

Joint Zoning Ordinance

Heidelberg Township
North Heidelberg Township
Robesonia Borough
Womelsdorf Borough

Berks County, Pennsylvania

Heidelberg and North Heidelberg Townships and Robesonia and Womelsdorf Boroughs Joint Zoning Ordinance

Berks County, Pennsylvania

Effective Draft - January 10, 2004

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Adopted by the Robesonia Borough Council on December 1, 2003.

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USING THIS ORDINANCE: AN OVERVIEW

These two pages describe the most efficient way to use this Ordinance. These pages are general descriptions but are not part of the actual Ordinance.

Start by using the following parts of the Zoning Ordinance:

- ! Please contact the applicable Zoning Officer to make sure you have the latest version of the Zoning Ordinance Text and Map.
- ! Turn to the **Table of Contents** and the **Index** (at the end of the document) to find the pages and sections that apply to your particular situation. You may wish to photocopy the Table of Contents to highlight the relevant sections.
- ! Consult the **Zoning Map** at the end of this Zoning Ordinance to determine the zoning district that includes your lot.
- ! Turn to Section 306, the **Table of Permitted Uses By Zoning District**, which indicates the uses permitted in each zoning district. A use is permitted in three ways:
 - a) by right,
 - b) by special exception (the Zoning Hearing Board must approve the use, as described in Section 116), or
 - c) as a conditional use (the Board of Supervisors or Borough Council must approve the use, as described in Section 117).
- ! Turn to Section 307, the **Table of Lot and Setback Requirements By Zoning District**. This table states the required minimum size of each lot and the required minimum distance that buildings must be from streets and other lot lines in each zoning district.
- ! Regularly refer to the **Definitions** in Section 202 to determine the meaning of specific words.

Applicants are strongly encouraged to consider two alternatives in development:

- ! Section 311 allows smaller lots in many districts in return for preserving open space on part of the tract of land. This is known as "conservation design" development.
- ! Section 313 allows smaller lots and/or higher densities in many districts in return for the developer paying the owner of a different tract to preserve his/her land. This is known as "transfer of development rights."

If a lot is already being legally used for a particular purpose and that use is not permitted in the zoning district according to Section 306, that use is called a "**Non-Conforming Use**". In almost all cases, a lawful Non-Conforming Use can continue, can expand within limits, can change to another use within limits, and can be sold. See Section 806 -"Non-Conformities."

Certain specific uses must comply with **additional regulations**. The "principal uses" (which are the primary use of a property) are listed in alphabetical order in Section 402 and the "accessory uses" (which are secondary uses, such as low-intensity businesses in a home) are listed in alphabetical order in Section 403. For example, additional regulations are listed for sheds, garages and other structures typically found on a residential lot under "Residential Accessory Structures" in Section 403.

If your lot may be flood-prone, see the municipal Floodplain Ordinance and Floodplain Mapping.

Turn to the following sections for regulations concerning parking, signs and buffer yards:

- ! Many uses must provide minimum numbers of off-street **Parking** spaces under Section 601 of this ordinance. The parking standards are listed in a table.
- ! If **Signs** are proposed within public view, Article 7 must be met. This article lists the types, heights and sizes of signs that are permitted.
- ! Certain uses are required to provide an open **Buffer Yard** with **Evergreen Screening** to buffer nearby homes and adjacent residentially zoned land from nuisances. See Section 803.

The following additional considerations should be kept in mind when using this Ordinance:

- ! An applicant may apply to the municipal **Zoning Hearing Board** for a **Zoning Variance** if he/she is not able to comply with a provision of this Zoning Ordinance. An application fee is required to compensate the municipality for legal advertisements and other costs. See Section 111, which includes the standards that must be met under State law in order to be granted a variance. Generally, under the PA. Municipalities Planning Code, variances are not permitted unless an applicant proves a legal "Hardship".
- ! Generally, if one or more new lots will be created, or existing lot lines will be altered, or one or more new principal non-residential buildings are proposed, then the requirements and approval procedures of the municipal **Subdivision and Land Development Ordinance** will also apply. This is a separate ordinance available at the applicable municipal office.

- ! If there will be significant disturbance of the ground, it will be necessary to use certain measures to control **soil erosion**. In such case, contact the County Conservation District.

- ! If there will be impacts upon stormwater runoff, see any applicable municipal Stormwater Management Ordinance.

Any questions concerning the Zoning Ordinance should be directed to the municipality's **Zoning Officer**. The Zoning Officer also administers applications for permits.

**HEIDELBERG AND NORTH HEIDELBERG TOWNSHIPS AND
ROBESONIA AND WOMELSDORF BOROUGHES
JOINT ZONING ORDINANCE
TITLE; SEVERABILITY**

1. **TITLE.** A New Ordinance: a) dividing Heidelberg Township, North Heidelberg Township, Robesonia Borough and Womelsdorf Borough into districts with varying regulations; b) permitting, prohibiting, regulating and determining the uses of land, watercourses and other bodies of water, the size, height, bulk, location, erection, construction, repair, expansion, razing, removal and use of structures, the areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as yards and other open areas to be left unoccupied; c) establishing the maximum density and intensity of uses; d) providing for the administration and enforcement of this Ordinance in accordance with the Pennsylvania Municipalities Planning Code, including provisions for special exceptions and variances to be administered by a Zoning Hearing Board; and e) establishing provisions for the protection of certain natural features.
2. **SHORT TITLE.** This Ordinance shall be known and be cited as the "Heidelberg-North Heidelberg-Robesonia-Womelsdorf Joint Zoning Ordinance" of 2004.
3. **SEVERABILITY.** It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective. The Boards of Supervisors and Borough Councils hereby declare that they would have passed this Ordinance and each section or part thereof, other than any part declared invalid, if it had advance knowledge that any part would be declared invalid. If the entire Zoning Ordinance should be declared invalid, then the Ordinance for the applicable municipality that was in effect immediately prior to the enactment of this new Zoning Ordinance shall automatically be re-instated as the Zoning Ordinance for that municipality.
4. **PROCEDURAL DEFECTS IN ENACTMENT.** Allegations that this Ordinance or any amendment was enacted in a procedurally defective manner shall be appealed as provided in State law and be filed not later than 30 days after the intended effective date of the Ordinance or amendment.

ARTICLE 1

ADMINISTRATION

101. **APPLICABILITY OF THIS ORDINANCE.** This Zoning Ordinance shall apply throughout Heidelberg Township, North Heidelberg Township, Robesonia Borough and Womelsdorf Borough in Berks County, Pennsylvania. Any activity regulated by this Ordinance shall only occur in such a way that conforms with the regulations of this Ordinance. See Section 103.A.
102. **PURPOSES AND COMMUNITY DEVELOPMENT OBJECTIVES.** This Ordinance is hereby adopted:
- 102.A. in accordance with the requirements and purposes (including Sections 604 and 605 or their successor section(s), which are included by reference) of the Pennsylvania Municipalities Planning Code, as amended,
 - 102.B. in accordance with goals, objectives, policies and geographic descriptions of the Western Berks Comprehensive Plan, which are hereby included by reference, and the goals and recommendations of the Berks County Comprehensive Plan, and
 - 102.C. to carry out the following major objectives:
 - 1. to make sure that development carefully relates to natural features, and to avoid overly intense development of environmentally sensitive land,
 - 2. to minimize disturbance of creek valleys and steep woodlands,
 - 3. to avoid overextending groundwater supplies, and to encourage groundwater recharge,
 - 4. to protect the quality of groundwater and surface waters,
 - 5. to encourage the continuation of farming,
 - 6. to promote compatibility between land uses,
 - 7. to seek coordinated development and roads across municipal borders,
 - 8. to provide for a variety of residential densities and meet legal obligations to provide opportunities for all housing types,
 - 9. to promote development that retains the rural character of the outlying areas,
 - 10. to encourage rehabilitation and avoid demolition of historic buildings,
 - 11. to direct higher density development to areas that are physically suitable, accessible by major roads and that have the potential of central water and sewage services,
 - 12. to coordinate development with future central water and sewage service areas,
 - 13. to direct industrial development to locations that will minimize conflicts with homes,
 - 14. to direct commercial businesses to existing commercial areas, while avoiding new strip commercial areas that would cause traffic congestion and safety problems and conflicts with homes, and
 - 15. to strengthen the downtowns and promote new commercial and industrial development in appropriate areas that will provide additional tax revenue and job opportunities.

103. **PERMITS AND CERTIFICATES.**

103.A. Applicability.

- 1. Any of the following activities or any other activity regulated by this Ordinance shall only be carried out in conformity with this Ordinance.
 - a. Erection, construction, movement, placement or extension of a structure, building or sign,
 - b. Change of the type of use or expansion of the use of a structure or area of land,
 - c. Creation of a lot or alteration of lot lines, and/or

- d. Creation of a new use.
2. Zoning Permit. A Zoning Permit indicates that a zoning application complies with this Ordinance to the best knowledge of the applicable municipal staff.
- a. A Zoning Permit is required to be issued prior to the start of any of the following activities:
 - 1) Erection, construction, movement, placement or expansion of a structure, building or sign,
 - 2) Change of the type of use or expansion of the use of a structure or area of land,
 - 3) Creation of a new use, and/or
 - 4) Demolition of a building.
 - b. The Municipality may, at its option, issue combined or separate Building Permits and Zoning Permits and/or may utilize a single or separate applications for the permits.
3. Certificate of Use and Occupancy.
- a. It shall be unlawful to use and/or occupy any new principal building or establish any new or replacement principal non-residential use until a certificate of use and occupancy for such building or use has been issued by the Municipal Staff.
 - b. The Municipal Staff may permit the Zoning Permit application to serve as the application for the Certificate of Use and Occupancy.
 - c. The Certificate of Use and Occupancy shall only be issued by the Zoning Officer if the Zoning Officer determines that the activity complies with this Ordinance, to the best knowledge of the Zoning Officer. The Municipality may also withhold issuance of the Certificate until there is compliance with other Municipal ordinances.
 - d. The applicant shall keep a copy of the Certificate of Use and Occupancy available for inspection.
 - e. Upon the request of an applicant, the Zoning Officer may issue a temporary Certificate of Use and Occupancy. Such temporary Certificate may permit an activity to occur in all or part of a structure before the entire work covered by the Permit has been completed.
 - (1) However, such temporary Certificate shall only be issued if the applicant proves to the Zoning Officer that the activity or occupancy can occur safely without endangering public health or safety.
 - (2) The temporary Certificate shall establish in writing a maximum time period under which it is valid. A 6 month maximum time period shall apply if not otherwise specified.
 - (3) Failure to receive a permanent Certificate of Use and Occupancy within such time period shall be a violation of this Ordinance.
 - (4) The temporary Certificate may be conditioned upon compliance with certain specific requirements within certain time periods.
 - (5) See also Section 103.G.
- 103.B. Repairs and Maintenance. Ordinary repairs and maintenance to existing structures shall not by itself be regulated by this Ordinance. Examples of such work include replacement of a roof or porch that does not involve enclosure of space. (However, a Construction Permit under any Municipal Building Code may be needed for such work.)

103.C. Types of Uses.

1. Permitted by Right Uses. The Zoning Officer shall issue a permit under this Ordinance in response to an application for a use that is "permitted by right" if it meets all of the requirements of this Ordinance.
2. Special Exception Use or Application Requiring a Variance. A permit under this Ordinance for a use requiring a Special Exception or Variance shall be issued by the Zoning Officer only in response to a written approval by the Zoning Hearing Board following a hearing.
3. Conditional Use. A use requiring zoning approval by the Board of Supervisors or Borough Council under Section 117.

103.D. Applications.

1. Submittal. All applications for a Zoning Permit or a decision by the Zoning Hearing Board shall be made in writing on a form provided by the Municipality. Such completed application, with required fees, shall be submitted to a designated Municipal staff-person.
2. Site Plan. The applicant shall submit a minimum of 2 copies of a site plan with the application if the application involves a new principal building, expansion of a principal building or addition of 3 or more parking spaces. The site plan shall be drawn to scale and show the following:
 - a. locations, dimensions and uses of existing and proposed structures, parking and loading areas, and locations of existing and proposed uses of areas of land, with existing features clearly distinguished from proposed features,
 - b. notes showing the dimensions of all buildings from lot lines and street rights-of-way,
 - c. locations of any watercourses and any 100 year floodplain,
 - d. proposed lot areas, lot widths and other applicable dimensional requirements,
 - e. locations and widths of existing and proposed sidewalks, and
 - f. well and primary and alternate septic system locations. See Section 309.
3. Additional Information. Any application under this Ordinance shall include the following information, unless the Zoning Officer determines such information is unnecessary to determine compliance with this Ordinance:
 - a. the address of the lot,
 - b. name and address of the applicant, and of the owner of the property if different from the applicant,
 - c. a description of the proposed use of the property,
 - d. all other applicable information listed on the official Municipal application form,
 - e. if the applicant is incorporated, a partnership, or a limited liability corporation, the legal names and day telephone numbers, residential address and business address of officers/principals/partners of such organization, with date of submission, and
 - f. such additional information that the Zoning Officer may determine is reasonably necessary to determine compliance with this Ordinance.
4. Submittals to the Board. In addition to the information listed in part "3." above, an application requiring a site plan and action by the Zoning Hearing Board shall also include the following information, unless the Zoning Officer determines that such information is unnecessary to determine compliance with this Ordinance:
 - a. the present zoning district and major applicable lot requirements,
 - b. for a non-residential use:

- (1) a description of the proposed non-residential operations and storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large truck traffic, glare, odors, dust, fire or toxic or explosive hazards or other significant public health and safety hazards,
 - (2) a list of the maximum hours of operation,
 - c. the existing directions of stormwater flow (and any proposed revisions), and any proposed methods of stormwater management,
 - d. a listing of any sections of this Ordinance being appealed, with the reasons for any appeal,
 - e. approximate locations of principal buildings and locations of streets and alleys and zoning district boundaries within 100 feet of the boundaries of the tract, and description of uses of adjoining properties (such as "drug store" or "single family detached dwelling"),
 - f. heights, locations, methods of illumination and intensity of exterior lighting and sign lighting,
 - g. name and address of person who prepared the site plan,
 - h. signed acknowledgement of the site plan by the applicant, and
 - i. such additional information required under applicable sections of this Ordinance.
5. Ownership. No person other than a landowner or their specifically authorized agent or a tenant or lessee with written permission of the landowner shall submit a zoning application (see definition of "landowner" in Article 2).

103.E. Issuance of Permits.

- 1. At least 1 copy of each permit application and any other zoning approval shall be retained in Municipal files.
- 2. PENNDOT Permit. Where necessary for access onto a State road, a Municipal zoning or building permit shall be automatically conditioned upon issuance of a PennDOT Highway Occupancy Permit.

103.F. Revocation of Permits; Appeal of Permit or Approval.

- 1. Revocation. The Zoning Officer shall revoke, withhold or suspend a permit or approval issued under the provisions of the Zoning Ordinance in case of one or more of the following:
 - a. any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based; (Note: The Pennsylvania Criminal Code provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties.)
 - b. upon violation of any condition lawfully imposed by the Zoning Hearing Board upon a special exception use or variance;
 - c. any work being accomplished or use of land or structures in such a way that does not comply with this Ordinance or an approved site plan or approved permit application; and/or
 - d. for any other just cause set forth in this Ordinance.
- 2. Appeals. A party with legitimate standing, or as otherwise provided by State law, may appeal decisions under this Ordinance within the provisions of the State Municipalities Planning Code. Any such appeal shall occur within the time period established in the

State Municipalities Planning Code (As of the adoption date of this Ordinance, such provisions were in Sections 914.1 and 1002.A.).

103.G. Zoning Permit for Temporary Uses and Structures.

1. A Zoning Permit for a temporary use or structure may be issued by the Zoning Officer for any of the following:
 - a. A Temporary Permit may be issued for customary, routine and accessory short-term special events, provided that:
 - (1) only a well-established nonprofit organization or a permitted place of worship proposing a temporary use to clearly primarily serve a charitable, public service or religious purpose shall be eligible to receive approval for commercial-type activities in a district where a commercial use would not otherwise be permitted,
 - (2) such total events shall be limited to a maximum of 45 days for Christmas Tree Sales and 12 total days per calendar year for all other activities, and
 - (3) the applicant shall prove to the Zoning Officer that sufficient parking and traffic control will be available for the special event, without obstructing parking that is required to serve other uses on the site.
 - b. A Temporary Permit may be issued for temporary storage and office trailers that are necessary to serve on-site construction, while such construction is actively underway under a valid Municipal permit.
 - c. A Temporary Permit may be issued for such other activities that the applicant proves to the Zoning Officer are clearly routine, customary, temporary and not in conflict with existing uses within the vicinity.
2. Time Period. The Zoning Officer shall state a reasonable maximum time period on the temporary permit. If no time limit is stated, then a 7 day maximum period shall apply. A temporary permit may be renewed for just cause.
3. Temporary Retail Sales. Except as provided for in subsection 103.G.1.a.(1) above, and except for agricultural sales allowed by Section 306, and except as allowed by the “Garage Sale” provisions of Section 403, a lot shall only be used for temporary retail sales if all of the following conditions are met:
 - a. The property is located within a zoning district that allows retail sales.
 - b. The operator shall have received any business permits required by the Municipality.
 - c. No off-street parking spaces shall be obstructed that are required to serve permanent uses on the lot.
 - d. Any signs visible from a public street shall comply with this Ordinance.
 - e. If food or beverages are sold that are not pre-packaged, the applicant shall prove compliance with State health regulations, including having on-site facilities for workers to wash their hands. Proper bathroom facilities shall also be available for workers.
 - f. Any structure shall meet applicable minimum setbacks.
 - g. A permit under this Ordinance shall be required from the Municipality, which shall be displayed while the activity is open for business.
 - h. The application may be rejected if the Zoning Officer has reason to believe that the activity would obstruct safe sight distances.
 - i. See penalty provisions in Section 106.

103.H. Compliance with Municipal Subdivision and Land Development Ordinance. If a application under this Ordinance would also be regulated by the Municipal Subdivision and Land Development Ordinance ("SALDO"), then any permit or approval under this Zoning Ordinance shall automatically be conditioned upon compliance with the SALDO. See the definitions of "Land Development" and "Subdivision" in the SALDO.

1. For example, if an applicant applies for a single family detached dwelling on a proposed new lot, the construction permit for such dwelling shall not be valid until after the lot is granted final subdivision approval and the lot is officially recorded by the County Recorder of Deeds.

104. **GENERAL PROCEDURE FOR PERMITS.**

104.A. After receiving a proper application, the Zoning Officer shall either: 1) issue the applicable permit(s) or 2) deny the application(s) as submitted, indicating one or more reasons. While a general goal is to issue permits within 30 days, State law generally requires that a permit shall be issued or denied within 90 days after the receipt of a complete application.

104.B. After the permit under this Ordinance has been issued, the applicant may undertake the action specified by the permit, in compliance with other Municipal Ordinances. However, it is recommended that applicants wait 30 days to begin construction if there is a possibility of an appeal by another party to have the permit revoked. Any commencement of construction or a use within this 30 day appeal period shall be at the risk of the applicant.

105. **INTERPRETATION AND USES NOT REGULATED.**

105.A. Minimum Requirements. Where more than one provision of this Ordinance controls a particular matter, the provision that is more restrictive upon uses and structures shall apply. The provisions of this Ordinance are in addition to any other applicable Municipal Ordinance.

105.B. Uses Not Specifically Regulated. If a use clearly is not permitted by right, or as a special exception use by this Ordinance within any Zoning District, the use is prohibited, except that the Zoning Hearing Board may permit such use as a special exception use if the applicant specifically proves to the clear satisfaction of the Zoning Hearing Board that all of the following conditions would be met:

1. the proposed use would be less intensive in external impacts and nuisances than uses that are permitted in the District,
2. the proposed use would be closely similar in impacts and character to uses permitted in that District, considering the standards in Section 805.F.,
3. the use would meet the standards that would apply under Section 116.C. to a special exception use, and
4. the use is not specifically prohibited in that District.

105.C. Interpretation of Ordinance Text and Boundaries.

1. The Zoning Officer shall literally apply the wording of this Ordinance and the location of all District boundaries to particular applications. In any case, the Zoning Officer may also request an advisory opinion from the Municipal Solicitor or the Zoning Hearing Board Solicitor to aid in the Zoning Officer's determination.

2. If an applicant disagrees with the Zoning Officer's determination and believes that the Ordinance should be interpreted in the applicant's favor, the applicant may appeal to the Zoning Hearing Board. See Section 111.
3. In interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of public health, safety and general welfare.

105.D. Undefined Terms/ Interpretation of Definitions. See Section 201.

105.E. Interpretation of Zoning Boundaries. See Section 304.

106. **ENFORCEMENT, VIOLATIONS AND PENALTIES.** All of the enforcement, violations and penalty provisions of the State Municipalities Planning Code, as amended, are hereby incorporated into this Ordinance by reference. (Note - As of the adoption date of this Ordinance, these provisions were primarily in Sections 616.1, 617 and 617.2 of such Act.)

106.A. Violations. Any person who shall commit or who shall permit any of the following actions violates this Ordinance:

1. Failure to secure a zoning permit prior to a change in use of land or structure, or the erection, construction or alteration of any structure or portion thereof, or the excavation of land to prepare for the erection, construction or alteration of any structure or portion thereof.
2. Placement of false statements on or omitting relevant information from an application for a zoning permit.
3. Undertaking any action in a manner which does not comply with a zoning permit.
4. Violation of any condition imposed by a decision of the Zoning Hearing Board in granting a variance or special exception or other approval.

106.B. Enforcement Notice. If the Municipality has reason to believe that a violation of a provision of the Zoning Ordinance has occurred, the Municipality shall initiate enforcement proceedings by sending an enforcement notice as provided in Section 616.1 of the State Municipalities Planning Code. Prior to sending an official enforcement notice, the Zoning Officer may at his/her option informally request compliance.

106.C. Time Limits. An official enforcement notice shall state the deadline to complete bringing the property into compliance with this Ordinance, and shall state that the applicant has 30 days from the receipt of the notice to appeal to the Zoning Hearing Board.

106.D. Causes of Action; Enforcement Remedies. The Causes of Action and Enforcement Remedies provisions of the State Municipalities Planning Code, as amended, are hereby incorporated by reference. (Note - As of the adoption date of this Ordinance, such provisions were in Section 617 of such law.)

1. Enforcement Action. If the enforcement notice is not complied with promptly, the Zoning Officer shall notify the Board of Supervisors or Borough Council. The Supervisors or Council may request the Municipal Solicitor to institute in the name of the Municipality any appropriate action or proceeding at law or in equity to prevent, restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the structure, building, sign, landscaping or land in violation of the provisions of this chapter or the order or direction made pursuant thereto. The Board of Supervisors or Borough

Council may also direct the Zoning Officer or Municipal Solicitor to institute a civil enforcement proceeding before a district justice.

2. Violations and Penalties. Any person who has violated or permitted the violation of the provisions of this chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Municipality, pay a judgment of not more than five hundred dollars plus all court costs, including the reasonable attorney's fees incurred by the Municipality 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 Municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless a District Justice determining that there has been a violation further determines that there was a good faith basis for the person violating this chapter 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's fees collected for the violation of this chapter shall be paid over to the Municipality for the general use of the Municipality.
3. Remedies. In case any building, structure, sign or landscaping is erected, constructed, reconstructed, altered, repaired, converted or maintained; or any building, structure, sign or land is used; or any hedge, shrub, tree or other growth is maintained in violation of this chapter or of any of the regulations made pursuant thereto or any of the permits or certificates of use and occupancy issued under this chapter or any conditions imposed upon the grant of a special exception or variance by the Zoning Hearing Board or upon the grant of a conditional use, then, in addition to any other remedies provided by law, any appropriate action or proceeding may be instituted or taken to prevent or restrain such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use or to prevent any illegal act, conduct, business or use in and about such premises.

106.E. Enforcement Evidence. In any appeal of an enforcement notice to the Zoning Hearing Board, the Municipality shall have the responsibility of presenting its evidence first.

107. FEES AND FINANCES.

- 107.A. A municipal fee schedule for permits and applications may be established and amended by written resolution of the applicable Board of Supervisors or Borough Council. No application or appeal shall be considered filed until all fees are paid.
- 107.B. The following shall apply unless an alternative financing arrangement is approved by two or more municipalities through an Inter-Municipal Agreement:
 1. Each municipality shall be responsible for all expenses for administering and enforcing this Ordinance within its own boundaries, and for related appeals.
 2. If a substantive challenge is made to this Ordinance or a curative amendment is filed, the municipality that is directly affected shall be responsible for the costs of defending against such a challenge.
 3. If a municipality requests that the other municipalities adopt an amendment to this Ordinance, the municipality that made the original request for the amendment shall be responsible for all costs of legal advertisements and related costs for the amendment.

108. **AMENDMENTS TO THIS ORDINANCE.** This Zoning Ordinance may be amended in compliance with the procedural requirements of Section 609 of the Pennsylvania Municipalities Planning Code, or its successor section.
- 108.A. The consideration of a proposed zoning ordinance amendment may be initiated by a majority vote of any municipal Planning Commission, Board of Supervisors or Borough Council. Such vote may or may not occur in response to a request of an individual, organization, committee, landowner or other entity.
- 108.B. In addition, any proposed amendment to this Ordinance shall be submitted to the Joint Municipal Planning Commission for review a minimum of 30 days prior to the public hearing on such proposed amendments.
- 108.C. The Board of Supervisors, Borough Councils, Joint Municipal Planning Commission and municipal Planning Commissions shall submit any comments regarding the proposed zoning ordinance amendment to the Board of Supervisors and Borough Councils of each of the affected municipalities. Any comments shall recommend whether to adopt or not adopt the proposed amendment. Such comments shall be provided not later than the date of the last public hearing on the amendment. Failure to provide comments within such time frame shall be construed as a recommendation to adopt the proposed amendment. The Board of Supervisors and Borough Councils may decide to hold one joint public hearing or separate public hearings on the proposed amendment.
- 108.D. A zoning ordinance amendment shall only go into effect 5 days after the date of enactment by the Borough Council or Board of Supervisors of the last of the four municipalities to enact the amendment.
109. **CURATIVE AMENDMENTS.** The applicable provisions of the State Municipalities Planning Code shall apply. (Note: As of the adoption date of this Ordinance, these provisions were primarily in Sections 609.1, 609.2, 810-A, 811-A, 812-A and 916.1 of such Act.)
110. **ZONING OFFICER.**
- 110.A. **Appointment.** The Zoning Officer(s) shall be appointed by the Board of Supervisors and Borough Council. Each municipality may appoint its own Zoning Officer, or two or more municipalities may appoint a Joint Zoning Officer. The Zoning Officer may designate other Staff-persons to serve as Assistant Zoning Officer(s). Such designations may be subject to concurrence by the Board of Supervisors and Borough Council. Assistant Zoning Officers may serve with the same authority and duties as the Zoning Officer. The Zoning Officer shall not hold any elective office within a Municipality that he is responsible for, but may hold other appointed offices.
- 110.B. **Duties and Powers.** The Zoning Officer's duties and powers shall be those provided in this Ordinance and the State Municipalities Planning Code and duties and powers that are reasonably implied by such provisions. These duties and powers include but are not limited to the following:
1. administer the Zoning Ordinance in accordance with its literal terms, including to receive and examine all applications required under the terms of this Ordinance, and issue or refuse permits within the provisions of this Ordinance;
 2. conduct inspections to determine compliance, and receive complaints of violation of this Ordinance;
 3. keep records of applications, permits, certificates, written decisions, and variances granted by the Board, and of enforcement orders, with all such records being the property of the Municipality and being available for public inspection;

4. review proposed subdivisions and land developments for compliance with this Ordinance; and
5. take enforcement actions as provided by the State Municipalities Planning Code, as amended.

110.C. Inspections. Within the limitations and procedures of State law, the Zoning Officer shall have the authority to enter property during reasonable hours to conduct inspections to determine whether activity is in compliance with a permit or approval or to investigate a property where the Zoning Officer has cause to believe that a violation of this Ordinance may be present.

111. **ZONING HEARING BOARD ACTIONS AND VARIANCES.**

111.A. Membership of Board. The Zoning Hearing Board of each municipality shall consist of 3 residents of that municipality appointed by the Board of Supervisors or Borough Council, except the Zoning Hearing Board of Heidelberg Township shall continue to be 5 members. The existing terms of office shall continue, with terms of office being 3 years for a board with 3 members, and 5 years for a board with 5 members. The terms of office shall be fixed so that the term of office of one member shall expire each year. Members of the Board shall hold no other office in the municipality. At their option, in place of an individual zoning hearing board, the Governing Bodies of two or more municipalities may appoint a Joint Zoning Hearing Board of 5 members, in accordance with the State Municipalities Planning Code.

1. Alternate Members. The Board of Supervisors or Borough Council may appoint alternate members of the Zoning Hearing Board within the applicable provisions of the State Municipalities Planning Code. (Note: As of the adoption date of this Ordinance, such provisions were in Section 903(b) of such Act).

111.B. Vacancies. Appointments to fill vacancies shall be only for the unexpired portion of a term.

111.C. Organization. The applicable provisions of the State Municipalities Planning Code, as amended shall apply. (As of the adoption date of this Ordinance, these provisions were in Sections 906(a), (b) and (c) of such Act).

111.D. Zoning Hearing Board Jurisdiction and Functions. The Zoning Hearing Board shall be responsible for the following:

1. Appeal of a Decision by the Zoning Officer.
 - a. The Board shall hear and decide appeals where it is alleged by an affected person, entity or the Board of Supervisors or Borough Council that the Zoning Officer has improperly acted under the requirements and procedures of this Ordinance.
 - b. See time limitations for appeals in Section 111.F.
2. Challenge to the Validity of the Ordinance or Map. The applicable provisions of the State Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, these provisions were primarily in Sections 909.1 and 916 of such Act).
3. Variance.
 - a. The Board shall hear requests for variances filed with the Municipal Staff in writing.
 - b. Standards. The Board may grant a variance only within the limitations of State law. (Note: As of the adoption date of this Ordinance, the Municipalities Planning Code provided that all of the following findings must be made, where relevant:

- i) *There are unique physical circumstances or conditions (including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property) and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located;*
 - ii) *Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and a variance is therefore necessary to enable the reasonable use of the property;*
 - iii) *Such unnecessary hardship has not been created by the appellant;*
 - iv) *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; and*
 - v) *The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.)*
- c. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

4. Special Exception.

- a. The Board shall hear and decide requests for all special exceptions filed with the Municipal Staff in writing. The Board shall only permit a special exception that is authorized by this Ordinance. See Section 116.
- b. Conditions. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes and intent of this Ordinance.

5. Persons With Disabilities. After the Zoning Officer receives a complete written application, the Zoning Hearing Board shall grant a special exception allowing modifications to specific requirements of this Ordinance that the applicant proves to the satisfaction of the Zoning Hearing Board are required under applicable Federal law to provide a "reasonable accommodation" to serve persons who the applicant proves have "disabilities" as defined in and protected by such laws.

- a. Such reasonable accommodations shall be requested in accordance with the U.S. Fair Housing Act Amendments and/or the Americans with Disabilities Act, as amended.
- b. If the applicant is requesting a reasonable accommodation under the United States Fair Housing Amendments Act of 1988 or the Americans with Disabilities Act, the applicant shall identify the disability which is protected by such statutes, the extent of the modification of the provisions of this Ordinance necessary for a reasonable accommodation, and the manner by which the reasonable accommodation requested may be removed when such person(s) with a protected disability no longer will be present on the property.
- c. Any modification approved under this Section may be limited to the time period during which the persons with disabilities occupy or utilize the premises.

6. The Zoning Hearing Board shall also hear any other matters as set forth in the State Municipalities Planning Code, as amended. (Note: As of the adoption date of this Ordinance, such provisions were primarily within Section 909.1 of such law.)
- 111.E. Time Limits for Appeals. The applicable provisions of the State Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, these provisions were in Section 914.1 of such Act.)
- 111.F. Stay of Proceedings. The Stay of Proceedings provisions of the State Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, such provisions were in Section 915.1 of such Act.)
- 111.G. Time Limits on Permits and Approvals.
 1. After a variance is approved or other zoning approval is officially authorized, then any applicable zoning and building permits shall be secured by the applicant within 12 months after the date of such approval or authorization. The work authorized by such permits shall then be completed within 12 months after the issuance of the permits.
 2. Extension. In response to an applicant stating good cause in writing, the Zoning Officer may extend in writing the time limit for completion of work to a maximum total of 36 months after permits are issued.
 3. If an applicant fails to obtain the necessary permits or begin construction within the above time periods, or allows interruptions in substantial construction of longer than 12 months, the Zoning Officer may conclusively presume that the applicant has waived, withdrawn or abandoned approvals and permits under this Ordinance and may consider all such approvals and permits to have become null and void.
- 111.H. Multiple Applications. No more than one application for the same property shall be pending before the Zoning Hearing Board for special exception approval at any time.
112. **ZONING HEARING BOARD HEARINGS AND DECISIONS.** The following requirements shall apply to procedures, hearings and decisions of the Zoning Hearing Board.
 - 112.A. Notice of Hearings. Notice of all hearings of the Board shall be given as follows:
 1. Ad. Public notice shall be published, as defined by Section 107 of the State Municipalities Planning Code. The notice shall state the time and place of the hearing and the particular nature of the matter to be considered.
 2. Posting. Notice of such hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing. The applicant shall post the property, unless the Zoning Officer or his/her designee volunteers to post the property. It is the responsibility of the applicant to make sure that such notice remains posted until the hearing.
 3. Persons Given Notice. The Municipality (which shall include its designees) shall provide written notice to the Applicant of the time and place of the hearing. The Municipality should also provide notice to the Chairperson of the Board of Supervisors and President of Borough Council. In addition, the Municipality should provide notice to the last known principal owner of record of each property that is immediately adjacent to or immediately

across a street from the subject property, however, failure to provide such notice shall not be grounds for an appeal. Also, such notice shall be given to any other person or group (including civic or community organizations) who has made a written timely request for such notice. Any such notices should be mailed or delivered to the last known address.

112.B. Initiation of Hearings. A hearing required under this Ordinance shall be initiated within 60 days of the date of an applicant's request for a hearing, unless the applicant has agreed in writing to an extension of time.

112.C. Decision/Findings.

1. The Board shall render a written decision on each application within 45 days after the last hearing on that application before the Board, unless the applicant has agreed in writing to an extension of time.
2. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons for such conclusions.
3. References shall be provided to the most pertinent section(s) of this Ordinance and/or the State Municipalities Planning Code.

112.D. Notice of Decision. A copy of the final decision shall be delivered or mailed to the applicant or his/her representative or their last known address not later than the time limit established by the State Municipalities Planning Code, as amended. (Note: As of the adoption date of this Ordinance, such provisions were within Sections 908(9) and 908(10) of such Act, including provisions regarding notice to other parties).

112.E. State Law. See also Section 908 of the PA. Municipalities Planning Code.

113. **APPEALS TO COURT.** The provisions for appeals to court that are stated in the State Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, these provisions were in Sections 1001-A, 1002-A, 1003-A, 1004-A, 1005-A and 1006-A of such Act.)

114. **LIMITED PUBLIC UTILITY EXEMPTIONS.** See the provisions of the State Municipalities Planning Code, as amended. (Note: As of the adoption date of this Ordinance, such provisions were within Section 619 of such Act.)

115. **LIMITED MUNICIPAL AND MUNICIPAL AUTHORITY EXEMPTION.** The minimum lot area, minimum lot width, minimum yards, maximum lot coverages and minimum street frontage requirements of this Ordinance shall not apply to uses or structures owned by Heidelberg Township, North Heidelberg Township, Robesonia Borough and Womelsdorf Borough or by a municipal authority created by any such municipality(ies) for uses and structures that are intended for a public utility, stormwater, public recreation or public health and safety purpose.

116. **SPECIAL EXCEPTION USE PROCESS.**

116.A. Purpose. The Special Exception Process is designed to allow careful review of uses that have some potential of conflicts with adjacent uses or areas.

116.B. Special Exception Procedure.

1. A Site Plan shall be submitted, which shall contain the information required in Section 103.D.
If a fully engineered subdivision or land development plan will be required, it may be submitted separately, such as after a special exception is approved.
 2. The Zoning Officer should provide a review to the Zoning Hearing Board regarding the compliance of the application with this Ordinance.
 3. The Zoning Hearing Board shall follow the procedures provided in Section 112.
 4. The Municipal Staff should offer a special exception application to the Municipal Planning Commission for any advisory review that the Commission may wish to provide. However, the Zoning Hearing Board shall meet the time limits of State law for a decision, regardless of whether the Municipal Planning Commission has provided comments.
- 116.C. Consideration of Special Exception Applications. When special exceptions are allowed by this Ordinance, the Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with standards established by this Ordinance, including the following:
1. Compliance with this Ordinance. The applicant shall establish by credible evidence that the application complies with all applicable requirements of this Ordinance. The applicant shall provide the Board with sufficient plans, studies or other data to demonstrate this compliance.
 2. Compliance with Other Laws. The approval may be conditioned upon proof of compliance with other specific applicable municipal, state and federal laws, regulations and permits. Required permits or other proof of compliance may be required to be presented to the Municipality prior to the issuance of any zoning permit, building permit, certification of occupancy and/or recording of an approved plan.
 3. Traffic. The applicant shall establish that the traffic from the proposed use will be accommodated in a safe and efficient manner that will minimize hazards and congestion, after considering any improvements proposed to be made by the applicant as a condition on approval.
 4. Site Planning. The application shall include proper site layout, internal circulation, parking, buffering, and all other elements of proper design as specified in this Ordinance.
 5. Neighborhood. The proposed use shall not substantially harm any adjacent residential neighborhood, after considering any proposed conditions upon approval.
 6. Safety. The proposed use shall not create a significant hazard to the public health and safety, such as fire, toxic or explosive hazards.
- 116.D. Conditions. In granting a special exception, the Board may require such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it determines are necessary to implement the purposes of this Ordinance. Conditions imposed by the Zoning Hearing Board shall automatically become conditions of the building permit issued pursuant thereto, and any failure to comply with said conditions shall be a violation of this ordinance.

117. **CONDITIONAL USE PROCESS.**

- 117.A. **Purpose.** The conditional use approval process is designed to allow the Board of Supervisors or Borough Council to review and approve certain uses that could have significant impacts upon the community and the environment.
- 117.B. **Procedure.** The Board of Supervisors or Borough Council shall consider the conditional use application and render its decision in accordance with the requirements of the State Municipalities Planning Code.
1. **Submittal.** A Site Plan shall be submitted, which shall contain the information listed in Section 103.D. Detailed site engineering (such as stormwater calculations and profiles) are not required at the conditional use stage. If a fully engineered subdivision or land development plan will be required, it may be submitted separately, such as after a conditional use is approved. Or, an applicant may voluntarily choose to submit a subdivision or land development plan for review at the same time as a conditional use application.
 2. **Reviews.**
 - a. The Zoning Officer should provide a review to the Board regarding the compliance of the application with this Ordinance.
 - b. The Municipal Staff shall submit a conditional use application to the Planning Commission for any review that the Commission may wish to provide. However, the Board of Supervisors or Borough Council shall meet the time limits for a decision, regardless of whether the Planning Commission has provided comments.
 3. The only uses that shall be approved as conditional uses shall be those listed as conditional uses in Article 3.
 4. **Time Limit.** To minimize delays for applicants, the Municipality has established the following time limit upon conditional use applications for Conservation Developments. The Board of Supervisors or Borough Council shall approve, conditionally approve or reject a conditional use application within 120 days after the municipality's official receipt of a complete application for a conditional use for a Conservation Development, unless the applicant provides a written time extension.
(Note- As of the adoption date of this Ordinance, the State Municipalities Planning Code generally establishes a 60 day time limit for the first hearing and a 45 day time limit for a decision after the last hearing.)
- 117.C **Consideration of Conditional Use Application.** The Board of Supervisors or Borough Council shall determine whether the proposed conditional use would meet the applicable requirements of this Ordinance. The same standards shall apply to a conditional use as are listed in Section 116.C. for a special exception use.
- 117.D **Conditions.** In approving conditional use applications, the Board of Supervisors or Borough Council may attach conditions they consider necessary to protect the public welfare and meet the standards of this Ordinance. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in this Ordinance.

118. **LIABILITY.**

- 118.A. Any review of activity within the floodplain, site plan review, subdivision or land development approval, erosion control review, wetland delineation review, storm water runoff review, review of activity on steep slopes, or any other review, approval or permit under this Ordinance by an officer, employee, board, commission, solicitor, consultant or agency of the Municipality shall not constitute a representation, guarantee or warranty of any kind by the Municipality, or its employees, officials, boards, solicitor(s), consultants or agencies of the practicality or safety of any structure, use or subdivision, and shall create no liability upon nor a cause of action against such entity or person for any damage that may result pursuant thereto.
- 118.B. If the Zoning Officer mistakenly issues a permit under this Ordinance, the Municipality shall not be liable for any later lawful withdrawal of such permit.

ARTICLE 2 DEFINITIONS

201. **GENERAL INTERPRETATION.** For the purposes of this Ordinance, words and terms used herein shall be interpreted as follows:
- A. Words in the present tense shall include the future tense.
 - B. "Used" or "occupied" as applied to any land or building include the words "intended, arranged, or designed to be used or occupied".
 - C. "Should" means that it is strongly encouraged but is not mandatory. "Shall" is always mandatory.
 - D. "Sale" shall also include rental.
 - E. Unless stated otherwise, the singular shall also regulate the plural, and the masculine shall include the feminine, and vice-versa.
 - F. If a word or term is not defined by this Ordinance, but is defined in the applicable Subdivision and Land Development Ordinance (SALDO), then the SALDO definition shall apply. If a word or term is not defined in this Ordinance nor the SALDO, then the word or term shall have its plain and ordinary meaning within the context of the Section. A standard reference dictionary should be consulted.
 - G. The words "such as", "includes", "including" and "specifically" shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.
 - H. The word "person" includes a firm, company, corporation, partnership, trust, organization or association, as well as an individual.
202. **TERMS DEFINED.** When used in this Ordinance, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

Abut or Abutting. Areas of contiguous lots that share a common lot line, except not including lots entirely separated by a street or a perennial waterway. See definition of "adjacent."

Accessory Structure (includes Accessory Building). A structure serving a purpose customarily incidental to and subordinate to the use of the principal use and located on the same lot as the principal use. Accessory structures include but are not limited to a household garage, household storage shed, detached carport, a household swimming pool, or an accessory storage building to a business use. An "Accessory Building" is any accessory structure that meets the definition of a "building." A portion of a principal building used for an accessory use shall not be considered an accessory building.

Accessory Use. A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use.

Active Adult Residential Community (or Development). A tract developed in residential uses (which may include various listed housing types) and closely related accessory uses and that meets the requirements of Section 402 for this use. A minimum of 80 percent of the dwelling units shall be occupied by at least one person who is age 55 or older.

Adjacent. Two or more lots that share a common lot line or that are separated only by a street or waterway from each other.

Adult Bookstore. A use that has over 10% of the total floor area occupied by items for sale or rent that are books, films, magazines, video tapes, coin- or token-operated films or video tapes, paraphernalia, novelties

or other periodicals which are distinguished or characterized by a clear emphasis on matter depicting, displaying, describing or relating to uncovered male or female genitals or "specified sexual activities." This shall include but not be limited to materials that would be illegal to sell to persons under age 18 under State law. If such items are within a separate room, then the 10 percent standard shall apply to the floor area of such room.

Adult Day Care Center. See "Day Care Center, Adult."

Adult Live Entertainment Facility. A use including live entertainment involving persons (which may include, but not be limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) displaying uncovered male or female genitals or nude or almost nude female breasts or engaging in simulated or actual "specified sexual activities" to 3 or more persons and which is related to some form of monetary compensation paid to the person or entity operating the use or to persons involved in such activity.

Adult Movie Theater. A use involving the on-site presentation to 3 or more persons at one time of motion pictures, video tapes or similarly reproduced images distinguished or characterized by an emphasis on depiction of "specified sexual activities" for observation by such persons and that is related to some form of monetary compensation paid by the persons viewing such matter.

Adult Use. This term shall include any of the following uses: Adult Bookstore, Adult Movie Theater, Massage Parlor or Adult Live Entertainment Facility/Use.

After Hours Club. A use that permits the consumption of alcoholic beverages by 5 or more unrelated persons between the hours of 2 a.m. and 6 a.m. and that involves some form of monetary compensation paid by such persons for the alcohol or for the use of the premises.

Agriculture. Uses that involve crop farming, orchards, raising of trees or shrubs for replanting, or the raising of livestock and poultry.

Airport. An area and related support facilities used for the landing and take-off of motorized aircraft that carry people. A "Public Airport" shall be an Airport that does not meet the definition of a "Private Airport." A Private Airport shall be limited to a maximum of 15 total landings and take-offs in any 7 day period, and shall not be available for use by the general public.

Alley. A vehicle right-of-way having a maximum right-of-way width of 20 feet and that usually provides secondary access to the side or rear on 1 or more lots, and which is not intended for through traffic.

Animal Cemetery. A place used for the burial of the remains of 5 or more non-cremated animals, other than customary burial of farm animals as accessory to a livestock use.

Antenna, Standard. A device, partially or wholly exterior to a building, that is used for receiving television or radio signals for use on-site, or for transmitting short-wave or citizens band radio signals. See also "Commercial Communications Antenna."

Apartment. See "dwelling types."

Applicant. The definition in the State Municipalities Planning Code, as amended, shall apply.

Assisted Living Facility. Coordinated and centrally managed rental housing including self-contained units designed to provide a supportive environment and to accommodate a relatively independent lifestyle.

Such a development may contain a limited number of supportive services, such as meals, transportation, housekeeping, linen and organized social activities for residents and their invited guests. Such a use shall primarily serve persons 55 and older, persons with physical handicaps and/or the developmentally disabled. Assisted Living Facilities shall be licensed as Personal Care Centers by the Commonwealth of Pennsylvania.

Auto, Boat and/or Mobile/Manufactured Home Sales. An area, other than a street, used for the outdoor or indoor display, sale or rental of one or more of the following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm machinery, motorcycles, trucks, utility trailers, construction vehicles, boats, or transportable mobile/manufactured homes in a livable condition. This use may include an auto repair garage as an accessory use provided that all requirements of such use are complied with. This use shall not include a mobile/manufactured home park (unless the requirements for that use are also met) or a junkyard. See requirements in Section 402.

Auto Repair Garage. An area where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of "auto service station." An auto repair garage shall include, but not be limited to, a use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding or rebuilding of transmissions. Any use permitted as part of an "auto service station" is also permitted as part of an "auto repair garage." This use shall not include activity meeting the definition of a "truck stop." See requirements in Section 402.

Auto Service Station. An area where gasoline is dispensed into motor vehicles, and where no repairs are conducted, except work that may be conducted that is closely similar in character to the following: sale and installation of oil, lubricants, batteries and belts and similar accessories and safety and emission inspections, and sale of pre-packaged propane. This use may include a "convenience store," provided that all of the requirements for such use are also met. A business that maintains an accessory use of providing motor fuel only for use by vehicles operated by that business shall not, by itself, be considered to be an auto service station. This use shall not include activity meeting the definition of a "truck stop." See storage limits and other requirements in Section 402.

Basement. An enclosed floor area partly or wholly underground. A basement shall be considered a "story" if a) the majority of the basement has a clearance from floor to ceiling of 6.5 feet or greater and b) the top of the ceiling of the basement is an average of 5 or more feet above the finished grade along the majority of the front side of the building that faces onto a street.

Bed and Breakfast, Inn. A dwelling and/or its accessory structure which includes the rental of overnight sleeping accommodations and bathroom access for temporary overnight guests, and that meets the maximum number of overnight guests specified in Section 402 for this use, and which does not provide any cooking facilities for actual use by guests, and which only provides meals to overnight guests, employees and residents of the dwelling. Overnight stays shall be restricted to transient visitors to the area, employees and their family. See requirements in Section 402.

Betting Use. A place used for lawful gambling activities, including but not limited to off-track pari-mutual betting. This term shall not regulate State Lottery sales or lawful "Small Games of Chance."

Billboard. See Sign, Off-Premises.

Boarding House (Includes "Rooming House"). A residential use in which: a) room(s) that do not meet the definition of a lawful dwelling unit are rented for habitation, or b) a dwelling unit includes greater than the permitted maximum number of unrelated persons. A boarding house shall not include a use that meets the definition of a hotel, dormitory, motel, life care center, personal care center, bed and breakfast inn, group

home or nursing home. A college fraternity or sorority house used as a residence shall be considered a type of boarding house. A boarding house may either involve or not involve the providing of meals to residents, but shall not include a restaurant open to the public unless the use also meets the requirements for a restaurant. A boarding house shall primarily serve persons residing on-site for 5 or more consecutive days.

Borough. Robesonia Borough or Womelsdorf Borough, as applicable.

Buffer Yard. A strip of land that a) separates one use from another use or feature, and b) is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways. A buffer yard may be a part of the minimum setback distance, but land within an existing or future street right-of-way shall not be used to meet a buffer yard requirement. See Section 803.

Building. Any structure having a permanent roof and walls and that is intended for the shelter, work area, housing or enclosure of persons, animals, vehicles, equipment or materials and that has a total area under roof of greater than 50 cubic feet. "Building" is interpreted as including "or part thereof." See the separate definition of "structure". Any structure involving a permanent roof (such as a covered porch or a carport) that is attached to a principal building shall be considered to be part of that principal building.

Building Coverage. The percentage obtained by dividing: a) the maximum horizontal area in square feet of all principal and accessory buildings and attached structures covered by a permanent roof on a lot by b) the total lot area of the lot upon which the buildings are located.

Building, Principal. A building used for the conduct of the principal use of a lot, and which is not an accessory building.

Building Width. The horizontal measurement between 2 vertical structural walls that are generally parallel of 1 building, measured in one direction that is most closely parallel to the required lot width. For attached housing, this width shall be the width of each dwelling unit, measured from the center of each interior party wall and from the outside of any exterior wall. For detached buildings, this width shall be measured from the outside of exterior walls.

Bulk Recycling Center. A use involving the bulk commercial collection, separation and/or processing of types of waste materials found in the typical household or office for some productive reuse, but which does not involve the actual processing or recycling of hazardous or toxic substances, and which does not primarily involve the processing of non-recycled solid waste, unless the use also meets the applicable requirements for a solid waste transfer facility. This definition shall not include a "junkyard."

Camp. An area that includes facilities and structures for primarily outdoor recreational activities by organized groups, and/or that involves overnight stays within seasonal cabins or temporary tents by organized groups and/or transient visitors to the area. This term shall only include facilities that are primarily used during warmer months.

Campground, Recreational Vehicle. An area where spaces are rented to transient visitors to the area to live within recreational vehicles, and which may include accessory recreational facilities.

Care and Treatment Center for Youth. A use involve in-patient and out-patient counseling, psychiatric care and supervision for persons age 19 or younger who need such services because of emotional or behavior problems or because of inadequate care by their families. Such use may also include educational and recreational facilities for the youth and dormitory facilities for the youth and staff. This term shall not include a facility that primarily serves to detain persons within a secure facility as a result of a court order because those persons represent a physical threat to others.

Cartway. The paved portion of a street designed for vehicular traffic and on-street parking, but not including the shoulder of the street.

Cemetery. A place used for the burial of 2 or more non-cremated humans.

Christmas Tree Farm or Tree Farm. A type of crop farming involving the raising and harvesting of evergreen trees for commercial purposes. This may include the retail sale during November and December of trees that were produced on the premises.

Church. See "Place of Worship."

Clear Cutting. A logging method that removes all trees or the vast majority of trees from a mostly wooded area.

Cluster Development. A residential development that involves the permanent preservation of common open space, that places dwellings on the most suitable portions of a tract. It is one of the options that is possible under Conservation Design Development in Section 311.

Commercial Communications Tower or Antenna. A structure, partially or wholly exterior to a building, used for transmitting or re-transmitting electronic signals through the air, and that does not meet the definition of an "antenna, standard". Commercial communications antennae shall include, but are not limited to, antennae used for transmitting commercial radio or television signals, or to receive such signals for a cable system, or to re-transmit wireless telecommunications. A commercial communications tower shall be a structure over 30 feet in height that is primarily intended to support one or more antenna. See standards in Section 402.

- A. Guyed Tower. A Commercial Communications Tower that has diagonal cables running from the sides of the tower to the ground.
- B. Lattice Tower. A Commercial Communications Tower that involves a structure with multiple legs and cross-supports.
- C. Monopole Tower. A Commercial Communications Tower that involves a single shaft as its structural support. One or more platforms are typically placed at the top of the tower to hold antenna.
- D. Self-Supporting Tower. A Commercial Communications Tower that does not use guy wires and is not attached to a principal building.

Commercial District. The TC Town Center and HC Highway Commercial Zoning Districts.

Commercial Use. This term includes but is not limited to: retail sales, offices, personal services, auto sales, auto repair garages and other uses of a similar profit-making non-industrial nature. The sale of goods or services from a vehicle on a lot shall also be considered to be a commercial use.

Community Center. A use that exists solely to provide primarily indoor leisure and educational activities and programs and meeting space to members of the surrounding community and/or certain age groups, and which does not involve substantial use of machinery or noise producing equipment. The use also may include the preparation and/or provision of meals to low-income elderly persons, as accessory to leisure activities. This shall not include residential uses or a "treatment center."

Conditional Use. A use listed as a conditional use under Section 306, which is only allowed after review by the municipal Planning Commission and approval by the Board of Supervisors or Borough Council, under Section 117.

Condominium. A set of individual dwelling units or other areas of buildings each owned by an individual person(s) in fee simple, with such owners assigned a proportionate interest in the remainder of the real estate which is designated for common ownership, and which is created under the Pennsylvania Uniform Condominium Act of 1980 or Uniform Planned Community Act of 1996, as amended.

Conservation Easement. A legal agreement granted by a property owner that strictly limits the types and amounts of development that may take place on such property. Such easement shall restrict the original and all subsequent property-owners, lessees and all other users of the land.

Convenience Store. A use that primarily sells routine household goods, groceries, prepared ready-to-eat foods and similar miscellaneous items to the general public, but that is not primarily a restaurant, and that includes a building with a floor area of less than 6,000 square feet. A convenience store involving the sale of gasoline shall be regulated as an "auto service station."

Crafts or Artisan's Studio. A use involving the creation, display and sale of arts and crafts, such as paintings, sculpture and fabric crafts. The creation of arts and crafts may also be permitted within a Home Occupation, provided the requirements for such use are met.

Crop Farming. The raising of products of the soil and accessory storage of these products. This term shall include orchards, tree farms, plant nurseries, raising of fish, greenhouses and keeping of animals in numbers that are routinely accessory and incidental to a principal crop farming use. See also "Livestock, Raising of."

Curative, Municipal. A process provided in the PA. Municipalities Planning Code that permits a municipality to address the potential invalidity of portions or all of its own Zoning Ordinance.

Day Care Center, Adult. A use providing supervised care and assistance to persons who need such daily assistance because of their old age or disabilities. This use shall not include persons who need oversight because of behavior that is criminal, violent or related to substance abuse. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

Day Care, Child. A use involving the supervised care of children under age 16 outside of the children's own home(s) primarily for periods of less than 18 hours per child during the average day. This use may also include educational programs that are supplementary to State-required education, including a "nursery school" or "Head Start" programs. See also the definition of "adult day care center."

- A. The following three types of day care are permitted without regulation by this Ordinance: 1) care of children by their own "relatives", 2) care of children within a place of worship during regularly scheduled religious services and 3) care of 1 to 3 children within any dwelling unit, in addition to children who are "relatives" of the care giver.
- B. Family Day Care Home (or "Child Day Care as an Accessory Use"). A type of "day care" use that: 1) is accessory to and occurs within a dwelling unit, and 2) provides care for 4 to 6 children at one time who are not "relatives" of the primary care giver. See Section 403.
- C. Group Day Care Home. A type of "day care" use that: 1) provides care for between 7 and 12 children at one time who are not "relatives" of the primary care giver, 2) provides care within a dwelling unit, and 3) is registered with the applicable State agency.*
- B. Child Day Care Center. A type of "day care" use that: 1) provides care for 7 or more children at any one time who are not "relatives" of the primary care giver, 2) does not meet the definition of a Group Day Care Home, and 3) is registered with the applicable State agency.* See Section 402.

* Note: As of the adoption date of this Ordinance, such agency was the PA. Department of Public Welfare.

Density. The total number of dwelling units proposed on a lot divided by the "lot area", unless otherwise stated.

DEP. Shall mean the Pennsylvania Department of Environmental Protection and its relevant bureaus.

District (or Zoning District). A land area within the municipalities within which certain uniform regulations and requirements apply under the provisions of this Ordinance.

Dormitory. A building used as living quarters for the exclusive use of bona-fide full-time faculty or students of an accredited college or university or primary or secondary school, and which is owned by and on the same lot as such college, university or school.

Drive-through Service. An establishment where at least a portion of patrons are served while the patrons remain in their motor vehicles.

Driveway. A privately owned, constructed, and maintained vehicular access from a street to 1 or 2 principal buildings or their accessory buildings, and which does not meet the definition of a street or an alley.

Dwelling. A building used as non-transient living quarters, but not including a boarding house, hotel, motel, hospital, nursing home or dormitory. A dwelling may include a use that meets the definition of a "sectional home."

Dwelling Types. This Ordinance categorizes dwellings into the following types:

- A. Conversion Apartment. A new dwelling unit created within an existing building within the standards of Article 4 and where permitted by Article 3 and meeting the floor area requirements of Section 801.
- B. Apartments. Two or more dwelling units within a building that do not meet the definition of a single family detached dwelling, twin dwelling or townhouse/rowhouse. The individual dwelling units may be leased or sold for condominium ownership.
- C. Mid-Rise Apartments. Three or more dwelling units within a building that is higher than 3-1/2 stories.
- D. Sectional or "Modular" Home. A type of dwelling that meets a definition of single family detached dwelling, single family semi-detached dwelling, townhouse or low-rise apartment that is substantially but not wholly produced in two or more major sections off the site and then is assembled and completed on the site, and that does not meet the definition of a "mobile/ manufactured home" and that is supported structurally by its exterior walls and that rests on a permanent foundation.
- E. Single Family Detached Dwelling. One dwelling unit in 1 building accommodating only 1 family and having open yard areas on all sides. A single family detached dwelling may be a mobile/manufactured home.
 1. Mobile/Manufactured Home. A type of single family detached dwelling that meets all of the following requirements: a) is transportable in a single piece, or two substantial pieces designed to be joined into one integral unit capable of again being separated for towing, b) is designed for permanent occupancy, c) which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, d) is constructed so that it may be used with or without a permanent foundation and e) is not a "Recreation Vehicle." The terms "mobile

home" and "manufactured home" have the same meaning. This term is different from a "Sectional home," which is defined above. See standards in Section 402.

- F. Twin Dwelling Unit. One dwelling unit accommodating 1 family that is attached to and completely separated by a vertical unpierced fire resistant wall to only 1 additional dwelling unit. One side yard shall be adjacent to each dwelling unit. Each unit may or may not be on a separate lot from the attached dwelling unit.

- G. Townhouse or Rowhouse. One dwelling unit that is attached to 2 or more dwelling units, and with each dwelling unit being completely separated from and attached to each other by unpierced vertical fire resistant walls. Each dwelling unit shall have its own outside access. Side yards shall be adjacent to each end unit. See standards in Section 402.

(dwelling unit sketch – shown in hard copy)

Dwelling Unit. A single habitable living unit occupied by only one "family." See definition of "family." Each dwelling unit shall have: a) its own toilet, bath or shower, sink, sleeping and cooking facilities and b) separate access to the outside or to a common hallway or balcony that connects to outside access at ground level. A dwelling unit shall not include either or both of the following: a) two or more separate living areas that are completely separated by interior walls so as to prevent interior access from one living area to another, or b) two separate and distinct sets of kitchen facilities.

Emergency Services Station. A building for the housing of fire, emergency medical or police equipment and for related activities. A Membership Club may be included if it is a permitted use in that District. This use may include housing for emergency personnel while on-call.

Employees. The highest number of workers (including both part-time and full-time, both compensated and volunteer and both employees and contractors) present on a lot at any one time, other than clearly temporary and occasional persons working on physical improvements to the site.

Essential Services. Utility or municipal uses that are necessary for the preservation of the public health and safety and that are routine, customary and appropriate to the character of the area in which they are to be located. See standards in Section 306. Essential services shall not include a central sewage treatment plant, a solid waste disposal area or facility, commercial communications towers, a power generating station, septic or sludge disposal, offices, storage of trucks or equipment or bulk storage of materials.

Family. One or more individuals related by blood, marriage or adoption (including persons receiving formal foster care) or up to four unrelated individuals who maintain a common household and live within one dwelling unit. A family shall also expressly include numbers of unrelated persons provided by the Group Home provision of Section 402 residing within a licensed group home, as defined herein. Through those provisions and Section 111.D.5, each municipality's intent is to comply with the Federal Fair Housing Act, as amended.

Fence. A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier that is constructed of wood, chain-link metal, vinyl or aluminum and/or plastic inserts. Man-made barriers constructed principally of masonry, concrete, cinder block or similar materials shall be considered a "wall." The term "wall" does not include engineering retaining walls, which are permitted uses as needed in all Districts. See Section 403.

Financial Institution. An establishment primarily involved with loans and monetary, not material, transactions and that has routine interactions with the public.

Flag Lot. A flag lot is a lot that does not meet the requirements for measuring minimum lot width at the minimum building setback line. A flag lot typically involves a long extension for a driveway to reach a street from the bulk of the lot. A flag lot is prohibited, unless specifically allowed under Section 803 or the definition of "Lot Width."

Floodplain. See definitions of Floodplain and related terms in the municipal Floodplain Ordinance.

Floor Area, Total. The total floor space within a building(s) measured from the exterior faces of exterior walls or from the centerlines of walls separating buildings. Floor area shall specifically include, but not be limited to: a) fully enclosed porches and b) basement or cellar or attic space that is potentially habitable and has a minimum head clearance of at least 6.5 feet. Floor area shall not include unenclosed structures.

Garage Sale. The accessory use of any lot for the occasional sale or auction of only common household goods and furniture and items of a closely similar character. See Section 403.

Glare. A sensation of brightness within the visual field which causes annoyance, discomfort or loss in visual performance, visibility and/or ability to focus. See Section 507.

Government Facility, Other than Municipally-Owned. A use owned by a government, government agency or government authority for valid public health, public safety, recycling collection or similar governmental purpose, and which is not owned by Heidelberg Township, North Heidelberg Township, Robesonia Borough or Womelsdorf Borough. This term shall not include uses listed separately in the table of uses in Article 3, such as "publicly owned recreation." This term shall not include a prison.

Group Home. A dwelling unit operated by a responsible individual, family or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the persons served due to age, emotional, mental, developmental or physical disability. This definition shall expressly include facilities for the supervised care of persons with disabilities subject to protection under the Federal Fair Housing Act as amended. Group homes must be licensed where required by any appropriate government agencies, and a copy of any such license must be delivered to the Zoning Officer prior to the initiation of the use.

- A. Group homes shall be subject to the same limitations and regulations by the municipality as the type of dwelling unit they occupy.
- B. It is the express intent of each municipality to comply with all provisions of the Federal Fair Housing Act, as amended, and regulations promulgated thereunder, in the construction of this term.
- C. A Group Home shall not include a "Treatment Center."
- D. See standards in Section 402.

* *NOTE: The Federal Fair Housing Act Amendments defined "handicap" as follows: "1) a physical or mental impairment which substantially limits one or more of such person's major life activities, 2) a record of having such an impairment, or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21." This definition was subsequently adjusted by Section 512 of the Americans With Disabilities Act to address certain situations related to substance abuse treatment.*

Hazardous Substances. A product or waste, or combination of substances that because of the quantity, concentration, physical or infectious characteristics, if not properly treated, stored, transported, used or disposed of, or otherwise managed, would create a potential threat to public health through direct or indirect introduction into ground water resources and the subsurface environment which includes the soil and all subsequent materials located below. Such hazardous material includes, but is not limited to materials which are included on the latest edition of one or more of the following lists:

- A. "Hazardous Substances" as defined pursuant to Section 311 of the Federal Clean Water Act, or its successor provisions.
- B. "Hazardous Substances" as defined pursuant to the Federal Comprehensive Environmental Response, Compensation and Liability Act, or its successor provisions.

Hazardous Substances, Extremely. Hazardous substances included on the list of "Extremely Hazardous Substances" in 29 Code of Federal Regulations Part 355, or its successor provisions.

Height. The vertical distance measured from the average elevation of the proposed ground level along the front of the building to the highest point of a structure. For a building with a defined and pitched roof, 20 percent of the ground area covered by the building may exceed the maximum height to provide for the roof peak, provided such area above the maximum height is not occupied by persons. See exemptions for certain types of structures in Section 802. A maximum of one more story may be exposed in the rear of a building compared to what is visible in the front of a building. For height of signs, see Article 7 entitled "Signs."

Heliport. An area used for the take-off and landing of helicopters, and related support facilities. A Private Heliport shall be limited to 15 total take-offs and landings in any 7 day period, and which is not open to the general public. A Public Heliport is one that does not meet the definition of a Private Heliport.

Home Occupation. A routine, accessory and customary non-residential use conducted within or administered from a portion of a dwelling or its permitted accessory building and that meets all of the Home Occupation requirements of Section 403. A Light Home Occupation shall be a Home Occupation that meets the additional requirements for a Light Home Occupation stated in Section 403. A General Home Occupation shall be a Home Occupation that does not meet the requirements for a Light Home Occupation. (Note - In most cases, under Section 306, a Light Home Occupation is permitted by right, while a General Home Occupation typically needs special exception approval from the Zoning Hearing Board.)

Hospital. A use involving the diagnosis, treatment or other medical care of humans that includes, but is not limited to, care requiring stays overnight. A medical care use that does not involve any stays overnight shall be considered an "Office." A hospital may involve care and rehabilitation for medical, dental or mental health, but shall not primarily include housing or treatment of the criminally insane or persons actively serving an official sentence after being convicted of a felony. A hospital may also involve medical research and training for health care professionals.

Hotel or Motel. A building or buildings including rooms rented out to persons as clearly transient and temporary living quarters. Any such use that customarily involves the housing of persons for periods of time longer than 30 days shall be considered a "boarding house" and shall meet the requirements of that use. See also "bed and breakfast" use. A hotel or motel may also include a restaurant, meeting rooms, nightclub, newsstand, gift shop, swim club or tavern, provided that such use(s) is not the principal use of the property.

Industrial District. The LI Light Industrial and GI General Industrial zoning districts.

Impervious Coverage. The percentage of the lot area covered by man-made surfaces that have a coefficient of runoff of 0.85 or greater. The following provision shall only apply to determine compliance with maximum impervious requirements of the zoning ordinance, and not stormwater requirements: any compacted stone or porous paving surfaces regularly used for vehicle parking and movement shall be considered to be impervious.

Junk. Any discarded, unusable, scrap or abandoned man-made or man-processed material or articles, such as the following types: metal, furniture, appliances, motor vehicle parts, aircraft, glass, plastics, machinery, equipment, containers and building materials. Junk shall not include: a) solid waste temporarily stored in an appropriate container that is routinely awaiting imminent collection and proper disposal, b) toxic substances, c) yard waste, or d) items clearly awaiting imminent recycling at an appropriate location.

Junk Vehicle. Includes any vehicle or trailer that meets any of the following conditions:

- A. cannot be moved under its own power, in regards to a vehicle designed to move under its own power, other than a vehicle clearly needing only minor repairs,
 - B. cannot be towed, in regards to a trailer designed to be towed,
 - C. has been demolished beyond repair,
 - D. has been separated from its axles, engine, body or chassis, and/or
 - E. includes only the axle, engine, body parts and/or chassis, separated from the remainder of the vehicle.
- See also the definition of "unregistered vehicle."

Junkyard.

- A. Land or a structure used for the collection, storage, dismantling, processing and/or sale, other than within a completely enclosed building, of material of 1 or more of the following types:
 - 1. "Junk." (see definition) covering more than 1 percent of the lot area.
 - 2. Two or more "junk vehicles" that are partly or fully visible from an exterior lot line, dwelling and/or public street. This shall not apply to such vehicles stored as part of an auto repair garage within the requirements of Section 402.
 - 3. One or more mobile/manufactured homes that are not in a habitable condition.
- B. Junk stored within a completely enclosed building for business purposes shall be considered a warehouse.
- C. A junkyard specifically shall include but not be limited to a metal scrap yard or auto salvage yard.

Kennel. The keeping of a greater number of dogs and/or cats than are permitted under the "Keeping of Pets" provisions of this Ordinance. In any case, any keeping of more than 13 dogs over 6 months in age shall also be considered a kennel. A kennel may also serve other animals.

Landowner. The owner of a legal or equitable interest in land, including the holder of a written, signed and active option or contract to purchase or a person leasing the property (if authorized under the lease to exercise the right of the landowner) or authorized officers of a partnership or corporation that is a "landowner."

Lighting, Diffused. Illumination that passes from the source through a translucent cover or shade.

Livestock or Poultry, Raising of. The raising and keeping of livestock, poultry or insects for any commercial purposes or the keeping of any animals for any reason beyond what is allowed under the "Keeping of Pets" section of Section 403 and beyond what is customarily incidental to a principal "crop farming" use. Raising of livestock shall not include a slaughterhouse nor a stockyard used for the housing of animals awaiting slaughter.

Livestock or Poultry, Intensive Raising of.

- A. This term shall mean a Raising of Livestock or Poultry use involving any of the following, whichever is more inclusive:
 - 1. An average of 2 or more "animal equivalent units" (see definition below) of live weight per acre of livestock or poultry, on an annualized basis; or
 - 2. 300 or more animal equivalent units on one lot, regardless of acreage.
- B. Two Livestock or Poultry Uses shall not be established on two adjacent lots in common ownership in order to circumvent the application of the Intensive Raising of Livestock and Poultry regulations. See the provisions of Section 402 regarding how lot area is calculated for this use.
- C. An Animal Equivalent Unit (AEU) is 1,000 pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit. This weight is calculated on an annualized basis. These units shall be calculated as provided under the State Nutrient Management Act and accompanying regulations. Note - the provisions of this Zoning Ordinance are based upon acreage of a lot, and not acreage that is available for disposal of wastes. (Note: Two animal equivalent units per acre would be roughly equal to 1.7 dairy cattle, 6.7 swine, 10 sheep, 500 poultry or 400 rabbits per acre.)

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. A "lot" may or may not coincide with a lot of record and includes one or more adjacent pieces, parcels or plots of land of record held in single and separate ownership, including adjacent pieces, parcels or plots bisected by public or private streets. The area and

depth of a lot shall be measured to the legal right-of-way line of the street, and all lots shall front on public or private streets.

Lot, Corner. A lot abutting on 2 or more intersecting streets which has an interior angle of less than 135 degrees at the intersection of right-of-way lines of two streets. A lot abutting upon a curved street or streets shall be considered a "corner lot" if the tangent to the curve at the points beginning within the lot or at the points of intersection of the side lot lines with the street lines intersect at an angle of less than 135 degrees.

See Section 803.B., which requires two front yards on a corner lot.

Lot Area. The horizontal land area contained within the lot lines of a lot (measured in acres or square feet).

- A. The following shall not be counted towards meeting minimum lot area requirements: designated "future" or "existing" legal rights-of-way of: 1) any proposed or existing public streets or alleys or 2) any proposed or existing commonly maintained private streets that serve more than one lot. (Note - Other sections of this Ordinance, such as townhouse provisions, may specifically permit proposed streets to be included in determining density for a specific use.)
- B. Areas that are currently or will be required to be dedicated as common open space on a separate lot shall not be counted towards meeting the minimum lot area of an individual building lot. (Note - Other sections of this Ordinance, such as townhouse provisions, may specifically permit proposed common open spaces to be included in determining density for a specific use.)
- C. Right-of-way of overhead electric transmission lines of 35 kilovolts or greater capacity shall be excluded from being counted towards minimum lot area.
- D. See also Section 310 concerning steep slopes, Section 314.A. concerning wetlands and Section 307.D. concerning the CR District.

Lot Lines. The property lines bounding the lot. Wherever a property line borders a public street, for the purposes of determining setbacks, the lot line shall be considered to be the street right-of-way line that will exist at the time of completion of a subdivision or development.

- A. Front Lot Line (Street Line). A lot line separating the lot from the existing or proposed street right-of-way. For a corner lot, see Section 803.B.
- B. Rear Lot Line. Any lot line which is parallel to or within 45 degrees of being parallel to a front street right-of-way line. In the case of a lot having no street frontage, or a lot of an odd shape, or a flag lot, only the one lot line furthest from any street shall be considered a rear lot line. Every lot shall have a rear yard.
- C. Side Lot Line. Any lot line other than a front or rear lot line.

Sample Lot Line Configurations: The abbreviations below correspond to:

- a = Front Lot Line
- b = Rear Lot Line
- c = Side Lot Line
- d = A Second Front Lot Line Required to Meet Section 803.B.

(lot lines sketch – shown in hard copy)

SKETCH OF LOT TERMS
(Shown in hard copy)

Lot Width. The horizontal distance between the side lot lines measured at the minimum prescribed front yard setback line, unless otherwise stated. In the event of a curved lot line, such lot width at the minimum prescribed front yard setback line shall be measured along the curve. Where buildings are permitted to be attached, the lot width shall be measured from the center of the party wall. Where a pie-shaped lot fronts upon a cul-de-sac, the minimum lot width may be reduced to 60 percent of the width that would otherwise be required.

Massage Parlor. An establishment that meets all of the following criteria:

- A. Massages are conducted involving one person using their hands and/or a mechanical device on another person below the waist, in return for monetary compensation, and which does not involve persons who are related to each other.
- B. The use does not involve a person licensed or certified by the State as a health care professional or a massage therapist certified by a recognized professional organization that requires more than 100 hours of professional training. Massage therapy by a certified professional shall be considered "personal service."
- C. The massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor or as an incidental accessory use to a permitted exercise club or high school or college athletic program.
- D. The massages are conducted within private or semi-private rooms.

Membership Club. An area of land or building routinely used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that is limited to members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business.

- A. This use shall not include a target range for outdoor shooting of firearms, boarding house, tavern, restaurant or retail sales unless that particular use is permitted in that District and the requirements of that use are met.
- B. See Section 402. See also "After Hours Club."

Mineral Extraction. The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. This use also includes accessory stockpiling and processing of mineral resources. "Mineral extraction" includes but is not limited to the extraction of sand, gravel, topsoil, limestone, sandstone, oil, coal, clay, shale and iron ore. The routine movement of and replacement of topsoil during construction shall not by itself be considered to be mineral extraction.

Mobile/Manufactured Home. See under "Dwelling Types."

Mobile/Manufactured Home Park. A lot under single ownership which includes two or more mobile/manufactured homes for residential use. The individual manufactured homes may be individually owned. A development of mobile/ manufactured homes that is subdivided into individual lots shall be regulated in the same manner as a subdivision of site-built homes, and shall not be considered to be a "mobile home park." See Section 402.

Motor Vehicle. An automobile, recreational vehicle, truck, bus, motorcycle, all-terrain vehicle or similar means of transportation designed to operate carry persons or cargo on roads and that is powered by mechanized means.

Municipalities Planning Code or State Planning Code. The Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended.

Nonconforming Lot. A lot which does not conform with the minimum lot width or area dimensions specified for the district where such lot is situated, but was lawfully in existence prior to the effective date of this Ordinance, or amendments hereinafter enacted.

Nonconforming Structure. A structure or part of a structure that does not comply with the applicable lot coverage, dimensional and other provisions in this Ordinance, as amended, where such structure lawfully existed prior to the enactment of such Ordinance or applicable amendment(s). Such nonconforming structures include but are not limited to signs. See Section 805.

Nonconforming Use. A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendment(s), where such use was lawfully in existence prior to the enactment of this Ordinance or applicable amendment(s). A use granted by variance is not a nonconforming use. See Section 805.

Nursing Home. A facility licensed by the State for the housing and intermediate or fully skilled nursing care of 3 or more persons. See Section 402.

Office. A use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall include neither retail nor industrial uses, but may include business offices, medical offices, laboratories, photographic studios and/or television or radio broadcasting studios.

Open Space, Common or Preserved. A parcel or parcels of land within a tract which meets all of the following standards:

- A. is designed, intended and suitable for active or passive recreation by residents of a development or the general public,
- B. is covered by a system that ensures perpetual maintenance, if not intended to be publicly owned,
- C. will be deeded to a municipality and/or deed restricted to permanently prevent uses of land other than "common/preserved open space" and non-commercial recreation or a golf course, and
- D. does not use any of the following areas to meet minimum open space requirements:
 - 1) existing street rights-of-way,
 - 2) vehicle streets or driveways providing access to other lots,
 - 3) land beneath building(s) or land within 25 feet of a building (other than accessory buildings and pools clearly intended for noncommercial recreation and other than agricultural buildings and a farmstead which are permitted within land approved by a Township for agricultural preservation),
 - 4) off-street parking (other than that clearly intended for noncommercial recreation),
 - 5) area(s) needed to meet a requirement for an individual lot,
 - 6) for land intended to be open to the public, that does not have provisions for entry with a 20 foot minimum width by pedestrians from a street open to the public or from an adjacent common open space area that has access to such a street,
 - 7) land that includes a stormwater detention basin, except for a basin or portions of a basin that the applicant proves to the satisfaction of the Board of Supervisors would be reasonably safe and useful for active or passive recreation during the vast majority of weather conditions,
 - 8) portions of land that have a width of less than 50 feet, and
 - 9) areas within rights-of-way or easements of high-voltage electric overhead power transmission lines.

Ordinance, This. The Heidelberg Township-North Heidelberg Township-Robesonia Borough-Womelsdorf Borough Joint Zoning Ordinance, including the Official Zoning Map, as amended.

PA. The Commonwealth of Pennsylvania.

Parking. Shall mean off-street parking and aisles for vehicle movement unless otherwise stated.

PennDOT. The Pennsylvania Department of Transportation, or its successor, and its subparts.

Permitted By Right Uses. Allowed uses in which zoning matters may be approved by the Zoning Officer, provided the application complies with all requirements of the Zoning Ordinance. A "nonconforming use" shall not be considered to be a permitted by right use, a special exception use or a conditional use.

Personal Care Home or Center. Shall mean "Assisted Living Facility."

Personal Service. An establishment that provides a service oriented to personal needs of the general public and which does not involve primarily retail or wholesale sales or services to businesses. Personal services include barber and beauty shops, photography studios, shoe repair shops, household appliance repair shops, and other similar establishments, but shall not include any "adult uses," as herein defined.

Pets, Keeping of. The keeping of domesticated animals of types that are normally considered to be kept in conjunction with a dwelling for the pleasures of the resident family. This shall include dogs, cats, small birds, gerbils, rabbits and other animals commonly sold in retail pet shops. See Section 403.

Picnic Grove, Private. An area of open space and pavilions that is not publicly owned and is used for group picnics and related outdoor recreation, and which is used on a commercial basis.

Places of Worship. Buildings, synagogues, churches, mosques, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship and that are operated for nonprofit and noncommercial purposes. If a religious use is primarily residential in nature, it shall be regulated under the appropriate "dwelling type." See standards in Section 402.

Principal Building. A "Principal Structure" which is also a "building."

Principal Structure. The structure in which the principal use of a lot is conducted. Any structure that is physically attached to a principal structure shall be considered part of that principal structure.

Principal Use. A dominant use(s) or main use on a lot, as opposed to an accessory use.

Prison. A correctional institution within which persons are required to inhabit by criminal court actions or as the result of a criminal arrest.

Public Notice. Notice required by the PA. Municipalities Planning Code. (Note: As of the adoption date of this Ordinance, for a Zoning Hearing Board hearing or an amendment to this Ordinance, such Act generally required a legal advertisement published once each week for 2 successive weeks in a newspaper of general circulation in the municipalities, which states that time and place of a meeting/hearing and the particular nature of the matter to be considered. The first publication shall not be more than 30 days and the second publication not less than 7 days from the meeting/hearing date.)

Publicly Owned Recreation. Leisure facilities owned, operated or maintained by governmental entities for use by the general public. "Publicly Owned Recreation" is a distinct use from "Indoor Recreation" or "Outdoor Recreation."

Recreation. The offering of leisure-time activities to unrelated persons. This term shall not include any "Adult Use." For the purposes of this Ordinance, recreation facilities shall be permitted by right as an accessory use when clearly limited to residents of a development and their occasional invited guests.

- A. Indoor Recreation. A type of "recreation" use that: a) does not meet the definition of Outdoor Recreation, and b) is used principally for active or passive recreation, such as a bowling alley, roller skating, ice skating, commercial batting practice use and similar uses. This term shall not include any use listed separately as a distinct use by Section 306.
- B. Outdoor Recreation. A type of "recreation" use that: a) has a total building coverage of less than 15%, and b) is used principally for active or passive recreation, such as a golf driving range, miniature golf course, amusement park and similar uses. This term shall not include any use listed separately as a distinct use by Section 306, such as a firearms target range.

Recycling Collection Center. A use for collection and temporary storage of more than 500 pounds of common household materials for recycling, but that does not involve processing or recycling other than routine sorting, baling and weighing of materials. This term shall not include the indoor storage of less than 500 pounds of household recyclables and their customary collection, which is a permitted by right accessory use in all zoning districts, without additional regulations. A recycling collection center is also a permitted by right accessory use to a public or private primary or secondary school, a place of worship, a municipal-owned use or an emergency services station.

Related or Relative. Persons who are related by blood, marriage, adoption or formal foster relationship to result in one of the following relationships: spouse, brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, parent-in-law or first cousin. This term specifically shall not include relationships such as second, third or more distant cousins. See definition of "Dwelling Unit."

Repair Service. Shops for the repair of appliances, watches, guns, bicycles and other household items.

Residential Accessory Structure (includes "Building") or Use. A use or structure that is clearly accessory, customary and incidental to a principal residential use on a lot, including the following uses and uses that are very similar in nature: Garage (household), Carport, Tennis Court, Garage Sale, Basketball Backboard, Household Swimming Pool, Gazebo, Storage Shed, Greenhouse, Children's Playhouse or Children's Play Equipment. No business shall be conducted in a household garage or storage shed that is accessory to a dwelling, except as may be allowed as a home occupation.

Residential District(s). The CR Conservation Residential, RR Rural Residential, LDR Low Density Residential, MDR Medium Density Residential and TR Town Residential Zoning Districts.

Residential Lot Lines. The lot line of a lot that: 1) contains an existing primarily residential use on a lot of less than 10 acres, or b) is undeveloped and zoned as a Residential District.

Restaurant.

- A. An establishment that sells ready-to-consume food or drink and that routinely involves the consumption of at least a portion of such food on the premises.
- B. A restaurant may include the accessory sale of alcoholic beverages. However, if such sale is a primary or substantial portion of the total trade, the requirements of a "tavern" or nightclub as applicable must be met.
- C. See "Drive-Through Service" in this section.

Retail Store. A use in which merchandise is sold or rented to the general public, but not including the following: sales of motor vehicles or boats, adult movie theater, adult bookstore, manufacturing, tavern, car wash, auto service station, auto repair garage, convenience store or any restaurant.

Retirement Community. A residential development consisting of living units exclusively serving older persons. Such a development may include facilities for health or convalescent care, ancillary support

services and community services to service persons of retirement age in the surrounding area. At least one resident of each household shall be at least 55 years of age or be the surviving spouse of a deceased resident who was at least 55 years of age. In addition, the care of persons with disabilities shall be permitted in Assisted Living Facilities. Such use shall meet the applicable requirements of Section 402.

Right-of-Way. An area or strip of land which is reserved for use by or as a street or by one or more utilities or by the public or by others. The term "Right-of-Way" by itself shall mean the Street Right-of-Way that will exist after completion of a subdivision or development, unless another meaning is otherwise stated or clearly implied from the context in which it is used.

- A. Street Right-of-Way, Existing or Legal. The official established street right-of-way that either the Municipality or the State presently own or hold another interest in the land, or will own after the completion of any proposed subdivision, land development or development of a use under this Ordinance, whether by dedication or otherwise.
- B. Right-of-Way, Future or Ultimate. Right-of-way that may be required to be dedicated or set aside for future dedication to result in a standard width along a street to allow for future widening, grading, utilities and stormwater improvements.

Rooming House. See "Boarding House."

School, Public or Private Primary or Secondary School. An educational institution primarily for persons between the ages of 5 and 19 that primarily provides State-required or largely State-funded educational programs. This term shall not include "Trade Schools."

Screening. Year-round plant material of substantial height and density designed to provide a buffer. See requirements in Section 803.D.

Self-Storage Development. A building or group of buildings divided into individual separate access units which are rented or leased for the storage of personal and small business property.

Setback Line. A line separating a "yard" from the area within which a building or use is allowed.

Sewage Service, Central. Sanitary sewage service to a building by a municipally-approved sewage collection and disposal system that serves 5 or more lots, and which includes an appropriate mechanism to ensure long-term professional operation and maintenance of the system.

Sewage Service, On-Lot. Sanitary sewage service to a building that does not meet the definition of Central Sewage Service, such as but not limited to an individual on-lot septic system.

Sewage Service, Public. Central sanitary sewage service by a system owned and/or operated by a municipality or a municipal authority.

Sight Triangle. An area required to be kept free of certain visual obstructions to traffic. See Section 803.

Sign. Any physical device for visual communication that is used for the purpose of attracting attention from the public and that is visible from beyond an exterior lot line, including all symbols, words, models, displays, banners, flags, devices or representations. See definitions of types of signs in Sections 711 and 703. This shall not include displays that only involve symbols that are clearly and entirely religious in nature, and which do not include advertising.

Sign Area. See Section 711.

Sign, Off-Premise. A sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business that is primarily offered or located at a location other than the lot upon which the sign is located.

Single and Separate Ownership. The ownership of a lot by 1 or more persons, partnerships or corporations, which ownership is separate and distinct from that of any abutting or adjoining lot.

Solid Waste, Municipal. The definition in DEP regulations, as amended, shall apply.

Solid Waste-to-Energy Facility. An area where municipal solid waste and similar materials are incinerated or otherwise processed to result in usable energy for off-site use.

Solid Waste Landfill. An area where municipal solid waste and similar materials is deposited on land, compacted, covered with soil and then compacted again, and which has a permit from DEP to operate as a sanitary landfill.

Solid Waste Transfer Facility. Land or structures where solid waste is received and temporarily stored, at a location other than the site where it was generated, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal. Such facility may or may not involve the separation of recyclables from solid waste. Such facility shall not include a junkyard, leaf composting, clean fill or septage or sludge application.

Special Exception. A use for which the Zoning Hearing Board may grant permission following a public hearing and findings of fact consistent with this Ordinance, provided the use complies with the conditions and standards required by this Ordinance. See Section 116.

Specified Sexual Activities. One or more of the following:

- A. Human male genitals in a visible state of sexual stimulation.
- B. Acts of human masturbation, sexual intercourse, oral sex or sodomy.
- C. Fondling or other erotic touching of human genitals. See definition of "Adult Use."

State. The Commonwealth of Pennsylvania and its agencies.

Story (and Half-Story). A level of a building routinely accessible to humans having an average vertical clearance from floor to ceiling of 6.5 feet or greater shall be considered a full story, except as provided for in the definition of "basement." Any level of a building having an average vertical clearance from floor to ceiling of less than 6.5 feet shall be considered a "half-story."

Street. A public or private thoroughfare which provides the principal means of vehicle access to 3 or more lots or that is an expressway, but not including an alley or a driveway. The terms "street", "highway" and "road" have the same meaning and are used interchangeably.

Street Classification. The Subdivision and Land Development Ordinance includes descriptions of different types of streets. For the purposes of this Ordinance, the street classifications shall be "arterial streets," "collector streets" and "local streets" as provided in the Western Berks Regional Comprehensive Plan. For example, U.S. Route 422 shall be an arterial street.

- A. All other existing streets that are not designated by the Comprehensive Plan as an arterial street or collector street shall be considered local streets for the purposes of this Ordinance. This classification is not intended to distinguish public versus private streets.

Structure. Any man-made object having a stationary location on, below or in land or water, whether or not affixed to the land. Any structure shall be subject to the principal or accessory setbacks of this Ordinance, as applicable, unless specifically exempted or unless a specific setback is established for that particular type of structure by this Ordinance. For the purposes of this Ordinance, wells and septic systems shall not be considered structures, and shall not be subject to minimum zoning setback requirements.

Subdivision. The definition in the Subdivision and Land Development Ordinance shall apply.

Subdivision Ordinance or Subdivision & Land Development Ordinance. The Subdivision and Land Development Ordinance for the applicable municipality, as amended.

Swimming Pool, Household or Private. A man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for bathing or swimming and that is intended to serve the residents of only 1 dwelling unit and their occasional guests. See Section 402.D.14.

Swimming Pool, Non-Household. A man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for bathing or swimming and that does not meet the definition of a "household" swimming pool. See Section 402.SS.

Tavern. A place where alcoholic beverages are served as a primary or substantial portion of the total trade and which does not meet the definition of an "after-hours club." The sale of food may also occur. See also the definition of restaurant.

Theater. A building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use, but not including an outdoor drive-in theater or adult movie theater.

Tire Storage, Bulk. The storage of more than 150 used tires on a lot, other than routine use of tires to hold down covers over agricultural crops. See "Outdoor Storage" in Section 403.

Townhouse. See "Dwelling Types."

Township. Heidelberg Township or North Heidelberg Township, as applicable.

Trade/Hobby School or Trade School. A facility that: a) is primarily intended for education of a work-related skill or craft or a hobby and b) does not primarily provide State-required education to persons under age 16. Examples include a dancing school, martial arts school, cosmetology school or ceramics school.

Tradesperson. A person involved with building trades, such as but not limited to: plumbing, electrical work, building construction, building remodeling, and roofing.

Transfer of Development Rights. An optional process, authorized under Section 313, that allows the residential density that would otherwise be allowed on one tract to be transferred to increase the density on another tract. The developer of the second tract compensates the owner of the first tract for preserving their land, based upon an agreement negotiated and accepted by both parties.

Treatment Center - A use (other than a prison or a hospital) providing housing for 3 or more unrelated persons who need specialized housing, treatment and/or counseling because of:

- A. criminal rehabilitation, such as a criminal halfway house;
- B. current addiction to a controlled substance that was used in an illegal manner or alcohol; and/or

C. a type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.

See standards in Section 402.

Also, a group home that exceeds the number of residents allowed by this Ordinance shall be regulated as a Treatment Center, unless approved otherwise under Section 111.D.

Truck Stop. A commercial use that primarily involves providing fuel to tractor-trailer trucks owned by numerous different companies. Such use may also include related retail sales and repair services.

Unit for Care of Relative. A dwelling unit that: a) is especially created for and limited to occupancy by a close "relative" of the permanent residents of the principal dwelling unit, b) is necessary to provide needed care and supervision to such relative, and c) meets the requirements for such use in Section 403.

Unregistered Vehicle. Any motor vehicle or trailer that does not display a license plate with a current registration sticker and does not have a valid State safety inspection sticker. This term shall not apply to vehicles (such as licensed antique cars) for which State regulations do not require an inspection sticker. The term also shall not include motor vehicles displaying a license and inspection stickers that have each expired less than 90 days previously.

Use. The purpose, activity, occupation, business or operation for which land or a structure is designed, arranged, intended, occupied or maintained. Uses specifically include but are not limited to the following: activity within a structure, activity outside of a structure, any structure, recreational vehicle storage or parking of commercial vehicles on a lot.

Variance. The granting of specific permission by the Zoning Hearing Board to use, construct, expand or alter land or structures in such a way that compliance is not required with a specific requirement of the Zoning Ordinance. Any variance shall only be granted within the limitations of the PA. Municipalities Planning Code. See Section 111.

Wall. See "Fence."

Warehouse. A building or group of buildings primarily used for the indoor storage, transfer and distribution of products and materials, but not including retail uses or a truck terminal, unless such uses are specifically permitted in that zoning district.

Water Service, Central. Water supply service to a building by a municipally-approved water supply system that serves 20 or more lots, and which includes an appropriate mechanism to ensure long-term professional operation and maintenance of the system.

Water Service, On-Lot. Water supply service to a building that does not meet the definition of Central Water Service, such as but not limited to an individual on-lot well.

Water Service, Public. Central water service by a system owned and/or operated by a municipality or a municipal authority.

Wetlands. An area of land and/or water meeting one or more definitions of a "wetland" under Federal and/or Pennsylvania law and/or regulations.

Yard. An area not permitted to be covered by buildings and principal structures and that is on the same lot as the subject structure or use. A minimum yard is also known as a minimum setback. Each required yard shall be measured inward from the abutting "lot line," existing street right-of-way or setback required from

a street under Section 807, whichever is most restrictive. Regulations of each district prohibit principal and accessory structures within the specified minimum yards.

- A. See yard/setback exceptions in Section 803.B.
- B. Private Streets - For a building setback measured from a private street, the setback shall be measured from the existing street right-of-way/easement or 15 feet from the center of the cartway, whichever is more restrictive.

Yard, Front or "Front Setback". A "yard" measured a distance measured from and running parallel to the front lot line, street right-of-way line or setback required by Section 807, whichever is most restrictive. Such yard shall extend the full width of the lot from side lot line to side lot line.

- A. The front yard shall be on a side that faces towards a public street, whenever one public street abuts the lot. If a lot abuts two streets, the front yard shall be whichever side is the predominant front yard for neighboring properties. If no side is predominant, then the applicant may choose which is the front yard.
- B. See Section 803 concerning yards along corner lots.
- C. No accessory or principal structure shall extend into the required front yard, except as provided in this Ordinance.
- D. Every lot shall include at least one front lot line.

Yard, Rear or "Rear Setback".

- A. A "yard" extending the full width of the lot and which is measured from along the rear line and which establishes the minimum setback for the subject structure, and which stretches between the side lot lines parallel to the rear lot line.
- B. A principal building shall not extend into the required rear yard setback for a principal building, and an accessory structure shall not extend into the required rear yard for an accessory structure, except as provided in this Ordinance.
- C. Every lot shall include a rear lot line and a rear yard.

Yard, Side or "Side Setback".

- A. A "yard" which establishes the minimum setback for the closest portion of the subject structure, and which is measured from along the entire length of the side lot line, and which extends from the front setback line to the rear lot line.
- B. A structure shall not extend into the applicable minimum side yard setback, except as provided for in this Ordinance.
- C. See "Corner Lot" provision in Section 803.B.
- D. A triangular lot shall include one side yard. All other lots shall include at least 2 side yards, except for a corner lot.

Zoning Map. The Official Zoning Map adopted as part of this Zoning Ordinance.

Zoning Officer. The person charged with the duty of enforcing the provisions of the Zoning Ordinance, and any officially designated assistant.

Zoning Ordinance. The Heidelberg Township- North Heidelberg Township-Robesonia Borough-Womelsdorf Borough Zoning Ordinance, as amended.

**ARTICLE 3
DISTRICTS**

301. DESIGNATION OF DISTRICTS AND PURPOSES.

- A. For the purpose of this Ordinance, the four municipalities are hereby divided into the following zoning districts, with the following abbreviations:

AP	Agricultural Preservation District
AP(M)	Agricultural Preservation (Mixed) District
CR	Conservation Residential District
RR	Rural Residential District
LDR	Low Density Residential District
MDR	Medium Density Residential District
TR	Town Residential District
TC	Town Center District
HC	Highway Commercial District
LI	Light Industrial District
GI	General Industrial District

- B. For the purposes of this Ordinance, the zoning districts named in Section 301.A. shall be of the number, size, shape and location shown on the "Official Zoning Map." Any use of the abbreviations listed in Section 301.A. shall mean the district name that is listed beside the abbreviation.
- C. Overlay Districts. The Floodplain Area, as defined by Article 5, shall serve as an overlay district to the applicable underlying districts.
- D. Purposes of Each District. In addition to serving the overall purposes of this Ordinance, the specific purposes of each zoning district are summarized below:
1. AP Agricultural Preservation District - To preserve productive prime agricultural areas, and control the numbers and locations of homes within productive agricultural areas to minimize conflicts. To establish a maximum lot size for non-agricultural uses to encourage the retention of tracts in sizes sufficiently large for efficient agriculture. To implement the authority established under Section 604(3) of the Pennsylvania Municipalities Planning Code.
 2. AP(M) Agricultural Preservation (Mixed) District - To meet the purposes of the AP District. To also meet requirements under State law to provide opportunities for certain uses, such as mineral extraction and landfills, with proper controls and safeguards.
 3. CR Conservation Residential District - To provide for very low-intensity development in areas with significant important natural features, such as wetlands, flood-prone lands and very steeply sloped areas. To protect the water quality and habitats along creeks, and promote groundwater recharge. To recognize that certain of these areas do not have sufficient road access for intense development. To provide a certain amount of flexibility in lot layout through conservation design/lot averaging so that development can be clustered on the most suitable portions of a tract of land, while still avoiding overly intense development. To encourage the voluntary transfer of density from these areas to areas that are suitable for more intense development.
 4. RR Rural Residential District - To provide for low intensity development in areas that are unlikely to be served by public water and sewage services. To recognize that many of these areas include sensitive natural features, particularly steep slopes and wetlands. To protect

the water quality and habitats along creeks, and promote groundwater recharge. To provide a certain amount of flexibility in lot layout through lot averaging so that development can be clustered on the most suitable portions of a tract of land, while still avoiding overly intense development. To encourage the voluntary transfer of density from these areas to areas that are suitable for more intense development.

5. LDR Low Density Residential District - To provide for low density residential neighborhoods that are primarily composed of single family detached dwellings. To protect these areas from incompatible uses.
6. MDR Medium Density Residential District - To provide for medium density residential neighborhoods with a mix of housing types. To protect these areas from incompatible uses. To encourage "one home, one lot" development in order to promote home ownership and neighborhood stability. To make sure that "infill" development is consistent with neighboring development.
7. TR Town Residential District - To provide for medium density residential neighborhoods with a mix of housing types, particularly in the boroughs. To protect these areas from incompatible uses. To provide setbacks and a character of development that is compatible with existing older neighborhoods. To encourage "one home, one lot" development in order to promote home ownership and neighborhood stability. To make sure that "infill" development is consistent with neighboring development.
8. TC Town Center District - To preserve the historic character of the downtowns of Robesonia and Womelsdorf. To promote an appropriate mix of retail, service, office, public, institutional and residential uses. To avoid heavy commercial uses that are most likely to conflict with the historic character, and which are most likely to cause demolition of historic buildings. To primarily provide for smaller-scale uses that utilize existing historic buildings. To avoid heavy commercial uses that would be incompatible with nearby homes. To promote uses that will provide a pedestrian-orientation and that promote bicycling. To seek to extend the best features of older development into newer development.
9. HC Highway Commercial District - To provide for a variety of commercial uses in areas that have few historic buildings and that include few homes. To provide for uses that are more auto-related (such as car washes and gas stations) than uses allowed in the TC district. To carefully locate commercial areas and commercial driveways to minimize traffic safety and congestion problems along major roads.
10. LI Light Industrial District - To provide for light industrial, office and certain compatible commercial uses in a manner that is compatible with any nearby homes. To carefully control the types of industrial operations to avoid nuisances (such as excessive noise) and hazards. To avoid residential uses that would conflict with industries. To encourage coordinated development, particularly in regard to traffic access. To promote development within a fully coordinated business park, particularly in regard to traffic access, with use of interior roads.
11. GI General Industrial District - To meet requirements of State law to provide opportunities for a wide range of business uses. To carefully control industrial uses to avoid significant nuisances and hazards, particularly to neighboring residences.

302. APPLICATION OF DISTRICT REGULATIONS.

- A. The regulations set by this Ordinance shall apply uniformly to each class or kind of structure or land, except as provided for in this Ordinance.

- B. No structure shall hereafter be erected, used, constructed, reconstructed, structurally altered or occupied and no land shall hereafter be used, developed or occupied unless it is in conformity with the regulations herein specified for the use and district in which it is located.
- C. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- D. **Boundary Change.** Any territory which may hereafter become part of these four municipalities through annexation or a boundary adjustment shall be classified as the LDR zoning district under this Ordinance until or unless such territory is otherwise classified by Board of Supervisors or Borough Council.

303. **ZONING MAP.**

- A. A map entitled "Heidelberg/North Heidelberg/Robesonia/Womelsdorf" accompanies this Ordinance and is declared a part of this Ordinance. One copy of the Official Zoning Map, which should bear the adoption date of this Ordinance and the words "Official Zoning Map," shall be retained in each municipal building.
- B. **Map Changes.** Changes to the boundaries and districts of the Official Zoning Map shall only be made in conformity with the amendment procedures specified in the PA. Municipalities Planning Code. All changes should be noted by date with a brief description of the nature of the change, either on the map or within an appendix to this Ordinance.
- C. **Replacement Map.** If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of changes and additions, or needs to have drafting errors or omissions corrected, Township Supervisors or Borough Council may, by resolution, adopt a new copy of the Official Zoning Map which shall supersede the prior Official Zoning Map. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any remaining parts shall be preserved together with all available records pertaining to its previous adoption or amendment.

304. **DISTRICT BOUNDARIES.** The following rules shall apply where uncertainty exists as to boundaries of any district as shown on the Zoning Map.

- A. District boundary lines are intended to follow or be parallel to the center line of street rights-of-way, streams and railroads, and lot lines as they existed on a recorded deed or plan of record in the County Recorder of Deeds' office at the time of the adoption of this ordinance, unless such district boundary lines are fixed by dimensions as shown on the Official Zoning Map.
- B. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines, such boundary shall be construed to follow such lot lines unless specifically shown otherwise.
- C. The location of a district boundary on un-subdivided land or where a district boundary divides a lot shall be determined by the use of the scale appearing on the Zoning Map unless indicated otherwise by dimensions.
- D. Where a municipal boundary divides a lot, the minimum lot area shall be regulated by the

municipality in which the principal use(s) are located, unless otherwise provided by applicable case law. The land area within each municipality shall be regulated by the use regulations and other applicable regulations of each municipality.

305. **SETBACKS ACROSS MUNICIPAL BOUNDARIES.**

- A. Intent - To continue the objective of compatible land uses across municipal boundaries.
- B. This Ordinance requires additional setbacks and the provision of buffer yards when certain uses would abut an existing dwelling or a residential zoning district.
- C. These same additional setback and buffer yard provisions shall be provided by uses proposed within these four municipalities regardless of whether such abutting existing dwelling or principally residential zoning district is located in an abutting municipality and/or in these four municipalities.

306. **TABLE OF PERMITTED USES BY DISTRICT.**

- A. For the purposes of this Section 306, the following abbreviations shall have the following meanings:

P =	Permitted by right (zoning decision by Zoning Officer)
SE =	Special exception use (zoning decision by Zoning Hearing Board)
C =	Conditional use (zoning decision by Board of Supervisors)
N =	Not Permitted
(S. 402) =	See Additional Requirements in Section 402
(S. 403) =	See Additional Requirements in Section 403

- B. Unless otherwise provided by State or Federal law or specifically stated in this Ordinance (including Section 105.B.), any land or structure shall only be used or occupied for a use specifically listed in this Ordinance as permitted in the zoning district where the land or structure is located. Such uses shall only be permitted if the use complies with all other requirements of this Ordinance. This table is divided into two sections:
 - 1. Primarily Residential Districts, and
 - 2. Primarily Non-Residential Districts.

See Section 105.B. which generally provides a process for approval of a use that is not listed - based upon similarity to permitted uses and other criteria. Except as provided in such Section 105.B., any other principal use that is not specifically listed as P, C or SE in the applicable district in this table is prohibited in that district.

For temporary uses, see Section 103.

Section 306.B.1. PRIMARILY RESIDENTIAL DISTRICTS

(See definitions in Article 2)	TYPES OF USES					
	AP** & AP(M)**	CR	RR	LDR	MDR	TR
a. RESIDENTIAL USES						
Single Family Detached Dwelling (Manufactured homes shall meet the additional requirements of Section 402.CC.)	P	P	P	P	P	P
Single Family Detached Dwellings within the Conservation Design Development requirements of Section 311	N	C	C	C	C	C
Twin Dwelling, side-by-side, with each new dwelling unit on its own fee-simple or condominium lot	N	N	N	N	P	P
Townhouse/ Rowhouse (S. 402.UU.), with each new dwelling on its own fee-simple or condominium lot	N	N	N	N	P	P
Apartments (S. 402.UU.), other than conversions of existing building	N	N	N	N	P*****	P
Manufactured/Mobile Home Park (S. 402.UU.)	N	N	N	N	SE	N
Boarding House (includes Rooming House)	N	N	N	N	N	N
Group Home within a lawful existing dwelling unit (S.402.U.), not including a Treatment Center	P	P	P	P	P	P
Conversion of an Existing Building into Dwelling Units						
- Conversion of an Existing Principal Non-Residential Building into dwelling units, such as a former school, place of worship or agricultural barn	N*	N*	N	N	N	SE***
- Conversion of any other Existing Building (such as a dwelling) to result in additional dwelling unit(s) (See also "Unit for Care of Relative" under Accessory Uses)	N	N	N	N	N	N
b. COMMERCIAL USES						
Bed and Breakfast Inn (S. 402.J.)	P	P	N*	N*	N*	N*
Camp (S. 402.L.; other than recreational vehicle campground)	N	SE	SE	N	N	N
Campground, Recreational Vehicle (S. 402.L.)	N	SE	N	N	N	N
Commercial Communications Antennae/Tower (S. 402.P.)						
- Meeting Section 402.P.1. pertaining to antenna placed on existing certain structures	P	P	P	P	P	P
- Antennae/tower that does not meet Section 402.P.1.	SE	SE	N	N	N	N
Farm-Related Business (S. 403.D.6.)	P	P	P	N	N	N
Golf Course, with a minimum lot area of 50 ac.	N	P	P	P	P	N
Kennel (S. 402.X)	SE	SE	N	N	N	N
Picnic Grove, Private (S. 402.II.)	N	SE	N	N	N	N

* = Except as permitted within historic buildings as provided in Section 316.
 ** = Dwellings shall only be allowed in compliance with Section 308.
 *** = Shall comply with Section 402.Q. and shall be limited to conversion of a building that existed at the time of adoption of this Ordinance.
 **** = Apartments shall not be allowed within the MDR District within the Borough of Womelsdorf.
 P = Permitted by right (zoning decision by Zoning Officer)
 SE = Special exception use (zoning decision by Zoning Hearing Board)
 C = Conditional use (zoning decision by Borough Council or Board of Supervisors)
 N = Not permitted
 (S. 402) = See Additional Requirements in Section 402 (S. 403) = See Additional Requirements in Section 403

(See definitions in Article 2)

	TYPES OF USES					
	AP & AP(M)	CR	RR	LDR	MDR	TR

b. COMMERCIAL USES (cont.)

Plant Nursery						
- With any on-site retail sales limited to plant materials primarily grown on the premises	P	P	P	P	P	P
- Other type of Plant Nursery	N	N	N	N	N	N
Recreation, Outdoor (S. 402.KK.) as a commercial use or as part of a membership club, limited to boating, fishing, hunting and closely similar passive uses, but not including: motor vehicle racing, recreational vehicle campground, music concerts, target ranges, or any use listed separately in this Section 306	SE	SE	SE	SE	SE	SE

c. INSTITUTIONAL USES

Care and Treatment Center for Youth (S. 402.N.)	N	N	N	N	SE	N
Cemetery, which shall not include a Crematorium	P	P	P	P	P	P
Community Center, Youth Recreation Center or Library	N	N	N	N	SE	SE
Nursing Home or Assisted Living Facility/ Personal Care Home (S. 402.GG.)	N	N	N	N	SE	SE
Place of Worship (S. 402.JJ.)	N	SE*	SE*	SE*	SE*	SE*
School, Public or Private, Primary or Secondary(S.402.OO.)	N	N	P	P	P	P
Temporary Charitable Sales, such as Christmas Tree Sales - See Section 103.G.1.						

d. PUBLIC/ SEMI-PUBLIC USES

Municipally-Owned Uses, other than uses listed separately in this Section 306	P	P	P	P	P	P
Government Facility, other than uses listed separately in this Section 306 and not including a prison	N	N	N	N	N	N
Emergency Services Station, which may include a supporting social club facility	N	N	N	N	SE	SE
Publicly Owned or Publicly Operated Recreation (S. 402)	P	P	P	P	P	P
Swimming Pool, Non-household (S. 402.SS.)	N	SE	SE	SE	SE	SE
U.S. Postal Service Facility, which may include a leased facility	N	N	N	N	N	N

e. ACCESSORY USES

See list of additional permitted uses in Section 306.C., such as "Residential Accessory Structure or Use"

- P = Permitted by right (zoning decision by Zoning Officer) N = Not permitted.
 SE = Special exception use (zoning decision by Zoning Hearing Board)
 C = Conditional use (zoning decision by Board of Supervisors or Borough Council)
 * = See Section 402 regarding abutting street.
 (S. 402) = See Additional Requirements in Section 402
 (S. 403) = See Additional Requirements in Section 403

(See definitions in Article 2)	TYPES OF USES					
	AP	CR	RR	LDR	MDR	TR
	& AP(M)					

e. ACCESSORY USES (Cont.)

See Additional Requirements in Section 403 for Specific Accessory Uses.

Agricultural Accessory Activities, Customarily Incidental to a Principal Crop Farming, Livestock or Poultry Use, such as the following and closely similar activities:	P	P	P	P	P	P
routine processing and storage of agricultural products, or sale or mixing of seeds, feed and fertilizer or mulch sales, provided that a use that involves significant tractor-trailer truck traffic shall be located along an arterial or collector street.						
Agricultural Products, Accessory Retail Sale of (S. 403.D.13)	P	P	P	P	P	P
Day Care Center accessory to and on the same lot as an existing lawful Place of Worship, with a minimum lot area of 2 acres	P	P	P	P	P	P
Day Care (S. 403.D.4.) as accessory to a dwelling:						
- Day care of a maximum of 3 adults or youth, in addition to "Relatives" of the caregiver	P	P	P	P	P	P
- Group Day Care Home	N	N	N	N	SE	SE
- Family Day Care Home	P	P	P	SE	SE	SE
Home Occupation, General (S. 403.D.9.)	SE	SE	SE	SE	SE	SE
Home Occupation, Light (S. 403.D.9.)	P	P	P	P	P	P
Unit for Care of Relative (S. 403.D.15.)	P	P	P	P	P	P

f. MISCELLANEOUS USES

Composting - See Section 403.D.3.

Crop Farming and Wholesale Greenhouses (other than mushroom raising)	P	P	P	P	P	P
Forestry (S. 402.S.)	P	P	P	P	P	P
Groundwater or Spring Water Withdrawal, averaging more than 10,000 gallons per day removed from a lot for off-site consumption (S. 402.T.)	SE	SE	SE	SE	SE	SE
Mineral Extraction (S. 402.BB.) including stockpiling	N in AP SE in AP(M)	N	N	N	N	N
Mushroom Raising (S. 402.FF.)	SE	N	N	N	N	N
Nature Preserve, Wildlife Sanctuary or Environmental Education Center (other than a zoo)	P	P	P	P	P	P
Parking Lot as the Principal Use of a Lot	N	N	N	N	N	SE

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- P = Permitted by right (zoning decision by Zoning Officer)
 - SE = Special exception use (zoning decision by Zoning Hearing Board)
 - C = Conditional use (zoning decision by Board of Supervisors or Borough Council)
 - N = Not permitted
 - (S. 402) = See Additional Requirements in Section 402
 - (S. 403) = See Additional Requirements in Section 403

(See definitions in Article 2)

TYPES OF USES						
AP & AP(M)	CR	RR	LDR	MDR	TR	

F. MISCELLANEOUS USES (Cont.):

Raising of Livestock and Poultry (S. 402.Y.)

- Intensive		SE	SE	N	N	N	N
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- Other	P	P	P	P	P	N	
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Sewage Sludge, Land Application of		SE	SE	SE	N	N	N
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Solid Waste Landfill (S. 402.QQ.)		N in AP	N	N	N	N	N
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SE in AP(M)

Stable, Non-Household (S. 402.RR.)		P	P	SE	N	N	N
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All Uses that will be unable to comply with the		N	N	N	N	N	N
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performance standards of this ordinance, especially including the "Environmental Protection" requirements of Article 5

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- | | | |
|----------|---|--|
| P | = | Permitted by right (zoning decision by Zoning Officer) |
| SE | = | Special exception use (zoning decision by Zoning Hearing Board) |
| C | = | Conditional use (zoning decision by Board of Supervisors or Borough Council) |
| N | = | Not permitted |
| (S. 402) | = | See Additional Requirements in Section 402 |
| (S. 403) | = | See Additional Requirements in Section 403 |

306.B.2. PRIMARILY NON-RESIDENTIAL DISTRICTS

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS			
	TC	HC	LI	GI
a. RESIDENTIAL USES				
Single Family Detached Dwelling (manufactured/mobile home must meet the additional requirements of Section 402.CC.)	P	P	N	N
Conversion of a Building that Existed at the Time of Adoption of This Ordinance into Dwelling Units (S. 402.Q.), provided that:	P	N	N	N
- an existing single family detached dwelling or twin dwelling unit shall not be converted into two or more dwelling units;				
- street level commercial space fronting onto Penn Avenue or High Street shall not be converted into dwelling units (See also "Unit for Care of Relative" under Accessory Uses)				
Active Adult Residential Community (S. 402.A.)	C	N	N	N
Boarding or Rooming House (S. 402.K.)	N	SE	N	N
Group Home within a lawful pre-existing dwelling unit (S.402.U.), not including a Treatment Center	P	P	P	P
Other Residential Uses	*	N	N	N
b. COMMERCIAL USES				
Adult Use (S. 402.B.)	N	N	N	SE
After Hours Club (Note - This use is effectively prohibited by State Act 219 of 1990)	N	N	N	N
Airport or Heliport (S. 402), other than ultralight aircraft	N	N	N	SE
Amusement Arcade	SE	P	N	N
Animal Cemetery (S. 402.E.)	N	SE	SE	SE
Auto Repair Garage or Service Station (S. 402.H.,I.)	N	P	P	P
Auto, Boat or Mobile/Manufactured Home Sales (S. 402.G.)	N	P	P	N
Bakery, Retail	P	P	P	N
Bed and Breakfast Inn (S. 402.J.)	P	P	P	N
Bus Terminal	P	P	P	P
Betting Use	N	SE	N	N
Beverage Distributor, which may include retail and/or wholesale sales	P	P	P	N

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- P = Permitted by right (zoning decision by Zoning Officer)
 SE = Special exception use (zoning decision by Zoning Hearing Board)
 C = Conditional use (zoning decision by Board of Supervisors/Borough Council) N = Not permitted
 (S. 402) = See Additional Requirements in Section 402
 (S. 403) = See Additional Requirements in Section 403
 * = Within the TC District:
- a. Twin dwellings, townhouses, and apartments shall only be allowed if they conform with the regulations listed for such dwellings in Section 307 for the TC District;
 - b. In addition, see the provisions for a Active Adult Residential Community in Section 402, which also allows a mix of housing types under different standards;
 - c. In addition, see the provisions on this page that may allow a conversion of an existing building into apartments.

TYPES OF USES
(See definitions in Article 2)

ZONING DISTRICTS
TC HC LI GI

b. COMMERCIAL USES (Cont.)

Camp (S. 402.L), other than Recreational Vehicle Campground	N	P	P	P
Campground, Recreational Vehicle (S. 402.L.)	N	P	P	P
Car Wash (S. 402.M.)	N	P	P	P
Catering, Custom, for Off-Site Consumption	P	P	P	P
Communications Tower/Antennae, Commercial (S. 402.P.)				
- Meeting Section 402.P.1. pertaining to antenna placed on certain existing structures (such as water towers)	P	P	P	P
- Antennae/tower that does not meet Section 402.P.1.	N	N	SE	SE
Conference Center	P	P	P	P
Construction Company or Tradesperson's Headquarters (including but not limited to landscaping, building trades or janitorial contractor). See also as Home Occupation. Accessory outdoor storage shall be permitted provided it meets the plant screening requirements of Sections 803 and 804.	P*	P	P	P
Crafts or Artisan's Studio (see also as Home Occupation)	P	P	P	P
Custom Printing, Photocopying, Faxing, Mailing or Courier Service	P	P	P	P
Exercise Club	P	P	P	P
Farm-Related Business (S. 403.D.6.)	P	P	P	P
Financial Institution (S. 402; includes banks), with any "Drive-through" facilities meeting Section 403.D.5.	P	P	P	P
Flea Market/ Auction House	P	P	P	N
Funeral Home (S. 402)	P	P	P	N
Gas Station - See Auto Service Station				
Golf Course (S. 402)	N	P	P	P
Greenhouse or Garden Center	P	P	P	P
Hotel or Motel (S. 402.V.)	P	P	P	N
Kennel (S. 402.X.)	N	N	N	N
Laundromat	P	P	P	N
Laundry, Commercial or Industrial	N	P	P	P
Lumber Yard	N	P	P	P
Massage Therapy, Certified - See "Personal Services"				
Motor Vehicle Racetrack (S. 402.EE.)	N	N	N	SE
Office	P	P	P	P
Pawn Shop	N	P	N	N
Personal Services (includes tailoring, custom dressmaking, haircutting/styling, drycleaning, shoe repair, "massage therapy, certified" and closely similar uses) (See also Home Occupation)	P	P	N	N

P = Permitted by right (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board) N = Not Permitted

(S. 402) = See Additional Requirements in Section 402

(S. 403) = See Additional Requirements in Section 403

* Shall only be permitted if any outdoor storage is clearly accessory to the indoor activities.

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS			
	TC	HC	LI	GI
b. COMMERCIAL USES (Cont.)				
Picnic Grove, Private (S. 402.II.)	N	P	P	P
Plant Nursery, which may include a greenhouse and/or on-site sales	P	P	P	P
Recreation, Indoor (S. 402) (includes bowling alley, roller or ice skating, batting practice and closely similar uses; other than uses listed separately)	P	P	P	N
Recreation, Outdoor as part of a commercial use or club (including miniature golf course, golf driving range, amusement park, boating, fishing, and closely similar uses); other than uses listed separately in this Section 306	P	P	P	P
Repair Service, Household Appliance	P	P	P	P
Restaurant or Banquet Hall (S. 402.NN.)				
- with drive-through service (S. 403.D.5.)	N	P	N	N
- without drive-through service	P	P	N	N
Retail Store (not including uses listed individually in this Section 306) or Shopping Center	P*	N	N	
Self-Storage Development - See under Industrial uses				
Target Range, Firearms				
- Completely indoor and enclosed	P	P	P	P
- Other than above (S. 402.TT.)	N	N	N	SE
Tattoo or Body Piercing Establishment	N	SE	N	N
Tavern which may include a State-licensed micro-brewery or Nightclub (not including an After Hours Club)	SE	P	P	N
Theater, Indoor, other than an Adult Use	P	P	N	N
Trade/ Hobby School	P	P	P	P
Veterinarian Office (S. 402.WW.)	P	P	P	P
Wholesale Sales - see under Industrial Uses				
c. INDUSTRIAL USES				
Asphalt Plant	N	N	N	SE
Assembly or Finishing of Products Using Materials Produced Elsewhere (such as products from plastics manufactured off-site)	N	N	P	P

P = Permitted by right (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

C = Conditional use (zoning decision by Board of Supervisors or Borough Council)

N = Not permitted

(S. 402) = See Requirements in Section 402

(S.403) = See Requirements in Section 403

* Such use shall not include the sale of gasoline or propane. A Retail Store may include drive-through service if it receives special exception approval and meets Section 403.

TYPES OF USES	ZONING DISTRICTS			
(See definitions in Article 2)	TC	HC	LI	GI

d. INDUSTRIAL USES (Cont.)

Building Supplies and Building Materials, Wholesale Sales of	N	P	P	P
Distribution as a principal use (other than Trucking Company Terminal)	N	N	P	P
Finishing of Products - See "Assembly"				
Industrial Equipment Sales, Rental and Service, other than vehicles primarily intended to be operated on public streets	N	P	P	P
Junk - outdoor storage, display or processing of, other than within an approved junkyard or solid waste disposal area	N	N	N	N
Junk Yard (S. 402.W.)	N	N	N	SE
Liquid Fuel Storage, Bulk, for off-site distribution, other than: auto service station, retail propane distributor, pre-packaged sales or fuel tanks for company vehicles	N	N	N	SE
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:				
- Agricultural Chemicals, Fertilizers or Pesticides	N	N	SE	SE
- Apparel, Textiles, Shoes and Apparel Accessories (see also Crafts Studio)	N	P	P	P
- Animal Feed	N	N	N	P
- Cement Manufacture	N	N	N	P
- Ceramics Products (other than Crafts Studio)	N	N	P	P
- Chemicals, Manufacture of Toxic or "Extremely Hazardous Substances" in amounts in excess of the U.S. EPA Threshold Planning Quantity or substances with similar characteristics	N	N	N	SE
- Chemical Products, other than pharmaceuticals and N types listed separately (see above)	N	SE	SE	
- Clay, Brick, Tile and Refractory Products	N	N	P	P
- Computers and Electronic and Microelectronic Products	N	P	P	P
- Concrete and Cement Products, other than actual manufacture of cement	N	N	P	P
- Electrical Equipment, Appliances and and Components	N	P	P	P
- Explosives or Ammunition	N	N	N	SE
- Fabricated Metal Products (except Ammunition or Explosives) and/or Machine Shops	N	N	P	P

P = Permitted by right (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

C = Conditional use (zoning decision by Board of Supervisors or Borough Council)

N = Not permitted

(S. 402) = See Additional Requirements in Section 402 (S. 403) = See Additional Requirements in Section 403

TYPES OF USES	ZONING DISTRICTS			
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(See definitions in Article 2)

TC HC LI GI

d. INDUSTRIAL USES (Cont.)

Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:

- Food (Human) and Beverage Products, at an industrial scale as opposed to a clearly retail scale (not including uses listed individually in this table)	N	P	P	P
- Food Products for animals	N	N	N	SE
- Gaskets	N	N	P	P
- Glass and Glass Products (other than Crafts Studio)	N	P	P	N
- Incineration, Reduction, Distillation, Storage or Dumping of Slaughterhouse Refuse, Rancid Fats, Garbage, Dead Animals or Offal (other than within an approved solid waste facility)	N	N	N	N
- Jewelry and Silverware	N	P	P	P
- Leather and Allied Products (other than Crafts Studio or Tannery)	N	N	P	P
- Lime and Gypsum Products	N	N	P	P
- Machinery	N	N	P	P
- Manufactured or Modular Housing	N	N	P	P
- Medical Equipment and Supplies	N	P	P	P
- Metal Products, Primary	N	N	N	SE
- Mineral Products, Non-metallic (other than Mineral Extraction)	N	N	P	P
- Paper and Paper Products (including recycling, but not including manufacture of raw paper pulp)	N	SE	P	P
- Paper - Raw Pulp	N	N	N	SE
- Paving Materials, other than bulk manufacture of asphalt	N	N	SE	SE
- Pharmaceuticals and Medicines	N	SE	P	P
- Plastics, Polymers, Resins, Vinyl, Coatings, Adhesives or Sealants	N	N	SE	P
- Printing Ink or Photographic Film	N	N	P	P
- Products from Previously Manufactured Materials, such as glass, leather, plastics, cellophane, textiles, rubber or synthetic rubber	N	P	P	P
- Roofing Materials and Asphalt Saturated Materials	N	P	P	N
- Rubber, Natural or Synthetic	N	N	SE	P

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- P = Permitted by right (zoning decision by Zoning Officer)
 - SE = Special exception use (zoning decision by Zoning Hearing Board)
 - C = Conditional use (zoning decision by Board of Supervisors or Borough Council)
 - N = Not permitted
 - (S. 402) = See Additional Requirements in Section 402
 - (S. 403) = See Additional Requirements in Section 403

TYPES OF USES
(See definitions in Article 2)

ZONING DISTRICTS

TC HC LI GI

d. INDUSTRIAL USES (Cont.)

Manufacture and/or bulk processing of the following,
provided manufacturing occurs only indoors:

- Scientific, Electronic and Other Precision Instruments	N	P	P	P	
- Soaps and Cleaning Compounds		N	N	P	P
- Sporting Goods, Toys, Games, Musical Instruments or Signs		N	P	P	P
- Transportation Equipment		N	N	P	P
- Wood Products and Furniture (not including raw paper pulp)		N	P	P	P
- See Section 105 for uses that are not listed					
Mineral Extraction (S. 402.BB.) and related processing, stockpiling and storage		N	SE	SE	SE
Packaging		N	P	P	P
Package Delivery Services Distribution Center	N	N	P	P	
Petroleum Refining		N	N	N	SE
Photo Processing, Bulk		N	P	P	P
Printing or Bookbinding	P	P	P	P	
Recycling Collection Center (S. 402.LL.), provided all operations of an industrial scale occur within an enclosed building (other than Township-Owned Use)		N	P	P	P
Recycling Center, Bulk Processing, provided all operations of an industrial scale occur within an enclosed building (this use does not include paper processing, a solid waste disposal or transfer facility)		N	N	SE	SE
Research and Development, Engineering or Testing Facility or Laboratory		N	N	P	P
Sawmill/ Planing Mill		N	P	P	P
Self-Storage Development (S. 402.PP.)		N	P	P	P
Slaughterhouse, Stockyard or Tannery, with a 400 feet minimum setback from all lot lines		N	N	N	SE
Solid Waste Landfill (S. 402.QQ.)		N	N	N	SE
Solid Waste Transfer Facility or Waste to Energy Facility (S. 402.QQ.)		N	N	N	SE
Trucking Company Terminal (S. 402)		N	N	N	SE
Warehousing or Storage as a principal use		N	N	P	P
Warehousing or Storage as an accessory use		P	P	P	P
Welding		N	N	P	P
Wholesale Sales (other than Motor Vehicles)		N	P	P	P

P = Permitted by right (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

C = Conditional use (zoning decision by Board of Supervisors or Borough Council)

N = Not permitted (S. 402) = See Additional Requirements in Section 402

(S. 403) = See Additional Requirements in Section 403

TYPES OF USES (See definitions in Article 2)	<u>ZONING DISTRICTS</u>			
	TC	HC	LI	GI
<u>e. INSTITUTIONAL USES</u>				
Cemetery (see Crematorium listed separately)	N	P	P	P
College or University - Educational and Support Buildings	P	P	P	P
Community Center or Library	P	P	P	P
Crematorium	N	N	N	SE
Cultural Center or Museum	P	P	P	P
Day Care Center, Adult (S. 402.C.)	P	P	P	P
Day Care Center, Child (S. 402.R.)	P	P	P	P
(See also as an accessory use)				
Dormitory as accessory to a college, university or primary or secondary school	N	SE	N	N
Hospital (S. 402)	N	P	P	N
Membership Club meeting and recreational facility, not including an "After Hours Club" or "Tavern" or uses listed separately in this Section, unless those requirements are also met.	SE	P	P	P
Nursing Home or Personal Care Home/ Assisted Living (S. 402.GG.)	P	P	P	N
Place of Worship (S. 402.JJ.)	P	P	P	P
Prison	N	N	N	SE
School, Public or Private, Primary or Secondary (S.402.OO.)	P	P	P	N
Treatment Center (S. 402.VV.)	N	SE	N	SE
<u>f. PUBLIC/SEMI-PUBLIC</u>				
Municipally-Owned Uses	P	P	P	P
Government Facility, other than uses separately in this Section 306	SE	SE	SE	SE
Emergency Services Station, which may include a supporting social club building or facility	P	P	P	P
Publicly Owned or Publicly Operated Recreation, or Closely Similar Park Open for Public Recreation Use Without Charge	P	P	P	P
Public Utility Facility (See also Section 114) or Electric Generating Plant (not including Trash-to-Energy Plant nor commercial communications antennae)	SE	SE	SE	P
Swimming Pool, Non-household (S. 402.SS.)	P	P	P	P
U.S. Postal Service Facility, which may include a leased facility	P	P	P	P

P = Permitted by right (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

N = Not Permitted

(S. 402) = See Additional Requirements in Section 402

(S. 403) = See Additional Requirements in Section 403

TYPES OF USES
(See definitions in Article 2)

ZONING DISTRICTS

TC HC LI GI

g. ACCESSORY USES

See list of additional permitted uses in Section 306.C., such as "Residential Accessory Structure or Use"
See Additional Requirements in Section 403 for Specific Accessory Uses.

Agricultural Accessory Activities, Customarily Incidental to a Principal Crop Farming, Livestock or Poultry Use, such as the following and closely similar activities: routine processing and storage of agricultural products, or sale or mixing of seeds, feed and fertilizer or mulch sales.	P	P	P	P
Day Care Center accessory to a lawful Place of Worship	P	P	P	P
Day Care, Child (see S. 403.D.4.):				
- Group Day Care Home	P	P	P	N
- Family Day Care Home	P	P	P	N
Farm-Related Business - See under Commercial Uses				
Home Occupation accessory to a lawful dwelling unit (S. 403.D.9.)	P	P	P	P
Retail Sale of Agricultural Products (S. 403.D.13.)	P	P	P	P
Retail Sales as accessory to items manufactured, assembled or processed on the premises, provided the retail sales area does not exceed 5% of the total floor area of the use	P	P	P	
Temporary Retail Sales - See Section 103.G.				

h. MISCELLANEOUS USES

Crop Farming	P	P	P	P
Forestry (S. 402.S.)	P	P	P	P
Groundwater or Spring Water Withdrawal, averaging more than 10,000 gallons per day removed from a lot for off-site consumption (S. 402.T.)	SE	SE	SE	SE
Nature Preserve, Wildlife Sanctuary or Environmental Education Center	P	P	P	P
Outdoor Storage and Display as an Accessory or Principal Use (S. 403.D.10.), other than uses listed separately in this table	P	P	P	P
Parking Lot as the Principal Use of a Lot	P	P	P	P
Raising of Livestock (S. 402.Y.)				
-Intensive	N	N	SE	SE
-Other	N	P	P	P
Sewage Sludge, Land Application of	N	N	SE	SE
Stable, Non-household (S. 402.RR.)	N	P	P	P
All Uses that will be unable to comply with the performance standards of this Ordinance, especially including the "Environmental Protection" requirements of Article 5	N	N	N	N

P = Permitted by right (zoning decision by Zoning Officer)
 SE = Special exception use (zoning decision by Zoning Hearing Board)
 C = Conditional use (zoning decision by Board of Supervisors or Borough Council)
 N = Not permitted
 (S. 402) = See Additional Requirements in Section 402
 (S. 403) = See Additional Requirements in Section 403

306.C. Permitted Accessory Uses in All Districts. An accessory use of a dwelling is only permitted if such use is customarily incidental to the residential use and is specifically permitted by this Ordinance. The following are permitted by right as accessory uses to a lawful principal use in all districts, within the requirements of Section 403 and all other requirements of this Ordinance:

1. Standard Antennae, including antennae used by contractors to communicate with their own vehicles*
2. Fence* or Wall*
3. Garage, Household
4. Garage Sale*
5. Pets, Keeping of*
6. Parking or Loading, Off-Street, only to serve a use that is permitted in that district
7. Recreational Facilities, limited to use by: residents of a development or students at a primary or secondary school or center for the care and treatment of youth, and their occasional invited guests
8. Residential accessory structure (see definition in Article 2) *
9. Signs, as permitted by Article 7
10. Swimming Pool, Household *
11. Such other accessory use or structure that the applicant proves to the satisfaction of the Zoning Officer is clearly customary and incidental to a permitted by right, special exception or conditional principal use.

* See standard for each in Section 403.

306.D. Permitted Accessory Uses to Business and Institutional Uses. The following are permitted by right accessory uses only to a permitted by right, special exception or conditional commercial, industrial or institutional use, provided that all requirements of this Ordinance are met:

1. Storage of fuels for on-site use or to fuel company vehicles
2. The following accessory uses, provided that the use is clearly limited to employees, patients, residents and families of employees of the use and their occasional invited guests:
 - a. Internal cafeteria without drive-through service,
 - b. Day care center or
 - c. Recreational facilities.
3. Bus Shelters meeting Section 403.
4. Automatic Transaction Machine
5. Storage sheds meeting the requirements of Section 307.A.

307. DIMENSIONAL REQUIREMENTS IN EACH DISTRICT.

307.A. The following area, yard and building requirements shall apply for the specified zoning district, unless a more restrictive requirement for a specific use is required by Sections 402 or 403 or another section of this Ordinance. All measurements shall be in feet unless otherwise stated. See definitions of terms (such as lot width) in Section 202.

Zoning District: Type of Use	Min. Lot Area (sq.ft.)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage
1. CR Conservation Residential District: <i>See Conservation Design Option in Section 311, which allows smaller lot sizes and lot widths.</i>	87,120 (2 acres), unless a larger lot area is required under Section 307.D.	250	50 (10 feet of which may include an unenclosed porch).	60	20	10%	15%
2. AP Agricultural Preservation District: The provisions of Section 308 shall apply.							
3. RR Rural Residential District: <i>See Conservation Design Option in Section 311, which allows smaller minimum lot sizes and lot widths.</i> All dwellings shall have a minimum principal building width and length of 18 feet (not including unenclosed structures).	60,000	150	50 feet (10 feet of which may include an unenclosed porch)	50	15	15%	20%

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Zoning District: Type of Use	Min. Lot Area (sq.ft.)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage
<p>4. LDR Low Density Residential District:</p> <p>a) Single Family Detached Dwelling:</p> <p> 1) Without both Municipally-approved central water service and Municipally-approved central sewage service</p> <p> 2) With both Municipal-approved central water <i>and</i> Municipal-approved central sewage services</p> <p>b) Other Allowed Use</p> <p><i>See Conservation Design Option in Section 311, which allows smaller minimum lot sizes and lot widths.</i></p> <p><i>See provisions in Section 313 to increase density through Transfer of Development Rights.</i></p> <p>All dwellings shall have a minimum principal building width and length of 18 feet (not including unenclosed structures).</p>	<p>a1) 43,560 (1 acre)</p> <p>a2) 20,000</p> <p>b) 43,560</p> <p>An existing lot of record with central water and sewage services and a lot area of 10,000 square feet or greater shall be a considered conforming lot.</p>	<p>a1) 150</p> <p>a2) 100</p> <p>b) 150</p>	40 (10 feet of which may include an unenclosed front porch)	40	10	20	35

Zoning District: Type of Use	Min. Lot Area (sq.ft.)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage
<p>5. MDR Medium Density Residential District:</p> <p>a) Single family detached dwelling: a1) Without both Municipal-approved central water service and Municipal-approved central sewage service a2) With both Municipal-approved central water and Municipal-approved central sewage service</p> <p>b) The following housing types, each of which shall require Municipally-approved central water <i>and</i> Municipally-approved central sewage services: 1) Twin dwelling unit 2) Townhouse 3) Apartments, which shall be detached from other buildings 4) Manufactured home parks shall meet the requirements for such use as stated in Section 402, instead of the requirements of this Section.</p> <p>c) Other Allowed Use</p> <p>A 20 percent increase in the maximum total number of dwelling units shall be allowed if every dwelling unit on a lot is permanently limited by deed and by lease to occupancy by persons age 55 and older and their spouses, with no residents under age 18.</p> <p><i>See provisions in Section 313 to increase density through Transfer of Development Rights.</i></p>	<p>a1) 43,560 a2) 9,000</p> <p>b) Minimum lot area for each dwelling unit and each principal use: b1) minimum average of 10,000 (Note C) b2) minimum average of 10,000 (Note C) b3) minimum average of 10,000 (Note C) c) 20,000</p>	<p>a1) 150 a2) 50</p> <p>b1) 50 per dwelling unit b2) 20 per interior dwelling unit, and 40 for each end unit (Note B) b3) 150 c) 100</p>	<p>30 (10 feet of which may include an unenclosed front porch)</p>	<p>30</p>	<p>10, except 0 at the shared lot line of lawfully attached dwellings</p>	<p>50%</p>	<p>60%. For a townhouse development, the maximum impervious coverage may be based upon an average for the development.</p>

Zoning District: Type of Use	Min. Lot Area (sq.ft.)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage
<p>6. TC Town Center and TR Town Residential District</p> <p>a) Single family detached dwelling:</p> <p>b) The following housing types, each of which shall require municipally-approved central water <i>and</i> municipally-approved central sewage services, and which shall not be allowed on a lot in the TC district that included more than one 1 acre at the time of adoption of this Ordinance:</p> <p>1) Twin dwelling unit</p> <p>2) Townhouse</p> <p>3) Apartments, which shall be detached from other buildings</p> <p>c) Active Adult Residential Development within the TC District - The provisions of Section 402 apply.</p> <p>d) Conversion into Dwelling Units of a Building that Existed at the Time of Adoption of This Ordinance, with a minimum lot area required of 1,000 square feet per dwelling unit. See additional requirements in Section 306.B.2.a.</p> <p>e) Other allowed use - except that within the TC district, the minimum lot area shall be 43,560 square feet and the minimum lot width shall be increased to 250 feet along an arterial street if a lot included more than 1 acre at the time of adoption of this Ordinance</p> <p style="text-align: center;"><i>Districts</i></p>	<p>a) 4,000 (Note E)</p> <p>b) Minimum lot area for each dwelling unit and each principal use:</p> <p>b1) minimum average of 4,000 (Note C)</p> <p>b2) minimum average of 4,000 (Note C)</p> <p>b3) minimum average of 4,000 (Note C)</p> <p>d) 4,000</p> <p>e) 5,000, except as stated in column to the left.</p>	<p>a) 50 (Note E)</p> <p>b1) 40 per dwelling unit</p> <p>b2) 20 per interior dwelling unit, and 40 for each end unit (Note B)</p> <p>b3) 50</p> <p>d) 50</p> <p>e) 50</p>	<p>20 feet, except as provided in Section 315 and Note E.</p>	<p>30 (Notes D and E)</p>	<p>5 (Notes D and E), except 0 along a lot line of lawfully attached dwellings.</p>	<p>50% (Note E)</p>	<p>90% (Note E)</p>

Zoning District: Type of Use	Min. Lot Area (sq.ft.)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage
7. HC General Commercial District: Allowed use	20,000	100, except 200 for a new lot approved after the adoption of this Ordinance that will have its own vehicle access directly onto an arterial street.	30, except 60 feet where off-street parking will exist between the principal building and an arterial street.	30 (Note D)	15 (Note D)	35%	65%
8. LI Light Industrial or GI General Industrial Districts:	43,560 (1 acre)	150	50	30 (Note D)	25 (Note D)	45%	80%

Notes for the Above Table:

Corner lot setbacks - see Section 803.B.

** = The following exceptions shall apply:

- If a residential lot is part of a Municipally-approved subdivision, and front, rear and side setback requirements were set forth on the recorded subdivision plan, then the lot may be developed according to such stated setback requirements in place of the front, rear and side setback requirements of this Section.
- For accessory structures and uses, see Section 307.C. below.
- Structures shall not obstruct minimum sight clearance at intersections.
- See Section 803 pertaining to Corner Lots.
- See Section 806 regarding extension of nonconforming setbacks.
- See Section 803 regarding permitted reductions in setbacks to reflect average setbacks of adjacent buildings.
- See Section 807 which may require additional setbacks along existing streets.

Districts

Notes to the Above Table Continued:

- (Note A) = Except 40 feet side and 50 feet rear for a principal business use from a directly abutting primarily residential lot in a residential district. A side or rear yard shall be increased to 100 feet for any new or expanded portion of an industrial building or tractor-trailer truck loading dock from the lot line of a primarily residential use in a residential district.
- (Note B) = Except if 2 or more off-street parking spaces per dwelling or garage doors for 2 or more vehicles are located within 20 feet of a public street, then the lot width per dwelling along such street shall be a minimum of 24 feet.
- (Note C) = These provisions are intended to allow flexibility in the placement of individual dwelling units, regardless of whether the homes are condominium or fee-simple, and regardless of whether public streets, private streets or parking courts are used.
-The minimum average lot area per dwelling unit establishes the maximum number of units permitted on a tract of land.
-The minimum average lot area per dwelling unit shall be calculated after deleting existing street right-of-way of existing streets and alleys, but shall include: right-of-way of proposed streets and alleys and areas of parking courts, common open space and stormwater detention basins.
- (Note D) = Except 40 feet side and 50 feet rear for a principal business use from a directly abutting primarily residential lot in a residential district.
- (Note E) = Except within the TC district, if a lot included more than one acre of lot area at the time of adoption of this Ordinance, then any single family detached dwelling shall meet the requirements for the LDR district and not the TC district.

Abbreviations: sq. ft. = square feet; min. = minimum; max. = maximum; ft. = feet

307.B. Height. Except as provided in Section 802 or as specified otherwise in this Ordinance for a particular use, the following maximum structure height shall apply in all zoning districts:

1. Any structure that is accessory to a dwelling on a lot of less than 1 acre shall have a maximum height of 1 story plus a second level of non-habitable storage. In no case, shall such a structure have a total height exceeding 25 feet.
2. The maximum height in the TC, LI, GC and GI districts shall be 4 stories or 60 feet, whichever is more restrictive.
3. The maximum height for any other structure shall be 3 stories or 45 feet, whichever is more restrictive.

307.C. Accessory Structures and Uses.

1. Accessory structures and uses shall meet the minimum yard setbacks provided for in Section 307.A., unless otherwise provided for in this Ordinance, including this Section 307.C.
2. An 8 feet wide minimum side and rear yard setback shall apply for a permitted detached structure that is accessory to a dwelling, except:

- a. The minimum side and rear setback may be reduced to 3 feet for a residential accessory storage shed having a total floor area of less than 150 square feet.
 - (1) However, within the Borough of Robesonia and the Borough of Womelsdorf, the following provisions shall apply instead of the provisions of Section 307.C.2. and 2.a.: The minimum side yard setback shall be 2 feet and the minimum rear yard shall be 4 feet, however, the minimum rear yard shall be increased to 10 feet if vehicle garage doors face onto the rear lot line.
- b. No setback is required for a structure that is accessory to a dwelling from a lot line along which two dwellings are attached (such as a lot line shared by twin dwellings).
- c. A residential porch or wood deck that is open along sides not attached to the principal building may extend into a required setback. However, a raised wood deck shall be setback a minimum of: 5 feet along a side lot line where buildings are detached and 20 feet along a rear lot line. Space under an unenclosed porch may be used for household storage.
- d. See Section 403 for swimming pools.

307.D. Lot Area Requirements in the CR Conservation-Residential District.

- 1. The table in Section 307.A. lists the minimum lot area within the CR district. This minimum lot area shall also meet the requirements of this Section 307.D.
- 2. See the steep slope provisions in Section 310, which may require larger lot areas. Section 310 also requires that slopes of 25 percent or greater be deleted before calculating compliance with minimum lot area. See Section 314, which requires that wetlands and lakes be deleted before calculating compliance with minimum lot area.
- 3. Within the CR district, land within easements and rights-of-way of overhead electric transmission lines and underground utility pipelines shall not count towards the minimum lot area.
- 4. Within the CR district, land within the 100 year floodplain shall not count towards the minimum lot area.

308. ADDITIONAL REQUIREMENTS WITHIN THE AP AND AP(M) AGRICULTURAL PRESERVATION DISTRICTS. For the purposes of this Section 308, wherever a reference is made to the AP District, it shall also include the AP(M) District.

308.A. Purposes. In addition to serving the overall objectives of this Ordinance, the Berks County Comprehensive Plan and the Western Berks Comprehensive Plan, the AP District is intended:

- 1. To protect and promote the continuation of agriculture, to further the Governor's Executive Order of October 14, 1997, and avoid the irreversible conversion of agricultural lands to other uses that would cause an environmental and food production loss.
- 2. To strengthen and preserve agriculture as a strong component of the local economy.
- 3. To promote uses which support agricultural activity and provide supplemental income to farmers.
- 4. To minimize the amount and intensity of land uses in the AP District that may cause conflicts with agricultural activities.
- 5. To promote agricultural tracts that are sufficient in size to allow efficient profitable operations that can support a family.

6. To carry out the authority granted by Sections 603(b)(5), 604(3) and 605(2) of the Pennsylvania Municipalities Planning Code, including to “preserve prime agriculture and farmland considering topography, soil type and classification and present use.”
7. To encourage farmers to make continual investments in their operations, with the knowledge that development of neighboring properties will be controlled.
8. To limit the maximum size of lots created for any use other than agriculture to provide for the retention of tracts of sufficient size to be used for agricultural purposes.
9. To avoid excessive strains upon the quantities and quality of groundwater and surface water supplies, which are vulnerable to pollution because of subsurface limestone.

308.B. Lot Requirements. The following provisions shall apply to the AP District, unless a more restrictive provision is established by another section of this Ordinance.

1. Minimum Lot Area - 50 acres within Heidelberg Township and 40 acres within North Heidelberg Township, except as follows:
 - a. as specifically provided by Section 308.C in areas that are “Not Productive Agricultural Land,”
 - b. as specifically provided by a more restrictive provision, such as may apply under Section 402 for a particular use,
 - c. a Commercial Communications Antenna/Tower may be placed on a smaller area that is leased, provided that the land area reverts to be part of the lot and the Tower is required to be removed if the antenna/tower is no longer in use,
 - d. no minimum lot area shall apply for a vacant lot that is permanently limited by a deed restriction or conservation easement enforceable by the Township from being used for any building(s),
 - e. adjacent lot area in another municipality may count towards this 50 acre requirement, provided that the land remains in common ownership and is contained in a single deed,
 - f. lot areas that are separated by a creek, street or other right-of-way may be added together to meet this requirement, provided the lot areas remain in common ownership,
 - g. an existing undeveloped lawful lot of record of greater than 40,000 square feet of lot area may be used for one single family detached dwelling and its customary accessory uses,
 - h. a transfer may occur of land area from one lot to a contiguous lot without meeting the 50 acre minimum lot area, provided that the transferred land is merged into an existing lot, and no new lot is created, and the transfer does not open up any opportunity for new lots, and any lot involved of less than 50 acres of lot area is protected against additional subdivision by a conservation easement enforceable by the Township, and
 - i. except for the incentive provided in Section 308.B.7. below.
2. Minimum Yards - 75 feet front, 30 feet each side, 50 feet rear, except as follows:
 - a. In no case shall a new dwelling unit on a lot approved after the adoption of this AP District be constructed less than 250 feet from a lot line of an existing principal raising of livestock or poultry use. This 250 feet setback shall not apply from a raising of livestock or poultry use that is developed after the residential lot is created.
 - b. A minimum side and rear setback of 10 feet shall apply for residential accessory structures with a floor area of less than 300 square feet.

- c. Raising of Livestock and Poultry operations shall also comply with the setbacks stated for such uses in Section 402.
- 3. Maximum Building Coverage - 10 percent, except 15 percent for buildings that are primarily plant greenhouses.
- 4. Maximum Impervious Coverage - 15 percent.
- 5. Maximum Height - 3 stories, or 40 feet, whichever is more restrictive, however no maximum height shall apply to agricultural structures, and a 25 feet maximum height applies to residential accessory buildings.
- 6. Minimum Lot Width at minimum building setback line - 150 feet.
- 7. Lot Incentive for Agricultural Easements.
 - a. If a lot of 20 or more acres in the AP District is not currently protected by an agricultural conservation easement, and the property-owner legally commits to establish a permanent agricultural conservation easement on the lot, then one additional lot shall be allowed to be created.
 - (1) Such lot shall meet the requirements of Section 308.E.3. The agricultural conservation easement shall be enforceable by the Township. (Note - The donation of such easement should make the landowner eligible for a Federal income tax deduction.) The easement shall include the same substantive provisions as the agricultural conservation easements purchased by Berks County.
- 8. See also Transfer of Development Rights in Section 313.

308.C. Allowed Uses.

- 1. The list of allowed uses in Section 306 for the AP District shall apply. Within the AP District, a new single family detached dwelling shall only be built or placed on land that is classified as “Productive Agricultural Land” by this Ordinance if the dwelling is on a lot with a minimum lot area of 50 acres. If a new single family detached dwelling is built or placed on land that is not classified as “Productive Agricultural Land,” then the provisions of Section 308.E. shall apply.
- 2. Any new lot shall meet this Section 308. See provisions for an existing undeveloped lot in Section 308.B.1.f.
- 3. On a lot of 50 acres or more, a second dwelling unit shall be allowed to be newly built, placed or converted from an existing building provided the dwelling is constructed to house persons: 1) receiving significant monetary compensation for work on the farm on which the dwelling is situated or 2) who are “relatives” (as defined by Section 202) of the owner of the lot.
 - a. The second dwelling unit shall need special exception approval.
 - b. At least once every two years, the owner of the lot shall report the names of adult occupants of the second dwelling unit and whether the occupants are employed on the farm or relatives of the owner of the lot. Such statement shall be provided in writing to the Zoning Officer. The restriction on occupancy of the second dwelling unit shall apply during the entire life of the dwelling unit.
 - c. Both dwelling units shall remain in the same ownership as and shall not be separated from the farm on which they were constructed.
 - d. The Township Sewage Enforcement Officer shall have certified that the sewage disposal facilities are adequate for all existing and proposed dwellings on the lot.

- e. In no case shall more than 2 dwelling units be allowed on the lot.

308.D. Designation of Productive Agricultural Land.

1. All land within the AP District shall be considered to be Productive Agricultural Land unless determined otherwise by the Zoning Hearing Board as a special exception after the applicant provides appropriate evidence.
 - a. Any person who owns (or equitably owns) land within the AP District and who claims that the land cannot feasibly be used for any agricultural uses may appeal to the Zoning Hearing Board as a special exception. If the Board determines that an existing lot, considered as a whole, is not Productive Agricultural Land, then that lot may be subdivided into new lots of less than 50 acres as provided below. If a person has two or more adjacent lots in common ownership, then the analysis of feasibility for agricultural uses shall consider all of the adjacent lots.
 - (1) An applicant may present evidence from a qualified professional concerning the suitability of the soils for agricultural activities.
 - (2) The full burden of proof shall be on the person applying for the special exception approval.
 - (3) The Zoning Hearing Board shall only exempt land from the Productive Agricultural Land designation if the applicant provides evidence acceptable to the Zoning Hearing Board that the lot considered as a whole cannot be used for any agricultural use because of the existing features of the site. These existing features may include, but not be limited to: steep topography, unusually wet soils, unusually rocky soils or awkward lot shape. These existing features shall not have been self-created by the applicant, such as an awkward lot shape by subdivision or removal of topsoil.
 - (a) The applicant shall demonstrate that the land cannot be feasibly operated for any agricultural use by the owner and also by any person leasing the property, such as in combination with another agricultural operation.
 - (b) For the purposes of this Section, "agricultural use" shall include: crop farming, orchards, greenhouses, pasture, tree farms, forestry, or raising of livestock or poultry use.
 - (c) The conditions that make the land unusable for agricultural uses shall be unique to the property and not a common condition in the AP District.
 - (d) The lot shall be considered as a whole. The fact that a percentage of a lot includes some areas that may not be tillable shall not by itself cause land to be considered not Productive Agricultural Land.
 - (4) The Zoning Officer or his/her designee shall accomplish a LESA evaluation as provided in Section 308.F., shall make a determination regarding the result and shall submit the results to the Zoning Hearing Board and the applicant. The applicant may provide evidence to the Zoning Hearing Board that the points were not evaluated correctly. If an existing lot has a LESA score of 120 or more, the entire existing lot shall be considered Productive Agricultural Land.
 - (5) If the majority of the lot is currently farmed or was farmed on a regular basis during the majority of the last 20 years, the lot shall be considered Productive Agricultural Land.

(6) If the lot has a LESA score of less than 120, then the Zoning Hearing Board shall determine whether the lot is or is not Productive Agricultural Land, based upon evidence provided at the hearing.

2. The area of land upon which the buildings of a farm are located (including but not limited to the farmhouse, barn, silo and other accessory buildings and a reasonable land area surrounding around the buildings) shall be considered an integral part of a farm and shall not be separated from the farm for purposes of development as non-Productive Agricultural Land, even if evidence is provided under this Section 308.D. to indicate the area is not Productive Agricultural Land. Therefore, Section 308.D.1.a. of this Ordinance shall not apply to the area occupied by farm buildings.
3. Where any dwelling is proposed within the AP District, the dwelling shall be situated to create the least disruption to agricultural activities that will be on other lots. For example, the dwelling shall be located at the maximum feasible distance from existing livestock or poultry operations.
4. Where land is proposed to be removed from designation as Productive Agricultural Land, the applicant shall prove to the Zoning Hearing Board that the affected land area is the least land area necessary to overcome the unusability for agricultural use.

308.E. New Lots. The following additional requirements shall apply to any lot proposed to have a lot area of less than 50 acres within the AP District. A new lot of less than 50 acres shall only be approved **if** the Zoning Hearing Board determines that the lot area of less than 50 acres is not Productive Agricultural Land.

1. Subdivision limitations. The creation of any new lot of less than 50 acres of lot area shall be limited in accordance with the following requirements:
 - a. The following maximum number of new lots shall be permitted to be created, based upon the following sizes of lawful lots of record, according to records of the County Recorder of Deeds office:

Size of Parent Tract of Land (in acres) as of the Adoption Date of the AP Zoning District	Number of New Lot(s) of Less than 50 Acres Each that are Allowed to be Created from the Parent Tract
2 or more, but less than 20	1
20 or more, but less than 40	2
40 or more, but less than 60	3
60 or more, but less than 80	4
80 or more, but less than 100	5
100 or more	6, plus one lot for every 50 acres over 150 acres.

- b. The total number of lots allowed to be created from a parent tract by subsection “1.a.” above shall not be increased by any subdivision. Any subsequent owner of a parent tract or land remaining from a parent tract after subdivision shall be bound by the actions of his predecessor.

c. If a parent tract did not include any dwelling units at the time of adoption of this Article, one dwelling unit may be developed on that lot in addition to the number of lots permitted above.

d. Remaining Lots. Any subdivision or land development plan hereafter filed with the Township for subdivision or land development of a parent tract in the AP District shall specify which lot or lots shall carry with it a right of further subdivision or erection of single-family dwellings or other principal nonagricultural buildings, if any such right remains from the quota allocated to the parent tract in accordance with this section.

(1) This right of further subdivision or erection of single-family dwellings or other principal nonagricultural buildings or an indication that no further subdivision or erection of single-family dwellings or other principal nonagricultural buildings is permissible shall also be included in the deed to the newly created lot. Such restriction may be permitted to be modified in the future if the provisions of this zoning district should change.

(2) Each lot shall include a conservation easement or deed restriction in a legal form acceptable to the Township Solicitor that in perpetuity controls future subdivisions in conformance with the number of lots allowed by this Section. This easement or restriction shall be enforceable by the Board of Supervisors.

e. Exceptions for Certain Uses. The maximum number of new lots shall not apply to the following:

(1) A subdivision solely to create a lot which will be transferred to the Township, a municipal authority, a fire company or another governmental agency for a public project shall not count towards the maximum number of new lots.

(2) A lease established solely for a communications antenna or public utility improvement, provided the leased area reverts to become part of an adjacent lot if the antenna or public utility is removed.

(3) A subdivision of a vacant lot that is permanently limited by a deed restriction or conservation easement from being used for any building(s).

(4) A transfer of land from one agricultural lot to another agricultural lot, provided that the transferred land is merged into an existing lot, and no new lot is created.

2. Notice. For any lot submitted for subdivision approval after the adoption of this AP District, a notation shall be stated on the resulting deed of each lot stating the following (or similar text pre-approved by the Zoning Officer):

“As of this date, this lot is located in an Agricultural Preservation Zoning District. Prospective purchasers are placed on notice that this Zoning District is primarily intended to provide for agricultural activities, and not residential development. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and annoyance arising from normal and accepted agricultural practices and operations. These annoyances may include but are not limited to: noise, odors, dust, operation of machinery, early morning/late night operations, truck traffic from agricultural operations, the storage and disposal of manure, aerial spraying, and the application of fertilizers, pesticides, herbicides and soil amendments. Owners, occupants and users of this property should be prepared to accept such impacts, and are hereby placed on notice that the Pennsylvania Right to Farm Law, as amended, may limit the ability to obtain a legal judgment against such operations.”

3. Additional lot requirements. The following shall apply to lots approved on land that the Zoning Hearing Board determines is Not Productive Agricultural Land.

- a. Minimum lot area - 1 acre.
 - b. Maximum lot area - 2 acres, except the Zoning Officer shall approve a larger lot area where the applicant proves such larger lot area is necessary to meet septic system regulations. To minimize the lot area, a septic system may be approved by the Township that is located on an adjacent lot with a permanent easement. A larger lot area may be required under an environmental requirement of this Ordinance.
4. Location of Lots. At the time of the subdivision plan review process, the applicant shall prove to the Zoning Officer, after offering the plan for review by the Board of Supervisors or Borough Council and Planning Commission, that the residential lot(s) have been located on the tract in a manner that minimizes the long-term impact of homes upon agricultural operations in the vicinity. The applicant shall designate approximate locations of where future permitted residential lots would be located. This provision is intended to result in the following, provided that suitable sites can be found for any on-lot septic system:
- a. Dwellings shall be located the greatest distance that is feasible from existing livestock or poultry operations. Prevailing wind patterns should also be considered.
 - b. The proposed dwelling location shall be shown on the final subdivision plan. To the maximum extent feasible, the dwelling location shall not be placed in areas with soils with agricultural capability class I, II or III. The on-lot septic systems may be located on agricultural soils.
 - c. All dwellings that will eventually be located on a tract shall eventually be clustered together.
 - d. New dwellings shall be located adjacent to existing dwellings.

308.F. Land Evaluation and Site Assessment (LESA) System

- 1. Intent. This system provides a method of a determining the suitability of a lot for agricultural activities, and thereby determining whether non-residential development should or should not be allowed.
- 2. This system is based upon the LESA system developed by the U.S. Department of Agriculture. LESA is a comprehensive evaluation that evaluates the crop producing capacity of a site and viability of the site and surrounding area for agriculture. The system consists of three parts: the productivity rating, the site assessment ratings and the summary worksheet.
- 3. LESA Summary Worksheet. A lot shall be evaluated using the following table, based upon the point system in this Section 308.F.

Productivity Rating of Lot - Based upon Subsection "4" _____
 (Maximum of 100 points)

Site Assessment Rating - Based upon Subsection "5" _____
 (Maximum of 200 points)
 The points for each of the 10 site assessment factors shall be attached.

The Productivity Rating of the Lot Plus the
 Site Assessment Rating of the Lot
 Equals the Total "LESA Score" for the Lot _____

4. Productivity Rating.

- a. This Productivity Rating portion of the system uses soils data stated in the Soil Survey of Berks County by the Soil Conservation Service (September 1970). In that report, each different soil type has been evaluated as to its "productive rating" using "ordinary management" for corn and wheat. The higher the productivity rating, the more suitable the land is for typical crops such as corn and wheat. The lot shall be evaluated based upon the percentage of each soil type on the lot, and its productivity rating for corn or wheat, as shown in the following table:

A Soil Type	B Acreage in that Soil Type	C Percent of Total Lot Area in that Soil Type	D Productivity Rating for Corn or Wheat of Soil Type*	E Column C Multiplied by Column D
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

The Total of Column E shall be the
 Productivity Rating of the Lot = _____

* The applicant shall examine the rating for both corn and wheat, and use whichever productivity rating is higher.

5. Site Assessment.

- a. This portion of the LESA system is a listing of 10 factors, most of which are related to the development pressures and development capability/suitability of a particular site and its surrounding area. Each factor is rated with a point value from 0 to 20 points.
- b. This section contains a listing of the 10 factors and assigned point values. When a radius is used, the measurements shall be made from the center of the site. All acreage will be calculated to the nearest tenth of an acre. All values will be calculated to the nearest tenth.
- c. Site Assessment Factors. The following point system shall be used for a lot to determine the total site assessment rating.

(1) <u>Distance to Nearest Borough</u>	<u>Points</u>
More than 1/2 mile	20
1980' to 2640'	14
1320' to 1979'	10
660' to 1319'	6
Adjacent to or within 660'	0

Explanation:

This factor is consistent with the growth strategy for the township and is consistent with the strategy of the County's Comprehensive Plan. The strategy encourages development closer to existing urban areas. Because urban uses are generally considered incompatible with agricultural uses, the impact on agricultural areas will be minimized when development occurs near established urban areas.

- (2) Total percent of area in agricultural and woodland uses within ½ mile radius of lot.

	<u>Points</u>
90% or more	20
75% to 89%	14
50% to 74%	10
25% to 49%	6
Less than 25%	0

Explanation:

This factor is a major indication of the agricultural character of an area. Areas within the Townships that are dominated by agricultural uses are more viable for farm purposes. The term "agricultural and woodland uses" shall mean all agricultural and related uses which can be considered part of the farm operation. This would include farmlands, farm residences, barns, out buildings, pasture lands, woodlands and drainage areas. The ½ mile area of consideration was selected because it is the most reasonable and manageable when analyzing the land use and overall characteristics of the Townships.

- (3) Total percent of agricultural and woodland uses on lots adjacent to site or immediately across a street from the lot.

	<u>Points</u>
90% or more	20
75% to 89%	14
50% to 74%	10
25% to 49%	8
10 to 25%	5
Less than 10%	0

Explanation:

This factor is very similar to factor 2 but is narrower in focus and deals with agricultural and woodland uses of surrounding areas. "Agricultural or woodland uses" shall be defined as provided in factor 2.

- (4) Percent of site under consideration utilized for agricultural or woodland uses.

	<u>Points</u>
75% to 100%	20
50% to 74%	14
25% to 49%	8

10 to 25%	4
Less than 10%	0

Explanation:

This factor is even a narrower view of agricultural land uses than factor b. or c. This factor is necessary to determine the current agricultural use of the property. The term “agricultural or woodland uses” is defined the same as in factors b. and c.

- (5) Percent of land zoned for effective agriculture preservation within ½ mile radius of the boundaries of the lot.

	<u>Points</u>
90% or more	20
75% to 89%	18
50% to 74%	14
25% to 49%	8
10 to 25%	4
Less than 10%	0

Explanation:

This factor addresses the question of zoning for effective agricultural preservation within a ½ mile radius. The determination of “Effective Agricultural Zoning” shall be based upon standards of the Berks County Planning Commission.

- (6) Availability of public sanitary sewer service.

	<u>Points</u>
More than ½ mile or not “Available”	20
1980' to 2640'	14
1320' to 1979'	10
660' to 1319'	6
Adjacent to or within 660'	0

Explanation:

The availability of public sewer system affects the suitability for development. This factor increases the potential for development to these serviced areas and reduces the potential for development in rural areas without these services. The points in this subsection shall be based upon whether public sewage service is actually available based upon a letter from the provider stating that service would be available and feasible and that treatment and conveyance capacity is available, and not simply that an existing sewage line is present. Points shall only be offered for sewage service from a municipality, municipal authority or an existing established Public Utility Commission-regulated public utility with an existing wastewater collection and treatment system.

(7) Availability of public municipal water service.

	<u>Points</u>
More than ½ mile or not “Available”	20
1980' to 2640'	14
1320' to 1979'	10
660' to 1319'	6
Adjacent to or within 660'	0

Explanation:

The availability of public water supply indicates a good possibility for development. This factor increases the potential for development to these serviced areas and reduces the potential for development in rural areas without these services. The points in this subsection shall be based upon the actual “availability” of public water service based upon a letter from the provider stating that service would be available and feasible, and not simply that an existing water line is present. Points shall only be offered for water service from a municipality, municipal authority or a Public Utility Commission-regulated public utility with an existing water supply system.

(8) Suitability of soils for on-site waste disposal (based on 1970 Berks County Soil Survey).

	<u>Points</u>
50% or more of land area has soil limitations restricting the use of septic system (severe)	20
50% or more of land area has soil limitations that can be overcome by special management or design (moderate)	14
50% or more of land area has little or no soil limitations (slight)	6

Explanation:

The suitability of soils for on-lot septic systems helps to determine the suitability of the land for non-agricultural development. The rating which comprises the majority of the site shall be used as the rating for the entire site.

(9) Total acreage of lot and any adjacent commonly owned lots as of January 1, 2002.

	<u>Points</u>
50+ acres	20
40 - 49	18
25 - 39	14
20 - 24	10
5 to 19	5
Less than 5	0

Explanation:

This factor acknowledges that large parcels are necessary for efficient farming practices. However, this factor also recognizes that smaller tracts can be suitable for some agricultural pursuits, such as tree farms, and smaller parcels may be leased to

larger farm operations. The date of January 1, 2002 is chosen to prevent a person from selling off land and then arguing that their land holdings are too small to efficiently farm.

(10) Consistency of proposed use with County Comprehensive Plan land use plan.

	<u>Points</u>
Compatible with County Comprehensive Plan	20
Not Compatible with County Comprehensive Plan	0

Explanation:

This factor is very important because it is based upon a comprehensive analysis of the entire county. This factor shall be determined based upon a review letter from the County Planning Commission.

309. SEWAGE AND WATER SERVICES.

309.A. Central Water Service. Within Heidelberg Township, see the Township Community On-Lot Sewage Disposal Ordinance. A use shall not be considered to be served by “Municipally-approved central water service” unless:

1. all applicable requirements of State regulations and the Subdivision and Land Development Ordinance are met,
2. the applicant proves to the satisfaction of the Municipality that there will be an appropriate system in place to guarantee and properly fund the long-term operation and maintenance of the system by a qualified professional operator, and
3. the applicant proves to the satisfaction of the Municipality, based upon review of the Municipal Engineer, that the system will include adequate supply, transmission capacity and pressure to serve the development.

309.B. Central Sewage Service. A use shall not be considered to be served by “Municipally-approved central sewage service” unless:

1. all applicable requirements of State regulations and the Subdivision and Land Development Ordinance are met,
2. the applicant proves to the satisfaction of the Municipality that there will be an appropriate system in place to guarantee and properly fund the long-term operation and maintenance of the system by a qualified professional operator, and
3. the applicant proves to the satisfaction of the Municipality, based upon review of the Municipal Engineer, that the system will include adequate treatment capacity and conveyance capacity to serve the development.

309.C. Connection to a Larger System. Any new non-public central water or central sewage system shall be engineered and constructed in such a manner as to allow its efficient interconnection in the future into a larger regional system. For example, a development shall include adequate utility easements extending to the borders of the development to allow future interconnections at logical points.

1. Such a system shall include appropriate easements and/or rights-of-way within property controlled by the developer to allow the system to efficiently interconnect with a larger system in the future.
2. The Board of Supervisors or Borough Council, at time of subdivision or land development approval, may request that a process be established to dedicate a central water or sewage system to a Township Authority after completion of the development, or at such other time as is mutually agreed upon. A developer who dedicates a central water or sewage system to a Township Authority shall retain the right to use or sell the capacity of the system that was funded by the developer. The Municipality may require a developer to post a bond to guarantee proper operation of a system for at least 2 years after dedication.

309.D. On-Lot Septic Systems.

1. Purpose. To ensure that a suitable location is available for a new septic system if the original septic system should malfunction.
2. This Section 309.D. shall only apply to a lot that is officially submitted for subdivision or land development approval after the adoption of this Zoning Ordinance.
3. Each lot shall include both a primary and a reserve septic system location. Both locations shall be determined by the Municipal Sewage Enforcement Officer to meet PA Department of Environmental Protection regulations for a septic system location prior to approval of the final subdivision or land development plan.
4. The requirement for a reserve septic system location shall not apply to the following:
 - a) a lot of over 10 acres,
 - b) the simple merger of two or more existing lots, or an adjustment to lot lines of an existing lot,
 - c) a vacant lot that includes a permanent deed restriction or conservation easement prohibiting any construction of buildings on the lot, or
 - d) lots within a subdivision or land development that will abut a complete capped sewage system constructed by the developer, the design of which has been approved by the Municipality.
5. The reserve septic system location shall be kept clear of buildings and parking, and shall be shown on any subsequent applications for new or expanded buildings or parking. The Municipality may require that the location be recorded on the deed.

309.E. Well and Septic System Locations. Every plan for a subdivision or land development and every application for a building permit for a new principal building that will be served by a well and/or septic system shall designate the proposed well and primary and alternate septic system locations.

1. Such a plan shall show that the proposed locations will meet the minimum isolation distances established by PA DEP regulations between a well and septic systems on the subject lot and all adjacent lots.
2. A plan may show the outer extent of potential well locations, instead of one exact location, provided all of the potential area would still meet the isolation distance.
3. If the well or septic system location is proposed to be changed from the location shown on the submitted plan, then a site plan showing the revised location shall be submitted for approval by the Zoning Officer and Sewage Enforcement Officer prior to issuance of the building permit.
4. It is requested that well sites be placed in the front yard, thereby allowing septic systems to be placed in the rear yard. The intent is to minimize the visibility of any septic mound

systems. In addition, if wells are located in consistent locations within a subdivision, it will make it easier for adjacent property owners to meet minimum separation distances between septic systems and wells.

309.F. Expansion of Septic Use. If the Zoning Officer has reason to believe that a proposed increase in the number of dwelling units or expansion or change of a non-residential use would result in increased flow to a septic system, then the application shall be referred to the Sewage Enforcement Officer. The Sewage Enforcement Officer shall require modification, expansion or replacement of the septic system if necessary to handle the proposed flow.

309.G. Water Studies.

1. Purposes. To provide the municipality with information to properly evaluate the impact a proposed development will have upon groundwater resources. To make sure that adequate water supplies will be available to service a proposed development without negatively impacting adjacent uses dependent upon the same water sources.
2. A hydrogeologic study shall be required to be submitted by the applicant whenever a proposed use, subdivision or land development will involve total average water usage of groundwater or spring water after build-out exceeding 10,000 gallons per day, except such threshold shall be 5,000 gallons per day within North Heidelberg Township.
 - a. Note - Regulations of the State Department of Environmental Protection may also require the submission of a hydrogeological study as part of the sewage facility planning process if there is a known presence of high nitrate levels in the vicinity or if where limestone-based carbonate geology is present.
 - b. The municipality should consider whether municipal regulation of a particular application may be pre-empted by the current regulations of the Delaware or Susquehanna River Basin Commissions.
 - c. The gallons of usage may be measured based upon average use over a 30 day period.
3. This Section 309.G. shall not apply to a development that will be served by a municipality or municipal authority central water system.
4. See also the provisions of Section 306 and 402 concerning withdrawals of spring water and groundwater for off-site use.
5. Credentials. The study shall be prepared by a professional geologist or professional engineer with substantial experience in preparing similar studies. Before any person or entity is engaged to prepare the study, the applicant shall submit written credentials of the individual who will direct the study. The governing body shall then have a maximum of 45 days from the date of receipt to the Township to determine whether the individual's credentials are acceptable. The governing body may also pre-approve a written list of individuals who are known to be qualified to complete these types of studies.
6. The hydrogeologic study at a minimum shall include the following:
 - a. A location map for the proposed development showing proximity to waterways, lakes and major roads.
 - b. A proposed 30 day average rate and maximum daily rate of groundwater or spring water withdrawal from each water sources.
 - c. A map showing water withdrawal points.
 - d. An analysis of the impacts of the water withdrawal upon the groundwater supply and upon uses and creek levels within a one-half mile radius of the project, including agricultural activities.
 - e. The analysis shall consider impacts during both normal conditions and drought conditions. Drought conditions shall be documented.

- f. The governing body may require that the study include the construction of test wells to determine the impacts. The governing body may require a draw-down test with monitoring of existing wells or a new monitoring well, for a period of time (such as over 48 hours) necessary to determine the impacts upon neighboring wells. The level, rates, dates and times of water measurements shall be provided, and weather conditions shall be documented. The impacts upon a reasonable sampling of existing wells shall be recorded, provided that the owners of such wells grant permission for such studies.
7. If the Municipality determines that the water withdrawal could have a significant negative impact upon existing water users, as a condition of any development authority, the Municipality may require that the applicant commit in a legally binding manner to appropriate mitigation of the negative impacts. This mitigation may include, but is not limited to: a) a financial guarantee to fund a deeper well or a connection to a central water system for properties that experience significant negative impacts after the water withdrawal occurs, b) a permanent conservation easement placed on sufficient land areas to result in amounts of groundwater recharge that is equivalent to the amount of groundwater that is being withdrawn, or c) a legally binding commitment to reduce the amount of the water withdrawal during drought conditions.
- a. The Municipality may require a commitment to reduce water usage during times of an officially declared drought emergency.
 - b. The Municipality may require the applicant to post financial security to provide alternative water supplies to a use on a neighboring lot if that use's pre-existing water supply becomes insufficient as a result of impacts from the water withdrawal.

310. **STEEP SLOPES.**

310.A. Regrading. Non-man-made slopes of over 15 percent shall not be re-graded after the adoption of this Ordinance in such a manner that circumvents the requirements of this Ordinance. This Section shall not regulate slopes that were clearly man-made prior to the adoption of this Ordinance. Slopes over 15 percent shall be measured based upon a 2 foot slope contour interval, unless otherwise approved by the Municipality.

310.B. Slopes Over 25 Percent. Any area with a slope over 25 percent shall not be counted towards the minimum lot area of a lot, for the purposes of determining compliance with any minimum lot area or any minimum tract area requirements of this Ordinance.

310.C. Single Family Dwellings and Steep Slopes.

- 1. Any lot proposed to be used for a single family detached dwelling shall include a proposed "building area" with a minimum of 5,000 square feet. Such building area shall not include land within the minimum principal building setbacks. Such building area shall contain the proposed location of the dwelling and any primary and alternate on-lot septic system locations.
 - a. If such building area for each lot includes an average slope of greater than 15 percent and less than 25 percent, then the minimum lot area shall be 2 acres, unless a larger lot area is required by another section of this Ordinance.
 - b. If such building area for each lot includes an average slope of 25 percent or greater, then the minimum lot area shall be 5 acres. This 5 acre minimum lot area may be calculated without deleting slopes over 25 percent.
 - c. Through designations on the municipally-approved site plan, an applicant may limit

the area upon which new principal buildings are permitted. In such case, an applicant may provide that any new principal building shall not be located on slopes of over 15 percent or not on slopes of 25 percent or greater, and thereby avoid the regulations of this Section.

- d. Where a minimum lot area of less than 15,000 square feet is required, the 5,000 square foot building area may be reduced to 1,000 square feet.
2. Access. Each lot shall be accessible from an existing or proposed street by means of a driveway or private accessway with a maximum grade of 14 percent.

310.D. Steep Slopes and Other Uses. A lot shall only be used for buildings for principal uses other than single family detached dwellings if the proposed “building area” includes an average slope of less than 15 percent.

1. For such uses, the “building area” shall include locations of all proposed buildings and parking areas and outdoor storage areas and an area 20 feet around buildings, parking and storage areas. Such building area shall also contain the proposed locations of any primary and alternate on-lot septic systems.
2. Access. Each principal building and each parking area shall have vehicle access from an existing or proposed street by means of a driveway or private accessway with a maximum grade of 10 percent.

310.E. Site Plan and Tree Protection. If an applicant proposes to alter or build upon slopes of 15 percent or greater, then a site plan shall be submitted to the Zoning Officer. A separate site plan is not required if the same information was included in an approved subdivision or land development plan.

1. Site Plan. The site plan shall show:
 - a. the proposed lot lines,
 - b. the existing and proposed contours and
 - c. existing and proposed building locations, and the outer perimeter of the proposed “building area” as described above.
2. Mature Trees. Where building or alteration is proposed on slopes of over 15 percent, the applicant shall prove to the satisfaction of the Zoning Officer that the removal of healthy trees with a trunk width of over 6 inches (measured at a height 3.5 feet above the ground level) and other attractive natural vegetation will be minimized. The Zoning Officer may ask for reviews by the Township Engineer or Planning Commission. The Site Plan shall show wooded areas to be removed or preserved, and methods to be used to make sure trees are protected by temporary fences or other measures during the construction process.

311. **CONSERVATION DESIGN DEVELOPMENT (Allows clustering of homes).**

311.A. Purposes. To allow flexible development of areas with sensitive natural features in such a way as to: a) avoid severe soil erosion and sedimentation, b) avoid severely increased storm water flows and speeds, c) steer development to those areas that are more physically suited for it, d) avoid construction of steep roads that are difficult, time-consuming, and expensive to maintain and snow plow, e) avoid increased use of steep roads and driveways that are dangerous to drive upon in snow and ice, f) to conserve forested areas that are an important part of the ecological cycle, providing for groundwater recharge, air pollution reduction and wildlife habitats and g) reduce construction costs while h) allowing each property owner a reasonable use of their land, related directly to the natural features and location and accessibility of the land. In most cases,

this option will encourage the preservation of significant areas of preserved open space. These provisions also recognize the groundwater supplies and the ability of the ground to treat sewage wastes are limited, and may become overtaxed if the entire Township is developed in one acre minimum lots from end to end.

311.B. Applicability. This article allows an applicant the option to reduce the minimum lot areas on tracts of land if the applicant proves to the satisfaction of the Municipality that all of the requirements of this Section 311 will be complied with.

1. The term "Conservation Design Development" shall mean a residential development meeting the requirements of this Section 311 and which is approved as a conditional use, after being reviewed by the Planning Commission.
 - a. Uses. A Conservation Design Development shall only include single family detached dwellings, nature preserves, Municipally-owned recreation, a golf course and their customary permitted accessory uses. A mobile/ manufactured home park shall not qualify as a Conservation Design Development.
2. A tract may be eligible for approval for a Conservation Design Development if it includes a minimum of 4 acres of land area in common ownership in the RR, MDR or LDR districts or 6 acres of land area in common ownership in the CR district. Such land area shall be contiguous, except that portions of the tract may be separated only by existing or proposed streets or creeks.
 - a. These provisions are intended to allow flexibility in the placement of individual dwelling units, in order to locate homes away from important natural areas.
 - b. For the purposes of this Article, the term "Total Area of the Tract" shall mean the total lot area or the total lot area of contiguous lots in common ownership. However, the Total Area of the Tract shall not include areas with a slope greater than 25 percent, wetlands, nor areas within the existing and future rights-of-way of existing streets and alleys.
 - (1) Storm water detention basins and land proposed to be preserved as public, semi-public or private open space, preserved agricultural land or a golf course may count towards the total area of the tract.
 - (2) Areas that were preserved by a conservation or agricultural preservation easement *prior* to the submittal of the subdivision shall not be counted towards the area of the tract.
 - c. Areas used for a principal non-residential use (other than uses approved as preserved open space) shall not be included within the land area used to calculate residential density.
 - d. Conservation easements shall be established on lots as necessary to make sure that the maximum density and minimum open space requirement is met over time. Such conservation easements shall prevent the re-subdivision of lots in a manner that would violate this Section.
3. A Conservation Design Development shall be designed as a unified, coordinated residential development, and shall be approved within a development plan controlled by a

single development entity. After final subdivision approval and within an approved development agreement(s), a developer may sell individual lots to different builders or home buyers, provided that the developer or his/her successor remains responsible for ensuring the compliance with the approved development plan.

4. The application shall be submitted and decided upon as a conditional use, within the procedures of Section 117. The application shall be provided to the Planning Commission for review. **Note - Amendments to the State Municipalities Planning Code passed in 2002 place limits on the time the Municipality has to make a conditional use decision, which avoid lengthy delays. Also, Section 117 provides that only limited information is required for conditional use approval, not fully engineered subdivision plans.**

311.C. Density, Open Space and Lot Standards.

1. Within any Conservation Design Development, a minimum of 40 percent of the total tract area shall be "Preserved Open Space" on a lot(s) that is not occupied by any principal building, unless an alternative method of open space preservation is specifically approved by the Governing Body under Section 311.F.3. In determining compliance with this section, deletion of steep slopes, floodplains and wetlands are not required. Ponds and lakes shall not count towards Preserved Open Space. No more than 50 percent of the required Preserved Open Space shall consist of slopes greater than 25 percent and wetlands.
2. A Yield Plan shall be presented by the applicant. The Yield Plan shall accurately show the maximum number of dwelling units that would be possible under current Township ordinances if the Conservation Design Development provisions would not be used. For example, in the CR District, this Yield Plan shall show compliance with a 2 acre minimum lot area. Such Yield Plans shall be completed to an accurate scale, including accurately showing tract boundaries, steep slopes, 100 year floodplains and wetlands. The Yield Plan shall show potential lots and streets. However, the Yield Plan is not required to meet the detailed engineering requirements of a preliminary subdivision plan. Septic probes and/or percolation tests shall only be required where the Township Sewage Enforcement Officer or his designee has reason to believe that a particular hypothetical lot would not be able to meet State requirements.
3. The Yield Plan shall be reviewed by the Planning Commission, Zoning Officer and municipal engineer. Based upon these reviews, the Zoning Officer shall determine whether the Yield Plan represents a reasonably accurate estimate of the number of dwelling units possible on the tract, both physically and legally. If such estimates are determined to not be accurate, the applicant shall be required by the Zoning Officer to revise such Yield Plan.
4. The maximum total number of dwelling units allowed on the tract through Conservation Design Development shall be 25 percent greater than the number of dwelling units that is determined by the Township to be possible under the Yield Plan. The number of allowed dwelling units shall be rounded to the nearest whole number.
5. Within a Conservation Design Development, the only allowed dwelling units shall be single family detached dwellings. The following minimum lot areas and lot widths shall apply, provided that the total maximum density for the tract is not exceeded:
 - (a) LDR Districts - The minimum lot area may be reduced to 10,000 square feet and the minimum lot width to 70 feet.

- (b) MDR District - The minimum lot area may be reduced to 6,000 square feet and the minimum lot width to 50 feet.
 - (c) RR District - With both Township-approved central water and central sewage services, the minimum lot area may be reduced to 30,000 square feet and the minimum lot width to 100 feet. Without both Township-approved central water and central sewage services, the minimum lot area may be reduced to 43,560 square feet and the minimum lot width to 125 feet.
 - (d) CR District - The minimum lot area may be reduced to 55,000 square feet and the minimum lot width to 125 feet.
6. Utilities. Any lot of less than one acre shall be served by Township-approved central sanitary sewerage service and central water service.
 7. Conservation Design Development shall not be combined with Transfer of Development Rights.
 8. Partial Subdivision. This subsection "8" addresses a situation in which only part of a lot is proposed to be subdivided, and the applicant at the present time does not intend to subdivide for the maximum number of dwellings allowed by this Section. In such case, the applicant shall establish a permanent conservation easement covering sufficient land area on the parent lot to comply with this Section. The land under the conservation easement shall be a regular rectangle in shape and shall be located in such a manner as to allow it to adjoin land that could be added under a conservation easement in the future.
 - (a) The following example assumes a lot includes 50 acres, and the Yield Plan determines that the applicant for a Conservation Development is allowed a total of 30 new dwellings. In this example, the applicant only wishes to subdivide lots for 10 new dwellings at the present time, which is one-third of the total number of allowed dwellings. If the entire lot would be subdivided to the maximum allowed, a conservation easement would need to be placed on 40 percent of 50 acres, or 20 acres. Because only one-third of the allowed dwelling units are being subdivided, then the conservation easement at this time would only need to apply to 6.67 acres. The 6.67 acres under the conservation easement would need to be placed on the tract at a location where it could be joined by the remaining 13.33 acres of land under a conservation easement if the applicant in the future decided to subdivide lots for the remaining 20 dwelling units that are allowed.

311.D. Other Requirements. Only requirements that are specifically stated in this Section 311 as being adjusted shall differ from what would otherwise apply to a conventional non-Conservation Design development. All other requirements of this Ordinance and the Municipal Subdivision and Land Development Ordinance shall still apply to a Conservation Design Development.

311.E. Conditions for Approval. In addition to the specific requirements of this Section, a Conservation Design Development shall only be approved if the applicant proves to the satisfaction of the Board of Supervisors, based upon review by the Planning Commission, that the following conditions will be met:

1. That the Conservation Design Development would clearly serve a valid public purpose that would result in a development that would be superior to what would result if the land would be development as a conventional development. Such valid public purposes include but are not limited to the following:

- a. The permanent preservation of dense forests, steep slopes, wetlands, creek valleys, highly scenic areas or other sensitive natural features.
 - b. The permanent preservation of a substantial area of land in agricultural uses, in a tract of proper size and configuration that allows for efficient agricultural use and that properly considers the issue of compatibility between the agricultural uses and homes.
 - c. The dedication of public parkland at a site deemed appropriate by the Board of Supervisors or Borough Council and that involves land that is clearly suitable for active and/or passive recreation.
 - d. The Conservation Design of homes in a location that will be substantially buffered from highly-noxious nuisance-generating uses, such as an expressway or major arterial street.
2. The applicant shall prove that the proposed Conservation Design Development has been designed in full consideration of important natural features, including mature woodlands, creek valleys, steep slopes and wetlands.
- a. At a minimum, the applicant shall prove that areas along perennial creeks shall be preserved in their natural state, except for landscaping, erosion control improvements, public recreation improvements and needed utility, street and driveway crossings.
 - b. The natural features of the site shall be a major factor in determining the siting of dwelling units.

311.F. Open Space.

- 1. Open Space. Land within a Conservation Design Development may be permanently preserved as public, semi-public or private "Preserved Open Space."
- 2. Open Space Standards. Any preserved open spaces shall meet all of the following requirements:
 - a. Such open space shall be permanently deed-restricted or protected by an appropriate conservation easement to prevent the construction of buildings or the use for any non-agricultural commercial purposes or the use of the land for clearcut forestry. Land approved as required open space shall only be used for non-commercial active or passive recreation, a Christmas Tree Farm, a golf course, a nature preserve, a wholesale plant nursery and/or Municipally-approved agricultural uses.
 - b. A Conservation Design Development shall still meet any recreation land dedication or recreation fee requirements that may apply under the Subdivision and Land Development Ordinance.

- c. The Municipality may require the use of conservation easements within a Conservation Design development to limit the disturbance of natural slopes over 15 percent, wetlands, mature forests, creek valleys and other important natural features.
 - d. Improvements to Open Spaces. Where open space is proposed to be used for recreation and/or dedicated to the Municipality, the application shall include a detailed and legally binding (if approved) description of what improvements the applicant will make to any land intended to be publicly dedicated open space to make it suitable for its intended purpose.
 - (1) Examples of such improvements for areas intended for passive recreation include preservation and planting of trees, development of nature, bicycle or jogging trails, the stabilization of creek banks and the removal of undesirable vegetation.
 - (2) Examples of such improvements for areas intended for active recreation include rough grading of land to create land suitable for free-play fields for youth.
 - (3) Type of Maintenance. Where the open space would not be dedicated to a government entity, the subdivision plan shall state the intended type of maintenance of the open space. The following classes of use and maintenance may be used, or other classes that are clearly described within and approved as part of the plan submittal:
 - (a) Lawn: A grass area with or without trees which may be used by the residents for a variety of purposes and which is intended to be mowed regularly.
 - (b) Natural Area: An area of attractive desirable natural vegetation that is primarily intended for passive recreation, with minimal maintenance. Noxious and poisonous weeds should be controlled. Additional trees as appropriate and wildflowers are recommended to be planted.
 - (c) Recreation Area: An area designated for a specific recreation use, including, but not limited to, tennis, swimming, shuffleboard, playfields and/or children's play equipment. Such areas shall be maintained so as to be safe and appropriate for the intended use.
 - e. All proposed Preserved Open Space shall be cleared of construction debris, materials from illegal dumping and any rocks that were not naturally on the land, unless those rocks are incorporated into landscaping improvements.
 - f. The applicant shall prove that all required Open Space would be suitable for its intended and Municipally-approved purposes.
 - g. Lots and open spaces shall be located to promote pedestrian and visual access to preserved open spaces whenever possible.
3. Open Space Ownership. The method(s) to be used to own, preserve and maintain any preserved open space shall be acceptable to the Municipality. The Municipality shall only approve a Conservation Design Development if the applicant proves there will be an acceptable method to ensure permanent ownership, preservation and maintenance of land that will not be included in individual home lots.

- a. The method of ownership and use of any required preserved open space shall be determined prior to preliminary subdivision or land development approval. The Municipality should be given right of first refusal at the time of such review to accept proposed open space as public open space. Required open space shall be permanently preserved by one or a combination of the following methods:
 - (1) Dedication to the Municipality as public open space, if the Board of Supervisors or Borough Council, as applicable, agree in writing to such dedication.
 - (2) Dedication to the County as public open space, if the County Commissioners agree in writing to such dedication.
 - (3) Dedication to the School District if such Board of Education agrees in writing to accept such dedication and to use and maintain the land for public school buildings and/or related open space.
 - (4) Dedication to a homeowners association as preserved open space, with the homeowners legally bound to pay fees for the maintenance and other expenses of owning such land, and with such homeowners association being incorporated with covenants and bylaws providing for the filing of assessments and/or municipal liens for the non-payment of maintenance costs for preserved open space that is not publicly-owned.
 - (i) Such responsibilities shall be specified as part of each deed prior to sale of each lot or dwelling unit. The Municipality may delay a dedication of maintenance responsibilities by a developer to a homeowners association until such association is incorporated and able to maintain such land.
 - (5) Dedication of the land to an established nature conservation organization acceptable to the Board of Supervisors.
 - (6) Dedication of a permanent agricultural preservation easement to the County Agricultural Land Preservation Board, with the land utilized for allowed agricultural uses.
 - (7) Dedication to the State Game Commission, State Fish and Boat Commission or similar public agency, if such agency agrees in writing in advance to accept the dedication and to maintain the land for public recreation.
 - (8) Operation as a bonafide golf course, with a minimum lot area of 50 acres. Areas including buildings or vehicle parking shall not count towards the minimum average lot area.
 - (9) Retention as part of one or more private lots, with an appropriate Municipally-approved conservation easement. This option (9) shall only be available where the applicant proves that another alternative is not feasible.
- b. Legal documents providing for ownership and/or maintenance of required preserved open space shall be reviewed by the Municipal Solicitor and be subject to approval by the Board of Supervisors or Borough Council prior to recording of the final plan.
- c. A legally binding system shall be established to oversee and maintain land that will not be publicly-owned. Any homeowner association should generally follow the provisions of Section 705.f. parts (1) and (2) of the Pennsylvania Municipalities Planning Code, as amended. Proper notations shall be required on the Recorded Plan. For example, if the preserved open space is intended to be owned by a homeowner association as recreation land, a statement should be included that the designated

open space "shall not be further subdivided and shall not be used for the construction of any non-recreation buildings."

- 311.G. Steep Slopes. A lot required to have a larger minimum lot area under the Subdivision and Land Development Ordinance because of steep slopes shall not be permitted to be reduced in lot area under this Section 311. However, through the use of the smaller minimum lot areas in this Section, the lot layout may be able to be revised to move proposed building sites away from steeply sloped portions of a tract so that the slope requirements of the Subdivision and Land Development Ordinance no longer apply to individual lots. Within a Conservation Design Development, no construction of principal buildings shall occur on slopes of over 25 percent.
- 311.H. Access. A Conservation Design Development shall have an interior street system that minimizes or avoids the need for individual driveways entering directly onto arterial or major collector streets.
- 311.I. Phasing. The development shall include a phasing system that shall be approved by the Board of Supervisors. Such phases shall ensure that the requirements of this Article would be met after the completion of any one phase, and that the development could properly function without the construction of additional phases.
- 311.J. Definition of Common Open Space. See Section 202.
- 311.K. Landscaping Plan. An application for a Conservation Design Development involving over 30 acres shall include a landscape planting and preservation plan prepared by a registered landscape architect.
1. Such plan shall show the locations, general species and initial sizes of landscaping to be planted within the preserved open space and throughout the tract.
 2. Such plan shall also show that existing substantial healthy trees will be preserved to the maximum extent reasonable. The methods to ensure preservation during construction shall be described.
 3. Landscaping shall also be used as appropriate to filter views of denser housing from any adjacent housing that is less dense.

312. **SETBACK FROM CREEKS.**

- 312.A. No new principal building and no new or expanded off-street parking area or commercial or industrial storage area shall be located within:
1. 100 feet from the centerline of the Tulpehocken Creek,
 2. 50 feet from the centerline of the Furnace Creek and any other perennial creek. The determination of whether a watercourse is perennial shall be based upon the U.S. Geological Survey quadrangle maps.
- 312.B. Any street or driveway crossing of a perennial natural watercourse shall be approximately perpendicular to the watercourse, to the maximum extent reasonable.

313. **OPTIONAL TRANSFER OF DEVELOPMENT RIGHTS ("TDR")**

313.A. Purposes. In addition to serving the overall purposes of this Ordinance, this section is intended to:

1. encourage the permanent preservation of important farmland and environmentally sensitive areas;
2. direct growth to locations where public water and sewerage services are available; and
3. provide a voluntary method for landowners to be compensated by the free market to preserve their land.

313.B. Applicability.

1. The Transfer of Development Rights shall only officially occur at the time of final approval of a subdivision or land development plan. The approval of a preliminary plan shall be conditioned upon compliance with this Section. As part of a preliminary and final plan application, the applicant shall present a draft Conservation Easement on the "Sending Property" and a written, signed and notarized agreement by the owner of the "Sending Property" acknowledging and agreeing to the application.
2. The Conservation Easement shall be drafted so that it is binding if the "Receiving Property" is granted Final Plan approval. The Conservation Easement shall be recorded at the same time as, or prior to, the Final Plan for the Receiving Property.
 - a. If a Final Plan is recorded in phases, then the Conservation Easement may be recorded in corresponding phases.
3. The form of the Conservation Easement shall be acceptable to the Board of Supervisors, based upon review by the Municipal Solicitor and Planning Commission. The term Conservation Easement shall include, but not be limited to, an Agricultural Conservation Easement. In the case of agricultural land, the standard language for an Agricultural Conservation Easement used by the County Agricultural Land Preservation Board may be utilized.
4. A Sending Property shall be within the AP, CR, RR or LDR Districts. A Sending Property shall have a minimum lot area of 10 acres.
5. A Receiving Property shall be within the RR, MDR, LDR, TR or TC Districts.
6. The owners of the Sending and Receiving Properties shall voluntarily commit to participate in the Transfer of Development Rights. Once such Conservation Easement is established, it shall be binding upon all current and future owners of the Sending Property. The applicant for the Receiving Property is responsible to negotiate with, and pay compensation to, the owner of the Sending Property for the Conservation Easement. Such transaction shall occur privately, and the value shall be determined by the private market. The Municipality is under no obligation to pay the owner of the Sending Property.
7. Donations or Intermediaries. The right to develop a Sending Property may be purchased by or donated to the Municipality, the County or an established incorporated non-profit organization whose mission includes preservation of agricultural land or natural features. A permanent Conservation Easement shall be established on the Sending Property at the time of such purchase or donation. In such case, the right to develop such dwelling units may be held for a maximum of 10 years, before being used on a Receiving Property(ies).
8. A Transfer of Development Rights may occur between two different municipalities that have adopted this zoning ordinance, provided the Conservation Easement on the Sending

Property is enforceable by the applicable municipality and the development on the Receiving Property receives final subdivision or land development approval from the applicable municipality.

313.C. Definitions.

1. Sending Property. A lot(s) or portion of a lot that is restricted by a conservation easement or farmland preservation easement as a condition of approval of a higher density on the "Receiving Property" than would otherwise be permitted.
2. Receiving Property. A lot(s) that is approved to permit a higher density than would otherwise be permitted as a condition of the restriction of development on Sending Property.

313.D. Determination of Density.

1. Yield Plans shall be presented by the applicant. One Yield Plan shall be presented for the Receiving Property and one for the Sending Property. Such Yield Plans shall be a level of detail typically found in a sketch plan, including showing potential lots and roads, steep slopes, 100 year floodplains and suspected wetlands. Such Yield Plans shall estimate the number of new dwelling units that could be lawfully constructed on each property under Township regulations without any transfer of development rights. Detailed septic perc tests are not required for such sketches, but new septic systems shall not be assumed to be possible in areas with obviously severe limitations.
2. Such Yield Plans shall be reviewed by the Zoning Officer, with advice by the Municipal Engineer, to determine whether each represents a reasonably accurate estimate of the number of dwelling units possible on each site, both physically and legally. If such estimates are determined to not be accurate, the applicant shall be required by the Zoning Officer to revise such Yield Plan.
3. Based upon the Yield Plans, permission to develop a number of dwelling units may be transferred from the Sending Property to the Receiving Property. The potential to develop some or all of the dwelling units may be transferred from the Sending Property, depending upon the amount of land affected by the permanent Conservation Easement.
 - (a) For example, if under current zoning, 5 dwelling units would be possible on the western portion of a lot and 6 dwelling units on the eastern portion, the owner may choose to transfer the right to develop 5 dwelling units by placing a permanent conservation easement on the western portion. The owner would then still have the right to develop the eastern portion under the zoning in effect at the time of a future development application for that eastern portion.
 - (b) If only a portion of a lot would be affected by the Conservation Easement, the applicant shall prove that the Conservation Easement would permanently preserve a contiguous area of rectangular (or similar regular) shape that would relate to the number of dwelling units that would otherwise be allowed on such portion of the lot.
 - (c) Where a conservation easement would be established in phases over time, each phase shall be contiguous with a previous conservation easement, unless the applicant proves to the satisfaction of the Board of Supervisors or Borough Council that there is a valid public purpose for the easement to not be contiguous.
4. If, for example, the Yield Plan determines that 10 new dwelling units would be allowed under current zoning on the Sending Property, and the Sending Property will be preserved

by a Conservation Easement, then the right to develop 10 additional dwelling units shall be transferred to the Receiving Property. The development of the Receiving Property shall still comply with all other requirements of this Ordinance, except for the maximum density, which shall be regulated by this Section.

5. The Receiving Property shall be permitted to include the increased total number of dwelling units above the number that would otherwise be permitted, as approved by the Municipality based upon the Yield Plan. However, in no case shall the following lot areas and densities be exceeded:
 - (a) RR District - For single family detached dwellings, the minimum lot area may be reduced to 20,000 square feet, and the minimum lot width to 90 feet.
 - (b) LDR District - For single family detached dwellings, the minimum lot area may be reduced to 10,000 square feet and the minimum lot width to 80 feet.
 - (c) MDR District - For single family detached dwellings, the minimum lot area may be reduced to 5,000 square feet and the minimum lot width to 50 feet. The minimum average lot area for other types of dwellings permitted in the MDR District shall not be reduced lower than 5,000 square feet per dwelling unit. This minimum average lot area shall be calculated as provided in Section 307 under Note C.
 - (d) TR and TC Districts - For single family detached dwellings, the minimum lot area may be reduced to 3,000 square feet and the minimum lot width to 30 feet. The minimum average lot area for other types of dwellings permitted in the TR and TC Districts shall not be reduced lower than 3,000 square feet per dwelling unit. This minimum average lot area shall be calculated as provided in Section 307 under Note C.
 - (e) Where allowed by the district regulations, the absolute maximum density for a manufactured home park under TDR shall be 5 dwellings per acre.
6. Utilities. To receive a transfer of development rights, all lots of less than one acre on the Receiving Property shall be served by Municipally-approved central sanitary sewerage service and central water service.
7. The transfer of development rights shall not be combined with incentives concerning Conservation Design Development.
8. AP District Bonus. A Yield Plan is not required to transfer dwelling units from the AP District to a different zoning district. To promote the use of the TDR process in the AP District, a bonus is provided. The number of dwelling units that may be transferred from land within the AP District shall be one dwelling unit per every 5 acres of lot area. Therefore, if a conservation easement is placed on 25 acres within the AP District, then a developer may develop 5 additional dwelling units on another approved tract.

313.E. Once a conservation easement is established under a Transfer of Development Rights, it shall be permanent, regardless of whether the Receiving Property is developed. The approval to develop the Receiving Property in a higher density shall be treated in the same manner as any other Final Subdivision or Land Development approval. The Board of Supervisors or Borough Council may extend time limits to complete the development of the Receiving Property in response to a written request.

313.F. As part of a Transfer of Development Rights, the development of the Receiving Property shall comply with all Township requirements, except for provisions specifically modified by this section.

314. **WETLANDS AND LAKES.**

- 314.A. **Lot Area.** Wetlands (as officially defined under Federal and/or State regulations) and lakes shall not be counted toward the minimum lot area of any lot or tract of land. This Section 314.A. shall only apply to a subdivision or land development submitted for approval after the adoption of this Ordinance.
- 314.B. **Wetland Studies.** It shall be the responsibility of each applicant to determine whether land areas proposed for alteration meet the Federal or State definition of a wetland prior to submittal of development plans to the Municipality. If the Zoning Officer has reason to believe that wetlands may be present on a site proposed for development or subdivision, the Zoning Officer may require that the applicant provide a suitable wetland delineation study prepared by a qualified professional.

315. **ADDITIONAL REQUIREMENTS WITHIN THE TC TOWN CENTER AND TR TOWN RESIDENTIAL ZONING DISTRICTS.**

- 315.A. **Purposes.** This section is intended to serve the following purposes, in addition to the overall objectives of this Ordinance.
1. To encourage new development to occur in a manner that is compatible with existing older development and historic architecture and that helps to maintain a strong "sense of place."
 2. To provide for safe vehicle and pedestrian traffic.
 3. To serve the purposes for Traditional Neighborhood Development as listed in the State Municipalities Planning Code.
- 315.B. **Applicability.** This section 315 shall apply within the TR and TC districts for any lot that is adjacent to: a) Penn Avenue within the Borough of Robesonia, b) North and South Robeson Streets within the Borough of Robesonia, or c) High Street within the Borough of Womelsdorf.
- 315.C. **Standards.** The following standards shall apply to lots and buildings regulated by this Section 315:
1. **Vehicle Access.** If an existing alley exists to the rear or side of a lot, than any new driveway or vehicle garage for a residential use shall utilize such alley for its vehicle access as opposed to creating a new curb cut onto Penn Avenue, Robeson Street or High Street.
 - a. This subsection "A.1" shall not apply if PennDOT or Borough Council specifically require an alternative driveway location as a condition of subdivision, land development approval or Highway Occupancy Permit approval.
 2. Any new driveway along Penn Avenue or High Street shall be designed to minimize interference with pedestrian movements along such street.
 3. **New Building Placement -** If a new principal building is proposed on a lot that is adjacent to Penn Avenue, Robeson Street or High Street, then the majority of the front wall of the new principal building shall have a front yard building setback that is not more than 5 feet greater or less than the average setback of adjacent existing principal buildings.

- a. If a lot has 4 or more existing off-street vehicle parking spaces between a principal building and the street, the setback of that lot shall not be considered in calculating the average setback.
 - b. No new off-street parking spaces shall be placed between a new principal building and Penn Avenue, Robeson Street or High Street. However, existing off-street parking spaces may be re-arranged.
4. **Parking Setback** - If 3 or more new off-street parking spaces are proposed at least partially within 50 feet from the right-of-way of Penn Avenue, Robeson Street or High Street, they shall be separated from such street cartway by a planting area with a minimum width of 8 feet. Such planting area shall include a mix of shrubs intended to have a mature height of between 3 and 8 feet and deciduous shade trees.
- a. Such planting area may also include a decorative wall or fence a maximum height of 4 feet, provided the wall or fence is placed on the parking side of the plantings. The design of such wall or fence is encouraged to reflect an appearance similar to other walls or fences in the neighborhood. Such planting area shall only be interrupted where necessary for an approximately perpendicular driveway, where such driveway may be allowed.
 - b. A pedestrian walkway is encouraged to connect the street with the parking area.
5. **Garage Doors** - No new vehicle garage doors or truck loading docks located within 50 feet from the curbline of Penn Avenue, Robeson Street or High Street shall face onto such street.
6. Any principal commercial building shall have a primary pedestrian entrance and windows along Penn Avenue or High Street if the building is adjacent to such street. If desired for security purposes, the windows may be display windows or have curtains in front of an interior wall, without the windows opening directly to the inside of the building.
7. If a new principal building is constructed adjacent to Penn Avenue or High Street, it shall have 2 or more above ground stories. If this height is not feasible, then the building shall be constructed with an appearance of having 2 or more above ground stories. Such appearance may utilize parapet walls, fake windows and similar design features.
8. Every new principal building shall have the appearance of a pitched roof, mansard roof, gable roof or a roof with a decorative cornice when viewed from Penn Avenue, Robeson Street or High Street.

315.D. Advisory Guidelines.

1. A new principal building for retail sales is strongly encouraged to include a front porch with a roof overhang or an awning over the front door.
2. Consistent styles of signs is encouraged to be used among different businesses on a lot. Signs should not be overly bright. Signs should not be internally lit. If a sign is internally lit, the letters should shine through a darker background color, as opposed to dark letters on an overly bright white or yellow background.
3. The mass of a larger building is encouraged to be broken up through the use of design elements that are consistent with historic buildings that have similar mass in the area. This could include, but is not limited to, variations in materials, setbacks and rooflines or addition of cornices, display windows or architectural features.

316. **HISTORIC BUILDINGS AND OVERLAY DISTRICTS.**

316.A. Purposes. In addition to serving the overall purposes of this Ordinance, this section is intended to:

1. Promote the retention of community character through preservation of the local heritage by recognition and protection of historic and architectural resources;
2. Establish a clear process to review and approve demolition of designated historic buildings;
3. Encourage continued use, appropriate rehabilitation and adaptive reuse of historic buildings;
4. Implement Sections 603(b), 603(g), 604(1) and 605(2) of the Pennsylvania Municipalities Planning Code which address protecting and facilitating the preservation of historic values through zoning and using zoning to regulate uses and structures at or near places having unique historic, architectural or patriotic interest or value;
5. Strengthen the local economy by promoting heritage tourism, improving property values and increasing investment in older buildings;
6. Utilize the Traditional Neighborhood Development provisions of the Pennsylvania Municipalities Planning code; and
7. Carry out recommendations of the County and Western Berks Comprehensive Plans, including recommendations to preserve historic buildings and community character.

316.B. Applicability.

1. This Section 316 shall apply to any building that meets one or both of the following criteria:
 - a. A building that is shown as a Designated Historic Building on the Historic Buildings and Historic Overlay Districts Map. Unless another building is specifically identified, the Designated Historic Building on a lot shall be the principal building on the lot. The provisions of this Section 316.B. shall not apply to barns or other buildings that were built for agricultural storage or livestock.
 - b. A principal building that is on a lot within a Historic Overlay District, but not including buildings or additions to buildings that the applicant proves were constructed after January 1, 1945.
2. For a building or overlay district regulated by this Section 316, all of the provisions of the applicable underlying zoning district shall also continue to apply, in addition to the provisions of this Section 316. In the event there is a direct conflict between the provisions of Section 316 and the underlying zoning district, the provision that is most restrictive upon development, demolition and uses shall apply.

316.C. General Provisions.

1. The Historic Buildings and Historic Overlay District Map has been officially adopted and are in effect as part of this Section 316. Such buildings and districts have been identified by Historic Preservation Professionals of the Pennsylvania Historical and Museum Commission and/or the Berks County Conservancy.

2. Any partial or complete demolition of a building regulated by this Section 316 that is visible from a public street shall only occur in compliance with this Section 316.
3. The Historic Buildings and Historic Overlay District Map may be revised as a Zoning Ordinance Amendment.
4. Definitions. In addition to the definitions provided in Section 202, the following terms shall have the following meanings for the purposes of this Section 316:
 - a. Demolition - The dismantling, tearing down, removal or razing of the exterior of a building, in whole or in part. This term shall not include changes to the interior of a building, provided such changes do not alter the structural integrity of the building.
 - b. Demolition by Neglect - The absence of routine maintenance and repair which leads to structural weakness, decay and deterioration in a building to a point that causes a need for major repair or may cause a need for demolition.
 - c. Maintenance and Repair - Work that does not alter the appearance or harm the stability of exterior features of a building.
 - d. Streetscape - The overall appearance of a block along a public street, including yards visible from a public street, the relationship of building setbacks, the consistency of architectural styles or features, the spacing and shapes of windows and doors and rooflines and similar features that give the block its distinctive visual character.

316.D. Delay of Demolition of Historic Buildings Within the Townships. The following provisions of Section 316.D. shall apply within the Townships of North Heidelberg and Heidelberg:

1. Purposes. To provide a mechanism to discourage thoughtless and unnecessary destruction of valuable historic resources. To provide a mechanism that allows interested parties an opportunity to encourage a property-owner to consider alternatives to demolition, such as sale to another person, movement of the building or rehabilitation. Also, to provide opportunities for historic resources to be documented before they may be demolished, and to seek that historic features be salvaged before demolition.
2. A principal building regulated by this Section shall not be partially or entirely demolished unless a minimum of 80 days has passed from the date a complete valid permit application has been duly submitted to the municipal Zoning Officer for the demolition. After such time period, the permit may be issued by the municipality for the demolition if all requirements of municipal ordinances have been met.
 - a. A partial demolition shall include, but not be limited to, removal of a porch or a wing of a building. See definition of "Demolition" above.
 - b. The application for the demolition shall be submitted to the Planning Commission and Board of Supervisors for any review that they wish to provide to the applicant.
3. Emergency. The Zoning Officer may issue a permit for the demolition without compliance with the 80 day delay if the municipal Building Inspector certifies in writing

that the building represents a clear and immediate hazard to public safety, and that no other reasonable alternatives exist to demolition.

4. Exceptions. The delay of demolition of this Section shall not be required for the following:
 - a. Demolition of accessory structures that are not attached to the principal building.
 - b. Interior renovations or removal of features (such as a rear porch) that do not harm the structural stability of the building and that are not visible from a public street (not including an alley).
 - c. Removal of features that were added since January 1, 1945, such as a modern porch, aluminum siding or a carport.
 - d. Relocation of a building within a municipality, provided that the relocation does not result in a partial or complete demolition that is regulated by this Section.

316.E. Approval of Demolition of Historic Buildings Within the Boroughs. The following provisions of Section 316.E. shall apply within the Boroughs of Robesonia and Womelsdorf:

1. Within the borders of the Boroughs of Robesonia and Womelsdorf, a building regulated by this Section 316 shall not be demolished, in whole or in part, unless the applicant proves by credible evidence to the satisfaction of Borough Council as a conditional use that one or more of the following conditions exists:
 - a. The existing building cannot feasibly and reasonably be reused, and that such situation is not the result of intentional neglect or demolition by neglect by the owner; or
 - b. The denial of the demolition would result in unreasonable economic hardship to the owner, and the hardship was not self-created; and/or
 - c. The demolition is necessary to allow a project to occur that will have substantial, special and unusual public benefit that would greatly outweigh the loss of the Historic Building, and the project needs to occur at this location. For example, a demolition may be needed for a necessary expansion of an existing public building or to allow a street improvement that is necessary to alleviate a public safety hazard.
2. For approval of a demolition, the standards of this Section 316 shall apply in place of the conditional use standards of Article 1. In reviewing the application, the Planning Commission and Borough Council shall consider the following:
 - a. The effect of the demolition on the historical significance, streetscape and architectural integrity of neighboring Historic Buildings and on the historic character of the surrounding neighborhood.
 - b. The feasibility of other alternatives to demolition.
3. An application for partial or complete demolition of a building regulated by this Section 316 shall not be approved unless all of the requirements of this Section 316 have been met. A partial demolition shall include, but not be limited to: removal of an attached porch roof, removal of porch columns and removal of architectural features. See definition of "Demolition" above.
4. A complete application for the demolition shall be submitted by the applicant in writing. This application shall include the following:

- a. The name, address and daytime telephone number of the owner of record and the applicant for the demolition.
 - b. Recent exterior photographs of the building proposed for demolition. If the applicant is alleging that the building cannot be reused or rehabilitated, then interior photos and floor plans shall be provided as needed to support the applicant's claim.
 - c. A site plan drawn to scale showing existing buildings and the proposed demolition.
 - d. A written statement of the reasons for the demolition.
 - e. The proposed use of the site, and a proposed timeline for development of that proposed use.
 - f. The proposed disposition of materials. The applicant shall show that debris will be disposed in a legal manner. Salvage of building materials is strongly encouraged to preserve historic features and reduce waste, particularly including stone and beams from old barns.
5. Procedures. The demolition application shall be submitted to the municipal Planning Commission for review and to applicable Governing Body for approval as a conditional use. The timing requirements for a conditional use shall apply. The applicant shall be informed of meeting dates where the application is intended to be discussed and encouraged to be present to discuss the proposed demolition.
 6. Evidence. The applicant shall provide sufficient credible evidence to justify any claims that a building cannot feasibly be repaired or reused. Borough Council may require that this expert testimony and documentation include (but not be limited to): a property appraisal, income and expense statements for the property, a written estimate of the costs of rehabilitation by a qualified contractor, a written report from a professional engineer regarding the structural soundness of the building, testimony concerning efforts to market the property over time, information regarding the applicant's purchase price of the building, and similar relevant information.
 7. Self-Created Conditions. The conditions that justify the proposed demolition of a building regulated by this section 316 shall not have been self-created by the applicant. These conditions include, but are not limited to:
 - a. lack of proper maintenance of the building, including but not limited to structural elements, the roof, windows or architectural elements, or
 - b. leaving parts of a building open to the elements or accessible to vandalism.
 8. The Zoning Officer may require any unoccupied building shall be properly sealed and secured to prevent decay from the elements and vandalism.
 9. Emergency. The Zoning Officer may issue a permit for the demolition without compliance with this Section 316 if the municipal Building Inspector certifies in writing that the building represents a clear and immediate hazard to public safety, and that no other reasonable alternatives exist to demolition.
 10. Exceptions. Conditional use approval shall not be needed for the following:
 - a. Demolition of accessory structures that are not attached to the principal building.

- b. Interior renovations or removal of features (such as a rear porch) that do not harm the structural stability of the building and that are not visible from a public street (not including an alley).
- c. Removal of features that were added since January 1, 1945, such as a modern porch or aluminum siding or carport.
- d. Relocation of a building within a municipality, provided that the relocation does not result in a partial or complete demolition that is regulated by this Section.

11. New Development. If the application for demolition of a building regulated by this Section 316 is requested to allow future development, the permit for the demolition shall not become valid until after: a) the applicant has submitted to the municipality a complete set of all plans and applications required under the Zoning Ordinance and Subdivision and Land Development Ordinance, as applicable, for the proposed new development, and b) the municipality has determined that such submissions are complete.

316.F. Modification to Lot Area and Yard Regulations. As a special exception, the Zoning Hearing Board may modify a specific yard, lot coverage or lot area requirement if the applicant proves to the satisfaction of the Board that such modification is necessary to allow a reasonable use of a building regulated by this Section 316.

316.G. Demolition by Neglect (see definition above).

- 1. Every property-owner of a building regulated by this Section 316 shall repair and maintain the building to avoid demolition by neglect.
- 2. Every property-owner of a building regulated by this Section 316 shall properly repair and maintain the building to maintain the structural integrity of the building and to protect the building and attached features from damage from the elements. The attached features that shall be protected, repaired and maintained include the roof, chimney, cornice, soffit, fascia, spouting, columns, beams, posts, window sills, door sills and lintels.
- 3. If a property-owner fails to comply with an order from the Building Inspector to repair a building regulated by this Section 316 to correct a code violation that threatens the structural integrity of a building, such matter shall be considered a violation of this Section 316.G. and the property-owner may also be cited for a violation of this Ordinance.

316.H. Guidelines. The following advisory guidelines should be considered in the design of new construction, additions and exterior alterations in a block with Historic Buildings. Some of these features may be required by other sections of this Ordinance in specific cases.

- 1. Vehicle parking and any garage doors should be placed to the rear of buildings as opposed to between buildings and the street. Where rear parking is not practical, then parking should be provided to the side of a building. Where a driveway needs to enter from the front, the garage should be setback further from the street than the house, and the driveway should be as narrow as practical through the front yard.
- 2. New construction should have a front yard setback that is similar to adjacent older buildings. See Section 315.C.3.
- 3. Modern additions and features should be placed towards the rear of the property.

4. New construction should have rooflines that are similar to adjacent older buildings. Flat roofs should be avoided. Where a pitched roof is not practical, then the roof should at least appear to have angles and a pitch when viewed from the street.
5. On sides visible from a street, new construction should use building materials that are similar to appearance older buildings, including brick and stone. Modern building materials are available that have a historic appearance, such as artificial stone.
6. Where existing older buildings have a certain horizontal or vertical orientation, that orientation should be continued in new construction. Where existing older buildings have a certain spacing of windows and doors, similar spacing (and similar sizes of windows and doors) should be continued in new construction. Blank walls without door and window openings should be avoided along a street.

316.I. Additional Uses Allowed Within Rehabilitated Historic Buildings.

1. This Section 316.I. allows certain additional uses if the use would be within a rehabilitated Designated Historic Building.
2. The following additional use shall be allowed as special exception uses within a Designated Historic Building in the AP, AP(M) and CR districts:
 - a. The conversion of an existing Non-Residential Building into one or two total dwelling units. This conversion may include (but not be limited to) the change of a former school or agricultural barn into dwelling units. This permission for dwelling units shall be in addition to the number of dwelling units allowed in the AP and AP(M) provisions.
 - b. The conversion of a Designated Historic Building into an office.
 - c. For the sole purposes of allowing additional uses under this section "2", a wood, brick or stone barn built prior to 1940 and that has a minimum floor area of 600 square feet may be considered a Designated Historic Building.
 - d. This Section 316.I. shall only allow a maximum of one additional use per lot.
3. The following additional use shall be allowed within a Designated Historic Building in any zoning district:
 - a. The conversion of a Designated Historic Building into a Bed and Breakfast Inn. Such use shall meet the applicable requirements of Section 402. If a Bed and Breakfast Inn is located within the AP District, a notification complying with Section 308.E.2 shall be recorded with the property deed or stated on the approved plan.
 - b. The conversion of a Designated Historic Building into an Office, without having to meet the requirements for a Home Occupation.
4. To be eligible for these uses, the applicant shall prove the following to the satisfaction of the Zoning Hearing Board that a Registered Architect with substantial experience in the rehabilitation of historic buildings provides a written certification that the exterior of the building as visible from public streets will be historically rehabilitated in conformance with the Secretary of the Interior's Standards for Historic

Rehabilitation, and accompanying guidelines published by the National Park Service, and that any exterior repairs, alterations and additions visible from a public street will be in conformance with such standards and guidelines.

5. Plans shall be submitted showing the design and materials of any exterior changes to the building that are visible from a public street.
6. The building shall not be expanded by more than 20 percent in its floor area for a use under this Section 316. This limitation on building expansion shall not apply if the proposed use would be allowed in the zoning district without applying under this Section 316.

317. **SITE DESIGN PROCESS FOR NEW DEVELOPMENTS**. As part or prior to the first zoning, subdivision or land development application, whichever comes first, for a subdivision or land development of 6 or more residential lots, the applicant shall prove to the municipal Planning Commission that the following process was followed in designing the proposed development.

317.A. Applicants are strongly encouraged to submit these sketches as part of the sketch plan process, to avoid delays to the applicant in Preliminary Plan approval. Submittal at the sketch plan stage will greatly increase the likelihood that all issues will be able to be resolved in time to meet the standard 90 day time clock for approval of a preliminary plan, without needing time extensions.

317.B. This process is intended to show everyone how the special features of the property relate to resource areas on adjacent lands, and how the development will properly relate to the features of the land that are most worthy of conservation. The maps required by this Section 317 may be completed at a sketch plan level of detail.

1. **Existing Resources and Site Analysis Map** - This map shall be prepared and submitted to accurately show the locations of wetlands, the 100 year floodplains, slopes of 15 to 25 percent, and slopes over 25 percent. These areas are known as “Primary Conservation Areas.”
 - a. Other important existing resources on the site shall be added to the map, including woodlands, tree lines, large specimen trees over 18 inches in trunk diameter, scenic views from inside the site, ridgelines, and scenic views from existing streets and trails. These resources are known as “Secondary Conservation Areas.” The Planning Commission may require the identification of scenic views beyond those identified by the applicant.

This map or an accompanying map shall also show:

- 1) Uses of properties that are contiguous or across a street.
- 2) Approximate locations of natural features and principal buildings on those properties that are within 150 feet of the perimeter lot lines.

- 3) Approximate location of areas with a seasonally high water table, based upon the County Soil Survey or a more accurate professional analysis.
- 4) Locations and descriptions of existing buildings, with a description of any historic architectural significance of each, if any.
- 5) Adjacent private or public open spaces, parklands and pedestrian or bicycle trails.

The most important portions of the site for preservation shall then be identified.

2. Potential Development Areas Concept Map - Based upon consideration of the Existing Features Map and the Primary and Secondary Conservation Areas (as described above), the Potential Development Areas shall be mapped. These Potential Development Areas are areas that are best-suited for the majority of the development on the tract.
3. Location of Home Sites - In respect of the Primary and Secondary Conservation Areas described above, the approximate proposed locations of new homes/principal buildings shall then be selected. It is recognized that on-lot septic system suitability needs to influence these choices, when septic systems are used. It is also recognized that some intrusions into the Secondary Conservation Areas may be necessary to allow reasonable uses of the land, provided that such development is carefully located and designed to minimize impacts upon valuable resources and features. These home sites can also be selected to maximize views, including views into the Conservation Areas.
 - a) While the mapping of existing features required by this Section is required to be accurate and to scale, the locations of proposed home sites, lot lines, roads and trails may be at a sketch plan level of detail for the purposes of complying with this Section. A more detailed site plan shall be required to be submitted as part of a formal conditional use application.
 - b) The applicant shall provide a written and graphic analysis of how the proposed development will respect and incorporate the important resources of the site and be coordinated with resources, open space/trail corridors and views on surrounding properties. This may involve an “overlay” map that shows important natural features and proposed development.
4. Layout of Streets and Trails - An efficient street layout shall then be designed to serve the appropriate building sites. Trails should also be considered to link together common open spaces, clusters of homes and other destinations (such as nearby stores, parks and schools). Building sites should be clustered together to minimize expensive wetland and creek crossings by roads.
5. Drawing the Lot Lines - Lot lines should then be drawn on the site to encompass the proposed building sites - to result in a Development Concept Plan. Once this sketch is prepared, then more detailed engineering may be completed.

ARTICLE 4 ADDITIONAL REQUIREMENTS FOR SPECIFIC USES

401. APPLICABILITY.

401.A. This Article establishes additional specific requirements for certain specific uses, in addition to the sign, parking, environmental and other general requirements of this Ordinance and the requirements of each District. Wherever two requirements conflict, the stricter requirement shall apply.

1. For uses allowed within a specific Zoning District as "Special Exception" Uses, see also the procedures and standards in Section 116.

402. ADDITIONAL REQUIREMENTS FOR SPECIFIC PRINCIPAL USES. Each of the following uses shall meet all of the following requirements for that use:

A. Active Adult Residential Community ("AAR").

1. Lot Requirements.

	Single-Family Detached Dwelling	Twin Dwelling	Townhouse	Apartment
Maximum Building Height	35 feet	35 feet	35 feet	35 feet
Maximum Impervious Coverage	40 percent	40 percent	65 percent	65 percent
Minimum Lot Area	6,000 S.F.	3,000 S.F. per dwelling unit ("d.u.")	2,400 S.F. per d.u.	80,000 S.F.
Minimum Lot Width				
At street line	60 feet	40 ft./d.u.	20 ft./d.u.	150 feet
At Building Setback Line	60 feet	40 ft./d.u.	20 ft./d.u.	150 feet
Minimum Rear Yard	20 feet	20 feet	20 feet	30 feet
Minimum Side Yard				
Total	12 feet	12 feet	N/A	60 feet
One Side	6 feet	6 feet	6 ft. end unit	30 feet
Minimum Front Building Setback Line	20 feet	20 feet	20 feet	20 feet

Abbreviations: S.F. = square feet ft. = feet d.u. = per dwelling unit

2. Additional Regulations for Townhouses and Apartments.

- a) Maximum number of townhouses permitted in one continuous grouping 5
- b) Minimum distance between apartment buildings 25 feet
- c) Minimum distance between rows of townhouses 25 feet
- d) Minimum open space and recreation area 30 % of total tract area
- e) Maximum length of an apartment building 160 feet
- f) No apartment shall be located closer than 50 feet from a townhouse.
- g) No apartment or townhouse shall be located less than four feet from any parking area or driveway to a common parking area.

3. Other Requirements. The terms and performance standards set forth in this section are intended to be specifically applicable to Active Adult Residential developments. All such residential developments are subject to all other terms and provisions of this Zoning Ordinance. To the extent that the specific terms or performance standards set forth in this section conflict with the terms or performance standards set forth elsewhere in this Ordinance, the specific provisions of this section shall control.
4. Age Limitation. The dwelling units in the Active Adult Residential Community shall be limited by deed and by any lease so that a minimum of 80 percent of the dwelling units shall be occupied by at least one person age 55 or older. None of the dwelling units shall be occupied for more than 30 days in any calendar year by persons under the age of 18 years old.
5. Purpose of AAR. To address the housing needs of older persons who do not require the more intensive care offered by assisted living communities and nursing homes, but who desire security, safety and special design of a residential environment which can provide protective care and independent living.
6. Permitted Uses. Within an AAR, buildings may be erected, altered or used and a lot or premises may be used for any of the following purposes:
 - a) An Active Adult Residential Development consisting of one or a group of structures which shall contain independent active adult residential units for older persons. All structures shall be permanent and shall have a minimum roof pitch of 5 horizontal inches to 12 vertical inches. Active adult residential structures shall be limited to single-family detached, single-family semi-detached, townhouses and apartments.
 - b) Accessory uses in an AAR shall be specifically restricted to serve only residents of the Active Adult Residential Development and their invited guests and shall be limited to the following:
 - (1) Auditoriums, activity rooms, craft rooms, library, lounges, community hall with kitchen facility and similar facilities for members of the AAR Development and invited guests.
 - (2) Office and retail facilities designed to serve only the members of the active adult Residential Development, such as but not limited to, doctors' office, pharmacy, fitness center, gift shop, coffee shop, post office, bank, travel agent, beauty shop and barbershop.
 - (3) Guard station and/or mechanical entrance gate.
 - (4) Parking. Off-street automobile parking or parking garage and off-street delivery and loading facilities as may be required for the use of occupants, staff and visitors to the facility.
7. Development Requirements.
 - a) A Master Land Development Plan shall be required for the entire tract and shall include a unified architectural theme.
 - b) Phasing. Construction of the development in phases shall be permitted provided such construction is in compliance with the approved land development plan.
 - c) The minimum tract size shall be ten gross acres.
 - d) Except as otherwise provided for herein, all streets shall be constructed in accordance with all specifications of the applicable Subdivision and Land Development Ordinance. The cartway for new streets within an AAR shall be a minimum of 24 feet. The streets shall be curbed. Curb types shall be approved under the Subdivision Ordinance. If such streets are not to be dedicated to the municipality, there is no requirement for a right-of-way beyond the cartway width. In the event that a particular street is to be dedicated to the municipality, the legal right-of-way width shall be 54 feet with curbing in accordance with municipal curbing specifications.
 - e) All Land Developments within an AAR must be supplied by both an adequate and approved public water and sanitary sewer system.

8. Density. The maximum number of dwelling units shall be eight dwelling units per gross acre of the tract.
9. Buffer Area. A permanent vegetative buffer of no less than 30 feet in width shall be provided along the outside tract boundaries of the AAR Development , excluding access points and streets only. To the maximum extent possible, the developer shall preserve existing vegetation within the buffer areas along the property boundaries. The yard setback areas for dwelling units or other accessory buildings in an AAR which are nearest to the property boundaries for the particular active adult Residential Development shall be measured from the interior edge of the buffer area, said interior edge is referred to herein as the “buffer line”. An overall Landscape Plan shall be approved.
10. Unit Occupancy. The dwelling units shall be occupied in accordance with the Federal Fair Housing Act. For AAR Development dwellings, at least 80% of dwelling units shall be occupied by at least one person who is 55 years of age or older. No more than three persons shall occupy a single dwelling unit.
11. Off-street Parking Requirements.
 - a) There shall be a minimum of two parking spaces for each independent active adult residential single-family detached, single-family semi-detached and/or townhouse unit. There shall be a minimum of one and one-half parking spaces for each apartment unit. Provisions for overflow parking shall be provided, in the event that on-street parking is not permitted.
 - b) Garages and driveways may be used in the calculations for off-street parking spaces. Parking shall not be allowed on the streets in an AAR.
 - c) When submitting a Land Development Plan, applicant shall provide for the maximum parking that may be expected for the AAR Development . This shall include the sum of applicable parking requirements outlined in this section.
 - d) No parking shall be permitted closer than 25 feet from the outside tract boundary line for any AAR Development and 25 feet from the ultimate right-of-way line of an existing street.
 - e) It shall be prohibited to park any vehicles other than passenger cars, light duty trucks, sports utility vehicles or a vehicle used for the transportation of community residents in the development overnight.
12. Open Space and Recreation.
 - a) Arrangement. The common open space shall be designed as a contiguous area unless the applicant demonstrates to the satisfaction of the municipality that two or more separate areas would serve the requirements and be preferable. If the open space is designed to include two or more separate areas, a physical linkage including pedestrian access shall be required. Recreation and open space areas and facilities shall be located in close proximity to all residents of the complex.
 - b) Recreation. Recreation areas shall be provided to meet the anticipated needs of the complex. Recreation areas should be of a size, shape and relief that are conducive to the group’s active and passive residential needs.
 - c) Common Open Space. Common Open space shall be a minimum of 30% of the entire tract.
 - d) Community Center. Each facility shall contain a minimum of one indoor area designated as a community center, which shall provide facilities and services specifically designed to meet the physical and social needs of the residents. The center shall be encouraged to offer the following programs:
 - (1) Social and recreational activities.
 - (2) Preventative health care programs.
 - (3) Continuing education, information and counseling and recreational programs.
 - (4) Transportation to facilitate access to services and activities provided outside the community.
 - (5) Services designed to encourage and assist residents to use the services and facilities available to them.

- e) The floor area of the community center shall be determined in accordance with the following formula: number of dwelling units x 20 square feet = required floor area. The minimum floor area shall be 1,500 square feet.

13. General Regulations.

- a) Utilities. All buildings and residential units within the active adult Residential Development shall be served by a public water and public sanitary sewer system. All utility lines such as electric, telephone and cable, shall be installed underground.
- b) Signs. Development identification signs and directional signs shall be permitted. Traffic directional signs and signs indicating direction to delivery and loading areas are permitted and shall not exceed four square feet each. One, two-sided development identification sign shall be permitted at each entry to the development, each side of which shall not exceed 50 square feet in area. All signage within an AAR shall comply with the applicable sign requirements of the Zoning Ordinance.
- c) Lighting Fixtures. External illumination of any active adult Residential Development as well as the parking lots, driveways, walkways and entrances thereto shall be arranged so as to protect the adjacent highways and neighboring properties, whether or not contiguous thereto, from unreasonable direct glare or hazardous visual interference. No freestanding light fixture shall exceed a height of 20 feet.
- d) Declaration of Age Restriction. At the time of subdivision and land development, as a prerequisite to any final plan approved, the developer shall record a declaration against the entire tract, in a form acceptable to the Municipal Solicitor, pursuant to the Federal Fair Housing Act, binding all properties and owners to the restriction which shall require that at least 80% of the dwelling units within the AAR Development shall be occupied by at least one person age 55 years or older.
- e) Provision for Maintenance/Ownership of Common Elements. A declaration acceptable to the Governing Body and Municipal Solicitor for the maintenance/ownership of all common elements which will not be owned and maintained by the Municipality shall be approved by the Governing Body prior to final Land Development Plan approval and shall be recorded at the Berks County Recorder of Deeds office after final plan approval.
- f) Restriction Against Future Sale. Since the concept embodied in these regulations is to keep the entire tract in single ownership, and that the lots shown on the plan are for allocation of space among the owners of homes in the development, and the lots are not intended to be sold in fee simple, the entire tract shall be restricted by a declaration of covenants to run with the land so that the individual lots shown on the plan of an AAR Development cannot be sold separately in the future by deed in fee simple without the prior written agreement of the Governing Body.

B. Adult Use. (This is limited to the following: Adult Bookstore, Adult Movie Theater, Massage Parlor or Adult Live Entertainment Facility)

- 1. Purposes. The regulations on Adult Uses are intended to serve the following purposes, in addition to the overall objectives of this Ordinance.
 - a) To recognize the adverse secondary impacts of Adult Uses that affect health, safety and general welfare concerns of the municipality. These secondary impacts have been documented in research conducted across the nation. These secondary impacts typically include, but are not limited to: increases in criminal activity, increases in activities that increase the risk of transmission of sexually transmitted diseases, increases in activities that increase the risk of transmission of other communicable diseases, increases in blight, decreases in the stability of residential neighborhoods, and decreases in property values for surrounding homes, and decreases in the marketability of nearby commercial business space. The research conducted across the nation concludes that Adult Uses typically involve insufficient self-regulation to control these secondary effects.

- b) To limit Adult Uses to locations where these secondary impacts can be minimized, particularly as they affect residential neighborhoods and commercial revitalization.
 - c) To not attempt to suppress any activities protected by the "free speech" protections of the U.S. Constitution, but instead to control secondary effects.
2. No Adult Use nor its parking area shall be located within: 1) 500 lineal feet of the lot line of any residential zoning district or existing dwelling, nor b) 1,000 lineal feet of the lot line of any primary or secondary school, place of worship, library, public park, day care center or child nursery.
 3. No Adult Use shall be located within 1,000 lineal feet of any existing "adult use."
 4. A 50 feet buffer yard shall be provided, regardless of zoning district, along the side and rear lot lines in accordance with Section 803, but with plantings of an initial minimum height of 5 feet.
 5. No pornographic material, displays or words shall be placed in view of persons who are not inside of the establishment. Definite precautions shall be made to prohibit minors from entering the premises.
 6. No Adult Use shall be used for any purpose that violates any Federal, State or municipal law.
 7. See Section 709, Prohibited Signs.
 8. The Adult Use shall not include the sale or display of "obscene" materials, as defined by Pennsylvania criminal law, as may be amended by applicable Court decisions.
 9. An Adult Use shall be prohibited in all Districts except where specifically permitted by Article 3.
 10. A minimum lot area of 1 acre is required.
 11. For public health reasons, private or semi-private viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers.
 12. No use may include live actual or simulated sex acts nor any physical or sexual contact between employees and entertainers nor or between employees or entertainers and customers. At an Adult Live Entertainment Use, employees or entertainers shall maintain a minimum distance of 3 feet from customers.
 13. Only "lawful" massages as defined by State court decisions shall be performed in a massage parlor.
 14. All persons within any adult use shall wear non-transparent garments that cover their genitals and the female areola, except within a permitted lawful "adult live entertainment facility."
 15. Any application for such use shall state the names and home addresses of: a) all individuals intended to have more than a 5 percent ownership in such use or in a corporation owning such use and b) an on-site manager responsible to ensure compliance with this Ordinance on a daily basis. Such information shall be updated at the beginning of each year in writing to the Zoning Officer.
 16. The use shall not operate between the hours of 12 midnight and 7 a.m.
 17. As specific conditions of approval under this Ordinance, the applicant shall prove compliance with the following State laws, as amended: the Pennsylvania Liquor Code, Act 219 of 1990 (which pertains to sale or consumption of alcohol between 2 a.m. and 8 a.m.), Act 207 of 1990 (which pertains to obscenity) and Act 120 of 1996 (which pertains to Adult-Oriented Establishments and which limits enclosed viewing booths among other matters).
- C. Adult Day Care Center.
1. Shall be fully licensed by the State, if required by the State.
 2. Shall include constant supervision during all hours of operation.
 3. Shall not meet the definition of a "treatment center."
- D. After Hours Club - As a condition of any approval under this Ordinance, the applicant shall prove full compliance with State Act 219 of 1990, as amended (Section 7327 of Title 18 of the Pennsylvania Statutes).
- E. Animal Cemetery.
1. All the regulations for a "cemetery" in this Section shall apply.
 2. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use will be conducted in such a manner that the public health and groundwater quality will not be threatened.

- F. Assisted Living Facility/ Personal Care Center. - The standards for nursing homes in this section shall apply.
- G. Auto, Boat or Mobile/ Manufactured Home Sales.
1. No vehicle, boat or home on display shall occupy any part of the existing or future street right-of-way or required customer parking area. See buffer yard provisions in Section 803.
 2. See light and glare standards in Section 507.
 3. See parking requirements in Article 6.
 4. Any mobile/manufactured homes on a sales site shall meet the required principal building setbacks from the perimeter lot lines.
- H. Auto Repair Garage.
1. All paint work shall be performed within a building, with a fume collection and ventilation system that directs fumes away from any adjacent dwellings. Outdoor major repairs (such as body work and grinding) and outdoor welding shall not occur within 250 feet of a "residential lot line."
 2. All reasonable efforts shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots. See standards in Article 5. See buffer yard requirements in Section 803.
 3. Outdoor storage of motor vehicles shall not be within any required buffer yard or street right-of-way.
 4. Overnight outdoor storage of "junk" other than permitted junk vehicles shall be prohibited within view of a public street or a dwelling.
 5. Any "junk vehicle" (as defined by Article 2) shall not be stored for more than 20 days within view of a public street or a dwelling. A maximum of 6 junk vehicles may be parked on a lot outside of an enclosed building at any one time. Any junk vehicle stored outside overnight shall be screened from view of adjacent dwellings.
 6. Service bay doors shall not face directly towards an abutting dwelling (not including a dwelling separated from the garage by a street) if another reasonable alternative exits.
- I. Auto Service Station.
1. See definition of this term and "Auto Repair Garage" in Article 2. The uses may be combined, if the requirements for each are met.
 2. All activities except those to be performed at the fuel or air pumps shall be performed within a building. The use shall not include spray painting.
 3. Fuel pumps shall be at least 25 feet from the existing street right-of-way and shall meet side yard principal building setback requirements.
 4. Overnight outdoor storage of "junk" shall be prohibited within view of a public street or dwelling. Any junk vehicle stored outside overnight shall be screened from view of adjacent dwellings.
 5. Any "junk vehicle" (as defined by Article 2) shall not be stored more than 20 days within view of a public street or a dwelling. No junk vehicles shall be stored within 20 feet of an existing street right-of-way. No more than 6 junk vehicles shall be stored on the lot outside of an enclosed building at any point in time.
 6. The use may include a "convenience store" if the requirements for such use are also met.
- J. Bed and Breakfast Inn.
1. Within an AP, CR or residential district (where permitted under Article 3), a maximum of 5 rental units shall be provided and no more than 3 adults may occupy any one rental unit. No maximum number of rental units shall apply within commercial districts where this use is allowed.
 2. One off-street parking space shall be provided for each rental unit, plus employee/resident parking. In districts other than AP and CR, any new or expanded off-street parking spaces shall be located to the side or rear of the principal building and be screened from abutting dwellings by landscaping. In the AP and CR districts, all new or expanded parking areas shall be setback a minimum of 50 feet from abutting residential lots and shall be located to the side or rear of the principal building and be screened from abutting lots by landscaping.

3. There shall not be any signs, show windows or any type of display or advertising visible from outside the premises, except for a single sign with a maximum sign area of 6 square feet on each of 2 sides and with a maximum height of 8 feet. In the AP and CR districts, the sign may be increased to 12 square feet and shall be setback a minimum of 10 feet from the street right-of-way. No internal lighting of the sign shall be permitted.
 4. The use shall have a residential appearance and character. Modifications may be made for emergency access, handicapped access and historic rehabilitation.
 5. The use shall be operated and/or managed by permanent residents of the lot.
 6. There shall not be separate cooking facilities in any guest room. Food shall only be served to guests who are staying overnight, unless a restaurant is also permitted.
 7. No guest shall stay for more than 14 days in any month.
 8. The use shall be restricted to buildings that existed prior to January 1, 1940. However, in the AP or CR districts, a building may be used that was built after such date if special exception approval is granted. A building may be extended by a maximum of 30 percent for this use if the expansion is consistent with architectural character with the existing building. A building shall not be newly constructed for this use.
 9. This subsection "9" shall only apply in the AP or CR districts. No new buildings shall be constructed for a bed and breakfast inn. Only buildings that existed before January 1, 1990 shall be utilized for this use. In an existing single family detached dwelling, the number of bedrooms on a lot may be increased by a maximum of two beyond the number that existed at the time of adoption of this Ordinance, provided the total allowed number of rental units is not exceeded.
 10. All floors shall have two means of emergency escape to ground level. The applicant shall provide evidence that building codes and/or State Department of Labor and Industry requirements have been met.
 11. Utilities. If an on-lot septic system is used, the applicant shall furnish evidence from the Sewage Enforcement Officer that the system is suitable for the proposed intensity of use. If a well is used, the applicant shall provide evidence that the supply and quality is adequate.
- K. Boarding House (includes Rooming House).
1. Minimum lot area- 30,000 square feet.
 2. Minimum building setback - 30 feet each side, unless a stricter requirement is established by the district regulations
 3. Minimum lot width- 150 feet
 4. Maximum density- 1 bedroom per 6,000 square feet of lot area; shall serve a maximum total of 20 persons.
 5. Each bedroom shall be limited to 2 adults each.
 6. A buffer yard with screening meeting Section 803 shall be provided between any boarding house building and any abutting dwelling.
 7. See also standards for "assisted living facility" which is a separate use.
 8. Signs shall be limited to 2 wall signs with a maximum of 2 square feet each.
 9. Rooms shall be rented for a minimum period of 5 consecutive days.
- L. Camp or Recreational Vehicle Campground
1. For each acre of total lot area, there shall be a maximum average of: a) 3 recreational vehicle sites, b) 4 tent sites or c) cabin sleeping capacity for 8 persons. Such sites may be clustered in portions of the tract. Areas with slopes greater than 25 percent shall not be counted towards lot area for the purposes of this subsection "1."
 2. Any store shall be limited to sales of common household and camping items to persons camping on the site.
 3. A recreational vehicle campground shall include at least one tar and chip stone or paved entrance road from a public street, with a minimum width of 20 feet. The first 100 feet of the campground road from the public street cartway shall be paved.
 4. Minimum lot area - 5 acres in a commercial or industrial district, 30 acres in any other district where the use is permitted under Article 3.

5. All campsites, recreational vehicle sites, buildings and vehicle parking shall be setback a minimum of 150 feet from all residential lot lines. Any existing healthy trees within such setback shall be preserved, except at needed perpendicular entrance road and utility crossings.
 6. Buildings used for sleeping quarters shall not be within the 100-year floodway. No campsites, vehicle sites or buildings shall be located on slopes over 15 percent slope.
 7. Maximum impervious coverage- 10 percent.
 8. No person shall reside on the lot as their permanent address. No cabin or recreational vehicle shall be occupied on a daily basis on the site for more than 6 months in any calendar year by any one individual or one family. This provision shall not prevent a person from occupying a recreational vehicle two days a week throughout the year. However, the lot may include year-round daily occupancy by one bona fide resident manager/caretaker and his family.
 9. Any recreational vehicle that would be required to display current State registration and license to operate on a public street shall display current State registration and license within the campground.
- M. Car Wash.
1. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets. On-lot traffic circulation channels and parking areas shall be clearly marked.
 2. Adequate provisions shall be made for the proper and convenient disposal of refuse. The applicant shall provide evidence that adequate measures will be in place to prevent pollutants from being washed into the groundwater or waterways. Any chemicals or polluted runoff that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks or spills.
 3. Water from the car wash operation shall not flow onto sidewalks or streets in such a manner as could cause ice hazards.
 4. Any car wash that is located within 250 feet of an existing dwelling shall not operate between the hours of 10:00 p.m. and 7:00 a.m.
 5. No portion of a car wash shall be located within 100 feet from the centerline of a perennial waterway.
- N. Care and Treatment Center for Youth.
1. Each building at the time of occupancy shall have adequate access for service by emergency vehicles.
 2. In addition to meeting all other natural resource protection regulations of the municipality, no buildings shall be constructed on areas with a natural slope of 25% or greater.
 3. No outdoor light within 200 feet of a residential lot line shall be placed at a height exceeding 20 feet. No other outdoor light shall be placed at a height exceeding 35 feet, except lighting necessary around athletic fields may be 60 feet in height. All lighting shall be properly directed downward and inward on the property, and be shielded to avoid glare beyond a residential lot line.
 4. No new buildings, vehicle parking spaces, active recreation facilities or sewage treatment facilities shall be located within 100 feet of any residential lot line.
 5. The Zoning Hearing Board may require sufficient landscaping, earth berms and similar methods as are necessary to buffer potential nuisances causing uses from residential lot lines.
 6. The care and treatment programs shall clearly be designed to primarily serve persons up to age 19. Persons up to age 21 may be served on an occasional non-routine basis. The care and treatment programs shall not serve persons age 21 or older except for occasional related counseling to family members of younger persons being served.
 7. Recreation facilities shall not be used for commercial purposes, but may be rented to non-profit and school groups for recreation.
 8. The use shall meet the definition stated in Section 202.
 9. The use may include residential facilities for youth undergoing treatment and for staff persons.
 10. The minimum lot area shall be 25 acres.

O. Cemetery.

1. Minimum lot area - 2 acres, which may on the same lot as an allowed place of worship.
2. A crematorium, where allowed, shall be setback a minimum of 250 feet from all lot lines of existing dwellings and all undeveloped residentially zoned lots.
3. All structures and graves shall be setback a minimum of: 30 feet from the lot line of an abutting dwelling or any undeveloped residentially zoned lot, 20 feet from the future right-of-way of any public street and 10 feet from the cartway of an internal driveway or any other lot line.
4. No grave sites shall be located within the 100-year floodplain, nor other areas susceptible to flooding.
5. The applicant shall prove to the satisfaction of the Zoning Officer, based upon review by the Municipal Solicitor, that the use will include an appropriate financial system to guarantee perpetual maintenance.

P. Commercial Communications Antennae/Tower as principal or accessory use.

1. An accessory commercial communications antenna shall be permitted by right in any district if it meets the following requirements:
 - a) In a district other than a commercial or industrial district, the antenna shall extend a maximum of 20 feet beyond the existing structure to which it is attached. The antenna shall be attached to one of the following existing lawful structures:
 - 1) a principal agricultural building or silo,
 - 2) an electric high voltage transmission tower,
 - 3) an existing lawful commercial communications tower,
 - 4) a fire station or steeple or bell tower of a place of worship, or
 - 5) a water tower.
 - b) In a commercial or industrial district, the antennae shall extend a maximum of 40 feet beyond an existing building or structure (other than a dwelling), provided the antenna is setback a distance equal to its total height above the ground from any lot line of a dwelling on another lot.
2. Any commercial communications antenna/tower that does not meet Section "1." above shall only be allowed where specifically authorized in Section 306, and in compliance with the following additional regulations:
 - a) Such antenna/tower shall be set back the following distances from lot lines, whichever is greater:
 - 1) a distance from the lot line of a lot occupied by an existing dwelling (or that is approved for a new dwelling) that is greater than the total height of the antenna/tower above the surrounding ground level; or
 - 2) the applicable principal building setback.
 - b) The applicant shall certify that a new tower is setback sufficient distances from lot lines so that in the event of any collapse, the tower or pieces of the tower would not damage other properties or vehicles on public streets, even during high winds and after weathering has occurred. Every 4 years, the applicant shall provide a certification from a Professional Engineer that the tower has structural integrity.
 - c) A tower attached to the ground shall be surrounded by a security fence/gate with a minimum height of 8 feet and evergreen trees or preserved vegetation with an initial minimum height of 4 feet. Any guy wire anchors shall be setback a minimum of 25 feet from any residential lot.
 - d) The applicant shall provide a written statement sealed by a professional engineer stating that the communications antenna/tower will meet the structural and wind resistance requirements of the latest published version of the International Building Code, or its successor code.
 - e) The applicant shall describe in writing the policies that will be used to offer space on a tower to other communications providers. Policies shall be established that serve to minimize the total number of towers necessary in the region.

- f) An applicant for a new commercial communications tower shall provide evidence to the Zoning Hearing Board that they have investigated co-locating their facilities on an existing tower and other tall structures and have found such alternative to be technically infeasible. The reasons shall be provided. At an absolute minimum, placement upon existing or approved towers within a one mile radius shall be considered, in addition to other reasonable opportunities.
 - g) A maximum total height of 200 feet above the ground shall apply in a commercial and industrial district and 150 feet in any other district where it may be allowed, unless the applicant proves to the Zoning Hearing Board that a taller height is absolutely necessary and unavoidable.
 - h) The Zoning Hearing Board may require lighting of an antenna even if it will not be required by the Federal Aviation Administration. Such lighting is intended to provide protection for emergency medical helicopters. Intense strobe lighting shall be prohibited during nighttime hours.
 - i) A new tower shall only be granted special exception approval in a CR district if the applicant proves to the satisfaction of the Zoning Hearing Board that there are no suitable locations for the antenna on existing towers and/or within commercial and industrial districts.
 - j) A new tower shall be designed in a manner that minimizes its visual intrusiveness and environmental impacts to the maximum extent feasible. Monopole designs shall be used in place of lattice designs unless the applicant proves that a monopole design would be technically infeasible. Self-supporting towers are preferred over towers with guy wires that would require removal of larger numbers of trees.
3. Purposes. These provisions for commercial communications antenna/towers are primarily designed to serve the following purposes, in addition to the overall objectives of this Ordinance:
- a) To protect property values.
 - b) To minimize the visual impact of antenna/towers, particularly considering the importance of the scenic beauty of the area in attracting visitors for outdoor recreation.
 - c) To minimize the number and heights of towers in a manner that still provides for adequate telecommunications services and competition.
4. A tower/antenna that serves emergency communications by a municipally-recognized police, fire or ambulance organization, and is on the same lot as an emergency services station, shall be permitted by right. Such tower/antenna may also serve commercial purposes.
5. Any antenna and tower that is no longer in active use shall be completely removed within 6 months after the discontinuance of use. The operator shall notify the Zoning Officer in writing by certified mail after the antenna or tower use is no longer in active use. The use of a lease as opposed to fee-simple ownership by a communications company is strongly encouraged. Any lease shall require such removal by the owner of the antenna/tower. Any lease should provide that the lease shall expire once the antenna/tower is removed. As a condition of special exception approval, the Zoning Hearing Board may require the posting of a financial bond to ensure that the tower is completely removed after the use is discontinued.
6. All accessory utility buildings or cabinets shall: have a maximum total floor area of 400 square feet (which may be divided among adjacent buildings serving separate companies), have a maximum height of 12 feet and meet principal building setbacks.
7. If an Environmental Impact Study or Assessment is required by Federal regulations, a copy shall be submitted to the Zoning Officer at the same time it is submitted to the applicable Federal agency.
8. Suitable driveway access shall be provided to a tower.
9. A commercial communications antenna/tower may be on the same lot as another allowed principal use.
10. A commercial communications antenna/tower shall not be considered a public utility.
11. A commercial communications tower shall not include any advertising.

- Q. Conversion of a Building that Existed at the Time of Adoption of this Ordinance into Dwelling Units (includes Conversion of an Existing Dwelling into Additional Dwelling Units).
1. See Article 3, which regulates where conversions are permitted. Applicable State fire safety requirements shall be met.
 2. The following regulations shall apply to the conversion of an existing one family dwelling into a greater number of dwelling units:
 - a) The building shall maintain the appearance of a one family dwelling with a single front entrance. Additional entrances may be placed on the side or rear of the structure. The dwelling units may internally share the single front entrance.
 - b) The conversion shall not be permitted if it would require the placement of an exterior stairway on the front of the building, or would require the placement of more than 3 off-street parking spaces in the required front yard.
 3. A previously residential building shall maintain a clearly residential appearance, except as may be necessary for restoration of a historic building.
 4. Dumpster Screening - See Section 806.
 5. Each unit shall meet the definition of a dwelling unit and shall meet the minimum floor area requirements of Section 801.C.
- R. Day Care Center, Child.
1. See also "Day care: Family Day Care Home or Group Day Care" as an accessory use in Section 403.
 2. The use shall comply with any applicable state and federal regulations, including having an appropriate PA. Department of Public Welfare (or its successor agency) registration certificate or license.
 3. Convenient parking spaces within the requirements of Article 6 shall be provided for persons delivering and waiting for children.
 4. In residential districts, where permitted as a principal use, a day care use shall have a minimum lot area of 1 acre and a minimum setback of 20 feet from an abutting "residential lot line."
 5. The use shall include secure fencing around outdoor play areas.
 6. Outdoor play areas of a day care center involving the care of 25 or more children at any one time shall be setback a minimum of 25 feet from the exterior walls of an abutting existing dwelling.
 7. This use shall not be conducted in a dwelling that is physically attached to another dwelling that does not have a common owner.
 8. In residential districts, any permitted day care use shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood.
 9. A day care use may occur in a building that also includes permitted or non-conforming dwelling units.
 10. See also the standards for a "Place of Worship" in this Section, which allows a day care center as an adjunct use.
- S. Forestry.
1. The following shall apply to commercial forestry involving more than 2 acres in any calendar year, other than routine thinning of woods:
 - a) A Forestry Management Plan shall be prepared, submitted to the Zoning Officer and followed. The Forestry Management Plan shall be consistent with the Timber Harvesting Guidelines of the PA. Forestry Association.
 - b) The Forestry Management Plan shall include an appropriate method to ensure re-forestation, except for areas that have received development approval.
 - c) An Erosion and Sedimentation Control Plan shall be submitted to the municipality and the County Conservation District and found to be acceptable by such District. Such Plan shall also show how stormwater runoff will be properly controlled.
 - d) Healthy trees with trunks located within 20 feet of exterior lot lines shall not be removed, except as necessary for vehicle crossings.
 - e) The municipality may require that the applicant provide financial security to cover the costs of any damages to adjacent public streets.

- f) A permit may be required by the municipality for access onto a public street. As a condition of the permit, the applicant shall show that safe sight distances exist and that the access will be designed to avoid damage to the public street.
 2. Clear cutting shall be prohibited on slopes over 25 percent, within 100 year floodplains and in areas greater than 2 acres, except as is shown to be necessary as part of an approved development. A minimum of 20 percent of the forest cover (canopy) shall be kept and the residual trees shall be well distributed and of species that will produce a viable forest over time.
 3. A portable sawmill shall be allowed as an accessory use to a forestry operation.
 4. A maximum of 20,000 square feet of lot area shall be clear cut as part of the development of a single family detached dwelling.
- T. Groundwater or Spring Water Withdrawal, involving removal of an averaging of more than 10,000 gallons per day from a lot for off-site consumption.
1. The applicant shall provide a written report by a professional hydrologist describing in technical detail and in a narrative understandable by a layperson how the proposal would affect wells, agricultural activities and surface water levels in the surrounding region. The application shall only be approved if the applicant proves to the satisfaction of the Zoning Hearing Board that the proposed application will not adversely affect wells of properties within a one-half mile radius, considering drought conditions, nor aquatic habitats of surface waters, nor agricultural yields. The municipality may require draw down tests to determine the effects on neighboring wells.
 2. The applicant shall provide a written report by a professional traffic engineer. Such study shall analyze the suitability of the area street system to accommodate the truck traffic that will be generated. The application shall only be approved if the applicant proves to the satisfaction of the Zoning Hearing Board that the area street system is suitable in terms of structure, geometry, safety and capacity to accommodate the additional truck traffic.
 3. Any area used for loading or unloading of tractor-trailer trucks shall be setback a minimum of 100 feet from any adjacent residential lot.
 4. Minimum lot area - 100 acres. Maximum impervious coverage - 5 percent. One of the purposes of this subsection "4." is to make sure there is recharge to groundwater supplies.
 5. This section shall not apply to water used by a municipal water supply system or used on-site on a contiguous lot.
 6. The use shall fully comply with Section 309 of this Ordinance. The Zoning Hearing Board may require that the applicant commit to a mitigation plan to reduce withdrawals during time of drought. The Zoning Hearing Board may also require that the applicant prove financial security to cover the costs of providing water to existing neighboring uses if the withdrawal adversely impacts upon their water supply.
 7. The Zoning Hearing Board should consider whether municipal regulation of a particular application may be pre-empted by the current regulations of the Delaware or Susquehanna River Basin Commissions.
 8. The withdrawal threshold of 10,000 or more gallons per day may be based upon average use over a 30-day period.
- U. Group Homes. Group homes are permitted within a lawful dwelling unit, provided the following additional requirements are met:
1. See definition in Section 202.
 2. A Group Home shall not include any use meeting the definition of a "Treatment Center."
 3. A Group Home shall include the housing of a maximum of 5 unrelated persons, except:
 - a) if a more restrictive requirement is established by another municipal Code;
 - b) the number of bona fide paid professional staff shall not count towards such maximum; and
 - c) as may be approved by the Zoning Hearing Board under Section 111.D.
 4. The facility shall have adequate trained staff supervision for the number and type of residents. If the facility involves 5 or more residents, then 24 hour on-site staffing shall be provided.

5. The applicant shall provide evidence of any applicable Federal, State or County licensing or certification to the Zoning Officer.
6. The Group Home shall register in writing its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Zoning Officer.
7. Any medical or counseling services shall be limited to a maximum of 3 non-residents per day. Any staff meetings shall be limited to a maximum of 5 persons at one time.
8. Parking - See Section 601.
9. If a Group Home is in a residential district, an appearance shall be maintained that is closely similar to nearby dwellings, and no sign shall identify the use.
10. The persons living on-site shall function as a common household unit.

V. Hotel or Motel.

1. See definitions in Article 2, which distinguish a hotel/motel from a boarding house.
2. Buildings and tractor-trailer truck parking shall be a minimum of 50 feet from any "residential lot line."

W. Junkyard. (includes automobile salvage yard)

1. Storage of garbage or biodegradable material is prohibited, other than what is customarily generated on-site and routinely awaiting pick-up.
2. Outdoor storage of junk shall be at least: a) 100 feet from any residential lot line and b) 50 feet from any other lot line and the existing right-of-way of any public street.
3. The site shall contain a minimum of 2 exterior points of access, each of which is not less than 20 feet in width. One of these accesses may be limited to emergency vehicles. Cleared driveways shall be provided throughout the entire use to allow access by emergency vehicles. Adequate off-street parking areas shall be provided for customers.
4. Outdoor storage shall be completely enclosed (except at approved driveway entrances) by a 40 foot wide buffer yard which complies with Section 803, unless such storage is not visible from an exterior lot line or street. The initial height of the evergreen planting shall be 6 feet. Secure fencing with a minimum height of 8 feet shall be provided and well-maintained around all outdoor storage areas. Such fencing shall be provided inside of the evergreen screening.
5. Burning or incineration is prohibited.
6. See the noise or dust regulations of Article 5.
7. All gasoline, antifreeze and oil shall be drained from all vehicles and properly disposed of. All batteries shall be removed from vehicles and properly stored in a suitable area on an impervious and properly drained surface.
8. Lot area - 2 acres minimum; 20 acres maximum.
9. Tires - see the "Outdoor Storage and Display" standards in Section 403.
10. Any storage of junk shall be maintained a minimum distance of 100 feet from the centerline of any waterway, and shall be kept out of a drainage swale.

X. Kennel.

1. All buildings and runs in which animals are housed and all runs shall be located at least 200 feet from all "residential lot lines."
2. Buildings and runs shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within any adjacent principal building.
3. No animal shall be permitted to use outdoor runs from 8 p.m. to 8 a.m. Runs for dogs shall be separated from each other by visual barriers a minimum of 4 feet in height, to minimize dog barking.
4. See the State Kennel Law.
5. Minimum lot area - 6 acres.

Y. Livestock and Poultry, Raising of.

1. "Livestock or poultry, intensive raising of" shall only be permitted as a special exception use, and shall only be permitted in the zoning districts authorized in Article 3. See the definition in Section 202.
2. The following provisions shall apply to all Raising of Livestock and Poultry uses:
 - a. Minimum lot area - 5 acres, except:
 - 1) a minimum lot area of 10 acres shall apply if the use will involve more than 2 but less than 5 animal equivalent units, and
 - 2) a minimum lot area of 25 acres and a minimum lot width of 400 feet shall apply if the use will involve 5 or more animal equivalent units.
 - 3) These minimum acreage requirements may be met by contiguous lots in the same ownership, which may or may not be in the same municipality, provided that the applicant establishes a legally binding mechanism acceptable to the municipality within which the facility is located. This mechanism shall ensure that the lots will not be separately sold if the lot area is needed to comply with the lot area and setback requirements for the use.
 - 4) For a Raising of Livestock or Poultry facility located within Heidelberg Township, in the determination of the average number of animal equivalent units, non-contiguous lot area may be considered, provided such non-contiguous area is within the AP district or is actively farmed.
 - b. The setbacks from property lines established by this Section 402.Y. shall not apply from lots owned by: 1) the operator or owner of the livestock or poultry use or 2) affected property-owners providing a written notarized letter waiving such setback. A waiver of setbacks shall be binding upon future owners. The municipality shall require that such waiver be recorded in the recorder of deeds office.
 - c. Fencing shall be used as necessary and practical to prevent livestock from entering streets or unauthorized property. Manure storage facilities shall be fenced if needed to prevent unauthorized entry.
 - d. The keeping of mink or garbage-fed pigs shall be setback a minimum of 600 feet from all lot lines. For any garbage-fed pigs, the applicant shall provide a written statement of the methods to be used to control odors, pests, rodents and health hazards.
 - e. This Ordinance does not attempt to regulate nutrient management or location of manure storage facilities in a manner that is more restrictive than State regulations. For manure storage facilities that are required to meet setbacks under the State Nutrient Management Regulations, the setbacks in such regulations shall apply. For manure storage facilities that are not required to meet setbacks by such State regulations, then manure storage facilities shall not be located within the following areas:
 - 1) within 100 feet of a perennial stream, river, spring, lake, pond or reservoir,
 - 2) within 100 feet of a private water well or open sinkhole,
 - 3) within 100 feet of an active public drinking well or an active intake for a public water supply,
 - 4) within 200 feet of a property-line, unless a waiver is approved under sub-section "b." above.
 - f. A "manure storage facility" shall be defined as a structure or facility, or portion thereof, utilized to contain manure. This includes but is not limited to: liquid manure structures, manure storage ponds, component reception pits and transfer pipes, containment structures built under a building, permanent stacking and composting facilities, and manure treatment facilities.
 - g. The maximum building coverage shall be 10 percent, unless a more restrictive requirement applies under another section Temporary coverings of plants or products

- shall not be considered to be building or impervious coverage. No building shall be constructed or expanded into the 100 year floodplain.
- h. "Composting" shall comply with standards for such use in Section 403.
 - i. Putrescent garbage shall be kept in enclosed containers and shall not be buried on site.
 - j. Nutrient Management. For any new or expanded operation regulated under the State Nutrient Management Act, the applicant shall provide evidence to the Zoning Officer that the Nutrient Management Plan and other requirements of the Act and accompanying regulations are being complied with. This includes preparation of a conservation plan.
3. The following standards shall apply to a Raising of Livestock or Poultry Use that is not Intensive, and which involves less than 100 animal equivalent units on a lot.
 - a. Any building for the keeping of livestock or poultry shall be located the following distances from the following features, whichever is most restrictive:
 - 1) 300 feet from any dwelling that existed prior to the adoption of this Ordinance,
 - 2) 100 feet from the lot line of a dwelling that existed prior to the adoption of this Ordinance,
 - 3) 100 feet from any lot zoned LDR, MDR, TC or TR, and
 - 4) 50 feet from all other exterior lot lines.
 - b. As a special exception use, the Zoning Hearing Board may approve a smaller setback for the expansion of facilities that existed prior to the adoption of this Section where the applicant proves that there is no reasonable and feasible alternative.
 4. The following standards shall apply to a Raising of Livestock or Poultry use that is not Intensive, and which involves 100 or more animal equivalent units on a lot (but less than 300 animal equivalent units that meets the definition of "Intensive").
 - a. Any building for the keeping of livestock or poultry shall be located the following distances from the following features, whichever is most restrictive:
 - 1) 400 feet from any dwelling that existed prior to the adoption of this Ordinance, except that this setback shall be increased to 500 feet for facilities located within North Heidelberg Township,
 - 2) 100 feet from the lot line of a dwelling that existed prior to the adoption of this Ordinance,
 - 3) 300 feet from any lot zoned LDR, MDR, TC or TR, and
 - 4) 50 feet from all other exterior lot lines.
 - b. As a special exception use, the Zoning Hearing Board may approve a smaller setback for the expansion of facilities that existed prior to the adoption of this Section where the applicant proves that there is no reasonable and feasible alternative.
 5. The following standards shall apply to an Intensive Raising of Livestock or Poultry use.
 - a. Any building for the keeping of livestock or poultry shall be located the following distances from the following features, whichever is most restrictive:
 - 1) 500 feet from any dwelling that existed prior to the adoption of this Ordinance, except that this setback shall be increased to 600 feet for facilities located within North Heidelberg Township
 - 2) 300 feet from the lot line of a dwelling that existed prior to the adoption of this Ordinance,
 - 3) 1,000 feet from any lot zoned LDR, MDR, TC or TR and
 - 4) 200 feet from all other exterior lot lines, which shall be reduced to 50 feet if the abutting lot is in the AP District and is actively farmed.

- b. If an Intensive Raising of Livestock or Poultry use involves more than 5 animal equivalent units averaged across the contiguous acreage of the use, then the minimum setback in subsection "c.2)" measured from a LDR, MDR, TC or TR district shall be increased to 1,200 feet.
- c. The applicant shall provide the plans, including a soil and water conservation plan, to the County Conservation District for review. A copy of the submittal to the Conservation District shall be provided to the municipality at the same time. A stormwater management plan shall be submitted to the Municipal Engineer, who shall provide a review to the Zoning Hearing Board. The applicant shall be responsible to pay for the costs of such reviews.
- d. The applicant shall prove to the satisfaction of the Zoning Hearing Board that:
 - 1) Solid and liquid wastes will be disposed of in a manner that mitigates unnecessary insect, odor and rodent nuisances. This Ordinance recognizes that normal farming practices are allowed to generate certain nuisances in conformance with the State Right to Farm Act and the Agricultural Security Area Act. A written odor control plan shall be submitted and shall be complied with if approved. Such plan should be based upon standards in the Pennsylvania "Technical Guide" that is available through the County Conservation District. Such plan shall describe methods that will be used to properly dispose of dead animals in accordance with any applicable State regulations.
 - 2) The applicant shall show compliance with applicable State and Federal environmental regulations, such as the State Nutrient Management Act and erosion control plans.
 - 3) The facility was located with consideration of prevailing wind patterns and residential areas that are downwind from the facility.
 - 4) Except in the AP District, a row of trees shall be planted between any new building for an Intensive Raising of Livestock or Poultry Use and any dwelling on another lot that will be within 300 feet from the building. These trees do not need to form a complete visual screen.
 - 5) The driveway, driveway entrance and adjacent roads shall be suitable to accommodate the amounts and sizes of truck traffic that will be generated by the use. The Board may require that the driveway be improved as necessary to control dust. Within North Heidelberg Township, the Zoning Hearing Board may require that improvements be made to a driveway to control the tracking of mud onto public streets. A turnaround shall be provided so that trucks do not need to back out onto a public road.
 - 6) Sufficient water supplies shall be available to serve the facility without adversely affecting water supplies of neighboring properties. See Section 309.
- e. The applicant shall provide a written comparison of proposed methods of controlling nuisances and avoiding pollution to standard guidelines on such matters published by the State Department of Agriculture, State Department of Environmental Protection (DEP), Pennsylvania State University and industry associations. This shall include the State DEP "Technical Guide" and "Environmental Standards for Large Pork Producers," as applicable.
- f. The application for special exception approval shall be accompanied by a plan showing:
 - a) The total number of "animal equivalent units" to be located on the farm.
 - b) The method and operation to be used for the storage, processing and disposal of liquid and solid waste.

Z. Membership Club.

- 1. See definition in Article 2.

2. Any active outdoor play areas shall be setback at least 30 feet from any abutting "residential lot line."
3. The use shall comply with the provisions for "After Hours Club" if applicable.

AA. Methadone Treatment Facilities. The provisions of the State Municipalities Planning Code shall apply.

BB. Mineral Extraction.

1. Application Requirements. A copy of all site plan information that will be required by the PA. DEP shall also be submitted to the municipality as part of the Zoning Application.
2. A detailed and appropriate land reclamation and reuse plan of the area to be excavated shall be submitted to the Zoning Officer. Compliance with such plan shall be a condition of Municipal permits.
3. After areas are used for mineral extraction, those areas shall be reclaimed in phases to a non-hazardous and environmentally sound state permitting some productive or beneficial future use.
4. A 75 feet wide yard covered by natural vegetative ground cover (except at approved driveway crossings) shall be required along all exterior lot lines that are within 250 feet of an area of excavation. This yard shall include an earth berm with a minimum average height of 6 feet and an average of 1 shade tree for each 50 feet of distance along the lot lines. Such shade trees shall be planted outside of any berm and any fence.
5. The following minimum setbacks shall apply for the excavated area of a mineral extraction use from property that is not owned by the owner or operator of the mineral extraction use:
 - a) 100 feet from the existing right-of-way of public streets and from all exterior lot lines of the property,
 - b) 150 feet from a commercial or industrial building, unless released by the owner thereof,
 - c) 400 feet from a "residential lot line", other than a dwelling owned by the owner of the mineral extraction use,
 - d) 150 feet from the lot line of a publicly-owned recreation area that existed at time of the application for the use or expansion.
6. The excavated area of a mineral extraction use shall be setback 150 feet from the average waterline of a perennial stream or the edge of a natural wetland of more than 2 acres.
7. Truck access to the use shall be located to reasonably minimize: hazards on public streets and dust and noise nuisances to residences.
8. Fencing. The Zoning Hearing Board may require secure fencing in locations where needed to protect public safety. As an alternative, the Zoning Hearing Board may approve the use of thorny vegetation to discourage public access. Also, warning signs shall be placed at intervals of not less than 100 feet around the outer edge of the use.
9. Noise and Performance Standards. See Article 5.
10. County Conservation District. A soil erosion and sedimentation plan shall be prepared by the applicant and found to be acceptable to the County Conservation District.
11. Hours of Operation. The Zoning Hearing Board, as a condition of special exception approval, may reasonably limit the hours of operation of the use and of related trucking and blasting operations to protect the character of adjacent residential areas.
12. The activities and residual effects shall not create conditions that are significantly hazardous to the health and safety of neighboring residents.
13. The Zoning Hearing Board may require that the applicant post adequate financial security to reimburse the municipality for any damage that occurs to public streets.
14. In addition, the water study and impact requirements of Section 309.G. shall apply. If any off-site water supply well is not able to meet the needs of a use because of mineral extraction activity, the operator of the mineral extraction use shall be responsible to provide an alternative source of water for that use. The Zoning Hearing Board may require that an applicant provide financial security for such purpose. If changes in water level from the mineral extraction use adversely impact an on-lot septic system on another lot, the operator of the mineral extraction use shall be responsible to fund improvements to address such problems.

15. The Zoning Hearing Board may require leak detention systems on manure storage facilities.

CC. Mobile/Manufactured Home - Installed on an individual lot or within a mobile/ manufactured home park approved after the adoption of this ordinance.

1. Construction. Any mobile/manufactured home placed on any lot after the adoption of this Ordinance shall be constructed in accordance with 1976 or later Safety and Construction Standards of the U.S. Department of Housing and Urban Development. (Note: These Federal standards supersede any Building Code for the actual construction of the home itself.)
2. Each site shall be graded to provide a stable and well-drained area.
3. Each home shall have hitch and tires removed.
4. Anchoring. A mobile/manufactured home on an individual lot or mobile/manufactured home park shall include a system as recommended by the manufacturer or a more effective standard that properly secures the home to the ground to prevent shifting, overturning in high winds or uneven settling of the home, with a secure base for the tie-downs. The anchoring devices shall extend below the frost line.
5. Foundation Treatment. The space between the bottom of the home and the ground and/or home pad shall be enclosed using a durable fire-resistant material that has the appearance of a foundation of a site-built home, such as material with a concrete-type or stucco facing. This subsection 5. shall not apply within a Manufactured/Mobile Home Park. Metal skirting may only be permitted within a Manufactured/Mobile Home Park. Provisions shall be provided for access to utility connections under the home.
6. The front door of the home shall face onto a public street, except within a Manufactured/Mobile Home Park.
7. See also the dwelling width regulations that apply in certain districts under Section 307.

DD. Mobile/Manufactured Home Park.

1. Plans and Permits. Plans shall be submitted and reviewed by the municipality for all mobile/manufactured home parks in compliance with the mobile home park provisions of the Subdivision and Land Development Ordinance and all other provisions of such ordinance that apply to a land development, including the submission, approval and improvements provisions (other than specific provisions altered by this Section).
 - a) Where this Ordinance and the Subdivision and Land Development Ordinance both regulate the same matter concerning a manufactured home park, and the sections conflict, then the provisions of this Ordinance shall apply concerning that matter.
2. The minimum tract area shall be 5 contiguous acres, which shall be under single ownership, but which may include land in an abutting existing mobile home park. The tract shall have a minimum width at the minimum building setback line of 200 feet.
3. Density - The maximum average overall density shall be 3 dwelling units per acre. See Section 313 which provides a method to increase this density.
 - a) To calculate this density: a) land in common open space or proposed streets within the park may be included, but b) land within the 100 year floodplain, wetlands and slopes over 15 percent shall not be included.
 - b) Phases. If an existing mobile home park is to be expanded into an area not previously part of that mobile home park, the maximum density and minimum common open space for the new area shall be considered separately from the previously approved areas of the mobile home park. All expansions outward of an existing park shall meet all provisions of this and other applicable ordinances.
4. Landscaped Perimeter. Each mobile/manufactured home park shall include a 25 foot wide landscaped area including substantial attractive evergreen and deciduous trees around the perimeter of the site, except where such landscaping would obstruct safe sight distances for traffic. A planting plan for such area shall be approved by the Zoning Hearing Board as part of any required special exception approval. Such landscaped area shall not be required between adjacent mobile home park developments. This landscaped area shall be 35 feet wide abutting

existing single-family detached dwellings. The same area of land may count towards both the landscaped area and the building setback requirements.

5. A dwelling, including any attached accessory building, shall be setback a minimum of 25 feet from another dwelling within the mobile home park, except that unenclosed porches, awnings and decks may be 15 feet from the walls of another dwelling.
6. The minimum separation between homes and edge of interior street cartway or parking court cartway shall be 25 feet.
7. The minimum principal and accessory building setbacks from exterior/boundary lot lines shall be 40 feet.
8. Each home shall comply with the above requirements for Mobile/Manufactured Homes in this Section 402.
9. Accessory Structures. A detached accessory structure or garage shall be separated a minimum of 15 feet from any dwelling units which the accessory structure is not accessory to.
10. Common Open Space for a Mobile Home Park. A minimum of 20 percent of the total lot area of the entire mobile home park shall be set aside as common open space for the residents. The applicant shall prove that these areas will be suitable for active or passive recreation. If a development will not be restricted to persons over age 55, then the common open space shall at a minimum include a rectangular grass field suitable for free play by young persons. If a development will be restricted to persons over age 55, then the common open space shall at a minimum include landscaped paved trails. A recreation building or pool available to all residents of the development may count towards this requirement. Areas with a width of less than 50 feet shall not count towards this requirement, except in the perimeter buffer yard. This requirement shall be in place of any requirement for recreation land or fees under the Subdivision and Land Development Ordinance.
11. Streets.
 - a) Access to individual mobile home spaces shall be from interior parking courts, access drives or private streets and shall not be from public streets exterior to the development.
 - b) Streets within the mobile home park that provide access to reach 20 or more dwellings shall have a minimum paved cartway of 24 feet, and other local private streets or parking courts serving less than 20 homes shall have a minimum paved cartway of 20 feet.
 - c) Curbs and sidewalks are not required on the private streets, but all private streets shall meet all other Municipal cartway construction standards.
12. Utilities. All units within the mobile home park shall be connected to a public water and a public sewage system. The system shall meet appropriate minimum water pressure/fire flow and hydrant requirements.
13. The following provisions shall apply to Mobile/Manufactured Home Parks that lawfully existed prior to the adoption of this Ordinance:
 - a) The number of dwelling units shall not be increased, except in compliance with all of the provisions of this Section 402.DD.
 - b) One or more existing mobile/manufactured home(s) may be replaced with a different mobile/ manufactured home as a permitted by right use without meeting all of the requirements of Section 402.DD. provided that all of the following requirements are met:
 - 1) he perimeter building setbacks of the property shall not be reduced from what previously existed, except as is necessary to accommodate a maximum 14 feet wide 70 feet long dwelling where a more narrow or shorter dwelling previously existed.
 - 2) he replacement dwelling shall meet all of the above provisions for "Manufacture / Mobile Homes" a minimum setback of 15 feet shall be maintained between the enclosed walls of each dwelling unit.

EE. Motor Vehicle Race Track.

1. All areas used for the racing, testing and maintenance of motor vehicles shall be setback a minimum of 400 feet from the lot line of an existing dwelling.
2. All buildings, parking, loading and unloading areas shall be setback a minimum of 150 feet from the lot line of an existing dwelling.

3. The applicant shall prove that the standards of Article 5 will be met, including noise, lighting and dust.
4. Minimum lot area - 50 acres.

FF. Mushroom Raising.

1. The raising of mushrooms shall comply with the Pennsylvania Department of Environmental Protection publication entitled "Best Practices for Environmental Protection in the Mushroom Farm Community," 1997, or its successor publication. Such document is hereby incorporated by reference. Any raising of mushrooms shall use bunker composting within a substantially enclosed building using positive aeration or a method that the applicant proves has a similar reduction on odors.
2. Any area used for the storage, loading, processing and/or packaging of septage or spent mushroom compost as part of the raising of mushrooms shall be setback a minimum of: 1) 500 feet from any lot line of an existing dwelling, 2) 1,000 feet from an existing dwelling or residential district, and 2) 300 feet from all other exterior lot lines. Whichever setback is largest shall apply.
3. Minimum lot area - 50 acres.
4. Section 309 shall apply. The Zoning Hearing Board may require that the applicant provide financial security that would be available to mitigate a well water quality problem on a neighboring lot if the problem is caused by the Mushroom Raising use.

GG. Nursing Home.

1. Licensing - See definition in Article 2.
2. A minimum of 20 percent of the lot shall be suitable and developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walks.

HH. Outdoor Storage and Display. - See this use under Section 403.

II. Picnic Grove, Private.

1. All activity areas shall be a minimum of 250 feet of an existing dwelling on another lot. All parking areas shall be setback 100 feet from any residential lot line. The use shall not operate between the hours of 11 p.m. and 7 a.m.
2. See noise and glare standards in Article 5.
3. Minimum lot area - 10 acres.

JJ. Place of Worship.

1. Minimum lot area- 2 acres, except 1 acre in a commercial or industrial district, and except as regulated by the Agricultural Preservation District regulations.
2. Weekly religious education rooms and meeting rooms are permitted accessory uses provided that such uses are of such a character and intensity that they would be clearly customary and incidental to the place of worship. A primary or secondary school and/or a child or adult day care center may be approved on the same lot as a place of worship provided the requirements for such uses are also met. Noncommercial buses used primarily to transport persons to and from religious services or a permitted school on the lot may be parked on the lot. Other uses shall only be allowed if all of the requirements for such uses are also met, including being permitted in the applicable district.
3. A maximum of one dwelling unit may be accessory to a place of worship on the same lot. Such dwelling shall only be used to house one "family." No other residential use shall be allowed.
4. If within a residential district, any new place of worship shall be adjacent to a paved public street with a minimum cartway width of 20 feet.
5. Minimum building setback from a lot line of an existing dwelling in a residential district - 60 feet.
6. Minimum parking setback from a lot line of an existing dwelling in a residential district - 30 feet.

KK. Recreation, Outdoor (other than "Publicly-Owned Recreation")

1. Any outdoor activity area shall be located no closer to any lot line than the required front yard depth and shall be screened and, if necessary, sound insulation shall be provided to protect the neighborhood from any possible noise.
2. A 20 feet wide buffer yard in accordance with Section 803 shall be required.
3. Any swimming pool shall meet the requirements for such use, as stated in this Article.
4. Lighting, noise and glare control - See Article 5.
5. The minimum lot area shall be 10 acres, unless a more restrictive lot area is established by another section of this Ordinance.
6. Maximum impervious coverage in any residential or agricultural district - 5 percent.
7. Maximum building coverage in any non-residential district - 25 percent.
8. A site plan meeting the requirements of Article 1 shall be submitted to the municipality.
9. No portion of an Outdoor Recreation Use used for active recreation shall be located within 100 feet of a residential lot line.
10. Wherever woods exist adjacent to an exterior lot line of the use, such woods shall be preserved within at least 50 feet of such lot line, except for approved driveway, utility and trail crossings.
11. Hours of operation. The use shall be conducted only between the hours of 9:00 a.m. and 10:00 p.m., unless more restrictive hours are established as a condition of any needed approval.
12. Any Restaurant, Tavern, Retail Store, Target Range, Campground or Picnic Ground use shall only be allowed if those uses are permitted in the applicable district and if all requirements for each such use(s) are also met.

LL. Recycling Collection Center.

1. This use shall not be bound by the requirements of a Solid Waste Disposal Facility.
2. All materials shall be kept in appropriate containers, with appropriate sanitary measures and frequent enough emptying to prevent the attraction of insects or rodents and to avoid fire hazards.
3. Adequate provision shall be made for movement of trucks if needed and for off-street parking.
4. A 20 feet wide buffer yard with screening as described in Section 803 shall be provided between this use and any abutting "residential lot line."
5. This use may be a principal or accessory use, including being an accessory use to a commercial use, an industrial use, a public or private primary or secondary school, a place of worship or a Municipal-owned use, subject to the limitations of this section.
6. Materials to be collected shall be of the same character as the following materials: paper, fabric, cardboard, plastic, metal, aluminum and glass. No garbage shall be stored as part of the use, except for that generated on-site and that accidentally collected with the recyclables. Only materials clearly being actively collected for recycling may be stored on site.
7. The use shall only include the following operations: collection, sorting, baling, loading, weighing, routine cleaning and closely similar work. No burning or land filling shall occur. No mechanical operations shall routinely occur at the site other than operations such as baling of cardboard.
8. The use shall not include the collection or processing of pieces of metal that have a weight greater than 50 pounds, except within an industrial district.
9. The use shall include the storage of a maximum of 50 tons of materials on the site if the use is within a residential district and within 500 feet of an existing dwelling.

MM. Residential Conversions. See "Conversions of an Existing Building" within this Section.

NN. Restaurant.

1. Screening of Dumpster and Waste Containers - See Section 806.
2. See "Drive-Thru" service in Section 403.
3. Drive-thru service shall only be provided where specifically permitted in the applicable district regulations.

OO. School, Public or Private, Primary or Secondary

1. Minimum lot area - 3 acres, except 1 acre in a commercial or industrial district.
2. No children's play equipment, basketball courts or illuminated recreation facilities shall be within 50 feet of a residential lot line.
3. The use shall not include a dormitory unless specifically permitted in the District.

PP. Self-Storage Development.

1. All storage units shall be of fire-resistant construction.
2. Outdoor storage shall be limited to recreational vehicles, boats and trailers. No "junk vehicles" shall be stored within view of a public street or a dwelling.
3. Trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items shall not be stored.
4. Nothing shall be stored in interior traffic aisles, required off-street parking areas, loading areas or accessways.
5. The use shall not include a commercial auto repair garage unless that use is permitted in the district and the use meets those requirements.
6. Adequate lighting shall be provided for security, but it shall be directed away or shielded from any adjacent residential uses.
7. See Section 803 concerning buffer yards. In addition, any outdoor storage or garage doors within 200 feet of a street right-of-way and visible from the street shall be screened from that street by a buffer yard meeting Section 803. Any fencing shall be placed on the inside of the plantings.
8. Minimum separation between buildings- 20 feet. Maximum length of any building - 300 feet.

QQ. Solid Waste Transfer Facility, Solid Waste Landfill or Solid Waste-to-Energy Facility. - See definition in Article 2.

1. All solid waste storage, disposal, incineration or processing shall be at least 250 feet from the following: public street right-of-way, exterior lot line, 100 year floodplain, edge of a surface water body (including a water filled quarry) or wetland.
2. All solid waste storage, disposal, incineration or processing shall be a minimum of 600 feet from any residential district, perennial creek, publicly-owned park or any existing dwelling that the applicant does not have an agreement to purchase.
3. The use shall be served by a minimum of 2 paved access roads, each with a minimum cartway width of 24 feet. One of these roads may be restricted to use by emergency vehicles. The municipality may require that the applicant provide financial security to compensate the municipality from damage to public streets as a result of truck traffic or blasting.
4. No burning or incineration shall occur, except within an approved Waste to Energy Facility.
5. The operation and day-to-day maintenance of the solid waste disposal area shall comply with all applicable State and Federal regulations as a condition of the continuance of any permit of the municipality. Violations of this condition shall also be considered to be violations of this Ordinance.
6. Open dumps and open burning of refuse are prohibited.
7. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the existing street network can handle the additional truck traffic, especially without bringing extraordinary numbers of trash hauling trucks through or alongside existing residential or residentially zoned areas and especially considering the width and slopes of streets in the municipality. The Zoning Hearing Board may require that the operator of the facility require solid waste trucks to use certain designated routes and not other routes to access the facility.
8. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use would not routinely create noxious odors off of the tract.
9. A chainlink or other approved fence with a minimum height of 8 feet shall surround active solid waste disposal areas to prevent the scattering of litter and to keep out children, unless the applicant proves to the satisfaction of the Zoning Hearing Board that this is unnecessary. The

- Board shall require earth berms, evergreen screening and/or shade trees as needed shall be used to prevent landfill operations from being visible from an expressway or arterial streets or dwellings.
10. A minimum lot area of 15 acres shall be required for the first 250 tons per day of capacity to treat or dispose of waste, plus 1 acre for each additional 100 tons per day of capacity. A solid waste facility shall have a maximum total capacity of 500 tons per day.
 11. Health Hazards. Any facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodents or vectors.
 12. Attendant. An attendant shall be present during all periods of operation or dumping.
 13. Gates. Secure gates, fences, earth mounds and/or dense vegetation shall prevent unauthorized access.
 14. Emergency Access. The operator of the use shall cooperate fully with local emergency services. This should include allowing practice exercises on the site and the provision of all information needed by the emergency services to determine potential hazards. Adequate means of emergency access shall be provided.
 15. Under authority granted to the municipality under Act 101 of 1988, the hours of operation shall be limited to between 7 a.m. and 9 p.m.
 16. Tires. See "Outdoor Storage and Display" in Section 403.
 17. Litter. The operator shall utilize fencing and regularly police the area of the facility and surrounding streets to collect litter that may escape from the facility or trucks.
 18. Dangerous Materials. No radioactive, hazardous, chemotherapeutic or infectious materials may be stored, processed, disposed or incinerated. Infectious materials are defined as medical wastes used or created in the treatment of persons or animals with seriously contagious diseases.
 19. The applicant shall provide sufficient information for the municipality to determine that the requirements of this Ordinance will be met.
 20. State Requirements. Nothing in this Ordinance is intended to supersede any State requirements. It is the intent of this Ordinance that when similar issues are regulated on both the municipal and State levels, that the stricter requirement shall apply for each aspect, unless it is determined that an individual State regulation preempts municipal regulation in a particular aspect. The applicant shall provide the Zoning Officer with a copy of all written materials and plans that are submitted to PA. DEP at the same time as they are submitted to DEP.
 21. All loading and unloading of solid waste shall only occur within an enclosed building, and over an impervious surface drains to a holding tank that is then adequately treated. All solid waste processing and storage shall occur within enclosed buildings or enclosed containers.
 22. As provided in State law, the operator of a solid waste landfill shall be required to provide funding for a municipal landfill inspector.
 23. The Zoning Hearing Board may reject a proposed solid waste landfill if evidence is provided that the Berks County Commissioners have officially establish a comprehensive system for meeting the County's solid waste disposal needs that would not require use of a solid waste landfill at the proposed location.
 24. The requirements of Section 309 shall apply. A water quantity and water quality impact study shall be prepared and submitted by the applicant. The Zoning Hearing Board may require that the applicant provide financial security to be used to mitigate any adverse impacts on water quality or water quantity of wells on neighboring lots by the solid waste use.

RR. Stable, Nonhousehold. (Includes riding academies; See also "Keeping of Pets in Section 403)

1. Minimum lot area - 2 acres for first horse or pony, plus one acre for each additional horse or pony.
2. Any horse barn, feed areas, manure storage areas or stable shall be a minimum of 250 feet from any "residential lot line". Any corral or fenced-in area shall be setback a minimum of 50 feet from any "residential lot line."
3. Manure shall be regularly collected and disposed of in a sanitary manner that avoids nuisances to neighbors. Manure shall be stored in a manner that prevents it from being carried off by runoff into a creek. Manure shall not be stored within 100 feet of a perennial waterway.

SS. Swimming Pool, Non-Household.

1. The water surface shall be setback at least 50 feet from any existing dwelling.
2. Minimum lot area- 1 acre.
3. Any water surface within 100 feet of an existing dwelling shall be separated from the dwelling by a buffer yard meeting Section 803.
4. The water surface shall be surrounded by a secure, well-maintained fence at least 6 feet in height.
5. Drainage. A proper method shall be provided for drainage of the water from the pool that will not flood other property.

TT. Target Range.

1. All target ranges shall have a barrier behind the target area which is of sufficient height and thickness to adequately protect the public safety. Within two years after the adoption of this Zoning Ordinance, any outdoor firearms target range that does not meet this subsection "1." and subsection "8." shall be brought into compliance with such subsections.
2. The design of the outdoor firearms target range shall be compared by the applicant with applicable published guidelines of the National Rifle Association. The Zoning Hearing Board may consider such guidelines to be the generally accepted standard for the safety of these facilities.
3. An outdoor firearms target range and any firing stations shall be located a minimum of 250 feet from any "residential lot line", unless all firing would occur within a completely enclosed sound-resistant building. Clay pigeon shooting shall be directed away from homes and streets.
4. An outdoor firearms target range shall be properly posted. The Zoning Hearing Board may require fencing as necessary.
5. The applicant shall provide evidence that the noise limits of Article 5 will be met.
6. An indoor firearms target range shall be adequately ventilated and/or air conditioned to allow the building to remain completely enclosed.
7. A target range shall only be used for types of firearms or other weapons for which it was specifically designed. Automatic weapons shall not be used.
8. An outdoor target range shall not be used between 9 p.m. and 7 a.m. nor during nighttime hours. Additional limits on hours and days of operation may be established as a condition of the zoning approval.
9. Minimum lot area for an outdoor firearms target range - 10 acres, unless a more restrictive provision is established by another provision of this Ordinance.
10. See Section 803. Wherever woods exist adjacent to an exterior lot line of an outdoor firearms target range, such woods shall be preserved within at least 100 feet of each such lot line, except for approved driveway, utility and trail crossings.
11. This section shall not prohibit a resident of a lot from conducting target shooting on their own lot, provided it does not represent a hazard to others, and provided the lot includes a minimum of 2 acres.

UU. Townhouses/Rowhouses and Apartments.

1. Maximum Number of Townhouses Attached in any manner - 8.
2. Paved Area Setback - All off-street parking spaces, except spaces on driveways immediately in front of a carport or garage entrance, shall be set back a minimum of 10 feet from any dwelling.
3. Garages. It is strongly recommended that all townhouses be designed so that garages and/or carports are not an overly prominent part of the view from public streets. For this reason, parking courts, common garage or carport structures or garages at the rear of dwellings are encouraged instead of individual garages opening onto the front of the building, especially for narrow townhouse units.
4. Mailboxes. Any mailboxes provided within the street right-of-way should be clustered together in an orderly and attractive arrangement or structure. Individual freestanding mailboxes of non-coordinated types at the curbside are specifically discouraged.

5. Access. Vehicular access points onto all arterial and collector streets shall be minimized to the lowest reasonable number. No townhouse dwelling within a tract of 5 or more dwelling units shall have its own driveway entering onto an arterial or collector street.
6. Common Open Space. A minimum of 20 percent of the total lot area of the development shall be set aside as common open space for the residents. The applicant shall prove that these areas will be suitable for active or passive recreation. If a development will not be restricted to persons over age 55, then the common open space shall at a minimum include a rectangular grass field suitable for free play by young persons. If a development will be restricted to persons over age 55, then the common open space shall at a minimum include landscaped paved trails. A recreation building or pool available to all residents of the development may count towards this requirement. Areas with a width of less than 50 feet shall not count towards this requirement. This requirement shall be in place of any requirement for recreation land or fees under the Subdivision and Land Development Ordinance.

VV. Treatment Centers.

1. See definition in Section 202.
2. The applicant shall provide a written description of all conditions (such as criminal parolees, alcohol addiction) that will cause persons to occupy the use during the life the permit. Any future additions to this list shall require an additional special exception approval.
3. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use will involve adequate on-site supervision and security measures to protect public safety.
4. The Zoning Hearing Board may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.
5. If the use involves 5 or more residents, a suitable recreation area shall be provided that is supervised by the center's staff.

WW. Veterinarian Office. (includes Animal Hospital)

1. Minimum lot area - 1 acre.
2. Any structure in which animals are treated or housed shall be a minimum of 50 feet from any "residential lot line." Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be perceived within any adjacent dwellings.
3. Outdoor animal runs may be provided for small animals for use between 8 a.m. and 8 p.m., provided the runs are at least 150 feet from any existing dwelling and provided that the runs for dogs are separated from each other by visual barriers a minimum of 4 feet in height, to minimize dog barking.
4. Although animals may be kept as an accessory use, a commercial kennel shall only be allowed if a kennel is permitted in that district and if the applicable requirements are met.

403. **ADDITIONAL REQUIREMENTS FOR ACCESSORY USES.**

- 403.A. General. Accessory buildings, structures or uses that are clearly customary and incidental to a permitted by right, special exception or conditional use are permitted by right, except as is provided for in this Ordinance. A business shall only be conducted as an accessory to a dwelling if specifically permitted by this Ordinance.
- 403.B. Accessory Setbacks. The accessory setback requirements of the applicable district shall apply to every accessory building, structure or use unless a standard that is clearly meant to be more restrictive or less restrictive is specifically stated in this Article for a particular accessory use. Accessory structure setback requirements shall not apply to permitted surface parking lots, fences or permitted accessory signs.
- 403.C. Front Yard Setback. No accessory structure, use or building shall be permitted in a required front yard in any district, unless specifically permitted by this Ordinance.

- 403.D. Special Standards. Each accessory use shall comply with all of the following standards listed for that use:
1. Antenna, Standard. (includes amateur radio antenna)
 - a. Height. No standard antenna, including its supporting structure, shall have a total height above the average surrounding ground level of greater than 75 feet.
 - b. Anchoring. An antenna shall be properly anchored to resist high winds.
 2. Bees, Keeping of.
 - a. Facilities for the keeping of bees shall be setback a minimum of 40 feet from any residential lotline. Signs shall be erected as necessary to warn persons of the presence of bees.
 - b. The bee facilities shall be located and managed in such a manner as to minimize the potential of the bees entering streets, sidewalks or unauthorized properties.
 3. Composting as a principal or accessory use. (other than raising of mushrooms)
 - a. All composting shall be conducted in such a manner that does not create a fire, rodent or disease- carrying insect hazard and does not cause noxious odors off of the subject property.
 - b. Composting shall be permitted as an accessory use, provided that the composting is limited to biodegradable vegetative material, including trees, shrubs, leaves and vegetable waste. Such composting shall be kept free of other garbage and animal fats.
 - c. Any composting of manure shall be restricted to lots of 5 acres or greater. Such composting shall comply with the published manure management standards of the Pennsylvania State University Cooperative Extension Service.
 - 1) Commercial bulk composting of manure brought to a site from land of four or more different landowners for off-site use or any bulk mushroom production shall be restricted to the AP district and shall require special exception approval. Such composting shall meet all of the following requirements:
 - a) be a minimum of 500 feet from any "residential lot line,"
 - b) involve all leachate and compost pad runoff being collected and properly treated,
 - c) include compost wharves being constructed of an acceptable all-weather impervious surface,
 - d) require that the applicant prove to the satisfaction of the Zoning Hearing Board that significant nuisances and health hazards will not be generated, through adequate setbacks, procedures, siting and structures, and
 - e) in addition, the Zoning Hearing Board may require that the operations occur within a completely enclosed building.
 - d. Setbacks. Composting areas of greater than 1 acres shall be setback 75 feet from lot lines of abutting residential lot lines.
 - e. Water. The use shall comply with Section 309.
 - f. Height. The maximum height of any compost piles shall be 12 feet.
 - g. The use shall be operated in a manner that minimizes hazards from spontaneous combustion.
 - h. The Zoning Officer may require appropriate measures to limit the risk of fire and groundwater contamination.
 4. Day Care, Child - as accessory to a Dwelling
 - a. See Section 306 and the definitions in Section 202 concerning the number of children who can be cared for in different zoning districts in a Family Day Care Home or a Group Day Care Home.
 - b. In any case, 7 or more children (other than children who are "related" to the primary caregiver) shall only be cared for at one time within a single family detached dwelling with a minimum lot area of 1 acre and a 20 feet minimum setback from all existing dwellings on another lot(s). Four to 6 children, in addition to children who are "related" to the primary

- caregiver, shall only be cared for at one time within a dwelling that is not attached to another dwelling. The care of fewer numbers of children may occur within any lawful dwelling unit.
- c. The dwelling shall retain a residential appearance with no change to the exterior of the dwelling to accommodate the use, other than cosmetic improvements.
 - d. Any day care center involving 7 or more children shall be considered a principal use and meet the standards of Section 402 for such use, if permitted.
 - e. The use shall be actively operated by a permanent resident of the dwelling.
 - f. If 4 or more children who are not related to a permanent resident of the dwelling are cared for, then a minimum of 200 square feet of safe exterior play area shall be available.
 - g. See also "Day Care Center" as a principal use in Section 402, and Day Care as accessory to a Place of Worship in Section 306.B.
 - h. The use shall comply with any applicable state and federal regulations, including having an appropriate State Department of Public Welfare (or its successor agency) registration certificate or license if required by such agency.
 - i. The use shall include a secure fence around any outdoor areas abutting streets that are routinely used for outdoor play.
5. Drive-through facilities
- a. The proposed traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
 - b. On-lot traffic circulation and parking areas shall be clearly marked.
 - c. A drive-through use shall be designed with space for an adequate number of waiting vehicles while avoiding conflicts with traffic onto, around and off of the site. Any drive-through facilities shall be designed to minimize conflicts with pedestrian traffic.
6. Farm-Related Business. This use shall be permitted by right on an existing lot of at least 40 acres, provided the following regulations are met for non-agricultural activities:
- a. A Farm-Related Business shall be defined as a low-intensity commercial or industrial activity that functions as a customary accessory use to an on-site principal agricultural use. Farm-related businesses are intended to provide supplemental income to farmers to encourage the continuation of farming, and to provide needed services to other farmers.
 - b. A Farm-Related Business shall be conducted by a resident or owner of the property, his/her "relatives," and a maximum total of 3 other employees working on-site at one time, in addition to employees of the agricultural use. At least one resident or owner of the property shall work at least part-time in the Farm-Related Business. This number of employees may be increased to 7 if special exception approval is obtained.
 - (1) In addition, a barn that was constructed for agricultural purposes prior to the adoption of this Ordinance may be leased to a non-resident for a use meeting these standards if special exception approval is granted. Special exception approval is not needed for use of a pre-existing building for storage.
 - c. To the maximum extent feasible, a Farm-Related Business should use an existing building. Buildings that existed prior to the effective date of this section may be used for a Farm-Related Business. Any new building constructed for a Farm-Related Business and any new parking area for trucks shall be set back a minimum of 100 feet from any lot line of an existing dwelling, unless a larger setback is required by another section of this Ordinance. The total of all building floor areas used for a Farm-Related Business shall not exceed 7,000 square feet. The total area used by the Farm-Related Business, including parking, shall not exceed 3 acres.
 - d. The Farm-Related Business shall not routinely require the overnight parking of more than one tractor-trailer truck, other than trucks serving the agricultural use.
 - e. Any manufacturing operations shall be of a custom nature and shall be conducted indoors.
 - f. The Business shall not generate noxious odors, noise or glare beyond amounts that are typically generated by agricultural operations. Non-agricultural operations shall not

routinely occur in a manner that generates traffic or noise heard by neighbors between the hours of 9 p.m. and 7 a.m.

- g. Any retail sales shall only be occasional in nature, and shall occur by appointment or during a maximum of 20 hours per week. This provision shall not restrict permitted sale of agricultural products.
- h. Only one sign shall advertise a Farm-Related Business, which shall have a maximum sign area of 12 square feet on each of two sides, and which shall not be internally illuminated, and which shall have a maximum height of 10 feet.
- i. The following activities, and activities that the applicant proves to the Zoning Officer are closely similar, shall be permitted as Farm-Related Businesses:
 - (1) farm equipment, farm vehicle or buggy repair,
 - (2) occasional repair of one motor vehicle at a time, beyond those vehicles owned or leased by a resident of the property or his/her relative, but not including a junkyard, auto body shop or spray painting,
 - (3) light welding and custom machining of parts,
 - (4) construction tradesperson's headquarters,
 - (5) small engine repair,
 - (6) custom woodworking or wood refinishing,
 - (7) custom blacksmithing or sharpening services,
 - (8) installation of accessories to motor vehicles,
 - (9) rental storage of household items and vehicles,
 - (10) boarding of animals, not including a kennel or a stable, which are treated separately
 - (11) custom butchering, not including a commercial slaughterhouse or stockyard,
 - (12) sawmill
 - (13) temporary seasonal commercial farm tourism activities, which shall include the following and closely similar activities: corn mazes, hayrides, animal petting zoos and sales of custom crafts and baked goods.See also Stables and Retail Sales of Agricultural Products, which are treated as separate uses.
- j. This subsection shall not regulate agricultural uses that are permitted under other provisions of this Ordinance.
- k. If an activity would be permitted as either a Farm-Related Business or a Home Occupation, then the applicant may choose which set of provisions shall apply.
- l. One off-street parking space shall be provided per non-resident employee, plus parking for any dwelling. In addition, the applicant shall prove to the Zoning Officer that sufficient parking will be available for customers, which is not required to be paved.
- m. All existing and new buildings shall maintain a residential or agricultural appearance, as viewed from a public street.
- n. The use shall not involve the storage or use of highly hazardous, toxic, radioactive, flammable or explosive substances, other than types typically used in agriculture or a household. The use shall not cause noise nuisances to neighboring residents beyond what is typically caused by agricultural operations.
- o. Landscaping shall be placed between any outdoor storage of non-agricultural materials or products and any adjacent dwelling from which storage would be visible.
- p. The applicant shall prove that adequate space will be provided for truck movements.

7. Fences and Walls.

- a. Fences and walls are permitted by right in all Districts. Any fence or wall shall be durably constructed and well-maintained. Fences that have deteriorated shall be replaced or removed.
- b. No fence, wall or hedge shall obstruct the sight requirements of Section 803.C.
- c. Fences -
 - 1) Front Yard. Any fence located in the required minimum front yard of a lot in a residential or TC district shall:

- a) be an open-type of fence (such as picket or split rail) with a minimum ratio of 1:1 of open to structural areas,
 - b) not exceed 4 feet in height and
 - c) be constructed entirely of wood (plus any required fasteners and any wire mesh attached on the inside of the fence), or wrought iron or other material (such as vinyl posts) that resembles a wood or iron fence. Chain link fencing shall not be used in the required minimum front yard of a dwelling.
- 2) On a corner lot, a fence or wall shall meet the same requirements along both streets as would apply within a front yard. A fence shall not be required to comply with minimum setbacks for accessory structures.
 - 3) Height. No maximum height shall apply to fences that are not within a residential district. A fence located in a residential district in a location other than a required front yard shall have a maximum height of 6.5 feet, except a maximum of height of 12 feet shall be permitted where the applicant proves to the Zoning Officer that such taller height is necessary to protect public safety around a specific hazard.
 - 4) Setbacks. No fence shall be built within an existing street right-of-way. Within the Borough of Robesonia, a 2 feet minimum setback is required from a side or rear lot line of a lot in different ownership, unless the applicant provides a written letter from the adjacent owner agreeing to a smaller setback or no setback. See also buffer provisions in Section 803 that restrict fence locations.
 - 5) Fence materials. Barbed wire shall not be used as part of fences around dwellings. Electrically charged fences shall only be used to contain farm animals, and shall be of such low intensity that they will not permanently injure humans. No fence shall be constructed out of tires, fabric, junk, junk vehicles, appliances, tanks or barrels.
- d. Walls -
- 1) Engineered retaining walls necessary to hold back slopes are exempted from setback regulations and the regulations of this section, and are permitted by right as needed in all Districts.
 - 2) No wall of greater than 3 feet shall be located in the required front yard in a residential district, except as a backing for a permitted sign as permitted in Section 704.
 - 3) A wall in a residential district outside of a required front yard shall have a maximum height of 3 feet if it is within the minimum accessory structure setback..
 - 4) Walls that are attached to a building shall be regulated as a part of that building.
8. Garage Sale.
- a. See definition in Article 2. A garage sale shall not include wholesale sales, nor sale of new merchandise of a type typically found in retail stores.
 - b. If accessory to a dwelling, no garage sales shall be held on a lot during more than 2 days total in any 3 consecutive months.
 - c. The use shall be clearly accessory to the principal use.
 - d. No outdoor storage shall be permitted when the sale is not in operation.
9. Home Occupations.
- a. All home occupations shall meet the following requirements:
 - 1) The use shall be conducted by a permanent resident of the dwelling, and involve a maximum of one person working on-site at any one time who does not reside within the dwelling. A maximum of one non-resident employee shall visit the property on a daily basis or operate a vehicle based at the property.
 - 2) The use shall be conducted indoors. No outdoor storage or display related to the home occupation shall be permitted. No changes shall occur to the exterior of a building that would reduce its residential appearance as viewed from a street.
 - 3) The use shall occupy an area that is not greater than 25 percent of the total floor area of the principal dwelling unit. The use shall clearly be secondary to the residential use.

- 4) One off-street parking space shall be required per non-resident employee. In addition, for a General Home Occupation, the Zoning Hearing Board shall require additional off-street parking if the Board determines it is necessary for customer parking.
 - 5) The use shall not require delivery by tractor-trailer trucks.
 - 6) The regulations of Section 403.D.12.d. regarding parking of trucks shall apply to a home occupation. No excavating equipment shall be parked overnight on a residential lot or an adjacent street as part of a home occupation.
 - 7) No equipment or machinery shall be permitted that produces noise, noxious odor, vibration, glare, electrical or electronic interference detectable on another property. The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and amounts typically found on a residential property. The use shall not involve the storage or use of "toxic" or "highly hazardous" substances.
 - 8) For impacts not regulated by subsection "a.7" above, a home occupation shall not be conducted in a manner that is perceptible to other residents between the hours of 9 p.m. and 7:30 a.m.
 - 9) Any tutoring or instruction shall be limited to a maximum of 3 students at a time.
 - 10) If a barber or beauty shop or similar personal service use involves a person working on the site who is not a resident of the lot, then a minimum of 5 off-street parking spaces shall be required (2 for the dwelling, one for the non-resident employee and 2 for customers).
 - 11) The main office of a medical doctor, chiropractor or dentist shall not be permitted as a home occupation.
 - 12) A Home Occupation may include one 2 square foot non-illuminated sign, as permitted by Article 7.
 - 13) The Zoning Hearing Board shall deny a General Home Occupation application, or limit its intensity through conditions, if the Board determines the use would be too intense for the proposed location. In making such determination, the Board shall review the likely amounts of traffic, the types of operations involved and related nuisances, the amount of off-street and on-street parking that is available, the density of the neighborhood, whether the use would be adjacent to another dwelling, and setbacks from other dwellings.
 - a) The Zoning Hearing Board may also permit up to 3 non-resident employees as a special exception if the Board, after considering the above criteria, determines that the property is especially well-suited to a more intense use.
 - 14) The use shall not involve manufacturing, other than of custom crafts and sewing. The use shall not involve commercial repair of motor vehicles.
 - 15) The use may include sales using telephone, mail order or electronic methods. On-site retail sales shall only be permitted within a General Home Occupation, and if specifically approved as part of a special exception approval. Such retail sales shall be limited to sales that are clearly accessory to an approved barber shop or similar on-site service.
 - 16) If more than one home occupation is accessory to a dwelling, the total aggregate impact of the home occupations shall be considered in determining compliance with this Ordinance.
 - 17) A zoning permit shall be required for any home occupation.
- b. In addition to the requirements listed in "a" above, the following additional requirements shall apply to a "Light Home Occupation:"
- 1) The use shall not routinely involve routine visits to the home occupation by customers or more than one non-resident employee at a time.
 - 2) The use shall only involve the following activities:
 - a) work routinely conducted within an office,
 - b) custom sewing and fabric and basket crafts,
 - c) cooking and baking for off-site sales and use,
 - d) creation of visual arts (such as painting or wood carving),

- e) repairs to and assembly of computers and computer peripherals, and
 - f) a construction tradesperson, provided that a maximum of one non-resident employee shall routinely operate from the lot.
- 3) On-site retail sales shall be prohibited.
- c. See also the provisions for "Farm-Related Businesses" in this section, which provide less restrictive standards on certain large lots.
10. Outdoor Storage and Display. Commercial or Industrial as a Principal or Accessory Use.
- a. Location. Outdoor storage or display shall not occupy any part of any of the following: the existing or future street right-of-way, sidewalk or other area intended or designed for pedestrian use or required parking area.
 - b. No such storage or display shall occur on areas with a slope in excess of 25% or within the 100 year floodplain.
 - c. Screening. See Section 803.
 - d. For tires not mounted on a motor vehicle, any outdoor storage of more than 4 tires on a lot in a residential district or more than 150 used tires in a non-residential district shall only be permitted as part of a Municipally-approved junkyard.
 - e. Where allowed, any storage of used tires shall involve stacks with a maximum height of 15 feet, and that cover a maximum of 400 square feet. Each stack shall be separated from other stacks from all lot lines by a minimum of 75 feet. All tires shall be stored in a manner that does not allow water to be retained and thereby create a mosquito problem.
11. Pets, Keeping of.
- a. This is a permitted by right accessory use in all districts.
 - b. No use shall involve the keeping of animals or fowl in such a manner or of such types of animals that it creates a serious nuisance (including noise or odor), a health hazard or a public safety hazard. The owner of the animals shall be responsible for collecting and properly disposing of all fecal matter from pets. No dangerous animals shall be kept outdoors in a residential district, except within a secure, completely enclosed cage or fenced area of sufficient height or on a leash under full control of the owner.
 - c. A maximum combined total of 6 dogs and cats shall be permitted to be kept by residents of each dwelling unit, unless a more restrictive requirement is established by a separate ordinance adopted by the applicable municipality.
 - 1) Such limits shall only apply to dogs or cats over 6 months in age.
 - 2) Any greater number of dogs and/or cats shall need approval as a "kennel".
 - 3) On a farm of 50 acres or more, the maximum total number of dogs shall be increased to 8, and no maximum shall apply to the number of cats.
 - d. The keeping of 1 or 2 total pigeons (except as may be preempted by the State Carrier Pigeon Law), chickens, ducks, geese and/or similar fowl shall be permitted on lot with a minimum lot area of 1 acre.
 - e. Any keeping of pets shall only be permitted provided it does not create any of the following: a) unsanitary conditions, b) noxious odors for neighbors, or c) repetitive noise disturbances for neighbors.
 - f. Minimum lot area for horses (includes similar equine animals) - 2 acre for one horse, plus 1 acre for each additional horse. Any stable for a horse and any manure storage shall be setback a minimum of 60 feet from any lot line.
 - g. Only those pets that are domesticated and are compatible with a residential character shall be permitted as "Keeping of Pets." Examples of permitted pets include dogs, cats, rabbits, gerbils and lizards. Examples of prohibited pets include but are not limited to: bears, goats, wolves, wolf-dog hybrids, cows, venomous snakes that could be toxic to humans, constrictor snakes, hogs or sheep.
 - h. It shall be unlawful on a residential lot to keep any "exotic wildlife" as defined by the Pennsylvania Game & Wildlife Code, whether or not an exotic wildlife possession permit has been issued.

12. Residential Accessory Structure or Use. (see definition in Article 2)

- a. Accessory structures and uses (other than fences) shall not be located within the required accessory use setback as stated in Section 307.A., unless specifically exempted by this Ordinance. Accessory structures shall not be located within a front yard, nor within any yard required to be equal in width to a front yard along a street on a corner lot.
- b. Accessory buildings in a residential district on a lot of less than 2 acres shall meet the following requirements:
 - 1) Maximum total floor area of all accessory buildings- 1,000 square feet.
 - 2) Maximum of 2 accessory buildings per lot.
- c. Height. See Section 307.B.
- d. Parking of Commercial Trucks. The overnight outdoor parking of commercial trucks on a primarily residential lot in a residential district is prohibited, except that one of the following shall be permitted if such vehicle(s) is used by residents of the dwelling to travel to and from work:
 - 1) the parking of a maximum of 2 vehicles, each of up to 15,000 pounds aggregate gross vehicle weight, or
 - 2) the parking of 1 vehicle with an aggregate gross vehicle weight of over 15,000 pounds aggregate gross vehicle weight, provided such vehicle is kept a minimum of 50 feet from any dwelling on another lot.
- e. Repairs. Repairs of the following shall not occur on a principally residential lot:
 - 1) trucks with an aggregate gross vehicle weight of over 15,000 pounds aggregate gross vehicle weight, or
 - 2) vehicles not owned or leased by a resident of the lot or his/her "relative."
- f. See setback exceptions in Section 803.B.
- g. Unregistered Vehicles. A maximum of 1 "unregistered vehicle" may be kept outside of an enclosed building on a residential lot of less than 50 acres, unless a more restrictive requirement is established by a separate ordinance adopted by the applicable municipality. See also the definition of "Junkyard."
- h. Parking of Recreational Vehicles, Boats and Boat Trailers. Within a Borough, a recreational vehicle, boat or boat trailer with a total length greater than 22 feet shall not be parked on a residential lot within the minimum front yard on more than 2 days in any 7 day period. If a recreational vehicle, boat or boat trailer is parked outdoors more than 2 days in any 7 day period on a residential lot outside of the minimum front yard, it shall be separated from any abutting residential lot by landscaping.
 - (1) Definition. For the purposes of this section, a "recreational vehicle" shall mean a motor vehicle that is self-propelled or towed and that is designed to be transported along public streets to serve as a mobile temporary residence. The term shall include, but is not limited to: motor homes, pop-up trailers and campers.

13. Retail Sales of Agricultural Products as an Accessory Use.

- a. The use shall be an accessory use incidental to a crop farming, greenhouse, plant nursery, orchard, winery or raising of livestock use.
- b. The only retail sales shall be of agricultural products and horticultural products, in addition to any hand-made crafts produced by the operator of the market and/or his/her family. An average of not less than 30 percent of the products sold on-site shall have been produced by the operator or his/her family. This percentage may vary month to month, provided that the average is met.
- c. Off-street parking shall be provided in compliance with the provisions of Article 6. No parking shall be permitted in such a way that it creates a safety hazard.
- d. Any structure erected for this use that are not clearly permanent in nature shall be disassembled during seasons when products are not offered for sale.
- e. Signs. See Section 709.

- f. No stand shall be located closer than: 50 feet from a lot line of an existing dwelling, 25 feet from any other lot line or 100 feet from the closest intersecting point of street rights-of-ways at a street intersection, unless the sales occur within a dwelling or barn that existed prior to the adoption of this Ordinance.
- g. A maximum total of 3,000 square feet of building floor area shall be used for such use.
- h. The use may occur within an existing dwelling, a barn or a separate stand. Any stand shall be maintained in good condition.
- i. The retail sales shall be located on land owned by the operator of the market or upon a tract of 5 acres or more which the operator of the market actively farms.
- j. The applicant shall prove to the Zoning Officer that the driveway has adequate sight distance, based upon the PENNDOT standards that would apply to a normal commercial establishment along a state road, regardless of whether a PENNDOT permit would be needed.

14. Swimming Pool, Household. (referred hereafter as "pool").

- a. Any pool shall provide a secure minimum 4 feet high fence or other suitable enclosure meeting the applicable provisions of the International Building Code or its successor code.
- b. Location. Any pool deck or shelter that is elevated above the average surrounding ground level and any water surface of any pool shall each be setback a minimum of 10 feet from any lot line. Patios around pools that are level with the average surrounding ground level are not required to be setback from lot lines. A pool is not permitted within a required front yard. A pool shall meet requirements of any utility easement.

15. Unit for Care of Relative.

- a. The use shall meet the definition in Section 202.
- b. The accessory unit shall be occupied by a maximum of two persons, who shall be "relatives" of the permanent residents of the principal dwelling unit. At least one resident of the accessory unit shall need such accommodations because of an illness, old age or disability.
- c. The applicant shall prove to the Zoning Officer that the accessory unit has been designed and constructed so that it can be easily reconverted into part of the principal dwelling unit after the relative no longer resides within the unit. Such accessory unit may be converted into an additional bedroom(s), permitted home occupation area or similar use. A lawful detached garage may be converted into a Unit for Care of Relative, and then be reconverted to a garage or permitted home occupation area.
- d. The applicant shall establish a legally binding mechanism in a form acceptable to the municipality that will prohibit the use of the accessory unit as a separate dwelling unit after the relative no longer resides within the unit. Such mechanism shall also be binding upon future owners.
- e. The owner of the property shall be required to annually renew the permit for the use. Such renewal shall be conditioned upon the owner proving that a relative of the occupants of the principal dwelling unit continues to reside within the accessory unit.
- f. Such accessory unit shall not decrease the one family residential appearance of a one family dwelling, as viewed from exterior property lines.
- g. Additional parking for the accessory unit is not required if the applicant proves that the resident(s) of the accessory unit will not routinely operate a vehicle.

ARTICLE 5

ENVIRONMENTAL PROTECTION

501. **EROSION CONTROL.** The landowner, person and/or entity performing any earth disturbance shall utilize sufficient measures to prevent soil erosion and sedimentation of creeks. See any applicable Stormwater Management Ordinance.

501.A. The disturbed land area and the duration of exposure shall be kept to a practical minimum.

501.B. Any earth disturbance over 5,000 square feet of land area, other than routine crop farming, shall require the submission of an adequate Erosion and Sedimentation Control Plan to the County Conservation District.

501.C. See State erosion control regulations (Note: as of 2003 in 25 PA. Code Chapter 102).

501.D. If any earth materials are removed from a site (such as a borrow pit), the site shall be regraded and revegetated in a manner that controls soil erosion and that allows a suitable reuse of the site.

502. **NUISANCES AND HAZARDS TO PUBLIC SAFETY.**

502.A. No land owner, tenant nor lessee shall use or allow to be used any land or structures in a way that results or threatens to result in any of the following conditions:

1. Transmission of communicable disease, including conditions that may encourage the breeding of insects or rodents.
2. A physical hazard to the public, or a physical hazard that could be an attractive nuisance that would be accessible by children.
3. Pollution to groundwaters or surface waters, other than as authorized by a State or Federal permit.
4. Risks to public health and safety, such as but not limited to explosion, fire or biological hazards.
5. Interference with the reasonable use and enjoyment of property by a neighboring landowner of ordinary sensitivities.

502.B. Additional Information. If the Zoning Officer has reason to believe that the proposed use may have difficulty complying with the standards of this Article, then the Zoning Officer may require an applicant to provide written descriptions of proposed machinery, hazardous substances, operations and safeguards.

502.C. Right-to-Know. Uses storing or utilizing hazardous materials shall comply with the State Right-to-Know Law, including providing written notifications to local fire companies.

503. **WETLANDS.** See Section 314.

504. **FLOOD-PRONE AREAS ("Floodplains").**

504.A. The municipal Floodplain Ordinance, as amended, shall apply. However, if specific provisions of this Ordinance and the Floodplain Ordinance conflict in regards the same matter, the most restrictive provision upon development shall apply.

504.B. **Unstudied Flood-prone Areas.** Where the Municipal Engineer has reason to believe that land along a waterway or drainage swale may be subject to a 100 year flood, and the applicable length of the waterway or drainage swale was not studied as part of the official

100 year floodplain study, then the Zoning Officer shall require an applicant for development that would alter such land to provide a floodplain study.

1. The floodplain study shall be prepared by a qualified licensed/registered professional and shall be based upon generally accepted methodology to determine the extent of a 100-year floodplain.
2. Within any areas that the floodplain study determines to be subject to 100-year flooding, the regulations of the 100-year floodplain shall apply, as stated in the Township Floodplain Ordinance.

504.C. Building Prohibition. No new principal building shall be constructed, erected or otherwise placed within the 100-Year Floodplain. This provision shall not by itself prohibit accessory buildings or additions.

505. **NOISE.**

505.A. No principal or accessory use, or operations or activities on its lot, shall generate a sound level exceeding the limits established in the table below, when measured at the specified locations:

Sound Level Limits by Receiving Land Use/ District

LAND USE OR ZONING DISTRICT <u>RECEIVING THE NOISE</u>	HOURS/ DAYS	MAXIMUM SOUND LEVEL
At a Lot Line of a Residential Use in a Residential District	1) 7 a.m. to 9 p.m. other than Sundays, Christmas Day, Thanksgiving Day, New Years Day, Labor Day and Memorial Day	1) 62 dBA
	2) 9 p.m. to 7 a.m. plus all day Sundays, Christmas Day, Thanksgiving Day, New Years Day, Easter Sunday, Labor Day and Memorial Day	2) 55 dBA
At any Other Lot Line	All times and days	70 dBA

Note- dBA means "A" weighted decibel.

505.B. The maximum permissible sound level limits set forth in the above table shall not apply to any of the following noise sources:

1. Sound needed to alert people about an emergency.
2. Repair or installation of utilities or construction of structures, sidewalks or streets between the hours of 7 a.m. and 8 p.m., except for clearly emergency repairs which are not restricted by time.
3. Household power tools and lawnmowers between the hours of 8 a.m. and 9 p.m.
4. Agricultural activities, including permitted raising of livestock, but not exempting a commercial kennel.
5. Public celebrations specifically authorized by the Board of Supervisors, Borough Council or a County, State or Federal Government agency or body.
6. Unamplified human voices or the sound of a single animal.
7. Routine ringing of bells and chimes by a place of worship or municipal clock.
8. Vehicles operating on a public street, railroads and aircraft.

506. **ODORS AND DUST.** No use shall generate odors or dust that are offensive to persons of average sensitivities beyond the boundaries of the subject lot. (Informational note - Municipal regulations on odors and dust that are customary to “normal farming operations” are pre-empted under State law.)
507. **CONTROL OF LIGHT AND GLARE.** This section 507 shall only regulate exterior lighting that spills across lot lines or onto public streets.
- 507.A. **Street Lighting Exempted.** This Section 507 shall not apply to street lighting that is owned, financed or maintained by a Township, Borough or the State.
- 507.B. **Height of Lights.** No luminaire, spotlight or other light source that is within 200 feet of a lot line of an existing dwelling or approved residential lot shall be placed at a height exceeding 20 feet above the average surrounding ground level. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature of a building provided the light is properly aimed and shielded, nor lighting of outdoor public recreation facilities that is properly aimed and shielded.
- 507.C. **Diffused.** All light sources, including signs, shall be properly diffused as needed with a translucent or similar cover and shielded to prevent exposed bulbs from being directly visible from streets, public sidewalks, dwellings or adjacent lots at normal viewing angles.
- 507.D. **Shielding.** All light sources, including signs, shall be shielded around the light source and carefully directed and placed to prevent the lighting from creating a nuisance to reasonable persons in adjacent dwellings, and to prevent the lighting from shining into the eyes of passing motorists.
- 507.E. **Flickering.** Flashing, flickering or strobe lighting are prohibited, except for non-advertising seasonal lights between October 25th and January 10th.
- 507.F. **Spillover.** Exterior lighting on an institutional, commercial or industrial property shall not cause a spillover of light onto a residential lot that exceeds 0.5 vertical foot-candle line of sight at a distance 10 feet inside the residential lot line. Exterior lighting shall not cause a nighttime spillover of light that exceeds 5 horizontal foot-candles onto a street.
- 507.G. **Canopies.** Light fixtures under commercial canopies (such as over gasoline pumps) shall be placed so that the cover is recessed or flush with the bottom surface of the canopy and/or shielded by the edge of the canopy so that light is restrained to no more than 85 degrees from vertical.
508. **STEEP SLOPES.** See Section 310.
509. **SETBACKS FROM CREEKS.** See Section 312.

**ARTICLE 6
OFF-STREET PARKING AND LOADING**

601. REQUIRED NUMBER OF PARKING SPACES.

601.A. Overall Requirements.

1. Number of Spaces. Each use that is newly developed, enlarged, significantly changed in type or increased in number of establishments shall provide and maintain off-street parking spaces in accordance with Table 6.1 and the regulations of this Article.
2. Uses Not Listed. Uses not specifically listed in Table 6.1 shall comply with the requirements for the most similar use listed in Table 6.1, unless the applicant proves to the satisfaction of the Zoning Officer that an alternative standard should be used for that use.
3. Multiple Uses. Where a proposed lot contains or includes more than one type of use, the number of parking spaces required shall be the sum of the parking requirements for each separate use.
4. Parking Landscaping. See Sections 803 and 804 of this Ordinance.

TABLE 6.1 - OFF-STREET PARKING REQUIREMENTS

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
A. <u>RESIDENTIAL USES:</u> 1. Dwelling Unit, other than types listed separately in this table.	2 per dwelling unit*, except: a) 1 per conversion apartment that only includes one bedroom or is an efficiency unit; b) 3 per dwelling unit if 4 or more bedrooms. * Note: If desired, one space may be in a garage and one space in a driveway.	
2. Home Occupation	See Section 402	
3. Housing Permanently Restricted to Persons 62 Years and Older and/or the Physically Handicapped (other than Retirement Community)	1 per dwelling/ rental unit, except 0.4 per dwelling/ rental unit if evidence is presented that the non-physically handicapped persons will clearly primarily be over 70 years old	Non-Resident Employee
4. Boarding House	1 per rental unit or bed for adult, whichever is greater	Non-Resident Employee
5. Group Home	1 per 2 residents of a type reasonably expected to be able to drive a vehicle	Employee

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
<u>B. INSTITUTIONAL USES:</u> 1. Place of Worship or Church	1 per 5 seats in room of largest capacity	Employee
2. Hospital	1 per 3 beds	1.2 Employees
3. Nursing Home	1 per 5 beds	1.1 Employees
4. Assisted Living Facility and/or Retirement Community	1 per 4 beds, plus 1.5 for each individual dwelling unit	1.1 Employees

5. Day Care Center	1 per 10 children, with spaces designed for safe and convenient drop-off and pick-up	1.1 Employees
6. School, Primary or Secondary	1 per 4 students aged 16 or older	Employee
7. Utility Facility	1 per vehicle routinely needed to service facility	
8. College, University or Trade School	1 per 1.5 students not living on campus who attend class at peak times (plus required spaces for on-campus housing)	Employee
9. Library, Community Center or Cultural Center or Museum	1 per 5 seats (or 1 per 250 sq. ft. of floor area accessible to patrons and/or users if seats are not typically provided)	Employee
10. Treatment Center	1 per 2 residents aged 16 years or older plus 1 per non-resident intended to be treated on-site at peak times	Non-Resident Employee
11. Swimming Pool, Non-Household	1 per 50 sq. ft. of water surface, other than wading pools	Employee
C. <u>COMMERCIAL USES:</u>	All commercial uses, as applicable, shall provide additional parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time. These additional spaces are not required to meet the stall size and parking aisle width requirements of this Ordinance.	
1. Auto Service Station or Repair Garage	5 per repair/ service bay and 1/4 per fuel nozzle with such spaces separated from accessways to pumps	Employee; plus any parking needed for a convenience store under "retail sales"
2. Auto, Boat, Recreational Vehicle or Manufactured Home Sales	1 per 15 vehicles, boats, Rvs or homes displayed	Employee
3. Bed and Breakfast Use	1 per rental unit plus the 2 per dwelling unit	Non-resident employee
4. Bowling Alley	2 per lane plus 2 per pool table	1.2 Employees
5. Car Wash	Adequate waiting and drying areas.	1.2 Employees
6. Financial Institution (includes bank)	1 per 200 sq. ft. of floor area accessible to customers, plus "office" parking for any administrative offices	1.2 Employees

7. Funeral Home	1 per 5 seats in rooms intended to be in use at one time for visitors, counting both permanent and temporary seating	Employee
8. Miniature Golf	1 per hole	1.2 Employees
9. Haircutting/ Hairstyling (For a Home Occupation, see Section 403.D.)	1 per customer seat used for haircutting, hair styling, hair washing, manicuring or similar work	1.2 Employees
10. Hotel or Motel	1 per rental unit plus 1 per 4 seats in any meeting room (plus any required by any restaurant)	1.2 Employees
11. Laundromat	1 per 3 washing machines	On-site Employee
12. Offices or clinic, Medical/dental	5 per physician and 4 per dentist	1.2 Employees
13. Offices, other than above	1 per 300 sq. ft. of total floor area	
14. Personal Service Use, other than haircutting/hairstyling (min. of 2 per establishment)	1 per 200 sq. ft. of floor area accessible to customers	1.2 Employees
15. Indoor Recreation (other than bowling alley), Membership Club or Exercise Club	1 per 4 persons of maximum capacity of all facilities	1.2 Employees
16. Outdoor Recreation (other than uses specifically listed in this table)	1 per 4 persons of capacity (50% may be on grass overflow areas with major driveways in gravel)	1.2 Employees
17. Restaurant	1 per 4 seats, or 3 spaces for a use without customer seats	1.2 Employees
18. Retail Sales (other than Types separately listed)	1 per 200 sq. ft. of floor area of rooms accessible to customers.	
19. Retail Sales of Only Furniture, Lumber, Carpeting, Bedding or Floor Covering	1 per 400 sq.ft. of floor area of rooms accessible to customers	
20. Tavern	1 per 30 sq. ft. of total floor area	1.2 Employees

21. Theater or Auditorium	1 per 4 seats, one-half of which may be met by convenient parking shared with other business uses on the same lot that are typically not routinely open beyond 9:00 p.m.	1.2 Employees
22. Trade/Hobby School	1 per 2 students on-site during peak use	1.2 Employee
23. Veterinarian Office	4 per veterinarian	1.2 Employee
<u>E. INDUSTRIAL USES:</u> All industrial uses (including warehousing, distribution and manufacturing)	In addition to parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time, which spaces are not required to meet the stall size and aisle width requirements of this Ordinance 1 per 1.2 employee, based upon the maximum number of employees on-site at peak period of times	1 visitor space for every 10 managers on the site
Self-Storage Development	1 per 20 storage units	1.2 Employee

602. GENERAL REGULATIONS FOR OFF-STREET PARKING.

602.A. General. Parking spaces and accessways shall be laid out to result in safe and orderly use, and to fully take into account all of the following: vehicular access onto and off the site, vehicular movement within the site, loading areas, pedestrian patterns and any drive-thru facilities. No parking area shall cause a safety hazard or impediment to traffic off the lot.

602.B. Existing Parking.

1. Any parking spaces serving such pre-existing structures or uses at the time of adoption of this Ordinance shall not in the future be reduced in number below the number required by this Ordinance.
2. If a new principal non-residential building is constructed on a lot, then any existing parking on such lot that serves such building shall be reconfigured to comply with this Ordinance, including but not limited to, requirements for channelization of traffic from adjacent streets, channelization of traffic within the lot, minimum aisle widths, paving and landscaping.

602.C. Change in Use or Expansion. A structure or use in existence at the effective date of this Ordinance that expands or changes in use of an existing principal building shall be required to provide all of the required parking for the entire size and type of the resulting use, except as follows:

1. If an existing lawful use includes less parking than would be required, then that deficit of parking shall be grandfathered for new uses. For example, if an existing store included 3 parking spaces and was required to provide 7 spaces, there is a deficit of 4 spaces. Therefore, if that store is converted to an office that would need 10 spaces, the office would need to provide a total of 6 spaces (10 minus the pre-existing deficit of 4).

2. If a use expands by an aggregate total maximum of 5 percent in the applicable measurement (such as building floor area) beyond what existed at the time of adoption of this Ordinance, then no additional parking is required. This exemption shall only be once during the life of the use. For example, if an existing building included 3,000 square feet, and a single minor addition of 300 square feet was proposed, then additional parking would not be required.

602.D. Continuing Obligation of Parking and Loading Spaces. All required numbers of parking spaces and off-street loading spaces shall be available as long as the use or building which the spaces serve still exist, and such spaces shall not be reduced in number below the minimum required by this ordinance. No required parking area or off-street loading spaces shall be used for any other use (such as storage or display of materials) that interferes with the area's availability for parking.

602.E. Location of Parking.

1. Required off-street parking spaces shall be on the same lot or abutting lot with the principal use served, unless the applicant proves to the satisfaction of the Zoning Hearing Board that a method of providing the spaces is guaranteed to be available during all of the years the use is in operation within 300 feet walking distance from the entrance of the principal use being served. Such distance may be increased to 500 feet for employee parking of a non-residential use. A written and signed lease shall be provided.
 - a. The Zoning Hearing Board may require that the use be approved for period of time consistent with the lease of the parking, and that a renewal of the permit shall only be approved if the parking lease is renewed.

602.F. Reduction of Parking Requirements as a Special Exception.

1. Purposes - To minimize the amount of land covered by paving, while making sure adequate parking is provided. To recognize that unique circumstances may justify a reduction in parking.
2. As a special exception, the Zoning Hearing Board may authorize a reduction in the number of off-street parking spaces required to be provided for a use if the applicant proves to the satisfaction of the Zoning Hearing Board that a lesser number of spaces would be sufficient.
 - a. The applicant shall provide evidence justifying the proposed reduced number of spaces, such as studies of similar developments during their peak hours. The applicant shall also provide relevant data, such as numbers of employers, peak expected number of customers/visitors and similar data.
 - b. Under this section, an applicant may prove that a reduced number of parking spaces is justified because more than one principal use will share the same parking. In such case, the applicant shall prove that the parking has been designed to encourage shared use, and that long-term agreements ensure that the parking will continue to be shared. The amount of the reduction in parking should be determined based upon whether the different uses have different hours of peak demand and/or overlapping customers.

- c. **Reserved Area for Additional Parking.** Under this section, the Zoning Hearing Board may require that a portion of the required parking be met through a reservation of an area for future parking. The Board may require the reservation for a certain number of years or an indefinite period corresponding to the years the buildings are in use.
 - (1) Such reservation shall be in a form acceptable to the Zoning Hearing Board Solicitor that legally binds current and future owners of the land to keep the reserved parking area in open space and then to provide the additional parking if the municipality determines it is necessary. A deed restriction is recommended.
 - (2) If approved under this subsection “c.”, the applicant shall present a site plan to the Zoning Officer that shows the layout that will be used for the additional parking if the parking is required to be provided in the future. The site plan shall show that the additional parking is integrated with the overall traffic access and pedestrian access for the site, and that the additional parking will be able to meet municipal requirements.
 - (3) The additional parking that is “reserved” under this subsection shall be required to be kept as landscaped open area, until such time as the Zoning Hearing Board decision may authorize the land’s release from the restriction, or until the municipality may require that the land be developed as parking.
 - (4) The Zoning Officer shall periodically review the sufficiency of the parking that is provided. If the Zoning Officer in the future determines that the reserved parking is needed to meet actual demand, he/she shall provide written notice to the property-owner. The property-owner shall then have one year to develop the reserved area into off-street parking in compliance with this Ordinance.

602.G. Parking of Unregistered Vehicles. See under "Residential Accessory Uses" in Section 403.

602.H. Truck Parking in a Residential District. See under "Residential Accessory Uses" in Section 403.

603. DESIGN STANDARDS FOR OFF-STREET PARKING.

603.A. General Requirements.

- 1. Backing Onto a Street. No parking area shall be designed to require or encourage parked vehicles to back into a public street in order to leave a parking space, except for a single family or two-family dwelling with its access onto a local street or parking court. Parking spaces may back onto an alley.
- 2. Every required parking space shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle, except for spaces serving a single family, twin or townhouse dwelling.
- 3. Parking areas shall not be within a required buffer yard or street right-of-way.
- 4. Separation from Street. Except for parking spaces immediately in front of individual dwellings, all areas for off-street parking, off-street loading and unloading and the storage or movement of motor vehicles shall be physically separated from the street by a continuous grass or landscaped planting strip, except for necessary and approved vehicle entrances and exits to the lot.

5. Stacking and Obstructions. Each lot shall provide adequate area upon the lot to prevent back-up of vehicles on a public street while awaiting entry to the lot, or while waiting for service at a drive-thru facility.

603.B. Size and Marking of Parking Spaces.

1. Each parking space shall be a rectangle with a minimum width of 9 feet and a minimum length of 18 feet, except the minimum size shall be 8 feet by 22 feet for parallel parking.
2. For handicapped spaces, see Section 603.F. below.
3. All spaces shall be marked to indicate their location, except those of a one or two family dwelling.

603.C. Aisles. The following parking aisle widths shall supersede the aisle widths stated in the Subdivision and Land Development Ordinance.

1. Each aisle providing for one-way traffic to access parking stalls shall have the following minimum width:

Angle of Parking	Minimum Aisle Width
Parallel or 30 degrees	12 feet
45 degrees	14 feet
60 degrees	18 feet
90 degrees	20 feet

2. Each aisle providing access to stalls for two-way traffic shall be a minimum of 24 feet in width, except a width of 20 feet may be allowed for parking areas with spaces that are parallel or involve an angle of parking of 45 degrees or less.

603.D. Accessways and Driveways.

1. Width of Driveway/Accessway at Entrance onto a Public Street, at the edge of the cartway*

	1-Way Use	2-Way Use
Minimum	12 feet *	25 feet *
Maximum	20 feet *	30 feet *

* Unless a different standard is required by PENNDOT for an entrance to a State road, or the applicant proves to the satisfaction of the Zoning Officer that a wider width is needed for tractor-trailer trucks.

2. Drainage. Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at the point of driveway entry. The municipality may require an applicant to install an appropriate type and size of pipe at a driveway crossing.
3. Street Entrance. Where a driveway or accessway enters onto a paved public street, the first 20 feet of distance of the driveway or accessway from the cartway shall be paved in asphalt, concrete, paving block or similar hard surface.

603.E. Paving, Grading and Drainage.

1. Parking and loading facilities and including driveways shall be graded and adequately drained to prevent erosion or excessive water flow across streets or adjoining properties.

2. Except for landscaped areas, all portions of required parking, loading facilities and driveways shall be surfaced with asphalt, concrete, paving block or other low-dust materials pre-approved by the municipality. However, by special exception, the Zoning Hearing Board may allow parking areas with low usage to be maintained in stone and/or grass.

603.F. Lighting of Parking Areas. See "Light and Glare Control" in Article 5.

603.G. Handicapped Parking.

1. Number of Spaces. Any lot including 4 or more off-street parking spaces shall include a minimum of one handicapped space. The following number of handicapped spaces shall be provided, unless a greater number of spaces is officially required under the Federal Americans With Disabilities Act:

TOTAL NO. OF PARKING SPACES ON THE LOT	REQUIRED MINIMUM NO./ PERCENT OF HANDICAPPED PARKING SPACES
4 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of required number of spaces
1,001 or more	20 plus 1% of required number of spaces over 1,000

2. Location. Handicapped parking spaces shall be located where they would result in the shortest reasonable accessible distance to a handicapped accessible building entrance. Curb cuts shall be provided as needed to provide access from the handicapped spaces.
3. Minimum Size. Each required handicapped parking space shall be 8 by 18 feet. In addition, each space shall be adjacent to a 5 feet wide access aisle. Such access aisle may be shared by two handicapped spaces by being placed between them. However, 1 out of every 8 required handicapped parking spaces shall have an adjacent access aisle of 8 feet width instead of 5 feet.
4. Slope. Handicapped parking spaces shall be located in areas of less than 6 percent slope in any direction.
5. Marking. All required handicapped spaces shall be well-marked by clearly visible signs or pavement markings. Blue paint is recommended.
6. Paving. Handicapped parking spaces and adjacent areas needed to access them with a wheelchair shall be covered with a smooth surface that is usable with a wheelchair.

603.H. Paved Area Setbacks (including Off-Street Parking Setbacks).

1. Intent. To ensure that parked or moving vehicles within a lot do not obstruct sight distance or interfere with pedestrian traffic, to aid in storm water management along streets and to prevent vehicles from entering or exiting a lot other than at approved driveways.
2. Any new or expanded paved area serving a principal non-residential use shall be separated from a public street by a planting strip. The planting strip shall have a

minimum width of 15 feet and be maintained in grass or other attractive vegetative groundcover. This width may be reduced to 10 feet in the TC and TR zoning districts.

- a. The planting strip shall not include heights or locations of plants that would obstruct safe sight distances, but may include deciduous trees that motorists can view under the leaf canopy.
- b. The planting strip may be placed inward from the shoulder of an uncurbed street or inward from the curb of a curbed street. The planting strip may overlap the street right-of-way, provided it does not conflict with PennDOT requirements, and provided that the municipality and PennDOT as applicable maintain the right to replace planting areas within the right-of-way with future street improvements.
- c. Municipally-approved sidewalks and approximately perpendicular driveway crossings may be placed within the planting strip. Therefore, for example, if a 10 feet wide setback is required, it may include a 3 feet wide planting strip, a 5 feet wide sidewalk and then a 2 feet wide planting strip to equal a total of 10 feet.
- d. Signs may be placed within a planting strip outside of a street right-of-way provided all requirements of this Ordinance are met. Mostly vegetative stormwater channels may be placed within the planting strip.
- e. The following shall be prohibited within the planting strip:
 1. paving, except for approved sidewalks and driveway crossings,
 2. fences, and
 3. parking, storage or display of vehicles or items for sale or rent.

604. OFF-STREET LOADING.

- 604.A. Each use shall provide off-street loading facilities, which meet the requirements of this Section, sufficient to accommodate the maximum demand generated by the use and the maximum size vehicle, in a manner that will not routinely obstruct traffic on a public street. If a reasonable alternative does not exist, traffic may be obstructed for occasional loading and unloading along an alley.
- 604.B. At the time of review under this Ordinance. the applicant shall provide evidence to the Zoning Officer on whether the use will have sufficient numbers and sizes of loading facilities. The Planning Commission and/or Board of Supervisors may provide advice to the Zoning Officer on this matter as part of any plan review by such boards. For the purposes of this Section, the words "loading" and "unloading" are used interchangeably.
- 604.C. Each space and the needed maneuvering room shall not intrude into approved buffer areas and landscaped areas.
- 604.D. Fire Lanes. Fire lanes shall be provided where required by State or Federal regulations or other local ordinances. The specific locations of these lanes are subject to review by Township Fire Officials.

ARTICLE 7 SIGNS

701. APPLICABILITY.

- 701.A. Purposes. This Article is intended to: promote and maintain overall community aesthetic quality; establish reasonable time, place and manner of regulations for the exercise of free speech, without regulating content; promote traffic safety by avoiding distractions and sight distance obstructions; and protect property values and ensure compatibility with the character of neighboring uses.
- 701.B. Permit Required. A zoning permit shall be required for all signs except for: a) signs meeting the requirements of Section 703 and b) non-illuminated window signs constructed of paper, cardboard or similar materials and that are not of a permanent nature. Only types, sizes and heights of signs that are specifically permitted by this Ordinance within the applicable District shall be allowed.
- 701.C. Changes on Signs. Any lawfully existing sign (including nonconforming signs) may be painted or repaired or changed in logo or message without a new permit under this Ordinance provided that the changes do not increase the sign area or otherwise result in noncompliance or an increased non-conformity with this Ordinance.

702. NONCONFORMING SIGNS.

- 702.A. Signs legally existing at the time of enactment of this Ordinance and which do not conform to the requirements of the Ordinance shall be considered nonconforming signs. See Section 805 which limits expansion of nonconforming signs.
- 702.B. An existing lawful non-conforming on-premises sign may be replaced with a new non-conforming on-premises sign, provided the new sign is not more nonconforming in any manner than the previous sign. However, a non-conforming sign shall not be replaced if the new sign would involve a flashing or strobe light, similar hazardous distractions to motorists or obstruct safe sight distances.

703. MISCELLANEOUS SIGNS NOT REQUIRING PERMITS. The following signs shall be permitted by right within all zoning districts within the following regulations, and shall not be required to have a permit under this Article.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON RESIDENTIAL LOTS (sq. ft.)	MAX. SIGN AREA PER SIGN * ON NON-RESIDENTIAL LOTS (sq. ft.)	OTHER REQUIREMENTS
<u>Agricultural Sales or Christmas Tree Sign</u> - Advertises the seasonal sale of agricultural products or Christmas trees.	2	8	30	Shall only be posted during seasons when such products are actively offered for sale.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON RESIDENTIAL LOTS (sq. ft.)	MAX. SIGN AREA PER SIGN * ON NON-RESIDENTIAL LOTS (sq. ft.)	OTHER REQUIREMENTS
<u>Agricultural Signs</u> - Signs denoting membership in agricultural associations or cooperatives or specialization in a particular breed of animal or strain of plant or use of a particular agricultural product.	1 per 100 feet of street frontage	6	6	
<u>Charitable Event Sign</u> - Advertises a special event held a maximum of 9 days in any calendar year that primarily is held to benefit a U.S. Internal Revenue Service certified tax-exempt nonprofit organization.	2	4	40	Shall be placed a max. of 30 days prior to event and removed a max. of 7 days after event.
<u>Contractor's Sign</u> - Advertises a building tradesperson, engineer or architect who is actively conducting significant work on a particular lot that is not such person's place of business, or the entity providing financing for a construction project.	2	8	40	Shall only be permitted while such work is actively and clearly underway and a max. of 10 days afterward. Such signs shall not be placed on the lot for more than 1 year, unless a 1 year extension is granted by the Zoning Officer. Shall not be illuminated.
<u>Directional Sign</u> - provides information indicating traffic direction, entry or exit, loading or service area, directions to apartment numbers or parking courts in a development, fire lanes, parking or closely similar information regarding the same lot as the sign is on, and that does not include advertising.	No max.	3, in addition to signs painted on pavement	3, in addition to signs painted on pavement	Directional signs within a residential development shall not be illuminated.
<u>Flag</u> - a pennant made of fabric or materials with a similar appearance that is hung in such a way to flow in the wind. See also "Special Sale Signs" below.	1	20	20	Flags of governments and flags that simply include colors or patterns are not regulated by this Ordinance, provided they do not exceed 10 in number.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON RESIDENTIAL LOTS (sq. ft.)	MAX. SIGN AREA PER SIGN * ON NON-RESIDENTIAL LOTS (sq. ft.)	OTHER REQUIREMENTS
<u>Garage Sale Sign</u> - advertises an occasional garage sale/porch sale or auction.	2 per event	2 per sign	2 per sign	Shall be placed a max. of 48 hrs. before permitted garage sale or auction begins, and be removed max. of 24 hrs. after event ends.
<u>Home Occupation Sign</u> - advertises a permitted home occupation.	1	2	2	Shall not be illuminated, except for a sign of a medical doctor. Shall be setback a minimum of 10 feet from the street right-of-way, unless printed on a mailbox. May be freestanding, attached flat on a building wall or within a window.
<u>Identification Sign</u> - only identifies the name and/or occupation of the resident and/or the name, street address and/or use of a lot, but that does not include advertising.	1	1, except 2 for a principal non-residential use.	6	Maximum height of 8 feet.
<u>Open House Sign</u> - advertises the temporary and periodic open house of a property for sale or rent.	2 per event	4	4	Shall be placed max. of 5 days before open house begins, and be removed max. of 24 hrs. after open house ends. Such sign shall not be posted more than 5 consecutive days.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON RESIDENTIAL LOTS (sq. ft.)	MAX. SIGN AREA PER SIGN * ON NON-RESIDENTIAL LOTS (sq. ft.)	OTHER REQUIREMENTS
<p><u>Political Sign</u>- advertises a person or party seeking political office or a political cause or opinion on a referendum or matter of political concern and which relates to a scheduled election or matter of upcoming vote by a governmental body.</p>	No maximum	Maximum total of 30	Maximum total of 60	<p>Shall be placed a max. of 60 days prior to election, vote or referendum and removed a max. of 5 days after such election, vote or referendum. Persons posting political signs shall maintain a written list of locations of such signs, unless posting signs on their own property. Political signs shall not be placed on private property without the prior consent of the owner. If a political sign does not meet these requirements, then it shall be regulated as an "off-premises sign."</p>
<p><u>Public Services Sign</u>- advertises the availability of restrooms, telephone or other similar public convenience.</p>	No max.	2	2	
<p><u>Real Estate Sign</u>- advertises the availability of property on which the sign is located for sale, rent or lease.</p>	1 per street the lot abuts	6	30	<p>Shall only be placed on the property while it is actively for sale, lease or rent, and shall be removed a max. of 7 days after settlement or start of lease.</p>
<p><u>Service Organization/ Place of Worship Sign</u>- an off-premises sign stating name of a recognized incorporated service organization or place of worship and that states the place and times of meetings or services and/or an arrow directing persons to such location.</p>	2	2	2	<p>Maximum of 2 such signs per such organization or place of worship.</p>

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON RESIDENTIAL LOTS (sq. ft.)	MAX. SIGN AREA PER SIGN * ON NON-RESIDENTIAL LOTS (sq. ft.)	OTHER REQUIREMENTS
<u>Special Sale Signs</u> - temporary banners, flags and other signs that advertise a special sales event at a lawful principal commercial business. A Portable Sign may be used under this provision..	5 per lot	Not permitted	Total of 60 sq. ft. for all such banners, flags and other temporary signs. No one banner, flag or sign shall exceed 40 sq. ft.	Shall be displayed a maximum of 7 consecutive days per event, and a maximum of 5 events per year. Such signs shall not flash, be internally illuminated, nor obstruct safe sight distances.
<u>Time and Temperature Sign</u> - with a sole purpose to announce the current time and temperature and any non-profit public service messages.	1	Not permitted	30	
<u>Trespassing Sign</u> - indicating that a road is private, that trespassing is prohibited on a lot, or controlling certain activities such as hunting and fishing on the lot.	No max.	2	4	

* Maximum sign areas are for each of 2 sides of each permitted sign, measured in square feet.

In addition, the following types of signs are not regulated by this Ordinance:

- a. Historic Sign- memorializes an important historic place, event or person and that is specifically authorized by the Municipality or a County, State or Federal agency.
- b. Holiday Decorations- commemorates a holiday recognized by the Municipality, County, State or Federal Government and that does not include advertising.
- c. Not Readable Sign- not readable from any public street or any exterior lot line.
- d. Official Sign- erected by the State, County, Municipality or other legally constituted governmental body, or specifically authorized by Municipal ordinance or resolution, and which exists for public purposes.
- e. Required Sign- only includes information required to be posted outdoors by a government agency or the Municipality.
- f. Right-of-Way Sign- posted within the existing right-of-way of a public street and officially authorized by the Municipality or PennDOT.

704. **FREESTANDING, WALL AND WINDOW SIGNS.**

704.A. The following are the signs permitted on a lot within the specified districts and within the following regulations, in addition to "Exempt Signs" and "Temporary Signs" permitted in all districts by other provisions of this Article. See definitions of the types of signs in Section 711.

ZONING DISTRICT OR TYPE OF USE	TOTAL MAXIMUM HEIGHT OF FREESTANDING SIGNS	TOTAL MAXIMUM AREA OF WALL SIGNS	TOTAL MAXIMUM AREA OF WINDOW SIGNS	TOTAL MAXIMUM AREA AND NUMBER OF FREESTANDING SIGNS ***
<p>AP, AP(M), CR or Residential Districts for allowed principal non-residential uses.</p> <p>For home occupation signs, see Section 703.</p> <p>No new signs in these districts shall be internally illuminated.</p>	8 feet	32 square feet on each side of a principal building.	May be used in place of a wall sign with the same restrictions	1 sign on each street the lot abuts, each with a maximum sign area of 32 sq. ft.**
TC District.	15 feet	2 square feet for each foot of principal building length (along a side of a building on which the signs are attached).	Temporary non-illuminated window signs are not regulated. Other window signs are regulated under wall signs.	1 sign per street that the lot abuts, each with a maximum area of 32 sq.ft.**, ****
All Districts not listed above	18 feet.	2 square feet for each foot of principal building length (along a side of a building on which the signs are attached).	Temporary non-illuminated window signs are not regulated. Other window signs are regulated under wall signs.	1 sign per street that the lot abuts, each with a maximum area of 50 sq.ft.**, *

- * If a lot includes 2 or more principal non-residential uses, the maximum freestanding sign area may be increased to 70 square feet. If a lot includes 5 or more principal uses, or the sale of new vehicles by 3 or more different companies, or the showing in a theater complex of more than 3 motion pictures at a time, or more than 300 feet of frontage along one street, then along one street, one or two freestanding signs shall be permitted with a combined maximum total freestanding sign area of 120 square feet.
- ** If the permitted freestanding sign area is not used, such sign area may be added to the permitted wall sign area. In the TC district, if a lot includes 2 or more principal non-residential uses, the maximum sign area of a freestanding sign may be increased to 50 square feet.
- *** If a non-residential principal use abuts two or more public streets, then the freestanding sign provisions shall apply separately along each street. Therefore, a freestanding sign shall be permitted along each street.
- **** In the TC district, one projecting sign may also be permitted per lot, provided:
 - a) such sign has a minimum clearance over the sidewalk of 9 feet (unless a differing standard is established by the Building Code),
 - b) such sign is constructed entirely from wood or materials with an appearance closely similar to wood, in addition to any metal fasteners,
 - c) such sign has a maximum sign area on each of 2 sides of 12 square feet,
 - d) such sign is securely attached to the building,
 - e) such sign shall not be internally illuminated, and
 - f) such sign shall not extend more than 4 feet into the right-of-way and shall not extend over a street or alley.

704.B. Maximum Height of Wall Signs. The maximum height of wall signs shall be equal to the top of the structural roof along the wall to which they are attached.

1. However, a sign may be attached to a “parapet roof” that vertically extends up to 10 feet above the structural roof, provided the parapet roof appears to be an architectural extension of the front of the building.

704.C. Portable Signs (Including "Signs on Mobile Stands") and Other Temporary Signs.

1. Purpose. These standards recognize portable signs as a particular type of sign that has the characteristics of a temporary sign but that has been inappropriately used as a permanent sign. This Section is based on the policy that if a use desires to regularly display a sign for regularly changing messages, that it erect a permanent sign within all of the requirements of this Ordinance.
2. Definition of a "Portable Sign"- A freestanding sign that is attached to a chassis or legs that allows it to be towed or carried from one location to another and that is not permanently attached to the ground.
3. Portable signs are prohibited in all districts, except as a temporary Charitable Event or temporary Special Sale sign as permitted by Section 703.

704.D. Signs on Walls. A freestanding sign may be attached to a decorative masonry or stone wall with a maximum height of 6 feet and a maximum length of 12 feet, without being regulated

by the wall setback regulations of this Ordinance and with the wall itself not counting towards the maximum sign area.

705. **ABANDONED OR OUTDATED SIGNS.** Signs advertising a use no longer in existence (other than a sign relating to a building that is clearly temporarily vacant and being offered to new tenants or for purchase) shall be removed within 180 days of the cessation of such use.

706. **LOCATION OF SIGNS.** The following shall regulate the location of signs:

706.A. **Setbacks.**

1. All signs shall be setback a minimum of 5 feet from the existing street right-of-way, except that no setback shall be required within the TC district. No sign shall be located within the existing street right-of-way, except if specifically stated otherwise in this Article.
2. A freestanding illuminated sign for a commercial or industrial business shall not be located within 10 feet of an abutting lot line of residential lot.
3. These setbacks shall not apply to Official Signs, Nameplate Signs, Public Service Signs and Directional Signs.

706.B. **Sight Clearance.** No sign shall be so located that it interferes with the sight clearance requirements of Section 803 or otherwise creates a sight distance hazard for motorists or pedestrians. The municipality shall have the authority to move a sign that obstructs safe sight distances if the Zoning Officer becomes aware of the hazard.

706.C. **Off-Premises.** No signs except permitted Off-Premise, Official, Political or Public Service Signs shall be erected on a property to which it does not relate. A Major Development Sign may be located on one lot in a subdivision to advertise uses throughout the subdivision.

706.D. **Permission of Owner.** No sign shall be posted on any property or sign pole or public utility pole, unless permission has been received by the owner.

706.E. **Utility Poles.** No sign shall be attached to a utility pole using metal fasteners, except by a utility or government agency.

707. **ILLUMINATION OF SIGNS.** See "Light and Glare Control" in Article 5.

708. **VEHICLES FUNCTIONING AS SIGNS.** Any vehicle, trailer or structure to which a sign is affixed in such a manner that the carrying of such sign(s) no longer is incidental to the primary purpose of the vehicle, trailer or structure but instead becomes a primary purpose in itself shall be considered a freestanding sign and shall be subject to all of the requirements for freestanding signs in the district in which such vehicle, trailer or structure is located.

709. **PROHIBITED SIGNS.** The following prohibitions on signs shall apply in all zoning districts:

709.A. Any moving object used to attract attention to a commercial use is prohibited. However, certain flags and banners may be allowed as provided in Section 703.

709.B. Flashing, blinking, twinkling, animated, strobe lit or moving signs of any type are prohibited. Signs may change their message from time to time provided that each message is visible for at

least 10 seconds, except time and temperature signs may change more frequently. Neon lit signs shall be prohibited in a residential district and the TC district. See also Section 507.E.

1. In addition, flashing lights visible from a street shall not be used to attract attention to a business. This restriction specifically includes window signs, but does not prohibit Christmas lighting or displays, within Section 703.

709.C. Signs which emit smoke, visible vapors or particles, sound or odor are prohibited.

709.D. Signs which contain information that states that a lot may be used for a purpose not permitted under this Ordinance are prohibited.

709.E. Signs that are of such form, shape or color that they resemble an official traffic sign, signal or device or that have any characteristics which are likely to confuse or distract the operator of a motor vehicle on a public street (such as prominent use of the words "Danger") are prohibited.

709.F. Signs or displays visible from a lot line that include words or images that are obscene or pornographic are prohibited.

709.G. Balloons of greater than 25 cubic feet that are tethered to the ground or a structure for periods of over a day and that are primarily intended for advertising purposes are prohibited.

709.H. Floodlights and outdoor lasers for advertising purposes.

709.I. Signs with mechanically changing sign surfaces.

709.J. Signs that obstruct safe sight distances. See Section 706.B.

710. **CONSTRUCTION OF SIGNS.** Every permanent sign permitted in this section shall be constructed of durable materials and shall be kept in good condition and repair. The Zoning Officer shall by written notice require a property owner or lessee to repair or remove a dilapidated or unsafe sign within a specified period of time. If such order is not complied with, the Municipality may repair or remove such sign at the expense of such owner or lessee.

711. **MEASUREMENT AND MAJOR TYPES OF SIGNS.**

711.A. **Sign Definitions.** The following definitions shall be used in determining whether signs meet the measurement and type requirements of this Article:

1. **Building Face.** The vertical area of a particular side of a building, but not including the area of any slanted roof.
2. **Freestanding Sign.** A sign which is self-supporting upon the ground or which is primarily supported by poles attached to the ground and not primarily supported by a building.
3. **Height of Sign.** The vertical distance measured from the average ground level surrounding a sign to the highest point of the sign and its supporting structure. Religious symbols, when not accompanied by lettering, shall not be restricted by the sign heights of this Article when attached to a tower or spire of a place of worship.

4. Illuminated Sign, Internally. A sign illuminated by light from within the sign rather than a source adjacent to or outside of the sign. A sign within a display case with lights only shining onto the front of the sign shall be considered to be "externally" illuminated.
5. Off-Premise Sign. See Article 2.
6. Sign. See Article 2.
7. Wall Sign. A sign primarily supported by or painted on a wall of a building and which does not project more than 2 feet from such wall.
8. Window Sign. A sign which is readily visible and can be at least partially read from an exterior lot line and which is attached to a window or transparent door or that can be read through a window or transparent door.

711.B. Measurement of Sign area.

1. Sign area shall include all lettering, wording and accompanying designs and symbols, together with related background areas on which they are displayed. One "freestanding sign" may include several signs that are all attached to one structure, with the total "sign area" being the area of a common geometric form that could encompass all signs.
2. The sign area shall not include any structural supports that do not include a message.
3. Where the sign consists of individual letters or symbols attached to or painted directly on a building or window, other than an illuminated background that is a part of the sign, the sign area shall be the smallest rectangle that includes all of the letters and symbols.
4. The maximum sign area of sign shall be for each of two sides of a sign, provided that only one side of a sign is readable from any location.
5. Unless otherwise specified, all square footages in regards to signs are maximum sizes.

712. OFF-PREMISE SIGNS (Including Billboards).

712.A. Purposes. Off-premise signs are controlled by this Ordinance for the following purposes, to: ensure that a physical environment is maintained that is attractive to desirable types of development, especially light industrial and office parks; prevent visual pollution in the Municipality and protect property values, especially in consideration of the fact that most commercial areas of the Municipality are within close proximity to existing residences; prevent glare on adjacent property and streets; avoid the creation of additional visual distractions to motorists, especially along busy arterial streets that involve complex turning movements and numerous traffic hazards; recognize the numerous alternative forms of free speech available in the Municipality, including existing nonconforming off-premise signs, on-premise signs and temporary signs and printed and electronic media; carry out the purposes listed in Section 701.

712.B. Nonconforming Off-Premise Signs. This section is not intended to require the removal of an existing lawfully-placed off-premise sign that is in structurally sound condition.

712.C. PennDOT Sign. Signs erected and maintained by PennDOT are permitted by right in all Districts.

712.D. Permitted Off-Premise Signs. An off-premise sign is only permitted if it meet the following requirements:

1. District. An off-premise sign is only permitted in the GI and LI Districts.

2. Location. An off-premise sign shall be setback a minimum of 25 feet from all lot lines and street rights-of-way.
3. Maximum Sign Area. 300 square feet.
4. Spacing. Any off-premise sign of over 50 square feet shall be separated by a minimum of 1,500 feet from any other off-premise sign, including signs on either side of a street and including existing signs in other municipalities. No lot shall include more than 1 off-premise sign, except as allowed in subsection 6 below.
5. Maximum Height. 35 feet above the elevation of the adjacent street, measured at the street centerline.
6. Attached. No off-premise sign or sign face shall be attached in any way to any other off-premise sign, except that a sign may have two sign faces of 300 square feet each provided the angle between the signs does not exceed 45 degrees.
7. Control of Lighting and Glare. See standards in Section 507. Lights shall be directed so they do not shine into the eyes of motorists nor residents of homes. Lighting shall be turned off between the hours of 11 p.m. and 6 a.m.
8. Residences. No off-premise sign greater than 20 square feet in sign area shall be located within 250 feet of an existing dwelling.
9. Condition. The sign shall be maintained in a good and safe condition, particularly to avoid hazards in high winds. The area around the sign shall be kept free of debris. If the message of a sign is no longer intact, it shall be replaced with a solid color or a “for lease” sign.
10. Construction. The applicant shall provide written certification from a qualified professional that an off-premises sign with a sign area greater than 10 square feet in sign area has been constructed and installed to meet the sign provisions of the latest published version of the International Building Code or its successor building code.

713. MAJOR DEVELOPMENT SIGNS.

- 713.A. If a subdivision or land development is approved to include over 20 dwelling units or 4 or more business lots, then an additional sign shall be permitted at each entrance to the project from exterior public streets. Such sign may have two sign faces on one structure, or one sign face on each structure on each side of the entrance.
- 713.B. Residential Development Signs. Each such sign shall have a maximum sign area of 32 square feet. Such signs shall have a maximum total height of 8 feet. The sign may be attached to a stone or decorative masonry wall or fence constructed of wood or materials with a similar appearance. In such case, the wall or fence shall have a maximum total height of 8 feet and a maximum length of 12 feet.
- 713.C. Business Development Signs. A Major Development Sign may be located on one lot in a subdivision to advertise uses throughout the subdivision and the name of the development. Each sign shall have a maximum sign area of 10 square feet for each lot within the subdivision, up to a maximum of 100 square feet. The sign shall have a maximum total height of 20 feet.
1. A maximum of Major Development Sign may be located outside of the boundaries of the subdivision along an entry road to the subdivision if the subject property owner provides written permission and the sign will be within a commercial or industrial district.

2. In addition, an existing lawful off-premises sign may be replaced with a new Major Development Sign provided that the new sign does not exceed any dimensions of the existing sign.

713.D. The applicant shall prove to the Zoning Officer that the signs will be of durable construction that requires little maintenance. Such sign shall not be illuminated. Attractive low-maintenance landscaping shall surround the sign.

ARTICLE 8 GENERAL REGULATIONS

801. FRONTAGE ONTO IMPROVED STREETS; NUMBER OF USES OR BUILDINGS; MINIMUM SIZE OF DWELLINGS.

801.A. Frontage Required onto Improved Street. Each proposed new lot, each land development and each proposed principal building shall be on a lot which directly abuts: a) a public street, b) a street proposed to be dedicated to the municipality by the subdivision plan which created or creates such lot, or c) a private street which meets all of the requirements of the municipal Subdivision and Land Development Ordinance for a public street. In the case of townhouses, manufactured/mobile home park, or apartments, each unit may have access onto a parking court which then has access onto a public or private street meeting municipal standards.

1. If a new principal building is proposed to be constructed or placed on a lot that abuts a private street(s), and the lot does not have access onto a public street, then as a condition of the permit, the lot owner shall be required to improve the segments of the private street(s) that directly abut the lot. Such improvements shall result in a minimum compacted depth of the street of 8 inches of crushed stone, shale or bank run gravel or other municipally-approved surface, which shall be leveled. Such surface shall have a minimum width of 12 feet.
2. No new lot shall be approved that will only be adjacent to an alley and not a "street" (see definition in Section 202).
3. Two or more dwelling units shall not be developed on a lot unless such lot abuts a street with a minimum paved width of 20 feet, except if: a) the Governing Body by motion states that a street is intended to remain unpaved, or b) two dwelling units on a lot are approved in the AP District.

801.B. Number of Principal Uses and Principal Buildings Per Lot.

1. A lot in a commercial or industrial district may include more than one permitted principal use per lot and/or more than one permitted principal building per lot, provided that all of the requirements are met for each use and each building. If differing dimensional requirements apply for different uses on the lot, then the most restrictive requirement shall apply.
 - a. For example, if Use One requires a one acre lot area and Use Two on the same lot requires a two acre lot area, then the lot shall have a minimum lot area of two acres.
 - b. The applicant shall submit a site plan that demonstrates that each structure would meet the requirements of this Ordinance.
 - c. The uses and buildings shall be in common ownership. However, a condominium form of ownership of individual buildings, with a legally binding property-owners association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Municipal Solicitor, that there will be appropriate legal mechanisms in place.
2. A lot within a residential district shall not include more than one principal use and shall not include more than one principal building unless specifically permitted by this Ordinance.

- a. A manufactured/mobile home park, condominium residential development or apartment development may include more than one principal building per lot, provided all other requirements of this Ordinance are met. A condominium form of ownership of individual dwelling units, with a legally binding homeowners association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Municipal Solicitor, that there will be appropriate legal mechanisms in place and compliance with applicable State law.

801.C. Minimum Size of Dwellings. Each dwelling unit shall include a minimum of 600 square feet of enclosed habitable, indoor, heated floor area, and which shall be primarily above the ground level.

801.D. Maximum Occupancy. No recreational vehicle shall be occupied on a lot for more than 30 days in a calendar year, except as may be approved within a campground with suitable central water and sewage service. No mobile/manufactured home shall be occupied on a lot as a dwelling unless it meets all of the requirements for a dwelling.

802. **HEIGHT EXCEPTIONS.** The maximum structure height specified for each district shall not apply to: antenna that meet the requirements of this Ordinance, water towers, clock or bell towers, steeples of places of worship, electrical transmission lines, elevator shafts, windmills, skylights, chimneys or other appurtenances usually required to be and customarily placed above the roof level and not intended for human occupancy. See also definition of "Height" in Section 202.

803. **SPECIAL LOT AND YARD REQUIREMENTS, SIGHT DISTANCE AND BUFFER YARDS.**

803.A. In General.

1. No lot, structure or use shall be created or developed in such a way that it would result in another lot, building or use not being able to meet the requirements of this Ordinance. This includes, but is not limited to: setback areas, non-impervious areas and off-street parking areas.
2. Emergency Access. All uses and structures shall have adequate provisions for access by emergency vehicles and fire ladders.

803.B. Exceptions to Minimum Lot Areas, Lot Widths and Yards.

1. Corner Lots. For a corner lot, each minimum yard depth abutting a public street shall be equal to the minimum depth of the front yard.
2. Projections Into Required Yards.
 - a. Cornices, eaves, sills or other similar architectural features, exterior stairways, fire escapes or other required means of egress, rain leads, chimneys, "Bilko"-type doors for basement access, window awnings, chase for heating pipes or other similar structures that do not include space usable by persons may extend or project into a required yard not more than 3 feet, except as may be required within a drainage or utility easement.
 - b. Steps, stoops, fire escapes, handicapped ramps, and landings necessary to provide entrance to a building may be located within a required setback area.

803.C. Sight Triangles at Intersections. The following provisions shall apply, unless a more restrictive requirement is established by the Municipal Subdivision and Land Development Ordinance:

1. At any intersection with a street of another street(s) or an accessway or driveway serving two or more non-residential principal uses, a clear sight triangle shall be provided. Such triangle shall be graded, cleared and kept clear of sight obstructions (other than official street sign posts and individual canopy tree trunks) for a height between 3 and 10 feet above the street level. In areas of topographic change, the municipality may require differing heights that must be kept clear. To the maximum extent feasible, this clear sight triangle shall also be cleared of existing obstructions, such as by trimming vegetation.
2. Such clear sight triangle shall be protected by a permanent deed restriction, covenant stated on the record plan, municipal easement or other legally binding method acceptable to the municipality.
3. Such clear sight triangle shall be determined by the distances stated below, which shall be measured along the centerlines of the right-of-ways (or cartways where right-of-ways do not exist) of streets/accessways/ driveways. Such distances shall be measured from the intersection of such lines, with the third leg of the triangle connecting the opposite ends of each leg.
4. Where a street, accessway or driveway enters onto a public street, one leg of the clear sight triangle shall be measured 25 feet back from the edge of the cartway of such street, accessway or driveway. Another leg of the triangle shall be measured along the centerline of the length of the street that is intersected. This leg shall be a minimum of 350 feet long for an arterial street and 200 feet long for a collector or local street. These two legs shall be connected by a third longer leg to form a triangle.
5. In Section 202, see the definition of “Alley”, which is distinguished from a “Street.”
6. Where a street intersects with an alley, a clear sight triangle shall be established with one leg of the triangle 15 feet long along the edge of the right-of-way of the street and one leg of the triangle 10 feet long along the centerline of the alley, with the two legs connected by a third longer leg.
7. Where two alleys intersection, a clear sight triangle shall be established with each leg of the triangle 12 feet long along the centerline of each alley, and with the two legs connected by a third longer leg.

803.D. Buffer Yards. Buffer yards and screening complying with the following standards shall be required under the following situations. These buffer yard standards shall supersede the buffer planting requirements of the Subdivision and Land Development Ordinance.

1. Buffer Yard Width, When Required. Buffer yards shall have a minimum width of 20 feet, unless a larger width is required by another provision of this Ordinance. This buffer yard width shall be increased to a minimum of 50 feet along a rear yard abutting an existing residential lot for a business lot with a depth of 300 feet or more of industrial or commercial zoning at the time of the adoption of this Ordinance. Buffer yards shall primarily include evergreen plants screening and shall be required in the following situations, and where otherwise required by this Ordinance:

Buffer Yard to be Provided by the Following:	When the Use Providing the Screening and Buffer Is:
<p>a. Along side and rear lot lines of any newly developed or expanded:</p> <ul style="list-style-type: none"> (1) principal commercial or industrial use, (2) area of 4 or more new off-street parking spaces, (3) an outdoor industrial storage or loading area, or (4) an area routinely used for the overnight parking of 2 or more tractor-trailer trucks. 	<p>Abutting or across an alley from an existing dwelling within a residential district, and visible from such dwelling. OR</p> <p>Abutting an occupied existing primarily residential use, regardless of whether the dwelling is within a residential district.</p>
<p>b. Along front lot lines of any newly developed or expanded:</p> <ul style="list-style-type: none"> (1) outdoor industrial storage or loading area, (2) area routinely used for the overnight parking of 2 or more tractor-trailer trucks, or (3) area of 4 more new off-street parking spaces. 	<p>Abutting and visible from a public street</p>

2. Location of Buffer Yards.

- a. The buffer yard shall be measured from the district boundary line, street right-of-way line or lot line, whichever is applicable.
- b. Plants needed for the visual screen shall not be placed within an existing street right-of-way. However, deciduous trees may be permitted by the municipality to be placed within a street right-of-way.
- c. The buffer yard may include areas within a required front, side or rear yard, or a paved area setback area provided the larger yard requirement shall apply in case of overlap.

3. Characteristics of Buffer Yards.

- a. The buffer yard shall be a landscaped area free of structures, dumpsters, commercial or industrial storage or display, manufacturing or processing activity, materials, loading and unloading areas or vehicle parking or display.
- b. As a special exception use, the applicant may prove to the satisfaction of the Zoning Hearing Board that an alternative method of screening will satisfactorily avoid conflicts between uses and provide an attractive appearance. For example, the Board may approve a decorative brick wall to be placed between a loading area and an abutting street.
- c. Fence. Any fence in a buffer yard shall be placed on the inside of any required plant screening.
- d. A well or septic system may be placed within a buffer yard, provided the landscaping provisions are still met.

4. Plant Screen.

- a. Each buffer yard shall include a planting screen of trees or shrubs extending the length of the lot line.
- b. Each planting screen shall meet the following requirements:
 - (1) Plant materials needed to form the visual screen shall have a minimum height when planted of 3 feet. In addition, an average of 1 deciduous shade tree, with a minimum trunk diameter of 2 inches measured 6 inches above the ground level, shall be placed for each 50 feet of length of the buffer yard. The shade trees may be clustered or spaced unevenly.
 - (2) Plants needed to form the visual screen shall be of such species, spacing and size as can reasonably be expected to produce within 3 years a mostly solid year-round visual screen at least 6 feet in height. However, where appropriate to provide security and oversight of a parking area from a street, species of plants shall be used that have a shorter mature height, and such plants should be trimmed to a maximum height of 3 to 4 feet.
 - (3) The plant screen shall be placed so that at maturity the plants will not obstruct a street or sidewalk.
 - (4) The plant visual screen shall be interrupted only at: a) approved points of approximately perpendicular vehicle or pedestrian ingress and egress to the lot, b) locations necessary to comply with safe sight distance requirements, and c) locations needed to meet other specific State, municipal and utility requirements.
 - (5) American Arborvitae and similar weak-stem plants shall not be used to meet the buffer yard requirements.
 - (6) Evergreen trees should be planted at diagonal off-sets so that there is room for future growth of the trees.

5. Buffer Yard Plans.

- a. Prior to the issuance of a permit under this Ordinance where a buffer yard would be required, and on any required subdivision or land development plan, the applicant shall submit plans showing:
 - (1) the location and arrangement of each buffer yard,
 - (2) the placement, general selection of species and initial size of all plant materials, and
 - (3) the placement, size, materials and type of all fences to be placed in such buffer yard.
- b. If more than 20 evergreen plants are proposed, no more than 50 percent shall be of one species.
- c. See Section 804.F. concerning landscaping plans.

804. LANDSCAPING.

804.A. Any part of a commercial, industrial, institutional or apartment lot which is not used for structures, loading areas, parking spaces and aisles, sidewalks and designated storage areas shall be provided with an all-season, well-maintained vegetative groundcover, and shall be landscaped with trees and shrubs. Landscaped areas shall be kept free of debris, rubbish and noxious weeds.

804.B. See also the buffer yard provisions in Section 803.

804.C. Street Trees. As part of the creation of a new lot or the construction of a new principal non-residential building, or development of parking area for 6 or more parking spaces, deciduous shade street trees shall be planted between such lot lines, building and/or parking area and any adjacent public street(s).

1. Number. A minimum average of one such tree shall be planted for each 50 feet of length of street right-of-way around the lot.
2. Location. Where permitted by the Municipality and/or PennDOT, such trees shall be placed within the street right-of-way. If planting within the street right-of-way is not approved, then such trees shall be planted with the trunk on private property immediately outside of the street right-of-way or an alternative location acceptable to the Municipality.
3. Ordinance. Such street trees shall be planted in a manner approved by the Municipal Engineer to avoid conflicts with sidewalks and utilities.
4. Buffer. Where shade trees may be required under the buffer yard provisions, the same tree may be used to count towards both requirements.
5. Existing Trees. Along street segments where existing healthy street trees will be preserved and protected during construction, new street trees shall not be required.

804.D. Parking Lot Landscaping.

1. One deciduous tree shall be required for every 15 new off-street parking spaces.
2. If a lot will include 30 or more new parking spaces, landscaped islands shall be provided within automobile parking areas. Otherwise, the trees may be planted around the parking area.
3. Trees required by this section shall meet the following standards:
 - a. Type of Trees Permitted. Required trees shall be chosen from the following list of approved street trees, unless the applicant proves to the satisfaction of the Zoning Officer that another type of tree would shade paved areas, be resistant to disease, road salt and air pollution and be attractive.

TYPES OF DECIDUOUS TREES PERMITTED TO MEET ORDINANCE REQUIREMENTS

Acer rubrum - Red Maple	Quercus - All species of oaks
Acer saccharum - Sugar Maple	Sophora japonica - Scholar Tree/Pagoda Tree
Celtis occidentalis - Common Hackberry	Tilia americana - American Linden
Fagus sylvatica - European Beech	Tilia cordata - Little Leaf Linden
Fraxinus americana - White Ash	Tilia euchlora - Crimean Linden
Fraxinus pennsylvania - Green Ash	Tilia petiolaris - Silver Linden
Ginko biloba fastigiata - Maiden Hair Tree (male only; female has noxious odor)	Ulmus hybrids - Homestead or Sapporo Autumn Gold
Gleditsia triacanthos - Thornless Locust	Ulmus parviflora - Chinese or Lacebark Elm, not including Siberian Elm
Liquidambar styraciflua - Sweet Gum	Zelkova serrata - Zelkova
Liriodendron tulipifera - Tulip Poplar	

Note- This ordinance only regulates the species of trees that are used to meet requirements of the Municipality. The species of trees that are not required by municipal ordinances are not regulated.

- b. Quality of Trees. Required trees shall be of symmetrical growth and free of insect pests and disease.
- c. Minimum Size. The trunk diameter (measured at a height of 6 inches above the finished grade level) shall be a minimum of 2 inches or greater.
- d. Planting and Maintenance. Required trees shall be:
 - (i) planted in conformance with good landscaping practices, with adequate unpaved surface around each for water and air, and
 - (ii) properly protected by curbs, curbstops, distance or other devices from damage from vehicles.

- 804.E. Landscaping Maintenance. All shade tree, buffer yard and other landscaping required by this Ordinance shall be perpetually maintained by the property-owner. Any landscaping needed to meet an Ordinance requirement that dies, is removed, or is severely damaged shall be replaced by the current property-owner, on a one-to-one basis, as soon as is practical considering growing seasons.
- 804.F. Review and Approval. Where landscaping is required by this Ordinance, the applicant shall submit a landscaping plan, in addition to a site plan, showing proposed initial sizes, locations and species of plantings.
- 804.G. Tree Setbacks from Crop Lands. If a new tree is planted on a lot that is contiguous to land that is being actively used as crop land, the tree shall be setback a sufficient distance to allow the tree to grow without obstructing farm equipment on the adjacent lot.
- 804.H. Vegetative Strip Along a Street. See the paved area setback provisions in Section 603.H. Where a paved area setback is required by Section 603.H., or where a street tree well exists, or where a grass or other vegetative strip exists between a sidewalk and a curb, such area shall be maintained in grass or other attractive vegetation. Such area shall not be filled in with concrete, bituminous asphalt or similar hard surface unless such material is specifically approved by the municipality to allow a driveway crossing or as part of an approved subdivision or land development plan.

805. **NONCONFORMITIES.**

- 805.A. Proof and Registration of Nonconformities. It shall be the responsibility of, with the burden of proof upon, a party asserting a nonconformity to provide the evidence that it is lawful. A property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence.
- 805.B. Continuation of Nonconformities.
1. A lawful nonconforming use, structure or lot as defined by this Ordinance may be continued and may be sold and continued by new owners.
 2. Any expansion of, construction upon or change in use of a nonconformity shall only occur in conformance with this section.
 3. If an existing use was not lawfully established, it shall not have any right to continue as a nonconforming use.
- 805.C. Expansion of or Construction Upon Nonconformities. The following shall apply, unless the structure is approved under Section 805.D.
1. Nonconforming Structure.
 - a. The Zoning Officer shall permit a nonconforming structure to be reconstructed or expanded provided:
 - (1) that such action will not increase the severity or amount of the nonconformity (such as the area of the building extending into the required yard) or create any new nonconformity, and
 - (2) that any expanded area will comply with the applicable setbacks in that District and other requirements of this Ordinance.
 - b. In the case of a nonconforming structure which is used by a nonconforming use, any expansion shall also meet the requirements of this Section regarding nonconforming uses.
 - c. Extension Along a Nonconforming Setback. If an existing building has a lawfully nonconforming building setback, additions may occur to increase the

height above such setback or to extend other portions of the building out to the nonconforming side or rear setback line, provided that:

- (1) the structure shall not be extended beyond the existing nonconforming setback line,
- (2) no additional nonconformity shall be created,
- (3) the new nonconforming extension shall not be greater than 25 percent of the existing floor area,
- (4) all other requirements of this Article shall be met,
- (5) such addition shall not be permitted for a non-residential building that abuts an existing primarily residential use, and
- (6) at least 20 feet of length of the building shall be intruding into the building setback before the addition occurs (as opposed to an intrusion that only involves a porch or bay window, for example).

2. Nonconforming Lots.

a. Permitted Construction on a Nonconforming Lot. A single permitted by right principal use and its customary accessory uses may be constructed, reconstructed or expanded on a nonconforming lot provided all of the following additional requirements are met:

- (1) The lot must be a lawful nonconforming lot of record;
- (2) Minimum setback requirements shall be met, unless a variance is granted;
- (3) State and Federal wetland regulations shall be met;
- (4) The septic and well requirements of Section 309 shall be met; and
- (5) If the lot has a lot area of less than one acre, then the lot area shall not be less than 50 percent of the area that would otherwise be required.

b. Lot Width. The fact that an existing lawful lot of record does not meet the minimum lot width requirements of this Ordinance shall not by itself cause such lot to be considered to be a nonconforming lot.

3. Expansion of a Nonconforming Non-Residential Use. A non-conforming use or a building used by a nonconforming use shall not be expanded, except in accordance with the following provisions:

- a. An expansion of more than 10 percent in total building floor area shall require special exception approval from the Zoning Hearing Board under Article 1.
- b. Such reconstruction or expansion shall be only upon the same lot that the nonconforming use was located upon at the time the use became nonconforming.
- c. The 1) total building floor area used by a nonconforming use or the 2) total land area covered by the nonconforming use, whichever is more restrictive, shall not be increased by greater than 50 percent beyond what existed in the nonconforming use at the time the use first became nonconforming.
 - (1) The above maximum increase shall be measured in aggregate over the entire life of the nonconformity. All expansions of the nonconforming use and/or building(s) that occurred since the use originally became nonconforming shall count towards the above maximum increase. Therefore, for example, if a commercial business had a floor area of 3,000 square feet when a municipal zoning ordinance was adopted in 1967, and it expanded 1,000 square feet in 1995, then it could only expand an additional 500 square feet - for a lifetime total of 50 percent.
- d. Any expansion of a nonconforming use shall meet the required setbacks and other requirements of this Ordinance, unless the Zoning Hearing Board grants a variance.

4. Expansion of a NonConforming Residential Use. An existing non-conforming residential use may be expanded as a permitted by right use provided that: a) the number of dwelling units or rooming house units are not increased, b) the expansion meets all applicable setbacks, c) no new types of nonconformities are created and d) a nonconformity is not made more severe. Changes in dwellings within a Mobile/Manufactured Home Park shall be regulated by Section 402.A.
5. Nonconforming Sign. The provisions of this Ordinance shall not be interpreted to provide a right to expand or extend a nonconforming sign. Instead, any expansions or extensions of a nonconforming sign shall comply with this Ordinance.

805.D. Damaged or Destroyed Nonconformities. A nonconforming structure that has been destroyed or damaged may be rebuilt in a nonconforming fashion only if: a) the application for a building permit is submitted within 18 months after the date of damage or destruction, b) work begins in earnest within 12 months afterwards and continues, and c) no nonconformity may be created or increased by any reconstruction. The property shall be properly secured during such time in such a way to keep out trespassers and to avoid harm to neighboring properties.

805.E. Abandonment of a Nonconformity.

1. If a nonconforming use of a building or land is discontinued, razed, removed or abandoned for 12 or more months, subsequent use of such building or land shall conform with the regulations of the district in which it is located, except:
 - a. as provided for in the "Damaged or Destroyed Nonconformities" provisions of this section.
2. The applicant shall be responsible to provide evidence that the nonconformity was not abandoned.

805.F. Changes from One Nonconforming Use to Another.

1. Once changed to a conforming use, a structure or land shall not revert to a nonconforming use.
2. A nonconforming use may be changed to a different nonconforming use only if approved as a Special Exception by the Zoning Hearing Board. However, Special Exception approval is not needed for a simple change within an existing building from one lawful nonconforming retail store use to another retail store use or from one lawful nonconforming personal service use to another personal service use provided that the new use complies with any Zoning Hearing Board conditions that applied to the previous use and is not more objectionable in external effects than the previous use.
3. Where special exception approval is required for a change of a nonconforming use, the Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equal or less objectionable in external effects than the pre-existing nonconforming use with regard to:
 - a. Traffic safety and generation (especially truck traffic),
 - b. Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire, hazardous substances, and explosive hazards,
 - c. Amount and character of outdoor storage,
 - d. Hours of operation if the use would be close to dwellings and
 - e. Compatibility with the character of the surrounding area.

4. A nonconforming use shall not be changed to a nonconforming Adult Use.

806. **DUMPSTER SCREENING AND LOCATION.**

806.A. Any newly placed solid waste dumpster shall be screened on at least 3 of 4 sides as necessary to screen views from public streets and dwellings.

806.B. Such screening shall consist of decorative masonry walls, mostly solid weather-resistant wood fencing, fencing of a similar appearance, or primarily evergreen plantings.

806.C. Setback from Dwellings. To the maximum extent feasible, as determined by the Zoning Officer, an outdoor solid waste container with a capacity of over 25 cubic feet shall be kept a minimum of 20 feet from the walls of a dwelling on an abutting lot.

806.D. If a solid waste dumpster is moved from one part of a lot to another part of a lot, then it shall come into compliance with this Section 806.

806.E. This section shall not apply to dumpsters temporarily placed during actual construction or demolition on the premises, nor to containers for cardboard or paper for recycling.

807. **MINIMUM SETBACKS FROM EXISTING STREETS.** The following provisions shall only apply within Heidelberg Township and North Heidelberg Township:

807.A. Where a front, side or rear yard would abut an existing street, then such yard shall be measured from the following minimum distances from the centerline of the street right-of-way:

1. 40 feet from the centerline of an arterial street,
2. 25 feet from the centerline of a collector or local street,
3. 15 feet from the centerline of an alley, private access street or any other street.

807.B. Applicants are strongly encouraged to dedicate such area to PennDOT or the Municipality for future street widenings and utility and stormwater improvements. If such area is not accepted for current dedication, then the approved plan should state that it is reserved for future dedication at such time as PennDOT or the Municipality may determine that the area is needed.

807.C. No building, fence or other structure (except for mailboxes, utility poles and similar structures typically found within a right-of-way) shall be placed within the setback required by Section 807.A.

808. **PROPERTY OWNERS ASSOCIATIONS.**

808.A. This Section 808 shall apply if property owners association will own or be responsible to maintain any land, infrastructure, stormwater facilities or streets. The term "property owners association" shall include, but not be limited to, a homeowners association or condominium association.

808.B. The developer shall be required to establish such association in a form that requires all property owners within the development to annually contribute to the maintenance of land or improvements.

808.C. The legal provisions to establish the property owners association agreements shall be subject to acceptance by the Governing Body, based upon review by the Municipal Solicitor. The Governing Body may require that prior to the sale of any dwelling unit or lot, all deeds shall require each property-owner to pay fees on a regular basis for the

maintenance and other expenses of owning such land. The association shall be incorporated with covenants and bylaws providing for the filing of assessments. After providing notice to affected owners, the municipal shall have the authority to establish municipal liens upon all properties in the association to fund maintenance of the land or improvements and municipal legal costs if the property owners association does not fulfill its responsibilities. The Governing Body shall have sole discretion on whether to utilize this process of municipal liens. The municipality shall not be required to maintain or repair any land or improvements that are the responsibility of the property owners association.

808.D. The developer shall submit to the municipality a written orderly process for the transfer of the land and/or improvements to the association. The municipality may delay a dedication of maintenance responsibilities by a developer to a property-owners association until such association is incorporated and able to maintain such land.

808.E. Any property owners association shall be established in full compliance with applicable State law, including the Uniform Planned Community Act and/or Uniform Condominium Act.

REPEALER; ENACTMENT
HEIDELBERG AND NORTH HEIDELBERG TOWNSHIPS AND
ROBESONIA AND WOMELSDORF BOROUGHS
JOINT ZONING ORDINANCE

REPEALER. The pre-existing Heidelberg Township, North Heidelberg Township, Robesonia Borough and Womelsdorf Borough Zoning Ordinances, as amended, are each hereby repealed upon the effective date of this new Zoning Ordinance. At such time, any other portion of a Township or Borough ordinance or resolution that was adopted prior to this Ordinance and that are clearly in direct conflict with this Ordinance shall also be repealed, but which shall not include the repeal of separate municipal nuisance, animal, or vehicle parking/storage ordinances.

ENACTMENT. Under the authority conferred by the Pennsylvania Municipalities Planning Code, as amended, the Board of Supervisors of Heidelberg Township and North Heidelberg Township and the Borough Councils of Robesonia and Womelsdorf hereby enact and ordain into an Ordinance the attached Zoning Ordinance on the following dates. This Ordinance shall become effective in 5 calendar days after it is adopted by the last of the four municipalities.

HEIDELBERG TOWNSHIP

November 20, 2003
Date of Enactment

Chairperson, Board of Supervisors

Attest, Township Secretary

NORTH HEIDELBERG TOWNSHIP

November 25, 2003
Date of Enactment

Chairperson, Board of Supervisors

Attest, Township Secretary

BOROUGH OF ROBESONIA

President, Borough Council

December 1, 2003
Date of Enactment

Attest, Borough Secretary

Mayor

BOROUGH OF WOMELSDORF

January 5, 2004
Date of Enactment

President, Borough Council

Attest, Borough Secretary

Mayor

Revised September 2003

List of Designated Historic Buildings

The following list of historic buildings is based upon research of the Berks County Conservancy and the Pennsylvania Historical and Museum Commission. These buildings are shown on the Historic Buildings Map.

The key numbers and code numbers refer to information in the files of the Berks County Conservancy about each building. The abbreviation "NR" refers to the National Register of Historic Places. "NR Eligible" refers to a designation that the building is eligible for the National Register of Historic Places. The abbreviation "PHMC" refers to identification by the Historical and Museum Commission. The abbreviation "BC" refers to identification by the Berks County Conservancy.

Unless otherwise stated, the designated historic building shall be the principal building on the property, not including barns or accessory buildings.

MAP NO.	BERKS CONSER-VANCY KEY NO.	BERKS CONSER-VANCY CODE	NAME (In some cases, this is a historic name, in other cases it is an owner as of 2003)	REGISTER	MUNICIPALITY
1	025781		Davis Mill/Leibig (68 Wooldtown Rd.)	PHMC	Heidelberg
2	025782		Larry Gelsing Property (138 Heidelberg Rd.)	PHMC	Heidelberg
3	025783		Doug Yerger Property (292 Heidelberg Rd.)	PHMC	Heidelberg
4	025785		Mark Wolfskill Property (Ssuss Farm)	PHMC	Heidelberg
5	025789		Elroy Master Property (75 Bernville Rd.) (Livingood Farm)	PHMC	Heidelberg
6	025790		Nathan Ruth Property (348A N. Church Rd.; Valmont Farms)	PHMC	Heidelberg
7	025792		Ralph Miller Property (Christian Deppen Homestead)	PHMC	Heidelberg
8	025796		Noble, Ted Property (69 Snyder Dr.)	PHMC	Heidelberg
9	025797		Heller, Roger Property (48 Matthews Dr.)	PHMC	Heidelberg
10	025799		Duncan, Don Property (202 Bernville Rd.)	PHMC	Heidelberg
11	025802		Austin Klopp Property (29 Pieller Rd.)	PHMC	Heidelberg
12	025805		Frick Cottage of Bethany Children's Home	PHMC	Heidelberg
13	025806		George Bennethum Property (96 W. Ryeland Rd., Ryeland House)	PHMC	Heidelberg
14	025808		Plumpton Manor	PHMC	Heidelberg
15	084871		Glenn Seidel Property - Deppen Farm (1101 N. Water St.)	PHMC	Heidelberg
16	084924	011-NH-005	Stump Homestead/Shirley Letcher Property	BC	North Heidelberg
17	084947	011-NH-028	Stump Farm/Reiner Miller Home (Sycamore Rd.)	PHMC	North Heidelberg
18	084958	011-NH-039	Kissling Property/Miller House (1700 Brownsville Rd.)	PHMC	North Heidelberg

MAP NO.	BERKS CONSER-VANCY KEY NO.	BERKS CONSER-VANCY CODE	NAME (In some cases, this is a historic name, in other cases it is an owner as of 2003)	REGISTER	MUNICIPALITY
19			Downtown Robeson Historic District (A Historic Overlay District as shown on the Map), which includes but is not limited to the following:	National Register eligible	Robeson
	085075	011-RB-02	Robeson Elementary Center		
19	085076	011-RB-03	Kalback House (2 E. Penn Av)	PHMC	Robeson
19	085077	011-RB-04	Maple Villa (13 E. Penn Av)	PHMC	Robeson
19	085078	011-RB-05	Wenrich Property (33 E. Penn Av)	PHMC	Robeson
19			Robeson House (124 E. Penn Av.)	N. R. eligible	Robeson
19	085080	011-RB-07	Henry Robeson House (109 S. Robeson St.)	PHMC	Robeson
20			Robeson Furnace Historic District (A Historic Overlay District as shown on the Map), which includes the following buildings (which include street addresses as opposed to individual map numbers):	National Register	Robeson
20	085079	011-RB-06	Furnace Chapel	PHMC	Robeson
20	085082	011-RB-09	Robeson Furnace Mansion (27 Freeman St.)	PHMC	Robeson
20	085083	011-RB-10	Robeson Furnace Office (26 W. Freeman St.)	BC	Robeson
20	085085	011-RB-12	Taylor Mansion and Original Furnace Creamery (476 S. Church St.)	BC	Robeson
20	085086	011-RB-13	Boarding House (496 S. Church St.)	PHMC	Robeson
20	085087	011-RB-14	Detscher/Spotts/Hoffman Property (492 S. Church St.)	BC	Robeson
20	085088	011-RB-15	Lockhart /Brunner/Fisher Properties (530 and 532 S. Church St.)	PHMC	Robeson
20	085089	011-RB-16	Shaak/Brewer Properties (536 and 538 S. Church St.)	PHMC	Robeson
20	085090	011-RB-17	Fisher/Kocher Properties (544 and 546 S. Church St.)	PHMC	Robeson
20	085091	011-RB-18	Miller/Peters House (594 S. Church St.)	BC	Robeson
20	085092	011-RB-19	Thompson Property (99 Furnace St.)	PHMC	Robeson

MAP NO.	BERKS CONSER-VANCY KEY NO.	BERKS CONSER-VANCY CODE	NAME (In some cases, this is a historic name, in other cases it is an owner as of 2003)	REGISTER	MUNICIPALITY
20	085093	011-RB-20	Snyder Property (79 Furnace St.)	PHMC	Robesonia
20	085094	011-RB-21	Pioneer Fire Engine House (W. Freeman St.)	PHMC	Robesonia
20	085095	011-RB-22	Schaeffer Property (45 E. Mountain Av.)	PHMC	Robesonia
20	085096	011-RB-23	Stoudt/Bain Properties (74 and 76 E. Mountain Av.)	PHMC	Robesonia
20	085097	011-RB-24	Mardeness/McMullan Property (120 E. Mountain Av.)	PHMC	Robesonia
20	085098	011-RB-25	Spaid Property (394 S. Freeman St.)	PHMC	Robesonia
20	085099	011-RB-26	Tranquillo/Wenrich Properties (404 and 406 S. Freeman St.)	PHMC	Robesonia
20	085100	011-RB-27	Robesonia Furnace House (325 S. Freeman St.)	PHMC	Robesonia
20			Schaeffer/Brewer (538 S. Church St.)		Robesonia
20			Kocher (546 S. Church St.)		Robesonia
20			Even Numbered Buildings on 300 Block of Freeman St.		Robesonia
20	085101	011-RB-28	Baerncoff, Maurice Property (238 S. Freeman St.)	PHMC	Robesonia
21	000985		Womelsdorf Historic District (A Historic Overlay District as shown on the Map)	National Register	Womelsdorf
22	096558		Lauk's Mill (115 N. Water St.)	PHMC	Womelsdorf
23	079041		Brown, S. House	PHMC	Womelsdorf
24	025807		Tannery School (398 Hill Rd.)	PHMC	Heidelberg

**ORDINANCE NO. 2021 - 4
NORTH HEIDELBERG TOWNSHIP
BERKS COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 182
HEIDELBERG TOWNSHIP
BERKS COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2021 - 4
BOROUGH OF ROBESONIA
BERKS COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2021 - 04
BOROUGH OF WOMELSDORF
BERKS COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2021 - 1
MARION TOWNSHIP
BERKS COUNTY, PENNSYLVANIA**

AMENDMENTS TO THE JOINT ZONING ORDINANCE OF NORTH HEIDELBERG TOWNSHIP, HEIDELBERG TOWNSHIP, THE BOROUGH OF ROBESONIA, AND THE BOROUGH OF WOMELSDORF, BERKS COUNTY, PENNSYLVANIA AS AMENDED, TO INCLUDE MARION TOWNSHIP AS A PARTICIPANT, BY: (1) AMENDING AND RESTATING THE TITLE AND SHORT TITLE TO INCLUDED MARION TOWNSHIP; (2) AMENDING AND RESTATING ARTICLE 1 ENTITLED "ADMINISTRATION", SECTION 101 ENTITLED "APPLICABILITY OF THIS ORDINANCE", TO PROVIDE THAT THE JOINT ZONING ORDINANCE SHALL ALSO APPLY TO MARION TOWNSHIP, SUBSECTION D. OF SECTION 108 ENTITLED "AMENDMENTS OF THIS ORDINANCE", TO PROVIDE FOR THE AMENDMENTS OF THE JOINT ZONING ORDINANCE TO GO INTO EFFECT FIVE (5) DAYS AFTER THE DATE OF ENACTMENT BY THE LAST OF THE FIVE (5) MUNICIPALITIES TO ENACT THE AMENDMENT, AND SECTION 115 ENTITLED "LIMITED MUNICIPAL AND MUNICIPAL AUTHORITY EXEMPTION", TO EXEMPT CERTAIN USES OR STRUCTURES OWNED BY MARION TOWNSHIP THAT ARE INTENDED FOR A PUBLIC UTILITY, STORMWATER, PUBLIC RECREATION OR PUBLIC HEALTH AND SAFETY PURPOSE; (3) AMENDING ARTICLE 2 ENTITLED "DEFINITIONS", SECTION 202 ENTITLED "TERMS DEFINED", TO AMEND CERTAIN DEFINITIONS TO ALSO APPLY TO MARION TOWNSHIP; (4) AMENDING ARTICLE 3 ENTITLED "DISTRICTS", SECTION 303 ENTITLED "ZONING MAP" TO INCLUDE THE MARION TOWNSHIP ZONING MAP"; SECTION 307 ENTITLED "DIMENSIONAL REQUIREMENTS IN EACH DISTRICT", SUBSECTIONS 307A.4 ENTITLED "LDR LOW DENSITY RESIDENTIAL DISTRICT", 307A.5 ENTITLED "MDR MEDIUM DENSITY RESIDENTIAL DISTRICT, 307A.6 ENTITLED "TC TOWN CENTER AND TR TOWN RESIDENTIAL

DISTRICT", AND 307A.7 ENTITLED "HC GENERAL COMMERCIAL DISTRICT", TO INCLUDE CERTAIN DIMENSIONAL REQUIREMENTS APPLICABLE TO MARION TOWNSHIP; SECTION 308.B. ENTITLED "LOT REQUIREMENTS", SUBSECTION 1 ENTITLED "MINIMUM LOT AREA", TO ESTABLISH MINIMUM LOT AREA REQUIREMENTS IN MARION TOWNSHIP; SECTION 311.C ENTITLED "DENSITY, OPEN SPACE AND LOT STANDARDS", SUBSECTIONS 5 AND 6 TO ESTABLISH CERTAIN DENSITY, OPEN SPACE AND LOT STANDARDS IN MARION TOWNSHIP; (5) AMENDING ARTICLE 4 ENTITLED "ADDITIONAL REQUIREMENTS FOR SPECIFIC USES", SECTION 403.D. ENTITLED "SPECIAL STANDARDS", SUBSECTION 12 ENTITLED "RESIDENTIAL ACCESSORY STRUCTURE OR USE", SUBPARAGRAPH B TO ESTABLISH SPECIAL REQUIREMENTS FOR ACCESSORY BUILDINGS IN RESIDENTIAL DISTRICTS ON LOTS OF LESS THAN 2 ACRES WITHIN MARION TOWNSHIP; (6) AMENDING THE LIST OF DESIGNATED HISTORIC BUILDINGS TO INCLUDE HISTORICAL BUILDINGS LOCATED IN MARION TOWNSHIP; (7) ADOPTING THE MARION TOWNSHIP ZONING MAP; AND (8) ADOPTING THE MARION TOWNSHIP HISTORIC BUILDINGS AND HISTORIC OVERLY DISTRICTS MAP.

Heidelberg Township, North Heidelberg Township, the Borough of Robesonia, and the Borough of Womelsdorf entered into the Western Berks Region Joint Comprehensive Plan and Western Berks County Zoning Ordinance of 2003 Intergovernmental Agreement dated July 28, 2005 ("Intergovernmental Agreement") to implement the Western Berks Region Joint Comprehensive Plan (the "Plan") and the Heidelberg-North Heidelberg-Robesonia-Womelsdorf Joint Zoning Ordinance of 2004 (the "Joint Zoning Ordinance").

The Joint Zoning Ordinance was adopted by Heidelberg Township on November 20, 2003, by North Heidelberg Township on November 25, 2003, by the Borough of Robesonia on December 1, 2003, and by the Borough of Womelsdorf on January 5, 2004.

As a result of Marion Township participating in the Joint Zoning Ordinance, certain amendments are required to the Joint Zoning Ordinance that pertain to Marion Township.

NOW THEREFORE BE IT ENACTED AND ORDAINED by the Board of Supervisors of Heidelberg Township, the Board of Supervisors of Marion Township ("Marion Township"), the Board of Supervisors of North Heidelberg Township, the Borough Council of the Borough of Robesonia, and the Borough Council of the Borough of Womelsdorf, and it is hereby enacted and ordained by the authority thereof that the Joint Zoning Ordinance is hereby amended, as follows:

SECTION 1. Section 1 entitled "Title" of the Joint Zoning Ordinance is hereby amended and restated, as follows:

1. **TITLE.** A New Ordinance: a) dividing Heidelberg Township, Marion Township, North Heidelberg Township, Robesonia Borough and Womelsdorf Borough into districts with varying regulations; b) permitting, prohibiting, regulating and determining the uses of

land, watercourses and other bodies of water, the size, height, bulk, location, erection, construction, repair, expansion, razing, removal and use of structures, the areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as yards and other open areas to be left unoccupied; c) establishing the maximum density and intensity of uses; d) providing for the administration and enforcement of this Ordinance in accordance with the Pennsylvania Municipalities Planning Code, including provisions for special exceptions and variances to be administered by a Zoning Hearing Board; and e) establishing provisions for the protection of certain natural features.

SECTION 2. Section 2 entitled "Short Title" of the Joint Zoning Ordinance is hereby amended and restated, as follows:

2. **SHORT TITLE.** This Ordinance shall be known as the "Heidelberg- Marion-North Heidelberg-Robesonía-Womelsdorf Joint Zoning Ordinance" of 2004.

SECTION 3. Section 101 entitled "Applicability of this Ordinance", of Article 1 entitled "Administration", of the Joint Zoning Ordinance is hereby amended and restated to include Marion Township, as follows:

101. **APPLICABILITY OF THIS ORDINANCE.** This Zoning Ordinance shall apply throughout Heidelberg Township, Marion Township, North Heidelberg Township, Robesonía Borough and Womelsdorf Borough, in Berks County, Pennsylvania. Any activity regulated by this Ordinance shall only occur in such a way that conforms with the regulations of this Ordinance.

SECTION 4. Subsection 108.D., of Section 108 entitled "Amendments to this Ordinance", of Article I entitled "Administration", of the Joint Zoning Ordinance is hereby amended and rested, as follows:

- 108.D. A zoning ordinance amendment shall only go into effect five (5) days after the date of enactment by the Borough Council or Board of Supervisors of the last of the five (5) municipalities to enact the amendment.

SECTION 5. Section 115 entitled "Limited Municipal and Municipal Authority Exemption" of Article 1 entitled "Administration", of the Joint Zoning Ordinance is hereby amended and restated to include Marion Township, as follows:

115. **LIMITED MUNICIPAL AND MUNICIPAL AUTHORITY EXEMPTION.** The minimum lot area, minimum lot width, minimum yards, maximum lot coverages and minimum street frontage requirements of this Ordinance shall not apply to uses or structures owned by Heidelberg Township, Marion Township, North Heidelberg Township, Robesonía Borough and Womelsdorf Borough or by a municipal authority created by any such municipality(ies) for uses and structures

that are intended for a public utility, stormwater, public recreation or public health and safety purpose.

SECTION 6. Section 202 entitled "Terms Defined", of Article 2 entitled "Definitions", of the Joint Zoning Ordinance is hereby amended by amending the following terms:

Government Facility, Other than Municipally-Owned. A use owned by a government, government agency or government authority for valid public health, public safety, recycling collection or similar governmental purpose, and which is not owned by Heidelberg Township, Marion Township, North Heidelberg Township, Robesonia Borough or Womelsdorf Borough. This term shall not include uses listed separately in the table of uses in Article 3, such as "publicly owned recreation". This term shall not include a prison.

Marion Township Map. The Marion Township Zoning Map adopted as part of this Zoning Ordinance.

Ordinance, This. The Heidelberg Township - Marion Township - North Heidelberg Township - Robesonia Borough - Womelsdorf Borough Joint Zoning Ordinance, including the Official Zoning Map, as amended.

Township. Heidelberg Township, Marion Township, or North Heidelberg Township, as applicable.

Zoning Map. The Official Zoning Map, including the Marion Township Zoning Map, adopted as part of this Zoning Ordinance.

Zoning Ordinance. The Heidelberg Township - Marion Township - North Heidelberg Township - Robesonia Borough - Womelsdorf Borough Joint Zoning Ordinance, as amended.

SECTION 7. Section 303 entitled "Zoning Map", of Article 3 entitled "Districts", of the Joint Zoning Ordinance is hereby amended and supplemented to add a new Subsection D incorporating the Marion Township Zoning Map in the Official Zoning Map, as follows:

303. **ZONING MAP.**

- D. A map entitled "Marion Township Zoning Map" accompanies this Ordinance and is declared a part of this Ordinance and shall become part of the Official Zoning Map.

SECTION 8. Subsections 307A.4. entitled “LDR Low Density Residential District”, 307.A.5 entitled “MDR Medium Density Residential District”, 307.A.6 entitled “TC Town Center and TR Town Residential District”, and 307.A.7 entitled “HC General Commercial District”, of Section 307 entitled “Dimensional Requirements in Each District”, of Article 3 entitled “Districts”, of the Joint Zoning Ordinance are hereby amended and restated, as follows:

307. DIMENSIONAL REQUIREMENTS IN EACH DISTRICT.

307.A. The following area, yard and building requirements shall apply for the specified zoning district, unless a more restrictive requirement for a specific use is required by Sections 402 or 403 or another Section of this Ordinance. All measurements shall be in feet unless otherwise stated. See definitions of terms (such as lot width) in Section 202.

Zoning District: Type of Use	Min. Lot Area (sq. ft.)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage
4. LDR Low Density Residential District:							
a) Single Family Detached Dwelling:							
1) Without both municipally-approved central water service and municipally-approved central sewage service	a1) 43,560	a1) 150	40	40	10	20	35
2) With both municipally - approved central water and municipally-approved central sewage services	a2) 20,000	a2) 100	(10 feet of which may include an unenclosed front porch)				
3) With municipally-approved central sewage services	a3) 30,000	a3) 125					
b) Other Allowed Use	b) 43,560	b) 150					
<i>See Conservation Design Option in Section 311, which allows smaller minimum lot sizes and lot widths.</i>	An existing lot of record with central water and sewage services and a lot area of 10,000 square feet or greater shall be a considered conforming lot						
<i>See provisions in Section 313 to increase density through Transfer of Development Rights</i>							
All dwellings shall have a minimum principal building width and length of 18 feet (not including unenclosed structures)							

Zoning District: Type of Use	Min. Lot Area (sq. ft.)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage
5. MDR Medium Density Residential District:							
a) Single Family Detached Dwelling:							
1) Without both municipally-approved central water and municipally-approved central sewage services	a1) 43,560	a1) 150	30 (10 feet of which may include an unenclosed front porch)	30	10 except 0 at the shared lot line of lawfully attached dwellings	50%	60% for a townhouse development, the maximum impervious coverage may be based upon an average for the development
2) With both municipally - approved central water and municipally-approved central sewage services	a2) 9,000	a2) 50					
3) With municipally-approved central sewage services	a3) 30,000	a3) 100					
b) The following house types, each of which shall require municipally-approved central water and municipally-approved central sewage services:	b) minimum lot area for each dwelling unit and each principal use:						
1) Twin dwelling unit							
2) Townhouse	b1) minimum average of 10,000 (Note C)	b1) 50 per dwelling unit					
3) Apartments, which shall be detached from other buildings	b2) minimum average of 10,000 (Note C)	b2) 20 per interior dwelling unit, and 40 for each end unit (Note B)					
4) Manufactured home parks shall meet the requirements for such use as stated in Section 402, instead of the requirements of this Section	b3) minimum average of 10,000 (Note C)	b3) 150					
c) Other Allowed Use	c) 20,000	c) 100					
A 20 percent increase in the maximum total number of dwelling units shall be allowed if every dwelling unit on a lot is permanently limited by deed and by lease to occupancy by persons age 55 and older and their spouses, with no residents under the age 18.							
<i>See provision in Section 313 to increase density through Transfer of Development Rights.</i>							

Zoning District: Type of Use	Min. Lot Area (sq. ft.)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage
6. TC Town Center and TR Town Residential District:							
a) Single family detached dwelling:	a) 4,000 (Note E)	a) 50 (Note E)	20	30	5	50%	90%
1) Within Marion Township without municipally-approved central sewage and municipally approved central water services.	a1) 20,000	a1) 100	except as provided in Section 315 and Note E	(Notes D and E)	(Notes D and E), except 0 along a long line of lawfully attached dwellings.	(Note E)	(Note E)
2) Within Marion Township with municipally-approved central sewage services.	a2) 8,000	a2) 60					
3) With both municipally-approved central water and municipally-approved sewage services.	a3) 4,000	a3) 50					
b) The following housing types, each of which shall require municipally-approved central water and municipally-approved central sewage services, and which shall not be allowed on a lot in the TC district that included more than one 1 acre at the time of adoption of this Ordinance:	b) Minimum lot area for each dwelling unit and each principal use:						
1) Twin dwelling unit	b1) minimum average of 4,000 (Note C)	b1) 40 per dwelling unit					
2) Townhouse	b2) minimum average of 4,000 (Note C)	b2) 20 per interior dwelling unit, and 40 for each end unit (Note B)					
3) Apartments, which shall be detached from other buildings	b3) minimum average of 4,000 (Note C)	b3) 50					
c) Active Adult Residential Development within the TC District - The provisions of Section 402 apply.	b3) minimum average of 4,000 (Note C)	d) 50					
d) Conversion into dwelling units of a building that existed at the time of adoption of this Ordinance, with a minimum lot area required of 1,000 square feet per dwelling unit. See additional requirements in Section 306.B.2.a.	d) 4,000	e) 50					
e) Other allowed use - except that within the TC district, the minimum lot area shall be 43,560 square feet and the minimum lot width shall be increased to 250 feet along an arterial street if a lot included more than 1 acre at the time of adoption of this Ordinance.	e) 5,000, except as stated in column to the left	f) 50					
f) Twin dwelling units in Marion Township shall be allowed with municipally-approved central sewer service.	f) 8,000						

Zoning District: Type of Use	Min. Lot Area (sq. ft.)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage
7. HC General Commercial District:							
a) Allowed Use:	a) 20,000	100, except 200 for a new lot approved after the adoption of this Ordinance that will have its own vehicle access directly onto an arterial street.	30 except 60 feet where off-street parking will exist between the principal building and an arterial street.	30 (Note D)	15 (Note D)	35%	65%
b) Allowed use within Marion Township without both municipally-approved central water service and municipally-approved central sewage service.	b) 43,560	b) 200					
c) Allowed use within Marion Township with municipally-approved central sewage service	c) 30,000	c) 150					

SECTION 9. Subsection 1 entitled "Minimum Lot Area", of Section 308.B entitled "Lot Requirements", of Article 3 entitled "Districts", of the Joint Zoning Ordinance is hereby amended and restated, as follows:

308.B Lot Requirements. The following provisions shall apply to the AP District, unless a more restrictive provision is established by another Section of this Ordinance.

1. Minimum Lot Area - 50 acres within Heidelberg Township and 40 acres within North Heidelberg Township and Marion Township, except as follows:
 - a. Irrespective of the minimum lot area requirements, agricultural operations shall be permitted on lots or portions of a lot of any size within the AP Zoning District, subject to compliance with the other applicable regulations of this Chapter;
 - b. As specifically provided by Section 308.C. in areas that are "Not Productive Agricultural Land";
 - c. As specifically provided by a more restrictive provision, such as may apply under Section 402 for a particular use;
 - d. A Commercial Communications Antenna / Tower may be placed on a smaller area that is leased, provided that the land area reverts to be part of the lot and the tower is required to be removed if the antenna / tower is no longer in use;
 - e. No minimum lot area shall apply for a vacant lot that is permanently limited by a deed restriction or conservation easement enforceable by the Township from being used for any building(s);
 - f. Adjacent lot area in another municipality may count towards this minimum acre requirement, provided that the land remains in common ownership and is contained in a single deed;
 - g. Lot areas that are separated by a creek, street, or other right-of-way may be added together to meet this requirement, provided the lot areas remain in common ownership;
 - h. An existing undeveloped lawful lot of record of greater than 40,000 square feet of lot area may be used for one (1) single family detached dwelling and its customary accessory uses;
 - i. A transfer may occur of land area from one (1) lot to a contiguous lot without meeting the minimum acreage requirement, provided that the

transferred land is merged into an existing lot, and no new lot is created, and the transfer does not open up any opportunity for new lots, and any lot involved of less than required minimum lot area is protected against additional subdivision by a conservation easement enforceable by the Township; and

- j. Except for the incentive provided in Section 308.B.7. below.

SECTION 10. Subsections 5 and 6, of Section 311.C. entitled "Density, Open Space and Lot Standards", of Article 3 entitled "Districts", of the Joint Zoning Ordinance are hereby amended and restated, as follows:

311.C. Density, Open Space and Lot Standards.

- 5. Within a Conservation Design Development, the only allowed dwelling units shall be single family detached dwellings. The following minimum lot areas and lot widths shall apply, provided that the total maximum density for the tract is not exceeded:
 - (a) LDR Districts – The minimum lot area may be reduced to 10,000 square feet and the minimum lot width to 70 feet. Within Marion Township, the minimum lot area may be reduced to 20,000 square feet and the minimum lot width to 150 feet when served by Township-approved central sanitary sewer.
 - (b) MDR District – The minimum lot area may be reduced to 6,000 square feet and the minimum lot width to 50 feet. Within Marion Township, the minimum lot area may be reduced to 20,000 square feet and the minimum lot width to 150 feet when served by Township-approved central sanitary sewer.
 - (c) RR District – With both Township-approved central water and central sewage services, the minimum lot area may be reduced to 30,000 square feet and the minimum lot width to 100 feet. Without both Township-approved central water and central sewage services, the minimum lot area may be reduced to 43,560 square feet and the minimum lot width to 125 feet.
 - (d) CR District – The minimum lot area may be reduced to 55,000 square feet and the minimum lot width to 125 feet.
- 6. Utilities. Any lot of less than one (1) acre shall be served by Township-approved central sanitary sewage service and central water service. Within Marion Township, any lot of less than one (1) acre shall be served by Township-approved

central sanitary sewer, and any lot of less than 20,000 square feet shall be served by Township-approved central sanitary sewer and central water services.

SECTION 11. Subparagraph b of Subsection 12 entitled "Residential Accessory Structure of Use", of Section 403.D. entitled "Special Standards", of Article 4 "Additional Requirements for Specific Uses", of the Joint Zoning Ordinance is hereby amended and restated, as follows:

403.D. Special Standards. Each Accessory use shall comply with all of the following standards listed for that use:

12. Residential Accessory Structure or Use (see definition in Article 2)

b. Accessory buildings in a residential district on a lot of less than 2 acres shall meet the following requirements, except in Marion Township:

- 1) Maximum total floor area of all accessory buildings - 1,000 square feet.
- 2) Maximum of 2 accessory buildings per lot.
- 3) In Marion Township, the maximum floor area of all residential accessory buildings shall be 2 times the area of the principal building, measured from the exterior faces of exterior walls or from the centerlines of walls separating buildings, including fully enclosed porches.

SECTION 12. The List of Designated Historic Buildings, of the Joint Zoning Ordinance is hereby amended and supplemented to include a new paragraph to include Marion Township and to supplement the list of historic buildings based upon research of the Berks County Conservancy and the Pennsylvania Historical and Museum Commission to include historic buildings located in Marion Township, as follows:

The key numbers in Marion Township refer to information in the files of the Pennsylvania Historical and Museum Commission about each building. The abbreviation "NR" refers to the National Register of Historic Places. "NR Eligible" refers to a designation that the building is eligible for the National Register of Historic Places. The abbreviation "PHMC" refers to identification by the Historical and Museum Commission.

Map No.	PHMC Key No.	Name (as assigned by PHMC)	Register	Municipality
1	000799	Peter Spicker House	NR	Marion Township
2	076575	Jacob Etschberger House	NR Eligible	Marion Township
3	076667	Marion Rod & Gun Property	NR Eligible	Marion Township
4	076574	Noah Burkholder Property	NR Eligible	Marion Township
5	076663	Walter Horst Property	NR Eligible	Marion Township
6	083509	Tulpehocken Creek Historic	NR	Marion Township

		District		
7	077376	Stouchsburg Historic District	NR	Marion Township
8	119376	Charming Forge Historic District	Undetermined	Marion Township

SECTION 13. The Marion Township Zoning Map, as depicted on Exhibit A attached hereto and incorporated herein by reference is hereby adopted.

SECTION 14. The Marion Township Historic Buildings & Historic Overlay Districts map as depicted on Exhibit B attached hereto and incorporated herein by reference is hereby adopted.

SECTION 15. The pre-existing Marion Township Zoning Ordinance, as amended, is hereby repealed upon the effective date of this Ordinance. At such time, any other portions of Marion Township's Ordinances or Resolutions that were adopted prior to this Ordinance and that are clearly in direct conflict with this Ordinance shall also be repealed.

SECTION 16. All ordinances or parts of ordinances of Heidelberg Township, North Heidelberg Township, Robesonia Borough or Womelsdorf Borough conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

SECTION 17. If any provision, sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Heidelberg Township, Marion Township and North Heidelberg Township and the Borough Councils of Robesonia Borough and Womelsdorf Borough that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part thereof had not been included herein.

SECTION 18. The Heidelberg - North Heidelberg - Robesonia - Womelsdorf Joint Zoning Ordinance of 2004, as amended, shall be and remain unchanged and in full force and effect, except as amended, supplemented, and modified by this Ordinance.

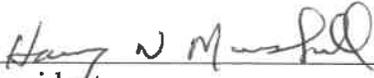
SECTION 19. this Ordinance may be executed in many counterparts, each of which when executed shall be considered to be an original Ordinance.

SECTION 20. This Ordinance shall become effective in accordance with the law.

INTENTIONALLY LEFT BLANK - SIGNATURES APPEAR ON FOLLOWING PAGES

ENACTED AND ORDAINED this 21st day of January, 2021.

BOROUGH OF ROBESONIA

By: 
President

Attest: 
Secretary

APPROVED THIS 21st day of January, 2021

Mayor

BOROUGH OF WOMELSDORF

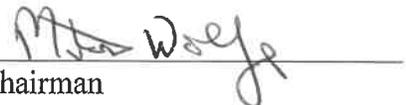
By: 
President

Attest: 
Secretary

APPROVED THIS 21st day of January, 2021

Mayor

TOWNSHIP OF NORTH HEIDELBERG

By: 
Chairman

Attest: 
Secretary

APPROVED THIS 21st day of January, 2021

TOWNSHIP OF HEIDELBERG

By: 
Chairman

Attest: 
Secretary

APPROVED THIS 21st day of January, 2021

MARION TOWNSHIP

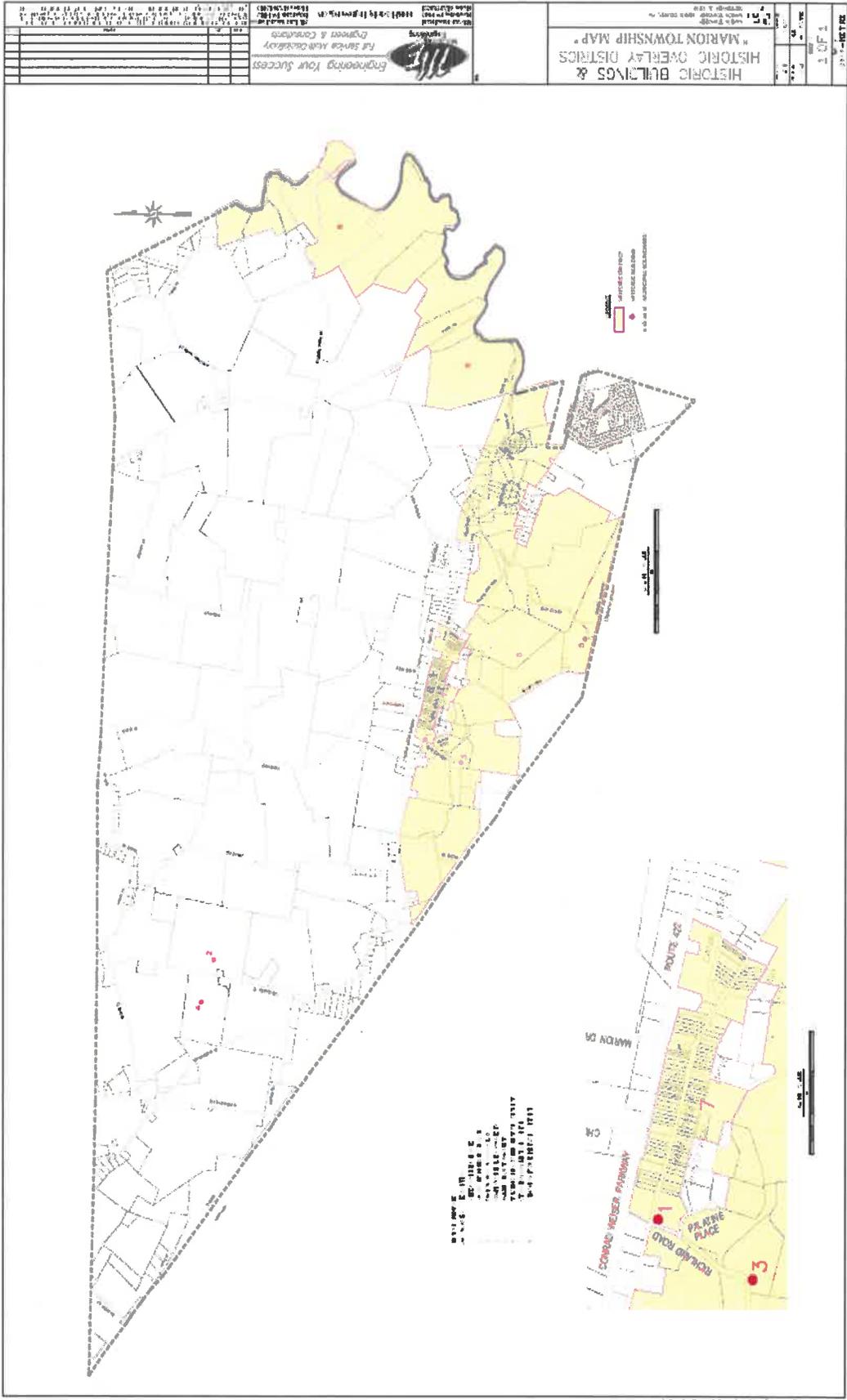
By: 
Chairman

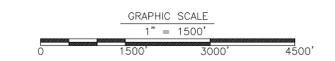
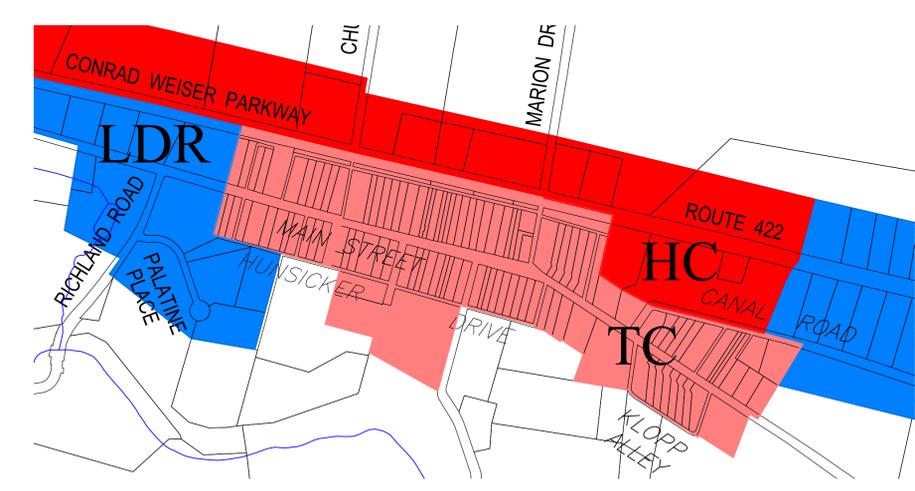
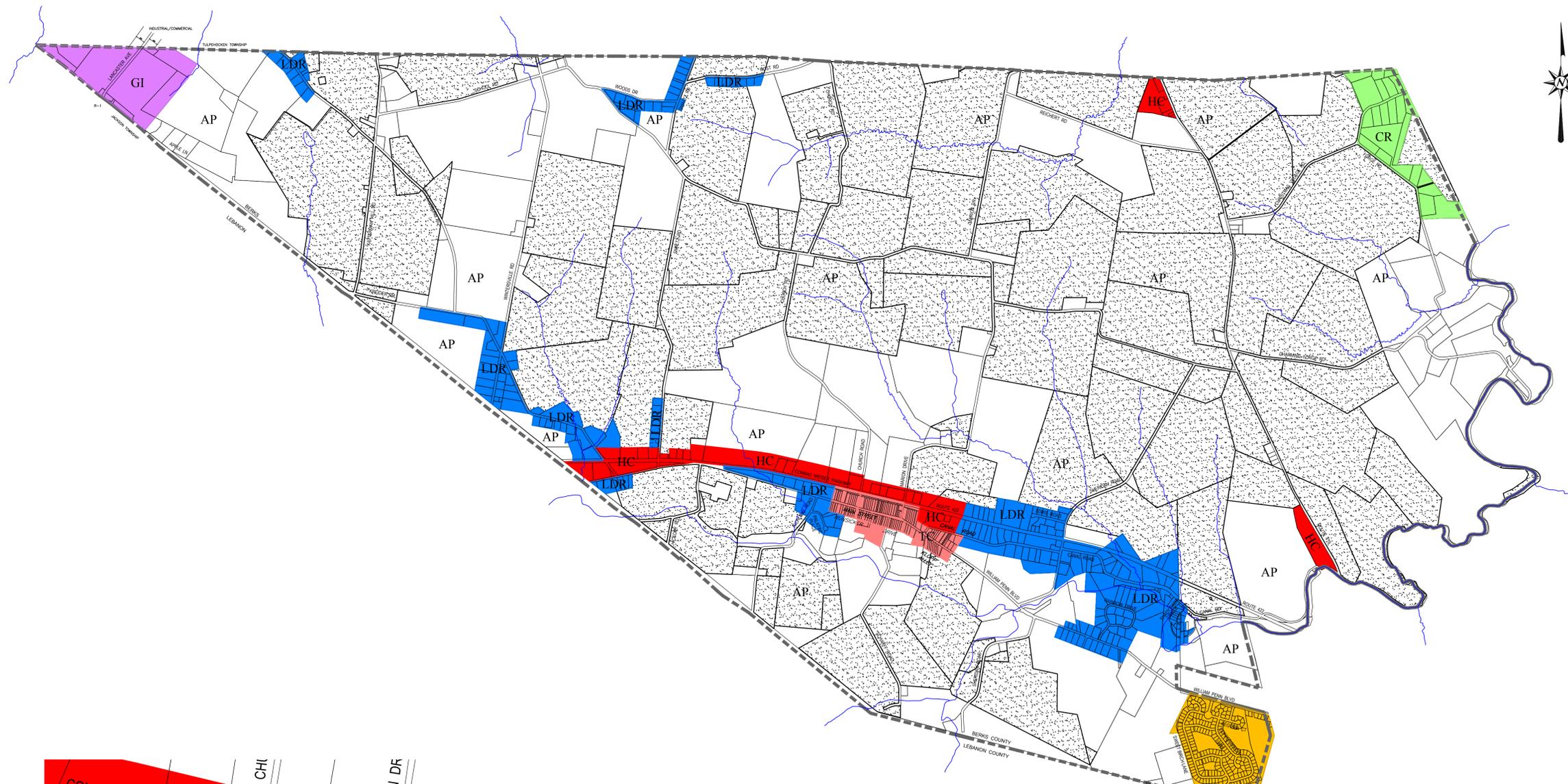
Attest: 
Secretary

APPROVED THIS 21st day of January, 2021

EXHIBIT B

MARION TOWNSHIP HISTORIC BUILDINGS AND HISTORIC OVERLAY DISTRICTS MAP

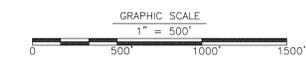




- NOTES TO DETERMINE ZONING DISTRICT BOUNDARY**
- A. = EXISTING LOT LINE EXTENDED IN A STRAIGHT LINE.
 - B. = 1000' FROM EDGE OF RAILROAD RIGHT-OF-WAY.
 - C. = 400' FROM EXISTING STREET RIGHT-OF-WAY.
 - D. = 800' FROM EXISTING STREET RIGHT-OF-WAY.
 - E. = 1000' FROM EDGE OF RAILROAD RIGHT-OF-WAY.
 - F. = 400' FROM EXISTING PROPERTY LINE.

LEGEND

AP	AGRICULTURAL PRESERVATION
CR	CONSERVATION RESIDENTIAL
GI	GENERAL INDUSTRIAL
HC	HIGHWAY COMMERCIAL
LDR	LOW DENSITY RESIDENTIAL
MDR	MEDIUM DENSITY RESIDENTIAL
TC	TOWN CENTER
[Stippled Pattern]	AGRICULTURAL EASEMENT
[Dashed Line]	MUNICIPAL BOUNDARIES
[Solid Line]	ROADS
[Double Line]	RAILROADS



Revision	Date	Description

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PRELIMINARY DRAFT

" MARION TOWNSHIP ZONING MAP "

Client: MARION TOWNSHIP, BERKS COUNTY, PA
Location: MARION TOWNSHIP, BERKS COUNTY, PA
Date: MARCH 28, 2019

DRAWN BY: AJK	PROJ. MANAGER: CMB
PRINCIPAL: JCM	SCALE: AS NOTED
SHEET NO. 1 OF 1	
PLAN NO. 190007-ZONING	

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