uses are prohibited. The following performance standards shall apply.

1. Minimum Lot Area: Forty (40) Acres
2. Maximum Building Height: Forty-five (45) Feet
3. Maximum Building Coverage: 30%
4. Maximum Impervious Coverage: 70%
5. Minimum Distance Between Buildings: Fifty (50) Feet
6. Minimum Lot Width:
  - a. At Street Line: Two Hundred (200) Feet
  - b. At Building Setback: Two Hundred (200) Feet
7. Minimum Building Setback:
  - a. Front Yard: One Hundred (100) Feet
  - b. Rear Yard: Fifty (50) Feet
  - c. Side Yard: Fifty (50) Feet
8. Minimum Residential Zone Buffer: Two Hundred (200) Feet
9. Minimum School Buffer Zone: Six Hundred Fifty (650) Feet
10. A landscaped buffer yard or area along any perimeter of the property which is adjacent to a residential use shall be provided and shall comply with the following design options:
  - a. A sixty (60) foot wide earthen berm with a raised elevation of eight (8) feet shall be required in areas that do not have a natural buffer or concentration of mature trees.
  - b. Where an existing natural buffer with concentration of mature trees is used to satisfy the requirements of this section, such area and vegetation therein shall be perpetually preserved and maintained as part of a landscaping or woodland protection easement.
  - c. A combination of earthen berm, landscaping screen, fencing or natural buffer may be considered provided that the selected materials provide a natural visual buffer.

## ZONING

The types of materials utilized within the landscaped buffer yard and the designated width of the landscaping buffer shall be subject to the review and approval of the Board of Supervisors as part of the Conditional Use Application and/or Land Development Plan Application. The landscaped buffer yard shall be identified on the Land Development Plan and perpetually preserved as an easement.

(as amended by Ord. 2024-1, 7/3/2024, § 1).

Section 407.5 Area, Yard and Height Regulations (Except as noted elsewhere in this Ordinance)

### Maximum Permitted

Building Height	45 Feet
Lot Area Covered by Buildings	35 Percent
Lot Area Covered by Impervious Surface	70 Percent

### Minimum Requirements

Lot Size (up to 4 units of use)	40,000 sq. ft.
Additional area for each additional unit of use	10,000 sq. ft.
Lot Width	
At Street Line	100 Feet
At Building Setback Line	100 Feet
Front Yard	35 Feet
Rear Yard	25 Feet
Each Side Yard	25 Feet
Distance Between Buildings	30 Feet

All side and rear lot lines abutting residential zoning districts shall be appropriately screened by fences, walls, or year-round planting and/or other suitable enclosures of a minimum height of four feet (4') and a maximum height of seven feet (7'). If trees, evergreen hedges or other types of year-round plants are used, a landscaped area shall be provided at least five feet (5') in width along the entire lot lines.

Drive-thru service is permissible only if it can be conducted with a safe and orderly traffic pattern with sufficient waiting areas for vehicles waiting to conduct business, as demonstrated by traffic plans and studies submitted by the applicant and subject to approval by the Township.

Ord. 2015-3, 12/3/2015, §3 and 6, as amended by Ord. 2017-2, 2/2/2017, §9-10.

## **Section 408. HC Highway Commercial District**

### **Section 408.1 Specific Intent**

It is the purpose of the HC Highway Commercial District to provide for general commercial uses along a portion of the Route 222 corridor.

### **Section 408.2 Uses Permitted By Right**

Land and buildings in an HC District may be used for the following purposes and no others unless a Special Exception as provided for in Section 408.3 below is granted:

- A. Retail stores or shops or service establishments for the conducting of retail business or service, except adult bookstores and similar adult retail businesses.
- B. Business, professional, or government offices and office buildings.
- C. Banks and other similar financial institutions.
- D. Bowling alleys, skating or hockey rink, tennis or racquetball courts, amusement room for the use of electronic and/or mechanical coin operated devices, and similar indoor places of amusement or recreation.
- E. Restaurants, cafes, taverns, or other places serving food and beverages including drive-through restaurants but not including drive-in restaurants.
- F. Theaters or motion picture theaters, except drive-ins and adult theaters.
- G. Hotels and motels.
- H. Shopping centers pursuant to Section 522 of this Ordinance.
- I. Quasi-Municipal Use, as defined by this Ordinance, subject to the provisions of Section 539 of this Ordinance.
- J. Fine arts studio.
- K. Lumber and building materials supply establishments, provided that all materials stored outside buildings shall be enclosed by a fence a minimum of four feet (4') in height.
- L. Shops of plumbers, painters, masons, cabinet makers, carpenters, electricians, heating contractors, upholsterers, homebuilders, metal workers, and similar skilled tradesmen, provided there shall be no outdoor storage of materials used by the tradesmen nor shall any skills be performed outside a building.

## ZONING

- M. Funeral home.
- N. Health fitness center.
- O. Personal or household service establishments such as, but not limited to, barber shops, beauty shops, laundromats, laundry and dry cleaning shops (but not laundry or dry cleaning plants), tailor and seamstress shops, shops renting and repairing household goods, shoes, jewelry and appliances, medical equipment rental shops, video rental shops, and job printers. [Ord. 2015-3]
- P. Public structures owned and operated by the Township or a Municipal Authority organized by the Township subject to the provisions of Section 539 of this Ordinance.
- Q. Mini self-storage units pursuant to Section 523 of this Ordinance.
- R. Accessory uses, buildings and structures located on the same lot with the permitted principal use.

### Section 408.3 Uses Permitted By Special Exception

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board pursuant to Section 802.5 of this Ordinance.

- A. Motor vehicle service station, provided that:
  - 1. All automobile parts, dismantled vehicles, and similar articles shall be stored within a building.
  - 2. Fuel pumps shall be at least twenty-five feet (25') from any street right-of-way line.
  - 3. All activities except those required to be performed at the fuel pumps shall be performed within a completely enclosed building.
- B. Car wash, subject to:
  - 1. A paved approach drive to accommodate a minimum of four cars per bay shall be constructed for the purpose of avoiding an accumulation of cars backing upon a public thoroughfare, except in the case of a facility where only one bay is provided. In such case, the approach drive or parking area shall be constructed to accommodate a minimum of eight cars. A traffic study shall be submitted which indicates whether the proposed number of bays will be adequate, and if it will not, the number of bays shall be increased in accordance with the results of the traffic study.

2. No structure for car washing or vacuum shall be located less than forty feet (40') from any lot line.

C. Repair garage, subject to:

1. All repair activities shall be performed within a completely enclosed building.
2. All outdoor storage of vehicles awaiting repair shall be screened from view by a fence or planting screen constructed of such material and in such a manner that the outdoor storage of vehicles is not visible from public streets and adjoining properties.
3. All automobile parts, dismantled vehicles, and similar articles shall be stored within a building.

D. Car, truck, mobile home, or recreational vehicle sales agency, with accessory service facilities, provided that all items for sale and all parking areas shall be located a minimum of twenty-five feet (25') from lot lines and street rights-of-way.

E. Drive-in food service establishments.

F. Wholesale businesses.

G. Club or lodge for fraternal or service purposes.

H. Commercial greenhouse or nursery.

I. Miniature golf course, driving range, tennis courts, pitch and putt golf course, and other similar outdoor place of amusement or recreation.

J. Hospital or medical clinic.

K. Tower-Based Wireless Communications Facilities subject to Section 513 of this Chapter. [Ord. 2017-2]

L. [Reserved]. [Ord. 2017-2]

M. Drive-in movie theater, subject to:

1. Movies shown on the movie screen shall not be visible from public roads.
2. The theater shall be surrounded by a twenty feet (20') buffer yard in which shall be placed a year-round screen of a minimum height of eight feet (8').

N. Adult Business Use, subject to:

1. Location Criteria:

## ZONING

- a. All minimum separation distances for Adult Business Uses shall be measured from the property line of the property located on which the use is proposed or operated.
- b. No Adult Business Use shall be located within one thousand feet (1000') of any other existing Adult Business Use.
- c. No Adult Business Use shall be located within two hundred feet (200') of any residential zoning district.
- d. No Adult Business Use shall be located within five hundred feet (500') of any than existing place of worship, public park, public swimming pool, or public library.
- e. No Adult Business Use shall be located within one thousand feet (1,000') of any than existing school up to or including the twelfth grade, or equivalent, and their adjacent accessory (including recreational) areas.
- f. No Adult Business Use shall be located within one thousand feet (1,000') of any than existing community recreation area.

2. All storage and displays shall be inside the building. No materials offered for sale, lease, rent, and loan or for view on the premises shall be visible from any door, window, or exterior of the building or structure nor shall they be displayed or exhibited outside of a building or structure.
3. All business transactions that are concluded on the premises shall be within an enclosed building.
4. All Adult Business Uses may not operate between the hours of 2:00 a.m. and 9:00 a.m.
5. All applications for Adult Business Use shall be subject to the Township Land Development requirements, as adopted.
6. Applications for Adult Business Uses shall include a statement providing specific information on each individual, partner, store manager(s) corporate officer, corporate director, or corporate stockholders owning more than three percent (3%) of the issued and outstanding stock of a corporate applicant, comprising the applicant, to include the following:
  - a. Complete Name
  - b. Residential Address (no Post Office box)
  - c. Telephone Number

It shall be the responsibility of the property owner to provide the Township an updated statement on a bi-annual basis, or as changes to the persons listed on the statement are made.

7. In the event of the proposed sale, resale or reassignment of interest of an Adult Business Use established under the terms of this Ordinance, the Board of Supervisors shall be notified of such proposed change of ownership. Such notification shall include the documentation required in this Ordinance. Failure to notify the Township shall constitute grounds for the termination of the Special Exception approval.
8. In addition to other applicable regulations of the Township and State, the following shall apply to all Adult Business Use signs and other visible messages:
  - a. Sign messages shall be limited to written descriptions of material or services available on the premises.
  - b. Sign messages shall not include any graphic or pictorial depiction of material related to specific sexual activities or anatomical areas.
  - c. Advertisements, displays or other promotional materials related to specific sexual activities or anatomical areas shall not be shown or exhibited to be visible to the public from the exterior of the building.
  - d. The entrance of the Adult Business Use shall include a sign warning all individuals that the premise is classified as an adult business.
9. All Adult Business Uses shall be maintained in compliance with the regulations of the Pennsylvania Liquor Control Board, Pennsylvania Obscenity Law and all other applicable local, state and federal regulations and/or laws.
10. No persons under the age of eighteen (18) shall be permitted within an adult entertainment establishment.

O. Outdoor flea market, subject to:

1. Flea markets are defined as businesses with short-term or daily rental of stalls, booths or selling spaces to individual persons for selling used and new consumer merchandise, antiques, art and craft items and collectibles at retail. Resale of merchandise is allowable, but not as a branch or outlet of a business with another location elsewhere outside the flea market. Such uses as junk sales, used car sales, thrift shops, and consignment shops are excluded from this definition.
2. Vendor spaces shall not be located within required front, side and rear yards.

## ZONING

3. A minimum of two (2) off-street parking spaces shall be provided for each vendor space.
4. All vendor spaces and aisles shall be mud-free, dust-free surfaces.
5. Overnight lodging is not permitted on the premises.
6. Flea markets may be operated only during daylight hours.
7. Goods for sale may be stored out of doors on the site overnight only between consecutive days of operation.
8. The stands shall be portable, shall be maintained in good condition and shall be removed during days when items are not being offered for sale.

P. Bed and Breakfast, subject to the provisions of Section 538 of this Ordinance.

Section 408.4 Area, Yard and Height Regulations (Except as noted elsewhere in this Ordinance)

### Maximum Permitted

Building Height	45 Feet
Lot Area Covered by Buildings	35 Percent
Lot Area Covered by Impervious Surface	70 Percent

### Minimum Requirements

Lot Size per Construction Site per Unit of Use	40,000 sq. ft. 10,000 sq. ft.
Lot Width	
At Street Line	100 Feet
At Building Setback Line	100 Feet
Front Yard	35 Feet
Rear Yard	25 Feet
Each Side Yard	25 Feet
Distance Between Buildings	30 Feet

All side and rear lot lines abutting residential zoning districts shall be appropriately screened by fences, walls, or year-round planting and/or other suitable enclosures of a

minimum height of four feet (4') and a maximum height of seven feet (7'). If trees, evergreen hedges or other types of year-round plants are used, a landscaped area shall be provided at least five feet (5') in width along the entire lot lines.

Drive-thru service is permissible only if it can be conducted with a safe and orderly traffic pattern with sufficient waiting areas for vehicles waiting to conduct business, as demonstrated by traffic plans and studies submitted by the applicant and subject to approval by the Township.

Ord. 2015-3, 12/3/2015, §4 and 6; as amended by Ord. 2017-2, 2/2/2017, §11-12.

## **Section 409. IC Industrial Commercial District**

### **Section 409.1 Specific Intent**

It is the purpose of the IC Industrial Commercial District to permit both light industrial and certain commercial uses within a planned business center which will not adversely affect the public health, safety, and general welfare of the residents and inhabitants of the Township.

### **Section 409.2 Uses Permitted By Right**

Land and buildings in an IC Industrial Commercial District may be used for the following purposes and no others, unless a Special Exception as provided for in Section 409.3 below is granted:

- A. Business, professional or governmental office and office buildings.
- B. Scientific or industrial research, testing or experimental laboratory or similar establishment for research or product development.
- C. Printing and publishing activities.
- D. Industrial operations involving the production, packaging, fabrication, processing, assembly, manufacture, compounding and bottling of foods, goods, and materials provided that all such activities shall be carried on within a building.
- E. Warehousing, distributing and wholesale sales of manufactured foods, goods, and materials.
- F. Banks and similar financial institutions.
- G. Health fitness center.
- H. Public uses and structures owned and operated by the Township or a municipal authority organized by the Township subject to the provisions of Section 539 of this Ordinance.

## ZONING

- I. Retail stores or shops or service establishments for the conducting of retail business or service, except adult bookstores and similar adult retail businesses.
- J. Bowling alleys, skating or hockey rinks, tennis or racquetball courts, amusement room for the use of electronic and/or mechanical coin operated devices, and similar indoor places of amusement or recreation.
- K. Restaurants, cafes, taverns, or other places serving food and beverages including drive-through restaurants but not including drive-in restaurants.
- L. Hotels and motels.
- M. Shopping centers pursuant to Section 522 of this Ordinance.
- N. Within office buildings, service and convenience uses including, but not limited to, eating and drinking places, specialized retail food sales, barber/beauty shop, photo copy service, pharmacy, and optician. Such uses shall not occupy more than ten percent (10%) of the floor area of the building in which they are located. Entrances to such uses shall be from the interiors of the buildings. No exterior signage shall be permitted for any such service and convenience uses.
- O. Quasi-Municipal Use, as defined by this Ordinance, subject to the provisions of Section 539 of this Ordinance.
- P. Library, post office, art gallery or museum.
- Q. Commercial school for the teaching of trades, arts or skills.
- R. Fine arts studios.
- S. Funeral home.
- T. Personal or household service establishments such as, but not limited to, barber shops, beauty shops, laundromats, laundry and dry cleaning shops, (but not laundry or dry cleaning plants), tailor and seamstress shops, shops renting and repairing household goods, shoes, jewelry and appliances, medical equipment rental shops, and video rental shops.
- U. Motor vehicle service station, provided that:
  - 1. All automobile parts, dismantled vehicles, and similar articles shall be stored within a building.
  - 2. Fuel pumps shall be at least twenty-five feet (25') from any street right-of-way line.

- 3. All activities except those required to be performed at the fuel pumps shall be performed within a completely enclosed building.
- V. Lumber and building materials supply establishments, provided that all materials stored outside of buildings shall be enclosed within a fence a minimum of four feet (4') in height.
- W. Shops of plumbers, painter, masons, cabinet makers, carpenters, electricians, heating contractors, upholsters, homebuilders, metal workers, and similar skilled tradesman, provided there shall be no outdoor storage of materials used by the tradesmen nor shall any skills be performed outside a building.
- X. Adult Day Care Center, as defined by this Ordinance, subject to the provisions of Section 541 of this Ordinance.
- Y. Child Day Care Center, as defined by this Ordinance, subject to the provisions of Section 542 of this Ordinance.
- Z. Medical Marijuana Dispensaries, as defined by this Ordinance, subject to the provisions of Section 552 of this Ordinance. [2017-4]
- AA. Accessory uses, building and structures located on the same lot with the permitted principal use. [2017-4]

#### Section 409.3 Uses Permitted By Special Exception

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board in accordance with Section 802.5 of this Ordinance:

- A. Car wash, subject to:
  - 1. A paved approach drive to accommodate a minimum of four cars per bay shall be constructed for the purpose of avoiding an accumulation of cars backing upon a public thoroughfare, except in the case of a facility where only one (1) bay is provided. In such case, the approach drive or parking area shall be constructed to accommodate a minimum of eight (8) cars. A traffic study shall be submitted which indicates whether the proposed number of bays will be adequate, and if it will not, the number of bays shall be increased in accordance with the results of the traffic study.
  - 2. No structures for car washing or vacuum shall be located less than forty feet (40') from any lot lines.
- B. Car, truck, mobile home, or recreational vehicle sales agency with accessory service facilities, provided that all items for sale and all parking areas shall be located a minimum of twenty-five feet (25') from lot lines and street rights-of-way.
- C. Drive-in food service establishments.

## ZONING

- D. Wholesale businesses.
- E. Tower-Based Wireless Communications Facilities subject to Section 513 of this Chapter. [Ord. 2017-2]
- F. [Reserved]. [Ord. 2017-2]
- G. Accessory use, building or structure not located on the same lot with the permitted principal use.
- H. Any other uses as determined by the Zoning Hearing Board to be of the same general character as a use permitted by right or special exception when not specifically permitted elsewhere in this Ordinance.
- I. Bed and Breakfast, subject to the provisions of Section 538 of this Ordinance.

### Section 409.4 **Uses Permitted By Condition**

The following uses are permitted when approved as a Conditional Use by the Board of Supervisors pursuant to the applicable provisions of this Ordinance:

- A. Nursing Home, subject to the provisions of Section 546 of this Ordinance.
- B. Retirement Community, subject to the provisions of Section 547 of this Ordinance.

### Section 409.5 **Performance Standards**

Upon request of the Township, a landowner shall furnish proof at his own expense that he is in compliance with the following standards. No use shall be operated in such a manner as to constitute a danger to the residents and inhabitants of the Township:

#### A. Air Management

- 1. No odors shall be detectable beyond the lot lines of the lot on which such odors originate.
- 2. Air quality standards of the Pennsylvania Department of Environmental Protection shall be complied with unless a more restrictive standard is established by this Ordinance and in which case the more restrictive standard shall apply.
- 3. No person shall permit the emission into the outdoor atmosphere of visible air contaminants in such a manner that the opacity of the emission is greater than twenty percent (20%), except where the presence of uncombined water is the only reason for the failure of the emission to meet this limitation.

4. No dust or dirt shall be discharged beyond the lot lines of the lot on which it originates.

B. Wastewater Management

1. No wastewater discharge is permitted into a reservoir, sewage or storm disposal system, stream, open body or water, or into the ground, of any materials in such a way or of such nature or temperature as could contaminate any water supply or damage or be detrimental to any sewage system or sewage treatment plant, or otherwise cause the emission of dangerous objectionable elements unless treated so that the insoluble substances (oils, grease, acids, alkalines and other chemicals) are in accordance with the standards as approved by Water Pollution Control Boards, appropriate agencies of the Department of Environmental Protection, other municipality regulations or other agencies having jurisdiction.

C. Solids Waste Management

1. No storage of waste material on the lot shall be permitted. All waste materials awaiting transport shall be concealed from view from all adjacent properties and streets, kept in enclosed containers, and be enclosed by a fence or other suitable means to adequately prevent access to the material from all adjacent properties.

D. Noise and Vibration

1. Sound level limits, measured at the property line of the source of noise shall be as follows, unless a more restrictive standard is applied elsewhere in this Ordinance.
2. Ambient sound levels shall be observed with an Integrating Sound Level Meter complying with current Type 1 ANSI or ISO standards. The meter shall be set for "fast" response and "A" weighting. The average (equivalent) sound level shall be observed over at least a twenty (20) minute period.
3. Measurements to determine compliance with Sound Level Limits shall be done with an Integrating Sound Level Meter conforming to current Type 1 ANSI or ISO standards. The meter shall be set for "fast" response and "A" weighting. The average (equivalent) sound level shall be observed over at least a twenty (20) minute period.

Sound Levels by Receiving Land Use

<u>Zoning of Adjoining Lot</u>	<u>Time</u>	<u>Sound Level (L<sub>eq</sub>) Limit</u>
Residential, Agricultural or Rural	7:00 a.m. – 10:00 p.m.	60 dBA

## ZONING

	10:00 p.m. – 7:00 a.m. plus Sundays and legal holidays	50 dBA
Commercial, Industrial- Commercial or Industrial	7:00 a.m. – 10:00 p.m.	65 dBA
	10:00 p.m. – 7:00 a.m. plus Sundays and legal holidays	60 dBA

4. If existing ambient sound levels are equal to or higher than the prescribed limit, the new noise source shall be permitted to result in a sound level increase of up to 3 dBA over existing ambient sound levels, or to a maximum level which is 7 dBA higher than the prescribed maximum in the preceding table, whichever is lower. If the existing ambient sound levels are more than 7 dBA above the prescribed maximum, no increase above ambient sound levels shall be permitted.
5. The maximum permissible sound levels listed in the previous table shall not apply to any of the following noise sources:
  - a. The emission of sound for the purpose of alerting persons to the existence of an emergency.
  - b. Emergency work to provide electricity, water, or other public utilities when public health or safety are involved.
  - c. Construction operations.
  - d. Lawn maintenance equipment.
  - e. Motor vehicle operations.
  - f. Short duration sound levels related to isolated events, provided the duration is less than one minute and the sound level does not exceed 90 dBA at the property line; provided they do not occur more than one time per hour; and provided they occur only between the hours of 7:00 a.m. and 7:00 p.m.
6. No physical vibration shall be perceptible without use of instrument at or beyond the lot lines, unless such vibration shall be regulated by and shall have been approved by the Pennsylvania Department of Environmental Protection.

### E. Visual Heat

1. No lighting shall be utilized in a manner which produces glare perceptible at or beyond the lot lines.
2. Any operation producing heat shall be conducted in such a manner as to prevent any effect from the heat beyond the lot lines of the lot on which the operation is located.

F. Electromagnetic and Radioactive Radiation

1. All electromagnetic radiation shall comply with the regulations of the Federal Communication Commission, provided that no electromagnetic radiation shall be produced which interferes with radio or television reception or the operation of other equipment beyond the lot lines. No injurious electromagnetic radiation or radioactive emission shall be produced, and all radioactive emissions shall meet Federal and State standards.

G. Carcinogenic Substances

1. No carcinogenic substances shall be released into the air, ground, or water.

H. PA DEP Requirements

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

Section 409.6 Area, Yard, and Height Regulations (Except as noted elsewhere in this Ordinance)

**Maximum Permitted**

Building Height	35 feet
Lot Area Covered by Buildings	50 percent
Lot Area Covered by Paved Surface	50 percent
Lot Area Covered by Impervious Surface	80 percent

**Minimum Requirements**

Lot Size	1 acre
Lot Width	
at street line	200 feet
at building setback line	200 feet
Front Yard	50 feet

## ZONING

Rear Yard	25 feet
Each Side Yard	25 feet
Distance Between Buildings	50 feet

Ord. 2015-3, 12/3/2015, §6, as amended by Ord. 2017-2, 2/2/2017, §13-14; as amended by Ord. 2017-4, 4/6/2017, §3.

### **Section 410. IC-2 Industrial Commercial District**

#### **Section 410.1 Specific Intent**

It is the purpose of the IC-2 Industrial Commercial District to permit both light industrial and certain commercial uses within a planned business center, along with certain agricultural uses, which will not adversely affect the public health, safety, and general welfare of the residents and inhabitants of the Township.

Land and buildings in an IC-2 Industrial Commercial District may be used for the following purposes and no others, unless a Special Exception as provided for in Section 410.3 below is granted:

- A. Business, professional or governmental office and office buildings.
- B. Scientific or industrial research, testing or experimental laboratory or similar establishment for research or product development.
- C. Printing and publishing activities.
- D. Industrial operations involving the production, packaging, fabrication, processing, assembly, manufacture, compounding and bottling of foods, goods, and materials provided that all such activities shall be carried on within a building.
- E. Warehousing, distributing and wholesale sales of manufactured foods, goods, and materials.
- F. Banks and similar financial institutions.
- G. Health fitness center.
- H. Public uses and structures owned and operated by the Township or a municipal authority organized by the Township subject to the provisions of Section 539 of this Ordinance.
- I. Retail stores or shops or service establishments for the conducting of retail business or service, except adult bookstores and similar adult retail businesses.

- J. Bowling alleys, skating or hockey rinks, tennis or racquetball courts, amusement room for the use of electronic and/or mechanical coin operated devices, and similar indoor places of amusement or recreation.
- K. Restaurants, cafes, taverns, or other places serving food and beverages including drive-through restaurants but not including drive-in restaurants.
- L. Hotels and motels.
- M. Shopping centers pursuant to Section 522 of this Ordinance.
- N. Within office buildings, service and convenience uses including, but not limited to, eating and drinking places, specialized retail food sales, barber/beauty shop, photo copy service, pharmacy, and optician. Such uses shall not occupy more than ten percent (10%) of the floor area of the building in which they are located. Entrances to such uses shall be from the interiors of the buildings. No exterior signage shall be permitted for any such service and convenience uses.
- O. Quasi-Municipal Use, as defined by this Ordinance, subject to the provisions of Section 539 of this Ordinance.
- P. Library, post office, art gallery or museum.
- Q. Commercial school for the teaching of trades, arts or skills.
- R. Fine arts studios.
- S. Funeral home.
- T. Personal or household service establishments such as, but not limited to, barber shops, beauty shops, laundromats, laundry and dry cleaning shops, (but not laundry or dry cleaning plants), tailor and seamstress shops, shops renting and repairing household goods, shoes, jewelry and appliances, medical equipment rental shops, and video rental shops.
- U. Motor vehicle service station, provided that:
  - 1. All automobile parts, dismantled vehicles, and similar articles shall be stored within a building.
  - 2. Fuel pumps shall be at least twenty-five feet (25') from any street right-of-way line.
  - 3. All activities except those required to be performed at the fuel pumps shall be performed within a completely enclosed building.

## ZONING

- V. Lumber and building materials supply establishments, provided that all materials stored outside of buildings shall be enclosed within a fence a minimum of four feet (4') in height.
- W. Shops of plumbers, painter, masons, cabinet makers, carpenters, electricians, heating contractors, upholsters, homebuilders, metal workers, and similar skilled tradesman, provided there shall be no outdoor storage of materials used by the tradesmen nor shall any skills be performed outside a building.
- X. Commercial composting of mushroom substrate, in strict compliance with the applicable regulations of the Commonwealth of Pennsylvania then in effect.
- Y. Accessory uses, building and structures located on the same lot with the permitted principal use.

### Section 410.2 RESERVED

### Section 410.3 Uses Permitted By Special Exception

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board in accordance with Section 802.5 of this Ordinance:

- A. Car wash, subject to:
  - 1. A paved approach drive to accommodate a minimum of four cars per bay shall be constructed for the purpose of avoiding an accumulation of cars backing upon a public thoroughfare, except in the case of a facility where only one (1) bay is provided. In such case, the approach drive or parking area shall be constructed to accommodate a minimum of eight (8) cars. A traffic study shall be submitted which indicates whether the proposed number of bays will be adequate, and if it will not, the number of bays shall be increased in accordance with the results of the traffic study.
  - 2. No structures for car washing or vacuum shall be located less than forty feet (40') from any lot lines.
- B. Car, truck, mobile home, or recreational vehicle sales agency with accessory service facilities, provided that all items for sale and all parking areas shall be located a minimum of twenty-five feet (25') from lot lines and street rights-of-way.
- C. Drive-in food service establishments.
- D. Wholesale businesses.
- E. Tower-Based Wireless Communications Facilities subject to Section 513 of this Chapter. [Ord. 2017-2]
- F. [Reserved]. [Ord. 2017-2]

- G. Accessory use, building or structure not located on the same lot with the permitted principal use.
- H. Any other uses as determined by the Zoning Hearing Board to be of the same general character as a use permitted by right or special exception when not specifically permitted elsewhere in this Ordinance.
- I. Bed and Breakfast, subject to the provisions of Section 538 of this Ordinance.

#### Section 410.4 Performance Standards

Upon request of the Township, a landowner shall furnish proof at his own expense that he is in compliance with the following standards. No use shall be operated in such a manner as to constitute a danger to the residents and inhabitants of the Township:

- A. Air Management
  - 1. Air quality standards of the Pennsylvania Department of Environmental Protection shall be complied with unless a more restrictive standard is established by this Ordinance and in which case the more restrictive standard shall apply.
  - 2. No person shall permit the emission into the outdoor atmosphere of visible air contaminants in such a manner that the opacity of the emission is greater than twenty percent (20%), except where the presence of uncombined water is the only reason for the failure of the emission to meet this limitation.
  - 3. No dust or dirt shall be discharged beyond the lot lines of the lot on which it originates.
- B. Wastewater Management
  - 1. No wastewater discharge is permitted into a reservoir, sewage or storm disposal system, stream, open body of water, or into the ground, of any materials in such a way or of such nature or temperature as could contaminate any water supply or damage or be detrimental to any sewage system or sewage treatment plant, or otherwise cause the emission of dangerous objectionable elements unless treated so that the insoluble substances (oils, grease, acids, alkalines and other chemicals) are in accordance with the standards as approved by Water Pollution Control Boards, appropriate agencies of the Department of Environmental Protection, other municipality regulations or other agencies having jurisdiction.
- C. Solids Waste Management

## ZONING

1. No storage of waste material on the lot shall be permitted. All waste materials awaiting transport shall be concealed from view from all adjacent properties and streets, kept in enclosed containers, and be enclosed by a fence or other suitable means to adequately prevent access to the material from all adjacent properties.

### D. Noise and Vibration

1. Sound level limits, measured at the property line of the source of noise shall be as follows, unless a more restrictive standard is applied elsewhere in this Ordinance.
2. Ambient sound levels shall be observed with an Integrating Sound Level Meter complying with current Type 1 ANSI or ISO standards. The meter shall be set for "fast" response and "A" weighting. The average (equivalent) sound level shall be observed over at least a twenty (20) minute period.
3. Measurements to determine compliance with Sound Level Limits shall be done with an Integrating Sound Level Meter conforming to current Type 1 ANSI or ISO standards. The meter shall be set for "fast" response and "A" weighting. The average (equivalent) sound level shall be observed over at least a twenty (20) minute period.

#### Sound Levels by Receiving Land Use

<u>Zoning of Adjoining Lot</u>	<u>Time</u>	<u>Sound Level (Leq) Limit</u>
Residential, Agricultural or Rural	7:00 a.m. – 10:00 p.m.	60 dBA
	10:00 p.m. – 7:00 a.m. plus Sundays and legal holidays	50 dBA
Commercial, Industrial-Commercial or Industrial	7:00 a.m. – 10:00 p.m.	65 dBA
	10:00 p.m. – 7:00 a.m. plus Sundays and legal holidays	60 dBA

4. If existing ambient sound levels are equal to or higher than the prescribed limit, the new noise source shall be permitted to result in a sound level increase of up to 3 dBA over existing ambient sound levels, or to a maximum level which is 7 dBA higher than the prescribed maximum in the preceding table, whichever is lower. If the existing ambient sound levels are more than 7 dBA above the prescribed maximum, no increase above ambient sound levels shall be permitted.

5. The maximum permissible sound levels listed in the previous table shall not apply to any of the following noise sources:
  - a. The emission of sound for the purpose of alerting persons to the existence of an emergency.
  - b. Emergency work to provide electricity, water, or other public utilities when public health or safety are involved.
  - c. Construction operations.
  - d. Lawn maintenance equipment.
  - e. Motor vehicle operations.
  - f. Short duration sound levels related to isolated events, provided the duration is less than one minute and the sound level does not exceed 90 dBA at the property line; provided they do not occur more than one time per hour; and provided they occur only between the hours of 7:00 a.m. and 7:00 p.m.
6. No physical vibration shall be perceptible without use of instrument at or beyond the lot lines, unless such vibration shall be regulated by and shall have been approved by the Pennsylvania Department of Environmental Protection.

**E. Visual Heat**

1. No lighting shall be utilized in a manner which produces glare perceptible at or beyond the lot lines.
2. Any operation producing heat shall be conducted in such a manner as to prevent any effect from the heat beyond the lot lines of the lot on which the operation is located.

**F. Electromagnetic and Radioactive Radiation**

1. All electromagnetic radiation shall comply with the regulations of the Federal Communication Commission, provided that no electromagnetic radiation shall be produced which interferes with radio or television reception or the operation of other equipment beyond the lot lines. No injurious electromagnetic radiation or radioactive emission shall be produced, and all radioactive emissions shall meet Federal and State standards.

**G. Carcinogenic Substances**

1. No carcinogenic substances shall be released into the air, ground, or water.

## ZONING

### H. PA DEP Requirements

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

Section 410.5 Area, Yard, and Height Regulations (Except as noted elsewhere in this Ordinance)

#### Maximum Permitted

Building Height	35 feet
Lot Area Covered by Buildings	50 percent
Lot Area Covered by Paved Surface	50 percent
Lot Area Covered by Impervious Surface	80 percent

#### Minimum Requirements

Lot Size	1 acre
Lot Width	
at street line	200 feet
at building setback line	200 feet
Front Yard	50 feet
Rear Yard	25 feet
Each Side Yard	25 feet
Distance Between Buildings	50 feet

Ord. 2015-3, 12/3/2015, §6; as amended by Ord. 2017-2, 2/2/2017, §15-16.

## Section 411. LI Light Industrial District

### Section 411.1 Specific Intent

It is the purpose of the LI Light Industrial District to provide an area for light industrial and certain business uses which will not adversely affect the public health, safety, and general welfare of the residents and inhabitants of the Township.

### Section 411.2 Uses Permitted By Right

Land and buildings in a LI Light Industrial District may be used for the following purposes and no others, unless a Special Exception as provided for in Section 411.3 below is granted:

- A. Business, professional or governmental office and office buildings.
- B. Scientific or industrial research, testing or experimental laboratory or similar establishment for research or product development.
- C. Printing and publishing activities.
- D. Industrial operations involving the production, packaging, fabrication, processing, assembly, manufacture, compounding and bottling of foods, goods, materials, provided that all such activities shall be carried on within a building.
- E. Warehousing, distributing and wholesale sales of manufactured foods, goods, and materials.
- F. Banks and similar financial institutions.
- G. Health fitness center.
- H. Shop of carpenter, electrician, metal worker, cabinet maker, upholsterer, plumber, mason painter, home builder, heating contractor, or similar skilled tradesman.
- I. Public uses and structures owned and operated by the Township or a municipal authority organized by the Township subject to the provisions of Section 539 of this Ordinance.
- J. Accessory buildings, structures and uses to the above uses when on the same lot as the permitted use and not detrimental to the neighborhood.
- K. Quasi-Municipal Use, as defined by this Ordinance, subject to the provisions of Section 539 of this Ordinance.

#### Section 411.3 Uses Permitted By Special Exception

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board in accordance with Section 802.5 of this Ordinance.

- A. Outdoor storage, provided that such storage is enclosed by a satisfactory fence or planting and is not visible from the property lines.
- B. Accessory uses or buildings not located on the same lot as the permitted principal use.

## ZONING

- C. Any use of the same general character as any such of the above permitted uses, when not specifically noted as a permitted use elsewhere in this Ordinance, subject to such additional reasonable safeguards as the Zoning Hearing Board may determine.
- D. Tower-Based Wireless Communications Facilities subject to Section 513 of this Chapter. [Ord. 2017-2]
- E. [Reserved]. [Ord. 2017-2]
- F. Bed and Breakfast, subject to the provisions of Section 538 of this Ordinance.

### Section 411.4 Area, Yard, and Height Regulations (Except as noted elsewhere in this Ordinance)

#### **Maximum Permitted**

Building Height	65 feet
Lot Area Covered by Buildings	50 percent
Lot Area Covered by Paved Surfaces	50 percent
Lot Area Covered by Impervious Surface	80 percent

#### **Minimum Requirements**

Lot Size	1 acre
Lot Width	
at street line	200 feet
at building setback line	200 feet
Front Yard	50 feet
Rear Yard	25 feet
Each Side Yard	25 feet
Distance Between Buildings	50 feet

- A. All minimum side and rear yard dimensions shall be increased an additional one foot (1') for every one foot (1') a buildings height exceeds the height of thirty-five feet (35').
- B. Any side or rear yard bordering a residential district shall have a minimum width of fifty feet (50') and shall include a planted buffer yard with a year-round screen.

### Section 411.5 Performance Standards

Upon request of the Township, a landowner shall furnish proof at his own expense that he is in compliance with the following standards. No use shall be operated in such a manner as to constitute a danger to the residents and inhabitants of the Township:

#### A. Air Management

1. No odors shall be detectable beyond the lot lines of the lot on which such odors originate.
2. Air quality standards of the Pennsylvania Department of Environmental Protection shall be complied with unless a more restrictive standard is established by this Ordinance and in which case the more restrictive standard shall apply.
3. No person shall permit the emission into the outdoor atmosphere of visible air contaminants in such a manner that the opacity of the emission is greater than twenty percent (20%), except where the presence of uncombined water is the only reason for the failure of the emission to meet this limitation.
4. No dust or dirt shall be discharged beyond the lot lines of the lot on which it originates.

#### B. Wastewater Management

1. No wastewater discharge is permitted into a reservoir, sewage or storm disposal system, stream, open body of water, or into the ground, of any materials in such a way or of such nature or temperature as could contaminate any water supply or damage or be detrimental to any sewage system or sewage treatment plant, or otherwise cause the emission of dangerous objectionable elements unless treated so that the insoluble substances (oils, grease, acids, alkalines and other chemicals) are in accordance with the standards as approved by Water Pollution Control Boards, appropriate agencies of the Department of Environmental Protection, other municipality regulations or other agencies having jurisdiction.

#### C. Solids Waste Management

1. No storage of waste material on the lot shall be permitted. All waste materials awaiting transport shall be concealed from view from all adjacent properties and streets, kept in enclosed containers, and be enclosed by a fence or other suitable means to adequately prevent access to the material from all adjacent properties.

#### D. Noise and Vibration

## ZONING

1. Sound level limits, measured at the property line of the source of noise shall be as follows, unless a more restrictive standard is applied elsewhere in this Ordinance.
2. Ambient sound levels shall be observed with an Integrating Sound Level Meter complying with current Type 1 ANSI or ISO standards. The meter shall be set for "fast" response and "A" weighting. The average (equivalent) sound level shall be observed over at least a twenty (20) minute period.
3. Measurements to determine compliance with Sound Level Limits shall be done with an Integrating Sound Level Meter conforming to current Type 1 ANSI or ISO standards. The meter shall be set for "fast" response and "A" weighting. The average (equivalent) sound level shall be observed over at least a twenty (20) minute period.

### **Sound Levels by Receiving Land Use**

<u>Zoning of Adjoining Lot</u>	<u>Time</u>	<u>Sound Level (Leq) Limit</u>
Residential, Agricultural or Rural	7:00 a.m. – 10:00 p.m.	60 dBA
	10:00 p.m. – 7:00 a.m. plus Sundays and legal holidays	50 dBA
Commercial, Industrial- Commercial or Industrial	7:00 a.m. – 10:00 p.m.	65 dBA
	10:00 p.m. – 7:00 a.m. plus Sundays and legal holidays	60 dBA

4. If existing ambient sound levels are equal to or higher than the prescribed limit, the new noise source shall be permitted to result in a sound level increase of up to 3 dBA over existing ambient sound levels, or to a maximum level which is 7 dBA higher than the prescribed maximum in the preceding table, whichever is lower. If the existing ambient sound levels are more than 7 dBA above the prescribed maximum, no increase above ambient sound levels shall be permitted.
5. The maximum permissible sound levels listed in the previous table shall not apply to any of the following noise sources:
  - a. The emission of sound for the purpose of altering persons to the existence of an emergency.

- b. Emergency work to provide electricity, water, or other public utilities when public health or safety are involved.
- c. Construction operations.
- d. Lawn maintenance equipment.
- e. Motor vehicle operations.
- f. Short duration sound levels related to isolated events, provided the duration is less than one minute and the sound level does not exceed 90 dBA at the property line; provided they do not occur more than one time per hour; and provided they occur only between the hours of 7:00 a.m. and 7:00 p.m.

6. No physical vibration shall be perceptible without use of instrument at or beyond the lot lines, unless such vibration shall be regulated by and shall have been approved by the Pennsylvania Department of Environmental Protection.

E. Visual Heat

- 1. No lighting shall be utilized in a manner which produces glare perceptible at or beyond the lot lines.
- 2. Any operation producing heat shall be conducted in such a manner as to prevent any effect from the heat beyond the lot lines of the lot on which the operation is located.

F. Electromagnetic and Radioactive Radiation

- 1. All electromagnetic radiation shall comply with the regulations of the Federal Communication Commission, provided that no electromagnetic radiation shall be produced which interferes with radio or television reception or the operation of other equipment beyond the lot lines. No injurious electromagnetic radiation or radioactive emission shall be produced, and all radioactive emissions shall meet Federal and State standards.

G. Carcinogenic Substances

- 1. No carcinogenic substances shall be released into the air, ground, or water.

H. PA DEP Requirements

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

Ord. 2015-3, 12/3/2015, §6, as amended by Ord. 2017-2, 2/2/2017, §17-18.

## **Section 412. GI General Industrial District**

### **Section 412.1 Specific Intent**

It is the purpose of the GI General Industrial District to provide an area in which a variety of industrial uses and certain commercial uses may be conducted, provided that they will not adversely affect the public health, safety, and general welfare of the residents and inhabitants of the Township.

### **Section 412.2 Uses Permitted By Right**

Land and buildings in a GI General Industrial District may be used for the following purposes and no others, unless a Special Exception as provided for in Section 412.3 below is granted:

- A. Business, professional or governmental office and office buildings.
- B. Scientific or industrial research, testing or experimental laboratory or similar establishment for research or product development.
- C. Printing and publishing activities.
- D. Industrial operations involving the production, packaging, fabrication, processing, assembly, manufacture, compounding and bottling of foods, goods, materials and electricity, provided that all such activities shall be carried on within a building. The following performance standards shall apply:

#### **1. Air Management**

- a. No person shall cause, suffer, or permit any odor which causes annoyance or discomfort to the public from any source in such a manner that these malodors are detectable outside of the property of the person on whose land the source is being operated.
- b. Air quality standards of the Pennsylvania Department of Environmental Protection shall be complied with unless a more restrictive standard is established by this Ordinance and in which case the more restrictive standard shall apply.
- c. No person shall permit the emission into the outdoor atmosphere of visible air contaminants in such a manner that the opacity of the emission is greater than twenty percent (20%), except where the presence of uncombined water is the only reason for the failure of the emission to meet this limitation.

- d. No dust or dirt shall be discharged beyond the lot lines of the lot on which it originates.

2. Wastewater Management

- a. No wastewater discharge is permitted into a reservoir, sewage or storm disposal system, stream, open body or water, or into the ground, of any materials in such a way or of such nature or temperature as could contaminate any water supply or damage or be detrimental to any sewage system or sewage treatment plant, or otherwise cause the emission of dangerous objectionable elements unless treated so that the insoluble substances (oils, grease, acids, alkalines and other chemicals) are in accordance with the standards as approved by Water Pollution Control Boards, appropriate agencies of the Department of Environmental Protection, other municipality regulations or other agencies having jurisdiction.

3. Solids Waste Management

- a. No storage of waste material on the lot shall be permitted. All waste materials awaiting transport shall be concealed from view from all adjacent properties and streets, kept in enclosed containers, and be enclosed by a fence or other suitable means to adequately prevent access to the material from all adjacent properties.

4. Noise and Vibration

- a. Sound level limits, measured at the property line of the source of noise, shall be as follows, unless a more restrictive standard is applied elsewhere in this Ordinance.
- b. Ambient sound levels shall be observed with an Integrating Sound Level Meter complying with current Type 1 ANSI or ISO standards. The meter shall be set for “fast” response and “A” weighting. The average (equivalent) sound level shall be observed over at least a twenty (20) minute period.
- c. Measurements to determine compliance with Sound Level Limits shall be done with an Integrating Sound Level Meter conforming to current Type 1 ANSI or ISO standards. The meter shall be set for “fast” response and “A” weighting. The average (equivalent) sound level shall be observed over at least a twenty (20) minute period.

**Sound Levels by Receiving Land Use**

<u>Zoning of Adjoining Lot</u>	<u>Time</u>	<u>Sound Level (L<sub>eq</sub>) Limit</u>
Residential, Agricultural		

## ZONING

or Rural	7:00 a.m. – 10:00 p.m.	60 dBA
	10:00 p.m. – 7:00 a.m. plus Sundays and legal holidays	50 dBA
Commercial or Industrial- Commercial	7:00 a.m. – 10:00 p.m.	65 dBA
	10:00 p.m. – 7:00 a.m. plus Sundays and legal holidays	60 dBA
Industrial	At all times	70 dBA

- d. If existing ambient sound levels are equal to or higher than the prescribed limit, the new noise source shall be permitted to result in a sound level increase of up to 3 dBA over existing ambient sound levels, or to a maximum level which is 7 dBA higher than the prescribed maximum in the preceding table, whichever is lower. If the existing ambient sound levels are more than 7 dBA above the prescribed maximum, no increase above ambient sound levels shall be permitted.
- e. The maximum permissible sound levels listed in the previous table shall not apply to any of the following noise sources:
  - i. The emission of sound for the purpose of alerting persons to the existence of an emergency.
  - ii. Emergency work to provide electricity, water, or other public utilities when public health or safety are involved.
  - iii. Construction operations.
  - iv. Lawn maintenance equipment.
  - v. Motor vehicle operations.
  - vi. Short duration sound levels related to isolated events, provided the duration is less than one minute and the sound level does not exceed 90 dBA at the property line; provided they do not occur more than one time per hour; and provided they occur only between the hours of 7:00 a.m. and 7:00 p.m.
- f. No physical vibration shall be perceptible without use of instrument at or beyond the lot lines, unless such vibration shall be regulated by and shall have been approved by the Pennsylvania Department of Environmental Protection.

5. Visual and Heat

- a. No lighting shall be utilized in a manner which produces glare perceptible at or beyond the lot lines.
- b. Any operation producing heat shall be conducted in such a manner as to prevent any effect from the heat beyond the lot lines of the lot on which the operation is located.

6. Electromagnetic and Radioactive Radiation

- a. All electromagnetic radiation shall comply with the regulations of the Federal Communication Commission, provided that no electromagnetic radiation shall be produced which interferes with radio or television reception or the operation of other equipment beyond the lot lines. No injurious electromagnetic radiation or radioactive emission shall be produced, and all radioactive emissions shall meet Federal and State standards.

7. Carcinogenic Substances

- a. No carcinogenic substances shall be released into the air, ground, or water.

8. PA DEP Requirements

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

E. Warehousing, distributing and wholesale sales of manufactured foods, goods, and materials.

F. Financial institution.

G. Health fitness center.

H. Mini self-storage units pursuant to Section 523 of this Ordinance.

I. Shop of carpenter, electrician, metal worker, cabinet maker, upholsterer, plumber, mason painter, home builder, heating contractor, or similar skilled tradesman.

J. Heavy commercial uses, which shall be carried on in a completely enclosed building, except for off-street parking and loading facilities including wholesale businesses, storage and warehousing establishments, truck and freight terminals, delivery and distribution centers, mechanical and vehicle equipment repair establishments, and dry cleaning and dyeing plants.

## ZONING

- K. Heavy commercial or industrial uses which do not require complete enclosure in a building including building materials, new and used machinery storage and sales, vehicle and trailer sales and storage, farm equipment and construction machinery establishments, scrap processing operations or automobile shredding establishments.
- L. Quarries pursuant to Township Ordinance 1964-2<sup>1</sup>.
- M. Public uses and structures owned and operated by the Township or a municipal authority organized by the Township subject to the provisions of Section 539 of this Ordinance.
- N. Medical Marijuana Grower/Processor, as defined by this Ordinance, subject to the provisions of Section 553 of this Ordinance. [2017-4]
- O. Accessory buildings, structures and uses to the above uses when on the same lot as the permitted use and not detrimental to the neighborhood. [2017-4]
- P. Quasi-Municipal Use, as defined by this Ordinance, subject to the provisions of Section 539 of this Ordinance. [2017-4]

### Section 412.3 **Uses Permitted By Special Exception**

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board in accordance with Section 802.5 of this Ordinance:

- A. Accessory uses, or buildings, or structures not located on the same lot as the permitted principal use.
- B. Tower-Based Wireless Communications Facilities subject to Section 513 of this Chapter. [Ord. 2017-2]
- C. [Reserved]. [Ord. 2017-2]
- D. Junk yards, subject to:
  1. All junk yards shall be enclosed with a chain-link fence a minimum of six feet (6') in height with gates. Gates shall be securely locked except during business hours when an adult attendant is on the premises.
  2. All junk shall be stored and set back at least twenty-five feet (25') from any adjoining premises and at least fifty feet (50') from the right-of-way of any public street.
  3. Burning or melting of any junk, rubbish, or refuse is prohibited.

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<sup>1</sup> Codified as Chapter 22, Article IV.

4. All junk shall be stored and arranged so as to permit access by fire-fighting equipment and to prevent accumulation of stagnant water. Junk or scrapped automobiles shall not be piled to a height of more than eight feet (8') from the ground.
5. All gasoline shall be drained from any junk or scrapped automobiles into containers and removed from the premises within twelve (12) hours from arrival of junked automobiles on the premises.
6. No garbage or organic waste shall be permitted to be stored on any junk yard.

E. Trash transfer station, subject to:

1. The facility must conform to the regulations of and have a valid permit from the Pennsylvania Department of Environmental Protection.
2. The entire operation must be carried out in an enclosed building.
3. No trash shall be stored on the premises overnight, unless it is stored in leakproof, flyproof, and rodentproof containers.
4. The facility is to be used by trash haulers only, and shall not be open to the public.
5. Trash transfer stations shall handle only solid waste of a nonhazardous nature.

F. Recycling collection center, subject to:

1. All materials shall be stored inside a building.
2. Gasoline, oil, or other flammable or toxic substances shall be removed from any recyclable materials, or other items stored in the premises. Such liquid shall be removed and disposed of in a proper manner and shall not be deposited on or into the ground.
3. No material shall be burned on the premises.
4. No garbage or other waste liable to give off a foul odor to attract vermin or insects shall be kept on the premises.

G. The collection, processing, bottling and distribution of surface water and ground-water, subject to:

1. A permit shall be obtained from the Pennsylvania Department of Environmental Protection.

## ZONING

2. A hydrologic study shall be submitted to the Township, which shall indicate the impact of water collection activities on surface water and groundwater supplies and quality in the general area of such activities.

Water collection activities shall not endanger surface water and groundwater levels and quality on nearby properties. Any person engaged in water collection activities under this Section who affects a public or private water supply by contamination or diminution shall restore or replace the affected water supply with an alternate source of water adequate in quantity and quality for the purposes served by the water supply.

3. Any person engaged in water collection activities shall post security with the Township in such form and amount as the Township Board of Supervisors may determine to be adequate to guarantee the restoration or replacement of any water supply or supplies which may be adversely affected by such water collection activities.
4. The operator shall post security with the Township to cover the cost to repair, reconstruct or resurface any public roads maintained by the Township which are damaged or subjected to excessive wear resulting from the use of said roads by the operator or others in connection with the water collection operations. In lieu thereof the operator may enter into an agreement with the Township to make an annual contribution to be used in the maintenance of said roads.
5. The failure to post such security or to adequately protect the surface water and groundwater levels and quality on nearby properties shall be grounds for revocation of the operator's certificate of occupancy by the Township Board of Supervisors and, in that event, an officer of the Township, in addition to other remedies, penalties and forfeitures provided in this Zoning Ordinance, may institute in the name of the Township any appropriate action or proceeding to prevent, restrain, correct or abate any continuing violation of the provisions of this Ordinance by the operator.

## H. Airport or heliport, subject to:

1. Prior to use of the airport or heliport notification shall be made to the Federal Aviation Administration (FAA) of the intention to establish an airport and the FAA shall indicate it has no objection.
2. Prior to use of the airport or heliport, the site shall be inspected and approved for licensing by the Bureau of Aviation, Pennsylvania Department of Transportation.
3. The airport or heliport shall be constructed, operated, and maintained in accordance with the published rules and regulations of the Federal Aviation Administration, Pennsylvania Bureau of Aviation and the National Fire Protection Association.

4. The permit to operate the airport or heliport shall be revoked if:
  - a. The Bureau of Aviation revokes its license.
  - b. The FAA withdraws its approval.
  - c. The site becomes or is operated in violation of this Ordinance or the rules and regulations of the Federal Aviation Administration or the Pennsylvania Bureau of Aviation or is operated in a manner different than approved by the Bureau of Aviation or the Township Supervisors.
5. No night landings or take-offs shall be permitted.

I. Sanitary landfill, subject to:

1. The service area shall include Ontelaunee Township and the landfill shall serve the resident of Ontelaunee Township on an equal basis with its other customers.
2. All requirements of the Pennsylvania Solid Waste Management Act and regulations and standards of the Department of Environmental Protection relating to sanitary landfills shall be met. The applicant shall be required to submit any and all plans, applications, data, materials, studies, and information to the Township as is required to be submitted to the Pennsylvania Department of Environmental Protection pursuant to said Act, regulations and standards. All such materials shall be certified by the applicant to be true and correct copies of original materials filed with the Department. The applicant shall submit copies of all correspondence with the Department of Environmental Protection to the Township, regularly notify the Township of the status of this application to the Department, and notify the Township prior to any public hearing held on this application.

Prior to the onset of operation of the landfill, a permit must be obtained from the Pennsylvania Department of Environmental Protection for operation of the landfill.

3. The landfill shall be located so that safe and adequate access is available at all times. Any access road, as defined herein, to the proposed landfill shall be a minimum of twenty-four feet (24') paved cartway in width and paved with bituminous or concrete materials having a surface and base course of sufficient depth to withstand traffic loads, determined by the number and weight of trucks anticipated in a daily operation of the proposed landfill. The Township Board of Supervisors shall require that the cost of improvement of public access roads to provide this standard of access shall be assessed against the applicant either by requiring contribution of monies sufficient to pay for the improvements to the access roads, or by

## ZONING

assessing dumping fees on the operation of said landfill sufficient to pay for the improvements to the access roads. Applicant shall give written assurance by corporate surety bond that, within one (1) year of the termination of the landfill operation, all access roads will be restored, if necessary, to their condition existing immediately prior to the commencement of the operation, as determined by the Township engineer.

4. The landfill site shall be properly fenced along the interior boundary of the buffer yard to prevent blowing papers and other refuse on adjoining properties. The fence shall be galvanized metal wire mesh constructed of No. 9 gauge wire woven in a two inch (2") mesh in full conformance with American Society of Testing Materials Specifications. The surface height of the fence shall be eight feet (8'), plus an additional minimum of three (3) strands of barbed wire, installed at least six inches (6") apart onto brackets affixed to the top of the fence at an angle forty-five degrees (45°) from vertical facing away from the landfill. The fence shall contain at all entrances gates which are locked except during business hours. In addition, temporary litter control fences shall be installed, in such manner as to prevent litter from dispersing from the landfill site, no more than seventy-five feet (75') downwind from the immediate operating area. The landfill site shall be adequately policed, and all litter shall be collected daily and incorporated into the landfill.
5. The landfill shall be located a minimum of one hundred feet (100') from any street not located within the landfill site and one hundred feet (100') from any adjoining property line.
6. A buffer yard shall be maintained along all boundaries of the landfill, except at entrances. All buffer yards shall include a planted landscape screen composed of both a low level and high level screen. The species and spacing of trees shall be approved by the Zoning Officer and shall be such to constitute an effective screen. The high level screen shall consist of a combination of evergreen and deciduous trees with no deciduous specimen less than eight feet (8') in height when planted and no more than twenty-five feet (25') apart on center. Evergreen trees shall be no less than six feet (6') in height when planted and spaced at intervals of not more than ten feet (10') on center. The low level screen shall contain two (2) staggered rows not more than ten feet (10') apart. The operator shall maintain the planted screen and replace any plant material which does not live within one (1) year of initial planting.
7. A certified copy of all reports, data, plans, and other material or information required to be submitted to Pennsylvania Department of Environmental Protection shall be submitted to the Township Board of Supervisors.
8. The following definitions apply:

- a. "Access Road" – all roads, either public or private, within the Township which are used by vehicles weighing over twenty thousand (20,000) pounds, loaded, to transport solid waste to a landfill.
- b. "Landfill" – a disposal facility or part of a facility where solid waste is placed in or on land.
- c. "Landfill Site" – tract of land upon which is located a landfill, including all structures and other appurtenances or improvements erected thereon.
- d. "Sanitary landfill" – a land site on which engineering principles are used to bury deposits of solid waste without creating public health or safety hazards, nuisances, pollution , or environmental degradation.

J. Bed and Breakfast, subject to the provisions of Section 538 of this Ordinance.

Section 412.4 Area, Yard, And Height Regulations (Except as noted elsewhere in this Ordinance)

**Maximum Permitted**

Building Height	90 feet
Lot Area Covered by Buildings	25 percent
Lot Area Covered by Impervious Surface	65 percent
Storage Height	25 feet

**Minimum Requirements**

Lot Size	75,000 sq.ft.
Lot Width	
at street line	200 feet
at building setback line	200 feet
Front Yard	100 feet
Rear Yard	50 feet
Each Side Yard	50 feet
Distance Between Buildings	50 feet

## ZONING

All minimum side and rear yard dimensions shall be increased an additional one foot (1') for every one foot (1') a building height exceeds the height of forty feet (40'), up to ninety feet (90') in height.

All outdoor storage areas shall be fenced with a minimum six feet (6') high chain-link fence.

No building or accessory structure, storage, or parking or loading areas shall be located closer than two hundred feet (200') to any residential zoning district.

Ord. 2015-3, 12/3/2015, §6; as amended by Ord. 2017-2, 2/2/2017, §19-20; as amended by Ord. 2017-4, 4/6/2017, §4.

### **Section 413. Conservation Subdivision Overlay District**

#### **Section 413.1 Specific Intent**

In conformance with the state enabling legislation, the purposes of this Section, among others, are as follows:

- A. To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains and wetlands, by setting them aside from development;
- B. Contribute to the creation of a community wide greenway system for the benefit of present and future residents;
- C. Protect productive agricultural soils for continued or future agricultural use by conserving blocks of land large enough to allow for efficient farm operations;
- D. Conserve scenic views and elements of the Township's rural character, and to minimize perceived density, by minimizing views of new development from existing roads;
- E. Encourage innovation and promote flexibility, economy and ingenuity in development;
- F. Provide multiple development options for landowners to reflect their varying circumstances and the individual characteristics of their properties;
- G. Provide for diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences;
- H. Create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood greenway land, and with a strong neighborhood identity;

- I. Provide for the conservation and maintenance of greenway land and for active or passive recreational use by residents;
- J. Provide greater efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the impervious cover required for residential development;
- K. Provide a wider range of feasible locations for stormwater and wastewater facilities in order to comply with prevailing state-of-the-art designs and best management practices;
- L. Protect water quality and reduce erosion and sedimentation by retaining existing vegetation and minimizing development on steep slopes;
- M. Implement land use, greenway land, and community policies set forth in the municipalities' Comprehensive Plan.

#### Section 413.2 Development Options

- A. In order to achieve the stated purposes this Section provides for flexibility in designing new residential subdivisions by allowing the development options summarized below:
  - 1. Option One - Basic Conservation with Neutral Density, providing for residential uses at the density permitted by the underlying zoning. Greenway lands comprise at least fifty percent (50%) of the tract.
  - 2. Option Two - Estate Lots, providing for residential uses in lower density residential uses. Providing for lower densities in conventional layouts of standard houselots, where homes and streets are located carefully to minimize impacts on resource lands. Greenway lands comprise at least twenty-five percent (25%) of the tract.
  - 3. Option Three - Hamlets and Villages, providing for higher density development designed according to special guidelines to ensure that the resulting from incorporates the design principles of traditional villages and hamlets. Public sanitary sewer and public water facilities are required. Hamlets and Villages are allowed only in the R-2 District as a Conditional Use. See Section 422 for standards pertaining to Hamlet and Village development.

#### Section 413.3 Applicability

This district shall be an overlay in the A-1, A-3, R, R-1 and R-2 Districts and shall apply to all residential uses in those Districts on tracts of eight (8) acres or more (Gross Lot Area) except for minor subdivisions, which are exempt as set forth in Section 3.05 of the Subdivision and Land Development Ordinance.

Ord. 2015-3, 12/3/2015, §6.

### **Section 414. General Regulations for Conservation By Design Subdivisions**

The design of all new Conservation Design Subdivisions shall be governed by the following minimum standards:

- A. **Ownership** - The tract of land may be held in single and separate ownership or in multiple ownership. However, when a tract is held in multiple ownership, it shall be planned as a single entity represented by a single application and presented under a common plan, with common authority and common responsibility.
- B. **Site Suitability** - The tract incorporating this design option shall be suitable for supporting development in terms of environmental conditions, its size, and configuration.
- C. **Protection of Conservation Areas** - The proposed design shall strictly minimize disturbance of environmentally sensitive areas. Lands within the 100-year floodplain, wetlands, slopes in excess of twenty-five percent (25%), and rock outcrops constitute such environmentally sensitive areas where disturbance shall be strictly minimized. Demonstration by the applicant that these features will be protected by the proposed application shall be prerequisite to approval of both the Preliminary Plan and the Final Plan. The protection of Secondary Conservation areas shall be addressed through the Four-Step Design Process described in Section 5.92 of the Subdivision and Land Development Ordinance.
- D. **Combining the Design Options** - The various layout and density options described in this Section may be combined at the discretion of the Board of Supervisors, based upon demonstration by the applicant that such a combination would better fulfill the intent of this Ordinance, in particular the stated purposes of this Section, as compared with applying a single option to the property.
- E. **Wastewater Systems** - The selection of wastewater treatment technique is subject to approval by the Board of Supervisors and shall be consistent with the Township's Act 537 Sewage Facilities Plan and any Sewage Facilities Ordinance adopted by the Township.

The applicant shall prepare a plan for the ownership and maintenance of all sewage disposal systems, which shall be acceptable to the Township. All in-ground systems shall be maintained each year and a copy of the maintenance report filed with the Township Sewage Enforcement Officer.

Ord. 2015-3, 12/3/2015, §6.

### **Section 415. Use Regulations**

- A. **Uses Permitted By Right**

1. Single family detached dwellings.
2. Greenway land. See Greenway land uses in Section 418.
3. Additional by-right uses permitted in the applicable zoning district.

B. Uses Permitted By Condition - Option 3, Hamlets and Villages, subject to the standards contained in Sections 422, 423, 424, 425, 426, 427 and 428.

Ord. 2015-3, 12/3/2015, §6.

#### **Section 416. Maximum Dwelling Units And Minimum Greenway Land**

A. For each development option, the maximum number of dwelling units and minimum greenway land shall be as set forth in Tables 416.a. 1-3 Option One - Three, below.

Table 416.a.1 Option One: Basic Conservation with Neutral Density

Zoning District	Density Factor	Approx. acreage (1 acre = 43,560 sf)	Minimum Greenway Land
A-1	80,000 sf/du, ATA <sup>2</sup>	~2 acres	50% of ATA plus constrained land <sup>2</sup>
A-3	40,000 sf/du, ATA <sup>1</sup>	~1.0 acres	50% of ATA plus constrained land <sup>2</sup>
R	80,000 sf/du, ATA <sup>1</sup>	~2 acres	50% of ATA plus constrained land <sup>2</sup>
R-1	40,000 sf/du, ATA <sup>1</sup>	~ 1 acre	50% of ATA plus constrained land <sup>2</sup>
R-2	20,000 sf/du, ATA <sup>1</sup>	~.5 acre	50% of ATA plus constrained land <sup>2</sup>

Table 416.a.2 Option Two: Estate Lot

Zoning District	Density Factor	Approx. acreage (1 acre = 43,560 sf)	Minimum Greenway Land
A-1	160,000 sf/du, ATA <sup>1</sup>	~4 acres	25% of ATA plus constrained land <sup>2</sup>
A-3	80,000 sf/du, ATA <sup>1</sup>	~2 acres	25% of ATA plus constrained land <sup>2</sup>

<sup>2</sup> ATA = Adjusted Tract Area (see Section 416.c)

## ZONING

R	160,000 sf/du, ATA <sup>1</sup>	~4 acres	25% of ATA plus constrained land <sup>2</sup>
R-1	80,000 sf/du, ATA <sup>1</sup>	~ 2 acres	25% of ATA plus constrained land <sup>2</sup>

Table 416.a.3 Option Three: Hamlet and Village

Zoning District	Density Factor	Approx. acreage (1 acre = 43,560 sf)	Minimum Greenway Land
R-2	10,000 sf/du, ATA	~1/4 acre	40% of ATA plus constrained land <sup>3</sup>

B. Greenway Land shall be set forth in Tables 416.a. 1-3.

1. Greenway land shall be delineated to include all Primary Conservation Areas, and, in addition, sufficient Secondary Conservation Areas that, when added to the Primary Conservation Areas, shall equal the minimum required greenway land.
2. Greens.
  - a. In Option One and Two, at least two to three percent (2-3%) of the required greenway land shall be in the form of common greens. The minimum percentage of greenway land in greens shall be as follows:
    - i. Two percent (2%) of the required greenway land when the average lot size is fifteen thousand square feet (15,000 sq. ft.) or more;
    - ii. Three percent (3%) of the required greenway land when the average lot size is less than fifteen thousand square feet (15,000 sq. ft.).
  - b. In Option One and Two, up to eighty percent (80%) of the required greenway land may be in the form of “conservancy lots” as permitted in Section 420.1.d. The remaining greenway land shall be owned and managed by a community association, conservation organization, or the Township, in conformance with Section 420.

C. Adjusted Tract Area Approach. Determination of the maximum number of dwelling units shall be based upon the following calculations.

1. Determine Gross Tract Area. Gross tract area shall equal the acreage within the legally described parcel minus existing public or private road rights-of-way.

<sup>3</sup> See Section 416.c

2. Determine Constrained Land. Constrained land consists of the resources listed in Table 416.c., below, multiplied by a protection factor, and totaled. In the event two or more resources overlap, only the resource with the highest protection factor shall be used.

Table 416.c.

	Resource	Area of Resource (acres)	Protection Factor	Constrained Land (acres)
a.	Existing Utility Rights-of-Way		x 1.0	=
b.	That portion of lands under conservation easement that are restricted from further development		x 1.0	=
c.	100-year Floodplain		x 1.0	=
d.	Wetlands		x 0.95	=
e.	Prohibitive Steep Slopes (over 25%)		x 0.85	=
f.	Precautionary Steep Slopes (15-25%)		x 0.25	=
g.	Rock Outcroppings over 1,000 SF in area		x 0.90	=
h.	<b>CONstrained LAND = SUM OF a through g =</b>			

3. Determine Adjusted Tract Area (ATA). Adjusted Tract Area equals the gross tract area minus the constrained land.

a.	Gross tract area	_____ acres
b.	Minus Constrained Land (from Table 417.c. above)	- _____ acres
c.	Equals Adjusted Tract Area (ATA)	= _____ acres ATA

4. Maximum Number of Dwelling Units. In Options One, Two and Three, the maximum number of dwelling units equals the Adjusted Tract Area (ATA) divided by the applicable density factor set forth in Tables 416.a. 1-3

## ZONING

a.	Adjusted Tract Area (from 3.c. above, converted to square feet)	_____ SF
b.	Divided by density factor (from applicable Table 416.a 1-3)	÷ _____
c.	Equals maximum number of dwelling units	= _____ DU's

a. Where calculations result in fractional numbers, the fraction shall be rounded down to the next whole number.

D. Total Number of Dwelling Units. The total number of dwelling units permitted on a development site shall not exceed the maximum number of dwelling units permitted in Section 416.c.4. The calculation shall be itemized in a table on the plan.

Ord. 2015-3, 12/3/2015, §6.

### **Section 417. Dimensional Standards For Option One: Basic Conservation With Neutral Density As Follows:**

A. The dimensional standards in Table 417.a. shall apply to Option 1.

Tract Size Min. 8 acres Gross	A-1 80,000 SF Base Den- sity	A-3 40,000 SF Base Den- sity	R 80,000 SF Base Den- sity	R-1 40,000 SF Base Den- sity	R-2 20,000 SF Base Den- sity
<b>Option 1 Den- sity</b>	80,000 sf/du	40,000 sf/du	80,000 sf/du	40,000 sf/du	20,000 sf/du
Lot Size Min.	20,000 sf	10,000 sf	20,000 sf	10,000 sf	7,500 sf
Min. Lot Width	80'	60'	80'	60'	40'
Minimum Street Frontage	35 feet	35 feet	35 feet	35 feet	35 feet
Yard Regula- tions					
Min. Front	20 feet	20 feet	20 feet <sup>1</sup>	20 feet	20 feet
Min. Rear	30 feet	30 feet	30 feet <sup>1</sup>	30 feet	30 feet
Min. Side	30 feet separation for build- ings, no side yard less than 5'	30 feet separation for build- ings, no side yard less than 5'	30 feet <sup>1</sup> separation for build- ings, no side yard less than 5'	30 feet separation for build- ings, no side yard less than 5'	30 feet separation for build- ings, no side yard less than 5'
Maximum Im- pervious Cover- age	20 percent limit on each lot	35 percent limit on each lot	20 percent limit on each lot	35 percent limit on each lot	50 percent limit on each lot

Maximum Height Regulations	35'	35'	35'	35'	35'
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<sup>1</sup>Minimum setbacks of structures and on-lot sewage disposal systems from Lake Ontelaunee shall be 150 feet.

B. Dimensional Standards for Option Two: Estate Lots: Table 417.b.

Tract Size Min. 8 acres Gross	A-1 80,000 SF Base Density	A-3 40,000 SF Base Density	R 80,000 SF Base Density	R-1 40,000 SF Base Density
<b>Option 2 Density</b>	160,000 sf/du	80,000 sf/du	160,000 sf/du	80,000 sf/du
Lot size min.	40,000 sf	40,000 sf	40,000 sf	40,000 sf
Min. Lot Width:	100'	100'	100'	100'
Minimum Street Frontage	50 feet	50 feet	50 feet	50 feet
Yard Regulations				
Min. Front	150 feet from the right-of-way of existing municipal roads, but 40 feet from the right-of-way of new subdivision streets	150 feet from the right-of-way of existing municipal roads, but 40 feet from the right-of-way of new subdivision streets	150 feet from the right-of-way of existing municipal roads, but 40 feet from the right-of-way of new subdivision streets	150 feet from the right-of-way of existing municipal roads, but 40 feet from the right-of-way of new subdivision streets
Min. Rear	50 feet minimum for principal buildings and 10 feet for accessory buildings (except that accessory buildings with a ground floor area exceeding 500 square feet shall conform to the setback requirements for principal structures).	50 feet minimum for principal buildings and 10 feet for accessory buildings (except that accessory buildings with a ground floor area exceeding 500 square feet shall conform to the setback requirements for principal structures).	50 feet minimum for principal buildings and 10 feet for accessory buildings (except that accessory buildings with a ground floor area exceeding 500 square feet shall conform to the setback requirements for principal structures).	50 feet minimum for principal buildings and 10 feet for accessory buildings (except that accessory buildings with a ground floor area exceeding 500 square feet shall conform to the setback requirements for principal structures).

## ZONING

Min. Side	35'	35'	35'	35'
Maximum Impervious Coverage	10 percent limit on entire subdivision tract			
Maximum Height Regulations	40'	40'	40'	40'

C. Dimensional Standards for Option Three: Hamlets and Villages: Table 417.c.

<b>Tract Size Min. 8 acres Gross</b>	<b>R-2 20,000 SF Base</b>
<b>Option 3 Density</b>	10,000 sf/du
Open Space	40%

Refer to Section 425 for additional standards.

D. Design Standards for Options One, Two and Three

1. No part of any residential lot shall encroach upon greenway land with the exception of conservancy lots, as permitted in Section 420.1.d.
2. All new dwellings shall meet the following setback requirements:

From external road ultimate rights-of-way	100 feet
From all other tract boundaries	50 feet
From cropland or pasture land	100 feet
From buildings or barnyards housing livestock	300 feet
From active recreation areas such as courts or playing fields (not including tot lots)	50 feet

E. The additional design standards in Article V of the Subdivision and Land Development Ordinance shall apply.

Ord. 2015-3, 12/3/2015, §6.

## Section 418. Greenway Land Use and Design Standards

A. Uses permitted in greenway lands:

1. Conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow);
2. Permitted agricultural uses. In the R, A-1, A-3 and R-1 Districts agriculture and greenhouses are permitted, subject to the requirements listed in Section 402.2.a.
3. Pastureland for horses used solely for non-commercial recreational purposes. Equestrian facilities shall be permitted but may not consume more than half of the minimum required greenway land.
4. Forestry, subject to the applicable regulations of this Ordinance.
5. Active non-commercial recreation areas, such as playing fields, playgrounds and bikeways, not requiring supporting structures. Such recreational uses shall meet the following standards:
  - a. Such areas shall not consume more than fifty percent (50%) of the minimum required greenway land or five acres, whichever is less. The five (5) acre limit may be increased to ten (10) acres on development parcels two hundred (200) acres or larger.
  - b. Playing fields and playgrounds shall not be located within one hundred feet (100') of the tract boundary except where they would adjoin public or private parkland or within fifty feet (50') of a dwelling unit within the development parcel.
  - c. Minimum parking facilities for the same, as determined by the Township, may also be permitted. Such lots may be paved with gravel and shall be unlighted, properly drained and provide safe ingress and egress.
6. Non-commercial recreation areas such as playing fields, courts, greens, trails, squares, parks, swimming pools or picnic areas requiring supporting structures, and their parking areas, are permitted. Structures shall be de minimus to the activity. Parking areas may be paved with gravel and shall be unlighted, properly drained, and provide safe ingress and egress.
7. Audubon International Signature golf courses and their accessory facilities and parking areas, when permitted by the underlying zoning district, may comprise up to fifty percent (50%) of the minimum ATA of the required greenway land. This use shall not include driving ranges or miniature golf. The gross floor area devoted to sales of golf equipment, clothing, food and other similar items shall not exceed one thousand two hundred square feet (1,200 sq. ft.) gross. Accessory facilities and parking areas shall not count toward the minimum greenway land requirement.

## ZONING

8. The total area of water supply systems, sewage disposal systems, storm-water management systems and associated easements may occupy up to twenty percent (20%) of the minimum ATA required in the greenway land. The following standards shall apply:
  - a. Water Supply Systems.
    - i. Drainage easements for water lines may be counted toward the minimum greenway land requirement.
    - ii. Land used for ground-level well structures and associated parking exceeding five thousand square feet (5,000 sq. ft.) shall not count toward the minimum greenway land requirement.
  - b. Sewage Disposal Systems.
    - i. Sewage treatment lagoons, structures, structure access areas and parking lots shall not count toward the greenway land requirement.
    - ii. Sewage disposal areas shall be appropriate for active or passive recreation or managed as meadows and may be counted toward the minimum greenway land requirement.
    - iii. Absorption fields serving individual dwelling units may be located in the greenway land, but individual treatment tanks shall be located within the lots they serve.
    - iv. Drainage easements for sewer lines may be counted toward the minimum greenway land requirement.
  - c. Stormwater Management Systems. The following stormwater management practices may be counted toward the minimum greenway land requirement provided they meet the guidelines in the Pennsylvania Stormwater Best Management Practices Manual:
    - i. Infiltration basin, provided the berms do not exceed thirty six inches (36") in height;
    - ii. Subsurface infiltration bed;
    - iii. Infiltration trench;
    - iv. Rain garden;
    - v. Vegetated swale;

- vi. Infiltration berm, provided the berms do not exceed twenty four inches (24") in height.
9. Easements or rights-of-way for overhead power lines shall not count toward the minimum greenway land requirement.
10. Specifically prohibited are:
  - a. Motorized off-road vehicles, shooting ranges and other uses similar in character and impact as determined by the Board of Supervisors. This provision shall not prohibit vehicles used for maintenance purposes.
  - b. Surface mining and quarrying.

B. Greenway Land Design Standards

1. Greenway land shall be laid out in accordance with any Township map of Potential Conservation Lands in the Comprehensive Plan, to ensure that, over time, an interconnected network of greenway land will be created.
2. In Options 1, 2, and 3 wherein twenty five percent (25%) to fifty percent (50%) of the Adjusted Tract Area is set aside as greenway land, which may be owned by various entities, at least twenty percent (20%) of the greenway land shall be in a form accessible to and usable by the residents of the subdivision.
3. Greenway land in all options shall be identified and laid out according to the Four-Step Design Process described in Section 5.92 of the Subdivision and Land Development Ordinance, which begins with the identification of Primary and Secondary conservation areas.
4. Up to five percent (5%) of the total tract acreage in any of the options may be required to be dedicated to the Township to provide potential connections with a regional trail network. Recreation facilities are discussed further in Section 5.89 of the Subdivision and Land Development Ordinance.
5. Buffers for Adjacent Public Parkland: Where the proposed development adjoins public parkland, a natural greenway land buffer at least fifty feet (50') deep shall be provided within the development along its common boundary with the parkland, within which no new structures shall be constructed, nor shall any clearing of trees or understory growth be permitted (except as may be necessary for street or trail construction). Where this buffer is unwooded, the Board of Supervisors may require vegetative screening to be planted, or that it be managed to encourage natural forest succession.

## ZONING

### C. Other Requirements

1. Pedestrian and maintenance access, excluding those lands used for agricultural purposes, shall be provided to greenway land in accordance with the following requirements:
  - a. Each subdivision shall provide one centrally located access point for each fifteen (15) lots. The access point or strip shall be a minimum of thirty five feet (35') in width and shall contain an improved means of pedestrian access. The means of access shall be consistent with pedestrian facilities within the greenway to which it provides access.
  - b. Access to greenway land used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations.
2. All greenway land areas that are not wooded or farmed shall be landscaped in accordance with the landscaping requirements of the Subdivision and Land Development Ordinance.
3. Greenway lands shall not be allocated for residential accessory uses such as, but not limited to, keeping of animals, sheds, and gardens.

Ord. 2015-3, 12/3/2015, §6.

## **Section 419. Greenway Land: Permanent Protection**

Whenever the landowner is providing greenway land as part of the development, a conservation easement restricting such greenway land in perpetuity against further subdivision or development shall be executed between the landowner and the municipality or a qualified land conservancy acceptable to the Township. Deed restrictions may also be used in certain applications, in accordance with Subsection 419.2 below.

### **Section 419.1 Conservation Easements**

Conservation easements are required to protect greenway lands from further subdivision and development and to conserve the natural characteristics of such lands. Conservation easements shall conform to the following minimum requirements:

- A. Easements granted to a land conservancy shall be granted to a land conservancy meeting the requirements in Section 420. The Grantee shall have the rights of reasonable entry and enforcement.
- B. The property made subject to the conservation easement shall be described by metes and bounds, by an exhibit containing the subdivision plan and designating the property, and photographs which illustrate the nature and character of the

property and any special environmental features identified by the Planning Commission during the subdivision process.

- C. Grantors shall declare that the terms of the easement shall run with the land and bind the property in perpetuity for the benefit of the Grantee.
- D. The uses of property subject to the conservation easement shall be limited by the permitted uses defined by Section 418 of this Ordinance. The following use restrictions shall also apply:
  - 1. The property shall not be further subdivided into additional building lots.
  - 2. Construction shall be permitted only in areas specifically designated in the property description and approved by the Board of Supervisors. The determination of the need for any additional disturbance shall lie with the Board of Supervisors.
  - 3. Permitted construction activities, including cutting and removing of trees and other vegetation, shall be permitted only in compliance with the Management Plan.
  - 4. Signs, fencing and dumping shall be restricted in consistence with the permitted uses and Management Plan.
- E. The terms and restrictions of the conservation easement shall be approved by the Board of Supervisors which shall be guided by the objectives set forth in the Ontelaunee Comprehensive Plan, as well as the Management Plan for the property.
- F. Provisions pertaining to remedies, liability, indemnification and other relevant subjects, shall be approved by the Grantor, the Township and the authorized representative of the Grantee before final approval of the development plan by the Township.

#### Section 419.2 Deed Restrictions

- A. Deed restrictions may be used in the place of conservation easements only under the following circumstances:
  - 1. When the total greenway land required for the entire subdivision or land development totals less than five (5) acres.
  - 2. If no entity is available or willing to hold a conservation easement on required greenway land.
- B. When permitted, deed restrictions shall comply with the following standards:
  - 1. The Township shall be party to the deed restriction.

## ZONING

2. Restrictions, meeting Township specifications, shall be placed in the deed for each lot with greenway land. The deed restriction shall ensure the permanent protection and continuance of the greenway land and shall define permitted uses.
3. The individual deeds shall state that maintenance responsibility for the greenway land lies with the property owner.
4. Except for any further subdivision or land development rights stated in the Preliminary Plan approval, the deed restriction shall prohibit further subdivision.

### **Section 420. Greenway Land and Common Facilities: Ownership and Maintenance**

#### **Section 420.1 Ownership Options for Greenway Land**

The following methods may be used, either individually or in combination, to own common facilities and greenway land. Greenway land and common facilities shall not be transferred to another entity except for transfer to another method of ownership permitted under this section, and then only when there is no decrease in the total greenway land and there is no change in the common facilities or in the open space ratio of the overall development and upon approval of the Board of Supervisors. Ownership methods shall conform to the following:

##### **A. Township**

1. **Fee Simple Dedication to the Township.** The Township may, but shall not be required to, accept dedication of any portion of the greenway land and common facilities provided that:
  - a. There is no cost of acquisition to the Township; and
  - b. The Township agrees to and has access to maintain such greenway land and facilities.
2. **Dedication of Easements to the Township.** The Township may, but shall not be required to, accept dedication of easements for public use of any portion of the greenway land. In such cases, the facility remains in the ownership of the community association, or private conservation organization, while the Township holds the easements. In addition, the following regulations shall apply:
  - a. There shall be no cost of acquisition to the Township;
  - b. Any such easements for public use shall be accessible to the residents of the Township; and

- c. A satisfactory maintenance agreement shall be reached between the owner and the Township.

B. Community Association

Greenway land and common facilities may be held in common ownership for the use of all residents of the subdivision or land development and shall thereby be controlled and maintained by a Community Association. Community Association Documents shall be in compliance with the Pennsylvania Uniform Planned Community Act (as to a Homeowners' Association Document) or the Pennsylvania Uniform Condominium Act (as to a Condominium Association Document), as the case may be. The Community Association Document shall include, but not be limited to, the following:

1. A description of the common greenway land to be owned by the Community Association. This description shall include a plan of the proposal highlighting the precise location of all aspects of the common greenway land;
2. Statements setting forth the powers, duties, and responsibilities of the Community Association, including the services to be provided;
3. A Declaration of Covenants, Conditions, and Restrictions (Declaration), giving perpetual easement to the lands and facilities owned by the Community Association. The Declaration shall be a legal document providing for automatic membership for all owners in the subdivision or land development and shall describe the mechanism by which owners participate in the Community Association, including voting, elections, and meetings. The Declaration shall give power to the Community Association to own and maintain the common greenway land and to make and enforce rules;
4. Statements prescribing the process by which Community Association decisions are reached and setting forth the authority to act;
5. Membership in the Association shall be automatic, mandatory for all purchasers of dwelling units therein and their successors in title;
6. Statements setting cross covenants or contractual terms binding each owner to all other owners for mutual benefit and enforcement;
7. Requirements for all owners to provide a pro rata share of the cost of the operations of the Community Association;
8. A process of collection and enforcement to obtain funds from owners who fail to comply;
9. A process for transition of control of the Community Association from the developer to the unit owners;

## ZONING

10. Statements describing how the common greenway land of the Community Association will be insured, including limit of liability;
11. Provisions for the dissolution of the Community Association;
12. Agreements for the maintenance of stormwater management facilities;
13. Agreements for the maintenance and operation of water supply and wastewater treatment facilities;
14. The Association shall be responsible for maintenance and insurance of common facilities;
15. The by-laws shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in his dues. Such dues shall be paid with the accrued interest before the lien may be lifted;
16. Written notice of any proposed transfer of common facilities by the association or the assumption of maintenance for common facilities must be given to all members of the Association and to the Township Board of Supervisors for approval no less than thirty (30) days prior to such event;
17. The applicant shall provide the Township for approval a description of the organization of the proposed Association, including its by-laws, and all documents governing ownership, maintenance, and use restrictions for common facilities; and
18. The Association shall have adequate staff to administer, maintain and operate such facilities.

### C. Private Conservation Organization or Berks County

With permission of the municipality, an owner may transfer either fee simple title of the greenway land or easements on the greenway land to a private non-profit conservation organization or to Berks County provided that:

1. The conservation organization is acceptable to the Township and is a bona fide conservation organization intended to exist indefinitely;
2. The conveyance contains appropriate provisions for proper reverter or re-transfer in the event that the organization or Berks County becomes unwilling or unable to continue carrying out its functions;
3. The greenway land is permanently restricted from future development through a conservation easement and the Township is given the ability to enforce these restrictions; and
4. A maintenance agreement acceptable to the municipality is established between the owner and the organization or Berks County.

### D. Conservancy Lots

Up to eighty percent (80%) of the required greenway land may be located within one or more privately owned conservancy lots of at least ten (10) acres provided:

1. The greenway land is permanently restricted from future subdivision and development through a conservation easement, except for those uses listed in Section 420.
2. The easement provides the Township the right, but not the obligation, to enforce these restrictions.

#### Section 420.2 Management Plan

- A. Unless otherwise agreed to by the Township, the cost and responsibility of maintaining greenway land shall be borne by the property owner, community association, or conservation organization.
- B. The applicant shall, at the time of preliminary plan submission, provide a plan for management of greenway land in accordance with Section 4.28 in the Subdivision and Land Development Ordinance.
- C. The plan shall define ownership.
- D. The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e., lawns, playing fields, meadow, pasture, cropland, woodlands, etc.).
- E. The Plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the greenway land and operation of any common facilities on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs.
- F. At the Township's discretion, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of the greenway land and common facilities for up to one (1) year.
- G. Any changes to the Management Plan shall be approved by the Board of Supervisors.

#### Section 420.3 Remedy

Failure to adequately maintain the greenway land in reasonable order and condition in accordance with the development plan constitutes a violation of this Ordinance.

- A. In the event that the organization established to maintain the greenway land, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, the Township may serve written notice upon the owner of record, setting forth the manner in which the owner of record has failed

## ZONING

to maintain the greenway land in reasonable order and condition, and may direct the owner to remedy the same within twenty (20) days.

- B. Upon default by any owner or other entity responsible for maintenance of greenway land, where such maintenance is necessary to abate a nuisance, emergency, hazard or other condition threatening persons or property or the public health, safety or welfare, the Township may, but shall not be obligated to, take the following actions:
  1. Upon thirty (30) days advance written notice to the owner or entity responsible for such maintenance (or any lesser number of days as may be specified in the notice in instances of emergency) and the failure of such owner or entity to perform the necessary maintenance and remedy the condition set forth in the notice, the Township may enter upon the greenway land to correct the condition. If the Township is forced to assume responsibility for maintenance, any escrow funds may be forfeited and any permits may be revoked or suspended.
  2. Any and all costs incurred by the Township in connection with such notice and maintenance shall be paid by the owner or responsible entity within ten (10) days after written demand by the Township. Upon failure of the owner or responsible entity to pay such costs in the time required, there shall be added thereto, interest at the rate of fifteen percent (15%) per annum as well as all costs incurred by the Township in collection thereof.
  3. All such costs of maintenance, remediation, notices, and collection, including court costs and attorney's fees, shall constitute a Township lien and be enforceable as such against the owner or responsible entity. Notice of such lien shall be filed by the Township in the office of the Prothonotary of the County.

### Section 420.4 Ownership and Maintenance Agreement

The applicant shall, at the time of final plan submission, provide a proposed Ownership and Maintenance Agreement to the Board of Supervisors for its review. Such agreement shall set forth the obligations and duties of the applicant and any other affected parties with respect to compliance with Sections 413 through 428 of this Ordinance. The agreement shall provide for the enforcement of the agreement and penalties for violation of the agreement. The Township shall be entitled to recover any costs, including but not limited to attorneys' fees, for enforcement from the violating party. The application for plan approval shall not be granted unless the agreement under this Section has been accepted by the Board of Supervisors and executed by the applicant and any other affected parties. The Ownership and Maintenance Agreement shall be recorded in the Office of the Recorder of Deeds of Berks County along with the final plan.

Ord. 2015-3, 12/3/2015, §6.

### **Section 421. Additional Definitions**

- A. **GREENWAY LAND** - That portion of a tract that is set aside for the protection of sensitive natural features, farmland, scenic views, and other unique features. Greenway land may be accessible to the residents of the development and/or the municipality, or it may contain areas of conservancy lots which are not accessible to the public.
- B. **COMMON FACILITIES** – All the real property and improvements, owned in common by residents within the development, which is served by the facilities. Common facilities include, without limitation, landscaped areas, buffers, greenway land not included within the title lines of any privately owned lot, and street rights-of-way not dedicated to the municipality.
- C. **COMMUNITY ASSOCIATION** – A non-profit organization comprised of homeowners or property owners, the function of which is to maintain and administer property owned in common by members of the association or by the association, to protect and enhance the value of the property owned individually by each of the members. Homeowners Associations and Condominium Associations are types of Community Associations.
- D. **CONDOMINIUM** – Real Estate, portions of which is designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the separate portions, in accordance with the Pennsylvania Uniform Condominium Act 1980-82, as amended.
- E. **CONSERVANCY LOT** – A large, privately-owned lot comprising part of an area of open land. The purpose of the conservancy lot is to provide surrounding residents with visual access to greenway land, while keeping the land under private ownership and maintenance. Only a small portion of such lots may be developed; the remainder must be protected through conservation easements and used in conformance with standard for greenway land. Public access to conservancy lots is not required.
- F. **CONSERVATION AREAS, PRIMARY** – Lands containing the 100-year floodplain (including the floodway), wetlands, and steep slopes (above twenty five percent (25%)). In conservation subdivisions, all Primary Conservation Areas are required to be located within greenway lands.
- G. **CONSERVATION AREAS, SECONDARY** – Lands containing secondary resources that are conserved as part of greenway land.
- H. **GREEN, COMMON, OR SQUARE** – An area of greenway land, surrounded by streets or civic, institutional or commercial uses on at least two (2) and often three (3) or four (4) sides, around which dwellings are organized.
- I. **HAMLET** – A compact residential development containing at least eight (8) but no more than twenty five (25) dwelling units.

## ZONING

- J. **HOMEOWNERS ASSOCIATION** – A non-profit organization comprised of homeowners or property owners, planned and operated under negotiated and approved rules and regulations, for the purpose of administering the needs of residents through the maintenance of community owned property. This term is synonymous with property owners association.
- K. **VILLAGE** – A compact residential or mixed use development containing twenty six (26) or more dwelling units.

Ord. 2015-3, 12/3/2015, §6.

### **Section 422. Standards For Hamlets And Village Option**

#### **Section 422.1 Specific Intent**

In conformance with the state enabling legislation, the purposes of this Article, among others, are as follows:

- A. To encourage creation of a functionally diverse, but visually unified, community focused on a central square.
- B. To promote use of common greens, landscaped streets, boulevards, parkways, and “single-loaded” streets woven into street and block patterns in order to provide neighborhood identity and space for social activity, parks, and visual employment.
- C. To provide buildings for common or institutional purposes, such as civic or religious assembly, that act as visual landmarks and symbols of identity.
- D. To promote the location of dwellings, shops, and workplaces in close proximity to each other, the scale of which accommodates and promotes pedestrian travel for trips within the community.
- E. To reduce traffic congestion and dependence on the automobile by creating a hierarchy of streets and ways that effectively serve pedestrians, cyclists and drivers.

#### **Section 422.2 Applicability and Location Criteria**

Hamlet and village development is a conditional use in the R-2 District on tracts 8 acres, ATA or larger. Such development shall apply to the Conditional Use Standards in Section 709 of the Zoning Ordinance and with the standards in Zoning Ordinance Section 422.

- A. Hamlets and villages should be sited and designed to avoid or minimize negative impacts on existing woodlands and hedgerows, wetlands, stream valleys, cultural landscapes and scenic views from municipal roads.

- B. The use of special site design techniques is encouraged as a way of conserving the municipality's rural character in situations where topography, hedgerows, or other vegetation would not provide naturalistic screening opportunities.
- C. Villages proposed to contain more than fifty (50) dwelling units shall be located with direct access to at least one primary arterial or collector road identified in the Comprehensive Plan.
- D. Hamlets and villages shall be served by public or central sewer and water.

#### **Section 422.3 Scale Criteria**

- A. Hamlets shall include at least eight (8), but no more than twenty five (25) units. The minimum land area for a hamlet shall be two (2) acres of Adjusted Tract Area (ATA).
- B. Villages shall contain twenty six (26) or more dwelling units. The minimum land area for a village shall be six (6) acres of ATA.

Ord. 2015-3, 12/3/2015, §6.

### **Section 423. Uses For Hamlets And Villages**

#### **Section 423.1 Hamlets**

Uses in hamlets may include:

- A. Residential uses:
  - 1. Single-family detached dwellings
  - 2. Semi-detached dwellings
  - 3. Three (3) and four (4) family dwellings designed to resemble traditional multi-family homes built in the boroughs and villages of the county prior to 1930, and sited so they front directly onto streets, not parking areas.
  - 4. Home occupations and other uses accessory to residential uses.
- B. Greenway land.

#### **Section 423.2 Villages**

All villages shall contain both a Village Residential Area and Village greenway land. Villages may also contain a Village Commercial Area. These areas are intended to provide for the diversity necessary for traditional village life while maximizing the interactions among related uses and minimizing the adverse impacts of different uses upon each other.

## ZONING

- A. The Village Residential Area is intended to contain dwelling units and related accessory uses. It is located outside the Village Commercial Area.
- B. The Village Commercial Area is intended primarily to provide uses that meet the retail and service needs of a traditional village center and its vicinity, and may contain other compatible uses such as civic and institutional uses of community-wide importance and second-floor residential uses. The Village Commercial Area may be located either at the approximate center of the village, or at the edge, near an existing municipal collector or arterial street.
- C. The Village greenway land is intended to provide a greenbelt surrounding the Village Residential Area and greens within the Village Residential and Village Commercial Area.
- D. Village Residential Area – Uses may include:
  - 1. Uses permitted in Section 423.1.a. above except that at least twenty percent (20%) of the units shall be of a type other than single-family detached.
- E. Village Commercial Area – uses may include:
  - 1. The residential uses permitted in the Village Residential Area.
  - 2. Retail uses, professional offices and personal or professional services occupying six thousand square feet (6,000 sq. ft.) or less in one and one-half (1½) story buildings, and up to eight thousand square feet (8,000 sq. ft.) in buildings of two (2) or more stories. Uses with drive-in windows are prohibited.
  - 3. Civic and institutional uses such as schools, libraries, and places of worship.
  - 4. Governmental or public uses, excluding storage of materials, trucking or repair facilities, private or municipal sanitary landfills, recycling facilities, township garages, and sand/salt storage facilities.
  - 5. Bed and Breakfast establishments
  - 6. Family Day Care Home
  - 7. Adult and Child Day Care Centers
  - 8. Elderly Housing, Nursing Homes
  - 9. Second-story dwelling units are specifically encouraged and shall be permitted in addition to the maximum number of units otherwise permitted, provided the total number of dwelling units in a development shall not be

increased by more than ten (10) dwelling units or ten percent (10%), whichever is greater.

10. Home occupations
11. Live/work units for artisans, professionals, and service providers
12. Active recreation

Ord. 2015-3, 12/3/2015, §6.

**Section 424. Density, Intensity and Minimum Greenway Land For Hamlets and Villages**

**Section 424.1 Dwelling Units**

The maximum number of dwelling units shall be determined as set forth in Section 416.

**Section 424.2 Commercial Intensity**

Village Commercial development, including associated parking areas, may occupy up to five percent (5%) of the Adjusted Tract Area of the entire village. This maximum may be increased:

- A. Up to ten percent (10%) if the new buildings include second-story non-retail commercial uses above at least ten percent (10%) of the new commercial building coverage.
- B. Up to fifteen percent (15%) if they include second-story residential uses and at least half (1/2) the new building coverage shall be of two (2) story construction and at least twenty five percent (25%) of the second-story shall be designed for residential use.

**Section 424.3 Greenway Land**

- A. The minimum required greenway land shall be as set forth in Section 416.

Ord. 2015-3, 12/3/2015, §6.

**Section 425. Area and Dimensional Standards For Hamlets and Villages**

**Section 425.1 Residential Uses**

- A. Residential uses shall meet the lot area and width standards in Table 425.1.a.

**Table 425.1.a.**

## ZONING

	Minimum Lot Area	Minimum Lot Width at Building Line
Single-family detached dwelling	5,500 SF	40 ft.
Single-family detached dwelling with accessory dwelling unit	8,500 SF	40 ft.
Semi-detached dwelling (twin)	2,750 SF	30 ft.
3 to 4 family dwelling (townhouse)	1,950 SF	18 ft.

B. Residential uses shall meet the yard requirements in Table 425.1.b. Side yards may be modified in accordance with Section 425.2.

Table 425.1.b.

	Minimum Front Yard (from street line unless otherwise indicated)	Minimum Rear Yard	Minimum Side Yard
Principal dwelling:			
Single-family detached dwelling	12 ft.	30 ft.	Note 1
Semi-detached dwelling (twin)	12 ft.	20 ft.	Note 1, Note 2
3 to 4 family dwelling (townhouse)	12 ft.	20 ft.	Note 1, Note 2
Front porch, open with steps	6 ft.	N/A	Note 1
Front porch, enclosed by windows or screens	10 ft.	N/A	Note 1
Garage, detached front loading	40 ft.	7 ft.	5 ft.
Garage, attached side-loading	10 ft.	10 ft.	Note 1
Garage, attached front loading	10 ft. behind the plane of the front façade of the principal dwelling	10 ft.	Note 1
Garage, rear loading	NA	10 ft. from rear service land or alley	5 ft.

1 Minimum 20-foot separation between principal dwellings on adjacent lots

2 This setback does not apply to party walls for twins and townhouses

C. Front facades of dwellings on opposite sides of the street shall be located a minimum of seventy feet (70') and a maximum of ninety feet (90') apart, excluding porches. This requirement shall not apply to dwellings which front on boulevards, common greens, or other greenway land.

### Section 425.2 Yards

- A. The applicant is encouraged to consider variations in the principal building position and orientation, but shall meet the minimum standards in Table 425.1.b.
- B. Residential side yards may be reduced to zero (“zero lot line”) in the Village Residential Area, when a dwelling has either no side windows, or when the side windowsills are located at least 64 inches above the finished grade.

#### Section 425.3 Non-Residential Uses

Non-residential uses in the Village Commercial Area shall be contained on a lot for which the minimum lot area is determined by adding twenty percent (20%) to the land area needed for the building, on-site parking, ingress/egress, and any on-site infrastructure that is required, including stormwater management facilities. The additional twenty percent (20%) shall serve as setback areas and landscaped buffers. Each lot shall meet the following standards:

Minimum Street Frontage	35 feet
Maximum Impervious Coverage	75 percent limit on each lot
Minimum front yard setback	20 feet
Maximum front yard setback	35 feet
Minimum side yard setback	30 feet separation for buildings, no side yard less than 5'
Minimum rear yard	20 feet
Maximum building height	35 feet

The Township Supervisors may allow at their discretion 0 side yard setbacks when non-residential buildings adjoin one another in the village commercial area and 0 front yard setbacks when non-residential buildings will have frontage on a street in the village commercial area internal to the village development.

#### Section 425.4 Maximum Impervious Coverage

- A. Hamlet residential lots seventy five percent (75%) on each lot
- B. Village, total impervious coverage within each area:
  - 1. Village Residential Area      sixty percent (60%) of ATA
  - 2. Village Commercial Area      eighty percent (80%) of ATA
  - 3. Village Greenway Land      five percent (5%) of ATA

## ZONING

### Section 425.5 Street Frontage

Lots must have frontage either on a street or on a rear service lane or shared driveway, except that dwellings served by rear lanes may front directly onto parks or greens, which shall be designed with perimeter sidewalks.

### Section 425.6 Height

- A. Hamlets: maximum height thirty five feet (35').
- B. Villages: Building height shall be between one and one half (1½) and two and one half (2½) stories above grade at the front elevation, with a maximum height of thirty five feet (35').
- C. The height limitations of this Ordinance shall not apply to chimneys, steeples, gables, cupolas, standpipes, flagpoles, monuments, transmission towers, radio or television antennas, cables, water tanks, and similar structures and necessary mechanical appurtenances, provided that no such exception shall cover, at any level, more than ten percent (10%) of the area of the building's roof or the ground on which it is located. Such architectural features on institutional or civic buildings may equal the height of the building.

Ord. 2015-3, 12/3/2015, §6.

## Section 426. Additional Standards For Hamlets and Villages

### Section 426.1 Lot Area

Area contained within a lot shall be exclusive of 100-year floodplains, wetlands, and slopes exceeding twenty five percent (25%).

### Section 426.2 Flag Lots

Flag lots are permitted in limited applications in conservation subdivisions to locate dwellings at the ends of cul-de-sacs and between "fingers" of greenway land in order to avoid extending streets further than necessary. The following standards may apply:

- A. No more than two contiguous flag lots shall be created. Shared driveways are encouraged between adjacent flag lots.
- B. Flag lots shall comprise no more than ten percent (10%) of all lots in the development.
- C. The access strip of a flag lot shall be owned by the owner of the main portion of the flag lot and shall extend to an existing public or private street. The access strip shall serve as the primary access for the lot.

- D. The access strip shall have a minimum width of twenty feet (20'). The width shall be increased as necessary to contain all grading for the driveway within the access strip.
- E. The access strip shall have a maximum length of two hundred feet (200').
- F. The minimum lot width of the lot at the building line shall be the minimum lot width required at the street line. Minimum lot width shall be measured parallel to the street at the point of the proposed building closest to the street and shall extend the full depth of the building, plus an additional twenty feet (20').
- G. The minimum lot area of the flag lot shall be calculated exclusive of the access strip.

#### Section 426.3 Integrating Mixed Dwelling Types

When semi-detached and/or attached dwellings are proposed, such dwellings shall be designed to reflect the Township's building tradition for such building types. When attached dwelling types are proposed, they shall be integrated architecturally and in scale so that they are physically incorporated within the same streetscapes as single-family dwellings and non-residential buildings and are not isolated in separate areas.

#### Section 426.4 Parking

- A. Minimum off-street parking requirements: The minimum number of parking spaces required in Section 534 shall be provided unless different standards are stated below:
  - 1. Accessory Dwelling Unit: one (1) space
  - 2. Offices and Professional Buildings: one (1) space/three hundred square feet (300 sq. ft.) of gross floor area
  - 3. Retail Uses and Service Establishments: one (1) space/three hundred square feet (300 sq. ft.) of gross floor area
  - 4. For all uses not listed above or in Section 534: sufficient number of parking spaces as determined by the Planning Commission.
  - 5. Non-residential off-street parking shall be to the side or rear, or located within parking areas not visible from the street.
  - 6. On-street parking spaces along the street frontage of a lot except where there are driveway curb cuts shall be counted toward the minimum number of parking spaces required for the use on that lot.
  - 7. On-street parking spaces shall be designed to be parallel to the curb.

8. Off-street parking may be located within six hundred feet (600'), measured along a publicly accessible route, from the lot containing the use to which the parking is necessary. Said lot containing the parking shall be owned or leased to the owner of the principal use, or the lot containing the parking shall be dedicated to parking for as long as the use to which it is accessory shall continue and it is owned by an entity capable of assuring its maintenance as accessory parking.

For any building or use not covered above, the underlying zoning district regulations shall apply. If the underlying zoning district regulations do not cover the use or building, the Zoning Officer shall have the discretion to determine the standard.

Ord. 2015-3, 12/3/2015, §6.

## **Section 427. Greenway Land Design Standards For Hamlets and Villages**

### **Section 427.1 Greenway Land Design Standards**

- A. In Hamlet and Village Option subdivisions, the required greenway land shall be subject to permanent conservation easements prohibiting future development and defining the range of permitted activities. (For example, the clearing of woodland habitat shall generally be prohibited, except as necessary to create trails, active recreation facilities, and to install spray irrigation facilities). The determination of necessity shall lie with the Board of Supervisors.
- B. Greenway land use and design standards shall follow the requirements of this section and Section 418.
- C. The required greenway land shall be located and designed to add to the visual amenities of hamlets and villages and to the surrounding area, by maximizing the visibility of internal open space as terminal vistas at the ends of streets or along the outside edges of street curves, and by maximizing the visibility of external open space as perimeter greenbelt land. Greenbelt land shall be designated to provide buffers and to protect scenic views as seen from existing roadways and from public parks.
- D. At least fifty percent (50%) of the lots shall directly abut or face greenway land across a street, unless the percentage is reduced by the Township as a conditional use.
- E. Residential areas of Hamlets and Villages shall include multiple greens, commons or squares measuring a total of at least one thousand square feet (1,000 sq. ft.) for each dwelling unit or fifteen percent (15%) of the minimum required greenway, whichever is greater.

- F. Each Village shall have a primary common of at least ten thousand square feet (10,000 sq. ft.), which should ideally be surrounded by two-story development that may include commercial, residential, civic, and institutional areas.
- G. A maximum of fifteen percent (15%) of the dwelling units may front directly onto a green instead of a street, provided that an access easement is provided to the satisfaction of the Township.

**Section 427.2 Greens, Commons and Squares**

- A. Greens, commons and squares shall serve a variety of outdoor leisure and assembly needs of village residents and enhance the form and appearance of the village.
- B. When a Village Commercial Area is proposed, a central green shall be required. The central green shall be designed as an attractive gathering place for village residents in both day and evening and:
  - 1. Shall be located within two hundred feet (200') of the outer perimeter of the Village Commercial Area. These locational requirements may be adjusted by reason of topography or natural resources to be preserved, at the discretion of the Board of Supervisors.
  - 2. Shall border on the principal street running through the Village Commercial area, or be located so as to constitute the end view of the street.
  - 3. Should be surrounded by buildings on all sides, and shall be surrounded by streets on at least three sides.
  - 4. Shall be located within one thousand five hundred feet (1,500') of eighty percent (80%) of all dwelling units in the village. Alternatively, two (2) smaller greens at least six thousand square feet (6,000 sq. ft.) in area may be substituted for the central green in order to meet this proximity standard.
  - 5. Shall be of pedestrian scale, between twenty thousand square feet (20,000 sq. ft.) and forty thousand square feet (40,000 sq. ft.) in area, and shall be no longer or wider than three hundred feet (300').
  - 6. Should ideally be surrounded by two-story development that may include residential, civic, and institutional uses in addition to commercial uses.
  - 7. Shall be landscaped using elements of formal gardens including walkways, monuments, statues, gazebos, fountains, park benches, and pedestrian scale lampposts.
  - 8. All greens, commons, and squares shall be planted with shade trees along their edges, at intervals not greater than forty feet (40').

## ZONING

### Section 427.3 Permanent Protection, Ownership and Management of Greenway Land

Protection, ownership and management of greenway land shall be in accordance with Sections 419 and 420.

Ord. 2015-3, 12/3/2015, §6.

### **Section 428. Design Standards For Villages**

#### Section 428.1 Overall Form

- A. New village development shall be compact with a well-defined edge between new developed areas of the village and adjacent rural, undeveloped lands, and when extending the geographical boundaries of an existing village.
- B. Mix of residential uses. Village developments shall consist of at least two dwelling types. At least twenty percent (20%) of the units shall be of a type other than single-family detached.
- C. Location Considerations for Village Uses. Residential lots in villages shall be located at least two hundred fifty feet (250') from any existing two-lane state-numbered highway, unless effectively screened from the public view by virtue of topography, dense vegetation, or other physical or visual barriers.

#### Section 428.2 Block Design

- A. Villages shall be designed in a generally rectilinear pattern of blocks and interconnecting streets and rear lanes, defined by buildings, landscaping, pedestrian ways, sidewalks and street furniture. To avoid the monotony of a rigid grid layout and to better conform to the natural terrain, streets may include frequent gentle curves.
- B. The maximum length of a block shall be five hundred feet (500'). When mid-block footpaths are provided that connect uses and open space, this length may be extended up to eight hundred feet (800').
- C. Rectilinear blocks of the dimensions required above may be reshaped at the discretion of the Board when topography, existing vegetation, or hydrology considerations influence block shape and size.
- D. Each block that includes storefronts and/or townhomes less than forty feet (40') wide shall be designed to include a rear alley serving parking areas or garages in the rear.
- E. Local access streets shall be configured using a design speed of 25 MPH. Traffic calming techniques shall include "T" intersections, traffic islands, circles, loops or crescents, roundabouts, three-way and four-way stop signs. Speed bumps shall be

avoided. At least twenty five percent (25%) of local access streets shall terminate in "T" intersections. The distance between "T" intersections shall not exceed three blocks or one thousand (1,500) linear feet, whichever is less.

### Section 428.3 Residential Architecture

- A. Single-family detached and semi-detached dwellings shall be designed so that:
  - 1. At least sixty five percent (65%) shall be oriented with their gable-ends facing the street.
  - 2. At least thirty five percent (35%) shall have a covered front entry porch, raised a minimum of eighteen inches (18") above ground level.
- B. Single-family attached dwellings shall be designed so that:
  - 1. Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12, except that porch roofs shall be sloped no less than 2:12.
  - 2. Parking is encouraged to be located at the rear of the building. As an alternative, recessed front-loading garages may be provided.
  - 3. The first floor elevation shall be raised a minimum of eighteen inches (18") above ground level and a stoop or porch shall be provided at the front door.
- C. Roof Pitch. Pitched roofs with slopes between 8:12 and 12:12 shall be encouraged.
- D. Accessory Dwelling Units. The design of accessory dwelling units shall comply with the following regulations:
  - 1. Exterior fire escapes are prohibited on any side of accessory dwelling units except at the rear.
  - 2. All off-street parking for accessory dwelling units shall be located to the side or rear and shall be visually screened from adjoining properties.
- E. New house lots shall be accessed from interior streets, rather than from roads bordering the tract.

### Section 428.4 Village Commercial

This area serves as the village core. A Mixed-Use Area is not required as part of the Village Option, but when proposed, it shall meet the requirements of this section. All non-residential uses shall be located within the Village commercial. This area shall provide a variety of retail shops and services complemented by other compatible business, civic, and institutional uses in buildings consistent in scale with a small downtown or central market place in the community. Upper-story dwelling units above non-residential uses are specifically encouraged. First floor residential uses are prohibited.

## ZONING

- A. Mixed-Use Areas shall be located within one thousand five hundred feet (1,500') of at least fifty percent (50%) of the dwelling units in the Village. Nonresidential uses that are intended to serve an area beyond the village itself shall be located to permit vehicular access from outside the village without passing through residential streets. This part of the village may be located close to an arterial.
- B. Design Considerations along a two lane state highway. When the Village Commercial is located along an existing state highway the following provisions shall apply:
  - 1. The buildings shall be designed with display windows and signage facing the state highway.
  - 2. Canopy trees shall be planted at intervals not greater than forty feet (40') along the state highway.
  - 3. The Village Commercial shall not parallel the state highway for a distance of greater than six hundred feet (600'), unless the storefronts are located behind a landscaped buffer area providing visual screening in all seasons of the year, or on the opposite side of a village green extending the full length of the Village Commercial as it parallels the state highway. If berms are used within the buffer they shall be no taller than two feet (2') and shall taper gradually into the landscape with slopes not exceeding 1:5.
- C. Massing. To harmonize with the traditional scale of commercial buildings in historic villages, the massing of larger commercial buildings shall be de-emphasized using, but not limited to, one of the following methods:
  - 1. The use of projecting and recessed sections, to reduce their apparent overall bulk. Façade breaks shall be at least three feet (3') in depth. Such breaks in facades and roof lines shall occur not more frequently than fifty feet (50'), the width of two historic shop fronts.
  - 2. New commercial buildings with more than one thousand five hundred square feet (1,500 sq. ft.) of floor space (above grade) shall be at least one and one half (1½) stories in height.
  - 3. Mixed use buildings fronting on the same street and located on the same block shall be attached, or located not more than fifteen feet (15') apart, except when separated by a "pocket park" or a common, green or square.
  - 4. Mixed use buildings shall have at least sixty percent (60%) of their front façade coincident with their street frontage, including frontage onto courtyards.
- D. Architectural Style and Detail.

1. Buildings shall articulate the line between the ground and the upper levels with a cornice, canopy, balcony, arcade, or other architectural feature.
2. The use of special architectural elements, such as but not limited to towers, turrets, and corner cut-offs, is encouraged at major street corners to accent structures and provide visual interest. These elements shall be in scale with the overall structure.
3. Main Entrances.
  - a. As one of the most important parts of the façade, the main entrance shall be easily identifiable. Doors and entryways shall follow a traditional storefront design, usually recessed, and shall be compatible with the architectural style of the structure.
  - b. Main entrances shall be from the front sidewalk, except in courtyard designs. Secondary entrances may open to a rear parking lot.
  - c. When a building is located on a corner, the entrance shall be located on the corner with an appropriate building articulation, such as a chamfered corner, turret, canopy or other similar building feature.
4. Rear Entrances and Facades. When rear parking is provided, rear entrances and facades should be appropriately detailed to provide an attractive appearance, but should not be overly embellished to compete with the main storefront. The following requirements shall be met:
  - a. Adequate lighting shall be provided for security, pedestrian safety and decorative purposes.
  - b. Trash and service areas, utility lines, mechanical equipment and meter boxes shall be appropriately screened from customer entrances.
5. Windows
  - a. The front elevation of commercial and office buildings shall provide a minimum of sixty percent (60%) and a maximum of eighty five percent (85%) transparency (windows) at ground level.
  - b. Buildings shall include large store front windows on the ground level, with sills between twelve inches (12") and eighteen inches (18") above sidewalk level and lintels nine feet (9') to twelve feet (12') above sidewalk level.
  - c. Clear glass, providing a minimum of eighty eight percent (88%) light transmission, shall be used on ground floor windows. Tinted glass providing a minimum fifty percent (50%) light transmission shall be

## ZONING

limited for use only in transoms and windows above the ground floor. The use of bronze tinted or reflective glass is prohibited.

- d. The use of transom windows is strongly encouraged.
- e. If aluminum window frames are used they shall be either factory coated or anodized a dark color. Bare aluminum or gold color window frames are prohibited.
- f. If shutters are used, appropriate hardware (hinges, pulls, etc.) shall be used. Shutters shall be proportioned to cover one-half the width of the window.

6. Roofs. Roofs shall be pitched with overhanging eaves, or flat with articulated parapets and cornices. Desired roof materials include slate (either natural or manmade), shingle (either wood or asphalt composition), and metal formed to resemble "standing seams". All gables shall be functional.

E. Signs. In addition to the requirements of Section 535, signs shall conform to the following regulations:

- 1. Signs shall not be freestanding and shall be affixed to a building façade, canopy, or arcade.
- 2. The top of signs (except window signs) shall be located no higher than the sills of second-story windows.
- 3. Signs shall be constructed of wood, metal or synthetic material, provided that the typeface and logos have a dimensional rather than flat quality.
- 4. Sign colors shall preferably be dark background colors with light-colored lettering.
- 5. Signs may be illuminated from external light sources only. Flashing and moving lighting is prohibited.
- 6. Moving signs and signs with moving elements are prohibited.
- 7. External neon signs are prohibited. Non-flashing neon signs may be displayed inside windows provided they occupy no more than fifteen percent (15%) of the glass area of the window in which they are displayed.

F. Street Furniture

- 1. At least one public trash receptacle shall be provided in each block on each side of the street.

2. Public benches shall be provided at intervals no greater than one hundred feet (100') on each block; and in greens, commons, squares and parks at a rate of one (1) bench per five thousand square feet (5,000 sq. ft.).
3. At least one bicycle rack adjacent to the sidewalk shall be provided on each block, with a paved pad designed to accommodate it.

Section 428.5 Use Transitions

- A. Similar land uses shall face one another across a street, while dissimilar land uses shall abut along alleys or rear parking areas.
- B. Where feasible, a village green shall be used to separate residential blocks from non-residential or mixed use blocks.

Ord. 2015-3, 12/3/2015 §6.

**ARTICLE V**  
**GENERAL REGULATIONS**

**Section 500. Compliance With Other Township Regulations**

In addition to complying with the requirements of this Ordinance, the requirements of all other Township Ordinances and regulations, including but not limited to the Township Subdivision and Land Development Ordinance, shall be applicable.

**Section 501. Access to Structures**

Every building and structure hereafter erected or moved, except a structure related to public sanitary sewer and water systems, shall be on a lot adjacent to a public street or a private street approved by the Township Supervisors, or on a lot for which a legally recorded right of access to a public street or approved private street existed prior to the effective date of this Ordinance. After the effective date of this Ordinance, no lot shall be created unless it abuts a public street or a private street approved by the Township Supervisors. For the purposes of this Section, a service street (alley) shall not constitute a public street or highway.

**Section 502. Erection of More Than One Principal Structure or Building on a Lot**

In any district other than R-1 and R-2, more than one structure housing a permitted or permissible principal use may be erected on a lot, provided that the lot size, yard and other requirements of the zoning district shall be met for each structure as though it were on an individual lot, unless otherwise permitted by this Ordinance.

**Section 503. Accessory Buildings, Structures, and Uses**

**Section 503.1 Residential Accessory Buildings - General**

The following general regulations shall apply to residential accessory structures, regardless of Zoning District:

- A. Unless otherwise specified in this Ordinance, no accessory building or structure shall be located within the minimum front yard or side yard of the applicable zoning district, except that accessory buildings or structures containing 150 square feet or less in area shall only have a required side yard setback of five feet (5'). [Ord. 2018-5]
- B. Unless otherwise specified in this Ordinance, the minimum required rear yard setback for an accessory building or structure shall be five feet (5').

- C. The minimum distance between accessory buildings or structures or between and accessory building or structure and the principal building or structure shall be ten feet (10').
- D. In the case where a lot on which a principal building existed on the effective date of this Ordinance, an accessory building thereto may be located closer to a side lot line than permitted above, provided that the accessory building is situated to the rear of the principal building and is not located closer to the side lot line than the principal building.
- E. No accessory use or building shall be located closer to the front lot line than the principal building or structure to which it is accessory.
- F. No permanent building of an accessory structure shall be constructed on any lot prior to the commencement of construction of the principal building to which it is accessory.
- G. No accessory use shall be permitted which creates a public nuisance or interferes with the use of adjoining lots. Nothing in this section shall limit other uses not mentioned so long as they are accessory to the residential use of land, and do not create a threat to the public health, safety and/or welfare of the community.
- H. No non-residential activities shall be permitted except those permitted by the Home Occupation Regulations of this Ordinance.
- I. The use of on-site temporary commercial storage units (a.k.a. pods), tractor trailer bodies, or similar vehicle conversions shall not be permitted as accessory to a residential use.

#### Section 503.2 Residential Accessory Buildings - Specific Use Regulations

The following specific use regulations shall apply to residential accessory uses, regardless of the applicable Zoning District:

- A. Swimming Pools
  - 1. All Swimming Pools shall be entirely enclosed with a permanent fence not less than four feet (4') in height. Walls of buildings may serve as a part of the fence.
  - 2. Where pools are of the type having above-ground construction, that portion of the pool wall extending above the ground may be included as part of the height of the four foot (4') fence. The top of the fence shall be a minimum of four feet (4') higher than the highest ground elevation within five feet (5') of the fence.
  - 3. No swimming pool shall be permitted between the building setback line and the street line or within the required side yard.

## ZONING

4. A swimming pool shall not be less than fifteen feet (15') from side and rear lot lines.
5. A swimming pool shall not occupy more than twenty-five percent (25%) of the yard in which it is located.

### B. Tennis Court

1. No tennis court shall be permitted unless it is protected by a permanent fence ten feet (10') in height behind each baseline extending at least the full width of the playing area.

### C. Apartment and Townhouse Accessory Uses

1. Apartment and Townhouse accessory uses shall be restricted to uses designed solely for residents of the apartment or townhouse units.
2. One (1) office per project for the purposes of administering and renting dwelling units may be established as an accessory use.
3. One (1) "sample" apartment or townhouse for display purposes shall be permitted for each type of dwelling unit to be constructed.

### D. Keeping of Domestic Farm Animals

The keeping of domestic farm animals shall be permitted as an accessory use to a residential principal use in all zoning districts, subject to the following criteria:

1. The keeping of domestic farm animals shall be in accordance with all applicable local, state and federal regulations. Whenever the keeping of a domestic farm animal involves grazing area, a nutrient management plan shall be approved by the appropriate agency with jurisdiction in the area.
2. The keeping of Large and/or Medium Domestic Farm Animals shall not be allowed as an accessory use in the R-1 or R-2 zoning districts.
3. The minimum number of contiguous grazable acres for the keeping of Domestic Farm animals shall be five (5) acres, except that the keeping of Small Domestic Farm Animals may be allowed on premises having a minimum lot area of two acres. In such cases, the maximum number of Small Domestic Farm Animals shall be ten (10). For each additional acre, the maximum number of animals may be increased by five (5). The grazable area shall not extend closer to the front lot line than the rear most portion of the principal residential structure on the lot.
4. For the first five (5) grazable acres, one Large Domestic Farm Animal may be permitted on the premises. The maximum allowed number of animals

may be increased by one (1) for each additional acre over the first five (5) acres. For the purposes of calculating the maximum allowed number of animals:

- a. One (1) Large Domestic Farm Animal shall be equivalent to three (3) Medium Domestic Farm Animals
5. All Domestic Farm Animals shall be kept in an enclosure suitable for the type of animal. Such enclosure shall be a minimum of ten feet (10') from any side or rear property line. Enclosures for Domestic Farm Animals shall not extend closer to the front lot line than the rear most portion of the principal residential structure on the lot.
6. The waste products from the keeping of Domestic Farm Animals shall be disposed of in a manner approved by the Township, and in compliance with any applicable local, state and federal regulations.
7. In no case shall Domestic Farm Animals be kept as an accessory use for commercial purposes.
8. The regulations set forth in this Section do not apply to Poultry Domestic Farm Animals. The regulations for the accessory keeping of Poultry Domestic Farm Animals are set forth in Section 554.

E. Dish Antennas

1. This section shall apply to dish antennas having a diameter forty-eight inches (48") or greater.
2. Dish Antennas shall not be roof mounted.
3. Not more than one (1) dish antenna shall be placed on one lot.
4. All dish antennas shall be placed within rear yards and the assembly shall be screened from adjoining properties and streets in accordance with the applicable provisions of the Zoning Ordinance.
5. No pole mounted dish shall extend above the height of the building to which it is accessory.

Section 503.3 Non-residential Accessory Buildings - General

The following general regulations shall apply to non-residential accessory structures, regardless of Zoning District.

## ZONING

- A. No building or structure shall be located within any required front, side or rear yard, unless otherwise permitted by this Ordinance.

### Section 503.4 Non-residential Accessory Buildings - Use Regulations

The following specific use regulations shall apply to non-residential accessory uses, regardless of Zoning District.

- A. Accessory uses shall be limited to use by employees only.
- B. Storage
  - 1. When storage outside buildings is permitted within a zoning district, no storage shall be permitted within the required front and side yards.
  - 2. Outdoor storage of materials shall be screened from view from adjoining properties and streets.
  - 3. Outdoor storage of any type shall not be permitted unless such storage is a part of normal operations conducted on the premises, subject to the requirements of the prevailing zoning district.
  - 4. All storage areas shall have direct access to a driveway.
  - 5. Tractor trailer trucks shall not be used for storage and or sales of materials.
  - 6. No materials of any type shall be stored within a designated 100-year flood plain.
  - 7. Outdoor storage of products or materials which could be hazardous to humans shall be enclosed by a fence a minimum of six feet (6') in height.
- C. Shopping Cart Storage – If any use permits shopping carts to be taken from the confines of the store building, storage areas for such carts shall be provided at convenient locations in the parking lot. The placement of such storage areas shall not reduce the number of available parking spaces.
- D. Trash Containers – All trash and rubbish shall be kept in containers and stored in a permanent enclosure which completely encloses the containers.
- E. Dish Antennas – For antennas forty-eight inches (48") and larger in diameter, not more than one (1) such dish shall be placed on any one (1) lot. All such dishes shall be placed within rear yards and the assembly shall be screened from adjoining properties and streets in accordance with the applicable provisions of this Zoning Ordinance.

Ord. 2015-3, 12/3/2015, §6, as amended by Ord. 2018-5, 6/7/2018, §1; as amended by Ord. 2025-3, 9/4/2025, §§1-2.

## **Section 504. Projections Into Yards**

### **Section 504.1 Projections**

The following projections shall be permitted into required yards and shall not be considered in the determination of yard size or building coverage:

- A. Terraces, patios or open porches provided that such terraces, patios or open porches are not roofed or enclosed by any wall exceeding thirty six inches (36") in height, are not closer than five feet (5') to any lot line (except a lot line which is the projection of a party wall), do not project into any required front yard, and do not have a width which exceeds one half the lot width measured at the building setback line.
- B. Open balconies or fire escapes and projecting architectural features such as bay windows, cornices, eaves, roof overhang, chimneys, and window sills, provided that all such features shall project no more than five feet (5') into any required yard, and shall not be located closer than five feet (5') to any lot line (except lot lines which are the projection of party walls). The length of projecting bay windows and window sills shall not be more than one half (1/2) the length of the side of the building from which they project.
- C. Uncovered stairs and landings, provided such stairs or landings do not exceed three feet six inches (3'6") in height, do not project more than five feet (5') into any required yard, and are not located closer than five feet (5') to any lot lines (except lot lines which are the projection of party walls).

Ord. 2015-3, 12/3/2015, §6.

## **Section 505. Landscaping**

Section 505.1. Where District Regulations require buffer yards, screening, planting strips and the like, these shall be subject to approval of the Zoning Officer prior to planting, unless approval power is otherwise designated by this Ordinance or the plan will be reviewed as part of subdivision or land development plan review. The type and density of planting shall adequately provide the required screening effect year round.

Section 505.2 Plant materials used in screen planting shall be at least five feet (5') in height when planted.

Section 505.3 The screen planting shall be maintained permanently and plant material which does not live shall be replaced within one (1) year.

Section 505.4 Plantings shall be placed so they will not infringe upon street right of way lines, property lines, and clear sight triangles upon maturity.

## ZONING

Section 505.5 Screen plantings shall be broken only at points of vehicular or pedestrian access.

Section 505.6 When required by District Regulations, a liberal and functional landscaping plan shall be prepared. In particular:

- A. Access drives and common parking areas shall be provided with shade trees which are of an appropriate size and character.
- B. Open space adjacent to buildings, areas between buildings, and border strips along the sides of pedestrian walkways shall be graded and seeded or landscaped.
- C. Approaches and entrance areas to buildings shall be provided with trees and attractive shrubbery.
- D. Areas not used for buildings, drives, loading and parking space shall be seeded or landscaped and shall be kept in attractive condition.
- E. Natural features such as wooded areas shall be preserved and incorporated into the design of the development.

Ord. 2015-3, 12/3/2015, §6.

## **Section 506. Lighting**

When any property is illuminated at night, such illumination shall be so designed and located that the light sources are shielded from adjoining properties and streets. No direct beams of light shall be directed toward adjacent properties or roads. No lighting shall be utilized in such a manner to produce a noxious glare or a light intensity greater than one (1) footcandle beyond the lot boundaries (0.5 footcandle when the property is used or zoned for residential purposes).

Ord. 2015-3, 12/3/2015, § 6.

## **Section 507. Prohibited Uses**

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

Ord. 2015-3, 12/3/2015, §6.

## **Section 508. Front Yard Exceptions**

When an unimproved lot is situated between two (2) improved lots with front yard dimensions less than those required for the zoning district in which the unimproved lot is located, the front yard required for the unimproved lot may be reduced to a depth equal to the average of the two (2) adjoining lots; provided, however, that this provision shall only apply in such cases where the improved lots in question are improved as of the time of the adoption of this Ordinance. For the purpose of this section, an unimproved lot shall be the same as a vacant lot and an improved lot shall be one on which a principal building is erected.

Ord. 2015-3, 12/3/2015, §6.

### **Section 509. Fences, Free Standing Walls And Hedges**

Section 509.1 Except as otherwise provided in this Ordinance, fences, walls, and hedges may be placed within front, rear, and side yards.

Section 509.2 No fence or free standing wall shall be erected within the right of way lines of any street, nor shall they encroach upon any street right of way at any time.

Section 509.3 No portion of any hedge or other shrubbery at the time of planting shall be within two feet (2') of any street line or sidewalk, including the line of service streets (alleys). No hedge or other shrubbery shall be permitted to extend over any street line or sidewalk at any time.

Section 509.4 Fences, walls and hedges shall comply with the Corner Lot Restrictions of this Ordinance, Section 510.

Section 509.5 In residential districts, the maximum height of any fence or free standing wall along a front lot line shall be six feet (6'). The maximum height of any other permissible fence or free standing wall in residential districts shall be eight feet (8'), unless a greater height is required elsewhere in this Ordinance.

Section 509.6 Fences shall be constructed of wood, chain link, or similar appropriate materials approved by the Zoning Officer, be of uniform construction, and be constructed in a workmanlike manner.

Ord. 2015-3, 12/3/2015, §6.

### **Section 510. Corner Lot Restrictions**

Section 510.1 Clear sight triangles shall be provided at all street intersections and intersections of driveways with streets. Within such triangles, nothing, except street signs, traffic lights or signs, utility poles, and mail boxes, which impedes vision between two and one half feet (2½') and ten feet (10') above the center line grades of the intersecting streets and driveways shall be erected, placed, planted, or allowed to grow. As a minimum, such triangles shall be established by connecting points a distance of seventy five

## ZONING

feet (75') from the point of intersection of street centerlines measured along street centerlines. At driveway intersections with streets, a triangle shall be established by connecting points a distance of ten feet (10') from the point of intersection of cartway lines.

Section 510.2 Front yards shall abut a street. The yard opposite the front yard shall meet the rear yard requirements of the applicable zoning district. Except as otherwise provided in this Zoning Ordinance, any yard adjoining a street which was not designated the front yard must meet the front yard requirements of this Ordinance, and the yard opposite that yard shall meet the side yard requirements of the applicable zoning district. In the case of a building to be placed on a corner lot such that the front of the building will not be parallel to a street line, yards shall be provided so that no portion of the building will be placed closer to a street than the front yard requirement of this Ordinance, so that no portion of the rear of the building will be placed closer to a lot line than the rear yard requirement of the applicable zoning district, and so that no portion of a side of the building will be placed closer to a lot line than the side yard requirement of the applicable zoning district.

Ord. 2015-3, 12/3/2015, §6.

## **Section 511. Golf Courses**

Golf Courses (except driving ranges, chip and putt courses and miniature golf courses) are subject to the following provisions:

Section 511.1 All Buildings shall be set back a minimum of one hundred fifty feet (150') from any exterior property line, except that Buildings no larger than six hundred twenty five square feet (625 sq. ft.) in area which do not generate a need for parking spaces do not have to be set back more than seventy five feet (75') from any property line.

Section 511.2 All other area, yard and height regulations of the applicable zoning district shall apply.

Section 511.3 A standard restaurant, food stand or clubhouse will be permitted as a clearly Accessory use.

A. As used herein, a standard restaurant shall be defined as any establishment whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready to consume state, and whose design or principal method of operation includes one or both of the following characteristics:

1. Customers, normally provided with an individual menu, are served their foods, frozen desserts or beverages by a restaurant employee at the same table or counter at which said items are consumed.
2. A cafeteria type operation where foods, frozen desserts or beverages are consumed within the restaurant building.

Section 511.4 All activities of a commercial nature shall be clearly accessory to and incidental to the permitted recreation use, such as the charging of admission, the sale of food and beverages, and the rental or sale of golf equipment. Such establishments shall present no visible evidence from any public street of their commercial character which would attract persons other than employees, patrons, members and guests.

Section 511.5 Off street parking will be required as follows: ten (10) spaces per golf hole plus one (1) space per employee (based upon the shift having the largest number of employees), plus fifty percent (50%) of spaces otherwise required for any Accessory Use.

Section 511.6 Unlighted practice fairway and unlighted putting green will be permitted as a clearly Accessory Use.

Section 511.7 At the landing area (one hundred fifty yards (150 yds.) to two hundred fifty yards (250 yds.) from the tee), the centerline of fairways shall be a minimum of one hundred fifty feet (150') from lot lines and street cartway lines. The centerline of tee areas shall be a minimum of seventy five feet (75') from lot lines and street cartway lines. The Township Supervisors may allow the centerlines of fairways and tees to be lesser distances from lot lines and street cartway lines provided that the developer proposes compensating measures, such as landscaping, screening, buffers and barriers, which are deemed acceptable by the Township Supervisors.

Section 511.8 A barrier to golf balls shall be placed along the right of way line of any public street. A plan for the barrier shall be submitted to the Township for review. Such barriers shall be no less than six feet (6') in height when established and consist of a solid fence, mounding and/or landscaping which shall accomplish the intended purpose. The extent, height and design of the barrier are subject to approval by the Township.

Ord. 2015-3, 12/3/2015, §6.

## **Section 512. Common Open Space Requirements In Cluster Developments**

Section 512.1 Common open space shall:

- A. Consist of areas within a proposed development site, of such size and dimension to be suitable for the use and enjoyment of residents of the development.
- B. Be accessible by all residents and of a suitable character for passive recreation and conservation.
- C. Contain no structure other than structures related to recreational use, and historic buildings and structures.
- D. Be arranged to take advantage of the physical characteristics of the site, and to provide easy access and view from all dwelling units.

## ZONING

- E. Be deed restricted and made subject to agreements with the Board of Supervisors for the purpose of preserving common open space areas.

Section 512.2 Common open space shall be held under one of the following forms of ownership, upon receiving approval of the Board of Supervisors:

- A. Homeowners Association. The applicant shall provide for the establishment of an organization for ownership and maintenance of common property and improvements. The organization shall consist of property owners within the development, each receiving an equal vote and responsibility. Such an organization shall not be dissolved nor shall it dispose of common property and improvements, unless transfer to another method of ownership permitted under this section occurs.
- B. Fee Simple Dedication. The Township may at any time, accept the dedication of any portion or portions of the common open space for public use and maintenance. Lands eligible for fee simple dedication shall be accessible to all residents of the Township and shall have frontage along a public road. Lands to be dedicated shall have no cost of acquisition, other than costs relating to the actual transfer of title.
- C. Condominium. The open space of a development may be controlled through the use of condominium agreements. Such agreements shall be in conformance with the Uniform Property Act of 1980. All open space land and improvements shall be held as "Common Element".
- D. Dedication of Easements. The Township may at any time, and from time to time, accept easements for public use on any portion or portions of common open space for public use. Title to such lands shall remain in ownership by a Homeowners Association or condominium common element. Such lands shall be accessible to the residents of the Township. Prior to dedication, a maintenance agreement shall be reached between the applicant and the Township.
- E. Transfer of Easements to Private Conservation Organization. Easements on common open space may be transferred to a private, nonprofit organization involved in the conservation of natural resources, with permission of the Township. The conveyance(s) shall contain appropriate provisions for the proper reverter, or transfer to any other form of ownership permitted under this section. Prior to transfer of easements, a maintenance agreement acceptable to the Township is entered into by the applicant and the organization.

Section 512.3

- A. In the event that the organization assigned the responsibility of maintaining the common open space and improvements fails to maintain the same in reasonable order and condition in accordance with the development plan, the Township may serve written notice upon the organization or residents of the development setting forth the manner in which the organization has failed to properly maintain common areas.

- B. The notice shall demand that the deficiencies of maintenance be corrected within thirty (30) days and shall establish the date and place of a hearing to be held on the delinquency. Such a hearing shall take place within fourteen (14) days of the expiration of the thirty (30) day grace period.
- C. Should the deficiencies set forth in the original notice or in subsequent modifications fail to be corrected within the established thirty (30) days, the Township, in order to preserve the taxable values of the affected properties may enter said common open space and improvements, and maintain them for a period of one year. Such efforts shall not constitute a taking of property, nor vest in the public any rights to use the same. The cost of maintenance by the Township shall be assessed ratably against the properties within the development that have a right of enjoyment. Such assessment shall become a lien on said properties, and shall be filed in the office of the Prothonotary of Berks County.

Section 512.4 The formation of a Homeowners Association shall be governed according to the following regulations:

- A. The applicant shall provide a description of the organization including its by-laws and methods for maintaining common open space and improvements.
- B. The organization is established by the applicant and operated with financial subsidization by the applicant prior to the sale of any lots within the development.
- C. Membership in the organization is mandatory for all purchasers of homes and their successors.
- D. Controlling interest shall not be conveyed from the applicant to Homeowners Association prior to completion and sale of at least sixty percent (60%) of the total number of units.
- E. The organization shall be responsible for meeting insurance and tax obligations for the common open space and improvements.

Ord. 2015-3, 12/3/2015, §6.

### **Section 513. Wireless Communications Facilities**

- A. General Requirements for All Tower-Based Wireless Communications Facilities. The following regulations shall apply to all tower-based wireless communications facilities:
  - 1. Development Regulations.
    - a. Prohibited in Residential Zones. No tower-based WCF shall be located in a right-of-way or a district zoned residential or within five hundred feet (500') of a lot in residential use or a residential district

## ZONING

boundary. The distance from the base of a proposed tower-based WCF to the nearest point on any lot line, lease line and license line shall not be less than the full height of the tower structure. No more than one tower-based WCF shall be placed on any one lot, or leased or licensed parcel, nor within one thousand feet (1,000') of another tower-based WCF. Tower-based WCFs are permitted only in A-1, A-2, A-3, C, HC, IC, IC-2, LI, and GI Zoning Districts as specified.

- b. Gap in Coverage. An applicant for a tower-based WCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or non-existence of a gap in wireless coverage shall be a factor in the Township's decision on an application for approval of tower-based WCF's.
  - c. Sole Use on a Lot. A tower-based WCF is permitted as a sole use on a lot subject to the minimum lot area and yards complying with the requirements for the applicable zoning district. A subdivision plan shall be required for any lot or lease parcel created for occupancy by a tower-based WCF and telecommunications equipment building. A land development plan shall be required prior to construction of any tower-based WCF and telecommunications equipment building.
  - d. Combined with Another Use. A tower-based WCF may be permitted on a property with an existing use or on a vacant parcel in combination with another agricultural, industrial, commercial, institutional or municipal use, subject to the following conditions:
    - (1) The existing use on the property may be any permitted use in the applicable district, and need not be affiliated with the communications facility.
    - (2) Minimum Lot Area. The minimum lot shall comply with the requirements for the applicable district and shall be the area needed to accommodate the tower-based WCF and guy wires, the equipment building, security fence, and buffer planting.
    - (3) Minimum Setbacks. The tower-based WCF and accompanying equipment building shall comply with the requirements for the applicable zoning district, provided that no tower-based WCF shall be located within five hundred feet (500') of a lot in residential use or a residential district boundary.
2. Notice. Upon receipt of an application for a tower-based WCF, the Township shall mail notice thereof to the owner or owners of every property within five hundred linear feet (500') of the property line of the parcel on which the proposed facility is to be located. [2017-4]

3. Co-location. An application for a new tower-based WCF shall not be approved unless the Township finds that the wireless communications equipment planned for the proposed tower-based WCF cannot be accommodated on an existing or approved structure or building. Any application for approval of a tower-based WCF shall include a comprehensive inventory of all existing towers and other suitable structures within a 2-mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the Township that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.
4. Standard of Design and Care. Any tower-based WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including, but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, the Uniform Construction Code (UCC), National Electric Safety Code, National Electric Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Structure design certification from a Pennsylvania registered professional engineer is required and the tower capacity shall be indicated. Detailed construction and elevation drawings, indicating antenna locations and mounting design, shall be submitted by the applicant. Any tower-based WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.
5. Design Regulations.
  - a. The WCF shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Township
  - b. Any height extensions to an existing tower-based WCF shall require prior approval of the Township. The Township reserves the right to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the character of the Township.
  - c. Any proposed tower-based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's antennas and comparable antennae for future users.

## ZONING

- d. Any Tower-Based WCF over forty feet (40') in height shall be equipped with an anti-climbing device, as approved by the manufacturer.
- 6. Wind. Any tower-based WCF structures shall be designed to withstand the effects of wind according to the standard design by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSFEINTIA-222-E Code, as amended).
- 7. Height. Any tower-based WCF shall be designed at the minimum functional height and shall not exceed a maximum total height of one hundred twenty-five feet (125'), which height shall include all subsequent additions or alterations. All tower-based WCF applicants must submit documentation to the Township justifying the total height of the structure.
- 8. Lighting. Tower-based WCF shall not be artificially lighted, except as required by law and as may be approved by the Township. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under State and Federal regulations.
- 9. Surrounding Environs.
  - a. The WCF applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible.
  - b. The WCF applicant shall submit a soil report to the Township complying with the standards of Appendix I: Geotechnical Investigations, ANSI/ETA 222-B, as amended, to document and verify the design specifications of the foundation of the tower-based WCF.
- 10. Visual or Land Use Impact. The Township reserves the right to deny an application for the construction or placement of any tower-based WCF based upon visual and/or land use impact.
- 11. Fence / Screen.
  - a. A security fence having a maximum height of eight feet (8') shall completely surround any tower-based WCF or any building housing WCF equipment.
  - b. An evergreen screen that consists of a hedge or a row of evergreen trees shall be located along the perimeter of the security fence.

- c. The WCF applicant shall submit a landscape plan for review and approval by the Township Planning Commission for all proposed screening.
- 12. Identification. All tower-based WCF's shall post a notice in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency, subject to approval by the Township.
- 13. Historic Buildings or Districts. No tower-based WCF may be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places or the official historic structures and / or historic districts list maintained by the Township, or has been designated by the Township as being of historic significance
- 14. Appearance. Towers shall be galvanized and / or painted with rust-preventive paint of an appropriate color to harmonize with the surroundings.
- 15. Accessory Equipment.
  - a. Ground-mounted equipment associated to, or connected with, a tower-based WCF shall be underground or enclosed in a structure. In the event that an applicant can demonstrate that the equipment cannot be located underground to the satisfaction of the Township Engineer, then the ground mounted equipment shall be screened from public view using stealth technologies, as described above.
  - b. All utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.
  - c. The telecommunications equipment building shall comply with the required yards and height requirements of the applicable Zoning District for a principal structure. No building may be used as an office or as a broadcast studio. Employees are permitted to visit the site as often as necessary for maintenance and inspection of the building and facility. No building or WCF may be used for long term vehicle storage or for other outdoor storage.
- 16. Additional Antennae. As a condition of approval for all tower-based WCFs, the WCF applicant shall provide the Township with a written commitment that it will allow other service providers to co-locate antennae on tower-based WCFs where technically and economically feasible. The owner of a tower-based WCF shall not install any additional antennae without obtaining the prior written approval of the Township.
- 17. Public Safety Communications. No tower-based WCF shall interfere with public safety communications or the reception of broadband, television,

## ZONING

radio or other communications services enjoyed by occupants of nearby properties.

18. Radio Frequency Emissions. No tower-based WCF may, by itself or in conjunction with other WCF's, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields", as amended.
19. Noise. Tower-based WCF's shall be operated and maintained so as not to produce noise in excess of applicable noise standards under State law and the Township Code of Ordinances, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
20. Aviation Safety. Tower-based WCFs shall comply with all Federal and State laws and regulations concerning aviation safety. Applications for tower-based WCF's shall be submitted to the Reading Regional Airport Authority for comments. The WCF applicant shall furnish a statement from the FCC, FAA and Commonwealth Bureau of Aviation that the tower-based WCF complies with applicable regulations or is exempt from these regulations.
21. Access Road. A paved access road, of at least ten feet (10') in width, in an easement of at least twenty feet (20') in width, turnaround space and a minimum of one off-street parking space shall be provided to ensure adequate emergency and service access to tower-based WCF. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the WCF owner shall present documentation to the Township that the property owner has granted an easement for the proposed facility.
22. Bond. Prior to the issuance of a permit, the owner of a tower-based WCF outside the ROW shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond or other form of security acceptable to the Township Solicitor, in an amount of One Hundred Thousand Dollars (\$100,000.00) to assure the faithful performance of the terms and conditions of this Chapter. The bond shall provide that the Township may recover from the principal and surety any and all compensatory damages incurred by the Township for violations of this Chapter, after reasonable notice and opportunity to cure. The owner shall file the bond with the Township.

23. License and Insurance. In addition, The applicant shall submit a copy of its current Federal Communications Commission (FCC) license; the name, address and emergency telephone number for the operator of the communications tower or antennae; and a certificate of insurance evidencing general liability coverage in the minimum amount of Six Million Dollars (\$6,000,000.00) per occurrence and property damage coverage in the minimum amount of Six Million Dollars (\$6,000,000.00) per occurrence covering the communications tower or antenna.
24. Indemnification. Applicant shall indemnify and hold harmless the Township from any and all risks relating to the use, maintenance and installation or removal of the tower based WCF.
25. Timing of Approval. Within thirty (30) calendar days of the date that an application for a tower-based WCF is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. All applications for tower-based WCFs shall be acted upon within one hundred fifty (150) days of the receipt of a fully completed application for the approval of such tower-based WCF and the Township shall advise the applicant in writing of its decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the 150-day review period.
26. Permit Fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a tower-based WCF, as well as related inspection, monitoring and related costs pursuant to a fee schedule adopted and as amended from time to time by the Township Board of Supervisors.
27. Retention of Experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the tower-based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Chapter. The applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.
28. Nonconforming Uses. Nonconforming tower-based WCFs which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this Chapter.
29. Maintenance. The following maintenance requirements shall apply:

## ZONING

- a. Any tower-based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
- b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.
- c. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.

30. **Inspection.** The Township reserves the right to inspect any tower-based WCF to ensure compliance with the provisions of this Chapter and any other provisions found within the Township Code or State or Federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

31. **Removal.** In the event that use of a tower-based WCF is planned to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:

- a. All unused or abandoned tower-based WCFs and accessory facilities shall be removed within six (6) months of the cessation of operations at the site unless a time extension is approved by the Township.
- b. If the WCF and/or accessory facility is not removed within six (6) months of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.
- c. Any unused portions of tower-based WCFs, including antennas, shall be removed within six (6) months of the time of cessation of operations. The Township must approve all replacements of portions of a tower-based WCF previously removed.

B. General Requirements for All Non-Tower Wireless Communications Facilities.

1. The following regulations shall apply to all non-tower wireless communications facilities that do not Substantially Change (see definitions) the physical dimensions of the wireless support structure to which they are attached:
  - a. Permitted in All Zones Subject to Regulations. Non-tower WCFs are permitted by right in all zoning districts subject to the restrictions

and conditions prescribed below and subject to the prior written approval of the Township. Applicants proposing installations on existing buildings or towers shall submit evidence of agreements and/or easements necessary to provide access to the existing building or tower so that installation and maintenance of the equipment can be accomplished. [2017-4]

- b. [Reserved.] [2017-4]
- c. Standard of Design and Care. Any non-tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including, but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, Pennsylvania Construction Code Act and Regulations and National Electrical Code, and shall not affect pedestrian or vehicular traffic. Design certification from a Pennsylvania registered professional engineer is required to attest that the existing structure can adequately support the proposed equipment installation. Detailed construction and elevation drawings, indicating antenna locations and mounting design, shall be submitted by the applicant. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.
- d. Wind. Any non-tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSFEINTIA-222-E Code, as amended).
- e. Public Safety Communications. No non-tower WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communications services enjoyed by occupants of nearby properties.
- f. Aviation Safety. Non-tower WCFs shall comply with all Federal and State laws and regulations concerning aviation safety. Applications for non-tower WCF's shall be submitted to the Reading Regional Airport Authority for comments. The WCF applicant shall furnish a statement from the FCC, FAA and Commonwealth Bureau of Aviation that the non-tower WCF complies with applicable regulations or is exempt from these regulations.
- g. Radio Frequency Emissions. No non-tower WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions

## ZONING

in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.

- h. Removal. In the event that use of a non-tower WCF is discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
  - (1) All abandoned or unused WCFs and accessory facilities shall be removed within three (3) months of the cessation of operations at the site unless a time extension is approved by the Township.
  - (2) If the WCF or accessory facility is not removed within three (3) months of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.
- i. Timing of Approval. Within thirty (30) calendar days of the date that an application for a non-tower WCF is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. Within sixty (60) calendar days of receipt of an application, the Township shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the Township's 60-day review period. [2017-4]
- j. Permit Fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a non-tower WCF.
- k. Stealth Technology/Aesthetic Impact. Non-tower WCF's shall employ stealth technology and be treated to match the supporting structure in order to minimize aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Township. [2017-4]

2. The following regulations shall apply to all non-tower wireless communications facilities that Substantially Change (see definitions) the wireless support structure to which they are attached:
  - a. Permitted in All Zoning Districts Subject to Regulations. Non-tower WCFs are permitted by right in all zoning districts subject to the restrictions and conditions prescribed below and subject to the prior written approval of the Township. Applicants proposing installations on existing buildings or towers shall submit evidence of agreements and/or easements necessary to provide access to the existing building or tower so that installation and maintenance of the equipment can be accomplished. [2017-4]
  - b. Upon receipt of an application for any non-tower-based WCF, the Township shall mail notice thereof to the owner or owners of every property zoned residential on the same street within five hundred linear feet (500') of the parcel or property of the proposed facility and of every property zoned residential not on the same street within five hundred feet (500') of the parcel or property of the proposed facility.
  - c. Standard of Care. Any non-tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including, but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, Pennsylvania Construction Code Act and Regulations and National Electrical Code and not affect vehicular or pedestrian traffic. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.
  - d. Wind. Any non-tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSFEINTIA-222-E Code, as amended).
  - e. Public Safety Communications. No non-tower WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communications services enjoyed by occupants of nearby properties.
  - f. Historic Buildings. Non-tower WCFs may not be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places or the official historic structures and/or

## ZONING

historic districts lists maintained by the Township, or has been designated by the Township as being of historic significance.

- g. Aviation Safety. Non-tower WCFs shall comply with all Federal and State laws and regulations concerning aviation safety. Applications for non-tower WCF's shall be submitted to the Reading Regional Airport Authority for comments. The WCF applicant shall furnish a statement from the FCC, FAA and Commonwealth Bureau of Aviation that the non-tower WCF complies with applicable regulations or is exempt from these regulations.
- h. Maintenance. The following maintenance requirements shall apply:
  - (1) The non-tower WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
  - (2) Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.
  - (3) All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
- i. Radio Frequency Emissions. No non-tower WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including, but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
- j. Removal. In the event that use of a non-tower WCF is discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
  1. All abandoned or unused WCFs and accessory facilities shall be removed within three (3) months of the cessation of operations at the site unless a time extension is approved by the Township.
  2. If the WCF or accessory facility is not removed within three (3) months of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and/or associated facilities and equipment may be removed

by the Township and the cost of removal assessed against the owner of the WCF.

- k. Timing of Approval. Within thirty (30) calendar days of the date that an application for a non-tower WCF is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. Within ninety (90) calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the Township's 90-day review period.
- l. Retention of Experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Chapter. The applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.
- m. Bond. Prior to the issuance of a permit, the owner of each individual non-tower WCF shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond, or other form of security acceptable to the Township Solicitor, in an amount of Twenty-Five Thousand Dollars (\$25,000.00) for each individual non-tower WCF, to assure the faithful performance of the terms and conditions of this Chapter. The bond shall provide that the Township may recover from the principal and surety any and all compensatory damages incurred by the Township for violations of this Chapter, after reasonable notice and opportunity to cure. The owner shall file a copy of the bond with the Township.
- n. License and Insurance. In addition, the applicant shall submit a copy of its current Federal Communications Commission (FCC) license; the name, address and emergency telephone number for the operator of the communications tower or antennae; and a certificate of insurance evidencing general liability coverage in the minimum amount of Six Million Dollars (\$6,000,000.00) per occurrence and property damage coverage in the minimum amount of Six Million Dollars (\$6,000,000.00) per occurrence covering the communications tower or antenna.

## ZONING

- o. Indemnification. Applicant shall indemnify and hold harmless the Township from any and all risks relating to the use, maintenance and installation or removal of the tower based WCF.
- p. Permit Fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a non-tower WCF, as well as related inspection, monitoring and related costs pursuant to a fee schedule adopted and as amended from time to time by the Township Board of Supervisors.
- q. Stealth Technology/Aesthetic Impact. Non-tower WCFs shall employ stealth technology and be treated to match the supporting structure in order to minimize aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Township. [2017-4]

3. The regulations set forth herein for non-tower wireless communications facilities shall not apply to non-commercial communications non-tower wireless communications facilities.

C. Non-Tower Wireless Communications Facilities Outside the Rights-of-Way. The following additional regulations shall apply to non-tower wireless communications facilities located outside the rights-of-way that Substantially Change (see definitions) the wireless support structure to which they are attached:

- 1. Development Regulations. Non-tower WCFs shall be co-located on existing structures, such as existing buildings or tower-based WCFs subject to the following conditions:
  - a. Such WCF does not exceed a maximum height of one hundred twenty-five feet (125').
  - b. If the WCF applicant proposes to locate the communications equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.
  - c. A minimum eight foot (8') high security fence shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.
- 2. Design Regulations.
  - a. Non-tower WCFs shall employ stealth technology and be treated to match the supporting structure in order to minimize aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Township.

- b. Non-tower WCFs, which are mounted to a building or similar structure, may not exceed a height of fifteen feet (15') above the roof or parapet, whichever is higher, unless the WCF applicant obtains a special exception from the Township's Zoning Hearing Board.
    - c. All non-tower WCF applicants must submit documentation to the Township justifying the total height of the non-tower structure. Such documentation shall be analyzed in the context of such justification on an individual basis.
    - d. Antennae, and their respective accompanying support structures, shall be no greater in diameter than any cross-sectional dimension than is reasonably necessary for their proper functioning.
    - e. Noncommercial Usage Exemption. The design regulations enumerated in this paragraph shall not apply to direct broadcast satellite dishes installed for the purpose of receiving video and related communications services at residential dwellings.
  3. Removal, Replacement, Modification.
    - a. The removal and replacement of non-tower WCFs and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not increase the overall size of the WCF or the numbers of antennae.
    - b. Any material modification to a wireless telecommunication facility shall require a prior amendment to the original permit or authorization.
  4. Visual or Land Use Impact. The Township reserves the right to deny an application for the construction or placement of any non-tower WCF based upon visual and/or land use impact.
  5. Inspection. The Township reserves the right to inspect any WCF to ensure compliance with the provisions of this Chapter and any other provisions found within the Township Code or State or Federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time upon reasonable notice to the operator, to ensure such compliance.

D. Non-Tower Wireless Communications Facilities in the Rights-of-Way. The following additional regulations shall apply to all non-tower wireless communications facilities located in the rights-of-way:

  1. Co-location. Non-tower WCFs in the ROW shall be co-located on existing poles, such as existing utility poles or light poles.

## ZONING

2. Design Requirements.
  - a. WCF installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six feet (6') in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
  - b. Antennae and all support equipment shall be treated to match the supporting structure. WCFs and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.
3. Compensation for ROW Use. In addition to permit fees as described above, every non-tower WCF in the ROW is subject to the Township's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Township. The owner of each non-tower WCF shall pay an annual fee to the Township to compensate the Township for its costs incurred in connection with the activities described above. The annual ROW management fee for non-tower WCFs shall be determined by the Township and authorized by resolution of Township Board of Supervisors and shall be based on the Township's actual ROW management costs as applied to such non-tower WCF.
4. Time, Place and Manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all non-tower WCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.
5. Equipment Location. Non-tower WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:
  - a. In no case shall ground-mounted equipment, walls, or landscaping be located within eighteen inches (18") of the face of the curb.

- b. Ground-mounted equipment shall be located underground. In the event an applicant can demonstrate, to the satisfaction of the Township Engineer, that ground-mounted equipment cannot be undergrounded, then all such equipment shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
  - c. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
  - d. Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.
  - e. Any underground vaults related to non-tower WCFs shall be reviewed and approved by the Township.
  - f. Not be located within an easement other than a utility easement.
  - g. New ground mounted cabinets shall not be installed above ground directly in front of a residential structure.
6. Relocation or Removal of Facilities. Within sixty (60) days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
  - a. The construction, repair, maintenance or installation of any Township or other public improvement in the right-of-way.
  - b. The operations of the Township or other governmental entity in the right-of-way.
  - c. Vacation of a street or road or the release of a utility easement.
  - d. An emergency as determined by the Township.
7. Visual or Land Use Impact. The Township retains the right to deny an application for the construction or placement of a non-tower WCF based upon visual and/or land use impact.
8. The Township shall be named as an additional insured on all applicable insurance policies.

## ZONING

Ord. 2015-3, 12/3/2015, §6; as replaced by Ord. 2017-2, 2/2/2017, §23-24; as amended by Ord. 2017-4, 4/6/2017, §7-12.

### **Section 514. Colocation of Wireless Communications Facilities**

To the extent the regulations provided for in Section 513 are applicable to co-location of wireless communications facilities and the regulations are inconsistent with the Wireless Broadband Collocation Act, 53 P.S. §11702.1 et seq., the Act regulations set forth in the statute shall control.

Ord. 2015-3, 12/3/2015, §6; as replaced by Ord. 2017-02, 2/2/2017, §25-27.

### **Section 515. Height Exceptions**

The building height limitations contained within this Ordinance shall not apply to chimneys, spires, belfries, cupolas, silos, antennas, water tanks, ventilators, equipment towers, conveyors, enclosures for machinery and structural supports for machinery, storage bins, cooling towers, elevator shafts, HVAC systems, and other similar structures or appurtenances provided they are not intended for human occupancy. The height of any such projection above its base shall not be greater than the shortest distance from such base to any lot line. HVAC systems placed above roof level shall be completely screened. Wireless Communications Facilities are subject to the applicable requirements of this Ordinance. Refer to Article V, Section 537 pertaining to height limitations due to the Reading Regional Airport. The building height limitations in this Ordinance may be increased to fifty feet (50') for buildings over 200,000 square feet.

Ord. 2015-3, 12/3/2015, §6; as amended by Ord. 2017-2, 2/2/2017, §21; as amended by Ord. 2020-4, 7/2/20, §1.

### **Section 516. Slope Controls**

The following controls shall apply in all areas where the slope of the land at the site of earth moving exceeds fifteen percent (15%) over a linear distance of more than twenty feet (20') except for the construction within a man-made slope within a street right of way. The determination of what constitutes man made slopes will be made by the Zoning Officer.

Section 516.1 Prior to any alteration of the existing grade, a grading plan prepared by a registered professional engineer shall be submitted to the Zoning Officer and an erosion and sedimentation control plan prepared by a registered professional engineer shall be submitted to the Zoning Officer and approved by the County Conservation District. The erosion and sedimentation control plan shall meet the standards for such a plan established in the Township's Subdivision and Land Development Ordinance. The grading plan shall indicate existing and proposed contours at intervals of no more than two feet (2') in

elevation. On the grading plan all existing and proposed structures, other impervious surfaces, storm drainage facilities and utilities, retaining walls, and vegetation and other natural features shall be shown. The percentage of tree clearance and impervious coverage in the Steep Slope Areas shall be indicated.

Section 516.2 The applicant shall indicate the methods whereby any structural and foundation problems caused by slope conditions will be overcome. Such methods shall be prepared by a registered architect.

Section 516.3 No more than twenty percent (20%) of wooded areas on the steep slope areas existing at the time a zoning permit is applied for shall be subsequently clear cut. Existing trees and shrubs shall be preserved whenever possible and desirable. The location of trees must be considered when developing the site. The applicant shall indicate the means whereby trees and other natural features shall be protected during construction.

Section 516.4 The proposed development shall be accomplished without excessive earth moving and destruction of natural amenities. No more than twenty percent (20%) of the areas subject to Slope Controls shall be covered by impervious surfaces.

Section 516.5 Natural features and important visual qualities of the site such as topsoil, hilltops, ridge lines, rock outcroppings and scenic views shall be preserved and incorporated into the final landscaping of the site whenever possible and desirable.

Section 516.6 The applicant shall provide architectural plans, elevations and sections for proposed buildings and the plan, profile, and typical cross section of impervious surfaces.

Section 516.7 Buildings shall not be constructed on slopes exceeding twenty five percent (25%), unless no areas less than twenty five percent (25%) are available for building. In such cases, the Zoning Hearing Board may permit construction on slopes exceeding twenty five percent (25%) as a Special Exception.

Ord. 2015-3, 12/3/2015, §6.

### **Section 517. Standards For Public Utility Uses**

Section 517.1 A structure or other installation for the purpose of servicing a public utility except common or contract carriers may be located within any zoning district, subject to:

- A. The public utility shall file a plan with the Township indicating the location of all existing and proposed structures within the Township.
- B. No such facility shall create a danger to the public safety of any resident of the Township.
- C. A Special Exception must be received from the Zoning Hearing Board prior to the locating of any building.

## ZONING

D. If adjoining land is zoned R 1 or R 2, all public utility facilities, storage, or activities outside a building, including parking and loading, shall be screened from view from public streets and adjoining lots.

E. The proposed facility must provide a necessary function.

Ord. 2015-3, 12/3/2015, §6.

### **Section 518. Home Occupation Regulations**

In any district permitting residences, all dwelling units with direct access to a public street may be used for the practice of a home occupation, provided such occupation is clearly incidental or secondary to the use of the property as a residence, and further provided that the use of the dwelling does not change the character thereof or have any exterior evidence of such secondary use other than a small nameplate as provided in this Ordinance.

Section 518.1 Only a resident of the dwelling unit may practice the home occupation.

Section 518.2 No storage of materials or products related to the home occupation shall be permitted outside buildings.

Section 518.3 Home occupations shall be limited to the employment on the premises of not more than two (2) paid or unpaid employees or assistants at any one time.

Section 518.4 Any need for parking generated by the home occupation shall be met off street on the lot on which the home occupation is conducted, in addition to those parking spaces required for the dwelling unit. As a minimum, for those occupations which serve patrons, two (2) off street parking spaces shall be provided except in the case of dental, medical, or paramedical offices. Four off street parking spaces shall be provided for each person engaged in dental, medical, or paramedical practice.

Section 518.5 Home occupations shall be conducted within a single family detached dwelling with direct access to ground level.

Section 518.6 There shall be no alterations made to the outside of the dwelling in order to accommodate or facilitate a home occupation.

Section 518.7 Goods available for retail sale shall be produced in the dwelling unit, unless incidental to the principal service provided.

Section 518.8 No display of products shall be visible from public streets or adjacent properties.

Section 518.9 Not more than twenty-five (25%) percent of the total floor area of the dwelling may be used for the home occupation. In any case, the maximum floor area to be used for a home occupation shall be five hundred square feet (500 sq. ft.).

Section 518.10 No repetitive servicing by truck shall be permitted.

Section 518.11 No emission of unpleasant gases or other odorous matter shall be permitted.

Section 518.12 No emission of noxious, toxic, or corrosive gases or fumes injurious to persons, property, or vegetation shall be permitted.

Section 518.13 No glare and heat from any home occupation shall be permitted.

Section 518.14 No discharge is permitted into a reservoir, sewage or storm disposal system, stream, open body of water, or into the ground, of any materials in such a way or of such nature or temperature as could contaminate any water supply or damage or be detrimental to any sewage system or any sewage treatment plant, or otherwise could cause the emission of dangerous objectionable elements.

Section 518.15 No vibration perceptible beyond the dwelling unit in which the home occupation is conducted shall be permitted.

Section 518.16 No noise shall be audible beyond the dwelling unit in which the home occupation is conducted exceeding the average intensity of street traffic at the front lot line. Objectionable noises due to intermittence, beat, frequency, or shrillness shall be muffled.

Section 518.17 No emission of any smoke shall be permitted.

Section 518.18 Electric or electronic devices shall be shielded in such a manner as not to interfere with radio or television reception or transmission of any kind.

Ord. 2015-3, 12/3/2015, §6.

### **Section 519. Recreational Development Regulations**

Accessory uses shall be restricted to those providing necessary amenities and equipment to members and guests to include the sale of goods, prepared foods and services and rental of facilities and equipment to members and guests provided that no sleeping accommodations are provided.

Ord. 2015-3, 12/3/2015, §6.

### **Section 520. Lots In Two Districts**

## ZONING

Where a district boundary line divides a lot of record at the time such line is established, the regulations for the less restricted portion of such lot may extend not more than thirty feet (30') into the more restricted portion, provided the lot has frontage on a street in the less restricted district.

Ord. 2015-3, 12/3/2015, §6.

### **Section 521. Lot Area And Lot Width For Lots Not Served With Public Water And/Or Sanitary Sewers**

Where a lot is not served by a public water supply and/or sanitary sewerage system and the Municipality Subdivision Regulations or other State statute or local ordinance in force require a higher standard for lot area or lot width than this Ordinance, the more restrictive regulations of such other statute, ordinance or regulation shall apply.

Ord. 2015-3, 12/3/2015, §6.

### **Section 522. Shopping Centers**

Shopping centers shall be in single ownership or under a unified management control. Shopping centers shall consist of a harmonious selection of uses and groupings of buildings, service and parking areas, circulation and open space, and shall be subject to the following provisions:

#### Section 522.1 Permitted Uses

The following principal uses and their accessory uses are permitted by right provided that the other applicable requirements of this Ordinance are met:

- A. Retail sales of goods such as, but not limited to, appliances, beverages, bicycles, books, cards, carpeting, cassettes and compact discs, clothing, confections, drugs, dry goods, electronic equipment, flowers, food, furniture, hardware, jewelry, newspapers, notions, office equipment, paint, personal and household supplies, photographic equipment and supplies, sporting goods, stationery, and toys.
- B. Personal or household service establishments such as, but not limited to, barber shops; beauty shops; laundromats, laundry and dry cleaning shops (but not laundry or dry cleaning plants); tailor and seamstress shops; shops renting and repairing household goods, shoes, jewelry and appliances; medical equipment rental shops; video rental shops; and job printers.
- C. Library; passenger station for public transportation.
- D. Business, professional, or governmental office or studio.
- E. Financial institution.

- F. Restaurants, taprooms, confectioneries or other places serving food or beverage; provided, however, that an outdoor counter, drive in or curb service in an establishment greater than one hundred square feet (100 sq. ft.) in area shall be permitted only as a conditional use.
- G. A store specializing in the sale of tires, batteries, automotive accessories, gasoline, lubricants and the service and repair of motor vehicles in conjunction with a department store or shopping center.

#### Section 522.2 Conditional Uses

- A. The following principal uses and their accessory uses are permitted as a conditional use provided that the other applicable requirements of this Ordinance are met:
  1. Movie Theater
  2. Martial Arts studio
  3. Walk in bingo parlor
  4. Establishment greater than one hundred square feet (100 sq. ft.) in area containing an outdoor counter, drive in or curb service, and serving food or beverage.
- B. Conditional Use Procedure:
  1. Application. Four (4) copies of an application for authorization to conduct a Use permitted by condition shall be submitted to the Township Secretary. Such application shall include all information to allow the Township Supervisors to determine that all requirements of this Ordinance have been met.
  2. Review. After receiving an application, the Supervisors shall refer the application to the Township Planning Commission for its recommendations. The application shall be reviewed at a regularly advertised meeting of the Township Supervisors, and the Supervisors shall either approve or disapprove the application within one hundred twenty (120) days after the date the application is received by the Township Secretary.
  3. Standards. Conditional Uses shall meet the specific standards established for each Use by this Ordinance and all other applicable Zoning District requirements and Supplementary Regulations established by this Ordinance. In addition, the following standards shall be met:

## ZONING

- a. The Use shall be one which is specifically authorized as a Conditional Use in the Zoning District wherein the applicant is seeking a Conditional Use.
- b. Public services and utilities, if available, shall be adequate to service the proposed Use.
- c. The Use will not generate traffic such that hazardous or unduly congested conditions will result.
- d. The Use is appropriate to the site in question.
- e. The Use shall not adversely affect the character of the general neighborhood, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.
- f. Adequate parking will be provided on site to accommodate all proposed Uses.
- g. Drive thru service shall be conducted with a safe and orderly traffic pattern with sufficient waiting areas for vehicles waiting to place and pick up orders, as demonstrated by traffic plans and studies submitted by the applicant and approved by the Township.

## Section 522.3 Signs

- A. Each building shall be limited to two (2) of the following signs along each street on which the use is located;
  1. One (1) parallel or projecting sign;
  2. One (1) window sign; or
  3. One (1) freestanding sign.

### B. Table of Sign Area Requirements - On Premises Signs

<u>Type</u>	<u>Maximum Area</u>
Parallel	Not exceeding 25% of building face area; no greater than 100 square feet
Projecting	Not exceeding 25% of building face area; no greater than 50 square feet
Window (all window signs shall be limited to lettering which	Not exceeding 1 for each 2 linear feet of lot frontage or 100 square feet, whichever is smaller

identifies occupancy  
or business)

C. In the case of a building housing more than one (1) commercial tenant, one (1) freestanding sign indicating the name of the shopping center may be erected. No portion of such sign shall be less than twenty feet (20') nor more than forty feet (40') above the ground. The area of any one (1) side of such sign shall not exceed three hundred square feet (300 sq. ft.), including marquee for public announcements. The location and orientation of such sign shall be shown on the land development plan.

In addition, for each commercial tenant located within that building, no more than one (1) parallel sign may be attached to that portion of the building housing the tenant. The parallel sign shall not exceed twenty five percent (25%) of the building face area or one hundred square feet (100 sq. ft.), whichever is less.

In the case of a group of buildings on a lot held in single and separate ownership, the provisions of this Section 522.3 relating to the total area of signs permitted on a premises shall apply with respect to each building, provided that only parallel signs shall be permitted for individual buildings.

#### Section 522.4 Use Conditions

Permitted uses shall be subject to the following conditions:

- A. All business and services, including storage and outdoor sales, shall be conducted within the maximum building coverage area established in Section 522.6.
- B. All outside sales shall be confined within chain link or equivalent fencing.
- C. All lighting for buildings, signs, access ways, and loading and parking areas shall be so arranged as not to be directed toward nor cause glare on public streets and surrounding properties.
- D. Establishments furnishing shopping carts shall provide definite areas on the site for the storage of said carts. Storage areas shall be clearly marked and designated for the storage of shopping carts.
- E. Storage areas for trash and rubbish shall be completely screened and all organic rubbish shall be contained in vermin proof containers.
- F. If there is more than one building constructed on a lot, the proposed development shall be designed as part of a single architectural and landscaping scheme. Buildings shall not be located to adversely affect parking and circulation patterns on the site, nor to result in an inadequate number of parking spaces on the site.

## ZONING

G. Any building facade which faces a patron parking area, street or other space used or viewed by the public shall be provided with decorative facade treatment, architecturally integrated with all other building faces.

Site models and/or three dimensional graphic portrayals, providing a clear perspective of the relationship of the proposed development to the site and its visual impact on adjacent properties, shall be submitted to the Township.

### Section 522.5 Land Development Plan Required

A. A land development plan for the shopping center shall be prepared, submitted, and reviewed as prescribed in the Ontelaunee Township Subdivision and Land Development Ordinance and any amendments thereto.

B. An advisory recommendation from the Planning Commission to the Board of Supervisors on the land development plan shall be required prior to action by the Board of Supervisors.

### Section 522.6 Lot Area, Width, Building Coverage, and Height Regulations

All uses shall comply with the following dimensional requirements:

Minimum Lot Area (sq. ft.)	130,680 (3.0 acres)
Minimum Lot Width (feet)	250
Maximum Building Coverage (percent)	25
Maximum Height (feet)	40
Minimum Front Yard (feet)	35
Minimum Each Side Yard (feet)	35
Minimum Total Side Yards (feet)	70
Minimum Rear Yard (feet)	35
Minimum Open Area (Percent)	30

Minimum Distance Between Buildings (feet)	50
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### Section 522.7 Buffer Yards

All buildings, service and parking areas shall be screened from existing abutting residential lots. Buffer yards are required for all nonresidential uses which border residential districts. The buffer yards shall comply with the following:

- A. The buffer yard shall be measured from the district boundary line or from the nearest street line where a street serves as the district boundary line. Buffer yards may not be part of a street right of way but shall be in addition to that right of way.
- B. A fifteen foot (15') buffer yard shall be required, unless otherwise indicated in this Ordinance.
- C. In all buffer yards, areas beyond the planting screen shall be planted with grass seed, sod or ground cover and shall be maintained and kept clean of all debris, rubbish, weeds and tall (no more than eight inches (8")) grass.
- D. The buffer yard shall be a landscaped area free of structures, materials, loading, and vehicular parking. No driveways or streets shall be permitted in the buffer yards except at points of ingress or egress.
- E. Screening.
  - 1. All buffer yards shall include a dense screen planting of trees, shrubs or other plant materials, along the full length of the lot line to serve as a barrier to visibility, airborne particles, glare and noise. Such screen planting shall be in accordance with the following requirements:
    - a. Plant materials used in the screen planting shall be of such species and size as will produce, within three (3) years, a complete year round visual screen of at least six feet (6') in height.
    - b. The screen planting shall be permanently maintained by the land-owner and any plant materials which do not live shall be replaced.
    - c. The screen planting shall be so placed that at maturity it will not be closer than three feet (3') to any street or property line.
    - d. The screen planting or fence shall be broken only at points of vehicular or pedestrian access.
  - 2. In circumstances where it is impractical for a screen to meet all the requirements of this subsection or where to do so would create an undue hardship,

## ZONING

the Zoning Hearing Board may modify the requirements or approve acceptable alternatives which shall satisfy the spirit, objectives and intent of the screen requirements.

### Section 522.8 Off street parking and loading spaces and internal drives

- A. Four and one half (4½) parking spaces are required for each one thousand square feet (1,000 sq. ft.) of gross floor area.
- B. All private drives, parking areas, service and access ways shall be constructed in accordance with Township street construction specifications.
- C. Parking areas shall be a minimum of twenty five feet (25') from public street rights of way and lot lines.
- D. Interior access ways shall be designed so as to prevent the blocking of vehicles entering or leaving the site. Areas provided for loading or unloading of trucks and/or other vehicles or for servicing of shops for rubbish collection or other services shall be adequate in size and shall be so arranged that they may be used without blocking or interfering with interior circulation and parking facilities.

### Section 522.9 Vehicular ingress and egress

- A. All means of ingress or egress from the shopping center to any public street or State highway shall be located at least two hundred feet (200') from any street intersection and shall be designed to conduct traffic in a safe manner. The developer shall be responsible for the purchase and erection of any necessary traffic control devices and the construction of additional acceleration or deceleration lanes as may be required by the Pennsylvania Department of Transportation or by the Township.
- B. Access to satellite uses shall be taken from the parking area and ring roads intended for the primary use; access to parking for satellite uses shall not be taken directly from an abutting street without obtaining explicit permission from the Board of Supervisors.

Ord. 2015-3, 12/3/2015, §6.

## Section 523. Mini Self Storage Units

Mini Self Storage Units are subject to the following provisions:

Section 523.1 Off street parking spaces shall be provided at the rate of one (1) space per each employee, plus four (4) additional spaces if an office is provided.

Section 523.2 In addition to the parking spaces required by the preceding paragraph, parking shall be provided by parking/driveway lanes adjacent to the buildings. These lanes shall be at least twenty four feet (24') wide.

Section 523.3 Required parking spaces may not be rented as, or used for, vehicular storage. However, additional external storage area may be provided for the storage of privately owned travel trailers and/or boats, so long as such external storage area is screened from adjoining residentially zoned land, parcels on which a residence exists, and adjoining local roads, and is located behind the minimum yard setback lines. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperative vehicles.

Section 523.4 All storage shall be kept within enclosed buildings. Storage of flammable, highly combustible, explosive, or hazardous chemicals shall be prohibited. Any fuel tanks and/or machinery or other apparatus relying upon such fuels shall only be stored in an external storage area as described above.

Section 523.5 Because of the danger from fire or explosion caused by accumulation of vapors from gasoline, diesel fuel, paint, paint remover, and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture is prohibited.

Section 523.6 No door openings for any mini self-storage unit shall be constructed facing any adjoining residentially zoned property, or any adjoining property on which a residence exists, unless such door opening is screened from view of the adjoining residentially zoned property or adjoining property on which a residence exists. No such screen is required if the door openings will be a minimum of two hundred feet (200') from the property line of the adjoining residentially zoned property or adjoining property on which a residence exists.

Section 523.7 Mini self-storage units shall be used solely for the storage of property. The following lists examples of uses expressly prohibited upon the site:

- A. Auctions, wholesale or retail sales, or garage sales;
- B. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment;
- C. The operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment;
- D. The establishment of a transfer and storage business; and,
- E. Any use which may be noxious or offensive because of odors, dust, noise, fumes, or vibrations.

The applicant shall adequately demonstrate that all mini self-storage unit rental and/or use contracts specifically prohibit these uses.

## ZONING

Section 523.8 The minimum distance between buildings containing storage units shall be twenty-four feet (24').

Section 523.9 Any refuse area shall be screened from adjoining properties.

Section 523.10 All areas on the site not covered by pavement or structures shall be planted with turf and with deciduous and/or coniferous plant materials. A landscaping plan, indicating the type and location of the proposed plantings, shall be included in the site development plan and shall be submitted to the Township for review. All plantings shall be maintained in good condition by the property owner.

Section 523.11 Screening shall consist of a dense screen planting of trees, shrubs or other plant materials, fencing, earth mounding, or combination thereof to serve as a barrier to visibility. Such screen shall be in accordance with the following requirements:

- A. Plant materials used in a screen planting shall be of such species and size as will produce, within three (3) years, a complete year round visual screen of at least six feet (6') in height.
- B. A screen planting shall be permanently maintained by the landowner and any plant materials which do not live shall be replaced.
- C. A screen planting shall be so placed that at maturity it will not be closer than three feet (3') to any street or property line.
- D. Any fence, earthmound, or combination of fencing, earthmounding and landscaping shall be a minimum of six feet (6') in height.
- E. The screen planting shall be broken only at points of vehicular or pedestrian access.

Ord. 2015-3, 12/3/2015, §6.

## **Section 524. Disposal Of Junk**

It shall be unlawful for the owner of any junk or the occupant of any property to allow, permit or suffer junk materials to be left upon any property, unless the same be authorized in connection with a junk yard complying with and operated pursuant to this Ordinance and all other Ordinances of the Township.

Ord. 2015-3, 12/3/2015, §6.

## **Section 525. Unsafe Buildings And Structures**

If an unsafe condition is found in a building or structure which has been damaged by any means, the Zoning Officer shall serve on the owner, agent or person in control of the building or structure a written notice describing the building or structure deemed unsafe and specifying the required repairs or improvements to be made within a specified time period to render the building or structure safe and secure, or requiring the unsafe building or structure or portion thereof to be demolished within a stipulated time.

Ord. 2015-3, 12/3/2015, §6.

### **Section 526. Mobile Home Requirements**

Each mobile home shall be provided with a permanent concrete foundation and be equipped with utility connections. Any open spaces between a mobile home floor and a mobile home foundation shall be permanently enclosed to prevent unauthorized entry and to conceal supports and utility connections. Every mobile home shall be anchored to the foundation. The application for placement of the mobile home shall be accompanied by specifications for the foundation and anchoring.

Ord. 2015-3, 12/3/2015, §6.

### **Section 527. Conduct Of Agricultural Activities**

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

Ord. 2015-3, 12/3/2015, §6.

### **Section 528. Wooded Area Controls**

Section 528.1 Timber Stand Improvement is permitted in all existing wooded areas; however, no timber may be cut under fourteen inches (14") in diameter measured breast high except under the following conditions without approval from the Township Supervisors:

- A. All dead trees may be removed regardless of diameter.
- B. No more than thirty percent (30%) of the existing tree cover may be removed from the tract regardless of diameter.
- C. The planting and harvesting of Christmas trees is permitted.

## ZONING

D. Forestry as defined in the Pennsylvania Municipalities Planning Code may be practiced where permitted by this Ordinance.

Ord. 2015-3, 12/3/2015, §6.

### **Section 529. Control of Street Access**

All areas for off street parking, off street unloading and loading, and the storage or movement of motor vehicles shall be physically separated from public streets or highways by a raised curb or planting strip to serve as a barrier against unchannelled motor vehicle entrance or exit, except for necessary accessways for entrance to and egress from such parking, loading or storage areas.

Ord. 2015-3, 12/3/2015, §6.

### **Section 530. Storage of Vehicles And Recreational Equipment**

Section 530.1 Major recreational equipment shall not be parked or stored on any residential lot or on any lot within an R-1 and/or R-2 District, except as follows:

A. The equipment is stored in one of the three following methods:

1. Inside a carport
2. Inside an enclosed building
3. Behind the nearest portion of a building to a street

B. The equipment may be parked anywhere on a lot for a maximum period of twenty-four (24) hours during which time the equipment is being loaded or unloaded.

Section 530.2 No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot or on any lot within an R-1 and/or R-2 District, or in any location not approved for such use.

Section 530.3 Automotive vehicles or major recreational vehicles of any kind without current license registration (license plates) shall not be parked or stored on any street or on any premises other than in a completely enclosed building except for such vehicles stored in conjunction with a lawful permitted use.

Section 530.4 No tractor or trailer from a tractor trailer truck, other than a vehicle used in conjunction with a lawful conforming or non-conforming use, shall be stored or parked for more than twelve (12) hours within an R-1 or R-2 district unless it is stored within a completely enclosed building.

Ord. 2015-3, 12/3/2015, §6.

### **Section 531. Loading Areas**

Section 531.1 Paved off street loading and unloading spaces, with proper access from a street, driveway, or alley, shall be provided on any lot on which a building for trade, business, industry, warehousing, or other use similarly involving receipt of or distribution of materials or merchandise by motor vehicle is hereafter erected or expanded. All such areas for the loading and unloading of vehicles, and for the servicing of establishments by refuse collection, fuel and other service vehicles, shall be of such size, design and arrangement that they may be used without blocking or otherwise interfering with the use of automobile accessways, parking facilities and pedestrian ways. Loading areas shall not be located within required front yards and shall not be located within five feet (5') of any side or rear lot line. All loading and unloading shall be conducted within or adjacent to a building.

Section 531.2 The number and size of loading spaces provided shall be appropriate for the use to be conducted on the premises and sufficient to accommodate all vehicles serving the use. At least one (1) loading space shall be provided for each use. When a permit is applied for, the application shall show all provisions for off street loading and include supporting data (data on number, frequency and size of vehicles which will use the loading facilities) which justify the number and size of spaces provided. Number and size of spaces required shall be approved by the Zoning Officer unless otherwise indicated in this Ordinance.

Section 531.3 All areas for off street unloading and loading shall be physically separated from public streets or highways by a raised curb or planting strip to serve as a barrier against unchanneled motor vehicle entrance or exit, except for necessary accessways for entrance to and egress from such loading areas.

Ord. 2015-3, 12/3/2015, §6.

### **Section 532. Floodplain Controls**

Section 532.1 The following controls shall apply to 100 year floodplains along watercourses within the Township.

- A. No watercourse shall be altered or relocated unless approved by the Township Supervisors and, where applicable, the appropriate State and Federal agencies.
- B. No watercourse shall be altered or relocated unless the person proposing the alteration or relocation submits calculations assuring that the flood carrying capacity within the altered or relocated portion of the watercourse shall be designed to be not less than the flood carrying capacity of the watercourse prior to the proposed alteration or relocation.

## ZONING

- C. No encroachment shall be made on a floodplain or watercourse which will increase flood levels within the Township during the occurrence of the 100 year flood discharge. With any proposal for an encroachment, calculations which will indicate compliance with this requirements shall be submitted to the Township. All encroachments are subject to Township approval.
- D. Any fill permitted by the Township is subject to:
  - 1. Fills shall consist of soil or rock materials only. Sanitary landfills shall not be permitted.
  - 2. Adequate provisions shall be made to prevent surface water from damaging the sloping surfaces of fills.
  - 3. Fills shall be placed and mechanically compacted to minimize sliding and erosion of soil.
  - 4. Fill slopes shall be no steeper than one (1) vertical unit to two (2) horizontal units.
- E. Buildings shall not be constructed within the floodplains.
- F. No outside storage of materials is permitted within floodplains.
- G. Not more than ten percent (10%) of the floodplain shall be covered with impervious surfaces.

Ord. 2015-3, 12/3/2015, §6.

## **Section 533. Driveways**

Section 533.1 The following standards shall apply to all driveways:

- A. No driveway shall be constructed in such a manner so as to create a drainage or sedimentation problem on an adjacent property or street. Provisions subject to approval of the Township shall be made for drainage at all intersections of driveways with streets.
- B. The location and width of exit and entrance driveways shall be planned to interfere as little as possible with the flow of vehicular traffic on adjacent streets. Driveways shall not be located in such a manner that they will cause a hazard to the movement of normal traffic or cause areas of undue traffic congestion on streets or highways.
- C. Driveways shall be so located as to provide reasonable and safe sight distance at intersections with streets for both the operator of a vehicle departing the driveway

and the operator of a vehicle on the intersected street who would be approaching the driveway.

- D. All driveways which provide access to arterial streets, if such driveways are permitted by the Township, shall be designed with turnaround areas so that cars will not back onto the arterial street and will enter the street head on.
- E. The roadway between the right of way line of the street and the street cartway shall be paved.
- F. Unless otherwise approved by the Township as part of the review of a subdivision or land development plan, a use with less than one hundred feet (100') of frontage on a public street shall not have more than one accessway to such street, and no use shall have more than two (2) accessways to any one (1) street for each five hundred feet (500') of frontage.
- G. Driveway entrances to State Routes shall meet Pennsylvania Department of Transportation requirements.
- H. Driveway entrance grades shall be such to provide a smooth transition to streets and to provide for proper drainage of the street and driveway.
- I. No design shall be approved which is likely to create substantial traffic hazards endangering the public safety. Safety requirements which may be imposed in such a review shall include traffic control devices, acceleration or deceleration lanes, turning lanes, traffic and lane markings, and signs.

Section 533.2 The following standards shall apply to nonresidential driveways:

- A. The width, excluding radii, of entrances to and exits from parking areas, measured at the street line, shall conform to the following schedule:

	Width in Feet	
	Minimum	Maximum
One Way	12	24
Two Way	24	36

Each lane provided shall be a minimum of twelve feet (12') in width.

The radius of the edge of the driveway apron shall be at least fifteen feet (15') and no more than thirty five feet (35').

Provided that along State Routes, if these standards are in conflict with Pennsylvania Department of Transportation requirements, driveways shall be designed to conform as closely as possible to the requirements of this Ordinance, while conforming to the requirements of the Pennsylvania Department of Transportation.

## ZONING

Further provided that if other widths or radii are approved by the Township in conjunction with a subdivision or land development plan, such other widths and radii shall be applicable.

Ord. 2015-3, 12/3/2015, §6.

### **Section 534. Off Street Parking**

Section 534.1 In all zoning districts, off street parking facilities shall be provided whenever:

- A. A building is constructed or a new use established.
- B. The use of an existing building or a lot is changed to a use requiring more parking facilities.
- C. An existing building or use is altered so as to increase the amount of parking spaces required.

Section 534.2 Each parking space shall have minimum dimensions of nine feet (9') by eighteen feet (18'). In addition, appropriate driveways, aisles, and maneuvering space shall be provided as necessary to permit safe and convenient access to and use of the area provided for parking purposes. Proper access from a street, alley, or driveway shall be provided. When parking spaces are provided parallel to a driveway or aisle, the minimum dimensions of the spaces shall be ten feet (10') by twenty two feet (22').

Section 534.3 Parking spaces for residential uses shall be located on the same lot as the use served and shall be located behind the street right of way line. Parking spaces for other uses shall be provided for on the same lot as the use being served or in parking facilities within two hundred feet (200') of the building served, except in the case of a shopping center or similar grouping of buildings on a lot, in which case all parking areas shall be provided within the lot boundaries.

Section 534.4 Joint parking facilities for two (2) or more uses may be established, provided that the number of spaces provided is not less than the sum of the spaces required for each individual use.

Section 534.5 All parking spaces and means of access, other than those relating to a dwelling, shall be illuminated during night hours of use.

Section 534.6 All parking spaces shall be suitably prepared for use by motor vehicles. All common parking areas and access drives shall be paved, shall have marked parking spaces, shall be graded to provide convenient vehicular access and proper drainage and shall be maintained in usable condition. The grade of common parking areas shall not exceed six percent (6%), and the grade of access drives shall not exceed ten percent (10%). Surface water shall not be concentrated onto public sidewalks or other lots.

Section 534.7 Areas necessary to fulfill the off street parking requirements of this Ordinance shall be used solely for that purpose.

Section 534.8 Off street parking facilities existing at the effective date of this Zoning Ordinance shall not be subsequently reduced to an amount less than that required under this Ordinance for a similar new building or use.

Section 534.9 The width of aisles in parking areas shall be no less than listed in the following table:

Angle of Parking	Aisle Width	
	One Way	Two Way
90°	20'	24'
60°	18'	Not Permitted
45°	15'	Not Permitted
30°	12'	Not Permitted

Section 534.10 When the required number of parking spaces is computed and a fraction of a parking space results, any fraction below one half (1/2) may be disregarded and any fraction one half (1/2) or greater shall necessitate the provision of a full parking space.

Section 534.11 Parking areas for nonresidential uses shall be designed such that vehicles will not have direct access from a parking space into a public street.

Section 534.12 The design of parking areas shall be such to prevent to the greatest extent possible the stack up of vehicles on a public street at entrance to parking areas.

Section 534.13 Where parking requirements are determined by the number of seats and only temporary seats are provided, the number of parking spaces to be provided shall be based upon the capacity for temporary seats in normal usage. Where benches are provided, each two (2) lineal feet of bench shall equal one (1) seat.

Section 534.14 Parking areas shall be arranged and constructed so that no portion of any vehicle parked within a designated parking space can extend over any lot line of the lot on which it is parked.

Section 534.15 Maneuvering areas at least ten feet (10') in depth shall be provided to facilitate leaving the end spaces in parking areas.

Section 534.16 All areas for off street parking shall be physically separated from public streets or highways by a raised curb or planting strip to serve as a barrier against unchanneled motor vehicle entrance or exit, except for necessary accessways or access roads which supply entrance to and egress from such parking areas.

## ZONING

Section 534.17 For industrial uses, the number of employees for which parking spaces are to be provided shall coincide with the number of employees provided for in the Pennsylvania Department of Labor and Industry application and regulations (State permit).

Section 534.18 The number of off street parking spaces to be provided for each use shall be sufficient to accommodate all employee, visitor, and customer parking. One (1) parking space shall be provided per company vehicle to be parked on the premises. In addition, minimum off street parking requirements shall be as follows, unless otherwise established in this Ordinance:

a.	Residential Uses	Two (2) parking spaces per dwelling unit.
b.	Restaurant, Tavern or Similar Use	One (1) space for each three (3) seats plus one (1) space for each employee on the premises at one time. For restaurants with no indoor seating, one (1) space for each 1,000 square feet of lot area or one (1) space for each fifty (50) square feet of gross floor area, whichever results in more spaces.
c.	Retail and Service Establishments	One (1) space for each one hundred fifty (150) square feet of gross floor area, except as may be noted elsewhere in this Ordinance for Shopping Centers.
d.	Office Buildings	One (1) space for each two hundred (200) square feet of gross floor area.
e.	Medical, Dental and Paramedical Offices and Clinics	One (1) space per employee plus five (5) spaces for each person engaged in practice.
f.	Nursing Home, Personal Care Facilities, and Similar Uses	One (1) space per employee on the premises at one time plus one (1) space for each four (4) beds.
g.	Funeral Home	One (1) space for each three (3) seats plus one (1) space per employee on the premises at one time.
h.	Auditorium, Theater, Municipal Building, Place of Worship, Club or Lodge, or Other Place of Public Assemblage	One (1) space for each three (3) seats, plus one (1) space per employee on the premises at one time.

i.	Library or Museum	One (1) space per three hundred (300) square feet of gross floor area.
j.	Nursery Schools, Child Day Care Centers, and Adult Day Care Centers	One (1) space per employee plus one (1) space for loading and unloading of persons for each six (6) persons accommodated in the facility.
k.	Elementary, Middle, Junior High and Senior High Schools	Two (2) spaces per each administrative staff member, plus one and two-tenths (1.2) spaces per each additional staff member, plus one-quarter (.25) space per seat in the gymnasium.
l.	Motel or Hotel	One (1) space for each rental unit, plus one (1) space for each employee on the shift of greatest employment.
m.	Motor Vehicle Service Station or Repair Garage	Two (2) parking spaces per service bay, plus one (1) space per employee on the shift of greatest employment.
n.	Bowling Alley	Five (5) spaces per lane, plus one (1) space for each employee on the shift of greatest employment.
o.	Indoor Recreational Facility or Place of Amusement	One (1) space per fifty (50) square feet devoted to patron use.
p.	Industrial, Wholesaling or Warehousing Establishment, Laboratory, Research Center	One (1) space per employee on the shift of greatest employment, or one (1) space per five thousand (5,000) square feet of gross floor area, whichever results in more parking spaces.
q.	Barber Shop or Beauty Shop	One (1) space per employee, plus two (2) spaces for each person engaged in practice.
r.	Commercial School	One (1) space per employee, plus two-thirds (2/3) space per student.
s.	Agricultural Use	One (1) space per employee on the shift of greatest employment.

For any building or use not covered above, the Zoning Officer shall apply the standard for off street parking spaces in the above schedule deemed to most closely approximate the proposed building or use.

## ZONING

Ord. 2015-3, 12/3/2015, §6.

### **Section 535. Signs**

Signs may be erected and maintained only when in compliance with the provisions of this Ordinance and all other Ordinances and Regulations of the Township relating to the erection, alteration, and maintenance of signs.

#### Section 535.1 General

- A. Except in the case of school warning signs, signs giving time and temperature, traffic control signs, and similar municipal signs, signs shall not contain moving parts nor use flashing or intermittent illumination and the source of light shall be steady and stationary.
- B. No sign shall be placed in such a position, or have such a source of illumination, that it will cause any danger to pedestrians or vehicular traffic.
- C. No signs other than school warning signs, official traffic signs, and other municipal signs shall be erected within the right of way lines of any street or extend over any street right of way.
- D. All signs, except temporary signs, shall be constructed of durable material. Every sign shall be kept in good condition. Peeling paint shall be repaired and replaced, broken letters or other parts shall be repaired or replaced, broken lights shall be replaced, and similar maintenance tasks shall be performed when necessary.
- E. No sign shall be utilized in a manner which produces a noxious glare or a light intensity greater than one (1) footcandle beyond the lot boundaries (0.5 footcandle when the property is used or zoned for residential purposes).
- F. All electrical bulbs shall be satisfactorily shielded from view by a globe or other visible barrier.
- G. The distance from the ground to the highest part of any freestanding sign shall not exceed ten feet (10') in R, A 1, A 2, A 3, R 1 and R 2 Zoning Districts. The distance from the ground to the highest part of any freestanding sign in a C, HC, IC, LI, or GI Zoning District shall not exceed thirty five feet (35'). No portion of a sign which is attached to a building, supported by a building or which projects from a building shall extend above the height of the building. Any portion of a sign which projects more than twelve inches (12") from a building shall be at least ten feet (10') above the ground and be located under a roof overhang.
- H. No sign shall be erected or located as to prevent free ingress to or egress from any window, door or fire escape nor to obscure light or air from a building.

- I. No sign which emits smoke, visible vapors or particulates, sound or odor shall be permitted.
- J. No vulgar, indecent or obscene advertising matter shall be displayed.
- K. No portion of any sign shall project over any lot line.
- L. Red, green or amber lights, except those contained within a school warning sign, traffic control sign, or similar municipal sign, shall not be so located that they could create a danger by being construed as traffic lights.
- M. No signs shall be posted, stapled or otherwise attached to public utility poles or trees within street rights of way.
- N. The area immediately surrounding each sign shall be kept in a clean, sanitary and healthful condition. No accumulations of loose paper, bottles, cans, garbage or similar items shall be permitted.
- O. All lighting of signs shall be designed, located, shielded and directed in such a manner that the lights are fixed. All such lighting shall be so designed, located, shielded and directed so as to prevent the casting of glare or direct light upon adjacent or surrounding properties. In R 1 and R 2 Zoning Districts, such lighting shall not be operated between the hours of 10 p.m. and 7 a.m.
- P. Any sign which becomes dilapidated or which creates a hazard to the public health, safety or welfare shall be removed at the expense of the owner or lessee. The Township Zoning Officer shall make such determination as to state of repair.
- Q. Signs shall be erected on the property on which the use or event referred to in the sign is conducted, unless otherwise provided for in this Ordinance.
- R. A sign shall be removed within one (1) week of the date the use or event to which it refers is terminated.
- S. Signs on mobile stands which can be moved from place to place are prohibited.
- T. A sign affixed to any vehicle or other object in such a manner that the carrying of such sign or signs no longer is incidental to the primary purpose of the vehicle or object but becomes a primary purpose in itself, shall be prohibited.
- U. Banner, inflatable, and other types of non-permanent signs are prohibited, except that the Zoning Officer may issue temporary permits for such signs in commercial and industrial districts, but in no case for longer than thirty (30) days. Banners, inflatable, and other nonpermanent signs shall comply with all pertinent regulations applicable to permanent signs.
- V. On lots in Residential Zoning Districts, no more than two (2) sign facings shall be permitted for each lot.

## ZONING

- W. No portion of a freestanding sign shall be located closer than five feet (5') to any side lot line.
- X. Official traffic signs, memorial plaques, cornerstones, historical tablets, and signs on U.S. Postal Service mailboxes shall not be considered as subject to these regulations.
- Y. No sign erected on the ground shall have less than three feet (3') of clear space between the sign and the ground; however, necessary supports may extend through such open space.

### Section 535.2 Signs Permitted in All Zoning Districts

The following signs are permitted in all Zoning Districts:

- A. Official traffic or street name signs and other official federal, state, County, or Township government signs.
- B. Identification sign or bulletin or announcement boards for schools, churches, clubs and lodges, municipal buildings, recreation areas or similar permitted uses, provided that:
  - 1. No more than one (1) such sign shall face any one street.
  - 2. No side of any such sign, excluding signs consisting of open lettering attached to a building, shall exceed twelve square feet (12 sq. ft.) in area. A sign consisting of open lettering attached to a building shall not have a height exceeding ten feet (10') nor an area exceeding ten percent (10%) of the building wall to which it is attached.
- C. Signs advertising the rental or sale of premises, temporary in nature, provided that:
  - 1. No side of any such sign shall exceed six square feet (6 sq. ft.) in area.
  - 2. No more than one (1) such sign shall face any one street.
  - 3. The sign shall be located on the premises to which it refers.
  - 4. Such signs shall be removed immediately upon final settlement or renting of a property.
- D. Signs advertising the rental or sale of premises in the C, HC, IC, IC-2, LI and GI zoning districts, temporary in nature, provided that:
  - 1. No side of any such sign shall exceed sixty-four square feet (64 sq. ft.) in area.

2. The sign shall be located on the premises to which it refers.
3. Such signs shall be removed immediately upon final settlement or renting of a property or after one (1) year, whichever comes first.

E. Signs advertising a lawful nonconforming use, provided that:

1. No side of any such sign shall exceed six square feet (6 sq. ft.) in area.
2. No more than one (1) such sign shall face any one street.

F. Signs necessary for the identification and protection of public utility facilities, provided that no side of any such sign shall exceed six square feet (6 sq. ft.) in area.

G. Signs within a residential development to direct persons to a rental office or sample unit within that development provided that no side of any such sign shall exceed two square feet (2 sq. ft.) in area. Within an apartment development, one (1) identification sign is permitted on each building, provided the sign does not exceed six square feet (6 sq. ft.) in area.

H. Identifying signs for the purpose of indicating the name of a residential development, provided that not more than one (1) such sign shall be allowed for each entrance to the development from a public street and no such sign shall exceed ten square feet (10 sq. ft.) in area.

I. Trespassing signs, signs indicating the private nature of premises or a driveway, and signs controlling hunting and fishing on the premises. No side of any such sign shall exceed four square feet (4 sq. ft.) in area.

J. Professional, accessory use, or name signs indicating the name, profession or activity of the occupant of a dwelling, provided that the area on one side of any sign shall not exceed two square feet (2 sq. ft.), not more than one (1) sign shall be erected for each permitted use, and such signs shall be fixed flat on the main wall of such building or within the front yard no closer than ten feet (10') to a street line.

K. Off premises signs which are used for directing patrons, members or audience to service clubs, churches or other non-profit organizations may be erected subject to the following requirements:

1. A sign shall indicate only the name of the organization and the direction the facility.
2. Only one (1) such sign shall be erected prior to each intersection turning movement necessary to reach such facility.

## ZONING

3. No more than two (2) such signs shall be erected in the Township for each facility.
4. Signs shall not exceed one (1) square foot in area.

L. Signs of contractors, engineers, artisans, developers, builders, or architects, temporary in nature, provided that:

1. No side of any such sign shall exceed twelve square feet (12 sq. ft.) in area.
2. No more than one (1) such sign shall face any one street.
3. The sign shall be located on the premises where work is being performed.
4. Such signs shall be removed immediately upon completion or termination of the work or eighteen (18) months after erection of the signs, whichever shall occur first.

M. Temporary signs announcing a campaign, drive or event of a civic, philanthropic, educational or religious organization or the Township, on the same premises as the organization, provided that:

1. No side of any such sign shall exceed twelve square feet (12 sq. ft.) in area.
2. No more than one (1) such sign shall face any one street.
3. Such signs shall be removed within forty-eight (48) hours after completion of the campaign, drive or event.

N. Sign offering the sale of farm products, nursery products, or livestock produced or raised on the premises, provided that the area of any such sign shall not exceed twelve square feet (12 sq. ft.) and not more than one (1) such sign shall be erected on any one street frontage. (Not permitted in R-2 Zoning District.)

O. Sign denoting membership in agricultural associations, cooperatives, or indicating specialization in a particular breed of cattle, hogs, etc., or in a particular hybrid or strain of plant, provided that such sign is limited to six square feet (6 sq. ft.) and not more than one (1) sign is erected on any one street frontage. (Not permitted in R-2 Zoning District.)

### Section 535.3. Additional Signs Permitted in Commercial and Industrial Zoning Districts

A. Off-premises signs directing patrons, members, or audience to a temporary event of a civic, philanthropic, education or religious organization or the Township and signs erected in conjunction with a political election, provided that:

1. No such sign shall exceed six square feet (6 sq. ft.) in area.

2. Signs shall be removed within two (2) weeks after the date of the event or election.
3. No such sign shall be posted earlier than two weeks before the occurrence of the event to which it relates with the exception of political signs, which shall be posted not earlier than one month prior to an election.

B. Signs advertising a business, industry, or other permitted use are permitted on the same lot as the use to which it relates, provided that:

1. The total area of each freestanding sign shall not exceed one hundred twenty square feet (120 sq. ft.).
2. No more than two (2) freestanding signs shall face any one (1) street, provided that the number of freestanding signs shall not exceed one (1) for each five hundred feet (500') of street frontage.

In the case of a corner lot, the number of freestanding signs shall be limited to one (1) sign facing each street, provided that each such street frontage equals or exceeds the minimum lot width required in the applicable Zoning District.
3. A sign attached to a building wall (including open lettering) shall not have an area exceeding ten percent (10%) of the building wall to which it is attached, provided that the area of any such sign shall not exceed one hundred twenty square feet (120 sq. ft.) at any time.

A sign attached to a building wall shall not have a height dimension exceeding ten feet (10').

A sign consisting of open lettering attached to a building shall include only the name of the business or industry to which it applies. A sign attached to a building shall face a street or access drive within a land development, without there being any intervening property.

C. Freestanding signs listing the occupants of a business or industrial park, serving as a directory, provided that:

## ZONING

1. The park contains at least two (2) different lots and/or uses, at least one of which can only be accessed through an internal street system within the park.
2. No more than one (1) such sign shall face any one (1) street, and such signs shall only be permitted along a street that existed before the development of the park and will serve as a public thoroughfare for traffic accessing the park.
3. The sign(s) may be placed on a common or unoccupied area of the park or may be placed on one of the developed lots. If a directory sign is placed on a developed lot it may be in addition to the signs permitted under section b. above, provided that the total number of freestanding signs shall not exceed one (1) for each five hundred feet (500') of street frontage.
4. The lettering identifying each individual occupant shall be of sufficient size to allow passing motorists to read the sign while travelling at the posted speed limit of the street that the sign faces.
5. The total area of each freestanding sign shall not exceed one hundred sixty square feet (160 sq. ft.).
6. Such freestanding signs shall indicate the name (and address, if desired) of a business only and shall not be used for any additional advertising purposes.
7. No sign shall be readable from the rear of any property when the rear of that property abuts a residential district, nor shall any sign be readable from the side of any property when the side of that property abuts a residential district.
8. Sign requirements contained within the regulations for a specific zoning district shall supersede the regulations set forth in this section.

D. Outdoor advertising signs are permitted in the GI District subject to the following standards:

1. All faces of outdoor advertising signs shall have a maximum display area of three hundred square feet (300 sq. ft.) per sign face.
2. Outdoor advertising sign structures shall not have more than two (2) sign faces (one (1) face per side) with a maximum display area of three hundred square feet (300 sq. ft.) per side with maximum width of thirty feet (30').
3. All outdoor advertising signs shall be constructed on a steel unipole or steel I-beams meeting the industry-wide standards as established by the Outdoor Advertising Association of America and the Institute of Outdoor Advertising.

4. When two (2) sign faces are utilized in the back-to-back arrangement, they shall be parallel and directly opposite sign faces oriented in opposite directions located not more than fifteen feet (15') apart.
5. When the V-type sign arrangement is used for two (2) sign-faces, the sign shall be located in the unipole-support so that when viewed from above, their faces are oriented in different positions forming the letter V. The sign faces shall not be located more than fifteen feet (15') apart at the closed point nor shall the interior angles be greater than forty-five degrees (45°).
6. All outdoor advertising signs shall have a maximum height of thirty-five feet (35') above highway elevation.
7. All newly erected outdoor advertising signs shall conform to all applicable Federal, State and Local laws, rules and regulations.
8. Outdoor advertising signs may be illuminated provided that such illumination is effectively shielded so as to prevent beams or rays from being directed at any portion of the traveled ways and from being directed at adjacent properties.
9. No outdoor advertising sign shall be erected within five hundred feet (500') of any other outdoor advertising sign.
10. No outdoor advertising sign shall be located within a required front, side, or rear yard.
11. An annual permit fee of Seventy Five Dollars (\$75.00) shall be charged for each outdoor advertising sign to cover Township administrative and inspection costs.
12. No outdoor advertising sign shall be erected closer than two hundred feet (200') to a detached dwelling.
13. No outdoor advertising sign shall be erected closer than five hundred feet (500') to a school, church, or cemetery.
14. No outdoor advertising sign shall be closer than one hundred feet (100') to any other zoning district.

Ord. 2015-3, 12/3/2015, §6.

### **Section 536. Home Offices**

A home office is an office for a professional business of a resident who may work for another employer, or contract or consult with another company or individual which does not

## ZONING

involve any visiting by clients or patients and which does not use any employees on the premises and which does not involve any display of merchandise on the property. It is permitted on the same lot with and must be clearly incidental to a permitted dwelling in which the operator of the home office resides and may be permitted where it conforms with the following regulations.

- A. The home office shall be accessory to a single family residence and carried on wholly indoors and within the dwelling and shall be clearly incidental and subordinate to the residential use of the property;
- B. There shall be no use of show windows, display, or advertising visible outside the premises;
- C. There shall be no exterior storage of materials or parking of commercial vehicles;
- D. In no way shall the appearance of the residential structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from the residential character by the use of colors, materials, construction, lighting, show windows or advertising visible outside the premises to attract customers or clients;
- E. The home office shall be operated only by members of the immediate family residing in the dwelling in which the home office is located.
- F. The floor area devoted to a home office shall not be more than twenty-five percent (25%) of the ground floor area of the principal residential structure or four hundred square feet (400 sq. ft.), whichever is less.
- G. The use shall not include the following: animal hospital; commercial stable and kennel; funeral parlor and undertaking establishment; restaurant; rooming, boarding, and lodging house; clinic or hospital, beauty shop or barber shop, nursing home or any retail activity.
- H. No equipment or process shall be used in such employment or occupation which creates discernible noise, vibration, glare, fumes, odors or electrical interference at the property line, and no equipment or process shall be used which creates visual or audible interference in any radio or television or telephone receiver off the lot or causes fluctuations in line voltage off the lot.

Ord. 2015-3, 12/3/2015, §6.

### **Section 537. Airport Zoning**

#### **Section 537.1 Definitions**

As used in this Section, unless the context otherwise requires, the following definitions shall be used:

- A. **AIRPORT** – Means Reading Regional Airport, located in Berks County, Pennsylvania.
- B. **AIRPORT ELEVATION** – Three hundred forty four feet (344') above mean sea level.
- C. **APPROACH SURFACE** – A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in subsection 3. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
- D. **APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL SURFACE ZONES** - These zones are set forth in subsection 2.
- E. **BOARD** – The Zoning Hearing Board of Ontelaunee Township, Berks County.
- F. **CONICAL SURFACE** – A surface extended outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of four thousand feet (4,000').
- G. **HAZARD TO AIR NAVIGATION** – An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable air-space.
- H. **HEIGHT** – For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the airport zoning map, the datum shall be mean sea level elevation unless otherwise specified.
- I. **HORIZONTAL SURFACE** – A horizontal plane one hundred fifty feet (150') above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
- J. **LARGER THAN UTILITY RUNWAY** – A runway that is constructed for and intended to be used by propeller driven aircraft of greater than twelve thousand five hundred pounds (12,500 lbs.) maximum gross weight and jet powered aircraft.
- K. **NONCONFORMING USE** – Any structure, object of natural growth, or use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto and which is in existence as of the effective date of this Ordinance or of such amendment hereto, as the case may be.
- L. **MUNICIPALITY** – Means the Township of Ontelaunee, Berks County, Pennsylvania.
- M. **NONPRECISION INSTRUMENT RUNWAY** – A runway having an existing instrument approach procedure utilizing air navigation facilities with only

## ZONING

horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

- N. **OBSTRUCTION** – Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in subsection 2.
- O. **PERSON** – An individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.
- P. **PRECISION INSTRUMENT RUNWAY** – A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
- Q. **PRIMARY SURFACE** – A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred feet (200') beyond each end of that runway. The width of the primary surface is set forth in subsection 2. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
- R. **RUNWAY** – A defined area on an airport prepared for landing and takeoff of aircraft along its length.
- S. **STRUCTURE** – An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.
- T. **TRANSITIONAL SURFACES** – These surfaces extend outward at ninety degree (90°) angles to the runway centerline and the runway centerline extended at a slope of seven feet (7') horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of five thousand feet (5,000') measured horizontally from the edge of the approach surface and at ninety degree (90°) angles to the extended runway centerline.
- U. **TREE** – Any object of natural growth.
- V. **UTILITY RUNWAY** – A runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred pounds (12,500 lbs.) maximum gross weight and less.
- W. **VISUAL RUNWAY** – A runway intended solely for the operation of aircraft using visual approach procedures.

X. **ZONING OFFICER** – Means that person appointed by the Township to issue zoning permits who shall be charged with the duty of administering and enforcing this Ordinance.

Section 537.2 Airport Zones

In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to Reading Regional Airport. Such zones are shown on the Reading Regional Airport Zoning Map. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

- A. Utility Runway Visual Approach Surface Zone – Established beneath the visual approach surface. The inner edge of this approach zone coincides with the width of the primary surface and is two hundred fifty feet (250') wide. The approach zone expands outward uniformly to a width of one thousand two hundred fifty feet (1,250') at a horizontal distance of five thousand feet (5,000') from the primary surface. Its centerline is the continuation of the centerline of the runway.
- B. Utility Runway Nonprecision Instrument Approach Surface Zone – Established beneath the nonprecision instrument approach surface. The inner edge of this zone coincides with the width of the primary surface and is five hundred feet (500') wide. The zone expands outward uniformly to a width of two thousand feet (2,000') at a horizontal distance five thousand feet (5,000') from the primary surface. Its centerline is the continuation of the centerline of the runway.
- C. Runway Larger than Utility Visual Approach Surface Zone – Established beneath the visual approach surface. The inner edge of this approach zone coincides with the width of the primary surface and is five hundred feet (500') wide. The approach zone expands outward uniformly to a width of one thousand five hundred feet (1,500') at a horizontal distance of five thousand feet (5,000') from the primary surface. Its centerline is the continuation of the centerline of the runway.
- D. Runway Larger than Utility with a Visibility Minimum Greater than  $\frac{3}{4}$  Mile Nonprecision Instrument Approach Surface Zone – Established beneath the nonprecision instrument approach surface. The inner edge of this approach zone coincides with the width of the primary surface and is one thousand feet (1,000') wide. The approach zone expands outward uniformly to a width of four thousand feet (4,000') at a horizontal distance of ten thousand feet (10,000') from the primary surface. Its centerline is the continuation of the centerline of the runway.
- E. Runway Larger than Utility with a Visibility Minimum as Low as  $\frac{3}{4}$  Mile Nonprecision Instrument Approach Surface Zone – Established beneath the nonprecision instrument approach surface. The inner edge of this zone coincides with the width of the primary surface and is one thousand feet (1,000') wide. The zone expands outward uniformly to a width of four thousand feet (4,000') at a horizontal distance

## ZONING

of ten thousand feet (10,000') from the primary surface. Its centerline is the continuation of the centerline of the runway.

- F. Precision Instrument Runway Approach Surface Zone – Established beneath the precision instrument approach surface. The inner edge of this approach zone coincides with the width of the primary surface and is one thousand feet (1,000') wide. The approach zone expands outward uniformly to a width of sixteen thousand feet (16,000') at a horizontal distance of fifty thousand feet (50,000') from the primary surface. Its centerline is the continuation of the centerline of the runway.
- G. Transitional Surface Zones – The transitional zones are the areas beneath the transitional surfaces adjacent to each runway and approach surface.
- H. Horizontal Surface Zone – Established beneath the horizontal surface, one hundred fifty feet (150') above the established airport elevation. The horizontal zone is established by swinging arcs of five thousand feet (5,000') radii for all runways designated utility or visual and ten thousand feet (10,000') for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal surface zone does not include the approach and transitional surface zones.
- I. Conical Surface Zone – Established beneath the conical surface. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of four thousand feet (4,000').

### Section 537.3 Airport Zone Height Limitations

Except as otherwise provided in this Ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Ordinance to a height in excess of the applicable height herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

- A. Utility Runway Visual Approach Surface Zone – Slopes twenty feet (20') outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand feet (5,000') along the extended runway centerline.
- B. Utility Runway Nonprecision Instrument Approach Surface Zone – Slopes twenty feet (20') outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand feet (5,000') along the extended runway centerline.
- C. Runway Larger than Utility Visual Approach Surface Zone – Slopes twenty feet (20') outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand feet (5,000') along the extended runway centerline.

- D. Runway Larger than Utility with a Visibility Minimum Greater than  $\frac{3}{4}$  Mile Non-precision Instrument Approach Surface Zone – Slopes thirty-four feet (34') outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand feet (10,000') along the extended runway centerline.
- E. Runway Larger than Utility with a Visibility Minimum as Low as  $\frac{3}{4}$  Mile Nonprecision Instrument Approach Surface Zone – Slopes thirty-four feet (34') outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand feet (10,000') along the extended runway centerline.
- F. Precision Instrument Runway Approach Surface Zone – Slopes fifty feet (50') outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand feet (10,000') along the extended runway centerline; thence slopes upward forty feet (40') horizontally for each foot vertically to an additional horizontal distance of forty thousand feet (40,000') along the extended runway centerline.
- G. Transitional Surface Zones – Slopes seven feet (7') outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty feet (150') above the airport elevation. In addition to the foregoing, there are established height limits sloping seven feet (7') outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet (7') outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of five thousand feet (5,000') measured at ninety degree (90°) angles to the extended runway centerline.
- H. Horizontal Surface Zone – Established at one hundred fifty feet (150') above the airport elevation.
- I. Conical Surface Zone – Slopes twenty feet (20') outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty feet (150') above the airport elevation and extending to a height of three hundred fifty feet (350') above the airport elevation.
- J. Excepted Height Limitations – Nothing in this Ordinance shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to thirty five feet (35') above the surface of the land.

#### Section 537.4 Use Restriction

Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create

## ZONING

electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

### Section 537.5 Nonconforming Uses

- A. Regulations Not Retroactive – The regulations prescribed in this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations at the effective date of this Ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted.
- B. Marking and Lighting – Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Airport to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the owner.

### Section 537.6 Permits

- A. Future Uses – Except as specifically provided in (1), (2), and (3) hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless an airport permit therefor shall have been applied for and granted. Each application for an airport permit shall indicate the purpose for which the airport permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. No airport permit for a use inconsistent with the provisions of this Ordinance shall be granted unless a variance has been approved in accordance with subsection 537.6.D. Exemption from an airport permit does not exempt the applicant from any required zoning or building permit.
  - 1. In the area lying within the limits of the horizontal zone and conical zone, no airport permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
  - 2. In areas lying within the limits of the approach zones but at a horizontal distance of not less than four thousand two hundred feet (4,200') from each end of the runway, no airport permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except

when such tree or structure would extend above the height limit prescribed for such approach zones.

3. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no airport permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intended to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Ordinance except as set forth in subsection 3.h.

- B. Existing Uses – No airport permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation, than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made.
- C. Nonconforming Uses Abandoned or Destroyed – Whenever the Zoning Officer determines that a nonconforming tree or structure has been abandoned or more than eighty percent (80%) torn down, physically deteriorated, or decayed, no airport permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from these zoning regulations.
- D. Variances – Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Ordinance, must apply to the Board for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances may be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship, and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Ordinance. Additionally, no application for variance to the requirements of this Ordinance may be considered by the Board unless a copy of the application has been furnished to the Airport Manager for advice as to the aeronautical effects of the variance. If the Airport Manager does not respond to the application within fifteen (15) days after receipt, the Board may act on its own to grant or deny said application. Any variance granted may be made subject to any reasonable conditions that the Board may deem necessary to effectuate the purposes of this Ordinance.
- E. Obstruction Marking and Lighting – Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be

## ZONING

reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary.

### Section 537.7 Enforcement

- A. It shall be the duty of the Zoning Officer to administer and enforce the regulations prescribed herein. Applications for airport permits shall be made to the Zoning Officer.

Ord. 2015-3, 12/3/2015, §6.

### Section 538. Bed And Breakfast Regulations

Bed and Breakfast uses, where permitted, shall be subject to the following:

- A. No cooking facilities shall be permitted in rooms for rent.
- B. The maximum number of rooms for rent shall be six (6).
- C. The maximum number of consecutive nights a room can be rented to any individual is fourteen (14).
- D. The Bed and Breakfast shall be owner occupied.
- E. Weddings, wedding receptions and similar events are not permitted.
- F. At least one (1) bathroom shall be provided for every three (3) units, plus at least one (1) bathroom for the resident owner.
- G. The use shall maintain an appearance and character consistent with a residence or a farm. The only exterior changes permitted to portions of residential buildings that are visible from a public street shall be for historic restoration, cosmetic improvements, and any necessary safety improvements or removal of architectural barriers.
- H. Bed and Breakfasts shall only be permitted within single-family detached dwellings that existed on the effective date of this Ordinance.
- I. One (1) off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit.
- J. All parking areas shall be set back a minimum of twenty-five feet (25') from all property lines, and shall be screened from adjoining lots and streets.
- K. A Bed and Breakfast may erect one (1) sign no larger than sixteen square feet (16 sq. ft.) in size, which must be set back at least ten feet (10') from all lot lines.

- L. Meals shall be offered only to registered overnight guests, and breakfast and afternoon tea are the only meals which can be offered.
- M. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used.
- N. The applicant shall furnish proof of any needed land development approvals and approval from the Commonwealth of Pennsylvania Department of Labor and Industry.

Ord. 2015-3, 12/3/2015, §6.

### **Section 539. Municipal Use Regulations**

Where a tract of land will be developed for a public use owned and operated by Ontelaunee Township or a Municipal Authority organized by Ontelaunee Township, the following Area, Yard and Height Regulations shall apply. These regulations shall supercede those specified for the underlying Zoning District.

#### Section 539.1 Area, Yard and Height Regulations

##### Maximum Permitted

###### Building Height

Maintenance and/or Storage Buildings	50 Feet
All Other Buildings	35 Feet
Lot Area Covered by Buildings	50 Percent
Lot Area Covered by Impervious Surface	75 Percent

##### Minimum Requirements

Lot Size	20,000 sq. ft.
Lot Width	
At Street Line	75 Feet
At Building Setback Line	75 Feet
Front Yard	30 Feet
Each Side Yard	15 Feet
Rear Yard	30 Feet

Ord. 2015-3, 12/3/2015, §6.

**Section 540. Transient Retail Business, Peddling And Soliciting**

- A. No person or persons may engage in a Transient Business, Peddling or Soliciting without first obtaining a permit from the Township.
- B. Transient businesses shall operate, and/or person or persons shall engage in the act of peddling or soliciting only between the hours of 8:00 a.m. and 8:00 p.m. or sunset, whichever occurs first.
- C. The definitions of peddling, soliciting, and “transient retail business” shall not apply to the following:
  - 1. Farmers seeking or taking orders for the sale of farm products and garden produce.
  - 2. Any sale of goods, wares or merchandise donated by the owners thereof where the proceeds are to be applied to any charitable or philanthropic purpose, provided that any such charitable or philanthropic organization has presented written documentation indicating compliance with this exception to the Township.
  - 3. Persons soliciting contributions in behalf of organizations, nonprofit corporations, who have complied with the provisions of the Act of Assembly of the Commonwealth of Pennsylvania of charitable, benevolent, patriotic or other purposes who, while soliciting, are in possession of a card or other written evidence of their appointment or authority to solicit for said organization or corporation.
  - 4. To any person taking orders for merchandise from dealers, merchants or manufacturers at their regular place of business and for business use.
- D. Tent sales may be operated provided all of the following criteria are met:
  - 1. The property on which the premises are located is not located in the R-1 or R-2 zoning district.
  - 2. The location of the proposed sales area complies with the provisions in this Ordinance for an accessory structure or use.
  - 3. Adequate parking is available for the proposed tent sale area. For the purposes of calculating the required number of spaces, the criteria found in Section 534.18.c. shall be applied.
  - 4. The area utilized for the placement of the tent and required parking for the tent, shall not impact the existing parking areas on the subject premises.
  - 5. The tent sale area remains in place less than ninety (90) days per calendar year.

6. The tent sale (tent, operations and merchandise) are maintained in compliance with all applicable local, state and federal regulations.

Ord. 2015-3, 12/3/2015, §6.

### **Section 541. Adult Day Care Center**

Subject to the requirements of the applicable zoning district and all other applicable requirements of this Ordinance:

- A. All State licensing requirements shall be met. All Adult Day Care Facilities shall present to the Township a copy of their required state license upon request of the Zoning Officer.
- B. A specified off-street loading or parking area, or both, for the safe daily arrival and departure of clients shall be available on site. The size and configuration of such area (s) shall be appropriate to handle the traffic anticipated at the facility. The appropriateness of the proposed area(s) shall be subject to the approval of the Township.
- C. The facility shall provide at least fifty square feet (50 sq. ft.), or the current applicable licensing requirements, of indoor program space for each client. Indoor floor space shall be measured wall to wall, including space occupied by equipment, temporary storage and furnishings. Space occupied by lavatories, dining areas, loading docks, kitchens, hallways, offices and first aid rooms cannot be included unless it is documented that the space is used for programming for at least fifty percent (50%) of each program day. Permanent storage space may not be included in the indoor floor space.

Ord. 2015-3, 12/3/2015, §6.

### **Section 542. Child Day Care Center**

Subject to the requirements of the applicable zoning district and all other applicable requirements of this Ordinance:

- A. All State licensing requirements shall be met. All Child Day Care Facilities shall present to the Township a copy of their required state license upon request of the Zoning Officer.
- B. A specified off-street loading or parking area, or both, for the safe daily arrival and departure of clients shall be available on site. The size and configuration of such area (s) shall be appropriate to handle the traffic anticipated at the facility. The appropriateness of the proposed area(s) shall be subject to the approval of the Township.

## ZONING

- C. Provision shall be made for safe pickup and delivery of children, such that children do not have to cross traffic areas to reach the car waiting to pick them up.

Ord. 2015-3, 12/3/2015, §6.

### **Section 543. Family Child Day Care Home**

Subject to the requirements of the applicable zoning district and all other applicable requirements of this Ordinance:

- A. All State licensing requirements shall be met. All Family Child Care Facilities shall present to the Township a copy of their required state license upon request of the Zoning Officer.
- B. In addition to a minimum of two (2) off-street parking spaces for the dwelling, one off-street parking space shall be provided for each non-resident employee.
- C. Provision shall be made for safe pickup and delivery of children, such that children do not have to cross traffic areas unattended.
- D. No sign for the family day care home shall be displayed.
- E. There shall be no alteration to the outside of the dwelling that will alter the single family character of the dwelling, be inconsistent with the basic architecture of the dwelling, or be incompatible with surrounding dwellings.
- F. The person primarily responsible for the Family Child Care Home shall be a full-time resident.

Ord. 2015-3, 12/3/2015, §6.

### **Section 544. Age Restricted Housing**

Subject to the requirements of the applicable zoning district and all other applicable requirements of this Ordinance:

Age Restricted Housing is intended to provide for specialized development opportunities for persons and households with at least one occupant fifty-five (55) years of age or older in accordance with the provisions of the Federal Fair Housing Amendments Act of 1988.

It is intended to allow development of Age Restricted Housing in appropriate locations to fulfill the following purposes:

- A. To recognize the housing needs for area residents as they get older and lifestyle preferences change.

- B. To provide for age restricted housing developments consistent with the provisions of the Federal Fair Housing Amendments Act of 1988, or as subsequently amended.

Age Restricted housing shall be “55 or Over Housing” within the meaning of the Fair Housing Amendments Act (42 U.S.C.A. 3601 et seq.), within the meaning of and in compliance with the definition of “housing for older persons” defined by the Fair Housing Amendments Act. The construction, interpretation and enforcement of this restriction shall be done in a manner consistent with such requirements. This restriction shall be subject to all applicable Federal and State Laws concerning “housing for older persons.” Occupancy of any dwelling unit shall be restricted to persons fifty five (55) years of age of over (“age qualified”), provided, however, that a person who is age qualified may occupy such unit with such person’s spouse, regardless of age, and with a child eighteen (18) years of age or over who is not enrolled in a secondary school. No occupancy will be permitted by any person under the age of eighteen (18) unless such person is a handicapped dependent protected by the provisions of the Fair Housing Amendments Act. A permanent resident is a person who resides in a dwelling unit for ninety (90) or more consecutive days in a calendar year. Permitted visitations shall not exceed ninety (90) consecutive days in a calendar year.

Age Restricted Housing is subject to the following conditions:

- A. Accompanying the Conditional Use application and as a condition to the grant of any Conditional Use Approval, a draft Declaration of Restrictive Covenants shall be submitted by the applicant for approval to the Board of Supervisors. Applicant is responsible to ensure that the final approved Declaration of Restrictive Covenants is recorded with the Berks County Recorder of Deeds when a subdivision or land development plan is recorded. The Declaration’s restrictions shall ensure that the proposed Age Restricted Housing Development will function as depicted on the Plan approved by the Township and be in compliance with the Federal Fair Housing Amendments Act, as may be subsequently amended.
- B. Residency qualifications applicable to development shall be incorporated into the Declaration of Restrictive Covenants to mandate that residents of the Age Restricted Housing Development will be limited by deed and/or lease to require compliance with the age restriction set forth in the definition of Age Restricted Housing set forth in the Ontelaunee Township Zoning Ordinance noting that:
  - 1. This subsection will not require members of any household to vacate a dwelling unit if they are qualified for residency at the time of initial occupancy but no longer meet the requirements for residency because of a resident aged fifty-five (55) or older died, divorced, was placed in a nursing/assisted living facility or are subject to a similar circumstance.
  - 2. The applicant shall prove to the satisfaction of the Board of Supervisors that an appropriate entity will have authority to assure continued compliance with the age limitation.

## ZONING

Ord. 2015-3, 12/3/2015, §6.

### **Section 545. Assisted Living Center Or Personal Care Facility**

Subject to the requirements of the applicable zoning district and all other applicable requirements of this Ordinance:

- A. The minimum building setback from public streets shall be fifty feet (50').
- B. All structures shall be located a minimum of fifty feet (50') from the property lines of the lot.
- C. No more than twenty percent (20%) of the total area of the lot shall be covered by buildings.
- D. No more than twenty percent (20%) of the total area of the lot shall be paved surface such as streets, interior access drives, parking areas, sidewalks and courts.
- E. Common parking areas and interior access drives shall be located a minimum of twenty-five feet (25') from the property lines of the lot.
- F. All buildings shall be set back a minimum of twenty feet (20') from all common parking areas and internal access drives and streets, except for off-street loading areas and areas at entrances to buildings where residents will enter and leave standing vehicles.
- G. All principal buildings shall be separated by a minimum horizontal distance of forty-five feet (45').
- H. No less than thirty percent (30%) of the total area of the lot shall be permanently set aside for non-commercial common open space purposes, such as parks, recreation, or conservation or natural features. The common open space areas shall be suitable for the designated purposes and contain no structure or parking facility except as related to and incidental to open space uses.
- I. All dead-end parking lots shall provide adequate areas into which cars parked in the end stalls of the lots may maneuver.
- J. Entrances to and exits from parking areas shall have a minimum width of twelve feet (12') for each lane of traffic entering or leaving the areas.
- K. No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by landscaping.

- L. An entrance to or exit from a common parking area shall be located a minimum of fifty feet (50') from the point of intersection of any street right-of-way lines and the point of intersection of the nearest interior access drives.
- M. A system of paved walkways a minimum of five feet (5') in width shall be provided for access between buildings and common parking areas, open space areas, and other community facilities.
- N. A landscaping plan for the Assisted Living Center prepared by a registered landscape architect shall be submitted to the Township, and is subject to approval by the Township. Provisions for the landscaping of the perimeter and interior of all common parking areas shall be included in such plan.
- O. There shall be no architecturally unbroken building face of more than one hundred sixty (160) lineal feet. A building face shall be considered architecturally broken if there is a deflection in the building axis of at least thirty degrees (30°) or, where there is no deflection in the building axis of at least thirty degrees (30°), an integral architectural feature of the building projects from the building face a minimum of ten feet (10') for a minimum distance of ten feet (10') along the building face. Such architectural feature shall extend the entire height of the building included within stories.

Ord. 2015-3, 12/3/2015, §6.

### **Section 546. Nursing Home**

Subject to the requirements of the applicable zoning district and all other applicable requirements of this Ordinance:

- A. The minimum building setback from public streets shall be fifty feet (50').
- B. All structures shall be located a minimum of fifty feet (50') from the property lines of the lot.
- C. No more than twenty percent (20%) of the total area of the lot shall be covered by buildings.
- D. No more than twenty percent (20%) of the total area of the lot shall be paved surface such as streets, interior access drives, parking areas, sidewalks and courts.
- E. Common parking areas and interior access drives shall be located a minimum of twenty-five feet (25') from the property lines of the lot.
- F. All buildings shall be set back a minimum of twenty feet (20') from all common parking areas and internal access drives and streets, except for off-street loading areas and areas at entrances to buildings where residents will enter and leave standing vehicles.

## ZONING

- G. All principal buildings shall be separated by a minimum horizontal distance of forty-five feet (45').
- H. No less than thirty percent (30%) of the total area of the lot shall be permanently set aside for non-commercial common open space purposes, such as parks, recreation, or conservation or natural features. The common open space areas shall be suitable for the designated purposes and contain no structure or parking facility except as related to and incidental to open space uses.
- I. All dead-end parking lots shall provide adequate areas into which cars parked in the end stalls of the lots may maneuver.
- J. Entrances to and exits from parking areas shall have a minimum width of twelve feet (12') for each lane of traffic entering or leaving the areas.
- K. No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by landscaping.
- L. An entrance to or exit from a common parking area shall be located a minimum of fifty feet (50') from the point of intersection of any street right-of-way lines and the point of intersection of the nearest interior access drives.
- M. A system of paved walkways a minimum of five feet (5') in width shall be provided for access between buildings and common parking areas, open space areas, and other community facilities.
- N. A landscaping plan for the Nursing Home prepared by a registered landscape architect shall be submitted to the Township, and is subject to approval by the Township. Provisions for the landscaping of the perimeter and interior of all common parking areas shall be included in such plan.
- O. There shall be no architecturally unbroken building face of more than one hundred sixty (160) lineal feet. A building face shall be considered architecturally broken if there is a deflection in the building axis of at least thirty degrees (30°) or, where there is no deflection in the building axis of at least thirty degrees (30°), an integral architectural feature of the building projects from the building face a minimum of ten feet (10') for a minimum distance of ten feet (10') along the building face. Such architectural feature shall extend the entire height of the building included within stories.

Ord. 2015-3, 12/3/2015, §6.

### **Section 547. Retirement Community**

Subject to the requirements of the applicable zoning district and all other applicable requirements of this Ordinance:

- A. Living units for the elderly, including single family detached dwellings, single family semi-detached dwellings, townhouses or apartment units, shall be the principal use within the Community. In addition, common facilities required to support the needs of persons living within the Community, including the elderly and disabled persons regardless of age, shall be provided. Such common facilities may include the following:
  - 1. Dining facilities including kitchens and accessory facilities for residents and their guests.
  - 2. Social rooms, chapels, meeting rooms, and overnight guest rooms for guests of residents.
  - 3. Health care facilities, including, but not limited to, clinic, rehabilitation services, nursing care, convalescent care, intermediate care, extended care, personal care, laboratory and such other similar facilities required to supply the health care needs of the residents of the Community.
  - 4. Administrative offices used in the management of the Community and health care facilities.
  - 5. Activity, craft and hobby shops, recreation facilities, gift shops, personal services facilities, and similar type uses, exclusively for the use of residents and their guests.
  - 6. Accessory buildings and uses customarily incidental to the above uses.
- B. The overall density of the development shall not exceed five (5) dwelling units per acre.
- C. The development shall be served by public or community sewage disposal and public or community water supply facilities.
- D. The minimum size parcel shall be twenty (20) acres in Ontelaunee Township.
- E. Maximum building height at any point shall be thirty-five feet (35').
- F. Minimum building setback from public streets shall be fifty feet (50').
- G. All structures shall be located a minimum of fifty feet (50') from the property lines of the parcel.
- H. No more than twenty percent (20%) of the total area of the parcel shall be covered by buildings.
- I. No more than twenty percent (20%) of the total area of the parcel shall be paved surface such as streets, interior access drives, parking areas, sidewalks and courts.

## ZONING

- J. Common parking areas and interior access drives shall be located a minimum of twenty-five feet (25') from the property lines of the parcel.
- K. All buildings shall be set back a minimum of twenty feet (20') from all common parking areas and internal access drives and streets, except for off-street loading areas and areas at entrances to buildings where residents will enter and leave standing vehicles.
- L. All principal buildings shall be separated by a minimum horizontal distance of fifty feet (50').
- M. No less than thirty percent (30%) of the total area of the parcel in Ontelaunee Township shall be permanently set aside for non-commercial common open space purposes, such as parks, recreation, or conservation of natural features. The common open space areas shall be suitable for the designated purpose and contain no structure or parking facilities except as related to and incidental to open space uses.
- N. Each Community shall be built as a single legal entity and shall be retained in single ownership. Fee simple absolute sale of units shall be prohibited. All common facilities to support the needs of the residents of the Community shall remain under a single ownership.
- O. All dead-end parking lots shall provide adequate areas into which cars parked in the end stalls of the lots may maneuver.
- P. Entrances to and exits from parking areas shall have a minimum width of twelve feet (12') for each lane of traffic entering or leaving the areas.
- Q. No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by landscaping.
- R. Entrances to and exits from common parking areas shall be located a minimum of fifty feet (50') from the point of intersection of the nearest public street cartway lines and the point of intersection of the nearest interior access drives.
- S. Minimum parking requirements shall be as follows:

Living units for the elderly:	One (1) space per dwelling unit.
Nursing Homes, personal the care facilities, and other care facilities:	One (1) space per employee on largest shift plus one (1) space for each four (4) beds.
Gift shops, personal services facilities, and similar type uses:	One (1) space for each two hundred (200) square feet of gross floor area.

- T. A system of paved walkways a minimum of five feet (5') in width shall be provided for access between buildings and common parking areas, open space and recreation areas, and other community facilities.
- U. A landscaping plan for the Retirement Community prepared by a registered architect or registered landscape architect shall be prepared and is subject to approval by the Township Zoning Officer. Provisions for the landscaping of the perimeter and interior of all common parking areas shall be included in such plan.
- V. Identification signs for Retirement Communities are permitted provided that no more than one such sign shall be erected at each exterior public street providing access to the retirement communities. No such sign shall be closer than ten feet (10') to a lot line, and the area on one side of any such sign shall not exceed twenty-five square feet (25 sq. ft.). No part of any sign shall exceed eight feet (8') in height.
- W. No more than six (6) townhouses shall be permitted in a continuous row and the maximum length of a continuous row of townhouses shall be one hundred sixty feet (160'). No more than three continuous townhouses shall have the same front setback and the variations in front setback shall be at least two feet (2').
- X. For buildings other than townhouses, there shall be no architecturally unbroken building face of more than one hundred sixty (160) lineal feet. A building face shall be considered architecturally broken if there is a deflection in the building axis of at least thirty degrees (30°) or, where there is no deflection in the building axis of at least thirty degrees (30°), an integral architectural feature of the building projects from the building face a minimum of ten feet (10') along the building face. Such architectural feature shall extend the entire height of the building included within stories.

Ord. 2015-3, 12/3/2015, §6.

**Section 548. Group Home Or Group Lodge, Within A Single Family Detached Dwelling:**

- A. No more than one (1) Group Home or Group Lodge shall be located in any one dwelling;
- B. The premises where the Group Home or Group Lodge is located shall be owned or leased by the sponsoring agency sponsoring the Group Home or Group Lodge.
- C. A licensed physician, licensed psychologist, counselor or social worker in the employ of or under contract to the sponsoring agency shall be responsible for the assignment of residents to the Group Home or Group Lodge;
- D. By design and intent, the Group Home or Group Lodge shall provide for the long-term housing needs of its residents, not for the needs of transient individuals;

## ZONING

- E. No less than one (1) and no more than two (2) live-in supervisors shall reside in the Group Home or Group Lodge and at least one (1) of those supervisors shall be on the premises during all hours in which any resident of the Group Home or Group Lodge is on the premises;
- F. No Group Home or Group Lodge shall be located within seven hundred fifty feet (750') of another Group Home or Group Lodge;
- G. The Dwelling Unit shall not be altered in any manner that would change the single family dwelling character of the Group Home or Group Lodge;
- H. One (1) off-street parking space shall be provided for each supervisor assigned to the Group Home or Group Lodge;
- I. The sponsoring agency shall document to the Board of Supervisors of the Township that all plumbing, heating, electrical, sanitary sewer, storm sewer and similar facilities meet any applicable ordinances, rules, regulations and laws of the Township of Ontelaunee and/or the Commonwealth of Pennsylvania.

Ord. 2015-3, 12/3/2015, §6.

### **Section 549. Apartment Buildings and Townhouses**

Subject to the requirements of the applicable zoning district and all other applicable requirements of this Ordinance:

- A. The development shall be served by public or community sewage disposal and public or community water supply facilities.
- B. The minimum amount of land in the development shall be two (2) acres within Ontelaunee Township.
- C. The overall density of the development shall not exceed eight (8) dwelling units per acre.
- D. The maximum building height shall be thirty-five feet (35').

Not less than twenty percent (20%) of the total area of the development shall be permanently set aside for non-commercial common space purposes, such as parks, recreation, or conservation of natural features. The common open space areas shall be suitable for the designated purpose and contain no structure or parking facility except as related to and incidental to open space uses. Written agreements satisfactory to and approved by the Township Supervisors shall be made for the perpetual preservation and maintenance of the common open space areas.

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

- F. The maximum length of an apartment building shall be one hundred sixty feet (160').
- G. The number of townhouses within a continuous grouping shall not exceed six (6).
- H. No apartment building or townhouse shall be located within fifty feet (50') of a property line of the development.
- I. No apartment building shall be located within forty feet (40') of another dwelling.
- J. A townhouse shall be located at least forty feet (40') from any dwelling which is not in the same row of townhouses.
- K. No townhouse shall be located within thirty feet (30') of any street right-of-way line.
- L. No apartment building shall be located within forty feet (40') of any street right-of-way line.
- M. No more than twenty percent (20%) of the total area of the development shall be covered by buildings.
- N. No more than thirty percent (30%) of the total area of the development shall be paved.
- O. Exterior storage areas for trash and rubbish shall be completely screened from view and be screened with evergreen plantings on three (3) sides. All trash and rubbish shall be contained in vermin-proof containers.
- P. Common parking areas shall not be designed or located to require cars to back into streets in order to leave the parking areas.  
All dead-end parking lots shall provide adequate areas into which cars parked in the end stalls of the lots may maneuver.
- Q. Common parking areas and access drives shall be located a minimum of twenty feet (20') from all structures and from exterior lot lines of the development. Common parking areas shall be a minimum of fifteen feet (15') from all street rights-of-way.
- R. Entrance and exit ways to parking areas shall have a minimum width for each lane of travel, as follows:
  1. Parking areas containing twenty (20) spaces or more, twelve feet (12')
  2. Parking areas containing less than twenty (20) spaces, ten feet (10')

## ZONING

- S. No more than sixty (60) parking spaces shall be accommodated in any one parking area and all parking areas shall be landscaped.

No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by landscaping.
- T. Entrances and/or exits from common parking areas shall be located a minimum of seventy-five feet (75') from the point of intersection of the nearest curb lines, except that said entrances/exits may be located directly across from street intersections, in a manner that the centerline of the intersecting street aligns properly with the centerline of the entrance/exit to the parking area.
- U. Evergreen plantings shall be provided of sufficient height and density to screen off-street parking from public street view and from adjoining residential districts. A planting plan specifying type, size, and location of existing and proposed planting material shall be submitted with the application for subdivision or land development approval.
- V. Entrance and exit ways and interior access ways and parking spaces shall be designed so as to prevent the blocking of vehicles entering or leaving the site.
- W. All multi-family dwelling buildings shall be built to conform with the building regulations as established by the State Department of Labor and Industry and all building regulations of the Township, and in the case of conflict of such regulations, the more restrictive shall govern.
- X. Lighting for buildings, access ways, and parking areas shall be so arranged as not to reflect toward public streets or cause any annoyance to building occupants or surrounding property owners or residents.
- Y. Even though a special exception is granted by the Zoning Hearing Board so as to permit apartment buildings or townhouses in an R-2 Zoning District, no zoning permit shall be issued unless and until the owner thereof has complied with the Subdivision and Land Development Ordinance of the Township and obtained any and all final approvals required thereby.

Ord. 2015-3, 12/3/2015, §6.

## Section 550. Planned Residential Development

- A. The minimum amount of land in the development shall be twenty (20) acres within Ontelaunee Township.
- B. The development shall be served by public or community sewage disposal and public or community water supply facilities.

- C. The overall density of the development shall not exceed five (5) dwelling units per acre.
- D. Permitted uses include single family detached dwellings, single family semi-detached dwellings, townhouses, apartment buildings, and accessory uses thereto.
- E. Not less than twenty-five percent (25%) of the gross area of the tract within Ontelaunee Township shall be permanently set aside for non-commercial common open space purposes such as recreation. These non-commercial common open space areas shall be suitable by size, surface conditions, shape, and location for the designated purpose and contain no structure or parking facility except as related to and incidental to open space uses. Common open spaces shall not include land included within street rights-of-way nor shall they include required open areas between buildings or between buildings and street rights-of-way, driveways, parking areas, and property boundary lines. No more than twenty-five percent (25%) of the minimum required common open space shall be land with slope of over fifteen percent (15%) and/or land with a high water table or seasonal high water table as mapped in the Soil Survey Berks County.

A plan showing how the common open space areas will be developed and equipped shall be submitted to the Township for approval.

Common open space areas shall be readily accessible to residents of the development, and so located that they can be reached and used safely, without undue traffic or other hazards.

Written agreements satisfactory to and approved by the Township Supervisors shall be made for the perpetual preservation and maintenance of the common open space areas.

Common open space areas shall not be used for storm water detention or retention unless approval is given by the Township.

- F. A system for pedestrian circulation within the tract shall be provided. This system shall consist of a series of walkways a minimum of four feet (4') in width. It shall provide access to community facilities and recreation areas, though the walkways shall also be designed to provide privacy for dwelling units.
- G. The maximum building height shall be thirty-five feet (35').
- H. The maximum permitted total impervious coverage shall be thirty percent (30%) of the tract area.
- I. No more than five percent (5%) of those portions of the tract with a slope of twenty-five percent (25%) or greater shall be covered by impervious surfaces.

## ZONING

- J. No more than fifteen percent (15%) of those portions of the tract with a slope of between fifteen percent (15%) and twenty-five percent (25%) shall be covered by impervious surfaces.
- K. No more than five percent (5%) of those areas of the tract which have a high water table (as mapped in the Soil Survey of Berks County) shall be covered by impervious surfaces.
- L. No one permitted dwelling type shall comprise more than sixty-five percent (65%) of the total number of dwelling units within the development.
- M. Areas designated for one bedroom apartments or townhouses shall not be developed at a density to exceed fourteen (14) dwelling units per acre. Areas designated for two (2) bedroom apartments or townhouses shall not be developed to exceed a density of twelve dwelling units per acre. Areas designated for three (3) or more bedroom apartments or townhouses shall not be developed to exceed a density of ten (10) dwelling units per acre.

When apartments or townhouses with varying number of bedrooms are mixed within areas, there shall be at least three thousand one hundred twelve square feet (3,112 sq. ft.) of land provided for each dwelling unit with one (1) bedroom, at least three thousand six hundred thirty square feet (3,630 sq. ft.) of land provided for each dwelling unit with two (2) bedrooms and at least four thousand three hundred fifty six square feet (4,356 sq. ft.) of land provided for each dwelling unit with three (3) or more bedrooms.

- N. The maximum length of an apartment building shall be one hundred sixty feet (160').
- O. The number of townhouses within a continuous grouping shall not exceed six (6). No more than two (2) contiguous townhouses shall have the same front setback and the variations in front setback shall be at least four feet (4').
- P. No apartment building or townhouse shall be located within fifty feet (50') of a property line of the development.
- Q. No apartment building shall be located within fifty feet (50') of another dwelling.
- R. A townhouse shall be located at least forty feet (40') from any dwelling which is not in the same continuous grouping of townhouses.
- S. The minimum building setback line for a townhouse shall be twenty feet (20').
- T. The minimum building setback line for a one story apartment building shall be twenty feet (20'), for a two story apartment building thirty feet (30'), and for a three story apartment building fifty feet (50').

- U. The maximum distance from the entrance to a residential building to a parking space serving dwelling units contained within that building shall be three hundred feet (300').
- V. 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	20 feet
Minimum lot size	2000 sq. ft.
Minimum rear yard	25 feet
Minimum side yard (end of row)	20 feet

- W. Requirements for single family detached and single family semi-detached dwellings shall be as follows:

	<u>Single Family Detached</u>	<u>Single Family Semi-Detached</u>
Minimum Lot Size	8,000 sq. ft.	12,000 sq. ft.
Minimum Lot Width		
At Street Line	50 Feet	50 Feet
At Building Setback Line	70 Feet	60 Feet
Minimum Building Setback	20 Feet	20 Feet
Minimum Rear Yard	25 Feet	25 Feet
Minimum Side Yard		
Total	16 Feet	16 Feet
One Side	8 Feet	8 Feet
Maximum Lot Area Covered by Impervious Surface	35 Percent	35 Percent

- X. Refuse stations shall be designed with suitable screening and placed in locations which are convenient for collection removal and not offensive to the occupants of dwelling units.

Adequate storage capacity shall be provided within containers at each refuse station to accommodate the projected solid waste volumes to be stored at that station.

- Y. Adequate lighting shall be provided to outdoor areas used by occupants after dark, including parking areas and open space and recreation areas. Appropriate lighting fixture must be provided for walkways. Lighting should be located to avoid shining directly into habitable room windows and into private outdoor open spaces associated with dwelling units.
- Z. Existing trees shall be preserved whenever possible and desirable. The location of trees must be considered when planning the development. The developer shall

## ZONING

indicate the means whereby trees and other natural features shall be protected during construction.

The proposed development shall be accomplished without excessive earth moving, tree clearance and destruction of natural amenities.

Natural features such as lakes, streams, topsoil, trees, shrubs, rock outcroppings and scenic views shall be preserved and incorporated into the final landscaping of the development whenever possible and desirable.

All housing shall be designed with regard to topography and natural features of the site.

AA. The developer shall attempt to minimize the interruptions to traffic along roads within the development by limiting the number of points at which access is provided to the roads from parking areas.

In the design of the street system the developer shall attempt to eliminate or minimize within the development through-traffic which originates outside the development and limit any through-traffic to streets with minimal or no residential frontage. The developer shall attempt to provide a system of collector and local streets such that traffic entering and leaving the development is directed to a limited number of collector streets with limited residential frontage and traffic entering and leaving the development is discouraged from local residential streets.

Safe and efficient means of ingress and egress from the development shall be provided. Points of ingress and egress shall be located so as to not create congestion or traffic hazards.

BB. The design of all common parking areas is subject to the approval of the Township. All common parking areas shall be paved.

Common parking areas shall be designed such that aisles within the parking areas will not be used for through-traffic, unless otherwise permitted by the Township.

CC. No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by approved landscaping.

No more than sixty (60) parking spaces shall be accommodated in any single parking area.

All common parking areas shall be landscaped.

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

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

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

EE. The minimum distance between common parking areas shall be twenty feet (20').

The design of common parking areas shall recognize the possible need for emergency service and access by emergency vehicles. The Township may require that secondary means of access and egress be provided for parking areas.

Common parking areas shall be screened from adjacent land and roads not included within the development by means of plantings, changes in grade or other means approved by the Township.

FF. Entrances to driveways serving multiple-family dwellings shall be located at least seventy-five feet (75') from the point of intersection of the nearest street curb lines.

Ord. 2015-3, 12/3/2015, §6.

### **Section 551. Cluster Development**

- A. The minimum amount of land in the development shall be ten (10) acres in Ontelaunee Township.
- B. The density of the development shall not exceed two (2) dwelling units per acre of land.
- C. The difference in area between any lot less than twenty thousand square feet (20,000 sq. ft.) in size and twenty thousand square feet (20,000 sq. ft.) shall be perpetually preserved as common open space, and shall not be developed. Provisions for the perpetual preservation and maintenance of the common open space areas, such as conservation easements or transfer of land to a conservancy, shall be submitted to the Township for approval and are subject to Section 512 of this Ordinance.
- D. Public or community sanitary sewerage and public or community water distribution systems shall be utilized for the cluster development. The minimum lot size shall be fifteen thousand square feet (15,000 sq. ft.), the minimum building setback shall be forty feet (40'), the minimum lot width at the street line shall be fifty feet (50'), the minimum lot width at the building setback line shall be seventy-five feet (75'), the minimum rear yard shall be thirty feet (30'), the minimum width of each side yard shall be fifteen feet (15'), and the maximum lot area covered by buildings shall be twenty-five percent (25%).

Ord. 2015-3, 12/3/2015 §6.

**Section 552. Medical Marijuana Dispensary**

- A. The lot or property line of such business shall not be located within 1,000 feet of the lot or property line of a public, private or parochial school or day-care center, as provided for by 35 P.S. §10231.802. Only the Pennsylvania Department of Health through the dispensary permitting process may adjust or waive this prohibition.
- B. Provide a copy of the permit for medical marijuana dispensary issued by the Pennsylvania Department of Health.
- C. Provide a copy of the security information for the dispensary permit issued by the Pennsylvania Department of Health.

Ord. 2017-4, 4/6/2017, §5.

**Section 553. Medical Marijuana Grower/Processor**

- A. Provide a copy of the permit for medical marijuana growing/processing issued by the Pennsylvania Department of Health.
- B. Provide a copy of the security information for the growing/processing permit issued by the Pennsylvania Department of Health.

Ord. 2017-4, 4/6/2017, §6.

**Section 554. Accessory Keeping of Chickens, Ducks, and Turkeys**

- A. The keeping of chickens, ducks, and turkeys shall be permitted in all zoning districts as an accessory use for single family detached dwellings subject to the following criteria.
  - 1. The accessory keeping of chickens, ducks, and turkeys shall occur on residential lots containing a minimum lot size of one acre.
  - 2. The accessory keeping of chickens, ducks, and turkeys shall occur within a securely fenced and enclosed area.
  - 3. The keeping of roosters is not permitted as an accessory use.
  - 4. The keeping of chickens, ducks, and/or turkeys as an accessory use to a single-family detached dwelling shall only be permitted upon issuance of a zoning permit by the Zoning Officer. A site plan shall be required prior to the issuance of a zoning permit for the accessory keeping of chickens, ducks, and turkeys.

The site plan shall show all lot lines and all existing and proposed structures, including but not limited to chicken coops and runs.

5. The number of chickens, ducks, and/or turkeys permitted on any one residential lot is as follows.
  - a. Lots under one (1) acre: Zero (0).
  - b. Lots between one (1) to two (2) acres: Fifteen (15) total chickens and/or ducks. Zero (0) turkeys are permitted.
  - c. Lots between two (2) to two point five (2.5) acres: Twenty (20) total chickens, ducks, and/or turkeys. Of this total, no more than two (2) may be a turkey.
  - d. Lots between two point five (2.5) and ten (10) acres: 20 total chickens, ducks, and/or turkeys, however, only a maximum of two (2) turkeys are permitted. An additional five (5) chickens, ducks, and/or turkeys are permitted for each zero point five (0.5) acres over two point five (2.5) acres of land. Of the five (5) additional chickens, ducks, and/or turkeys permitted, only one (1) may be a turkey.
6. All buildings, coops, and/or enclosures for chickens, ducks, and turkeys must be in the rear yard with a minimum of twenty feet (20') from the rear property line and fifteen feet (15') from side property lines, and ten feet (10') from any residential structure.
7. The killing or dressing of chickens, ducks, and/or turkeys on a residential lot is permitted in the A-1, A-2, and A-3 zoning districts only. The killing or dressing of chickens, ducks, and/or turkeys shall be conducted entirely within an enclosed building and disposed of in a proper manner.
8. All structures and roaming areas shall be kept in a sanitary condition and free from accumulations of animal excrement and objectionable odor. Waste products from the keeping of chickens, ducks, and turkeys shall be disposed of in compliance with any applicable local, state and federal regulations.
9. The accessory keeping of chickens, ducks, and turkeys at duplexes, townhomes and multi-family dwellings is prohibited.
10. Inhumane living conditions for the chickens, ducks, and/or turkeys are prohibited.
11. These regulations do not apply to any lot containing ten (10) or more contiguous acres.

## ZONING

Ord. 2025-3, 9/4/2024, §3.



## ARTICLE VI

### NON-CONFORMING LOTS, USES, STRUCTURES AND BUILDINGS

#### **Section 601. Statement Of Intent**

- A. Within the zoning districts established by this Ordinance or subsequent amendments thereto, there exists or will exist certain non-conformities which, if lawful before this Ordinance was passed or amended, may be continued, subject to certain limitations, although such non-conformities would be prohibited, regulated, or restricted under the terms of this Ordinance or subsequent amendments thereto.
- B. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or structure on which actual construction as lawfully begun prior to the effective date of adoption or amendment of this Ordinance and on which actual building construction has been diligently carried on.

Ord. 2015-3, 12/3/2015, §6.

#### **Section 602. Non-Conforming Lots Of Record**

- A. In any district in which single-family dwellings are permitted a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements, other than those applying to area or width, or both, shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Zoning Hearing Board.
- B. If two or more lots, combination of lots and portion of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and/or area, the land involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and/or area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.

Ord. 2015-3, 12/3/2015, §6.

#### **Section 603. Non-Conforming Uses of Land**

Lawful uses of land, which at the effective date of this Ordinance or as a result of subsequent amendments thereto become non-conforming and where such use involves no individual structure or building with a replacement cost exceeding \$1,000, may be continued by the present or any subsequent owner so long as it remains otherwise lawful, subject to the following provisions:

A. Extension

No such non-conforming use shall be enlarged or increased nor extended to occupy more than fifty percent (50%) more land than was owned or leased by the user at the effective date of adoption or such amendment of this Ordinance.

B. Discontinuance

Whenever a non-conforming use has been discontinued for a period of twelve (12) consecutive months, such use shall not thereafter be reestablished. Any future use shall be in conformity with the provisions of this Ordinance.

C. Changes or Moving of Use

A non-conforming use, if changed to a conforming use, shall not thereafter be changed back to any non-conforming use. A non-conforming use may, by special exception, be changed to another non-conforming use provided that the Zoning Hearing Board shall find that the proposed use is equally appropriate or more appropriate in the zoning district than the existing non-conforming use.

D. Additional Structures or Buildings

No additional structures or buildings not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.

Ord. 2015-3, 12/3/2015, §6.

**Section 604. Non-Conforming Structures Or Buildings**

Structures or buildings which at the effective date of this Ordinance or subsequent amendments thereto become non-conforming by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the building or structure, may be continued to be used so long as such structure or building remains otherwise lawful, subject to the following provisions:

A. Enlargement

No such non-conforming structure or building may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.

## ZONING

### B. Damage or Destruction

A non-conforming structure or building which is destroyed or partially destroyed by fire, explosion, or by any means to an extent of seventy-five percent (75%) or more of the market value thereof immediately prior to such damage or destruction, shall not be repaired or restored to a non-conforming status, but shall be reconstructed and used only in conformity with the provisions of this Ordinance.

### C. Moving of Structure or Building

No non-conforming structure or building shall be, for any reason, moved for any distance unless it shall thereafter conform to the zoning regulations for the district in which it is located after it is moved.

### D. Discontinuance

Whenever a non-conforming structure or building has been vacated for a period of eighteen (18) consecutive months, such structure or building shall thereafter not be used except in conformance with the provisions of this Ordinance.

### Section 604.1

Wherever a prior non-conforming use is a residential or agricultural use as would be permitted in the R, A-1, A-2, A-3, R-1 or R-2 Zoning Districts, such non-conforming use shall include the right to erect, construct, repair, replace and/or enlarge permitted accessory uses and buildings customarily incidental to such residential or agricultural use.

Ord. 2015-3, 12/3/2015, §6.

## **Section 605. Non-Conforming Uses Of Structures Or Buildings**

Lawful uses of structures or buildings which at the effective date of this Ordinance or as a result of subsequent amendments thereto become non-conforming, may be continued by the present or any subsequent owner so long as such use remains otherwise lawful, subject to the following provisions:

### A. Extension

A non-conforming use may be extended throughout any part of an existing structure or building, provided that any structural alterations, extensions or additions shall comply with all provisions of this Ordinance with respect to height, area, width, yard and coverage requirements for the Zoning District in which the structure or building is located. However, such extension of a non-conforming use shall not exceed fifty percent (50%) of the gross floor area occupied by said non-conforming use at the time such non-conforming use became non-conforming.

B. Change of Use

A non-conforming use, if changed to a conforming use, shall not thereafter be changed back to any non-conforming use. A non-conforming use may, by special exception, be changed to another non-conforming use provided that the Zoning Hearing Board shall find that the proposed use is equally appropriate or more appropriate in the zoning district than the existing non-conforming use.

C. Discontinuance

Whenever a non-conforming use of a structure or building or portion thereof has been discontinued or abandoned for eighteen (18) consecutive months, such structure or building or portion thereof shall not thereafter be used for a non-conforming use.

D. Destruction

Removal or destruction of the structure or building in which a non-conforming use is located shall eliminate the use of the land upon which the structure or building was erected for a non-conforming use. Destruction for the purpose of this subsection is defined as damage to an extent of seventy-five percent (75%) or more of the market value of the structure or building immediately prior to such damage or destruction.

Ord. 2015-3, 12/3/2015, §6.

**Section 606. Unsafe Or Unlawful Structures Or Buildings**

If a non-conforming structure or building or portion thereof containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, such structure or building shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the zoning district in which such structure or building is located.

Ord. 2015-3, 12/3/2015, §6.

**Section 607. Uses Under Special Exception Provisions Not Non-Conforming Uses**

Any use which is permitted as a special exception in a zoning district under the terms of this Ordinance (other than a change through Zoning Hearing Board action from one non-conforming use to another non-conforming use) shall not be deemed a non-conforming use in such Zoning District, but shall without further action be considered a conforming use.

Ord. 2015-3, 12/3/2015, §6.

**Section 608. Non-Conforming Signs**

Non-conforming signs, once removed, shall be replaced only with conforming signs; however, non-conforming signs may be repainted or repaired, providing such repainting or repairing does not exceed the dimensions of the existing sign.

Ord. 2015-3, 12/3/2015 §6.

## **ARTICLE VII**

### **ADMINISTRATION AND ENFORCEMENT**

#### **Section 700. Zoning Officer**

##### **A. Appointment**

A Zoning Officer shall be appointed by the Board of Supervisors to administer and enforce this Zoning Ordinance. The Zoning Officer shall not hold any elective office in the Township. The Zoning Officer shall meet qualifications established by the Township and shall be able to demonstrate to the satisfaction of the Board of Supervisors a working knowledge of municipal zoning.

##### **B. Duties and Powers**

It shall be the duty of the Zoning Officer to administer this Zoning Ordinance in accordance with its literal terms and to enforce the provisions of this Ordinance and the amendments thereto. The Zoning Officer shall not have the power to permit any construction or any use or any change of use which does not conform to the Zoning Ordinance. He shall have such duties and powers as are conferred on him by this Ordinance and as are reasonably implied for that purpose. The Zoning Officer's duties shall include, but are not limited to, the following:

1. Receive and review applications for Zoning Permits as set forth in this Ordinance.
2. Keep a record of all official business and activities, including complaints of a violation of any of the provisions of this Ordinance and of the subsequent action taken on each such complaint. All such records shall be open to public inspection. File copies of all applications received, approvals issued, and reports and inspections made in connection with any structure, building, sign and/or land shall be retained as long as the structures, etc. remain in existence.
3. Make inspections as required to fulfill his duties. He shall have the right to enter any building or structure or enter upon any land at any reasonable hour in the course of his duties.
4. Issue approvals for buildings, structures, and land uses for which Subdivision and Land Development approval is required only after all necessary approvals have been secured and plans recorded.
5. Issue approvals for special exception uses, conditional uses or for variances only after a special exception or variance has been approved by the Zoning Hearing Board or a conditional use has been approved by the Board of

## ZONING

Supervisors in accordance with the regulations of this Ordinance and the Pennsylvania Municipalities Planning Code, as amended.

6. Issue approvals for buildings requiring approval by the Pennsylvania Department of Labor and Industry only after such approval has been secured. Issue approvals for a use involving an access point requiring Pennsylvania Department of Transportation approval only after such approval has been secured.
7. Be responsible for keeping this Ordinance and the Official Zoning Map up to date so as to include all amendments thereto.
8. Issue Certificates of Use and Occupancy in accordance with the terms of this Ordinance.
9. Send enforcement notices as provided for in this Zoning Ordinance.
10. Submit a monthly report of his activities to the Board of Supervisors, and where appropriate, submit a report to the Zoning Hearing Board.
11. Institute civil enforcement proceedings as a means of enforcement when acting within the scope of the Officer's employment, when authorized by the Board of Supervisors.
12. When directed by the Board of Supervisors, identify and register nonconforming uses, structures and lots, together with the reason why the Zoning Officer identified them as nonconformities.

Ord. 2015-3, 12/3/2015, §6.

### **Section 701. Zoning Permits**

#### **A. Requirements**

No building, structure or sign shall be erected, constructed, assembled, moved, extended, reconstructed, structurally altered nor shall land, buildings and structures be put to any use or have the use for which they are used changed, nor shall any conversion which increases the number of dwelling units or additional activity accessory to the primary use occur without a permit therefor issued by the Zoning Officer, unless otherwise provided for in this Ordinance. Permits shall also be required for any additional building activities as specified by resolution of the Board of Supervisors. No such permit shall be issued unless there is conformity with the provisions of this Ordinance, except upon written order from the Zoning Hearing Board in the form of a variance or upon order from any court of competent jurisdiction.

#### **B. Application Procedures**

The application for a Zoning Permit shall be submitted to the Zoning Officer in writing on a form prescribed by the Township. The application shall be submitted by the owner or lessee of any building, structure or land or the agent of either provided, however, that if the application is made by a person other than the owner or lessee, it shall be accompanied by a written authorization from the owner or lessee authorizing the work and designating the agent. The application shall be accompanied by two (2) sets of at least the following information:

1. A plan of the lot in question, indicating the lot size and showing all dimensions of lot lines, the location(s) on the lot of all existing and proposed buildings, fences, signs, structures and alterations to buildings or structures, and distances of such features from lot lines. The plan shall be drawn to scale and show exact locations.
2. The use, height, length, width and proportion of the total lot area covered of all proposed and existing buildings, structures and additions or alterations to buildings or structures, and the height, length, width, illumination and design of all signs. Proposed buildings, additions, and external alterations shall be described.
3. A statement indicating the number of dwelling units and/or commercial or industrial establishments to be accommodated within existing and proposed buildings on the lot and the floor area to be devoted to each residential, commercial, industrial, and home occupation use.
4. The location, dimensions, grade and design of parking and loading areas including the size and arrangement of all spaces and means of ingress, egress and interior circulation, recreation areas, screens, buffer yards and landscaping, means of egress from and ingress to the lot, routes for pedestrian and vehicular traffic, and provisions for outdoor lighting. The percentage of the lot which is paved and is open area.
5. The location of all utility lines.
6. All other information necessary for the Zoning Officer to determine conformance with and provide for enforcement of this Ordinance.
7. Name and address of the applicant and the owners of the real estate involved and a description of and location of the real estate involved.

C. Approval or Disapproval

1. Upon receipt of the Zoning Permit application and all accompanying information, the Zoning Officer shall examine them and determine compliance with this Zoning Ordinance. Within thirty (30) days from the date the Officer receives the application, a copy of the Zoning Officer's decision with respect to compliance with this Ordinance shall be returned to the

## ZONING

applicant. A copy shall be retained by the Zoning Officer. The Zoning Permit shall expire six (6) months from the date of approval of the application by the Zoning Officer if work described in the permit has not begun. If disapproved, the Zoning Officer shall attach a statement to the application explaining the reasons therefor, indicating the manner in which the application could be corrected and/or modified to obtain approval, and informing the applicant of his rights to appeal.

2. If the work authorized in the Zoning Permit is commenced within six (6) months after approval of the application by the Zoning Officer, the permit shall expire two (2) years from the date of issuance.
3. The Zoning Officer shall revoke a permit issued under the provisions of the Zoning Ordinance in case of any false statement or misrepresentation of fact in the application on which the approval was based or for any other cause set forth in the Zoning Ordinance.

Ord. 2015-3, 12/3/2015, §6.

## **Section 702. Certificate of Use and Occupancy**

### A. Requirements

It shall be unlawful to use and/or occupy any building, structure or land or portion thereof for which a Zoning Permit is required or to change the use of any building, structure or land or portion thereof until a Certificate of Use and Occupancy has been issued by the Township. A Certificate of Use and Occupancy shall not be issued unless such building, structure or land has been inspected by the Zoning Officer and he has determined that all provisions of this Zoning Ordinance have been complied with. The lot shall be graded, construction debris shall be removed from the lot.

- B. Upon receipt of written notification that the applicant is ready to use and occupy the premises for which a permit has been issued or for a change in use, the Zoning Officer shall inspect the premises within fifteen (15) days to determine compliance with the approved application and the Zoning Ordinance of the Township. If in compliance, he shall approve and sign a Certificate of Use and Occupancy for the use indicated on the approved application. A copy of the Certificate of Use and Occupancy shall be retained by the Zoning Officer as part of the Township records. If he finds that the work has not been performed or that the use of the premises does not comply with the approved application and the Zoning Ordinance of the Township, the Zoning Officer shall refuse to approve and sign the Certificate of Use and Occupancy and in writing give the reasons therefor and inform the applicant of his right of appeal.

In zoning districts in which performance standards are imposed, no Certificate of Use and Occupancy shall become permanent until the Zoning Officer has

reinspected the facility and determined that it is in compliance with all performance standards. The owner of the facility shall request that the Zoning Officer reinspect said facility. Such request shall be made no less than thirty (30) nor more than forty-five (45) days after the facility is fully operating, but in no event shall such request be made more than one hundred and twenty (120) days after the Certificate of Use and Occupancy has been issued. The Zoning Officer shall reinspect the facility within thirty (30) days of receipt of such notification, and he shall notify the applicant, in writing, within fifteen (15) days thereof that a) the facility is in full compliance with all performance standards and the Certificate of Use and Occupancy is permanent or b) the facility does not comply with the performance standards and that the Certificate of Use and Occupancy is still temporary and may be revoked if the applicant does not correct all violations. Requests for additional reinspection and action by the Zoning Officer for correction of violations shall follow the same procedure and requirement as described in this paragraph for reinspections.

C. Temporary Certificate of Use and Occupancy

The Zoning Officer may issue a Temporary Certificate of Use and Occupancy for such temporary uses as tents, trailers, and buildings on construction sites. The Zoning Hearing Board may authorize as a Special Exception a Temporary Certificate of Use and Occupancy for a structure or use which it deems beneficial to the public health or general welfare or which it deems necessary to promote the proper development of the Township, provided that such structure or use shall be completely removed upon expiration of the Temporary Certificate without cost to the Township.

Such Temporary Certificates shall be for the period of time to be determined by the Zoning Officer or Zoning Hearing Board, as applicable, at the time of application, but in no case shall any Certificates, except those for uses on construction sites, be issued for more than six (6) months.

A temporary certificate of occupancy may be issued by the Zoning Officer for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided such temporary certificate may require such conditions and safeguards as will protect the safety of the occupants and the public.

Ord. 2015-3, 12/3/2015, §6.

**Section 703. Schedule of Fees, Charges and Expenses**

The Board of Supervisors shall establish, by resolution, a schedule of fees and charges for Zoning Permits, certificates of use and occupancy, special exceptions, variances, appeals, conditional uses, amendments to this Ordinance and other matters pertaining to this Ordinance. A collection procedure shall also be established. Until all application fees and

## ZONING

charges have been paid in full, no action shall be taken on any application or other matter relating thereto.

Ord. 2015-3, 12/3/2015, §6.

### **Section 704. Amendments**

The provisions of this Ordinance and the boundaries of zoning districts as set forth on the Official Zoning Map may from time to time be amended, supplemented, or changed by the Board of Supervisors in accordance with the following procedure:

#### A. Procedure

The following procedures shall be observed prior to making any amendment or change to this Ordinance or parts thereof, including the Official Zoning Map:

1. Any proposed amendments to this Ordinance shall be submitted to the County Planning Commission for their recommendations at least thirty (30) days prior to the public hearing.
2. Any amendment not prepared by or emanating from any Township Planning Commission shall be submitted by the Board of Supervisors to any Township Planning Commission for its recommendation at least thirty (30) days prior to the public hearing.
3. Curative Amendments - The procedure upon curative amendments shall be as established in the Pennsylvania Municipalities Planning Code, as amended.

#### B. Submission of Impact Statement

With a request for a zoning amendment initiated by other than the Board of Supervisors or any Township Planning Commission, a statement indicating the impact of the zoning change on the Township shall be submitted with the application for rezoning. The statement shall compare the impact on the Township resulting from the existing zoning with the impact resulting from the proposed zoning, specifically discussing:

1. Environmental Impact - The impact on wooded areas, flood plains, wetlands or areas of high water table, storm water runoff, erosion and sedimentation, water quality, air quality, solid waste generation, and noise levels.
2. Traffic Impact - The impact on traffic generation per day and at peak hours, including numbers and routes expected to be used. An analysis of traffic capacities of adjacent roads and intersections and roads and intersections to be significantly affected by the zoning change shall be prepared.

3. Services Impact - The demand for school, police, sanitary sewer, water, sanitation, and road maintenance services.
4. Fiscal Impact Analysis - The costs and revenues to the Township.
5. Public Hearing

The Board of Supervisors shall hold a public hearing before voting on the enactment of any amendment or change. Public notice of such hearing shall be given as required by law. In addition, if the proposed amendment involves a zoning map change, notice of the public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially or is revised to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, prior to voting on the amendment. The Board of Supervisors shall vote on the proposed amendment within ninety (90) days after the last public hearing.

Enactment of amendments shall be in accordance with the procedures established in the Pennsylvania Municipalities Planning Code, as amended.

Ord. 2015-3, 12/3/2015, §6.

### **Section 705. Causes Of Action**

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

Ord. 2015-3, 12/3/2015, §6.

### **Section 706. Enforcement Notice**

## ZONING

- A. If it appears to the Board of Supervisors that a violation of this Zoning Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided for in the Pennsylvania Municipalities Planning Code, as amended.
- B. The enforcement notice shall be served personally or be sent by certified mail to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
- C. An enforcement notice shall state at least the following:
  1. The name of the owner of record and any other person against whom the Township intends to take action.
  2. The location of the property in violation.
  3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.
  4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
  5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.
  6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

Ord. 2015-3, 12/3/2015, §6.

### **Section 707. Enforcement Remedies**

- A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of the maximum allowed by law (currently Five Hundred Dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedures. Each day that a violation continues shall constitute a separate violation, unless

the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid over to the Township.

Ord. 2015-3, 12/3/2015, §6.

### **Section 708. Appeals**

Proceedings for securing review of any ordinance or of any decision, determination or order of the Board of Supervisors, their agencies, the Zoning Hearing Board, or Zoning Officer issued pursuant to this Ordinance shall be in accordance with the Pennsylvania Municipalities Planning code, amended.

Ord. 2015-3, 12/3/2015, §6.

### **Section 709. Conditional Use Procedures**

#### **A. Application**

Four copies of an application for permission to conduct a use permitted by condition shall be submitted to the Township. Such application shall include all information specified for a zoning permit application in Section 701 of this Ordinance and any other information necessary to allow the Board of Supervisors to determine that all requirements of this Ordinance have been met.

#### **B. Review**

After receiving an application, the Board of Supervisors shall refer one copy of the application to any Township Planning Commission for its review and one copy to the Township Zoning Officer for his review. The application shall be reviewed at one or more advertised meetings of the Supervisors, and the Supervisors shall either approve or disapprove the application within ninety (90) days after the date the application is received by the Township.

The granting of permission to conduct a use permitted by condition does not exempt an applicant from acquiring all approvals required by the Township's Subdivision and Land Development Ordinance.

#### **C. Standards**

## ZONING

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

1. The use shall be one which is specifically authorized as a conditional use in the Zoning District wherein the applicant is seeking a conditional use.
2. Such Conditional Use shall only be granted subject to any applicable conditions and safeguards as required by this Ordinance.
3. Such use shall not adversely affect the character of the general neighborhood, nor the conservation of property values, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood, nor the reasonable use of neighboring properties. The use of adjacent properties shall be adequately safeguarded.
4. Such use shall be of such size and so located and laid out in relation to its access streets that vehicular and pedestrian traffic to and from such use will not create undue congestion or hazards prejudicial to the general neighborhood.
5. Services and utilities such as public water, sanitary sewers, and storm water drainage shall be made available by the applicant to adequately service the proposed use.
6. There shall be control of development of highway frontage so as to limit the number of points for ingress and egress, consider their location with due regard to safety factors, and encourage, where practicable, frontage of buildings and structures upon parallel marginal roads or on roads perpendicular to the highway.
7. Consideration shall be given to the desirability of the proposed location of a commercial use with respect to probable effects upon street or highway traffic, and assurance of adequate access arrangements to protect against undue traffic congestion and hazard.
8. Consideration shall be given to such other considerations as may be set forth in the Pennsylvania Municipalities Planning Code, as amended from time to time.

In granting Conditional Use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, as amended, which conditions may include but are not limited to harmonious design of buildings, planting and maintenance of shrubbery or trees at a

sight and/or sound barrier, and the minimizing of potentially noxious, offensive, or hazardous elements.

The applicant shall demonstrate, as a condition to approval of his application, that the standards in Section 709.3 and those specified elsewhere in this Ordinance for the use in question will be met.

Ord. 2015-3, 12/3/2015, §6.

**ARTICLE VIII**  
**ZONING HEARING BOARD**

**Section 800. Creation And Organization**

A. The Board of Supervisors shall appoint a Zoning Hearing Board, herein referred to as the "Board", consisting of residents of the Township appointed by the Board of Supervisors pursuant to the Pennsylvania Municipalities Planning Code, as amended, who shall be appointed and removed, serve and perform all the duties and have all the powers as prescribed by said Code and as herein provided.

The Board of Supervisors may appoint alternate members of the Board pursuant to the provisions of the Pennsylvania Municipalities Planning Code, as amended. The alternate members may serve as provided for in said code.

B. Organization

The Board may promulgate such rules and forms for its procedures, not inconsistent with this and other Ordinances of the Township and laws of the Commonwealth of Pennsylvania, as it may deem necessary for the proper performance of its duties and for the proper exercise of its powers. Such rules shall be continued in force and effect until amended or repealed by the Board or by law. The Board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves.

C. Meetings

Meetings and hearings of the Board shall be held at the call of the chairman and at such other times as the Board, by majority vote, may determine.

D. Minutes and Records

The Board shall keep full public records of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact. The Board shall also keep full public records of its business and other official action, copies of which shall be filed with the Township Secretary. Such records shall be the property of the Township. The Board shall submit a report of its activities to the Board of Supervisors.

Ord. 2015-3, 12/3/2015, §6.

**Section 801. Public Hearings**

The Board shall conduct public hearings and make decisions in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the following requirements:

- A. Public notice as defined by law shall be given and written notice shall be given to the public, the applicant, the Zoning Officer, such other persons as the Board of Supervisors shall designate by ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by Ordinance or, in the absence of Ordinance provision, by rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.
- B. The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
- C. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- D. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- E. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- F. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- G. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

## ZONING

- H. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- I. The Board or the hearing officer as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this Ordinance or of any Ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to the final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten (10) days in the same manner as provided in subsection 1 of this section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in the subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.
- J. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.
- K. The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Board. Fees for said hearings may include compensation for the secretary and members of the Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

L. The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

Ord. 2015-3, 12/3/2015, §6.

**Section 802. Functions Of The Zoning Hearing Board**

A. The Zoning Hearing Board shall have the functions authorized in the Pennsylvania Municipalities Planning Code, as amended.

B. The jurisdictions of the Zoning Hearing Board and the Board of Supervisors and the procedures to be followed by each, shall be as established in said Code.

C. Parties to proceedings before the Zoning Hearing Board authorized by the Pennsylvania Municipalities Planning Code, as amended, may utilize mediation as an aid in completing such proceedings. The mediation option shall meet the stipulations and follow the procedures set forth in said Code.

D. Variances

The Zoning Hearing Board may authorize, upon appeal in specific cases, such variance(s) from the terms of this Ordinance as will not be contrary to public interest, where a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. In granting any variance the Board may attach such reasonable conditions and safeguards as it may deemed necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, as amended. The Board may, by rule, prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance provided the following findings are made where relevant in a given case:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such condition, and not circumstances or conditions generally created by the provisions of this Zoning Ordinance in the neighborhood or district in which the property is located;
2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
3. That such unnecessary hardship has not been created by the appellant.

## ZONING

4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
5. That the variance as granted by the Board is the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
6. Such other considerations as may be set forth in the Pennsylvania Municipalities Planning Code, as amended, from time to time.

### E. Special Exceptions

The Zoning Hearing Board may issue, upon application, only such special exceptions which the Board by the provisions of this Ordinance is specifically authorized to issue. The granting of a special exception when specifically authorized by the terms of this Ordinance shall be subject to the following standards and criteria. The applicant for a Special Exception shall demonstrate, as a condition to approval of his application, compliance with these criteria and those criteria specified elsewhere in this Ordinance for the use in question.

1. Such use shall be one which is specifically authorized as a Special Exception Use in the zoning district wherein the applicant seeks a special exception.
2. Such Special Exception shall only be granted subject to any applicable conditions and safeguards as required by this Ordinance.
3. Such use shall not adversely affect the character of the general neighborhood, nor the conservation of property values, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood, nor the reasonable use of neighboring properties. The use of adjacent properties shall be adequately safeguarded.
4. Such use shall be of such size and so located and laid out in relation to its access streets that vehicular and pedestrian traffic to and from such use will not create undue congestion or hazards prejudicial to the general neighborhood.
5. Services and utilities such as water supply, sewage disposal, and storm water drainage shall be made available to adequately service the proposed use by the applicant.
6. There shall be control of development of highway frontage so as to limit the number of points for ingress and egress, consider their location with due regard to safety factors, and encourage, where practicable, frontage of

buildings and structures upon parallel marginal roads or on roads perpendicular to the highway.

7. Consideration shall be given to the desirability of the proposed location of an industrial or commercial use with respect to probable effects upon street or highway traffic, and assurance of adequate access arrangements to protect against undue traffic congestion and hazard.
8. Consideration shall be given to such other considerations as may be set forth in the Pennsylvania Municipalities Planning code, as amended, from time to time.

In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, as amended, which conditions may include but are not limited to harmonious design of buildings, planting and maintenance of shrubbery or trees as a sight and/or sound barrier, and the minimizing of potentially noxious, offensive or hazardous elements.

- F. The Zoning Hearing Board shall exercise any other power specifically granted to the Board under the terms of this Ordinance or the Pennsylvania Municipalities Planning Code, as amended.

Ord. 2015-3, 12/3/2015, §6.

### **Section 803. Procedures For Application To The Zoning Hearing Board**

The Board shall act in accordance with the procedures specified by the Pennsylvania Municipalities Planning Code, as amended, and by this Ordinance. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board. Every appeal or application shall refer to the specific provision of this Ordinance involved and shall exactly set forth the interpretation that is claimed, the grounds for any challenges to the validity of this Ordinance, the use for which a special exception is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. All appeals and any stay of proceedings shall be in accordance with the Pennsylvania Municipalities Planning Code, as amended.

Applications and appeals, together with the required filing fee as established by the Board of Supervisors, shall be submitted to the Zoning Officer. As a minimum, all material required for a Zoning Permit shall be submitted with the application. The applicant shall also submit a description of the operations proposed in sufficient detail to indicate the effects of those operations proposed in producing traffic congestion, noise, glare, water pollution, fire hazards, safety hazards or other potentially harmful activities.

### **Section 804. Time Limitations**

## ZONING

- A. If the Zoning Hearing Board grants a special exception or variance, approves the issuance of a permit or authorizes other action to be taken by an applicant, the necessary permit(s) shall be secured and the authorized action begun within three (3) months after the date of the grant of the special exception, variance, approval, authorization or approval of the permit or authorization of other action, as the case may be, unless a longer time is specified by the Zoning Hearing Board.
- B. If the applicant fails to obtain necessary permits within the said three (3) months or such specified longer time, the granted special exception or variance, the issued permit(s) or other authorized actions shall automatically expire.
- C. If the applicant commences construction or alteration within three (3) months or such specified longer time but fails to complete the work within one (1) year or a specified longer time, the granted special exception, variance, the issued permit or other authorized action shall automatically expire.

Ord. 2015-3, 12/3/2015, §6.

### **Section 805. Submission Of Applications For Special Exceptions And Variances To The Board of Supervisors**

The Zoning Officer shall immediately upon receipt forward a copy of any application for a Special Exception or Variance to the Board of Supervisors prior to the hearing held by the Board on such application.

Ord. 2015-3, 12/3/2015, §6.

## ARTICLE IX

### ENACTMENT

#### **Section 900. Public Utilities Corporation Exempted**

- A. This Ordinance shall not apply to any existing or proposed buildings, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed building in question is reasonably necessary for the convenience or welfare of the public.
- B. The exemption provided for in this Section shall not apply to Wireless Communications Facilities regulated under the 1996 Telecommunications Act.

#### **Section 900.1 Municipal Utilities Exempted**

This Ordinance shall not apply to any existing or proposed structures or extensions thereof, used or to be used by a municipal utility, if, upon application of the Municipal Utility, the Ontelaunee Township Board of Supervisors after a duly advertised public hearing, shall decide that the present or proposed structure in question is reasonably necessary for the convenience and welfare of the public.

Ord. 2015-3, 12/3/2015, §6; as amended by Ord. 2017-2, 2/2/2017, §28.

#### **Section 901. Severability**

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Zoning Ordinance is declared for any reason to be illegal, unconstitutional, or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of the Zoning Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase word, or remaining portion of the Zoning Ordinance. The Board of Supervisors of Ontelaunee Township, Berks County, Pennsylvania, hereby declares that it would have adopted the Zoning Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof irrespective of the fact that any one or more of the articles, sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

Ord. 2015-3, 12/3/2015, §6.

#### **Section 902. Repeal of Conflicting Ordinances**

All ordinances or parts of ordinances, together with the amendments and supplements thereto, are hereby repealed to the extent that the same conflict with the provisions of

## ZONING

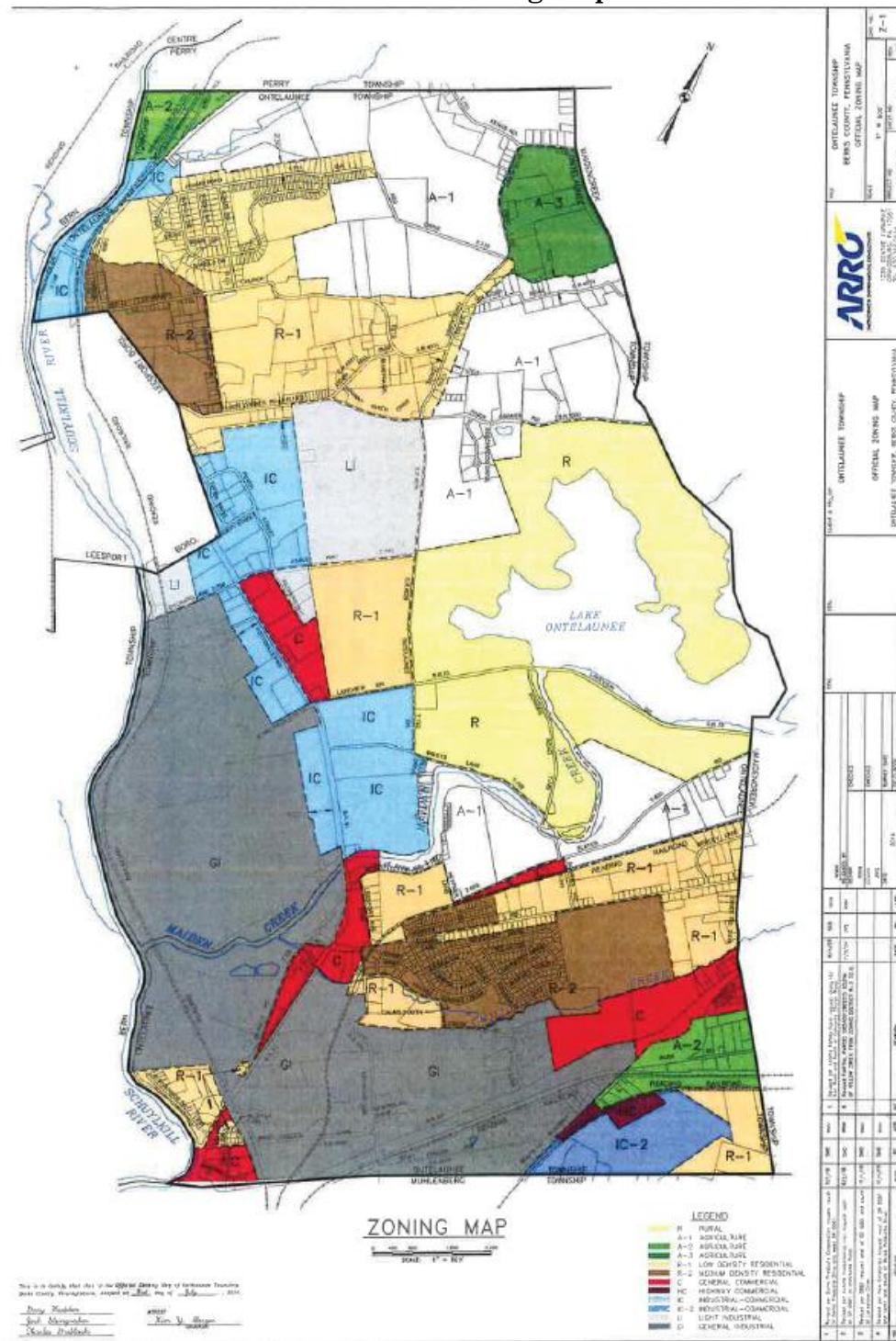
this Zoning Ordinance, provided however, that the provisions of this Zoning Ordinance shall not affect any suit or prosecution pending or to be instituted to enforce any provision of such repealed ordinance or to punish any offense against any such repealed ordinance committed prior to the effective date of this Zoning Ordinance.

### **Section 903. Effective Date**

This Ordinance shall become effective thirty (30) days after the date of its advertisement.

Ord. 2015-3, 12/3/2015, §6.

## Exhibit A - Zoning Map



Ord. 2015-3, 12/3/2015, §1 and 6; Amended by Ord. 2019-4, 11/7/2019, §1 and 2; amended by Ord. 2024-2, 7/3/2024, §1 and 2.