

ORDINANCE #150

AN ORDINANCE ESTABLISHING REGULATIONS AND RESTRICTIONS FOR THE LOCATION AND USE OF LOTS, LAND, BUILDINGS AND OTHER STRUCTURES, BULK OF BUILDINGS AND STRUCTURES, DENSITY OF POPULATION, OFF-STREET PARKING AND SIMILAR ACCESSORY REGULATIONS, IN BRECKNOCK TOWNSHIP, BERKS COUNTY, PENNSYLVANIA AND FOR SAID PURPOSES DIVIDING THE TOWNSHIP INTO DISTRICTS AND PRESCRIBING CERTAIN UNIFORM REGULATIONS FOR EACH SUCH DISTRICT AND PROVIDING FOR ADMINISTRATIVE ENFORCEMENT AND AMENDMENT OF ITS PROVISION IN ACCORDANCE WITH THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AS AMENDED.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Brecknock Township, Berks County, Pennsylvania, that Chapter 27 of the Brecknock Township Code of Ordinances is hereby amended as follows:

SECTION 1. Chapter 27 – Zoning of the Brecknock Township Code of Ordinances is hereby amended and modified to read as follows:

CHAPTER 27

ZONING

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PART 1

**TITLE, APPLICATION, PURPOSE, COMMUNITY DEVELOPMENT
OBJECTIVES, AND ZONING MAP**

§27-101. Title and Short Title.

1. **Title.** A Chapter establishing regulations and restrictions for the location and use of lots, land, buildings and other structures, bulk of buildings and structures, the density of population, off-street parking and similar accessory regulations, in Brecknock Township, Berks County, Pennsylvania and for said purposes dividing the Township into districts and prescribing certain uniform regulations for each such district and providing for administrative enforcement and amendment of its provisions in accordance with the Pennsylvania Municipalities Planning Code, as amended.
2. **Short Title.** This Chapter shall be known as and may be cited as the "Brecknock Township Zoning Ordinance of 2006".

(Ord. 65, 6/5/1990, §101; as reenacted by Ord. 118, 5/7/2002, §1)

§27-102. Application of Ordinance.

1. Except as hereinafter provided, no building, structure, land or parts thereof shall be used and occupied, erected, moved, enlarged or structurally altered unless in conformity with the regulations of this Chapter.
2. Any and all uses not specifically allowed herein are not permitted and are excluded from this Chapter.

(Ord. 65, 6/5/1990, §102; as reenacted by Ord. 118, 5/7/2002, §1)

§27-103. Purpose.

This Chapter, including the regulations and districts, are hereinafter set forth to promote public health, safety, morals and the general welfare.

(*Ord. 65, 6/5/1990, §103; as reenacted by Ord. 118, 5/7/2002, §1*)

§27-104. Community Development Objectives.

These regulations were made with reasonable consideration, among other things, to the character of the districts and its peculiar suitability for particular uses and with a view:

- A. To encourage the preservation of agriculture and open space lands.
- B. To lessen congestion on the roads and highways.
- C. To secure safety from fire, panic and other dangers.
- D. To promote health and the general welfare.
- E. To prevent overcrowding of the land
- F. To avoid undue congestion of population.
- G. To facilitate the adequate provision of transportation, water, sewage, schools, parks and other public facilities.
- H. To conserve the value of buildings.
- I. To encourage the most appropriate use of land throughout the Township.

(*Ord. 65, 6/5/1990, §104; as reenacted by Ord. 118, 5/7/2002, §1*)

§27-105. Standards are Minimum.

1. In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements adopted for the promotion of the public health, safety and/or general welfare.
2. In their interpretation of the provisions of this Chapter, if a conflict exists between one or more Sections thereof, the more restrictive Section shall apply.
3. Where the provisions of this Chapter impose greater restrictions than those of any other statute, Township ordinance or regulation, the provisions of this Chapter govern. Where the provisions of another statute, Township ordinance or regulation impose greater restrictions than this Chapter, the provisions of such other statute, Township ordinance, or regulation shall govern.

(*Ord. 65, 6/5/1990, §105; as reenacted by Ord. 118, 5/7/2002, §1*)

§27-106. Official Zoning Map.

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

- A. **Identification of Official Zoning Map.** The Official Zoning Map shall be identified by the signature of the Board of Supervisors and attested to by the Secretary of the Board, together with the date of the adoption of this Chapter.
- B. **Changing the Official Zoning Map.**
 - (1) If, in accordance with the provisions of this Chapter and the Pennsylvania Municipalities Planning Code, as amended, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Township Supervisors.
 - (2) No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Chapter. All changes shall be noted by date with a brief description of the nature of the change.
- C. **Location of Official Zoning Map.** The Official Zoning Map shall be located in the Township building and shall be the final authority as to the current zoning status of land and water areas in the Township, regardless of unofficial copies which may have been made or published from time to time.
- D. **Replacement of Official Zoning Map.**
 - (1) In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Township Supervisors may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signatures of the Township Supervisors and bearing the following words: “This is to certify that this official Zoning Map supersedes and replaces the Official Zoning Map adopted on the 7th day of March, as part of Ordinance No. 150 of Brecknock Township, Berks County, Pennsylvania.”
 - (2) Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

(*Ord. 65, 6/5/1990, §106; as reenacted by Ord. 118, 5/7/2002, §1*)

§27-107. Classes of Districts.

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

- A. RR – Rural Residential
- B. LDR – Low Density Residential
- C. CA – Conservation/Agricultural
- D. RC – Rural Conservation.
- E. NCV – Neighborhood Commercial/Village
- F. GC – General Commercial
- G. OBC – Office/Business Campus
- H. LI – Light Industrial
- I. SE - Sexually Oriented Business Overlay District:
 - (1) Sexually Oriented Business Overlay District shall contain lands described in Exhibit “A”¹ which is attached hereto and incorporated herein by reference as part of the Sexually Oriented Business Overlay zoning district.
 - (2) The provisions of §§27-206(5), (6) and (7) of this Chapter as to General Commercial uses and any other applicable provisions of this Chapter as to General Commercial uses shall apply to Sexually Oriented Businesses and in the Sexually Oriented Business Overlay District. To the extent that any of the same are inconsistent with any of the following provisions, the more restrictive shall control.

[Ord. 115]

(Ord. 65, 6/5/1990, §107; as amended by Ord. 115, -/-/2001, §1; as reenacted by Ord. 118, 5/7/2002, §1)

§27-108. Interpretation of District Boundaries.

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

- A. **Designation of District Boundaries.** Boundaries indicated as approximately following the center line of streets, highways, alleys, railroad rights-of-way, streams, rivers, existing lot lines or Township boundary lines shall be construed to follow such features indicated. Where a district boundary line does not follow such a line, its position is shown on the Official Zoning Map by a specific dimension expressing its distance in feet from a street line or other boundary line as indicated and running parallel to said line.

¹Editor’s Note: Exhibit “A” is on file and may be seen at the Township building.

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

(Ord. 65, 6/5/1990, §108; as reenacted by Ord. 118, 5/7/2002, §1)

PART 2

DISTRICT REGULATIONS

§27-201. RR- Rural Residential

1. Purpose.

- A. In addition to the general goals listed in the statements of Community Development Objectives, §27-104, the purpose of this district is:
 - (1) To foster the protection and conservation of sensitive environmental resources, including streams, floodplains, wetlands, wet soils, steep slopes, woodlands, areas with variable groundwater yields, prime agricultural soils, and areas conditionally suitable for on-site sewage disposal systems.
 - (2) To maintain the rural character, and provide options for preserving existing agriculture, open space and conservation uses.
 - (3) To conserve groundwater resources.
 - (4) To provide for residential development at relatively low densities compatible with existing development and appropriate to environmental concerns within this District.
 - (5) To limit the residential demand for public services in areas which generally lack adequate transportation facilities and utilities to serve a suburban population.

2. Permitted Uses.

- A. All forms of agriculture, except intensive agriculture, pursuant to §27-312.
- B. Roadside stands for the sale of farm products grown on the premises and other produce and farm products provided that the owner of the premises actually grows and offers for sale a substantial amount of his products actually grown thereon, provided off-road parking space is provided for customers.
- C. Cemeteries and necessary incidental structures.
- D. Single family detached dwellings.
- E. Municipal use.

- F. Forestry. [*Ord. 141*]
 - G. Fire Stations
3. **Permitted Accessory Uses.** Located on the same lot with the permitted principal use.
- A. Signs pursuant to §27-304.
 - B. Home occupations pursuant to §27-302.
 - C. Customary accessory uses and buildings provided such are clearly incidental to the principal use and do not include any activity commonly conducted as a business pursuant to §27-303.
 - D. No – impact home-based business pursuant to §27-314.
4. **Uses Permitted by Special Exception.**
- A. Churches or similar places of worship, parish houses, convents and other housing for religious personnel.
 - B. Nursery school, elementary school, middle school, junior high school, senior high school or day care center.
 - C. Intensive agriculture pursuant to §27-410(A).
 - D. Hospitals, orphanages, housing for aged, convalescent homes for the care of the sick, aged or crippled, but excluding institutions for the insane, feeble-minded, drug or liquor patients.
 - E. Accessory use not located on the same lot as the permitted principal use.
 - F. Lodges or clubs for hunting, fishing, gunning or archery.
 - G. Public and private outdoor recreation areas and facilities, including parks (except amusement parks which are specifically not permitted), playgrounds, picnic grounds, swimming clubs, camps, campgrounds and facilities, golf courses or country clubs (except driving ranges and miniature golf courses which are not permitted).
 - H. Kennel, pursuant to §27-410(H) provided that the minimum lot size is two acres.
 - I. Riding academy or stable, subject to the standards of §27-312(C) and (D).
5. **Uses Permitted by Conditional Use.** Communications antennas and related equipment mounted on a building or other structure or existing tower but subject to the standards set forth in §27-204(5)(A)(1)-(38).
6. **Minimum Lot Standards.**
- A. Minimum Developable Lot Area - 1.5 acres.

Note: Refer to §27-313 for method of determination of total developable area, maximum tract density and minimum individual lot acreage.

- B. Minimum Lot Width - 150 feet measured at the street right-of-way line.

[*Ord. 114*]

7. **Minimum Yard Dimensions.**

- A. Front Yard - 60 feet.
- B. One Side Yard - 20 feet.
- C. Total Side Yards - 50 feet.
- D. Rear Yard - 40 feet.

8. **Maximum Building Coverage and Height.**

- A. Building coverage - 10%.
- B. Paved Area - 10%.
- C. Building Height - 35 feet.

(*Ord. 65, 6/5/1990, §201; as amended by Ord. 98, 2/2/1999, §§2, 3; by Ord. 106, 6/6/2000, §1; by Ord. 114, 8/7/2001, §1; as reenacted by Ord. 118, 5/7/2002, §1; as amended by Ord. 141, 8/3/2004, §1*)

§27-202 LDR – Low Density Residential

1. **Purpose.**

- A. In addition to the general goals listed in the statement of Community Development Objectives, §27-104, the purpose of this district is:
 - (1) To provide a transition from rural and agricultural areas to moderate density residential areas that are compatible with the existing neighborhoods and uses in the District.
 - (2) To foster protection of sensitive environmental features while allowing for development appropriate to the District.
 - (3) To ensure that adequate water and sewage facilities are provided for proposed development.

2. **Permitted Uses.**

- A. Single family detached dwellings.
- B. Single family semi-detached dwellings.
- C. Municipal use.

- D. Nursery school, elementary school, middle school, junior high school, senior high school or day care center.
 - E. Churches or similar places of worship, parish houses, convents and other housing for religious personnel.
 - F. Public buildings owned and operated by the Township.
 - G. Public libraries and fire stations.
 - H. All forms of agriculture, except intensive agriculture, pursuant to §27-312.
 - I. Roadside stands for the sale of farm products grown on the premises and other produce and farm products provided that the owner of the premises actually grows and offers for sale a substantial amount of his products actually grown thereon, provided off-road parking space is provided for customers.
 - J. Cemeteries and necessary incidental structures.
 - K. Forestry. [*Ord. 141*]
3. **Permitted Accessory Uses.** Located on the same lot with the permitted principal use.
- A. Signs pursuant to §27-304.
 - B. Home occupations pursuant to §27-302.
 - C. Customary accessory uses and buildings, provided such are clearly incidental to the principal use and do not include any activity commonly conducted as a business, pursuant to §27-303.
 - D. No – impact home-based business pursuant to §27-314.
4. **Uses Permitted by Special Exception.**
- A. Professional offices.
 - B. Hospitals, orphanages, housing for aged, convalescent homes for the care of the sick, aged or crippled but excluding institutions for the insane, feeble-minded, drug or liquor patients.
 - C. Accessory use not located on the same lot as the permitted principal use.
 - D. Lodges or clubs for hunting, fishing, gunning or archery.
 - E. Public and private outdoor recreation areas and facilities, including parks (except amusement parks which are specifically not permitted), playgrounds, picnic grounds, swimming clubs, camps, golf courses or country clubs (except driving ranges and miniature golf courses which are not permitted).

5. **Minimum Lot Standards.**

A. Minimum Developable Lot Area:

- (1) Single-Family dwellings - 1.5 acres.
- (2) Nonresidential - 1.5 acres.

Note: Refer to §27-313 for method of determination of total developable area, maximum tract density and minimum individual lot acreage.

B. Minimum Lot Width - 150 feet measured at the street right-of-way line.

[*Ord. 114*]

6. **Minimum Yard Dimensions.**

- A. Front Yard - 60 feet.
- B. One Side Yard - 20 feet.
- C. Total Side Yards - 50 feet.
- D. Rear Yard - 40 feet.

7. **Maximum Building Coverage and Height.**

- A. Building Coverage - 10%.
- B. Paved Area - 10%.
- C. Building Height - 35 feet.

(*Ord. 65*, 6/5/1990, §203; as amended by *Ord. 70*, 6/2/1992, §1; by *Ord. 106*, 6/6/2000, §1; by *Ord. 114*, 8/7/2001, §3; as reenacted by *Ord. 118*, 5/7/2002, §1; as amended by *Ord. 141*, 8/3/2004, §1)

§27-203. CA – Conservation/Agricultural

1. **Purpose.**

- A. In addition to the general goals listed in the statements of Community Development Objectives, Section 27-104, the purpose of this district is:
 - (1) To foster the protection and conservation of sensitive environmental resources, including streams, floodplains, wetlands, wet soils, steep slopes, woodlands, areas of low or variable groundwater yields, prime agricultural soils, and areas conditionally suitable for on-site sewage disposal systems.
 - (2) To encourage and promote continued agricultural, open space, recreation, and conservation uses.

- (3) To protect groundwater resources in the Township.
- (4) To allow for low density residential development consistent with the purposes of this district and compatible with existing land uses.
- (5) To limit the residential demand for public services and facilities in areas which generally lack adequate transportation facilities and public utilities to serve a suburban population.

2. **Permitted Uses.**

- A. Single family detached dwellings.
- B. All forms of agriculture, except intensive agriculture, pursuant to §27-312.
- C. Roadside stands for the sale of farm products grown on the premises and other produce and farm products provided that the owner of the premises actually grows and offers for sale a substantial amount of his products actually grown thereon, provided off-road parking space is provided for customers.
- D. Cemeteries and necessary incidental structures.
- E. Municipal use.
- F. Nursery school, elementary school, middle school, junior high school, senior high school or day care center.
- G. Churches or similar places of worship.
- H. Public buildings owned and operated by the Township.
- I. Public libraries and fire stations.
- J. Forestry. [*Ord. 141*]

3. **Permitted Accessory Uses.** Located on the same lot with the permitted principal use.

- A. Signs pursuant to §27-304.
- B. Customary accessory uses and buildings, provided such are clearly incidental to the principal use and do not include any activity commonly conducted as a business pursuant to §27-303.
- C. Home occupations pursuant to §27-302.
- D. No impact home-based business pursuant to §27-314.

4. **Minimum Lot Standards.**

- A. Minimum Developable Lot Area - 2 acres.

Note: Refer to §27-313 for method of determination of total developable areas, maximum tract density and minimum individual lot acreage.

- B. Minimum Lot Width - 200 feet measured at the street right-of-way line.

[*Ord. 114*]

5. **Minimum Yard Dimension.**

- A. Front Yard - 60 feet.
- B. One Side Yard - 30 feet.
- C. Total Side Yards - 80 feet.
- D. Rear Yard - 50 feet.

6. **Maximum Building Coverage and Height.**

- A. Building Coverage - 10%.
- B. Paved Area - 10%.
- C. Building Height – 35 feet.

(*Ord. 65*, 6/5/1990, §205; as amended by *Ord. 106*, 6/6/2000, §1; by *Ord. 114*, 8/7/2001, §4; as reenacted by *Ord. 118*, 5/7/2002, §1; as amended by *Ord. 141*, 8/3/2004, §1)

§27-204 RC – Rural Conservation.

1. Purpose

- A. In addition to the general goals listed in the statements of Community Development Objectives, §27-104, the purpose of this district is:
 - (1) To foster the protection and conservation of sensitive environmental resources, including streams, floodplains, wetlands, wet soils, steep slopes, woodlands, areas of low or variable groundwater yields, and areas conditionally suitable for on-site sewage disposal systems.
 - (2) To encourage and promote continued agricultural, open space, recreation, and conservation uses.
 - (3) To protect groundwater resources in the Township, in particular the areas of the Township underlain by Diabase geology which have low groundwater yields.
 - (4) To allow for ultra low density residential development consistent with the purposes of this district and compatible with existing land uses.

- (5) To limit the residential demand for public services and facilities in areas which generally lack adequate transportation facilities and public utilities to serve a suburban population.
2. **Permitted Uses.**
 - A. All forms of agriculture, except intensive agriculture, pursuant to §27-312.
 - B. Single family detached dwellings.
 - C. Municipal use.
 - D. Forestry. [*Ord. 141*]
3. **Permitted Accessory Uses.** Located on the same plot of ground with the permitted principal use.
 - A. Signs pursuant to §27-304.
 - B. Home occupations pursuant to §27-302.
 - C. Customary accessory uses and buildings provided such are clearly incidental to the principal use and do not include any activity commonly referred to as a business pursuant to §27-303.
 - D. No - impact home-based business pursuant to §27-314.
4. **Uses Permitted by Special Exception.**
 - A. Lodges or clubs for hunting, fishing, gunning or archery.
 - B. Public and private outdoor recreation areas and facilities including parks (except amusement parks which are specifically not permitted), picnic grounds and camps.
 - C. Kennel, pursuant to §27-410(H).
 - D. Riding academy or stable, subject to the standards of §§27-312(3) and (4).
5. **Uses Permitted by Conditional Use.**
 - A. Communications towers and communications antennas mounted on an existing public utility transmission tower, building or other structure or existing communications tower subject to the following:
 - (1) Building mounted communications antennas shall not be located on any single family detached or single family semi-detached dwelling, townhouse or mobile home.
 - (2) Building mounted communications antennas shall be permitted to exceed the height limitations of the applicable zoning district by no more than 20 feet.
 - (3) Omnidirectional or whip communications antennas shall not exceed 20 feet in height above the highest point of the supporting structure of 7 inches in diameter.

- (4) Directional or panel communications antennas shall not exceed 5 feet in height and 3 feet in width.
- (5) Any applicant proposing communications antennas to be mounted on a building or other structure or existing tower shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure or tower, considering wind and other loads associated with the antenna location and that the antenna is properly grounded against lightning.
- (6) Any applicant proposing communications antennas to be mounted on a building or other structure or existing tower shall submit detailed construction and elevation drawings, prepared, signed and sealed by a Pennsylvania registered professional engineer, indicating how the antennas will be mounted on the structure, for review by the Township Engineer for compliance with standards for radio and television antennas.
- (7) An antenna and supporting equipment installed on a structure other than a tower shall be made a visually unobtrusive as possible.
- (8) Any applicant proposing communications antennas to be mounted on a building or other structure or existing tower shall submit evidence of agreements and/or easements necessary to provide access to the building or structure or existing tower on which the antennas are to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.
- (9) Communication towers and communications antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation and the applicant shall, by production of a certification from a registered engineer, demonstrate such compliance.
- (10) Communications antennas shall not cause significant radio frequency interference with electronic devices, communications facilities or radio or television dependent devices located in the Township. Any interference experienced by a citizen of the Township which is believed to be attributable to a communication device permitted by this section shall first be reported to the communications company.
- (11) The owner or operator of communications antennas shall be licensed by the Federal Communications Commission to operate such antennas.
- (12) The Township is entitled to any fees such as, but not limited to, host fees allowed under applicable law. Such fees shall be set forth by resolution of the Board of Supervisors from time to time.
- (13) Co-location of communications antennas shall occur to the greatest extent possible consistent with the provisions of this Chapter.
- (14) Adjacent property owners shall be notified of all permit applications. Notification shall be by certified mail and the applicant shall submit proof to the Township with the application that such notification has been made.

- (15) Any existing structure on which a communications antenna is mounted shall be located on a lot, lease parcel or license parcel which complies with the minimum lot size requirements of the applicable zoning district. The structure shall comply with all setback requirements of the applicable zoning district.
- (16) The distance from the base of the proposed tower to the nearest point on the lot line, lease line, license line, the nearest regularly occupied structure (other than the communications equipment building) or the nearest public road shall not be less than the full height of the tower. No communications tower's base shall be located less than 800 feet above sea level. Each lot, leased parcel or licensed parcel on which a tower is located shall, as a minimum, meet the minimum lot size requirements of the applicable zoning district but in no case shall the lot, leased parcel or licensed parcel be less than a square, 200 feet by 200 feet. The lot, leased parcel or licensed parcel shall be maintained by the operator of the tower. A communications equipment building shall be subject to the setback requirements of the applicable zoning district for a principal structure and shall be screened from abutting properties.
- (17) No more than one tower shall be placed on any one lot. The minimum distance between towers shall be 1,500 feet.
- (18) Accessory facilities are permitted on the same lot as a tower subject to the following conditions:
- (a) One communications equipment building per antenna, containing equipment and control devices for the continuing operation of a tower, may be located on the lot.
 - (b) No building or facility may be used as an office or as a broadcast studio. No building or facility may be used for long-term vehicle storage or for other outdoor storage except for equipment necessary for the operation of a wireless telephone use.
 - (c) No onsite employees shall be permitted to utilize any accessory facility as an office. The site shall not be serviced by either water or sewage disposal facilities, either by onsite installations or by connection to adjacent facilities. Employees are permitted to visit the site as often as necessary for maintenance and inspection of the tower and its accessory uses.
 - (d) Accessory facilities may be lighted for security or for maintenance purposes. Any such lighting shall be shielded and no lights shall be emitted upward or spill over onto adjacent properties. Upward lighting will be permitted only on a temporary basis as may be required for emergency tower maintenance or repair. The tower may be lighted to provide for required aircraft safety as hereinafter set forth.



- (20) Communications towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation, and applicable airport zoning regulations.
- (21) Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of 20 feet in width and shall be paved to a width of at least 10 feet for its entire length. The communications company is responsible for maintenance of the paved access drive and easement. If the base of the tower is not visible from an existing Township or State road, a locked gate must be provided by the applicant at the entrance of the access drive.
- (22) A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the zoning district.
- (23) Adjacent property owners shall be notified of all permit applications. Notification shall be by certified mail and the applicant shall submit proof to the Township with the application that such notification has been made. A land development plan shall be required for leased parcels created for occupancy by a communications tower and communications equipment building and prior to construction of any communications tower and communications equipment building.
- (24) The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function, provided that the maximum height of any communications tower shall be 150 feet.
- (25) The base of a communications tower shall be landscaped to an initial height of 8 feet so as to screen the foundation, base and communications equipment building from abutting properties unless such screening is accomplished by existing vegetation which will remain. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible.
- (26) The communications equipment building shall comply with the required yards and height requirements of the applicable zoning district for a principal structure.
- (27) The site of a communications tower shall be secured by a fence at least 25 feet from the nearest point of either the tower or equipment building servicing same with a minimum height of 8 feet capped by barbed or razor wire to limit accessibility by the general public. Further, any ladder or climbing device located on the tower itself shall be secured against use by nonemployees.
- (28) Except as noted herein, no signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction. Only the minimum lighting necessary to meet governmental requirements shall be permitted. Red blinking lights shall be mounted on communications towers to provide for aircraft safety, including emergency medical helicopters.
- (29) The applicant shall submit certification from a Pennsylvania registered professional engineer and demonstrate that a proposed communications tower will be designed and

constructed in accordance with the current structural standards for steel antenna towers and antenna supporting structures and other applicable law and standards. Towers shall be engineered to accommodate additional new users. The capacity of the tower shall be indicated on the drawings submitted for review to the Township Engineer.

- (30) The applicant shall, prior to construction and annually thereafter, submit a copy of its current Federal Communications Commission license, the name, address and emergency telephone number for the operator of the communications tower and a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the communications tower and communications antennas.
- (31) To ensure the structural integrity of towers and communications antennas, the owner of a tower shall maintain it in compliance with the applicable standards for towers that are published by the Electrical Industrial Association/Telecommunications Industry Association and other applicable laws and standards. If, upon inspection, the Township Engineer concludes that a tower fails to comply with such standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower or communications antenna into compliance within said 30 days shall constitute grounds for the removal of the tower or communications antenna by the Township at the owner's expense.
- (32) The operator shall notify the Township when the tower is taken out of service.
 - (a) If a communications tower remains out of normal operation for communication purposes for a period of 6 consecutive months the owner or operator shall dismantle and remove the communications tower within 6 months of the expiration of such 6 month period.
 - (b) Further, the owner or operator of the facility shall post security to insure the removal and site cleanup of the tower after its use has been discontinued as aforesaid. Such security shall be in an amount certified by the Township Engineer to be equal to 15% of the construction cost for such tower (exclusive of land costs), shall be posted in a form acceptable to the Township and shall be provided prior to the issuance of any permits to construct or use said facility. The security shall remain in effect indefinitely and may be utilized by the Township in the event that the owner or operator of the facility fails to remove the facility within 6 months or expiration of such 6 months period.
 - (c) Exemption. A commercial communications tower or antenna necessary for and used primarily for emergency communications by a police department, fire company, emergency medical service and other similar public safety organizations is exempt from the requirements of this Section.
- (33) A minimum of two off-street parking spaces shall be provided within the fenced area.
- (34) Any applicant proposing construction of a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure or communications tower.

A good faith effort shall require that all owners of potentially suitable buildings or structures within a ¼ mile radius of the proposed communications tower site and owners of communications towers within a ½ mile radius of the proposed communications tower site have been contacted. The applicant shall demonstrate that one or more of the following reasons for not selecting such existing building, structure or tower apply:

- (a) The proposed antennas and related equipment would exceed the structural capacity of the existing building, structure or tower and its reinforcement cannot be accomplished at a reasonable cost.
 - (b) The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing building, structure or tower and the interference cannot be prevented at a reasonable cost.
 - (c) Such existing buildings, structures or towers do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
 - (d) Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such building, structure or tower exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
 - (e) A commercially reasonable agreement (a commercially reasonable agreement for purposes of this Section is defined as an agreement that does not exceed 125% of the average cost which applicant pays for all other such services) could not be reached with the owners of such buildings, structures or towers.
- (35) Towers shall be self-supporting, of monopole, lattice or guyed construction.
- (36) Communications antennas shall not cause significant radio frequency interference with electronic devices, communications facilities or radio or television dependent devices located in the Township.
- (37) Only such trees as are necessary for safety and to facilitate construction or operation shall be removed from a site.
- (38) The application for the tower shall be submitted to the Reading Regional Airport for comments. The applicant shall furnish a statement from the FCC, FAA and Commonwealth Bureau of Aviation that the tower complies with applicable regulations or is exempt from these regulations. The applicant shall submit a Notice of Proposed Construction FAA Form 7460-1 to these agencies.

[Ord. 98]

6. **Minimum Developable Lot Area**

- A. Area - 10 acres.

Width – 300 feet measured at the street right-of-way line. [Ord. 106]

7. **Minimum Yard Dimensions.**

- A. Front Yard – 75 feet.
- B. Any Side Yard – 100 feet.
- C. Rear Yard – 100 feet.

8. **Maximum Building Height – 35 feet.**

(*Ord. 65, 6/5/1990, §206; as amended by Ord. 98, 2/2/1999, §§1, 2; by Ord. 106, 6/6/2000, §1; as reenacted by Ord. 118, 5/7/2002, §1; as amended by Ord. 141, 8/3/2004, §1*)

§27-205. NCV – Neighborhood Commercial/Village

1. **Purpose.**

- A. In addition to the general goals listed in the statements of Community Development Objectives, §27-104, the purpose of this district is:
 - (1) To provide an identifiable core area within the Township which contains community facilities and services vital to the local residents.
 - (2) To promote a sense of community by establishing a location within the Township where Township functions are centralized and able to operate in a mutual and complementary fashion.
 - (3) To allow for a mix of residential, commercial, and industrial uses at a scale compatible with existing uses in the District.
 - (4) To encourage infill of vacant parcels at the same density and with uses consistent with the existing neighborhoods.

2. **Permitted Uses.**

- A. Single-family detached dwellings.
- B. Business, professional or government offices.
- C. Bank and financial institutions.
- D. Retail stores not to exceed four thousand (4000) square feet of floor area.
- E. Restaurants – drive-throughs prohibited.
- F. Personal service businesses.
- G. Churches or similar places of worship

- H. Forestry.
 - I. Municipal use.
 - J. Fire station.
3. **Permitted Accessory Uses.** Located on the same lot with the permitted principal use.
- A. Signs pursuant to §27-304.
 - B. Customary accessory uses and buildings, provided such are clearly incidental to the principal use, pursuant to §27-303.
 - C. Home occupations pursuant to §27-302.
 - D. No impact home-based business pursuant to §27-314.
4. **Uses Permitted by Special Exception**
- A. Nursery school, elementary school, middle school, junior high school, senior high school or day care center.
 - B. Convenience store, not to exceed four thousand (4000) square feet of floor area - gasoline sales prohibited.
 - C. Exercise club
 - D. Single-family dwelling above commercial use.
 - E. Bed and breakfast facility.
5. **Minimum Lot Standards.**
- A. Minimum Developable Lot Area – 1.5 acres.
- Note: Refer to §27-313 for method of determination of total developable area, maximum tract density and minimum individual lot acreage.
- B. Minimum Lot Width – 150 feet measured at the street right-of-way line.
6. **Minimum Yard Dimensions**
- A. Front Yard – 25 feet
 - B. Each Side Yard – 20 feet.
 - C. Rear Yard – 25 feet
 - D. Distance between buildings – 30 feet.
7. **Maximum Lot Coverage and Building Height**
- A. Building Coverage – 35%
 - B. Paved Area – 45%

- C. Building Height - 35 feet.

§27-206 GC – General Commercial.

1. Purpose.

- A. In addition to the general goals listed in the statements of Community Development Objectives, §27-104, the purpose of this district is:

- (1) To provide centralized areas for retail and service uses which are accessible to the regional transportation system.
- (2) To establish standards which promote a unified and organized arrangement of buildings, services, and parking areas.

2. Permitted Uses.

- A. Retail stores or shops for the conducting of any retail business.
- B. Business, professional or government offices and office buildings.
- C. Banks, savings and loan associations.
- D. Bowling alleys.
- E. Restaurants, cafes, taverns or other places serving food and beverages.
- F. Theaters or motion picture theaters, except drive-ins.
- G. Motels.
- H. Public and private indoor and outdoor recreational areas and facilities including, but not limited to, parks, playgrounds (amusement parks excepted), swimming pools, clubs and camps.
- I. Municipal use.
- J. Forestry. [*Ord. 141*]

3. Permitted Accessory Uses. Located on the same lot with the permitted principal use.

- A. Signs pursuant to §27-304, except outdoor advertising signs pursuant to §27-304(2)(C)(4)..
- B. Customary accessory uses and buildings, provided such are clearly incidental to the principal use, pursuant to §27-303.

4. Uses Permitted by Special Exception.

- A. Motor vehicle service stations.

- B. Automobiles, trailers and campers and farm equipment, sales and service establishments, pursuant to §27-410(F).
- C. Car washes, pursuant to §27-410(E).
- D. Funeral homes.
- E. Hospitals.
- F. Accessory use not located on the same lot as the permitted principal use.
- G. Wholesale business.
- H. Junkyards, pursuant to §27-410(C).
- I. Any other uses as determined by the Board to be of the same general character as the permitted uses including permitted uses under LDR, RR, and NCV, provided the minimum lot size for any residential use shall be at least 1.5 acres.
- J. Communications antennas and related equipment mounted on a building or other structure or on an existing tower subject to the standards for communications antennas set forth in §27-204(5)(A)(1)-(38).
- K. Outdoor advertising sign pursuant to §27-304(2)(C)(4).

5. **Minimum Lot Standards.**

- A. Minimum Developable Lot area – 1.5 acres.

Note: Refer to §27-313 for method of determination of total developable area, maximum tract density and minimum individual lot acreage.

- B. Minimum Lot Width – 150 feet measured at the street right-of-way line.**

6. **Minimum Yard Dimensions.**

- A. Front Yard - 25 feet.
- B. Each Side Yard - 20 feet.
- C. Rear Yard - 25 feet.
- D. Distance between buildings - 30 feet.

7. **Maximum Lot Coverage and Height.**

- A. Building Coverage - 35%.
- B. Paved Area - 45%.
- C. Building Height - 35 feet.

(*Ord. 65*, 6/5/1990, §207; as amended by *Ord. 90*, 9/2/1997, §1; by *Ord. 98*, 2/2/1999, §§5, 6; by *Ord. 106*, 6/6/2000, §1; as reenacted by *Ord. 118*, 5/7/2002, §1; as amended by *Ord. 141*, 8/3/2004, §1)

§27-207. OBC – Office/Business Campus

1. Purpose.

A. In addition to the general goals listed in the statements of Community Development Objectives, §27-104, the purpose of this district is:

- (1) To provide a consolidated area for larger scale business, medical and governmental offices and research uses.
- (2) To promote the establishment of a professional business campus.
- (3) To locate larger scale commercial uses in close proximity to arterial roads to provide efficient and safe access by commercial-related traffic.

2. Permitted Uses.

- A. Business, professional or government offices and office buildings.
- B. Laboratory and research facilities.
- C. Medical office building or medical clinic building.
- D. Conference/training center.
- E. Retail business and service establishments provided they are designed and intended primarily to serve the employees within the office/business campus. These uses shall not exceed five percent (5%) of the gross floor area of the office/business campus.
- F. Forestry
- G. Municipal Use

3. Permitted Accessory Uses.

- A. Signs pursuant to §27-304.
- B. Customary accessory uses and buildings, provided such are clearly incidental to the principal use pursuant to §27-303.

4. Uses Permitted by Special Exception

- A. Warehouse facilities

- B. Wholesale and distribution facilities
 - C. Communication antennas and related equipment on a building or other structure or on an existing tower subject to the standards for communication antennas set forth in §27-204 (5)(A)(1)-(30).
5. Minimum Lot Standards.
- A. Minimum Developable Lot Area – 3.0 acres.
- Note: Refer to §27-313 for method of determination of total developable area, maximum tract density and minimum individual lot acreage.
- B. Minimum Lot Width – 250 feet measured at the street right-of-way line.
 - C. Multiple permitted uses listed in §27-207.2 are allowed in combination on a single lot in the OBC district.
6. Minimum Yard Dimensions
- A. Front Yard – 60 feet
 - B. Each Side Yard – 40 feet
 - C. Rear Yard – 50 feet
 - D. Distance between buildings – 50 feet
7. Maximum Lot Coverage
- A. Building Coverage – 35%
 - B. Paved Area – 45%
 - C. Building Height – 60 feet

§27-208. LI – Light Industrial

1. Purpose.

- A. In addition to the general goals listed in the statements of Community Development Objectives, §27-104, the purpose of this district is:
 - (1) To provide an area for light industrial uses which have a minimal negative impact on land, air and water resources.

2. **Permitted Uses.**
 - A. Office buildings.
 - B. Wholesale and warehouse activities.
 - C. Printing and publishing activities.
 - D. Research activities.
 - E. Testing, cleaning, production, packaging, fabrication, processing, assembly, manufacture, compounding and bottling of foods, goods and materials, provided such activities are carried on within a building.
 - F. Offices of plumbers, masons, carpenters, heating contractors, homebuilders and similar personnel.
 - G. Municipal use.
 - H. Forestry. [*Ord. 141*]
3. **Permitted Accessory Uses.** Located on the same lot with the permitted principal use.
 - A. Signs pursuant to §27-304.
 - B. Customary accessory uses and buildings, provided such are clearly incidental to the principal use pursuant to §27-303.
4. **Uses Permitted by Special Exception.** Any other uses as determined by the Board to be of the same general character as the permitted uses including permitted uses under LDR, RR, NCV, and GC.
5. **Minimum Lot Standards.**
 - A. Minimum Developable Area – 1.5 acres.

Note: Refer to §27-313 for method of determination of total developable area, maximum tract density and minimum individual lot acreage.
 - B. Minimum Lot Width – 150 feet measured at the street right-of-way line.
6. **Minimum Yard Dimensions.**
 - A. Front Yard - 50 feet.
 - B. Each Side Yard - 50 feet.
 - C. Rear Yard - 50 feet.
 - D. Distance between buildings - 50 feet.

7. **Maximum Lot Coverage and Height.**

- A. Building Coverage - 35%.
- B. Paved Area - 45%.
- C. Building Height - 35 feet.

(*Ord. 65*, 6/5/1990, §208; as amended by *Ord. 106*, 6/6/2000, §1; as reenacted by *Ord. 118*, 5/7/2002, §1; as amended by *Ord. 141*, 8/3/2004, §1)

§27-209 SE - Sexually Oriented Business.

- 1. The terms and conditions of §27-201 aforesaid are hereby incorporated by reference.
- 2. In this Sexually Oriented Business Overlay Zoning District, the provisions of subsections (3) and (4) shall apply to all Sexually Oriented Businesses in such overlay district.
- 3. **Conditional Uses.** Sexually Oriented Businesses as defined in this Chapter shall be permitted by conditional use, subject to the following restrictions:
 - A. No person shall cause or permit the establishment of any Sexually Oriented Business, within 1,000 feet of another such business or within 2,500 feet of any school, day-care center, religious institution, school, boys club, girls club or similar existing youth organization or public park or public building or within 300 feet of any property zoned for residential use or used for residential purposes.
 - B. Nothing in this Section prohibits the location of Sexually Oriented Businesses within retail shopping centers wherein any such business will have its only frontage upon enclosed malls or malls isolated from direct view from the public streets, parks, schools, religious institutions, boys clubs, girls clubs or similar existing youth organizations, buildings or residential districts or uses without regard to the distance of subsection (A) above.
 - C. The distance between any two Sexually Oriented Businesses shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business. The distance between any Sexually Oriented Business and any religious institution, school, boys club, girls club or similar existing youth organization or public park or public building or any properties zoned for residential use or used for residential purposes shall also be measured in a straight line, without regard to intervening structures or objects from the nearest point of the property line of the premises where the Sexually Oriented Business is conducted, to the nearest point of the property line of the premises of a religious institution, school, boys club, girls club or similar existing youth organization or public park or public building or any properties zoned for residential use or used for residential purposes.
 - D. For purposes of this Section, any off-premises billboard or sign type advertising shall be considered the equivalent of a Sexually Oriented Business and shall be located the required distance from any of the aforesaid uses, including the business to which it relates.
- 4. No person operating an adult entertainment establishment shall permit or cause to be permitted any stock in trade which depicts, describes or relates to specified sexual activities and/or specified anatomical areas as defined herein, to be viewed from the street, sidewalk or highway.

(Ord. 65, 6/4/1990; as added by Ord. 115, -/-/2001, §2; as reenacted by Ord. 118, 5/7/2002, §1)

PART 3

SUPPLEMENTARY REGULATIONS

§27-301. Additional Regulations for All Districts.

1. Visibility at Intersections.

- A. On a corner lot, clear sight triangles shall be reserved to provide sight distances as follows:

To provide the following minimum stopping distance for a vehicle traveling on an approaching street which has no stop or signal control:

Design Speed of Approaching Street with No Stop or Signal Control (in miles per hour)	Minimum Stopping Distance (in feet) Required Unless Alternative Permitted by Township	Alternative Stopping Distance (in feet) Permissible at Discretion of Township only on lightly traveled highways where the removal of sight obstructions would be costly
20	150	90
25	175	110
30	200	130
35	250	155
40	325	180
45	400	200
50	475	220
55	550	240

To provide the following minimum sight distance for a vehicle traveling on an approaching street which has a stop control:

Design Speed on Street being approached by vehicle on Stop Control Street (in miles per hour)	Minimum Sight Distance Required (in feet)
20	220

Design Speed on Street being approached by vehicle on Stop Control Street (in miles per hour)	Minimum Sight Distance Required (in feet)
25	250
30	300
35	350
40	400
45	450
50	500
55	550

For calculating sight distance as required above, refer to *A Policy on Geometric Design of Highways and Streets*, AASHTO, 1984 or latest edition.

- B. Within such clear sight triangles, nothing except street signs, traffic lights or signs, utility poles and mail boxes, shall be erected, placed, planted or allowed to grow in such a manner to impede the required stopping and sight distances.
2. **Fences, Walls and Hedges.** Notwithstanding other provisions of this Chapter (except that §27-301(1) shall be complied with in all instances), fences, walls and hedges may be permitted in any required yard or along the edge of any yard, provided that no fence, wall or hedge along the sides or front side of any front yard shall be over 4 feet in height, unless otherwise required by this Chapter, except chain link or other see-through or security fences when approved by special exception. The Township Supervisors may permit a fence, wall or hedge along the sides or front side of any front yard to exceed 4 feet in height and be of construction other than chain link or other see-through or security fence as a conditional use pursuant to §27-414 of this Chapter. Hedges shall be placed such that they will not extend over a lot line. No fence, wall or hedge shall be placed within a street right-of-way. Hedges shall be maintained to comply with the height limitations of this Section. Barbed wire fence shall not be used on strictly residential properties.
 3. **Erection of More than One Structure on a Lot.** In any or all districts, not more than one structure housing a permitted or permissible use may be erected on a single lot, and provided further that not more than one dwelling shall be erected or occupied on a single lot.
 4. **Exceptions to Height Regulations.** The height limitations contained in the district regulations do not apply to barns, silos, spires, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
 5. **Structures to Have Access.** Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to a Township-approved private street and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.

6. **Corner Lot Restrictions.** On every corner there shall be provided on the side street a side yard equal in depth to the front yard required by the prevailing zoning district. Visibility shall be maintained as provided for in §27-301(1).
7. **Lots in Two Districts.** Where a district boundary line divides a lot in single or joint ownership of record at the time such line is adopted, the regulations for the less restricted portion of such lot may extent not more than 30 feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district.
8. **Lot Area and Lot Width for Lots Not Served With Public Water and/or Sanitary Sewers.** Where a lot is not served by a public water supply and/or sanitary sewerage system and the Township subdivision regulations [Chapter 22] or other State or local ordinance in force require a higher standard for lot area or lot width than this Chapter, the more restrictive regulations of such other ordinance or regulation shall apply.
9. **Front Yard Exceptions.** When an unimproved lot is situated between two improved lots with front yard dimensions less than those required for the district, the front yard required may be reduced to a depth equal to the average of the two adjoining lots.
10. **Projections into Yards.** The following projections shall be permitted into required yards and shall not be considered in the determination of yard size or lot coverage.
 - A. Terraces or patios, provided that such terraces or patios are unroofed or otherwise unenclosed and are not closer than 5 feet to any adjacent property line.
 - B. Projecting architectural features; bay windows, cornices, eaves, fireplaces, chimneys, window sills or other architectural features; provided that any single feature does not exceed 5 square feet in external area.
 - C. Uncovered stairs and landings, provided such stairs or landings do not exceed 3 feet 6 inches in height.
 - D. Open balconies or fire escapes provided such balconies or fire escapes are not supported on the ground and do not project more than 5 feet into any yard nor closer than 3 feet to any adjacent property line.
11. **Restrictions on Air Pollution.** All sources of air pollution must comply with rules and regulations as defined and established by the Air Pollution Commission of the Commonwealth of Pennsylvania, Department of Environmental Protection or as modified by additional restrictions imposed by local or regional health departments. The term "air pollution" shall refer to the presence in the outdoor atmosphere of any form of contaminant including but not limited to the discharging from stacks, chimneys, openings, buildings, structures, open fires, vehicles, processes or any other source of any smoke, soot, fly ash, dust, cinders, dirt, noxious or obnoxious acids, fumes, oxides, gases, vapors, odors, toxic or radioactive substances, waste or any other matter in such a place, manner or concentration inimical or which may be inimical to the public health, safety or welfare or which is or may be injurious to human, plant or animal life or to property or which unreasonably interferes with the comfortable enjoyment of life or property. [Ord. 141]
12. **Solid Waste Disposal.** All methods and practices of solid waste or refuse disposal shall be in compliance with Act 241 (Pennsylvania Solid Waste Management Act) of the Pennsylvania

Department of Environmental Protection or as specified by additional local ordinances and zoning requirements. Solid wastes are defined to mean garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from industrial, commercial, agricultural and residential activities. [*Ord. 141*]

13. **Requirements for Sewage and Liquid Waste Disposal.** All sewage and liquid waste disposal practices must be in accordance with rules and regulations of the Pennsylvania Department of Environmental Protection. The requirements are such that all new facilities or major revisions to existing waste treatment or disposal facilities must have a permit issued by this authority. All operators of such treatment or disposal facilities must also be properly licensed as called for by the Department of Environmental Protection. [*Ord. 141*]
14. **Restrictions on Noise.** All persons or entities must utilize their property in such a manner as not to unreasonably create such noise or noises as would be unreasonable then and there existing.

(*Ord. 65, 6/5/1990, §301; as reenacted by Ord. 118, 5/7/2002, §1; as amended by Ord. 141, 8/3/2004, §1*)

§27-302. Home Occupation Regulations.

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

A. Standards.

- (1) The professional office of a doctor of medicine, surgeon, dentist, architect, lawyer, accountant, insurance agent, tax collector, engineer, music or voice instructor, dressmaker, milliner or seamstress or other occupations with similar operating characteristics shall be deemed to be a "home occupation" provided that the principal person so employed is a resident of the dwelling.
- (2) Home occupations shall be limited to the employment of not more than one assistant per dwelling unit.
- (3) All parking shall be off-street, and that two off-street parking spaces in addition to those required of the residence shall be required.
- (4) A home occupation shall not occupy more than 25 percent of the total floor area of the dwelling unit.

(*Ord. 65, 6/5/1990, §302; as reenacted by Ord. 118, 5/7/2002, §1*)

§27-303. Accessory Uses or Structures.

1. No accessory building shall be erected in any required front or side yard. No separate accessory building shall be erected within 15 feet of any other building. No accessory building shall be erected closer than 15 feet to the rear lot line. No accessory building in the rear yard shall be erected closer than 15 feet to the side lot line. No more than two storage sheds, the combined area of which shall not exceed 300 square feet, shall be permitted on a lot for each one acre of lot size.
2. Private noncommercial swimming pools which are designed to contain a water depth of 24 inches or more, on a lot less than the 2 acres in size, must be located in a rear or side yard only. In the case of a lot 2 acres in size or larger, such pools may also be permitted in a front yard between the building setback line and the dwelling. Such pools shall be not less than 15 feet from side and rear property lines nor occupy more than 25% of the minimum required rear yard. The location of such pools shall be consistent with the Pennsylvania Sewage Facilities Act. [*Ord. 106*]
3. Private tennis courts shall be permitted within side or rear yards provided that such facility shall not be less than 15 feet from side or rear property lines. The location of such courts shall be consistent with the Pennsylvania Sewage Facilities Act.
4. Patios, paved terraces or open porches shall be permitted in all yards provided that no impermeable surface shall be within 5 feet of any property line.
5. Nonresidential activities shall not be permitted in any residential zone except those permitted by "Home Occupation Regulations," §27-302 of this Chapter and specifically stated in the applicable zoning district.
6. The keeping of domestic farm animals other than horses shall be considered an agricultural use. The keeping of horses shall be permitted provided the minimum lot size is 1 acre, there shall be no more than one horse per acre of lot size, any building housing a horse shall be a minimum of 50 feet from any lot line and all areas used for grazing shall be fenced. The keeping of animals other than customary household pets such as dogs and cats and domestic farm animals shall be permitted only by special exception and as a minimum meet the standards of §27-312 provided that no animal which constitutes a danger to the residents or occupants of the Township shall be permitted.

(*Ord. 65*, 6/5/1990, §303; as amended by *Ord. 106*, 6/6/2000, §1; as reenacted by *Ord. 118*, 5/7/2002, §1)

§27-304. Sign Regulations.

1. **Area of Sign.** The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed but not including any supporting framework and bracing which is incidental to the display itself. Where the sign consists of individual letters or symbols attached to or painted on a surface of a structure or building, the area shall be considered to be the smallest rectangle which can be drawn to encompass all of the letters and symbols.

2. **Permitted Signs.** In zoning districts the maximum permitted size of signs and type of signs shall be in accordance with the following regulations:

A. All Districts.

- (1) Official traffic or directional signs and other official Federal, State, County or Township government signs.
- (2) Temporary sign announcing a campaign, drive or event of a civic, philanthropic, educational or religious organization provided such sign shall not exceed 12 square feet in area and shall be removed immediately upon completion of the campaign, drive or event.
- (3) Business signs offering the sale or rental of the premises upon which the sign is erected provided that the area of any such sign shall not exceed 6 square feet and not more than one such sign shall be placed on the property unless such property fronts on more than one street, in which case one sign may be erected on each street frontage.
- (4) Temporary signs of contractors, developers, architects, engineers, builders and artisans, erected and maintained on the premises where the work is being performed provided that the area of such sign shall not exceed 12 square feet and provided that such sign shall be removed upon completion of the work.
- (5) Trespassing signs, signs indicating the private nature of a road, driveway or premises, signs controlling fishing or hunting on the premises provided that the area of any such sign shall not exceed 4 square feet.

B. Rural Conservation, Conservation/Agricultural, Rural Residential, and Low Density Residential Districts.

- (1) Home occupation or name sign displaying the address of the occupant or the profession or activity of the occupant of a dwelling provided that not more than one such sign shall be erected for each permitted use or dwelling and provided that the area of such sign shall not exceed 2 square feet and provided that such sign shall be fixed flat on the main wall of such building or may be erected in the front yard but not within 10 feet of a street line. Such sign may be interior lighted in the cases of the office of a physician or dentist only.
- (2) Sign, bulletin, announcement board or identification sign for schools, churches, hospitals, sanitariums, clubs, multiresidence or other principal uses and buildings other than dwellings on the same lot therewith for the purpose of displaying the name of the institution and its activities or services provided that the area of any such sign shall not exceed 12 square feet and not more than one such sign shall be erected on any one street frontage.
- (3) Sign offering the sale of farm products, nursery products or livestock produced or raised on the premises in the Conservation/Agricultural, Rural Conservation, Rural Residential, or Low Density Residential districts provided that the area of any such sign shall not exceed 12 square feet and not more than one such sign shall be erected on any one street frontage.

- (4) Sign denoting membership in agricultural associations, cooperatives or indicating specialization in a particular breed of cattle, hogs, etc. or in a particular hybrid or strain of plant in the Rural Conservation districts provided that such sign is limited to 10 square feet and not more than one sign on any one street frontage.
- (5) Directional signs, not to exceed 2 square feet each, erected within a residential subdivision or a multifamily project itself to direct persons to a rental office or sample unit.
- (6) Permanent identifying signs for the purpose of indicating the name of a residential subdivision or multifamily project and for the purpose of identifying individual buildings. Not more than one sign for each entrance to the subdivision or project from a public street shall be permitted and no such sign shall exceed 10 square feet in size. Signs to identify individual buildings in an apartment project shall not exceed 3 square feet in size.

C. General Commercial, Light Industrial, Neighborhood Commercial/Village, and Office/Business Campus Districts.

- (1) Signs directing patrons, members or audience to temporary exhibits, shows or events and signs erected in conjunction with a political election provided that such sign shall not exceed 6 square feet, shall be removed within 2 weeks after the date of the exhibit, show, event or election, shall not be posted earlier than 2 weeks before the date of the exhibit, show or event and the political signs shall not be posted earlier than 1 month prior to an election.
- (2) Business or commercial sign on the same lot as the use to which it relates provided that such sign shall be limited to 2 square feet for each lineal foot of horizontal building facade length but not to exceed an aggregate area of 160 square feet. No more than two freestanding signs shall be allowed on any one street frontage of any one property and no more than three signs shall face any one street frontage of any one property.
- (3) Special temporary promotional devices, signs or displays such as banners or pennants for a period not to exceed 15 days in any 1 calendar year.
- (4) Outdoor advertising signs are permitted by special exception in the general commercial (GC) district subject to the following standards:
 - (a) All faces of outdoor advertising signs shall have a maximum display area of 300 square feet per sign face.
 - (b) Outdoor advertising sign structures shall not have more than two sign faces (one face per side) with a maximum display area of 300 square feet per side with maximum width of 30 feet.
 - (c) All outdoor advertising signs shall be constructed on a steel unipole or steel I-beams meeting the industry-wide standards as established by the Outdoor Advertising Association of America and the Institute of Outdoor Advertising.

- (d) When two sign faces are utilized in the back-to-back arrangement they shall be parallel and directly opposite sign faces oriented in opposite directions located not more than 15 feet apart.
- (e) When the V-type sign arrangement is used for two sign-faces, the sign shall be located in the unipole-support so that when viewed from above their faces are oriented in different positions forming the letter V. The sign faces shall not be located more than 15 feet apart at the closed point nor shall the interior angles be greater than 45°.
- (f) All outdoor advertising signs shall have a maximum height of 35 feet above highway elevation.
- (g) All outdoor advertising signs shall be maintained in good and safe structural condition. The painted portion of the outdoor advertising signs shall be kept in good condition.
- (h) The general area in the vicinity of all outdoor advertising signs on undeveloped property shall be kept free and clear of sign material debris.
- (i) All newly erected outdoor advertising signs shall conform to all applicable Federal, State and local laws, rules and regulations.
- (j) Outdoor advertising signs may be illuminated provided that such illumination is effectively shielded so as to prevent beams or rays from being directed at any portion of the traveled ways and from being directed at adjacent properties.
- (k) No outdoor advertising sign shall be erected within 500 feet of any other outdoor advertising sign.
- (l) No outdoor advertising sign shall be closer than 25 feet to a street right-of-way.
- (m) No outdoor advertising sign shall be closer than 25 feet to a side or rear lot line.
- (n) An annual permit fee in an amount as established, from time to time, by resolution of the Township Supervisors shall be charged for each outdoor advertising sign to cover Township administrative and inspection costs.
[Ord. 141]
- (o) No outdoor advertising sign shall be erected closer than 200 feet to a detached dwelling.
- (p) No outdoor advertising sign shall be erected closer than 500 feet to a school, church or cemetery.

[Ord. 90]

3. **Supplemental Sign Regulations.**

- A. **Projection.** No free standing sign may project into the street right-of-way line.
- B. **Height.** No attached sign shall be erected upon the roof of such building nor extend above the height of the building. Free standing signs shall meet the height requirements of the particular district in which it is located.
- C. **Clearance.** No sign structure erected directly upon the ground shall have less than 3 feet of clear space between such sign and the ground, however, necessary supports may extend through such open space.
- D. **Street Intersection.** No sign shall be erected, attached or displayed within the clear sign triangle as outlined in §27-301(1).
- E. **Illumination.** Signs may be lighted with nonglaring lights or shielded within flood lights provided that lighting is screened from adjacent properties. No lights of intermittent, flashing or animated types shall be permitted.
- F. **Placement.** No signs shall be permitted which are posted, stapled or otherwise permanently attached to public utility poles or trees within the street line. No sign shall be located within 10 feet of any side property line, private property or trespass signs excepted.
- G. **Construction.** All signs, except temporary signs, shall be constructed of durable material and kept in good condition and repair.
- H. **Nonconforming Signs.** Nonconforming signs, once removed, shall be replaced only with conforming signs, however, nonconforming signs may be repainted or repaired provided such repainting or repairing does not extend the nonconformity.

(*Ord. 65, 6/5/1990, §304; as amended by Ord. 90, 9/2/1997, §2; as reenacted by Ord. 118, 5/7/2002, §1; as amended by Ord. 141, 8/3/2004, §1*)

§27-305. Parking and Truck Loading Requirements.

1. **Off-Street Parking.**

- A. **Minimum Parking Requirements.** Any building or other structure erected, enlarged, altered or used and any lot used or occupied for any of the following purposes shall be provided with the minimum off-street parking spaces as set forth herewith.
 - (1) **One, Two and Multifamily Dwellings.** Two parking spaces for each dwelling unit.
 - (2) **Church, School, Funeral Home, Public Auditorium or Place of Public Assembly.** One parking space for every four seats provided plus one space for each employee on the shift of greatest employment.

- (3) **Motels.** One parking space for each rental unit, plus one space for each employee on the shift of greatest employment.
- (4) **Eating Establishments.** One parking space for every four seats plus one space for each employee on the shift of greatest employment.
- (5) **Retail Stores.** One parking space for each 100 square feet of gross floor area.
- (6) **Wholesale Establishments or Warehouses.** One parking space for each employee on maximum shift but at least one space for each 5,000 square feet of gross floor area.
- (7) **Manufacturing, Industrial and General Commercial Uses Not Otherwise Specified.** One parking space for each employee on maximum shift but at least one space for each 5,000 square feet of gross floor area.
- (8) **Offices.** One space for each 250 square feet of net rentable floor area.
- (9) **Nursing Home, Convalescent Homes or Sanitariums.** One parking space for every four beds plus one space for each employee on the shift of greatest employment.
- (10) **Hospital.** One and one-half spaces per bed.
- (11) **Bowling Alleys.** Five spaces for each lane.
- (12) **Drive-In Eating Establishments.** One space for each 50 square feet of lot area.
- (13) **Medical, Dental and Paramedical Offices and Clinics.** One space per employee plus four spaces for each person engaged in practice.
- (14) **Agricultural Uses.** One space per employee on the shift of greatest employment.
- (15) **Skating Rink, Swimming Pool, Dance Hall, Indoor Recreational Establishment.** One space per 50 square feet devoted to patron use.
- (16) **Motor Vehicle Service Station or Repair Garage.** Two parking spaces per service bay plus one space per employee on the shift of greatest employment.
- (17) **Outdoor Recreational Facility.** One space per employee on the largest shift plus one space per five people of total capacity.
- (18) **Other Uses Not Specified.** The same requirement as for the most similar use listed.
- (19) **Temporary Seats.** Where parking requirements are determined by the number of seats and no permanent seats are provided, only temporary seats, the number of parking spaces to be provided shall be based upon the capacity for temporary seats in normal usage.

(20) **Size of Parking Space.** An off-street parking space shall have a minimum of 200 square feet, exclusive of aisles and drives, and have access to a public street.

B. **Share Parking.** One or more parking lots may be designed to service a multiple number of commercial uses so long as the total requirements shall be equal to the sum of the requirements of the component uses computed separately.

C. **Fractional Space.** When required parking computations results in fractions, any fraction below ½ may be disregarded and any fraction over ½ may be construed to require a full space.

D. **Reduction of Existing Parking.** Off-street parking facilities existing at the effective date of this Chapter shall not subsequently be reduced to an amount less than that required under this Chapter for the particular district

E. **Paving.** All required parking areas and all access drives for commercial or industrial uses shall have a hard homogeneous all-weather surface.

F. **Location.**

(1) Parking areas shall not be designed or located so as to require or encourage cars to back into a public street in order to leave the lot.

(2) Parking areas shall be arranged so that no portion of any vehicle parked within a designed parking space can extend over any property line of the lot on which it is parked.

G. **Lighting.** Lighting for access ways and parking areas shall be so arranged as to not reflect toward public streets or cause any annoyance to building occupants or surrounding property owners or residents.

H. **Design.** The following minimum design standards for nonresidential parking areas and aisles shall apply.

(1) Parking lot dimensions shall be no less than those listed in the following table:

Angle of Parking	Parking Width	Stall Depth	Aisle Width	
			One-Way	Two-Way
90 degrees	10 feet	20 feet	20 feet	24 feet
60 degrees	10 feet	21 feet	18 feet	21 feet
45 degrees	10 feet	20 feet	15 feet	18 feet
30 degrees	10 feet	18 feet	12 feet	15 feet
Parallel	8 feet	22 feet	12 feet	18 feet

(2) Entrance and exit ways shall have a minimum width of 12 feet for each lane of traffic entering or leaving the site but shall at no time exceed 30 feet in width at the street line.

- (3) All dead end parking lots shall be designed to provide sufficient back-up area for the end stalls of the parking area.
 - (4) Evergreen plantings shall be provided of sufficient height and density to screen off-street parking from public street view and from adjoining residential districts. A planting plan specifying type, size and location of existing and proposed planting material shall be submitted with the application for their permit.
- I. **Parking and Storage of Certain Vehicles.** Automotive vehicles without current license plates, boats or camp trailers shall not be parked or stored in the front or side yard of any residentially or agriculturally zoned property.
 - J. **Services.** No repair to or maintenance of vehicles of any kind not belonging to a member of the household shall be permitted in any accessory parking facilities.
2. **Off-Street Truck Loading.**
- A. **Required Loading Spaces.** Every building or structure, lot or land hereafter put to a business or industrial use or existing building or structure enlarged shall provide one off-street truck loading space for the first 10,000 square feet or less of gross floor area, plus a minimum of one additional off-street truck loading area for each additional 40,000 square feet of gross floor area. Off-street truck loading areas shall be located so they may be used without blocking or otherwise interfering with the use of automobile accessways, parking facilities, and pedestrian walkways.
 - B. **Size and Surface of Truck Loading Space.** An off-street truck loading space shall have a minimum of 12 feet in width, a minimum of 35 feet in length, but the length shall be adequate to accommodate all types of vehicles serving the use, and a minimum clear height of 14 feet. All off-street truck loading spaces shall have a hard homogeneous all-weather surface.

(Ord. 65, 6/5/1990, §305; as reenacted by Ord. 118, 5/7/2002, §1)

§27-306. Nonconformance Regulations.

- 1. **Statement of Intent.**
 - A. Within the zoning districts established by this Chapter or subsequent amendments thereto there exists or will exist certain nonconformities which, if lawful before this Chapter was passed or amended, may be continued, subject to certain limitations, although such nonconformities would be prohibited, regulated or restricted under the terms of this Chapter or future amendments thereto.
 - B. To avoid undue hardship, nothing in this Chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Chapter and on which actual building construction has been diligently carried on nor which would conflict with §508(4), of the Pennsylvania Municipalities Planning Code, as amended.

2. **Nonconforming Lots of Record.**

- A. Buildings that are already lawfully erected on any single lot of record at the effective date of adoption or amendment of this Chapter may stay erected notwithstanding limitations imposed by other provisions of this Chapter. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Zoning Hearing Board.
- B. If two or more lots, combination of lots and portion of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Chapter and if all or part of the lots do not meet the requirements established for lot width and/or area, the land involved shall be considered to be an undivided parcel for the purpose of this Chapter and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and/or area requirements established by this Chapter nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Chapter; provided, however, that when a subdivider has had an application for approval of a preliminary or final subdivision plan approved prior to the effective date of this Chapter, no provision in this Chapter shall be applied to affect adversely the right of the subdivider to commence and complete any aspect of the approved preliminary or final plan within such time periods as are established within the Pennsylvania Municipalities Planning Code, as amended.

3. **Nonconforming Uses of Land.** Lawful uses of land, which at the effective date of this Chapter or subsequent amendment thereto become nonconforming and where such use involved no individual structure with a replacement cost exceeding \$1,000, such nonconforming use or uses may be continued by the present or any subsequent owner so long as it remains otherwise lawful, subject to the following provisions:

- A. **Extension.** No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Chapter, except by special exception and then only to a limit of 50% of existing use; however, no nonconforming use shall be enlarged or increased even by special exception upon ground not owned by user-applicant at the effective date of adoption or amendment of this Chapter.
- B. **Discontinuance.** Whenever a nonconforming use has been discontinued for a period of 12 consecutive months such use shall not thereafter be reestablished. Any future use shall be in conformity with the provisions of this Chapter.
- C. **Changes or Moving of Use.** A nonconforming use, if changed to a conforming use, shall not thereafter be changed back to any nonconforming use. A nonconforming use may as a special exception be changed to a conforming use or to a nonconforming use of a less restrictive nature provided that the Zoning Hearing Board shall find that the proposed use is equally or more appropriate in the zoning district than the existing nonconforming use. A nonconforming use shall not be moved in whole or in part to any portion of the lot or parcel other than that occupied by such at the effective date of adoption or amendment of this Chapter.

- D. **Additional Structures.** No additional structures not conforming to the requirements of this Chapter shall be erected in connection with such nonconforming use of land.
4. **Nonconforming Structures.** Lawful nonconforming structures which at the effective date of this Chapter or subsequent amendments thereto become nonconforming by reason of restrictions on area of structure, lot coverage, height, yards, its location on the lot, other requirements concerning the building or structure, such building or structure may be continued so long as it remains lawful, subject to the following provisions:
- A. **Enlargement.** No such nonconforming structure may be enlarged or altered in any way, including volume, which increases its nonconformity but any structure or portion thereof may be altered to decrease its nonconformity.
- B. **Damage or Destruction.** A nonconforming structure which is destroyed or partially destroyed by fire, explosion, an act of God or by any means to an extent of 75% or more of the market value thereof immediately prior to such damage or destruction, shall not be repaired or restored but shall be reconstructed and used only in conformity with the provisions of this Chapter.
- C. **Moving of Structure.** No nonconforming structure, shall be of any reason, moved for any distance unless it shall thereafter conform to the regulations for the district in which it is located after it is moved.
5. **Nonconforming Use of Structures or of Structures and Premises in Combination.** Lawful nonconforming structures with a replacement cost of \$1,000 or more or of structure and premises in combination, which at the effective date of this Chapter or subsequent amendments thereto, become nonconforming may be continued so long as it remains otherwise lawful subject to the following provisions:
- A. **Enlargement.**
- (1) No existing structure devoted to a use not permitted by this Chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located, except by special exception and then only to a limit of 50% of existing use.
- (2) A nonconforming use may be extended throughout any parts of an existing building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Chapter but no such use shall be extended to occupy any land outside such building.
- B. **Change to Use.** A nonconforming use, if changed to a conforming use, shall not thereafter be changed back to any nonconforming use. A nonconforming use may as a special exception be changed to a conforming use or to a nonconforming use of a more restrictive nature, provided that the Zoning Hearing Board shall find that the proposed use is equally or more appropriate in the zoning district than the existing nonconforming use. A nonconforming use shall not be moved in whole or in part to any portion of the lot or parcel other than, that occupied by such at the effective date of adoption or amendment of this Chapter.

- C. **Discontinuance.** When a nonconforming use of a structure or structure and premises in combination has been discontinued or abandoned for 12 months, such nonconforming structure and premises in combination shall not thereafter be used except in conformity with the regulations of the district in which it is located.
 - D. **Destruction.** Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 75% of the market value of the structure or building immediately prior to such damage or destruction.
- 6. **Unsafe or Unlawful Structures.** If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.
 - 7. **Uses Under Special Exception Provisions Not Nonconforming Uses.** Any use which is permitted as a special exception in a district under the terms of this Chapter (other than a change through Board action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

(*Ord. 65, 6/5/1990, §306; as reenacted by Ord. 118, 5/7/2002, §1*)

§27-307. Floodplain Controls.

Development in designated floodplain districts shall be in accordance with the regulations of *Ord. 91, 12/29/1997* [Chapter 8], as amended, of Brecknock Township.

(*Ord. 65, 6/5/1990, §307; as reenacted by Ord. 118, 5/7/2002, §1*)

§27-308. Slope Controls.

- 1. **Intent.** Steep slopes pose special problems for normal building construction and site developments in terms of runoff control, soil erosion, stream siltation, flooding, sanitary seepage, etc. It is impractical to delineate each separate steep slope area on the official Zoning Map so that these controls are intended to augment the provisions for the primary zoning district.
- 2. **Definition.** Steep slope areas, over 15% in grade, are delineated on the U.S. Soil Conservation Survey Soil Maps as slopes having a D, E or F suffix. For purposes of provisions of onlot sanitary facilities slopes of 8 to 15% grade or greater are considered steep slopes. These slopes have a Suffix of C, D, E or F on the Soil Conservation Survey.
- 3. **Uses Permitted in Steep Slope Areas as Defined in Subsection (2).**
 - A. Public and private outdoor recreation.

- B. Agriculture, except intensive agriculture.
- C. Buildings permitted in the applicable zoning district further provided that:
 - (1) Buildings or structures and onsite sewage disposal systems are not located on slopes whose grade exceeds 25% (E or F slopes on soil maps). Additional PA DEP restrictions apply to areas where seepage beds and elevated sand mounds will be used. [*Ord. 141*]
 - (2) Buildings or structures and roads located on a slope of 15 to 25% in grade (D slopes) require a plan showing the topography, building location, drives, sanitary facilities, foundation, drainage, planting schedule, grading plan prepared by an architect or landscape architect or engineer and a statement as to how problems of possible erosion, stream siltation, soil stabilization, re-vegetation are to be overcome.
 - (3) Buildings requiring onlot sanitary facilities located on slopes of 20% or greater and/or involving a pressurized distribution system require a design prepared by a registered professional engineer.
- 4. **Issuance of Zoning Permit.** A zoning permit shall not be issued for a steep slope area development until the Township Engineer has certified that the conditions on the lot are as actually stated on the plan and that the plan as proposed actually resolves the problems arising from the steep slope condition.
- 5. **Recording Zoning Permits.** The Zoning Officer shall maintain a separate file for all zoning permits in areas subject to these regulations.

(*Ord. 65, 6/5/1990, §308; as reenacted by Ord. 118, 5/7/2002, §1; as amended by Ord. 141, 8/3/2004, §1*)

§27-309. Prohibited Uses.

No building or structure may be erected, altered or used and no lot or premises may be used for any activity which is noxious, injurious or offensive by reasons of dust, smoke, odor, fumes noise, vibration, gas, effluent discharge, illumination or similar substances or conditions, provided; that, agricultural activities permitted to be conducted within the Township by this Chapter may be conducted even though those activities may create an annoyance or inconvenience to neighboring residential uses due to sights, sounds, smells or other conditions resulting from the agricultural activities, provided that the agricultural activities are conducted in accordance with any and all regulations of the Township and the State and are not conducted in a manner which creates a definite danger to the health or safety of neighboring uses.

(*Ord. 65, 6/5/1990, §309; as reenacted by Ord. 118, 5/7/2002, §1*)

§27-310. Highway Frontage Development for Nonresidential and Nonagricultural Uses.

- 1. All areas for off-street parking, off-street unloading and loading and the storage or movements of motor vehicles shall be physically separated from public streets or highways by a raised curb, planting strip or other suitable barrier against unchanneled motor vehicle entrance or exit,

except for necessary accessways or access roads which supply entrance to and egress from such parking, loading or storage areas.

2. In no case shall a use with less than 100 feet of frontage on a public street have more than one accessway to each such street. No use with 100 feet or more frontage shall have more than two accessways to any one street for each 500 feet of frontage. The minimum distance between centerlines of driveways on the same lot shall be 100 feet.
3. The width, excluding radii, of entrances to and exits from parking areas measured at the street line shall conform to the following schedule:

	Width in Feet	
	Minimum	Maximum
One Way	12	24
Two Way	24	36

- A. Each lane provided shall be a minimum of 12 feet in width.
 - B. The radius of the edge of the driveway apron shall be at least 15 feet and no more than 35 feet.
 - C. Provided that along State legislative routes, if these standards are in conflict with Pennsylvania Department of Transportation requirements, driveways shall be designed to conform as closely as possible to the requirements of this Chapter, while conforming to the requirements of the Pennsylvania Department of Transportation.
4. The location and width of exit and entrance driveways shall be planned to interfere as little as possible with the flow of vehicular traffic on adjacent streets. Access driveways shall not be located in such a manner that they will adversely affect to the movement of normal highway traffic or cause areas of undue traffic congestion on the highway. The center line of an access driveway to any public street shall be located at least 100 feet from the intersection of any street cartway lines, except in the case of a street intersecting the road which the driveway intersects directly opposite from the driveway.

(*Ord. 65, 6/5/1990, §310; as reenacted by Ord. 118, 5/7/2002, §1*)

§27-311. Driveways.

Driveways shall be in accordance with the Township ordinance regulating construction and repair of driveways, *Ord. 99, 3/2/1999 [Chapter 21], as amended. [Ord. 141]*

(*Ord. 65, 6/5/1990, §311; as reenacted by Ord. 118, 5/7/2002, §1; as amended by Ord. 141, 8/3/2004, §1*)

§27-312. Agricultural Regulations, Except Intensive Agriculture.

1. Minimum lot size shall be 2 acres.
2. Any building housing a domestic farm animal shall be a minimum of 50 feet from any lot line.
3. All grazing areas shall be fenced.
4. There shall be no more than two domestic farm animals per acre of lot size. (See §303(6) for restrictions on the keeping of horses as an accessory use.)
5. Intensive agricultural activities are subject to the standards of §410(1).
6. The keeping of animals other than domestic farm animals shall be permitted only by special exception; provided, that no animal which constitutes a danger to the residents or occupants of the Township shall be permitted. As a minimum, the requirements of §§312(1)-(5) shall be met; however, the Zoning Hearing Board may impose more restrictive standards.

(Ord. 65, 6/5/1990, §312; as reenacted by Ord. 118, 5/7/2002, §1)

§27-313. Density Adjustment Factors.

1. **Density Factors.** The following density adjustment factors shall be used to determine the total developable area, maximum tract density and minimum individual lot acreage in all Zoning Districts. The purpose of the density factors is to assure that lots are sized adequately to sustain the permitted use along with necessary sewage and water facilities and to protect adjoining lot owners and ground and surface water from pollution and contamination:

Natural Features	Onsite Water and Sewer	Central Water	Central Sewer	Central Water and Sewer
Soils				
A. Seasonal High Water Table: Less than 18 inches 18 inches - 36 inches	.33 .67	.33 .67	.33* .67*	.33* .67*
B. Depth of Bedrock Less than 42 inches	.67	.67	.67*	.67*
Diabase	.33	.33**	.33	.33**
Waterbodies	.00	.00	.00	.00
Watercourses	.00	.00	.00	.00
Floodplain	.00	.00	.00	.00
Wetlands	.00	.00	.00	.00
Slopes: 15% - 25% Greater than 25%	.33 .00	.33 .00	.33 .00	.33 .00

- * Applies to a sewage system that utilizes land for treatment/disposal purposes. For a sewage system not utilizing land, the density factor equals 1.0.
- ** Applies to lot(s) that utilizes well(s) as the water source. For lot(s) not utilizing well(s), the density factor equal 1.0.

2. Total Developable Area Calculation.

- A. In calculating the maximum tract density, the developer shall determine the number of acres containing each natural feature and multiply by the applicable density factor, as listed above, to determine the developable area subject to each feature. After calculating the total acreage for each category, the total of these categories is added to the acreage, if there is any, that does not contain any of the natural features listed or is not contained within any street right-of-way to get total developable area for the site.
- B. In the event that a portion of a tract is underlain by more than one natural feature subject to a density adjustment factor, that acreage shall be subject to the most restrictive factor only.
- C. Since acreage that is contained within street rights-of-way is excluded from developable lot area, any portion of these items that also contains a natural feature subject to a density factor should not be included when calculating developable area subject to that natural feature.

(1) Acreage without natural features and outside street rights-of way.

Subtotal = _____

(2) Acreage subject to density factor adjustment:

Acreage (seasonal high water table less than 18 inches
x density factor) = _____

Acreage (seasonal high water table 18 inches - 36 inches)
x density factor = _____

Acreage (depth to bedrock less than 42 inches) x density factor = _____

Acreage (diabase) x density factor = _____

Acreage (waterbodies) x density factor = _____

Acreage (watercourses) x density factor = _____

Acreage (floodplain) x density factor = _____

Acreage (wetlands) x density factor = _____

Acreage (slope 15% to 25%) x density factor = _____

Acreage (slope greater than 25%) x density factor = _____

Subtotal = _____

(3) Developable Area (1 + 2)

TOTAL = _____

3. **Maximum Tract Density Calculation.** Total developable area is divided by the minimum developable lot area in the underlying zoning district to determine the maximum number of permissible lots on the tract and, therefore, the maximum density.

$$\text{Maximum Density} = \frac{\text{Total Developable Area}}{\text{Minimum Developable Lot Area}}$$

All total tract density values shall be rounded to the lowest whole number i.e., 5.97 equals to a maximum density of five lots.

Note: Maximum density is the maximum number of lots that could be created. Depending on the configuration of the tract, the maximum site density may be unattainable.

4. **Minimum Individual Lot Acreage Calculation.** Each proposed lot shall be analyzed according to the density factors. When establishing a lot, the subdivider shall determine the number of acres containing each natural feature and multiply by the applicable density factor to determine the developable area subject to each feature as they occur on the lot. After calculating the total acreage for each category, the total is added to the acreage, if there is any, that does not contain any natural feature listed or is not contained within any street rights-of-way. This total developable area for each individual lot must add up to the minimum developable lot area in order to be an acceptable lot. This procedure must be performed for each proposed lot.

(1) Acreage without natural features and outside street rights-of-way.		Subtotal	= _____
(2) Acreage subject to density factor adjustment:			
Acreage (seasonal high water table less than 18 inches) x density factor			= _____
Acreage (seasonal high water table 18 inches - 36 inches) x density factor			= _____
Acreage (depth to bedrock less than 42 inches) x density factor			= _____
Acreage (diabase) x density factor			= _____
Acreage (waterbodies) x density factor			= _____
Acreage (watercourses) x density factor			= _____
Acreage (floodplain) x density factor			= _____
Acreage (wetlands) x density factor			= _____
Acreage (slope 15% to 25%) x density factor			= _____
Acreage (slope greater than 25%) x density factor			= _____
		Subtotal	= _____
(3) Developable Area (1 + 2)		Total	= _____

Example

RR Zoning District (Minimum Developable Lot Area - 1.5 acres)
 Site Area = 1 acres, onsite sewer and water (1.0 acre within street right-of-way)
 Natural Features = Floodplain - 1.5 acres, wetlands - 1.0 acres, slopes 15%-25% - 2.0 acres, highwater table 18 inches - 36 inches - 1.25 acres.

A. **Total Developable Area Calculation (Site).**

(1) Acreage without natural features and outside streets rights-of-way (9.25)		Subtotal	= <u>9.25</u>
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(2) Acreage subject to density factor adjustment:

Acreage (seasonal high water table 18 inches - 36 inches)
x density factor.

$$\begin{array}{r} 1.25 \times .67 = \underline{0.84} \\ \text{Acreage (floodplain) x density factor - } 1.5 \times 0.0 = \underline{0} \\ \text{Acreage (wetlands) x density factor - } 1.0 \times 0.0 = \underline{0} \\ \text{Acreage (slopes 15\%-25\%) x density factor - } 2.0 \times .33 = \underline{0.66} \\ \text{Subtotal} = \underline{1.50} \end{array}$$

(3) Developable Area (1 + 2) **Total** = 10.75

B. Maximum Tract Density Calculation.

$$\text{Maximum Density} = \frac{\text{Total Developable Area}}{\text{Minimum Developable Lot Area}}$$

$$\text{Maximum Density} = \frac{10.75}{1.5} = 7.17 \text{ or } 7 \text{ lots}$$

C. Minimum Individual Lot Acreage Calculation.

Proposed Lot 1 gross area = 3.03 acres (0.25 acres within road right-of-way)

Developable Area (Lot)

(1) Acreage without natural features and outside street rights-of-way (1.35)

$$\text{Subtotal} = \underline{\hspace{2cm}}$$

(2) Acreage subject to density factor adjustment:

$$\begin{array}{r} \text{Acreage (wetlands) x density factor - } 0.25 \times 0.0 = \underline{0} \\ \text{Acreage (slopes 15\%-25\%) x density factor - } 0.5 \times .33 = \underline{0.17} \\ \text{Acreage (floodplain) x density factor - } 0.68 \times 0.0 = \underline{0} \\ \text{Subtotal} = \underline{0.17} \end{array}$$

(3) Developable Lot Area (1 = 2) **Total** = 1.52

Lot 1 is an acceptable lot since it has a developable area greater than or equal to the minimum developable lot area of the underlying zoning district.

5. **Natural Features Determination.** The following procedure shall be followed to determine the presence, location and boundaries of all natural features, and except as provided for elsewhere in this Chapter, to address disputes concerning these features:

A. The presence, locations and boundaries of any natural feature(s) shall be determined by the applicant through onsite survey and references to the Berks County Soils Survey and Flood Insurance Rate Maps.

- B. The Township Engineer shall review the applicant's information and provide the initial determination of the presence, location and boundaries of all natural features located on the site(s).
- C. Should a dispute arise concerning the Township Engineer's decision, the applicant shall have the burden of proving that a different finding is warranted. The applicant shall submit to the Township Engineer all technical information and documentation supporting a different finding, including any information or findings from qualified agencies such as the Soil Conservation Service. Upon review, the Township Engineer shall make a final determination.
- D. In the event that the Township Engineer's final determination is disputed, the applicant may appeal to the Township Zoning Hearing Board.

(*Ord. 65, 6/5/1990; as added by Ord. 114, 8/7/2001, §5; as reenacted by Ord. 118, 5/7/2002, §1*)

§27-314. No-Impact Home-Based Business.

A no-impact home-based business is a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use including, but not limited to, parking, signs or lights.
- E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- H. The business may not involve any illegal activity.

(*Ord. 65, 6/5/1990; as reenacted by Ord. 118, 5/7/2002, §1; as added by Ord. 141, 8/3/2004, §1*)

PART 4

ADMINISTRATION AND ENFORCEMENT

§27-401. Zoning Officer.

1. **Zoning.** A Zoning Officer shall be appointed by the Township Supervisors to administer and enforce this Chapter. A Zoning Officer shall not hold any elective office in the Township. The Zoning Officer shall meet qualifications established by the Township and shall be able to demonstrate to the satisfaction of the Township Supervisors a working knowledge of municipal zoning.
2. **Duties and Powers of Zoning Officer.** It shall be the duty of the Zoning Officer to enforce literally the provisions of this Chapter, as amended and he shall have such duties and powers as are conferred on him by this Chapter and as are reasonably implied for that purpose. The Zoning Officer's duties shall include but are not limited to the following:
 - A. Receive applications for and issue zoning permits and sign permits.
 - B. Keep an official record of all business and activities including complaints of a violation of any of the provisions of this Chapter and of the action taken consequent on each such complaint. All such records shall be open to public inspection. File copies of all applications received, permits issued, reports and inspections made in connection with any structure, building, sign and/or land, shall be retained as long as they remain in existence.
 - C. Make inspections as required to fulfill his duties. He shall have the right to enter any building or structure or enter upon any land at any reasonable hour with prior reasonable notice in the course of his duties.
 - D. Issue permits for special exception uses and for variances only after such uses and/or buildings have been approved by the Zoning Hearing Board in accordance with the regulations of this Chapter.
 - E. Be responsible for keeping this Chapter and the Zoning Map up to date so as to include all amendments thereto.
 - F. Issue certificates of use and occupancy in accordance with the terms of this Chapter.
 - G. Institute civil enforcement proceedings as a means of enforcement when acting within the scope of the Officer's employment, when authorized by the Township Supervisors.
 - H. Submit a monthly report of his activities to the Township Supervisors and Township Planning Commission.
 - I. Issue permits for buildings, structures and land uses for which subdivision and land development [Chapter 22] approval is required only after all necessary approvals have been secured and plans recorded.

- J. Issue permits for uses requiring new or altered onsite sewage disposal facilities only after any necessary permit has been issued by the Township Sewage Enforcement Officer.
- K. Issue permits for buildings requiring approval by the Pennsylvania Department of Labor and Industry only after such approval has been secured. Issue permits for a use involving an access point requiring Pennsylvania Department of Transportation approval only after such approval has been secured.
- L. Send enforcement notices as provided in this Chapter and the Pennsylvania Municipalities Planning Code, as amended.

(*Ord. 65, 6/5/1990, §401; as reenacted by Ord. 118, 5/7/2002, §1*)

§27-402. Zoning Permit.

No building, structure or sign shall be erected, constructed, assembled, reconstructed, replaced, converted, demolished, moved, added to or structurally altered nor shall land be put to any use without a permit therefor, issued by the Zoning Officer. A zoning permit shall also be required for temporary buildings and storage sheds whether or not permanently attached to the ground if their area equals or exceeds 80 square feet or any dimension of the building or shed exceeds 10 feet. No such permit shall be issued except in conformity with the provisions of this Chapter, or upon written order from the Zoning Hearing Board in the form of an administrative review, special exception or variance as provided by this Chapter or by the Court.

A. Form of Application.

- (1) All applications shall be made in writing and shall be accompanied by two sets of plans showing at least the following information:
 - (a) Actual dimensions, shape and area of the lot to be built upon.
 - (b) The exact size and location of the lot of buildings, structures, of signs proposed, existing and/or proposed extensions thereto.
 - (c) The number of dwelling units, if any, to be provided.
 - (d) Methods of sewage and solid waste disposal, plus information on quantity and quality of sewage involved and proposed method of treatment if required; location of all utility lines and onlot facilities.
 - (e) Emission inventory report describing those emissions programmed for disposal to the atmosphere, stating the type and quantity of emissions, size, height and location of the exhaust stacks and description of any control systems.
 - (f) The location, dimensions and design of parking and loading areas including the size and arrangement of all spaces and means of ingress, egress and interior circulation, recreation areas, screens, buffer yards and landscaping, means of egress from and ingress to the lot, routes for pedestrian and vehicular traffic and outdoor lighting.

- (g) Statement indicating the existing or proposed use, gross floor area devoted to each commercial or industrial use.
- (h) Height, length and width of structure, building or sign.
- (i) All other information necessary for such Zoning Officer to determine conformation with and provide for enforcement of this Chapter.

- (2) One copy of the plans shall be returned to the applicant by the Zoning Officer after he shall have marked such copies either as approved or disapproved and attested to same by his signature on such copy.
- (3) One copy of all such plans shall be retained by the Zoning Officer for his permanent records.
- (4) Such approval and zoning permit shall be issued or refused within 30 days from date of application. In case of refusal the applicant shall be informed of his rights of appeal. The application for a permit shall be submitted in such form as the Zoning Officer may prescribe.

B. **Expiration of Zoning Permit.** Zoning permit shall expire within 6 months from date of issuance if work described in any permit has not begun. If work described in any zoning permit has begun within the 6 month period, said permit shall expire after 2 years from date of issuance thereof. At the conclusion of such 2 year period, if additional time is required to complete the work described in the original zoning permit, a second zoning permit may be issued for an additional 2 year period at 50% of the cost of the original zoning permit, but not less than the minimum charge established by the Township. No further extensions will be granted. [*Ord. 121*]

(*Ord. 65, 6/5/1990, §402; as reenacted by Ord. 118, 5/7/2002, §1; as amended by Ord. 121, 7/2/2002, §2*)

§27-403. Certificate of Use and Occupancy.

A certificate of use and occupancy shall be required upon the completion of the work for which a zoning permit was issued. It shall be unlawful to use and/or occupy any structure, building and/or land or portions thereof in any manner until a certificate of use and occupancy has been issued.

A. **Form of Application.** The application of certificate of use and occupancy shall be submitted in such form as the Board of Supervisors may prescribe.

B. **Issuance of Certificate of Use and Occupancy.**

- (1) The Zoning Officer shall inspect any structure, building, sign and/or land or portions thereof and shall determine the conformity with this Chapter and the zoning permit. If he is satisfied that the completed work is in conformity with this Chapter and with the work listed in zoning permit, he shall issue a certificate of use and occupancy.

- (2) Certificate of use and occupancy shall be granted or refused in writing, within 10 days from the date of application. In zones in which performance standards are imposed no certificate of occupancy shall become permanent until 30 days after the facility is fully operating and, when upon reinspection by the Zoning Officer, it is determined that the facility is in full compliance with all performance standards.

(*Ord. 65, 6/5/1990, §403; as reenacted by Ord. 118, 5/7/2002, §1*)

§27-404. Schedule of Fees, Charges and Expenses.

1. The Township Supervisors shall establish a schedule of fees, charges and expenses and collection procedures for zoning permits, certificates of occupancy, amendments to this Chapter, special exceptions, variances and appeals and other matters pertaining to this Chapter.
2. The schedule of fees shall be posted in the office of the Zoning Officer and may be altered or amended by the Township Supervisors.
3. Until all application fees, charges and expenses have been paid in full, no action shall be taken on any application, appeal or other matter.

(*Ord. 65, 6/5/1990, §404; as reenacted by Ord. 118, 5/7/2002, §1*)

§27-405. Enforcement Notice.

1. If it appears to the Township Supervisors that a violation of this Chapter has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided for in the Pennsylvania Municipalities Planning Code, as amended.
2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
3. An enforcement notice shall state at least the following:
 - A. The name of the owner of record and any other person against whom the Township intends to take action.
 - B. The location of the property in violation.
 - C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.
 - D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Chapter.

- F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation with possible sanctions clearly described.
- 4. In any appeal of an enforcement notice to the Zoning Hearing Board, the Township shall have the responsibility of presenting its evidence first. [*Ord. 141*]
- 5. Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Township if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor. [*Ord. 141*]

(*Ord. 65, 6/5/1990, §405; as reenacted by Ord. 118, 5/7/2002, §1; as amended by Ord. 141, 8/3/2004, §1*)

§27-406. Enforcement Remedies.

- 1. Any person, partnership or corporation who or which 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 Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the magisterial district judge determines that there was a good faith basis for the person, partnership, or corporation violating the 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 magisterial district judge and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the Township.
- 2. The Court of Common Pleas, upon petition, may grant an order or stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment. [*Ord. 141*]
- 3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section. [*Ord. 141*]

(*Ord. 65, 6/5/1990, §406; as reenacted by Ord. 118, 5/7/2002, §1; as amended by Ord. 141, 8/3/2004, §1*)

§27-407. Amendments.

The provisions of this Chapter and the official Zoning Map may, from time to time, be amended or changed to the Township Supervisors of the Township in accordance with the provisions of the Pennsylvania Municipalities Planning Code, as amended.

- A. **Procedure.** The following procedures shall be observed prior to making any amendment or change of this Chapter or official Zoning Map:
- (1) Every such amendment not initiated by the Planning Commission shall be referred to the Planning Commission at least 30 days prior to Township Supervisors holding a public hearing for a written report thereon.
 - (2) The Township Supervisors shall hold a public hearing thereon pursuant to public notice before voting on the enactment of an amendment. In addition, if the proposed amendment involves a Zoning Map change, notice of the public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least 1 week prior to the date of the hearing. In addition to the posting of the notice, where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the Township at least 30 days prior to the date of the hearing by first class mail to the address to which real estate tax bills are sent for all property located within the area being rezoned, as evidenced by tax records within the possession of the Township. The notice shall include the location, date and time of the public hearing. This notice provision shall not apply when the rezoning constitutes a comprehensive rezoning. If any public hearing held upon an amendment, the proposed amendment is changed substantially or is revised to include land previously not affected by it, the Township Supervisors shall hold another public hearing pursuant to public notice prior to voting on the amendment. [*Ord. 141*]
 - (3) At least 30 days prior to the Township Supervisors public hearing, the Township shall submit the proposed amendment to the Berks County Planning Commission for recommendation.
 - (4) Public notice of any public hearing shall be published once each week for 2 successive weeks in a newspaper of general circulation in the Township. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing. Notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing.
 - (5) **Curative Amendments.** A landowner who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Township Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in §916.1 of the Pennsylvania Municipalities Planning Code, as amended. The Township Supervisors shall commence a hearing thereon within 60 days of the request. The curative amendment and challenge shall be referred to the County and Township Planning Commission as provided in §27-407.A. and notice of the hearing thereon shall be given as provided in subsection §27-407.A(4) and in §916.1 of the Pennsylvania Municipalities Planning Code, as amended. The hearing shall be conducted in accordance with §411.C. and all references therein to the Zoning Hearing Board shall, for purposes of this section, be referred to the Township Supervisors.

- (a) A landowner who has challenged on substantive grounds the validity of a zoning ordinance or map by submission of a curative amendment to the Township Supervisors shall not submit any additional substantive challenge involving the same parcel, group of parcels or part thereof until such time as the status of the landowner's original challenge has been finally determined or withdrawn. Provided, however, that if after the date of the landowner's original challenge the Township adopts a substantially new or different zoning ordinance or zoning map, the landowner may file a second substantive challenge to the new or different zoning ordinance or zoning map. [*Ord. 141*]
- (6) **Municipal Curative Amendments.** The procedure for municipal curative amendments shall be as established in §609.2 of the Pennsylvania Municipalities Planning Code, as amended.
- (7) **Submission of Impact Statement.** With a request for a zoning amendment initiated by other than the Township Planning Commission or Township Supervisors, a statement indicating the impact of the zoning change on the Township shall be submitted with the application for rezoning. The statement shall compare the impact on the Township resulting from the existing zoning with the impact resulting from the proposed zoning specifically discussing:
 - (a) **Agricultural Impact.** The acreage and productivity rating of soils to be taken out of production or agricultural use.
 - (b) **Environmental Impact.** The impact on wooded areas, flood plains, wetlands, wildlife habitats, stormwater runoff, erosion and sedimentation, historic sites, water quality, air quality, solid waste generation and noise levels.
 - (c) **Traffic Impact.** The impact on traffic generation per day and at peak hours including numbers of vehicles and routes expected to be used. An analysis of traffic capacities of adjacent roads and intersections and roads and intersections to be significantly affected by the zoning change shall be prepared.
 - (d) **Services Impact.** The demand for school, police, sewer, water, sanitation and road maintenance services.
 - (e) **Fiscal Impact.** The costs and revenues to the Township.
- (8) Enactment of amendments shall be in accordance with the procedures established in §§609 and 610 of the Pennsylvania Municipalities Planning Code, as amended.
- (9) The Township may offer a mediation option as an aid in completing proceedings authorized by this section. In exercising such an option, the Township and mediating parties shall meet the stipulations and follow the procedures set forth in the Pennsylvania Municipalities Planning Code, as amended.

(*Ord. 65, 6/5/1990, §407; as reenacted by Ord. 118, 5/7/2002, §1; as amended by Ord. 141, 8/3/2004, §1*)

§27-408. Zoning Hearing Board; Organization.

1. **Creation of Board.** The Township Supervisors shall appoint three (3) residents of the Township to the Zoning Hearing Board, pursuant to the Pennsylvania Municipalities Planning Code, as amended. The members of the Zoning Hearing Board shall perform all the duties and have all the powers prescribed by the Municipalities Planning Code and as herein provided. The Township Supervisors may appoint alternate members of the Board pursuant to the provisions of the Pennsylvania Municipalities Planning Code, as amended. The alternate members may serve as provided for in said Code.
2. **Appointment.** The terms of office shall be three (3) years and so fixed that the term of office of one (1) member shall expire each year. Members of the Board shall hold no other elected or appointed office in the Township nor shall any member be an employee of the Township.
3. **Removal.** Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority of the Township Supervisors which appointed the member, taken after the member has received 15 days advance notice of the intent to take such a vote. A hearing shall be held, if the Board member requests one in writing.
4. **Vacancies.** Vacancies shall be filled by appointment by the Township Supervisors for the unexpired portion of term.
5. **Compensation.** The members of the Board shall receive such compensation as shall be fixed by the Township Supervisors but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Township Supervisors. Within the limit of funds appropriated by the Township Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.
6. **Organization.** The Board may promulgate such rules or procedure, not inconsistent with this Chapter and the Pennsylvania Municipalities Planning Code as amended, as it may deem necessary to the proper performance of its duties and to the proper exercise of its powers. Such rules shall be continued in force and effect until amended or repealed by the Board.
7. **Meetings.** Meetings of the Board shall be held at the call of the chairman and at such other times as the Board by majority vote may determine.
8. **Minutes and Records.** The Board shall keep full public stenographic record of its proceedings showing the vote of each member upon each question or if absent or failing to vote indicating such fact. The Board shall keep records of its examinations and other official action, all of which shall be immediately filed with the Secretary of the Township Supervisors, and shall be a public record and the property of the Township. The Board shall submit a report to the Township Supervisors as requested by the Township Supervisors.

(*Ord. 65, 6/5/1990, §408; as reenacted by Ord. 118, 5/7/2002, §1*)

§27-409. Zoning Hearing Board; Powers and Duties.

1. The Zoning Hearing Board shall have the functions authorized in the Pennsylvania Municipalities Planning Code, as amended.

2. The jurisdiction of the Zoning Hearing Board and the Township Supervisors and the procedures to be followed by each shall be as established in the code.
3. The Board shall interpret the provisions of this Chapter, with the advice of the Solicitor of the Township and the Planning Commission, where there is doubt as to its meaning or application. The Board shall determine the exact location of a district boundary line on the Zoning Map that forms a part of this Chapter when the Zoning Officer is unable to make such determination. The Board shall carry out the intent and purpose of this Chapter and Zoning Map when making such determinations.
4. Parties to proceedings before the Zoning Hearing Board authorized by the Pennsylvania Municipalities Planning Code, as amended, may utilize mediation as an aid in completing such proceedings. The mediation option shall meet the stipulations and follow the procedures set forth in said code.
5. **Variance.** The Board shall hear requests for variances where it is alleged that the provisions of the Chapter inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance provided the following findings are made where relevant in a given case:
 - A. That there are unique physical circumstances or conditions including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or district in which the property is located.
 - B. That because of such physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - C. That such unnecessary hardship has not been created by the applicant
 - D. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
 - E. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 - F. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter.
6. **Special Exceptions.** The Board shall hear and decide only such special exceptions upon which the Board is specifically authorized to pass upon by the terms of this Chapter. The grant of a special exception when specifically authorized by the terms of this Chapter shall be subject to the following conditions and guiding principles:

- A. Such use shall be one which is specifically authorized as a special exception use in the applicable .
 - B. Such use shall only be granted subject to any applicable condition and safeguards as required by this Chapter.
 - C. Such use may be granted subject to additional reasonable conditions and safeguards as may be deemed by the Board to be advisable and appropriate.
 - D. Such use shall be found by the Board to be in harmony with the general purposes and intent of this Chapter.
 - E. Such use either by location, design or operation shall not adversely affect the character of the neighborhood nor the conservation of property values nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.
 - F. Such use shall be such appropriate size and so located and laid out in relation to its access streets that vehicular and pedestrian traffic to and from such use will not create undue congestion or hazards prejudicial to the general neighborhood.
 - G. Such use shall not conflict with the direction of building development in accordance with any comprehensive plan or portion thereof which has been adopted by the Township Supervisors.
7. The Board shall exercise any other power specifically granted to the Board under the terms of this Chapter or the Pennsylvania Municipalities Planning Code, as amended

(Ord. 65, 6/5/1990, §409; as reenacted by Ord. 118, 5/7/2002, §1)

§27-410. Uses Permitted by Special Exception.

The following are special exceptions that are allowed in certain specified districts subject to the appropriate safeguards and conditions and further subject to review and recommendation by the Township Planning Commission and as authorized by the Zoning Hearing Board.

A. Intensive Agriculture

- (1) Intensive agriculture shall only be allowed as specified in the RR Rural Residential district;
- (2) Except as provided in §27-410.A.(5), the minimum lot width is 500 feet;
- (3) The occupancy of a dwelling unit shall be limited by the definition of “Family.” Agricultural worker housing shall only be provided in approved and permitted dwelling units;

- (4) 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. 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 or an existing dwelling; (2) 1,000 feet from a LDR or NCV district; and, (3) 300 feet from all other exterior lot lines. A minimum lot area of 100 acres shall be required for any raising of mushrooms;
- (5) Any use that exceeds an average of 2 or more “animal equivalent units” (“AEUs”) of live weight of animals per acre shall be regulated as an Intensive Agriculture use. The following minimum contiguous acreage in common ownership shall be required for the following average animal equivalent units per acre:

<u>Acres of Contiguous Land</u> (which may be separated by a creek or road/street)	<u>Maximum Average AEUs Per Acre if the Use Does Not Primarily* Involve Swine or Ducks</u>
Less than 5 acres	0.5
5 to 24.99 acres	2.0
25 or more acres	5.0 (Special Exception Approval required for any use over 5 AEUs)

<u>Acres of Contiguous Land</u> (which may be separated by a creek or road/street)	<u>Maximum Average AEUs if the Use Primarily Involves Swine or Ducks</u>
Less than 5 acres	0.5
5 to 24.99 acres	1.5
25 or more acres	2.0 (Special Exception Approval required for any use over 2 AEUs);

*The term “Primarily” shall be based upon the weight of animals. Therefore, if a lot includes 20,000 pounds of swine and 10,000 pounds of chicken, it shall be considered to primarily involve swine.

- (6) For an Intensive Agriculture use, any new or expanded structure or concentrated feeding areas for the keeping of livestock or poultry shall be located a minimum of: (1) 500 feet from any lot line of an existing dwelling on a primarily residential lot;(2) 1,000 feet from a RR or

NCV district; and (3) 300 feet from all other exterior lot lines. 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;

- (7) The setbacks from property lines in this §27-410.A. shall not apply from dwellings or residential lots owned by: (1) the operator or owner of the livestock use; or (2) affected property-owners providing a written notarized letter waiving such setback. A waiver of the setback by the current owner shall be binding upon future owners. The Township may require that such waiver be recorded with the deed;
- (8) Fencing shall be used as necessary and practical to prevent animals from entering streets or unauthorized property. Where Zoning Hearing Board approval is required, the Board may also require fencing of streams where necessary to control water pollution and erosion from animals;
- (9) For any new or expanded operation regulated under the Nutrient Management Act, as amended, the applicant shall provide evidence to the Township that the nutrient management plan and other requirements of the Nutrient Management Act, as amended and accompanying regulations are being complied with;
- (10) New or expanded manure storage facilities or structures or concentrated feeding areas used for the keeping of livestock or poultry shall:
 1. Not be located within the 100 year floodplain;
 2. Not be located within 100 feet of a perennial stream, river, spring, lake, pond or reservoir;
 3. Not be located within 100 feet of a private water well or open sinkhole;
 4. Not be located within 100 feet of an active public drinking well or an active intake for a public water supply.
- (11) New or expanded manure storage and composting facilities shall not be located within 200 feet of a property-line. The outer perimeter of the land area onto which waste is applied from a lagoon from a swine farm shall be a minimum of 50 feet from any lot line;
- (12) The following additional requirements shall apply to an Intensive Agricultural use:

1. A site plan shall be submitted to the Township showing the locations of all features regulated by this Chapter. The applicant shall submit the plans to the County Conservation District and the Berks County Cooperative Extension for a review. A soil conservation plan shall be submitted to the Conservation District. A stormwater management plan shall be submitted to the Township's Engineer, who shall provide a review to the Zoning Hearing Board and/or Zoning Officer. The applicant shall be responsible to pay for the costs of such reviews;
2. A written plan shall be submitted, and complied with, describing methods that will be used to control odors, insects, rodents, health hazards, surface water pollution and groundwater pollution, including methods to avoid and contain accidental spills. Such plan shall be complied with, as a condition of any Township approval. Solid and liquid wastes will be disposed of in a manner that minimizes insect, odor and rodent nuisances. The best available management practices shall be used to minimize odor nuisances, however, an applicant shall not be required to completely eliminate all odors at property lines. Such plan shall describe methods that will be used to properly dispose of dead animals;
3. The applicant shall show compliance with applicable State and Federal environmental regulations;
4. The applicant shall prove to the satisfaction of the Zoning Hearing Board that:
 - (a) The location of the facility is based upon a consideration of prevailing wind patterns.
 - (b) A 50 feet wide area of substantial new and/or preserved trees and shrubs shall be provided abutting or across a street from any lot line of an existing dwelling. This landscaping shall only be required if all of the following conditions exist: (1) the dwelling existed at the time of adoption of this Chapter; (2) the dwelling is within 250 feet from the Intensive agriculture operations; and (3) the Intensive Agriculture buildings are visible from the dwelling. The landscaping plan shall be subject to approval as part of the special exception, and shall be designed to substantially filter views between homes and the agricultural operations. A solid continuous evergreen screen is not required. A

mix of species shall be used, and straight rows shall be avoided;

- (c) The driveway, driveway entrance and adjacent roads will be suitable to accommodate the amounts and sizes of truck traffic that will be generated by the use. The Zoning Hearing Board may require that the driveway be improved as necessary to control dust. A turnaround and maneuvering space shall be provided so that trucks do not need to back out onto or obstruct a public road;
- (d) Sufficient water supplies are available to serve the facility so as to not cause insufficient water supplies for existing and prospective on-site water users within the vicinity during dry periods, based upon a study by a professional hydrologist. A test well shall be used, and permission shall be sought to examine the impact upon neighboring wells;
- (e) The Zoning Hearing Board shall have the authority to establish a maximum average level of Animal Equivalent Units per acre, as the Board deems necessary to protect public health and safety, protect water quality and moderate nuisances upon the community.

- 5. The applicant shall provide a written comparison of the 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, State Conservation Commission, Pennsylvania State University and industry associations, including Penn State University's Manure Management Manual and "Environmental Standards for Production for Large Pork Producers."

C. **Junkyards.** Junkyards are permitted in the general commercial ~~(C-1)~~ (GC) district subject to the provisions of *Ord. 16, 9/3/1974* [Chapter 10] of Brecknock Township.

- (1) All junkyards shall be enclosed with a fence a minimum of 6 feet in height with gates. Gates shall be securely locked except during business hours when an adult attendant is on the premises.
- (2) All junk shall be stored and set back at least 25 feet from any adjoining premises and at least 50 feet from the right-of-way of any public road or highway.

- (3) Burning or melting of any junk, rubbish or refuse is prohibited.
- (4) All junk shall be stored and arranged so as to permit access by fire fighting equipment and to prevent accumulation of stagnant water.
- (5) All gasoline shall be drained from any junked or scrapped automobiles into containers and removed from the premises within 12 hours from arrival of junked automobiles on the premises.
- (6) No garbage or organic waste shall be permitted to be stored on any junk yard.

D. **Recreation and Institutional Uses.** Recreational facilities such as lodges or clubs for hunting, fishing, swimming, golf courses, playgrounds and play fields and institutional uses such as churches, schools or cemeteries are allowed in appropriate districts subject to the following safeguards and conditions:

- (1) Heavy traffic generators such as large institutions, churches and schools should be located so as to be readily accessible from streets that are adequate enough to handle the traffic anticipated.
- (2) Hunting and gun clubs shall have sufficient land and be adequately fenced and supervised during hours of operation to insure the safety of residents of adjoining properties. Shooting hours of operation shall be limited to daylight hours.
- (3) Lighting shall be designed so as to prevent glare to adjoining properties.
- (4) Off-street parking shall be provided for each activity, either main or accessory, at the rate of the most similar use as outlined in §27-305.

E. **Car Wash.** Car washes are permitted in the general commercial (GC) district subject to the following regulations: [*Ord. 90*]

- (1) Automatic, semi-automatic or self service car washes limited to the service or cleaning of vehicles are permitted only in an enclosed building. No such building shall be located closer than 100 feet to any residential district, hospital or fire station nor closer than 50 feet to an intersection.
- (2) All vehicle storage or structures shall be so located so that they do not intrude into the front yard setback as well as meeting all other yard requirements in the C-1 (GC) district.
- (3) Sufficient lot area shall be provided to provide space for the building and required yards, and storage space of not less than five vehicles for each bay in a self-service car wash and for not less than ten vehicles for each space or related capacity within an automatic or semi-automatic car wash.

F. **New or Used Auto Sales, Trailer Sales, Farm Equipment and other similar activities.** New or used auto sales, trailer sales, farm equipment and other similar activities are allowed in the general commercial (GC) district subject to the following conditions:

- (1) Such uses shall be located in the GC districts provided they meet all of the minimum lot size, yards and building coverage and height requirements.

[*Ord. 90*]

G. Campground. Campgrounds are permitted in the RR rural residential district subject to the following conditions:

- (1) All rules and regulations of the Pennsylvania Department of Environmental Protection shall be complied with. [*Ord. 141*]
- (2) All buildings and structures shall be clearly incidental to the use of the site as a campground and shall be for the use of the occupants of the campground only.
- (3) Every campground shall be separated from a public street and from adjoining properties by a buffer strip no less than 100 feet in width, which shall contain an evergreen planting screen no less than 5 feet in height when planted.
- (4) No portions of the campground shall be used for year-round occupancy.
- (5) All certificates of use and occupancy issued by the Township shall be issued for a period of one year. Renewal shall be according to the same requirements and procedure as made and provided for in §403-27 for issuance of the original certificate of use and occupancy.
 - (a) Prior to the issuance or renewal of a certificate of use and occupancy, the owner of a campground shall file with and receive approval by the Township Supervisors of a set of regulations. Such regulations shall prescribe, but not be limited to, such controls as maximum term of occupancy of a site by an individual tenant, temporary or seasonal storage of travel trailers, policing to control noises and activities that might endanger the life, safety or general welfare of other occupants and the owners and/or occupants of adjacent properties.
 - (b) Upon due notice, the Township Supervisors may revoke a certificate of use and occupancy for failure by the owner of a campground to enforce such regulations and the same shall not be reinstated or renewed until satisfactory guarantees of future enforcement are provided.
- (6) There shall be a maximum of 12 travel trailer or tent sites per acre. Each site shall be a minimum of 1,500 square feet in area, with a minimum width of 25 feet. Each site shall provide a clear, generally level, well-drained pad for accommodating the travel trailer or tent.
- (7) Sites shall be so dimensioned and arranged that when any space is occupied no portion of any travel trailer or tent, including accessory attachments, shall be within 10 feet of any portion of any other travel trailer, tent or building. Each site shall contain at least one parking space which is clear, generally level and well-drained and no less than 10 feet by 20 feet in area.

- (8) Each site shall abut and have direct access to an internal roadway which shall be a minimum of 20 feet in width and improved to a mud free condition suitable for use in all weather conditions. Suitable materials shall be applied to the streets to control dust. Parking shall not be permitted on the streets. In all other respects, the roads shall meet the standards of the Township Subdivision and Land Development [Chapter 22], unless waivers are granted by the Township pursuant to said Chapter.
- (9) A tenant shall not occupy a space in the travel trailer park for more than 9 consecutive weeks. Occupancy of any space in the park for 4 or more nights in any 1 week shall be considered occupancy for 1 week.
 - (a) After occupancy in the travel trailer park for 9 consecutive weeks, a tenant shall not occupy a space in the park for more than 3 nights in any 1 week for a period of 4 consecutive weeks.
 - (b) The owner of the travel trailer park shall maintain a daily registration list in the park office. Such list shall indicate the tenants of the park for every night and shall be made available to the Township upon request of the Township Supervisors or person authorized by the Supervisors. The owner shall retain each registration list for a period of 1 year.

H. Kennels. Kennels are permitted in the RR and RC districts subject to the following conditions:

- (1) All buildings in which animals are housed and all runs shall be located at least 200 feet from all street rights-of-way and lot lines.
- (2) An evergreen screen at least 6 feet in height shall be provided around all outdoor runs. No animal shall be permitted to use such runs from 8 P.M. to 8 A.M.
- (3) Odors causing annoyance or discomfort to the public outside of the lot on which the kennel is located shall not be permitted.
- (4) Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot be perceived beyond the lot lines.

(Ord. 65, 6/5/1990, §410; as amended by Ord. 90, 9/2/1997, §§4, 5; as reenacted by Ord. 118, 5/7/2002, §1; as amended by Ord. 141, 8/3/2004, §1)

§27-411. Procedures for Application to the Zoning Hearing Board.

- 1. The Board shall act in strict accordance with the procedures specified by Article IX of the Pennsylvania Municipalities Planning Code, as amended.
- 2. Applications and appeals together with the required filing fee, as established by the Township Supervisors shall be submitted to the secretary of the Board. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board. Every appeal or application shall refer to the specific provisions of the Chapter involved and shall exactly set forth the interpretation that is claimed, the grounds for any challenges to validity of the Chapter, the use

for which a special permit is sought, or the details of the variance that is applied for and the ground on which it is claimed that the variance should be granted, as the case may be.

- A. **Parties Appellant Before the Zoning Hearing Board.** Appeals authorized by the Pennsylvania Municipalities Planning Code, as amended, may be filed with the Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance under §27-409(5) and for special exceptions under §27-409(6) and §27-410 may be filed with the Board by any landowner or any tenant with the permission of such landowner.
- B. **Time Limitations.** Time limitations on the filing of proceedings with the Board or appeals from determinations adverse to landowners shall be filed within the time limits established in §914.1 of the Pennsylvania Municipalities Planning Code, as amended.
- C. **Hearings.** For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in §908 of the Pennsylvania Municipalities Planning Code, as amended. The Board shall conduct hearings and make decisions in accordance with the following requirements:
 - (1) Public notice as defined by law shall be given and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Township Supervisors shall designate by ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provision, by rules of the Board. In addition to the written notice provided here written notice of said hearing shall be conspicuously posted on the affected tract of land at least 1 week prior to the hearing. Notice for all matters before the zoning hearing board shall be sent to owners of land adjacent to the land in question. [*Ord. 98*]
 - (2) The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
 - (3) The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other persons including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
 - (4) The Chairman or Acting Chairman of the Board or the Hearing Officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

- (5) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine all adverse witnesses on all relevant issues.
- (6) Formal rules of evidence shall not apply but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- (7) The Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or Hearing Officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.
- (8) The Board or the Hearing Officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda or other materials, except advice from their Solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- (9) The Board or the Hearing Officer as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board or Hearing Officer. Where the application is contested or denied each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this Chapter or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a Hearing Officer and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the Board prior to the final decision or entry of findings, and the Board's decision shall be entered no later than 30 days after the report of the Hearing Officer. Except for challenges filed under §916.1 of the Pennsylvania Municipalities Planning Code, where the Board fails to render the decision within the period required by this subsection, or fails to commence, conduct or complete the required hearing as provided in §27-411.2.C.(12), the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided the Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in subsection (a) of this Section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. [*Ord. 141*]

- (10) A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.
- (11) The Township Supervisors may prescribe reasonable fees with respect to hearings before the Board. Fees for said hearings may include compensation for the Secretary and members of the Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
- (12) The first hearing shall be held within 60 days from the date of the applicant's request unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Board or Hearing Officer shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing. Upon the request of the applicant, the Board or Hearing Officer shall assure that the applicant receives at least 7 hours of hearings within the 100 days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent on the record by the applicant and Township, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal. [*Ord. 141*]

(*Ord. 65, 6/5/1990, §411; as amended by Ord. 98, 2/2/1999, §11; as reenacted by Ord. 118, 5/7/2002, §1; as amended by Ord. 141, 8/3/2004, §1*)

§27-412. Stay of Proceedings.

1. Upon filing of any proceeding referred to in §27-411(2)(A) and during its pendency before the Board all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. The question whether or not

such petition should be granted and the amount of the bond shall be within the sound discretion of the court.

2. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court. [*Ord. 141*]
3. The question whether or not such petition should be granted and the amount of bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory. [*Ord. 141*]
4. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner. [*Ord. 141*]

(*Ord. 65, 6/5/1990, §412; as reenacted by Ord. 118, 5/7/2003, §1; as amended by Ord. 141, 8/3/2004, §1*)

§27-413. Expiration of Special Exceptions and Variances.

Unless otherwise specified by the Board, a special exception or variance shall expire if the applicant fails to obtain a zoning permit, where required, within 18 months from the date of authorization of the special exception or variance.

(*Ord. 65, 6/5/1990, §413; as reenacted by Ord. 118, 5/7/2002, §1*)

§27-414. Conditional Use Procedures.

1. Four copies of an application for permission to conduct a conditional use shall be submitted to the Township Secretary along with such application fee as may be established from time to time by resolution of the Township Supervisors. Such application shall include all information specified for a zoning permit application in §27-402 of this Chapter, detailed construction and elevation drawings and any other information necessary to permit the Township Supervisors to determine that all requirements of this Chapter have been met. [*Ord. 98*]
2. **Procedure.**
 - A. The Township Supervisors shall hold hearings on and decide requests for such conditional uses in accordance with such standards and criteria. The hearing shall be conducted by the Township Supervisors or the Township Supervisors may appoint any member or an independent attorney as a hearing officer. The decision or, where no decision is called for, the findings shall be made by the Township Supervisors. However,

the appellant or the applicant, as the case may be, in addition to the Township may, prior to the decision of the hearing, waive decision or findings by the Township Supervisors and accept the decision or findings of the hearing officer as final. In granting a conditional use, the Township Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of this Chapter.

B. (1) The Township Supervisors shall render a written decision or, when no decision is called for, make written findings on the conditional use application within 45 days after the last hearing before the Township Supervisors. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. Conclusions based on any provisions of this Chapter shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

(2) Where the Township Supervisors fail to render the decision within the period required by this Subsection or fails to commence, conduct or complete the required hearing as provided in §27-411.2.C.(9), the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Township Supervisors to meet or render a decision as hereinabove provided, the Township Supervisors shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this Chapter. If the Township Supervisors shall fail to provide such notice, the applicant may do so.

(3) Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

3. **Standards.**

A. Conditional uses shall meet the specific standard established for each use by this Chapter and all other applicable zoning district requirements and supplementary regulations established by this Chapter. In addition, the following standards shall be met:

(1) The use shall be one which is specifically authorized as a conditional use in the zoning district wherein the applicant is seeking a conditional use.

(2) Services and utilities shall be made available to adequate service the proposed use except in the case of communications antennas, towers and related facilities which shall not be serviced by water or sewage disposal facilities. [Ord. 98]

(3) The use will not generate traffic such that hazardous or unduly congested conditions will result.

(4) The use is appropriate to the site in question.

- (5) The use shall not adversely affect the character of the general neighborhood nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.
- B. The applicant shall demonstrate, as a condition to approval of his application, that the standards in §27-414(3) and those specified elsewhere in this Chapter for the use in question will be met.
- C. The Township Supervisors may attach such additional reasonable conditions and safeguards, other than those related to offsite transportation or road improvements, as they deem necessary to implement the purpose of this Chapter and the Pennsylvania Municipalities Planning Code, as amended. [*Ord. 141*]

(*Ord. 65, 6/5/1990, §414; as amended by Ord. 98, 2/2/1999, §§7, 8, 9; as reenacted by Ord. 118, 5/7/2002; as amended by Ord. 141, 8/3/2004, §1*)

§27-415. Publication, Advertisement and Availability of Ordinance.

1. Proposed zoning ordinances and amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this Section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Township where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Board of Supervisors shall publish the proposed ordinance or amendment once in one newspaper of general circulation in the Township not more than 60 days nor less than 7 days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary, prepared by the Township Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:
 - A. A copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.
 - B. An attested copy of the proposed ordinance shall be filed in the County Law Library or other county office designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.
2. In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the Board of Supervisors shall, at least 10 days prior to enactment, readvertise, in one newspaper of general circulation in the Township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.
3. Zoning ordinances and amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

(*Ord. 65, 6/5/1990; as added by Ord. 141, 8/3/2004, §1*)

PART 5
DEFINITIONS

§27-501. Definitions.

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

- A. **Tense, Gender and Number.** Words used in the present tense include the future, words in the masculine gender include the feminine and the neuter, the singular number includes the plural and the singular.
- B. **General Terms.** The word "shall" or "must" is always mandatory, word "may" is permissive. The words "used for" includes "designed for," "arranged for," "intended for," "maintained for" or "occupied for." The word "building" includes "structure" and shall be construed as if followed by the phrase "or part thereof." The word "person" includes "individual," "profit or nonprofit organization," "partnership," "company," "incorporated association" or other similar entities.
- C. **Terms, Phrases and Words Not Defined.** When terms, phrases or words are not defined they shall have their ordinarily accepted meanings or such as the context may imply.
- D. **Specific Terms.** Terms or words used herein, unless otherwise expressly stated, shall have the following meanings:

ACCESSORY BUILDING - a subordinate building, the use of which is customarily incidental to and located on the same lot occupied by the principal building.

ACCESSORY USE - a use customarily incidental and subordinate to and located on the same lot occupied by the principal use to which it relates.

AGRICULTURE - (1) The raising of products of the soil and accessory storage of these products, including orchards, horticulture, tree farms, plant nurseries, raising of fish or insects, and greenhouses; or (2) The keeping of animals, other than horses, that involves a maximum of 2 "animal equivalent units" of live weight of animals per acre.

AGRICULTURE (INTENSIVE) - The keeping of animals, other than horses, involving an intensity greater than 2 animal equivalent units of live weight of animals per acre or any mushroom production. In any case, if a use involves 250 or more swine or the raising of mink, it shall be considered "Intensive Agriculture."

ALTERATION - any change or rearrangement in the structural parts or in the existing facilities of a building or structure or any enlargement thereof, whether by extension on any side or by an increase in height, or the moving of such building from one location or position to another.

ANIMAL EQUIVALENT UNIT (AEU) - One thousand pounds live weight of animals, on an annualized basis, regardless of the actual number of individual animals comprising the unit. These units shall be calculated as provided under the Pennsylvania Nutrient Management Act and accompanying regulations. However, the provisions of this Zoning Ordinance are based upon contiguous acreage of a tract, and not acreage that is available for disposal of wastes.

(Note: two animal equivalent units per acre would be roughly equivalent to 1.7 cattle, 6.7 swine, 10 sheep, 500 poultry or 400 rabbits per acre).

APARTMENT BUILDING- a multifamily dwelling, not exceeding 3 stories in height, containing three or more separate dwelling units on a single lot

APPROVED PRIVATE STREET - a right-of-way which provides the primary vehicular access to a lot, not dedicated or deeded to the Township, but approved by the Township Supervisors and shown on a recorded subdivision plan.

BASEMENT - a story partly below the finished grade but having at least ½ of its height (measured from finished floor to finished ceiling) above the average level of the finished grade where such grade abuts the exterior walls of the building. A basement shall be considered as one story in determining the permissible number of stories.

BED AND BREAKFAST FACILITY – An owner-occupied dwelling in which a room or rooms are rented on a nightly basis for periods of not more than 14 consecutive nights. Meals may or may not be provided.

BOARD or ZONING HEARING BOARD - the Zoning Hearing Board of Brecknock Township.

BUILDING - any combination of materials forming any structure which is erected on the ground and permanently affixed thereto, designed, intended or arranged for the housing, shelter, enclosure or structural support of persons, animals or property of any kind. Structures divided by unpierced masonry division walls extending from the ground to the underside of the roof shall not be deemed to be separate buildings for purposes of this Chapter.

BUILDING COVERAGE – The percentage of a lot covered by principal and accessory buildings.

BUILDING, DETACHED - a building surrounded by open space on all four sides within the same lot.

BUILDING LINE or (BUILDING SETBACK LINE) - A fixed line within a property, defining the minimum distance between any building or structure or portion thereof to be erected or altered, and an adjacent right-of-way or street line. Such line shall be measured at right angles from the street right-of-way line and shall be parallel to said right-of-way line at such a distance therefrom as required herein for the minimum front yard dimension in the particular zoning district.

BUILDING, SEMI-DETACHED – A building that has one (1) wall or portion thereof in common with an adjacent building.

BULK - a term used to describe the size, volume, area or shape of buildings or other structures and their physical relationship to each other, to open space or to tracts of land, to lot lines or to other buildings or structures.

CAMPGROUND - An area used for seasonal occupancy of recreational vehicles, temporary tents or cabins by transient visitors to the area, in combination with outdoor recreation and/or outdoor educational programs. This term shall only include facilities that are primarily used during warmer months.

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

CARTWAY - The paved area of a street between the curbs, including travel lanes and parking areas, but not including curbs, planting strips, or sidewalks.

CELLAR - a story partly below the finished grade, having more than ½ of its height (measured from finished floor to finished ceiling) below the average level of the adjoining finished grade where such grade abuts the exterior wall of the building. A cellar shall not be considered a story in determining the permissible number of stories.

CERTIFICATE of USE and OCCUPANCY - a statement, based on an inspection, signed by the Zoning Officer setting forth that a building, structure, sign and/or land complies with this Chapter or that a building, structure, sign and/or land may be lawfully employed for specific uses or both.

COMMUNICATIONS ANTENNA - any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals including, without limitation, omnidirectional or whip antennas and directional or panel antennas owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including, without limitation, ham or citizen radio antennas. [Ord. 98]

COMMUNICATIONS EQUIPMENT BUILDING - an unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than 250 square feet. [Ord. 98]

COMMUNICATIONS TOWER - a structure other than a building, such as a monopole or lattice tower, designed and used to support communications antennas. [Ord. 98]

DECISION - final adjudication of any board or other body granted jurisdiction under any land use ordinance or this Chapter to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of Berks County. [Ord. 141]

DETERMINATION - final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

- (1) The Township Supervisors.
- (2) The Zoning Hearing Board.
- (3) The planning agency, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the Subdivision and Land Development Ordinance [Chapter 22] or Planned Residential Development provisions.

[*Ord. 141*]

DEVELOPER: Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or land development.

DIABASE - a basic igneous rock, locally called ironstone. It is composed essentially of plagioclase feldspar and augite and of small quantities of magnetite and spatite. Known for its hardness, compactness and resistance to fracturing and faulting, it has a very low porosity and permeability rate. In accordance with the Berks County Soils Surveys, the Neshaminy soil series is underlain by diabase geology. [*Ord. 114*]

DISTRICT - a portion of the Township within which certain uniform regulations and requirements or combinations thereof apply under the provisions of this Chapter.

DOMESTIC FARM ANIMALS - animals such as, but not limited to, sheep, horses, pigs, cows, goats, steers and buffaloes.

DWELLING - a building arranged, intended, designed or used as the living quarters for one or more families living independently of each other upon the premises. The term "dwelling" shall not be deemed to include hotel, motel, rooming house or tourist home.

- (1) **SINGLE-FAMILY DETACHED** – a building arranged, intended or designed to be occupied exclusively as a residence for one (1) family and having no common wall with an adjacent building.
- (2) **SINGLE FAMILY SEMI-DETACHED** – a building arranged, intended or designed to be occupied exclusively as a residence for two (2) families living independently of each other, one (1) family living on each side of a common wall.
- (3) **TWO-FAMILY DETACHED** – a building arranged, designed or intended for occupancy of two (2) families living independent of each other in separate dwelling units that are separated by horizontal floors as opposed to vertical walls.
- (4) **MULTIPLE-FAMILY** – a building arranged, intended or designed for occupancy by three or more parties living independent of each other and doing their own cooking therein.

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

ESSENTIAL SERVICES - the erection, construction, alteration or maintenance by public utilities or municipalities or other governmental agencies of underground or overhead gas, electric, steam or water transmission or distribution systems, collection, communications, supply or disposal systems and their essential buildings, excluding communications towers and communications antennas as defined herein. [Ord. 98]

ESTABLISHMENT - any of the following:

- (1) The opening or commencement of any such business as a new business.
- (2) The conversion of an existing business, whether or not a sexually oriented business, to any of the sexually oriented businesses defined in this Chapter.
- (3) The addition of any of the sexually oriented businesses defined in this Chapter to any other existing sexually oriented business.
- (4) The relocation of any such sexually oriented business.

[Ord. 115]

FAMILY - (a) One or more persons, related by blood, marriage, or adoption, living together as a single housekeeping unit and using cooking facilities and certain rooms in common, including not more than three (3) persons who are unrelated to the tenant or occupant if such tenant or occupant also resides therein; or (b) not more than three (3) unrelated persons living together as a single housekeeping unit and using cooking facilities and certain rooms in common.

FLOOR AREA OR GROSS FLOOR AREA - the gross floor space of all usable floors of the building or buildings, measured from the exterior faces of exterior walls or from the center line of party walls including basement space and roofed porches, roofed breezeways, roofed terraces, roofed garages, carports, and accessory buildings. Cellar is excluded.

FORESTRY - the management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development. [Ord. 141]

GARDEN APARTMENT - a low rise two to three story apartment house, differing from other apartment house design by virtue of low land coverage, ample open space and landscaping not to contain more than six apartments.

GARAGE, PRIVATE - an enclosed space for the storage of one or more private motor vehicles provided that no business, occupation or service is therein conducted.

GASOLINE SERVICE STATION - a structure or area used for the sale of gasoline or fuel, oil and/or other lubricating substances which may include facilities for lubricating, washing,

sale of accessories and otherwise minor servicing of motor vehicles, but not including body repair or the painting thereof.

GOVERNING BODY - shall mean the Township Supervisors of Brecknock Township.

GRADE - the mean curb level; when a curb level has not been established, grade shall mean the average finished ground elevation adjoining the buildings.

HEARING - an administrative proceeding conducted by a board pursuant to §909.1 of the Municipalities Planning Code. [*Ord. 141*]

HEIGHT OF BUILDINGS - the vertical distance from the mean grade at the front of the building (or the average of the street fronts, if building faces more than one street) to the highest point of the roof beams of a flat roof and to the mean height between eaves and ridge for gabled, hipped and pitched roofs.

HEIGHT OF COMMUNICATIONS TOWER - the vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower. [*Ord. 98*]

HEIGHT OF SIGNS OR OTHER STRUCTURES - the vertical distance measured from the average grade at the front of the structure or sign to its highest point including the supporting structure.

HOME OCCUPATION - a use customarily conducted entirely within a dwelling unit and carried on by the inhabitants thereof, which is clearly incidental and secondary to the use of the dwelling and which does not change the character thereof or have any exterior evidence of such secondary use other than a small name plate and in connection therewith there is not involved the keeping of a stock in trade.

JUNKYARD - a lot, land or structure or parts thereof used for the collection, storage, dismantling, salvage or sale of used and discarded materials, including, but not limited to, waste paper, rags, scrap metal or other scrap, salvage or discarded material and vehicles. The outside deposit or outside storage of more than three unlicensed, wrecked or disabled vehicles, regardless of the number of such vehicles stored within a building, shall be deemed to be a junkyard. The term "junkyard" shall not be deemed to include scrap processing operations or automobile shredding establishments. [*Ord. 106*]

KENNEL - an establishment in which more than five domesticated, customary household pets, such as dogs or cats, more than 6 months old are kept, trained, raised, bred, boarded or sold.

LOT - a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. The term "lot" shall include parcel, plot, site or similar term regardless of size.

LOT, AREA - the area of land contained within the limits of the property lines bounding that area, not including street right-of-way.

LOT AREA, DEVELOPABLE - the area of land contained within the limits of the property lines bounding that area, not including street rights-of-way and natural features, as determined using the method in §27-313. [*Ord. 114*]

LOT, CORNER - a lot at the point of intersection of and abutting on two or more intersecting streets.

LOT COVERAGE (MAXIMUM BUILDING COVERAGE) - a percentage of the lot area which may be covered by structures and buildings, both principal and accessory.

LOT FRONTAGE (OR STREET FRONTAGE) - that portion of a lot which fronts on a single street.

LOT LINE - any line dividing one lot from another.

LOT LINE, FRONT - The street line at the front of a lot. In the case of a corner lot, the owner may designate either street line as the front lot line.

LOT LINE, REAR - Any lot line parallel to or within forty-five (45) degrees of being parallel to a street line, except for a lot line that is itself a street line, and except that only in the case of a corner lot, the owner shall have the option of choosing which of the two (2) lot lines that are not street lines is to be considered a rear lot line. In the case of a lot having no street frontage or a lot of an odd shape, only the one (1) lot line furthest from any street shall be considered a rear lot line.

LOT LINE, SIDE - Any lot line not a front lot line nor a rear lot line.

LOT WIDTH, MINIMUM - the minimum width required for a lot in any zoning district shall be measured at the right-of-way for the public highway, street or road upon which such lot fronts. [*Ord. 106*]

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

MOTELS - a building or group of buildings containing individual rooms or apartments accommodations primarily for transients, each of which is provided with a separate exterior entrance and a parking space and offered principally for rental and use by motor vehicle travelers. The term "motel" includes but is not limited to auto courts, motor courts, motor inns, motor lodges or roadside hotels.

MUNICIPAL USE - a use owned and operated by Brecknock Township.

MUNICIPALITY - shall mean Brecknock Township, Berks County.

NO-IMPACT HOME-BASED BUSINESS - a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether

vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (2) The business shall employ no employees other than family members residing in the dwelling.
- (3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- (4) There shall be no outside appearance of a business use including, but not limited to, parking, signs or lights.
- (5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- (6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- (8) The business may not involve any illegal activity.

[Ord. 141]

NONCONFORMING USE, LOT, BUILDING OR STRUCTURE - a use, lot, building or structure which does not conform to the applicable regulations of the district in which it is located, either at the time of the enactment of this Chapter or as a result of subsequent amendments thereto. However, no existing use shall be deemed nonconforming solely because of the existence of fewer than the required off-street parking spaces. Such non-conforming structures include, but are not limited to, non-conforming signs.

OFFICIAL ZONING MAP - Brecknock Township's official Zoning Map.

OPEN SPACE - unoccupied space open to the sky and on the same lot with the principal use, upon which no principal or accessory buildings or uses are permitted..

PARKING LOT - an off-street surfaced area designed solely for the parking of motor vehicles, including driveways, passageways and maneuvering space appurtenant thereto.

PARKING SPACE - a space for parking of one motor vehicle with a minimum of 200 square feet exclusive of driveways, aisles and maneuvering space having access to a public street.

PLANNING COMMISSION - Brecknock Township Planning Commission.

PRINCIPAL BUILDING - a building in which a principal use on a lot is conducted.

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

PUBLIC BUILDING - any building owned, leased or held by the United States, the State, the County, the City, any special district, school district or any other agency or political subdivision of the State or the United States, which building is used for governmental purposes. [*Ord. 115*]

PUBLIC MEETING - a forum held pursuant to notice under 65 Pa. C.S. Ch. 7 (Relating to open meetings). [*Ord. 141*]

PUBLIC NOTICE - notice published once each week for 2 successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing. [*Ord. 141*]

PUBLIC PARK OR RECREATION AREA - public land which has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness areas or similar public land within the Township which is under the control, operation or management of the Township park and recreation authorities. [*Ord. 115*]

PUBLIC UTILITY TRANSMISSION TOWER - a structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines. [*Ord. 98*]

RELIGIOUS INSTITUTION - any church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities. [*Ord. 115*]

REPORT - any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction. [*Ord. 141*]

RESIDENTIAL DISTRICT OR USE - a single-family, duplex, townhouse, multiple family or mobile home park or subdivision and campground as defined in the Brecknock Township Subdivision and Land Development Ordinance [Chapter 22]. [*Ord. 115*]

SCHOOL - any public or private educational facility including, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges

and universities. School includes the school grounds, but does not include the facilities used primarily for another purpose and only incidentally as a school. [Ord. 115]

SEASONAL HIGH WATER TABLE - less than 18 inches. Those soils in which the groundwater surface is less than 18 inches from the ground surface at certain times of the year, by name these soils are Abbotstown (Ab), Bowmansville (Bo), Croton (Cw), and Holly (Ho).

SEASONAL HIGHWATER TABLE - 18 inches to 36 inches. Those soils in which the groundwater surface is 18 inches to 36 inches from the ground surface at certain time of the year, by name, these soils are Lehigh (Lm), Mount Lucas (Ml), Readington (Re), and Rowland (Ro).

SEXUALLY ORIENTED BUSINESS - an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult mini motion picture theater, adult model studio, adult motel, adult motion picture arcade, adult motion picture theater, adult theater, bath house, body painting studio, massage parlor, miscellaneous adult use, outcall service activity, sexual encounter establishment, escort agency or nude model studio. [Ord. 115]

SEXUALLY ORIENTED BUSINESSES - those businesses defined as follows:

- (1) **ADULT ARCADE** - an establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors or similar machines or other image producing machines for viewing by five or fewer persons each, are regularly used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas."
- (2) **ADULT BOOKSTORE, ADULT NOVELTY STORE OR ADULT VIDEO STORE** - a commercial establishment which has as a significant or substantial portion of its stock-in-trade or derives a significant or substantial portion of its revenues or devotes a significant or substantial of its interior businesses or advertising to the sale, rental for any form of consideration, of one or more of the following:
 - (a) Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes, slides or other visual representations which are distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas."
 - (b) Instruments, devices or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic sexual stimulation or abuse of themselves or others.
 - (c) An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing specified sexual activities or specified anatomical areas and still be categorized as adult bookstore, adult novelty store or adult video store. Such other business purposes will not serve to exempt such establishment from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials which are characterized by an emphasis on

matters that depict or describe specified anatomical areas or specified sexual activities.

- (3) **ADULT CABARET** - a nightclub, bar, restaurant, bottle club or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features persons who appear nude or in a state of nudity or semi-nude, live performances which are distinguished or characterized by the exposure of specified anatomical areas or by specified sexual activities or films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.
- (4) **ADULT MINI MOTION PICTURE THEATER** - an enclosed or unenclosed building with a capacity of more than five but less than 50 persons, used for presenting any form of audio or visual material and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
- (5) **ADULT MODEL STUDIO** - any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any "figure studio" or "school of art" or similar establishment which meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance or conferring of and is in fact authorized thereunder to issue and confer a diploma.
- (6) **ADULT MOTEL** - a motel, hotel or similar commercial establishment which offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, film motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or specified anatomical areas and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way or by means of any off-premises advertising including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television or offers a sleeping room for rent for a period of time less than 10 hours or allows a tenant or occupant to sub-rent the sleeping room for a time period of less than 10 hours.
- (7) **ADULT MOTION PICTURE ARCADE** - any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images to be displayed are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
- (8) **ADULT MOTION PICTURE THEATER** - a commercial establishment where films, motion pictures, video cassettes, slides or similar photographic reproductions which are distinguished or characterized by an emphasis on matter depicting or describing special sexual activities or specified anatomical areas are regularly shown for any form of consideration.

- (9) **ADULT THEATER** - a theater, concert hall, auditorium or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are distinguished or characterized by an emphasis on the exposure of specified anatomical areas or specified sexual activities.
- (10) **BATH HOUSE** - an establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity occurs. This Section shall not apply to hydrotherapy treatment practiced by or under the supervision of a medical practitioner. A medical practitioner, for the purpose of this Chapter, shall be a medical doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania.
- (11) **BODY PAINTING STUDIO** - any establishment or business which provides the service of applying paint or other substance whether transparent or non-transparent to or on the human body when specified anatomical areas are exposed.
- (12) **MASSAGE PARLOR** - any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments or any other treatment manipulation of the human body which occurs as a part of or in connection with specified sexual activities or where any person providing such treatment, manipulation or service related thereof, exposes his or her specified anatomical areas. The definition of sexually oriented businesses shall not include the practice of massage in any licensed hospital, nor by a licensed hospital, nor by a licensed physician, surgeon, medical care provider practicing therapeutic massage (sometimes also called muscle therapy) non-sex-related therapy, chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semi-professional or professional athlete or athletic team or school athletic program. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.
- (13) **MISCELLANEOUS ADULT USE** - any other business or establishment which offers its patron services or entertainment characterized by an emphasis on matters depicting, describing or relating to “specified sexual activities” or “specified anatomical areas.”
- (14) **NUDE MODEL STUDIO** - any place where a person, who regularly appears in a state of nudity or displays specified anatomical areas is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons.
- (15) **OUTCALL SERVICE ACTIVITY** - any establishment or business which provides an outcall service which consists of individuals leaving the premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activities occur.
- (16) **SEXUAL ENCOUNTER ESTABLISHMENT** - a business or commercial establishment, that as one of its primary business purposes, offers for any form of

consideration, a place where two or more persons may congregate, associate or consort for the purposes of specified sexual activities or the exposure of specified anatomical areas or activities when one or more of the persons is in a state of nudity or semi-nude. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State engages in medically approved and recognized sexual therapy.

[Ord. 115]

SPECIFIED ANATOMICAL AREAS - shall mean and include any of the following:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolas.
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

[Ord. 115]

SPECIFIED SEXUAL ACTIVITIES - include the following:

- (1) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship or the use of excretory functions in the context of a sexual relationship and any of the following depicted sexually oriented acts or conduct; anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty.
- (2) Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence.
- (3) Use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation.
- (4) Fondling or touching of nude human genitals, pubic region, buttocks or female breasts.
- (5) Masochism, erotic or sexually oriented torture, beating or the infliction of pain.
- (6) Erotic or lewd touching, fondling or other contact with an animal by a human being.
- (7) Human excretion, urination, menstruation, vaginal or anal irritation.

[Ord. 115]

SIGN - any structure, building, wall or other outdoor surface or any device or part thereof, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device or other representations used for announcement, direction or advertisement. The word "sign" includes the word "billboard" but does not include flag, pennant or insignia of any nation, state, city or other political unit nor public traffic or directional signs.

SIGN, BUSINESS - a "sign" which directs attention to a business, profession or industry conducted on the premises or the products sold, manufactured or assembled upon the same premises upon which it is displayed. Signs offering premises for sale, rent or development or

advertising the services of professionals or building trades during construction or alteration shall be deemed as "business sign."

SIGN, OUTDOOR ADVERTISING - a sign, including the supporting structure, which directs the attention of the general public to a business, service or activity not conducted or product not offered or sold upon the premises on which the sign is located. [*Ord. 90*]

SPECIAL EXCEPTION - a use permitted with special permission, granted by the Zoning Hearing Board, to occupy and use land for specific purposes in accordance with this Chapter when such use is not permitted by right.

STORY - that portion of a building included between the surface of any floor and the surface of the floor next above it or if there be no floor above it, then the space between any floor and the ceiling next above it. A basement, but not a cellar, shall be deemed to be a story. Each level of a split level building, excluding cellars, shall be considered a ½ story.

STORY, HALF - any space immediately below and wholly or partly within the roof framing, with or without a finished floor, where the clear height of not more than 75% of such space has structural headroom of 7 feet and 6 inches or more. Any space which has more than 75% of its area having such headroom shall be deemed to be a full story.

STREET - a strip of land, including the entire right-of-way (i.e., not limited to the cartway), intended for use as a means of vehicular and pedestrian circulation to provide access to abutting property. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, highway, land and road.

STRUCTURE - any material or combination of materials which are constructed or erected, the use of which requires location on the ground or attached to something located on the ground.

SUBSTANTIAL ENLARGEMENT of a SEXUALLY ORIENTED BUSINESS - increase in the floor areas occupied by the business by more than 15% at the time of original application or as approved at the time of the last renewal of license. [*Ord. 115*]

SUPERVISORS – the Board of Supervisors of Brecknock Township.

SWIMMING POOL, PRIVATE - a swimming pool constructed either above or in ground on a private residence or a residential lot for private purposes.

SWIMMING POOL, PUBLIC - a swimming pool used for the benefit of the general public constructed either above or in ground and which is available for public use either by way of entrance fee or accommodation to a recreational area either indoor or outdoor and/or playground, picnic ground or park.

TOWNHOUSE - a structure arranged, intended or designed to be occupied exclusively as a residence for one family which is one of a group of three or more but not more than eight, such attached single family dwelling units, each separated by an unpierced party wall, each single family dwelling unit having a separate entrance from the outside and a semi-enclosed private rear yard area.

USABLE OPEN SPACE - an unenclosed portion of the area of a lot which is not devoted to driveways, parking spaces or principal structure including common buildings such as shelters, pavilions or recreational structures centrally located, accessible to occupants of the building or buildings.

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

VARIANCE - relief granted by the Zoning Hearing Board from the terms and conditions of this Chapter where literal enforcement would create unnecessary hardship.

WATER BODY - a natural manmade area containing and retaining year around, such as a pond or lake. [*Ord. 114*]

WATERCOURSE - a place intended or used for the directed surface flow of water, including permanent and intermittent streams, brooks, creeks, channels and rivers. [*Ord. 114*]

WATER SURVEY - an inventory of the source, quantity, yield and use of groundwater and surface-water resources. [*Ord. 141*]

WETLANDS -Those areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support (and that under normal circumstances do support) a prevalence of vegetation typically adapted for life in saturated soil conditions, includes swamps, marshes, bogs and similar areas. Development in wetlands is regulated by the U.S. Army Corps of Engineers and the Pennsylvania Department of Environment Protection. Identification of wetland should be based upon the "Federal Manual for Identifying and Delineating Wetlands," an interagency publication of the Corps of Engineers, Environmental Protection Agency, Fish and Wildlife Service and Soil Conservation Service, dated January, 1989. [*Ord. 114*]

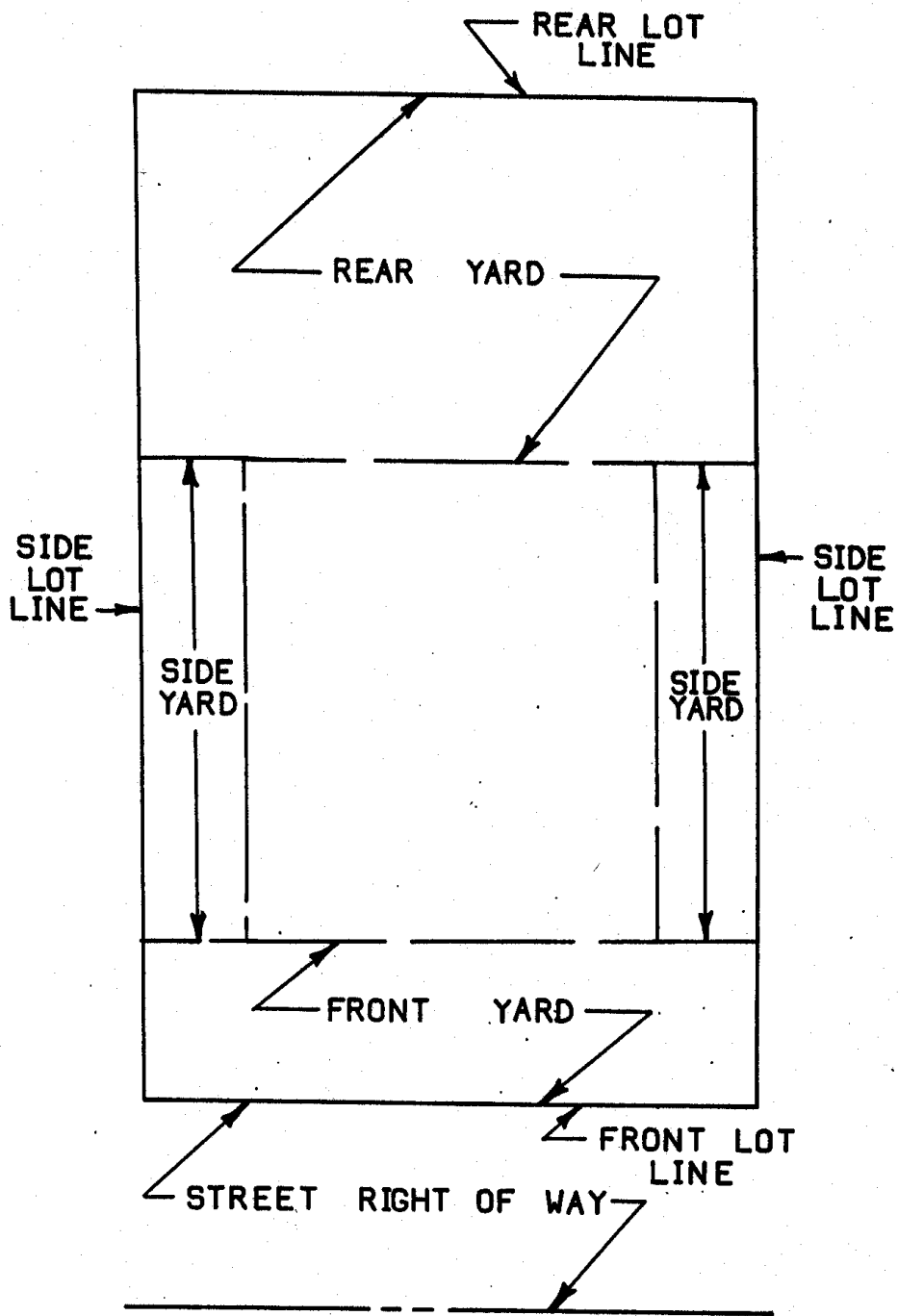
YARD, FRONT - an unoccupied space, open to the sky, between an adjacent right-of-way and the building setback line which shall be drawn parallel thereto, at such distance therefrom as may be specified herein for any district, and extending for the full width of the lot.

YARD, REAR - an unoccupied space, open to the sky, between the rear lot line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any district, and extending the entire width of the lot.

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

ZONING OFFICER - the agent or official designed by the Township Supervisors to administer and enforce this Chapter.

ZONING ORDINANCE - the Brecknock Township Zoning Ordinance of 2006, as amended.



(Ord.
 65,
 6/5/19
 90,
 §501;
 as
 amend
 ed by
 Ord.
 90,
 9/2/19
 97; by
 Ord.
 98,
 2/2/19
 99,
 §10;
 by
 Ord.
 106,
 6/6/20
 00, §1;
 by
 Ord.
 114,
 8/7/20
 02, §6;
 by
 Ord.
 115, -
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 /2001,
 §3; as
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 ted by
 Ord.
 118,
 5/7/20
 02, §1;
 as
 amend
 ed by
 Ord.
 141,
 8/3/20

04, §1)

PART 6

MISCELLANEOUS

§27-601. Appeals.

Proceedings for securing review of any ordinance, decision, determination or order of the Township Supervisors, its agencies or officer adopted or issued pursuant to this Chapter shall be in accordance with the Pennsylvania Municipalities Planning Code, as amended.

(*Ord. 65, 6/5/1990, §601*)

§27-602. Public Utilities Corporation Exempted.

1. This Chapter shall not apply to any existing or proposed buildings, or extension thereof, used or to be used by a public utility corporation, if upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.
2. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the Township have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings.
3. This exemption shall not apply to communications antennas, communications equipment buildings and communications towers for wireless telecommunications services regulated under the 1996 Telecommunications Act. [*Ord. 98*]

(*Ord. 65, 6/5/1990, §603; as amended by Ord. 98, 2/2/1999, §12*)

PART 7

PLANNED RESIDENTIAL DEVELOPMENT

Part 7 is deleted in its entirety.

SECTION 2. Should any section, clause, word or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

SECTION 3. All existing ordinances or parts of ordinances inconsistent herewith are hereby expressly repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 4. This Ordinance shall become effective five (5) days after the date of enactment.

ENACTED AND ORDAINED by the Board of Supervisors of Brecknock Township,
Berks County, Pennsylvania, this 7th day of March, 2006.

BOARD OF SUPERVISORS OF BRECKNOCK
TOWNSHIP, BERKS COUNTY,
PENNSYLVANIA

Chairman

Vice Chairman

Member

ATTEST:

Secretary